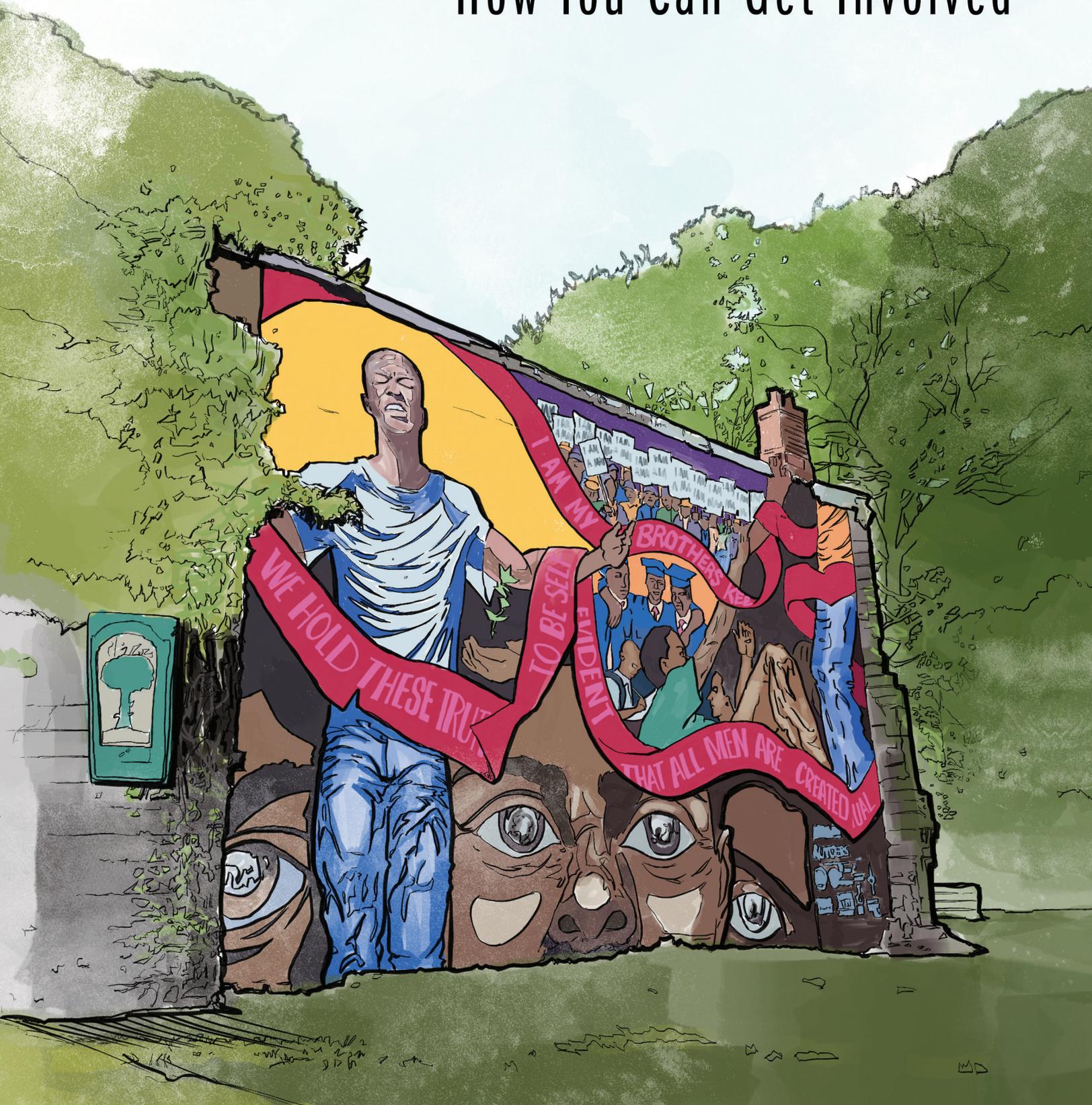


TRANSFORMING POLICING IN NEWARK

How You Can Get Involved



The time is now for us to transform policing in Newark.

Fifty-three years ago, the people of Newark protested against the brutal beating by police of a Black cab driver, John Smith, who had been arrested for driving around officers' double-parked cars.¹ This uprising, known as the Newark Rebellion, lasted for five days, leaving 26 people dead and over 700 people injured, and resulted in about \$10 million dollars in property damage.²

In 2020, people in Newark and across the nation are once again taking to the streets to protest violent and racially discriminatory encounters with police after the murder of George Floyd, an unarmed Black man who, after being accused of using a counterfeit \$20 bill, and while handcuffed on the ground, died after a police officer knelt on his neck for almost nine minutes.³ A number of others have lost their lives at the hands of police—including Maurice Gordon, an unarmed Black man with mental health issues killed during a traffic stop in New Jersey.⁴

Now, as thousands march in protest against unchecked police abuses across the nation, we are seeing a monumental shift in the national policing conversation. Can we transform policing? What do communities need to feel and be safe? And is effective police reform possible?

Here in Newark, we are in the process of answering these questions as we enter into the fourth year of a Consent Decree between the Department of Justice (DOJ) and the City of Newark that aims to bring much needed reform to the Newark Police Division (NPD).

The New Jersey Institute for Social Justice serves on the Independent Monitoring Team overseeing Consent Decree reforms to the NPD. In addition to providing technical support to the NPD on its community engagement effort, the Institute aims to center the community in the reform process through community surveys, public meetings and ongoing community feedback.

The purpose of this pamphlet is to provide Newark residents with an understanding of the Consent Decree process and concrete steps on how to become engaged with this important reform effort. Specifically, this pamphlet contains the following sections:

- (1) What is a consent decree?: In this section, we explain the meaning of consent decrees and how they are used in police reform.
- (2) The Newark Consent Decree: In this section, we discuss the events that led to the Newark Consent Decree.
- (3) What has been done?: In this section, we outline the status of the reforms that are taking place within the NPD as part of the Consent Decree.
- (4) Where are we now? The auditing process: In this section, we explain how the auditing process works and the status of the NPD Consent Decree audits.
- (5) What can you do?: In this section, we outline five ways Newark residents can participate in the Consent Decree process.



I. What is a consent decree?

A consent decree is an agreement, entered as a court order, that requires police departments to undergo a series of reforms through new policies, trainings and data system upgrades. Since the passing of the 1994 Violent Crime Control and Law Enforcement Act, which gave the federal government the power to investigate law enforcement agencies for systemic issues,⁵ DOJ has entered into numerous consent decrees with police departments across the nation.⁶

II. The Newark Consent Decree

Newark's Consent Decree was initiated in 2010 when the ACLU-NJ filed a petition in district court requesting that DOJ investigate the NPD, alleging the department engaged in a pattern of misconduct and unconstitutional practices. The alleged practices included the following:

- Violence towards residents, through both intentional excessive force and negligence
- False arrests and stops without reasonable suspicion of criminal activity
- Planting evidence and other corrupt practices⁷

DOJ granted the ACLU-NJ's petition and launched an investigation. In its 2014 investigative report, DOJ concluded that the NPD demonstrated a pattern of unconstitutional policing patterns, including regularly conducting citizen stops in violation of the Fourth Amendment. Specifically, the investigation found the following issues:

- NPD had no legal basis for 75% of pedestrian stops
- About 20% of the NPD's recorded use of force was unreasonable
- Newark residents were routinely being stopped by police for simply "milling," "wandering" or "loitering"
- Newark's Black residents were disproportionately subject to unconstitutional stops and arrests⁸

II. The Newark Consent Decree, continued

In response to DOJ's findings, the City of Newark and DOJ entered into a consent decree ("the Consent Decree"), which required the NPD to undergo a series of reforms over the course of a **five-year period**. The Newark Consent Decree was signed in 2016 and mandates the NPD to draft and train officers on new policies across many areas including use of force, body-worn cameras and community policing. That same year, an Independent Monitoring Team comprised of advocates, attorneys and experts was appointed to oversee the city's compliance with the Consent Decree. The Institute was asked and agreed to serve on the Independent Monitoring Team as subject matter experts on Community Engagement and Bias-Free Policing.

Can the Consent Decree last more than five years?

The reforms are intended to be completed within a five-year period, although they could potentially go longer than five years if the parties can't agree on whether NPD has achieved "substantial compliance" with the Consent Decree. If after seven years the DOJ and the City of Newark can't agree on whether there has been substantial compliance, either party may petition the court to end the agreement. If the City of Newark seeks to end the agreement, they must still assert that they have been in substantial compliance with the Consent Decree for at least the past two years. For more information about how the Consent Decree can be terminated, read paragraphs 223 and 224 of the Consent Decree, available here: <https://www.justice.gov/opa/file/836901/download>.

III. What has been done?

Under the Consent Decree, the NPD is required to develop and adopt a number of new or revised policies and then train its officers on those policies.⁹

The status (as of August 10, 2020) of the new policies and trainings created and implemented under the Consent Decree are outlined below.

New Policies

As part of the Consent Decree process, the NPD drafted a series of new or revised policies, including the following:

- Bias-Free Policing
- Body-Worn Cameras
- In-Car Cameras
- Use of Force
- Use of Force Reporting, Investigation and Review
- Firearms and Other Weapons
- Stops
- Searches
- Arrests
- Community Policing
- Property and Evidence Management
- Property and Evidence Division
- Complaint Intake and Investigation
- The Disciplinary Process
- LGBTQ Community and Police Interactions¹⁰
- First Amendment Right to Observe, Object to and Record Police Activity¹¹

New Trainings

The Consent Decree requires the NPD to train officers on the new policies and reforms. Below is the status of all Consent Decree-required trainings.

Completed Trainings

- Community-Oriented Policing¹²
- Use of Force
- Stops, Searches and Arrests¹³
- Body-Worn and In-Car Cameras

Trainings Underway

- Bias-Free Policing¹⁴

Trainings Not Yet Completed

- Internal Affairs
- Property and Evidence Management

Annual Community Survey Results

The Independent Monitor is required to conduct an annual community survey to capture changes in how Newark residents perceive the NPD and public safety. The Independent Monitor has completed the 2019 community survey and the results will be published in a forthcoming quarterly report. The most recent published community survey results are from 2018 and include the following:

- Forty percent of respondents said they have “a lot” of respect for NPD, while 17 percent said they have “none at all.”
- Nearly 2/3 of respondents said they feel at least “somewhat safe” in their neighborhood during the day.
- Sixty-three percent of respondents said they would like more police patrolling their neighborhood.
- More than half of respondents felt “not very safe” or “not safe at all” walking around their neighborhoods at night.
- Forty percent of respondents were “not very likely” to ask NPD for help.
- When asked how much trust they have for NPD, 32 percent of respondents said “none at all.”
- Over half of respondents believe NPD would not adequately investigate their complaint if they filed one.
- Eighty-three percent of respondents report that they have never had a positive experience with an NPD officer.

For more information about the annual community surveys, read the Independent Monitor’s 2nd and 8th Quarterly Reports here: <https://www.newarkpdmonitor.com/reportsresources/>.

IV. Where are we now? The auditing process

The Consent Decree requires the Independent Monitor to conduct outcome assessments, referred to as “audits.” This means the Independent Monitor will make sure the NPD is actually implementing the new reforms in the field. Before the Independent Monitor can audit a particular reform area, the NPD must first adopt the new policies and administer all the required trainings.

When conducting an audit, the Independent Monitoring Team will review records and data to determine whether the NPD is in “substantial compliance”¹⁵ with the Consent Decree reforms. After two consecutive periods of substantial compliance in each reform area, the Consent Decree can be brought to an end.

The COVID-19 pandemic has delayed the Consent Decree process. In March 2020, the NPD suspended its in-classroom training, but resumed mandatory training in July. Likewise, audits that must be conducted onsite at police headquarters were suspended, but have resumed in some circumstances. The Independent Monitoring Team is, however, arranging for some portions of the audits to be done remotely.¹⁶

The following audits are scheduled or underway:

- Training Records
- Body-Worn Cameras
- Use of Force
- In-Car Cameras
- Stops
- Community-Oriented Policing
- All Force Investigations Team
- Searches with or Without a Warrant
- Arrests with or Without a Warrant
- Property

The following reforms are not yet eligible for an audit (because not all policy and/or training requirements have been implemented):

- Bias-Free Policing
- Internal Affairs

V. What Can You Do?

While many of the policies and trainings have already been adopted and/or implemented, there are still important ways Newark residents can participate in the Consent Decree process. Below are five key ways you can get involved today.

1. Read the Consent Decree and the NPD's new policies.

- The Consent Decree requires the NPD to undergo many new reforms ranging from improving data systems—including an Early Warning System to detect early signs of police misconduct—to drafting and revising new policies on important issues like community policing, use of force, body-worn cameras and officer discipline.
- You can read the Consent Decree here: <https://www.justice.gov/opa/file/836901/download>.
- NPD has created 16 new or revised policies. You can read the policies here: <https://www.npdconsentdecree.org/policies>.

2. Read reports from the Independent Monitor and the NPD.

- The Independent Monitor is required to issue quarterly reports that provide updates on the NPD's progress in implementing Consent Decree reforms. These updates include results from the audits, as well as the annual community surveys. You can read the Independent Monitor's Quarterly Reports here: <https://www.newark-pdmonitor.com/reportsresources/>.
- The NPD is required to issue quarterly reports on its efforts to engage with the community. To learn more about the NPD's community engagement efforts, read the NPD's Community Engagement Reports here: <https://www.npdconsentdecree.org/community-engagement-report>.
- The NPD is required to issue status reports on its self-reported progress in implementing Consent Decree reforms. Read NPD's Status Reports here: <https://www.npdconsentdecree.org/city-of-newark-consent-decree>.

3. Find out who from NPD serves in the Consent Decree and Planning Division and who the Community Service Officers are in your neighborhood.

- The officers assigned to work in the NPD's Consent Decree & Planning Division lead the Consent Decree reform efforts, including drafting new policies, developing trainings and working with the community to receive feedback. You can learn more about the officers working in the Consent Decree & Planning Division here: <https://www.npdconsentdecree.org/>.
- The Consent Decree also requires at least two Community Service Officers (CSOs) be assigned to each precinct. CSOs are responsible for working closely with community members to identify problems and find solutions. For example, CSOs regularly attend and host community meetings. You can find your CSOs' information here: <https://www.npdconsentdecree.org/community-service-officers>.

4. Learn about Body-Worn Cameras in Newark.

- The use of body-worn cameras in police-civilian interactions has garnered national attention. As just one example, Louisville, Kentucky, Metro Police Chief Steve Conrad was recently fired after his officers did not activate their body-worn cameras during the shooting death of David McAtee, a local business owner.¹⁷
- Here in Newark, the Consent Decree requires NPD officers to use body-worn cameras. To read NPD's body-worn camera policy, visit: https://c3bb32f4-4b49-462c-abf8-5d2c1d510fe0.filesusr.com/ugd/582c35_4b56fb75a39742e5ad542481460e5878.pdf.
- To learn more about how the body-worn cameras are being implemented in Newark, visit: <https://www.npdconsentdecree.org/body-worn-cameras>.
- The Independent Monitor has completed the first audit of body-worn cameras.

The NPD did not pass.

The audit assessed for compliance with four key requirements of the Body-Worn Camera Policy: (1) timely activation; (2) notification to the subjects that they are being recorded; (3) appropriate deactivation; and (4) proper categorization. To achieve substantial compliance with the Body-Worn Camera Policy, the NPD must achieve a 95% compliance rate in each of those four categories.

For the sample of video footage reviewed, NPD was in substantial compliance with the deactivation (96.55%) and categorization (95.02%) requirements, but was not in substantial compliance with the activation (90.74%) and notification (77.95%) requirements. You can read more about the results of the body-worn camera audit in the Independent Monitor's 12th Quarterly Report, available here: https://www.newarkpd-monitor.com/wp-content/uploads/2020/04/Twelfth-Quarterly-Report_4.27.2020-1.pdf.

5. Share your thoughts on policing with the NPD and/or the Independent Monitoring Team.

- If you witness police misconduct or have something to say about policing in Newark or the Consent Decree process, you can provide feedback directly (and anonymously) to the Independent Monitor at <https://www.newarkpdmonitor.com/feedback/>.
- You can also continue to provide feedback on NPD's Consent Decree policies and trainings here: <https://www.npdconsentdecree.org/leave-feedback>.
- For additional opportunities to make your voice heard, attend the Independent Monitor's Quarterly Report forums. Follow the Institute on twitter at @NJ_ISJ for updates on the next event.

At this watershed moment in policing, please take a moment to participate in the police reform efforts that are underway in Newark. These five steps are just a few examples of how you can engage in the Newark Consent Decree process and transform policing in your neighborhood.

NPD Contact Information

1st Precinct

- Captain Christopher Brown
- Address: 10 17th Avenue, Newark, NJ 07103
- Phone: (973)-353-7171
- Email Address: brownc@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/first>

NPD Contact Information (Continued)

2nd Precinct

- Captain Michael Leroux
- Address: 1 Lincoln Avenue, Newark, NJ 07109
- Phone: (973)-733-6080
- Email Address: lerouxm@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/second>

3rd Precinct

- Captain Anthony Costa
- Address: 649 Market Street, Newark, NJ 07105
- Phone: (973)-733-6190
- Email Address: costaa@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/third>

4th Precinct

- Captain Joao Carvalho
- Address: 247 16th Avenue, Newark, NJ 07103
- Phone: (973)-733-6060
- Email Address: carvalhoj@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/fourth>

5th Precinct

- Captain Matthew Spencer, Jr.
- Address: 480 Clinton Avenue, Newark, NJ 07108
- Phone: (973)733-6070
- Email Address: spencerm@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/fifth>

NPD Contact Information (Continued)

6th Precinct

- Captain Aloma Wright-Johnson
- Address: 491 Irvington Avenue, Newark, NJ 07106
- Phone: (973)-923-1473
- Email Address: alomaw@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/sixth>

7th Precinct

- Captain Peter Robles
- Address: 159 North 10th Street, Newark, NJ 07107
- Phone: (973)-645- 1819
- Email Address: roblesp@ci.newark.nj.us
- Visit: <https://npd.newarkpublicsafety.org/precincts/seventh>



Endnotes

- ¹ *The Spark*, RISE UP NEWARK <http://riseupnewark.com/chapters/chapter-3/part-2/the-spark/> (last visited July 20, 2020).
- ² Rick Rojas & Khorri Atkinson, *Five Days of Unrest That Shaped and Haunted, Newark*, N.Y. TIMES (July 11, 2017), <https://www.nytimes.com/2017/07/11/nyregion/newark-riots-50-years.html>.
- ³ Evan Hill et al., *How George Floyd was Killed in Police Custody*, N.Y. TIMES (May 31, 2020), <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.
- ⁴ Fabiola Cineas, *The police shooting of Maurice Gordon, a black man killed during a traffic stop, explained*, VOX (June 9, 2020), <https://www.vox.com/identities/2020/6/9/21285536/maurice-gordon-police-shooting-explained>.
- ⁵ Sarah Childress, *Inside 20 Years of Federal Police Probes*, FRONTLINE (Dec. 14, 2015), <https://www.pbs.org/wgbh/frontline/article/inside-20-years-of-federal-police-probes/>.
- ⁶ John Seewer, *How city police departments with consent decrees are faring*, AP (Apr. 4, 2017), <https://apnews.com/555394d179c34d84aaea8008c2cc9eb5/how-city-police-departments-consent-decrees-are-faring>.
- ⁷ In the Matter of a Pet. for an Investigation into the Newark, New Jersey Police Department by the United States Department of Justice Pursuant to § 42 U.S.C. 14141 at 2 (2010), <https://www.aclu-nj.org/files/5213/1540/4574/090910NPDUSDOJPEtition.pdf>.
- ⁸ U.S. ATTORNEY'S OFFICE DISTRICT OF N.J., U.S. DEP'T OF JUSTICE CIVIL RIGHTS DIV., INVESTIGATION OF THE NEWARK POLICE DIVISION 2 (July 22, 2014), https://www.justice.gov/sites/default/files/crt/legacy/2014/07/22/newark_findings_7-22-14.pdf.
- ⁹ As new policies and trainings were created, the NPD and the Independent Monitor sought feedback from the community through a series of public meetings where the community could review and provide comments on the proposed policies and trainings.
- ¹⁰ This policy was not required by the Consent Decree, and does not have a training requirement.
- ¹¹ This policy was not required by the Consent Decree, although this policy is addressed in the Stops, Searches and Arrests training.
- ¹² The Consent Decree requires this training to be administered annually.
- ¹³ The Consent Decree requires this training to be administered annually.
- ¹⁴ The Consent Decree requires this training to be administered annually.
- ¹⁵ Whether the NPD achieves substantial compliance for a particular Consent Decree reform is determined by the audit methodology selected for that reform area. For example, in some cases, where the Independent Monitoring Team is reviewing data, substantial compliance might require 95% of the data reviewed to be in compliance. In other cases, substantial compliance might be determined by answering a binary (yes or no) question.
- ¹⁶ See Rebecca Panico, *Coronavirus slows consent decree police reforms in Newark, federal monitor says*, NJ.COM (June 18, 2020), <https://www.nj.com/essex/2020/06/coronavirus-slows-consent-decree-police-reforms-in-newark-federal-monitor-says.html>; CONSENT DECREE INDEPENDENT MONITOR THIRTEENTH QUARTERLY REPORT (2020), https://www.newarkpdmonitor.com/wp-content/uploads/2020/06/Thirteenth-Quarterly-Report_June-16.2020.pdf.
- ¹⁷ Doha Madani, *Louisville police chief fired after officer bodycams found to be off during fatal shooting*, NBC (May 29, 2020), <https://www.nbcnews.com/news/us-news/louisville-police-chief-fired-after-officer-bodycams-found-be-during-n1221351>.