

***United States v. City of Newark, et al.,  
Civil Action No. 16-1731 (MCA) (MAH)***

**CONSENT DECREE**

**Independent Monitor - Fourth Quarterly Report**

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Independent Monitor  
May 4, 2018**



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## **FOURTH QUARTERLY REPORT (October 1 through December 31, 2017)**

This document is the Independent Monitoring Team's Fourth Quarterly Report. It discusses the Newark Police Division's progress with Consent Decree tasks between the reporting period of October 1, 2017 and December 31, 2017.

### **I. INTRODUCTION**

In 2014, the United States Department of Justice ("DOJ") issued a report concluding that Newark Police Division ("NPD" or "the Division") officers engaged in a pattern or practice of unconstitutional policing, including: theft by officers, unlawful stops and arrests, excessive use of force and retaliation against individuals who exercise their First Amendment rights. Because of these findings, on March 30, 2016, DOJ, NPD and the City of Newark ("the City") entered into a written settlement agreement – a Consent Decree – with the intention of correcting these unconstitutional practices, and transforming NPD into a twenty-first century police force. The Consent Decree requires NPD to implement significant reforms, including new policies and procedures, additional trainings, and increased accountability through accurate record keeping and transparency.

On May 5, 2016, Peter C. Harvey was appointed as the Independent Monitor by the Honorable Madeline Cox Arleo, United States District Judge for the District of New Jersey. The Independent Monitor is required to assess the City's and NPD's implementation and compliance with the Consent Decree, and both file with the Court and release to the public quarterly reports describing NPD's progress during that reporting period. Mr. Harvey served as Attorney General and, previously, First Assistant Attorney General, for the State of New Jersey during most of the time that the New Jersey State Police was subject to a consent decree between the State of New Jersey and DOJ. He leads a team of locally and nationally recognized Subject

Matter Experts (“SMEs”), consisting of former law enforcement professionals, community advocates, and leading academics. This report refers to the Monitoring Team when addressing the work that the Consent Decree requires of the Independent Monitor.<sup>1</sup>

Paragraph 183 of the Consent Decree requires the Monitor’s Reports to include:

- a. a description of the work conducted by the Monitor during the reporting period;
- b. a listing of each Consent Decree requirement indicating which requirements have been: (1) incorporated into implemented policy; (2) the subject of sufficient training for all relevant NPD officers and employees; (3) reviewed or audited by the Monitor to determine whether they have been fully implemented in actual practice, including the date of the review or audit; and (4) found by the Monitor to have been fully implemented in practice, and the date of this finding;
- c. the methodology and specific findings for each audit or review conducted, redacted as necessary for privacy concerns. An unredacted version will be filed under seal with the Court and provided to the Parties. The underlying data for each audit or review will not be publicly available but will be retained by the Monitor and provided to either or both Parties upon request; and
- d. any requirements that were reviewed or audited and found not to have been fully implemented in practice, and the Monitor’s recommendations regarding necessary steps to achieve compliance.

The Monitor should also note “the specific findings for each relevant assessment conducted,” “the Monitor’s recommendations regarding necessary steps to achieve compliance,” “a projection of the work to be completed during the upcoming reporting period,” and “any anticipated challenges or concerns related to implementation of the [Consent Decree].” (Consent Decree ¶ 183.)

Pursuant to Paragraph 183, the Report summarizes the Monitoring Team’s activities during this period, provides detailed status updates on the City and NPD’s progress, describes the tasks and audits that will be addressed in the upcoming reporting period, makes

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<sup>1</sup> For a more detailed introduction to the Monitoring Team, the Consent Decree, and the Parties to the Consent Decree, please see Section III of the Independent Monitor’s First Quarterly Report.

recommendations to the City and NPD regarding necessary steps to achieve compliance, and identifies obstacles that may inhibit compliance. For an overview of events that occurred during the reporting period, please see **Appendix A**.

## **II. EXECUTIVE SUMMARY – FOURTH QUARTER’S ACTIVITIES (OCTOBER 1, 2017 THROUGH DECEMBER 31, 2017)**

### **A. Overview**

During this quarter, NPD demonstrated its commitment to the Consent Decree’s tasks by assigning new leadership and officers to its Consent Decree & Planning Unit (“CDPU”) – the Unit within NPD responsible for coordinating NPD’s implementation of the Consent Decree. This revamped NPD CDPU made significant – and with respect to NPD’s efforts so far – unprecedented progress with policy development, drafting new policies required by the Consent Decree, and proposing revisions to some of its current policies to meet Consent Decree standards.

In October 2017, NPD committed to producing drafts of nearly all of the remaining Consent Decree policies in time for DOJ and the Monitoring Team to review and comment by December 31, 2017. DOJ and the Monitoring Team agreed to help NPD meet this ambitious goal. In large part, NPD delivered. It produced thoughtful drafts of seven policies: (a) Stops, (b) Searches With or Without a Warrant, (c) Arrests With or Without a Warrant, (d) NPD officers’ use of Body-Worn Cameras and (e) NPD officers’ use of In-Car Cameras, (f) Internal Affairs: Complaint Intake and Investigations, and (g) Use of Force Reporting, in time for DOJ’s and the Monitoring Team’s review.<sup>2</sup> Separately, NPD made progress on revising its

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<sup>2</sup> NPD submitted one additional draft policy for review, Firearms and Other Weapons, shortly after the reporting period closed.



curriculum for the first phase of its Community Policing training, and teaching its instructors how to administer it.

This chart offers a snapshot of NPD's progress with developing policies required by the Consent Decree as of March 28, 2018:

<b>Policy</b>	<b>Status</b>
Bias-Free Policing	Final approval September 19, 2017
Use of Force	Final approval on September 29, 2017
Stop	Approved for external review March 5, 2018
Search	Approved for external review March 5, 2018
Arrest	Approved for external review March 5, 2018
Use of Force Reporting, Investigation and Review	Approved for external review March 16, 2018.
Firearms and Weapons	Approved for external review March 16, 2018.
Body-Worn Camera	Approved for external review March 22, 2018.
In-Car Camera	Approved for external review March 22, 2018.
Internal Affairs - Complaint Intake and Investigation	In development.
Internal Affairs - Discipline	In development.
Property and Evidence Management, Prisoner Property, and Packing and Storage	In development.
Community Engagement	In development.

NPD still lags behind in developing curricula and delivering training within the deadlines set forth in both the Consent Decree and the First Year Monitoring Plan, but developing these policies was a significant and laudable accomplishment. Also, the City and NPD have yet to modernize (or simply fix) its police data systems. As of December 31, 2017, the City and NPD were in the process of finalizing the contract for a vendor to perform a necessary assessment of its current data systems. The assessment has not yet begun. NPD should hire personnel with the expertise to collect, review, and audit NPD's police activities using data. NPD will not be able to achieve full compliance with the Consent Decree until it can accomplish these tasks. NPD also has been unable to export raw data that the Monitoring Team

requested for audits required by the Consent Decree. The Monitoring Team remains concerned that delays in administering training and modernizing NPD's data systems will jeopardize the City's and NPD's ability to comply with key provisions of the Consent Decree within the Consent Decree's five-year period.

Overall, the Monitoring Team is encouraged by NPD's recent progress and commitment to the Consent Decree process. The Monitoring Team believes that officer behavior changes with good training and a system of accountability. New policies will determine how NPD officers will be trained and what kind of police data NPD needs to collect and review. The Monitoring Team looks forward to working with the Parties to maintain NPD's positive momentum into the next quarter (January 1 – March 31, 2018).

**B. Compliance with Consent Decree and First Year Monitoring Plan Deadlines**

In this quarterly report and the Compliance Chart, attached as **Appendix B**, the Monitoring Team assessed NPD's progress with meeting Consent Decree and First Year Monitoring Plan<sup>3</sup> deadlines. NPD's compliance with these tasks is assigned one of the following categories: (1) not assessed, (2) initial development, (3) preliminary compliance, (4) operational compliance, (5) non-compliance, (6) administrative compliance, and (7) full compliance.<sup>4</sup> The following is a summary of the Compliance Chart, containing all of the deadlines that elapsed by the end of this reporting period.

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<sup>3</sup> The Parties are finalizing the Second Year Monitoring Plan, which covers the time period from February 17, 2018 through February 16, 2019.

<sup>4</sup> Please see **Appendix B** for definitions of these categories.



<b>Achievement</b>	<b>Consent Decree/Monitoring Plan Para.</b>	<b>Deadline</b>	<b>Compliance Status</b>
<b>Use of Force</b>			
NPD, in consultation with Monitor and DOJ, will categorize force into levels to report, investigate, and review each use of force. The levels will be based on the factors set forth in ¶ 77.	¶ 77	November 15, 2017	Initial Development
<b>Stop, Searches and Arrests</b>			
Phase I: NPD to provide 16 hours of training to all NPD personnel on the First and Fourth Amendments, including the topics set forth in ¶ 43 of the Consent Decree.	¶ 43	November 1, 2017	Non-Compliance
NPD will develop a data collection form to ensure compliance with Consent Decree.	¶ 52	November 1, 2017	Non-Compliance
NPD will train officers to use specific and individualized descriptive language in reports or field inquiry forms.	¶ 26	November 1, 2017	Non-Compliance
<b>General Officer Training</b>			
NPD will review and revise its current General Orders to ensure compliance with Consent Decree.	¶ 5 (Monitoring Plan App'x A at 36.)	October 1, 2017	Initial Development
Review NPD training data to determine if data collection and analysis mechanisms are sufficient and to determine whether NPD's training data demonstrates that officers are retaining lessons and that NPD is otherwise able to demonstrate compliance with all training-related aspects of the Consent Decree.	¶¶ 9, 12 (Monitoring Plan App'x A at 37.)	October 1, 2017	Initial Development
<b>Internal Affairs: Complaint Intake and Investigation</b>			
NPD will conduct audits to identify	¶¶ 117 - 118	First audit to	Non-

<b>Achievement</b>	<b>Consent Decree/Monitoring Plan Para.</b>	<b>Deadline</b>	<b>Compliance Status</b>
officers/ employees who refuse to accept or discourage the filing of misconduct complaints, fail to report misconduct or complaints, or provide false or misleading information about filing a misconduct complaint. NPD will take appropriate disciplinary actions against such officers.		take place by October 12, 2017	Compliance
<b>Data Systems Improvement: Early Warning and Records Management Systems</b>			
Implement automated Early Warning System solution.	¶¶ 160 - 161	October 23, 2017	Initial Development
<b>Bias-Free Policing</b>			
NPD will update its data systems so that it has the capacity to conduct demographic analyses of its enforcement activities.	¶ 65 (Monitoring Plan App'x A at 29)	October 30, 2017	Initial Development
<b>In-Car and Body-Worn Cameras</b>			
NPD will conduct pilot program on body-worn cameras and develop recommendations for possible device implantation based on the results of the pilot.	¶ 103 (Monitoring Plan App'x A at 35.)	November 1, 2017	Preliminary Compliance
NPD will develop a policy to designate which cars and officers are exempt from the general in-car and body-worn camera requirements. (¶ 103)	¶ 5 (Monitoring Plan App'x A at 35.)	November 1, 2017	Non-Compliance
In consultation with the DOJ and Monitor, NPD will develop a policy regarding footage and audio recordings from its in-car and body-worn cameras. (¶ 104)	¶ 5 (Monitoring Plan App'x A at 35.)	November 1, 2017	Initial Development

### **III. DETAILED STATUS UPDATE (OCTOBER 1, 2017 – DECEMBER 31, 2017)**

#### **A. Use of Force**

##### **1. Policy Development**

Paragraphs 66 and 67 require NPD to establish a use of force policy or policies that define and describe each use of force option and the circumstances under which each option is appropriate. The Parties decided to address these requirements through three of NPD's key policies relating to the use of force: (1) writing a new Use of Force policy; (2) revising the Reporting, Investigation and Review policy ("Use of Force Reporting"); and (3) revising the Firearms and Other Weapons policy ("Weapons"). Of these three policies, the Use of Force policy sets the Division's philosophical approach regarding the proper use of force, states the relevant legal standards for using force, and describes circumstances under which using force would be appropriate (or inappropriate). The other two policies prescribe the protocols for investigating and reporting the use of force, as well as proper procedures for handling, maintaining, and using firearms and weapons. Because these policies are dependent on each other, NPD has decided to implement all three policies at the same time.

Last quarter (July 1 – September 30, 2017), NPD finalized its new Use of Force policy after soliciting and incorporating community feedback. In the Fourth Quarter, NPD made important progress drafting its Use of Force Reporting policy and Firearms policies. On November 30, 2017, NPD submitted a draft of the Reporting, Investigation and Review policy to DOJ for review, and its Weapons policy to DOJ on December 28, 2017. NPD received DOJ's comments after the reporting period (December 31, 2017).

NPD plans to hold a forum on its Use of Force Reporting policy to introduce its draft of the Reporting, Investigation and Review policy to Newark community members and

solicit feedback.<sup>5</sup> NPD will also have to prepare a new form (or supplement an existing one) to collect witness officers' statements, adjust its data systems to allow officers to input new information required by the policies, and institute data collection protocols.

## **2. Use of Force Training**

Under Section VIII of the Consent Decree, NPD must develop and implement training “directing that the use of force by NPD officers accords with the rights secured and protected by the Constitution and state and federal law.” Paragraph 11 of the Consent Decree requires NPD to provide the Monitor and DOJ with drafts of proposed training plans or training curricula. To date, NPD has not begun drafting a Use of Force training curriculum. NPD did, however, apply for an external grant from the U.S. Department of Justice Bureau of Justice Assistance (“BJA”) to retain an expert for this purpose. After this reporting period closed, BJA approved two vendors, and NPD selected one of them. The Monitoring Team will report on these developments in its next (Fifth) Quarterly Report.

## **B. Community-Oriented Policing and Bias-Free Policing**

### **1. Bias-Free Policing Policy**

After receiving final approval from DOJ and the Monitoring Team, NPD completed its first Bias-Free Policing policy on September 19, 2017, and implemented it on September 21, 2017.<sup>6</sup> By the close of this reporting period – over three months after the policy

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<sup>5</sup> The Firearms and Other Weapons policy will not be discussed at a community forum because it is a technical protocol governing what weapons NPD personnel may use and how personnel handle these weapons both on duty and at the firing range. However, the Civilian Authority (Consent Decree ¶ 13) will have an opportunity to review and comment on the policy before it is implemented, and once it is implemented, it will be made publicly available on NPD's website per Paragraph 164 of the Consent Decree.

<sup>6</sup> A description of this policy and the process for its completion can be found in the Monitor's Third Quarterly Report, Section III.B.1. The policy is also available at [https://npd.newarkpublicsafety.org/assets/docs/consent\\_decree/approved\\_policies/bias-free-policing-1706.pdf](https://npd.newarkpublicsafety.org/assets/docs/consent_decree/approved_policies/bias-free-policing-1706.pdf).

was finalized – NPD had not announced to the Newark community that the policy had been completed. Instead, the Bias-Free Policing policy was posted, with no notice, on NPD’s website under its Consent Decree tab. NPD was concerned about publicizing the policy before its officers have been trained on it.

However, with regard to the Bias-Free Policing policy, the Monitoring Team believes it is important that NPD announce this significant accomplishment to the Newark community. During the development of this policy, NPD hosted a forum, attended by approximately 60 community members, to present and solicit input on the policy. People who engaged with NPD in developing the policy should learn about the result of this process. The Monitoring Team strongly encourages NPD to keep the public apprised of its completed reforms, and the reforms that are in progress. Timely notice to the public will improve NPD’s transparency and invite the Newark community to participate in the Consent Decree process. Timely and accurate information flow is critical for establishing a trusting relationship with the Newark community.

## **2. Community-Oriented Policing Policy (Community Engagement)**

NPD has committed to having its draft Community-Oriented Policing policy approved by DOJ and the Monitoring Team by March 31, 2018. As part of the drafting process, NPD decided to hold community meetings in each of its five precincts to learn about public safety, crime prevention and service issues that are priorities for community members. These meetings are discussed in greater detail in the Community Engagement section (III.H.2), below. At the time of drafting this Report, it seems unlikely that NPD will meet this March 31 deadline as it is still gathering community input.

On October 16, 2017, the Public Safety Director made a presentation to representatives from several community-based groups in which he discussed NPD's community policing goals that will serve as the basis of NPD's community policing policy. Representatives of the New Community Corporation, Newark Antiviolence Coalition, Hetrick-Martin Institute, Newark Youth Court, American Civil Liberties Union of New Jersey, La Casa de Don Pedro, Youth Build, My Brother's Keeper-Newark, and the Ironbound Community Corporation attended the event, along with members of NPD and the Monitoring Team. This event was a useful step towards NPD's engagement with the Newark community. The Monitoring Team recommends that NPD continue its outreach to these (and additional) groups, increase the frequency of these meetings, and provide opportunities for the general public to give feedback and input into community policing strategies. These conversations will help build a relationship between NPD and the community it serves, as well as provide a forum for NPD to share its successes and shortcomings with the community. Open exchange is a key to sustained reforms.

### **3. Staffing Allocation and Personnel Protocol**

Paragraph 15 of the Consent Decree requires that by July 9, 2017, NPD assess and revise its officer staffing assignments to support community-oriented policing. NPD missed this deadline.

As noted in the Second Quarterly Report, NPD retained an outside consultant to conduct this staffing allocation study. The consultant submitted a draft version of the study to the Newark Public Safety Director on December 23, 2017. As of the close of this reporting period, neither the Monitoring Team nor DOJ has been provided with a copy. The Monitoring Team looks forward to receiving the staffing allocation study, and will discuss it in the next (Fifth) Quarterly Report. It is critical that NPD reflect on its staffing decisions and personnel



needs – this is a fundamental step in transforming NPD into a modern police force and maximizing the efficacy of its deployments.

#### **4. Demographic Analyses**

Under Paragraph 65 of the Consent Decree, NPD is required to conduct “demographic analyses of its enforcement activities to ensure officer, unit, and Division compliance with the bias-free policy through the identification of trends, outliers, or other relevant indicators,” and report on “evaluations and assessments of [its] enforcement activities.” NPD was required to update its data systems to collect and analyze the data necessary to perform these analyses by October 30, 2017. NPD did not meet this deadline, and needs to make substantial improvements to both its data systems and its capacity to operate those systems to satisfy this Consent Decree requirement.

#### **5. Training on Community-Oriented Policing and Bias-Free Policing**

Paragraphs 14 and 63 of the Consent Decree require NPD to provide training to its officers on community policing and bias-free policing. NPD elected to pursue a training curriculum that addresses these two areas simultaneously, but in *two* training phases. NPD intends for Phase I to satisfy Paragraph 14 of the Consent Decree, which requires NPD to provide eight hours of training on “community policing and problem-oriented policing methods and skills for all officers.” NPD also expects this initial training to cover a portion of the bias-free policing training required by Paragraph 63 of the Consent Decree. NPD intends for Phase II to focus on the remainder of bias-free policing training required in Paragraph 63.

##### **a. Phase I: Community-Oriented Policing and Bias-Free Policing Training**

During this reporting period, the Monitoring Team continued to track NPD’s implementation of Phase I of community-oriented policing and bias-free policing training.

Consent Decree Paragraph 14 required training on community-oriented policing and bias-free policing to be administered by July 9, 2017, and Paragraph 63 required that training be administered by July 1, 2017. NPD missed both deadlines, and has yet to begin training its police force in these areas. Several factors account for this delay.

First, as discussed in prior Quarterly Reports, NPD entered into an agreement with the Virginia Center for Policing Innovation (“VCPI”) to develop Phase I of the community-oriented policing and bias-free policing training curriculum on NPD’s behalf. VCPI secured a grant from the U.S. Department of Justice Office of Community Oriented Policing Services (“COPS”) to develop NPD’s curriculum. Training was delayed, in part, because COPS and VCPI took approximately one year to create and release the training curriculum to the Monitoring Team for review. On April 17, 2017, VCPI provided an initial draft of the training curriculum for NPD’s review. It took nearly three months for the COPS Office in DOJ and VCPI to approve the final curriculum. NPD received the final materials on August 14, almost four months after they received the initial draft. During VCPI’s train-the-trainer course in September 2017, NPD provided recommendations to enhance the curriculum before it was administered. As of the close of this Reporting Period, COPS and VCPI had not provided NPD with the revised training curriculum that should incorporate NPD’s comments to the training.

Second, NPD had difficulty preparing its instructors to train the entire police force on the VCPI curriculum. During this reporting period, NPD identified 25 instructors to deliver the training and held several meetings to (i) study the nearly-final draft training curriculum, (ii) identify relevant Newark videos and examples to incorporate into the training curriculum, and (iii) practice presenting the curriculum content. Monitoring Team members attended these meetings and provided feedback to NPD. While these meetings were important steps, they were

not as effective as they could have been. At several meetings, *less than half* of the 25 instructors attended. The Monitoring Team recommended that the instructors meet more frequently to prepare for the rollout of the Phase I training.

On December 19, 2017, the Public Safety Director issued a General Order requiring all twenty-five instructors to attend two preparatory meetings per week from December 19, 2017 through January 29, 2018. This Order led to immediate improvements in meeting attendance, productivity, and preparation. As has been demonstrated throughout this Fourth Quarter, NPD's progress with Consent Decree tasks has improved dramatically as the City and NPD continue to make it an institutional priority.

Third, NPD has struggled to revise the VCPI curriculum to make it Newark-specific and to ensure that it satisfies Paragraph 14 of the Consent Decree. NPD initially intended to conduct the VCPI training in sessions lasting two days (16 hours total). During the reporting period, NPD provided the Monitoring Team with a proposal to reduce this Phase I training to one-day (8 hours) training sessions. The Monitoring Team reviewed NPD's proposal and concluded that the reductions in content proposed by NPD would not comply with the substantive training requirements in Paragraphs 14 and 63 of the Consent Decree together. Specifically, the proposal eliminated important content necessary for officers to understand the complex concepts of community engagement and bias-free policing, including (1) scenario-based training (§ 14(b)), (2) leadership, ethics and interpersonal skills (§ 14(c)), and (3) de-escalation (§ 14(e)). Under the proposal, a module on discriminatory policing would be removed from Phase I and instead be administered in Phase II. Nonetheless, this module alone will not satisfy the requirements of Paragraph 63. The Monitoring Team suggested that NPD focus on

ensuring that the training meets each substantive requirement of the Consent Decree. NPD plans further revisions to the Phase I curriculum.

**b. Phase II: Community-Oriented Policing and Bias-Free Policing Training**

As discussed in the Third Quarterly Report, NPD plans to engage an outside expert to develop the Phase II bias-free policing training contemplated in Consent Decree Paragraph 63. By the end of this reporting period, NPD had still not retained an expert. The Monitoring Team will comment on the development of the Phase II training, and urges NPD to finalize its plans for addressing this Consent Decree requirement.

**C. Stop, Search, and Arrest**

**1. Policy Revision**

The Consent Decree requires NPD to conduct all investigatory stops, searches, and arrests in a manner consistent with constitutional, federal, and state law. (*See* Consent Decree § IV.) As discussed in the Third Quarterly Report, the Parties agreed to complete the three policies – Consensual Citizen Contacts and Investigatory Stops (“Stop”), Searches With or Without a Search Warrant (“Search”) and Arrests With or Without an Arrest Warrant (“Arrest”) – for community review by December 31, 2017. During this reporting period, the Parties prioritized revising the Stop and Search policies and NPD worked diligently to meet the year-end deadline. NPD’s efforts on these policies were more impressive due to its CDPU turnover and the October 2017 retirement of the officer previously charged with developing this policy. Fortunately, the new liaison dedicated himself to the role.

The Monitoring Team sought to have the Stop, Search and Arrest policies drafted and placed in final form by the end of the Fourth Quarterly Period. To that end, the Parties and

the Monitoring Team agreed to complete drafts of the Stop, Search, and Arrest policies that would be ready for community review by December 31, 2017.

To help NPD meet this December 31 deadline, the Parties agreed that NPD would provide DOJ with a draft of its Stop policy by November 16, 2017 and its Search policy by November 20, 2017. DOJ would provide comments on both policies by December 1, 2017. On November 2 and 3, 2017, respectively, NPD provided a draft of its Stop and Arrest policies to DOJ and the Monitor. NPD produced its first drafts nearly two weeks ahead of schedule. DOJ returned comments on the drafts on December 1, 2017. On December 8, 2017, DOJ provided NPD with additional comments to the draft policies. NPD incorporated all of DOJ's feedback by December 11, 2017.

During a status conference with the Court on December 15, 2017, the Parties and the Monitor reaffirmed their shared goal of completing the Stop and Search policies by December 31, 2017. To that end, on December 18, the Parties held a telephone conference to discuss the draft policies. On December 27, 2017, NPD submitted another round of revisions to its drafts of the Stop and Search policies to DOJ and the Monitor, incorporating DOJ's comments with two exceptions: areas of the draft where (i) DOJ intended to petition the Court to modify the language of the Consent Decree, and (ii) discrete substantive areas where DOJ and NPD had not yet reached agreement.

On this call, NPD acknowledged that it did not have an adequate policy regarding stops and searches of transgender individuals. NPD resolved to create a standalone policy to address interactions with people identifying as Lesbian, Gay, Bisexual, Transgender, Questioning/Queer, or Intersex. NPD expects to create this policy in the coming months.

**a. Arrest**

The Parties agreed that NPD would provide a draft of the Arrest policy to DOJ and the Monitor by December 7, and that DOJ would return comments by December 15. NPD shared a draft of its policy on December 7. At a December 15, 2017 status conference before the Honorable Madeleine Cox Arleo, the Parties agreed to push the deadline back one month, and ensure the draft Arrest policy was approved for community review by January 31, 2018.

**2. Training**

NPD did not make progress on training its personnel in stop, searches, and arrests per Consent Decree Paragraph 43. Also, NPD missed Consent Decree Paragraph 26's deadline, which was November 1, 2017, to train officers to use specific and individualized descriptive language in reports or field inquiry. NPD lacks an experienced training team to develop curricula and administer training in this area. Towards the end of the last quarter, in October 2017, NPD retained a consultant with a background in adult learning – a precondition for effective police training – who will assist them in developing a curriculum for Stop, Search and Arrest training. The consultant has been retained to work only on a part-time basis. The Monitoring Team strongly recommends that NPD continue to retain training experts to improve its capacity to complete Consent Decree training tasks. For example, NPD should consider retaining an individual with expertise and experience in training a large urban police force.

**3. Data Collection**

NPD did not accomplish any of the data collection and analysis requirements set forth in the Consent Decree and contemplated by the First-Year Monitoring Plan. (*See* Consent Decree ¶¶ 51-52; First-Year Monitoring Plan, Ex. A at 9.) Specifically, Consent Decree Paragraph 52 requires NPD to develop a report format to collect data on all investigatory stops and searches by November 1, 2017. NPD did not meet this deadline. (*See also* Memorandum



Submitting First Year Monitoring Plan, Ex. A at 9.) NPD has neither developed a report format to collect data on all investigatory stops and searches nor complied with the Monitor's request for data necessary to conduct an audit.

As discussed in the Third Quarterly Report (July 1 – September 30, 2017), the Monitoring Team previously requested that NPD provide (i) Field Inquiry Reports, (ii) Consent to Search Forms, (iii) Arrest Reports, (iv) Tour Assignment Sheets, and (v) Incident Reports for the period from May 1, 2017 through May 31, 2017. The Monitoring Team intended to use this data to conduct a baseline assessment of whether NPD officers are (a) properly reporting stop, search and arrest activity; (b) articulating reasonable suspicion for stops; and (c) documenting probable cause for an arrest by the end of their shifts. NPD is unable to produce and deliver data requested by the Monitoring Team because NPD personnel do not have the skills necessary to extract NPD's data.

Because NPD cannot produce the required data, the Monitoring Team's audit of the stop, search, and arrest data, described in the Second and Third Quarterly Reports, remains delayed. To the extent that NPD is unable to export its policing data to the Monitoring Team in the near future, the Monitoring Team will be forced to conduct a manual audit of hard copy records, increasing the time and expense of these reviews.

After this reporting period closed, NPD had several meetings with its data vendors in an attempt to develop a program script to export the data that the Monitoring Team requested. The Monitoring Team will report on this meeting in its next (Fifth) Quarterly Report.

#### **D. General Officer Training**

The Monitoring Team continued to track NPD's progress in improving its capacity to develop and deliver training required by the Consent Decree. By the end of the

reporting period, NPD had not (1) administered any training on policing practices for the substantive areas of the Consent Decree, (2) created a timeline for training execution, or (3) created a list of all trainings required by the Consent Decree and other state entities, such as the New Jersey Attorney General's Office. Also, its training unit remains understaffed. However, after this quarter ended, NPD began administering its first substantive Consent Decree training, Community Engagement, created a master calendar of all trainings, and drafted curricula for its Consent Decree training on Stops, Searches, and Arrests.<sup>7</sup> The Monitoring Team will comment on this progress in its next report.

## **E. Property and Evidence Management**

Under Section X of the Consent Decree, NPD must prevent theft of citizens' property and case evidence by officers. To that end, NPD must develop policies and procedures for the intake, storage, and release of property. (*See* Consent Decree ¶ 110.) During this reporting period, NPD began an inventory of items stored at a permanent location and continued to finalize its three policies in this area. During this quarter, the Parties and Monitor agreed that NPD would have drafts of its three property and evidence policies completed – including DOJ and Monitoring Team review – by March 31, 2018. The Monitoring Team will report on NPD's progress in its next (Fifth) Quarterly Report.

### **1. State of Current Property Facilities**

On December 6, 2017, members of the Monitoring Team toured the Municipal Arrest Processing Section (MAPS) to gain a better understanding of NPD's forms, technology, and processes for handling prisoner property.

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<sup>7</sup> NPD also drafted a curriculum for training officers on how to use Body-Worn Cameras, and submitted it to DOJ and the Monitoring Team for review pursuant to Consent Decree Paragraph 11. While the Consent Decree does not expressly require NPD to develop training on the use of Body-Worn Cameras, it does require NPD to submit new trainings to DOJ and the Monitoring Team for review.

As the Monitoring Team reported in the Second Quarterly Report, Section IV(D)(3), NPD's prisoner processing center is modern and secure, but suffers from significant organizational inefficiencies. During that visit, the Monitoring Team observed that the chain of custody for prisoner property was unduly complicated and remained reliant on paper forms. For example, NPD uses multiple paper forms related to prisoner property that contain overlapping information. At the same time, some – but not all – of this information is stored electronically.

During this quarter, NPD deployed additional personnel to the MAPS, and began training personnel to use NPD's automated evidence management system. NPD plans to adopt electronic signature pads and portable printers, which would both allow NPD to avoid its redundant paper forms and simplify its prisoner property operations. NPD needs to take additional steps to eliminate inefficiencies in its property and evidence storage systems, use consistent procedures to track this property, and demonstrate accountability through audits and inspections.

## **2. Property and Evidence Management Policies**

In prior reporting periods, DOJ and the Monitoring Team provided written comments on NPD's Property and Evidence Packaging and Storage, Custody and Inventory of Prisoner's Personal Property, and Property and Evidence Management. NPD incorporated these comments and, on October 6, 2017, sent revised policies to DOJ for review. On October 19, DOJ informed NPD that not all of its comments had been addressed, and that the policy needed additional improvement. During this quarter, the Parties have agreed to complete drafts of NPD's Property and Evidence policies by March 31, 2018. The Monitoring Team will report on these developments in its next (Fifth) Quarterly Report.

## **F. Civilian Oversight**

Under Paragraph 13 of the Consent Decree, the City was required to implement and maintain a civilian oversight entity. The entity's responsibilities would include reviewing internal investigations, monitoring trends in complaints, and reviewing and recommending changes to NPD's policies or procedures. (Consent Decree ¶ 13.) While the Mayor and City Council of Newark established a Civilian Complaint Review Board ("CCRB") by ordinance on March 16, 2016, the CCRB has been unable to fulfill all the duties and responsibilities listed in the Consent Decree. As noted in previous Quarterly Reports, the Fraternal Order of Police, Newark Lodge No. 12 ("FOP") brought an action against the City, challenging the CCRB's lawful authority. On November 2, 2016, the Superior Court of New Jersey granted the FOP's motion for an injunction, which partially prevented the CCRB from fulfilling all of its duties. On January 23, 2017, the injunction was amended to allow the CCRB to review and comment on the Use of Force and Bias-Free Policing policies.

During a status conference on September 7, 2017, the Honorable Madeleine Cox Arleo recommended that the Parties modify Paragraph 13 to account for this litigation so that the City and NPD are not continually found to be in non-compliance. On October 31, 2017, the Monitor wrote to the Parties asking for their response to the issues raised by the Court. On November 28, 2017, the Parties wrote jointly to the Monitor, stating that "the Parties agreed that it is not necessary to modify the Consent Decree regarding [Paragraph 13] at present." Thus, the City and NPD will remain out of compliance with civilian oversight and discipline provisions until the litigation is resolved.

After the close of this reporting period, the Superior Court of New Jersey issued a decision and order in the CCRB litigation, which allows the CCRB to perform many or all of the

oversight functions described in Paragraph 13 of the Consent Decree. The Monitoring Team will report on this development in its next (Fifth) Quarterly Report.

**G. Community Engagement**

**1. Monitoring Team's Community Outreach**

Paragraph 186 of the Consent Decree requires the Monitor to hold community meetings to discuss the quarterly reports, inform the public about the implementation process, and hear community perspectives of police interactions. As part of this outreach, the Monitor holds periodic community forums in different locations throughout Newark to discuss the City's and NPD's progress with achieving the Consent Decree's requirements, the Monitor's Quarterly Reports, and the Monitoring Team's work.

The Monitoring Team released its Second Quarterly Report on October 6, 2017, and subsequently held a community forum on November 20, 2017 at the Jehovah-Jireh Praise & Worship Church Center. The New Jersey Institute for Social Justice ("NJISJ"), a member of the Monitoring Team, coordinated this event, which was attended by approximately 50 community members as well as members of NPD and DOJ. The Monitor will continue to update the community on the Parties' progress implementing the Consent Decree.

**2. NPD's Community Engagement**

Section V of the Consent Decree requires NPD to "engage constructively with the community to promote and strengthen partnerships and to achieve collaborative, ethical, and bias-free policing." NPD does interact with the community, such as through Precinct Councils, assigning two officers to each precinct to identify and address communities' priorities, and sponsoring "coffee with a cop" meetings between Newark residents and NPD officers. During this reporting period, NPD has focused on building its community engagement capacity, with support from NJISJ and the rest of the Monitoring Team.

Since the inception of the Consent Decree, NPD and the Monitoring Team have discussed in detail how NPD can achieve the level of community engagement that is contemplated in the Consent Decree. One important step would be for NPD to pursue compliance with Paragraph 18, which requires NPD to prepare a publicly available report of its community-oriented policing efforts, including specific problems addressed and steps taken by NPD and the community toward their resolution. With this reporting, the Monitoring Team and Newark community will have the chance to review NPD's current community engagement, and make suggestions for improvement towards achieving compliance with the Consent Decree. NPD has not yet published its first report pursuant to Paragraph 18, and the Monitoring Team has urged NPD to do so.

To date, NPD has sought to engage Newark community members in the Consent Decree process in two ways. First, NPD has – and plans to continue – community forums to present and seek input on its new or revised Consent Decree policies. Last quarter, NPD, with technical assistance from the Monitoring Team, led by NJISJ, hosted a forum for NPD to discuss its first Bias-Free Policing policy, and its revised Use of Force policy. This quarter, on December 12, 2017, members of the Monitoring Team met with NPD to discuss community review of upcoming policies.

Second, after the close of this reporting period, NPD began hosting community meetings in each NPD precinct to collect information directly from Newark residents regarding their public safety priorities. This information will inform NPD's new Community Engagement policy – which will provide a framework for NPD's engagement with Newark communities – and the development of Newark-specific scenarios for NPD's Bias-Free Policing training. To this end, on October 16, 2017, the Newark Public Safety Director met with community



organization members to discuss the Strategic Plan, a document incorporating his vision for community-oriented policing.

### **3. Engaging the Newark Youth**

The Monitoring Team urges the City and NPD to increase its outreach to Newark's youth, particularly those who may not be connected to society in conventional ways. It is imperative that NPD draw on this youth perspective – a demographic with comparatively frequent contact with police officers – to inform its approach to Consent Decree tasks, namely policy development, training, and community engagement. (*See* Consent Decree ¶¶ 14(a), 19.) During this reporting period, the Monitoring Team sought approval from the Parties to conduct focus groups of hard-to-reach youth to better-understand their experience with NPD. (*See* Consent Decree ¶¶ 22-24, 210.) The Monitoring Team would then deliver the results to the Parties in a manner that preserves participant confidentiality. The City did not accept this proposal or offer a substitute, and expressed budgetary concerns. The Monitoring Team recommends that the City and NPD revisit this issue in the next quarter.

### **H. Internal Affairs: Complaint Intake and Investigation**

Section XI of the Consent Decree requires NPD and the City to establish policies and procedures for investigating officer misconduct allegations. During this reporting period, the Consent Decree and First Year Monitoring Plan also required NPD to conduct integrity audits to “identify officers or other employees who refuse to accept or discourage the filing of misconduct complaints, fail to report misconduct or complaints, or provide false or misleading information about filing a misconduct complaint.” (*See* Consent Decree ¶ 117; Memorandum Submitting First Year Monitoring Plan, Ex. A at 18.) During this quarter, the Monitoring Team focused its efforts on NPD's revised Internal Affairs policy and the case review initiative reported on in previous Quarterly Reports. NPD did not make progress on these other Consent Decree tasks.

## 1. Policy Revision

NPD has had difficulty improving its policy regarding Internal Affairs: Complaint Intake to meet Consent Decree standards. During the prior reporting period, NPD and the Monitoring Team worked together to identify suitable model internal affairs policies to guide NPD in drafting its own policy tailored to its force. During this Reporting Period, NPD rededicated itself to this policy, agreeing to provide a draft to DOJ and the Monitoring Team in time for feedback to be incorporated by December 31, 2017. NPD sent a draft to the Monitoring Team on November 13, 2017 and the Monitoring Team provided comments on November 22, 2017.

One of the Monitoring Team's principal concerns about the draft policy is the absence of a clear and unambiguous description of the complaint intake and classification process. Rather than providing "civilian . . . with full access to NPD's complaint process," the policy seemingly requires complainants to complete a series of procedural steps during the intake process that could ultimately discourage community members from coming forward. (*See* Consent Decree ¶ 115). Similarly, the complaint classification protocol, as detailed in the draft policy, rests authority for classifying misconduct in various commands (instead of squarely within the Office of Professional Standards – NPD's internal affairs unit) and appears to have been developed without consideration of potential conflicts with the misconduct classification protocols detailed in NPD's Disciplinary Matrix.<sup>8</sup> Lastly, the Monitoring Team has encouraged NPD to develop a procedural manual to serve as a companion to its Complaint Intake and Investigation Policy. Doing so would better distinguish those parts of the complaint intake and

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<sup>8</sup> The Disciplinary Matrix is a chart of officer infractions and corresponding discipline located in a different policy. (*See* Consent Decree § IV.F(1).)

investigation process that are relevant to the entire department from those provisions that pertain solely to the Office of Professional Standards staff and the performance of their duties.

On November 30, NPD sent a revised version of the policy to DOJ for review. During the December 15, 2017 status conference before the Honorable Madeleine Cox Arleo, the Parties agreed to extend the deadline for this policy to March 31, 2018. The Monitoring Team will report on these developments in its next (Fifth) Quarterly Report.

## **2. Internal Affairs Case Review**

As noted in prior Quarterly Reports, the Monitoring Team has been reviewing sample NPD internal affairs cases relating to specific subject areas to assess how NPD tracks complaints and imposes discipline, and to create a baseline from which NPD's progress in this area can be evaluated during the term of the Consent Decree.<sup>9</sup> The case review encompasses approximately 160 completed investigations of misconduct, initiated between January 1, 2015 and December 31, 2016. Depending on the nature of the alleged misconduct, the investigations were conducted by NPD's Office of Professional Standards ("OPS") or at the precinct level by an officer of superior rank to the subject officer. As of December 31, 2017, members of the Monitoring Team were engaged in the file review and analysis process with respect to NPD's internal affairs case files. The Monitoring Team will provide an update on its review in the next (Fifth) Quarterly Report.

The Monitoring Team notes that its case review does not satisfy NPD's requirement to conduct its own audit. (*See* Consent Decree ¶ 117.) Under the First Year

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<sup>9</sup> Among the types of misconduct investigations the Monitoring Team is reviewing are allegations of Excessive Force, including Firearm Discharge, Criminal Law Violations by NPD officers, and Domestic Violence cases in which NPD officers are either alleged perpetrators or victims of acts of domestic abuse. The review also includes a subset of Neglect of Duty cases in which complainants allege deficiencies in NPD officers' responses to domestic violence incidents. Finally, the Monitoring Team is reviewing a sample of traditional 'bread and butter' complaint investigations such as Demeanor and Improper Conduct to assess the quality of investigations completed at the precinct level.

Monitoring Plan, NPD was required to conduct its first audit by October 12. (*See* Memorandum Submitting First Year Monitoring Plan, Ex. A at 18.) NPD did not meet this deadline due to its inability to extract and analyze internal affairs data.

## **I. Internal Affairs: Discipline**

### **1. Disciplinary Policy and Matrix**

Consent Decree Paragraph 153(a) requires NPD to “implement disciplinary guidance that ... establishes a presumptive range of discipline for each type of violation.” Paragraph 154 requires NPD to establish a unified system for reviewing sustained findings and applying the appropriate level of discipline. Further, under Paragraph 155, NPD is required to conduct annual reviews of its disciplinary process and actions. These provisions are fair, uniform, and predictable steps towards achieving procedural justice for NPD’s officers: both officers and the public should be able to anticipate how officer misconduct will be disciplined, and similar types of misconduct should be disciplined in similar ways. The Consent Decree requires that NPD create a policy for this disciplinary chart, which is known to the parties as the Internal Affairs: Discipline policy. Separately, Consent Decree ¶ 13 requires the City to create a civilian oversight entity that can review findings of officer misconduct and the imposition of discipline.

The City and NPD have made progress towards revising its discipline policy. With technical assistance from the Monitoring Team, NPD’s draft added specificity to its disciplinary charges.<sup>10</sup> Despite this progress, NPD paused work on its draft policy due to litigation that has enjoined the CCRB. To date, the revised matrix has not been approved by the Monitoring Team or DOJ, and thus, not implemented. In response to the Monitor’s October 31,

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<sup>10</sup> As part of the case review described in Consent Decree § H.1.2, the Monitoring Team has observed and discussed NPD’s over-reliance on certain categories of misconduct such as Neglect of Duty and is working with NPD to better identify, define, and classify misconduct to avoid such ‘catch-all’ provisions.

2017 letter inquiring about the status of the Internal Affairs Discipline policy in light of the CCRB injunction, the Parties wrote jointly to the Monitor, stating that “[NPD] does not plan to implement a ‘Discipline Matrix’ under Paragraph 153 of the Consent Decree until the litigation involving civilian oversight is resolved.” Now that the Superior Court of New Jersey issued a decision and order in the CCRB litigation, the Monitoring Team looks forward to working with the Parties on NPD’s discipline policy.

## **2. Training on Disciplinary Process**

Paragraph 11 of the Consent Decree requires NPD to train officers on any new or revised policy or procedure. As noted above, NPD has not finalized its revised discipline policy, and cannot finalize its training curricula. Thus, NPD has not made progress towards meeting this requirement.

## **3. NPD’s Imposition of Discipline**

In 2014, DOJ found that NPD’s Internal Affairs department inconsistently disciplined officers for violating internal rules and rarely disciplined officers as a result of civilian complaints. For example, DOJ found that NPD sustained only *one* misconduct complaint of excessive force during the six-year time period of 2007 through 2012. (*See* DOJ Report at 35.) As NPD finalizes its Internal Affairs policies and begins Internal Affairs training, the Monitoring Team will closely follow NPD’s imposition of discipline on officers who violate internal policies or interfere with citizens’ rights. Consistent imposition of discipline for misconduct is critical to achieving accountability in NPD’s officers.

During this reporting period, NPD’s Internal Affairs department issued 26 temporary suspensions for conduct including “acts of insubordination,” “neglect of duty,” and “care of property;” NPD issued 10 indefinite suspensions for conduct including “criminal law” violations, “chronic inefficiency,” and “intoxication of illegal drugs.”

NPD terminated 14 officers, all of whom were ranked either Police Recruit, Public Safety Telecommunicator, or Police Officer. NPD characterized the cause of 9 of the 14 terminations as “official inefficiency/incompetency.” The others were for “criminal law” violations, “intoxication,” “acts of insubordination,” and “association with criminal.” The disciplinary report provided to the Monitoring Team does not indicate whether these disciplinary actions were initiated by internal or civilian complaint, or provide further detail as to the nature of the conduct that led to discipline.

A standardized disciplinary matrix would assist the Monitoring Team and the public in understanding NPD’s disciplinary actions in the future.

## **J. Data Systems Improvements**

Section XIV of the Consent Decree requires NPD to “develop, implement, and maintain contemporary records and management systems.” During this reporting period, NPD contracted an independent technology consulting group to help review its existing police technology infrastructure and whether it has personnel with the necessary expertise to manage it. While this is an important step, NPD remains significantly delayed in modernizing its data systems. The Monitoring Team continues to encourage NPD to retain Information Technology (“IT”) staff dedicated solely to assisting NPD in its operations, and help NPD use data to drive its police activities.

### **1. Audit of NPD’s Data Collection**

During the prior reporting period, the Monitoring Team requested representative data on NPD’s stops, searches, arrests, and property management. During this reporting period, the Monitoring Team continued to wait for NPD to produce this information. NPD has been working with its technology vendor to obtain this information. In the meantime, the Monitoring Team requested that NPD produce 10 complete case files so that the Monitoring Team could



track information that NPD collects from the time of a street encounter to the storage and release of property, where applicable. During this reporting period, the Monitoring Team completed its review of these 10 case files, and will apply the lessons learned from tracking data to its subsequent audits.

## **2. Audit of NPD's Training Records**

Paragraph 12 of the Consent Decree requires NPD to maintain complete and consistent training records. On August 7, 2017, the Monitoring Team requested NPD's training attendance records from May 5, 2016 to May 31, 2017, a list of all training courses offered by NPD, a list of all outside/external training attended by NPD personnel, and a report on the number of active officers who did and did not attend training on the Consent Decree. NPD was unable to extract most of this information from its databases. However, NPD did produce training orders, sample training record reports for five active officers, and a spreadsheet with the number of NPD personnel who attended training on the Consent Decree.

On September 28, 2017, the Monitoring Team sent NPD a list of questions to address the discrepancy between what NPD produced and what the Monitoring Team requested. On October 18, 2017, NPD notified the Monitoring Team that there were no training syllabi or course outlines available for outside/external training, which is consistent with DOJ's 2014 findings, and that there were no training records other than what had been produced. This information is important to help the Monitoring Team create a baseline for future audits of whether officers actually received training on topics required by the Consent Decree. NPD will remain out of compliance until it gains the capacity to maintain and review complete training records.

### **3. Early Warning System**

Under the First Year Monitoring Plan, NPD was required to implement Early Warning System (“EWS”) software by October 23, 2017. (*See* Memorandum Submitting First Year Monitoring Plan, Ex. A at 31.) The goal of an EWS is to collect diverse information about officers, search for trends in behavior, and recommend interventions, which could include additional training or counseling. While NPD has implemented IA-Pro, a software program that performs some of the functions of an EWS, IA-Pro does not meet the standards of the Consent Decree. NPD remains out of compliance in this area.

### **4. Records Management System**

Under Paragraph 163 of the Consent Decree, the City is required to provide NPD with sufficient funding and personnel to implement and maintain a Records Management System (“RMS”). As noted in the Third Quarterly Report and above, the City and NPD intend to contract with an independent information technology consulting firm to help NPD determine what systems need to be upgraded or replaced to comply with the Consent Decree. As of the end of this reporting period, the City and NPD had not finalized the contract. The Monitor expects that the City and NPD will conduct an assessment of its current system and begin the procurement process for a new RMS by the third quarter of 2018.

### **K. In-Car and Body-Worn Cameras**

Paragraph 103 of the Consent Decree requires NPD to equip all marked patrol cars with video cameras and officers with body cameras and microphones. Paragraph 104 requires NPD to develop policies regarding the proper use of these cameras, as well as appropriate retention of video and audio recordings. During this reporting period, NPD expanded its in-car and body-worn camera pilot program and produced drafts of new in-car and body-worn camera policies. The Monitoring Team commends NPD for its progress in this area.

### **1. In-Car and Body-Worn Camera Policy Revision**

As described in the Third Quarterly Report, the Parties committed to having a final draft of both policies completed by December 31, 2017. On October 6, 2017, NPD submitted a draft of the Body-Worn Camera policy to DOJ for review. DOJ returned comments on the draft policy on November 7, 2017. NPD submitted a revised draft to DOJ on November 22, 2017, and DOJ offered a second round of feedback on December 21, 2017.

The In-Car Camera policy proceeded a similar track. The Parties agreed that NPD would submit a draft in-car camera policy to DOJ on December 4, 2017 with DOJ providing comments on the draft by December 12. NPD met that deadline and submitted its draft to DOJ on December 4, 2017. During a December 15, 2017 status conference before the Honorable Madeleine Cox Arleo, the Parties represented to the Court that they would complete a final draft of the In-Car Camera policy by December 31, 2017. By the close of this Reporting Period, NPD had not received DOJ's comments on its December 4, 2017 draft.

### **2. In-Car and Body-Worn Cameras Pilot Program**

Last quarter, NPD deployed 56 body-worn cameras and began equipping marked patrol vehicles with cameras in the Fifth Precinct. NPD also installed 17 in-car cameras in marked patrol vehicles in the Second Precinct. By the end of this reporting period (December 31, 2017), NPD deployed 73 body-worn cameras and equipped 16 marked patrol vehicles with in-car cameras in the Fifth Precinct, and placed 84 body-worn cameras in the Second Precinct.

During this reporting period, NPD began training officers in the First and Second Precincts on New Jersey Attorney General Directive 2015-1, which sets forth mandatory state policy concerning police officers' use of body-worn cameras. The NPD Training Division is still in the process of training personnel from the Third and Fourth precincts on the Attorney General Directive and will ensure that personnel are trained prior to their use and operation of body-worn

and in-car cameras. NPD personnel also received training on how to operate body-worn and in-car cameras, including viewing, classifying and categorizing video footage.

#### **IV. NEXT QUARTER ACTIVITIES (JANUARY 1, 2018 – MARCH 31, 2018)**

##### **A. Review and Revision of NPD Policies**

The Monitor expects that NPD will have completed and adopted all new or revised policies required by the Consent Decree by May 31, 2018. Working backwards, NPD aims to finalize drafts of the following policies by the end of the next quarter: (a) In-Car Cameras; (b) Body-Worn Cameras; (c) Property and Evidence; (d) Stops, (e) Searches, (f) Arrests; (g) Use of Force: Reporting; and (h) Firearms and Other Weapons. The Monitor understands that the Community-Oriented Policing policy – which will incorporate feedback from NPD’s precinct-level meetings that began after this Reporting Period closed – may take some additional time. Also, the Internal Affairs: Complaint Intake policy will require some focused attention from NPD, and will not likely be ready for community review by the end of next quarter.

This is an ambitious policy timeline, but the Monitor has confidence in NPD’s increased capacity, and dedication to the tasks at hand. The Monitoring Team will continue to provide technical assistance to support NPD’s policy development efforts.

##### **B. Training and Data Systems Improvement**

During the next quarter, the Monitoring Team expects NPD’s administration of Phase I of the Community-Oriented Policing to be underway. With multiple draft policies being finalized in the next quarter, NPD must work on multiple training curricula simultaneously, and proactively prepare to administer training over the coming months. The Monitoring Team reiterates that the City and NPD need to make progress with modernizing its police data systems, which may include working with its existing vendors, procurement, and retention of personnel with expertise in data-driven policing.

**C. Audits, Compliance Reviews and Outcome Assessments**

Over the past quarters, the Monitoring Team has requested various police data from NPD to allow for baseline assessments, and in particular, assessments of NPD's data relating to stops, searches and arrests. NPD's progress will be measured against this baseline. NPD needs to gain capacity to export its policing data.

**V. CONCLUSION**

This quarter, the Monitoring Team was encouraged by NPD's momentum in policy development. NPD's strong CDPU Team and rededication to Consent Decree tasks have dramatically improved NPD's progress. However, the Monitoring Team remains concerned about NPD's inability to produce basic data for data collection reviews and audits, and the length of time it is taking for NPD to contract with a technology consulting group to help NPD make progress in the areas of technology and data collection. The Monitoring Team looks forward to working with the Parties in 2018.

**VI. APPENDICES**

**A. Chronology of Key Events**

**B. Compliance Chart**

## APPENDIX A

**Timeline (Meetings, Milestones and Events)****Monitoring Team's Fourth Quarterly Report — October 1, 2017 to December 31, 2017.**

Date	Event
<b>Recurring</b>	Weekly meeting with Monitoring Team Liaison and NPD CDPU.
<b>October 16, 2017</b>	Newark Public Safety Director meets with representatives from several community-based groups to discuss NPD's community policing goals that will serve as the basis of NPD's community policing policy. Representatives of the New Community Corporation, Newark Antiviolence Coalition, Hetrick-Martin Institute, Newark Youth Court, American Civil Liberties Union of New Jersey, La Casa de Don Pedro, Ironbound Community Corporation, Youth Build, My Brother's Keeper-Newark, and Ironbound Community Corporation attended the event, along with members of NPD and the Monitoring Team.
<b>November 20, 2017</b>	The Monitoring Team, led by the New Jersey Institute for Social Justice, holds a "Meet the Monitor" event at the Jehovah-Jireh Praise & Worship Church Center to speak with Newark community members about the Consent Decree and discuss the Monitor's Second Quarterly Report.
<b>November 30, 2017</b>	Members of the Monitoring Team and NPD meet to discuss NPD's plan to hold precinct-by-precinct meetings. NPD's precinct-by-precinct meetings will occur in the next quarter.
<b>December 6, 2017</b>	Members of the Monitoring Team tour the Municipal Arrest Processing Section (MAPS) to gain a better understanding of NPD's forms, technology, and processes for handling prisoner property.
<b>December 15, 2017</b>	Status conference before the Honorable Madeline Cox Arleo, United States District Court Judge for the District of New Jersey.
<b>December 19, 2017</b>	The Newark Public Safety Director issues a General Order requiring all twenty-five NPD training instructors to attend two preparatory meetings per week from December 19, 2017 through January 29, 2018.

## APPENDIX B



**Consent Decree Compliance and Implementation  
(through December 31, 2017)**

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## **I. Definitions**

NPD's compliance with the deadlines set forth in the Consent Decree and the First-Year Monitoring Plan will be assessed using the following categories: (1) not assessed, (2) initial development, (3) preliminary compliance, (4) operational compliance, (5) non-compliance, (6) administrative compliance, and (7) full compliance. Each of these terms is defined below.

### **1. Not Assessed**

"Not Assessed" means that the Monitoring Team did not assess the Consent Decree provision during this reporting period. Acceptable reasons for why a requirement was not assessed may include that the deadline has not passed or some other substantive reason.

### **2. Initial Development**

"Initial Development" means that during the auditing period, NPD has taken meaningful steps toward achieving compliance with a Consent Decree requirement that is not yet scheduled for completion. Initial Development will be noted only if NPD's efforts are consistent with established timeframes in the Monitoring Plan or Consent Decree. Where NPD was expected to have achieved at least Initial Development during the auditing period, and has not, NPD has been found not to be in compliance.

### **3. Preliminary Compliance**

"Preliminary Compliance" means that during the reporting period, NPD has developed, and the Independent Monitor, DOJ, and City have approved, respective policies or standard operating procedures ("SOPs") and related training materials that are consistent with a Consent Decree requirement. This category only applies to SOPs and training.

**4. Operational Compliance**

“Operational Compliance” means that NPD has satisfied a Consent Decree requirement by demonstrating routine adherence to the requirement in its day-to-day operations or by meeting the established deadline for a task or deliverable that is specifically required by the Consent Decree or Monitoring Plan. NPD’s compliance efforts must be verified by reviews of data systems, observations from the Monitoring Team, and other methods that will corroborate its achievement. In this report, the Monitoring Team only will assess NPD for compliance with established deadlines.

**5. Non-Compliance**

“Non-Compliance” means that NPD has either made no progress towards accomplishing compliance, or has not progressed beyond Initial Development at the point in time when NPD is expected to have at least achieved Preliminary Compliance for the reporting period.

**6. Administrative Compliance**

“Administrative Compliance” means that during the auditing period, NPD has completed all necessary actions to implement a Consent Decree requirement, but General Compliance has not yet been demonstrated in NPD’s day-to-day operations.

**7. Full Compliance**

“Full Compliance” means that all Monitor reviews have determined that NPD has maintained Operational Compliance for the two-year period.

**II. Use of Force**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Develop Use of Force Policy: NPD will develop and implement a use of force policy or set of policies that cover all force techniques, technologies, and weapons that are available to NPD officers. The policy or policies will clearly define each force option and specify that unreasonable use of force will subject officers to discipline. (§§ 66-74)</b>			
NPD will review and revise its current use of force policy or policies to ensure compliance with Consent Decree.	March 2, 2017	Operational Compliance (achieved after deadline)	See Fourth Quarterly Report, Section III(A)(1).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The deadline has not passed. The Monitor will assess this requirement in a future report.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP	Not Assessed	See Fourth Quarterly Report, Section III(A)(2).
<b>Audit of NPD Firearms Certification Oversight (§§ 70-71, 74)</b>			
NPD will provide resources for officers to maintain proper weapons certifications and will implement sanctions for officers who fail to do so. Officers will be prohibited from using unauthorized weapons or ammunition. (§§ 70, 71, 74)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Use of Force Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>NPD Use of Force Reporting and Investigation: NPD will adopt a use of force reporting system and a supervisor Use of Force Report, separate from the NPD's arrest and incident reports, and which includes individual officers' accounts of their use of force. (¶¶ 75-85)</b>			
NPD will develop a mechanism by which use of force and citizen interaction complaints are reviewed by training staff to form the basis of changes in training to address the issues arising from these complaints.	January 9, 2017	Non-Compliance	NPD has failed to develop this mechanism. Discussions are underway as to whether it should be included in the upcoming policies addressing Internal Affairs issues.
NPD, in consultation with Monitor and DOJ, will categorize force into levels to report, investigate, and review each use of force. The levels will be based on the factors set forth in ¶ 77.	November 15, 2017	Initial Development	See Fourth Quarterly Report, Section III(A)(1).
<b>NPD will establish a Serious Force Investigation Team ("SFIT") to review Serious Force Incidents, conduct criminal and administrative investigations of Serious Force incidents, and determine whether incidents raise policy, training, tactical, or equipment concerns. Lower or intermediate force incidents will be investigated by line supervisors. (¶¶ 78 - 84, 86-94)</b>			
NPD will create and implement (1) a General Order establishing the SFIT to ensure sufficient staffing consistent with ¶ 92 of the Consent Decree; and (2) General Orders establishing line supervisors' responsibilities to investigate lower and intermediate use of force incidents.	February 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(A)(1).

**Use of Force Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of General Orders	Not Assessed	The General Order was not approved during this quarter.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	Within 60 days after approval of General Orders	Not Assessed	The General Order was not approved during this quarter.
NPD will issue a report, analyzing the data in its officer force reports and supervisor investigative reports and identifying significant trends, as well as policies and practices that need to be revised. (§§ 85, 168)	June 5, 2017	Non-Compliance	NPD has not issued this report.
<b>NPD will maintain a Use of Force Review Board (“UFRB”) to conduct timely, comprehensive and reliable reviews of all Intermediate and Serious Force incidents, in accordance with the requirements set forth in the Consent Decree. (§§ 88, 95, 96, 98, 102)</b>			
NPD will create a General Order establishing the UFRB to ensure that it is staffed consistent with Consent Decree provisions, and to ensure that the responsibilities assigned are consistent with Consent Decree provisions.	May 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(A)(1).

**Use of Force Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required, which will provide the UFRB with 8 hours of training. (¶¶ 11, 97)	Within 60 days after approval of General Order	Not Assessed	The General Order was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of General Order	Not Assessed	The General Order was not approved during this quarter.
NPD's UFRB will review SFIT and Intermediate Force investigation findings. (¶¶ 13, 96-101)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.



**III. Community Policing and Bias-Free Policing**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Community-Oriented Policing Policy: NPD will integrate concepts of community and problem-oriented policing into its policies. (§ V)</b>			
NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree.	June 6, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(B)(2).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
<b>Evaluation of Community Policing Protocol: By February 7, 2017, NPD will implement a protocol to periodically measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, particularly outreach to youth. (§ 17)</b>			
NPD will submit first drafts of its measurement mechanisms to the Monitor and DOJ for review.	October 10, 2016 <sup>1</sup>	Non-Compliance	The measurement was not submitted to the Monitor or DOJ in this quarter.
NPD will submit a final draft of the measurement mechanism.	November 15, 2016 <sup>2</sup>	Non-Compliance	The measurement was not submitted to the Monitor or DOJ in this quarter.

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<sup>1</sup> The deadline for this achievement was inadvertently recorded in the First Year Monitoring Plan as October 10, 2017.

<sup>2</sup> The deadline for this achievement was inadvertently recorded in the First Year Monitoring Plan as November 15, 2017.

**Community Policing and Bias-Free Policing Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will begin implementing the measurement mechanisms.	February 7, 2017	Non-Compliance	The measurement was not submitted to the Monitor or DOJ in this quarter.
NPD will prepare a publicly available report of its community policing efforts overall and in each precinct, including specific problems addressed and steps taken by NPD and the community toward their resolution. (§ 18)	March 9, 2017	Non-Compliance	NPD has not published this report in this quarter.
<b>Phase 1: Community Policing: NPD will provide its officers training on the benefits and means to achieve effective community engagement. (§ 14)</b>			
NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree.	June 6, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(B)(2).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	July 9, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(B)(5).
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP	Initial Development	See Fourth Quarterly Report, Section III(B)(5).
NPD will provide 8 hours of in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives. (§ 14)	July 9, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(B)(5).

**Community Policing and Bias-Free Policing Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Bias-Free Policing Policy: NPD will revise policies in accordance with ¶ 64 of the Consent Decree. NPD will begin “Phase II” training modules for the revised policy.</b>			
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the revised Bias-Free Policing policy and that the topic is incorporated into the in-service training required. (¶ 11)	Within 60 days after approval of SOP (no later than November 18, 2017)	Initial Development	See Fourth Quarterly Report, Section III(B)(5).
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP (no later than November 18, 2017)	Initial Development	See Fourth Quarterly Report, Section III(B)(5).
<b>Phase II: Bias-Free Policing: NPD to provide officers with 8 hours of training on bias-free policing by July 1, 2017. (¶ 63)</b>			
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP	Initial Development	See Fourth Quarterly Report, Section III(B)(5).
NPD will provide all NPD personnel with a minimum of eight hours of training on bias-free policing.	July 1, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(B)(5).
<b>NPD will conduct quarterly demographic analyses of its enforcement activities to ensure bias-free policing. (¶65)</b>			
NPD will conduct quarterly demographic analyses of its enforcement activities to ensure bias-free policing. (¶ 65)	Quarterly	Non-Compliance	See Fourth Quarterly Report, Section III(B)(4).
NPD will update its data systems so that it has the capacity to conduct demographic analyses of its enforcement activities.	October 30, 2017	Initial Development	See Fourth Quarterly Report, Section III(B)(4).

**IV. Stop, Search and Arrest**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Phase I: NPD will provide all officers with 16 hours of training on stops, searches, and arrests by November 1, 2017. (¶ 43)</b> <b>Note: NPD has decided to divide training into two phases. The first phase will cover the topics set forth in ¶ 43 of the consent decree.</b>			
Phase I: NPD to provide 16 hours of training to all NPD personnel on the First and Fourth Amendments, including the topics set forth in ¶ 43 of the Consent Decree.	November 1, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(C)(2).
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of the General Order.	Not Assessed	The General Order was not approved during this quarter.
<b>Phase II: NPD will revise policies in accordance with ¶¶ 25-42, 55-62 of the Consent Decree. NPD will begin “Phase II” training modules for the revised policies, in accord with the steps for “Phase I” training outlined above, upon the Monitor and DOJ’s approval of the revised SOP.</b>			
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree.	September 4, 2017 (Parties agreed to extend deadline to December 31, 2017)	Initial Development	See Fourth Quarterly Report, Section III(C)(1).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)	Within 60 days after approval of SOP.	Not Assessed	The General Order was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP.	Not Assessed	The General Order was not approved during this quarter

**Stop, Search and Arrest Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>By November 1, 2017, NPD will implement use of data collection form, in written or electronic report form, to collect data on all investigatory stops and searches, as approved by the DOJ and Monitor. (§ 52)</b>			
NPD will develop a data collection form to ensure compliance with Consent Decree.	November 1, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(C)(3).
NPD will train officers to use specific and individualized descriptive language in reports or field inquiry forms. (§ 26)	November 1, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(C)(3).
<b>Data Analysis Protocol: NPD will develop a protocol for comprehensive analysis of stop, search and arrest data, subject to the review and approval of the DOJ and Monitor. (§ 53)</b>			
NPD will review its current data capacity and identify the gaps between its current data capacity and the capacity required by the Consent Decree.	December 1, 2016	Non-Compliance	See Fourth Quarterly Report, Section III(C), (J).
NPD will develop categories, and fields for capturing the data required by the Consent Decree.	December 1, 2016	Non-Compliance	See Fourth Quarterly Report, Section III(C), (J).
NPD will create protocol for comprehensive analysis of stop, search and arrest data.	April 3, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(C), (J).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved during this quarter.

**Stop, Search and Arrest Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Data Analysis Protocol: NPD will develop a protocol for comprehensive analysis of stop, search and arrest data, subject to the review and approval of the DOJ and Monitor. (§ 53)</b>			
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved during this quarter.

**V. General Officer Training**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>NPD will provide officers at least 40 hours of in-service training each year. NPD will provide additional training as necessary to address changes in the law, or issues identified through its review of use of force incidents, arrest reports, misconduct complaints, or other means. All training will be consistent with and incorporate current law, professional police standards and best practices. (§§ 9, 14)</b>			
<b>Note: The timelines for training requirements in other Sections of the Consent Decree (e.g., use of force, bias policing), are located in those Sections of this Chart.</b>			
NPD will review and revise its current General Orders to ensure compliance with Consent Decree.	October 1, 2017	Initial Development	See Third Quarterly Report, Section III(D).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	Within 60 days after approval of individual SOPs	Not Assessed	The SOPs were not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of individual SOPs	Not Assessed	The SOPs were not approved during this quarter.
<b>NPD and Monitor Team to review the recruit training being provided by the State and NPD for newly hired members.</b>			
NPD and Monitor will review the current State and NPD curricula and course materials for new recruits to identify areas where State/NPD curricula differs from the Consent Decree.	April 17, 2017	Non-Compliance	See Third Quarterly Report, Section III(D)(1).
<b>NPD will maintain complete and consistent training records for all officers. (§ 12)</b>			
NPD will develop a protocol to gauge retention of training and approve testing mechanisms to ensure compliance with Consent Decree.	February 28, 2017	Non-Compliance	See Third Quarterly Report Section III(D).

**General Officer Training Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will implement any necessary updates to its data storage system to retain training records as set forth in the protocol.	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
The Monitor will review NPD training data to determine if data collection and analysis mechanisms are sufficient and to determine whether NPD's training data demonstrates that officers are retaining lessons and that NPD is otherwise able to demonstrate compliance with all training-related aspects of the Consent Decree. (¶¶ 9, 12)	October 1, 2017	Initial Development	See Fourth Quarterly Report Section III(J)(1).



**VI. Property and Evidence Management**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Implement Chain of Custody and Inventory Policy: The NPD will ensure that in all instances where property or evidence is seized, the responsible officer will immediately complete an incident report documenting a complete and accurate inventory of the property or evidence seized, and will submit the property or evidence seized to the property room before the end of tour of duty. (§§ 105, 110)</b>			
NPD will create a chain of custody and inventory policy or policies to ensure compliance with paragraph 110 of the Consent Decree.	April 1, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(E)(3).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
<b>NPD Internal Review of Disciplinary Files: NPD will periodically review the disciplinary histories of its officers who routinely handle valuable contraband or cash, especially those in specialized units, to identify any patterns or irregularities indicating potential risk of theft by officers. (§ 107)</b>			
NPD will provide a report and supporting documents identifying officers handling contraband or cash to the Monitor.	Ongoing	Operational Compliance	See First Quarterly Report, Section V(C)(6).

**Property and Evidence Management Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Transfer of NPD officers: To the extent permitted by law and NPD's collective bargaining agreements, NPD officers identified as having a sustained complaint of theft, or two not sustained or unfounded complaints of theft occurring within one year, will be moved out of positions where those officers have access to money, property, and evidence. (§ 108)</b>			
NPD shall transfer all officers meeting the criteria set forth in § 108, or provide written explanations as to why an officer cannot be transferred under the law or a collective bargaining agreement.	Date to be determined based on City's review of legal requirements and collective bargaining agreements	Operational Compliance	See First Quarterly Report, Section V(C)(6).
<b>NPD Audits: NPD will conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies. (§ 111)</b>			
NPD will conduct audits of its property room and other storage facilities and correct any deficiencies.	Ongoing	Operational Compliance	See Fourth Quarterly Report, Section III(E)(1).

**VII. Internal Affairs: Complaint Intake and Investigation**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Transparent Complaint Process: NPD will revise its policies to prohibit practices that discourage complainants and witnesses from coming forward, including the requirements set forth in paragraph ¶ 115.</b>			
NPD will review and revise its policies for releasing complaints and misconduct allegations to make such complaints and allegations publicly available and ensure compliance with the Consent Decree.	March 3, 2017 (Parties agreed to extend the deadline to March 31, 2018)	Non-Compliance	See Fourth Quarterly Report, Section III(F)(1).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved in this quarter.
<b>Within 180 days of the Operational Date [January 9, 2017], NPD will create a training curriculum and/ or training bulletins for police personnel, including dispatchers, to properly handle complaint intake, including how to provide complaint materials and information; the consequences for failing to take complaints; and strategies for turning the complaint process into positive police-civilian interaction. (¶ 116)</b>			
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	January 9, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(1).
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	January 9, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(1).

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
Within 365 days of the Operational Date [July 12, 2017], NPD and City, in collaboration with the civilian oversight entity or other community input, will develop and implement a program to publicize to the Newark Community about how to make police misconduct complaints. (¶ 112).	July 12, 2017	Non-Compliance	This program has not been implemented or publicized in this quarter. The City and NPD agreed to remain out of compliance with civilian oversight and discipline provisions pending resolution of Civilian Complaint Review Board litigation.
NPD and City will make forms and other materials outlining the complaint process and OPS contact information available on their websites and appropriate government properties. (¶ 113)	Ongoing	Operational Compliance; Not Assessed	Operational compliance as to NPD's website, which provides OPS contact information, outlines the complaint process, and provides a complaint submission form. The Monitor will further assess this requirement during compliance audits.
NPD will accept all complaints, by all methods and forms detailed in ¶ 114.	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide civilians, including complainants and witnesses to alleged police misconduct, with full access to NPD's complaint process. (§ 115)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD and City, in collaboration with civilian oversight entity, will prepare enabling directives and protocols establishing the program.	April 3, 2017	Non-Compliance	The City and NPD agreed to remain out of compliance with civilian oversight and discipline provisions pending resolution of Civilian Complaint Review Board litigation.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	Within 60 days after approval of protocol	Not Assessed	The protocol was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of protocol	Not Assessed	The protocol was not approved in this quarter.

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Integrity Audits: NPD will conduct regular, targeted and random audits to identify officers or other employees to ensure proper complaint process is being followed. ¶ 117</b>			
NPD will conduct audits to identify officers/ employees who refuse to accept or discourage the filing of misconduct complaints, fail to report misconduct or complaints, or provide false or misleading information about filing a misconduct complaint. NPD will take appropriate disciplinary actions against such officers, as set forth in ¶¶ 117-118.	First audit to take place by October 12, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(F)(2).
<b>Misconduct Reporting and Investigation Process: NPD will require that all officers and employees report allegations of criminal behavior or administrative misconduct by another NPD officer toward a member of the public, that they may observe themselves or receive from another source, to a supervisor or directly to OPS for review and investigation. When a supervisor receives such allegations, the supervisor will promptly document and report this information to OPS. (¶ 119)</b>			
NPD will investigate as a misconduct complaint any information or testimony arising in criminal prosecutions or civil lawsuits that indicate potential officer misconduct not previously investigated by NPD. (¶ 120)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will create an OPS Notification protocol to ensure compliance with the Consent Decree	May 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(2).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved in this quarter.

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will train OPS supervisors to ensure that investigations are thorough and complete, and that investigators' conclusions and recommendations that are not adequately supported by the evidence will not be approved or accepted. (§ 141)	June 5, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(1).
<b>Complaint Classification Protocol: NPD will adopt a complaint classification protocol that is based on the nature of the alleged misconduct, in order to guide OPS in determining where a complaint should be assigned for investigation. (§ 121)</b>			
NPD will implement complaint classification protocol to ensure compliance with Consent Decree.	May 1, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(F)(1).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of protocol.	Not Assessed	The protocol was not approved in this quarter.
Monitor will review all misconduct allegation case assignments to ensure they are properly classified and assigned consistent with NPD classification protocol.	Ongoing after May 1, 2017	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>NPD will maintain a centralized numbering and tracking system for all misconduct complaints. (§ 125)</b>			
NPD will create a protocol to link an "event" number retrieved from the CAD, which enables NPD to provide a complainant with an identifying number in real time and otherwise comply with the Consent Decree.	May 1, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(2).

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will use a case management system to track and maintain appropriate caseloads for OPS investigators and promote the timely completion of investigations by OPS. (§ 146)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>NPD will require and provide appropriate training for OPS investigators upon their assignment to OPS, with refresher training at periodic intervals. At a minimum, NPD will provide 40 hours of initial training and eight hours additional in-service training on an annual basis. (§§ 147, 148)</b>			
NPD will review and revise its current OPS policy to require training of OPS investigators.	July 31, 2017	Non-Compliance	See Third Quarterly Report, Section III(F)(1), (2).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	Within 60 days after approval of SOP.	Not Assessed	The protocol was not approved in this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP.	Not Assessed	The protocol was not approved in this quarter.



**VIII. Internal Affairs: Discipline**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance. NPD will document all disciplinary decisions, including the rationale for any decision to deviate from the level of discipline set out in the disciplinary matrix. (¶ 154)</b>			
NPD will apply discipline for sustained allegations of misconduct based on the nature and severity of the policy violation and defined mitigating and aggravating factors, rather than the officer's identity, rank or assignment; relationship with other individuals; or reputation in the broader community. (¶ 152)	October 10, 2016	Non-Compliance	See Fourth Quarterly Report, Section III(G)(1).
NPD will implement disciplinary guidance for its personnel that addresses the topics addressed in ¶ 153 of the Consent Decree.	October 10, 2016	Non-Compliance	See Fourth Quarterly Report, Section III(G)(1).
NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance. (¶ 154)	March 9, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(G)(1).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (¶ 11)	Within 60 days after approval of disciplinary guidance	Not Assessed	The General Order and Disciplinary Matrix were not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (¶ 11)	Within 60 days after approval of disciplinary guidance	Not Assessed	The General Order and Disciplinary Matrix were not approved during this quarter.
NPD will conduct annual reviews of its disciplinary process and actions. (¶ 155)	July 12, 2017	Non-Compliance	See Third Quarterly Report, Section III(G).

**IX. Community Engagement**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>By July 9, 2017, NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem solving initiatives, and will modify deployment strategies that are incompatible with community policing, such assessment and modified strategy to be provided to the DOJ and Monitor for approval. (§ 15)</b>			
NPD will conduct review of its current staffing allocation and personnel deployment and develop a community policing strategy that involves all officers assigned to policing precincts, including the Community Policing Officers.	October 30, 2016	Initial Development	See Fourth Quarterly Report, Section III(B)(3).
NPD will assign two officers to each precinct to work with residents to identify and address communities' priorities, and who are not assigned to answer calls for service except in exigent circumstances. (§ 16)	January 1, 2017	Operational Compliance (achieved after deadline)	See Fourth Quarterly Report, Section III(H)(2). Compliance with the substantive requirements for these officers will be assessed during compliance audits.
NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem-solving initiatives, and will modify deployment strategies that are incompatible with community policing. NPD's assessment and modified strategy must be approved by the DOJ and Monitor for approval.	July 9, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(B)(3).

**Community Engagement Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
NPD will meet with the civilian oversight entity to discuss data, policies, and reporting being made available to the public, and rationales for not disclosing certain data, policies, and reporting.	Year two [October '17-October '18]	Not Assessed	The City and NPD agreed to remain out of compliance with civilian oversight and discipline provisions pending resolution of Civilian Complaint Review Board litigation.

**X. Data Systems Improvement: Early Warning and Records Management Systems**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Early Warning System: Within one year of the Effective Date [May 5, 2017], NPD will enhance its Early Warning System so as to comply with the requirements set forth in the Consent Decree. (§§ 156-165)</b>			
NPD will enhance its Early Warning System to support the effective supervision and management of NPD officers. (§ 156)	May 5, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(J)(2).
NPD to submit funding request to City, which sets forth the necessary enhancements to its Early Warning System and estimated costs.	November 28, 2016	Non-Compliance	See Fourth Quarterly Report, Section III(J)(2).
City will provide sufficient funding to NPD to enhance its Early Warning System. (§ 156)	Before March 30, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(J)(2).
NPD will develop and implement a data protocol describing information to be recorded and maintained in the Early Warning System. (§ 157)	February 6, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(J)(2).
NPD will revise its use of EWS as an effective supervisory tool. To that end, the EWS will use comparative data and peer group analysis to identify patterns of activity by officers and groups of officers for supervisory review and intervention. (§ 158)	September 11, 2017	Non-Compliance	See Fourth Quarterly Report, Section III(J)(2).
Monitor current EWS process (referred to as the NPD “Performance Monitoring Plan”). (§ 161)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Data Systems Improvement: Early Warning and Records Management Systems Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
Implement automated EWS solution. (§§ 160, 161)	October 23, 2017	Initial Development	See Fourth Quarterly Report, Section III(J)(2).
City will provide sufficient funding and personnel to NPD so NPD can revise its use and analysis of its Record Management System. (§ 162)	Year 2 [October '17-October '18]	Not Assessed	See Fourth Quarterly Report, Section III(J)(3).
NPD will revise its use and analysis of its Record Management System so it can make efficient and effective use of the data in the System. (§ 162)	Year 2 [October '17-October '18]	Not Assessed	See Fourth Quarterly Report, Section III(J)(3).
Implement automated RMS solution	Year 2 [October '17-October '18]	Not Assessed	See Fourth Quarterly Report, Section III(J)(3).
<b>Data Report: On at least an annual basis, NPD will issue reports summarizing and analyzing the data collected on its stops, searches, arrests, and uses of force. The report will also set forth the steps taken by the NPD to correct problems and build on successes indicated by the data. (§ 168)</b>			
NPD will provide draft report to Monitor and Parties.	May 12, 2017	Non-Compliance	Although NPD has summaries of data related to stops, searches, and arrests, and uses of force on its website, NPD has not prepared a report.

**Data Systems Improvement: Early Warning and Records Management Systems Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
Based on feedback from the Monitor and Parties, NPD will finalize a report summarizing and analyzing the stop, search, arrest, and use of force data collected, the analysis of that data, and the steps taken to correct problems and build on successes.	July 1, 2017	Non-Compliance	NPD has not provided a report to the Monitoring Team or Parties.
NPD supervisors to take appropriate action to address violations or deficiencies in stops, detentions, searches, and arrests; maintain records; identify repeat violators. (¶ 48)	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**XI. In-Car and Body-Worn Cameras**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>NPD will develop a policy to designate which cars and officers are exempt from the general in-car and body-worn camera requirements. (§103)</b>			
NPD will review and revise its current policy or policies to ensure compliance with Consent Decree.	November 1, 2017 (Parties agreed to extend the deadline December 31, 2017)	Initial Development	See Fourth Quarterly Report, Section III(K)(2).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required. (§ 11)	Within 60 days after approval of the SOP	Not Assessed	The SOP was not approved during this quarter.
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of the SOP	Not Assessed	The SOP was not approved during this quarter.
<b>In consultation with the DOJ and Monitor, NPD will develop a policy regarding footage and audio recordings from its in-car and body-worn cameras. (§ 104)</b>			
NPD will review and revise its current policy or policies to ensure compliance with Consent Decree.	November 1, 2017 (Parties agreed to extend the deadline December 31, 2017)	Initial Development	See Fourth Quarterly Report, Section III(K)(2).
NPD will create a training curriculum for (1) NPD personnel who are responsible for storing body and car camera footage and audio on, and (2) officers on the revised policy, upon the Monitor and DOJ's approval of the SOP. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.

**In-Car and Body-Worn Cameras Continued**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide drafts of new or revised training plans or training curricula to the Monitor and DOJ for review and approval prior to implementation. (§ 11)	Within 60 days after approval of SOP	Not Assessed	The SOP was not approved during this quarter.
<b>NPD will begin the work required to equip all marked patrol cars with video cameras and require all officers, except those set forth in §§103-104, to wear body cameras and microphones with which to record enforcement activity. (§ 103)</b>			
NPD will conduct pilot program on body worn and develop recommendations for possible device implantation based on the results of the pilot.	November 1, 2017	Initial Development	See Fourth Quarterly Report, Section III(K)(1).



**XII. Consent Decree Implementation and Enforcement**

<b>Achievement</b>	<b>Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
Interdisciplinary Unit: The City and NPD will form an interdisciplinary unit to facilitate the implementation of the Consent Decree. (§ 196)		Initial Development	NPD has formed a Consent Decree Planning Unit, and has received assistance from the City with policy review. NPD would benefit from greater assistance from the City, especially with regard to personnel with Information Technology or project management expertise.
The City implementation unit will file a status report with the Court, delineating the items set forth in the Consent Decree. (§ 197)	September 26, 2016, and every six months thereafter	Operational Compliance	To date, NPD has filed three status reports with the Court.