

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

**CONSENT DECREE**

**Independent Monitor - First Quarterly Report**

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Independent Monitor  
April 24, 2017**



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**I. INDEPENDENT MONITOR'S AUTHORITY UNDER THE CONSENT DECREE**

Paragraph 183 of the Consent Decree entered into between the United States Department of Justice ("DOJ") and the City of Newark ("City") requires that, "[t]he Monitor will file with the [United States District Court for the District of New Jersey] quarterly written, public reports covering the reporting period." The Consent Decree specifies that the reports must 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;
- d. for any requirements that were reviewed or audited and found not to have been fully implemented in practice, the Monitor's recommendations regarding necessary steps to achieve compliance;
- e. the methodology and specific findings for each relevant assessment conducted; and
- f. a projection of the work to be completed during the upcoming reporting period and any anticipated challenges or concerns related to implementation of the Agreement.<sup>1</sup>

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<sup>1</sup> This is the Monitoring Team's first Quarterly Report. The First-Year Monitoring Plan that identifies the tasks to be completed and the expected completion dates was agreed to by the Parties in January 2017. The First-Year Monitoring Plan is effective February 17, 2017 – February 16, 2018. The Monitoring Team has not yet begun its audit and assessment work, and will commence that work 90 days after the effective date of the Monitoring Plan. Hence, it is premature to issue comprehensive findings regarding the NPD's compliance with the Consent Decree's requirements. Such findings will be included in subsequent quarterly reports.

The Monitoring Team will assess the City of Newark's progress in implementing, and achieving compliance with, the Consent Decree; report on the status of implementation to the Parties, the Court, and the public; work with the Parties to address any barriers to compliance; and assist the Parties to informally resolve any disputes or differences. (*See* Consent Decree ¶ 183.)

## **II. INTRODUCTION**

As discussed in detail below, former New Jersey Attorney General Peter C. Harvey, Esq. was selected by the Parties and appointed by the Court as the Independent Monitor to evaluate the City and NPD's implementation of the Consent Decree. Mr. Harvey has a team of Subject Matter Experts ("SMEs") to assist him in this work. Therefore, this report refers to the Monitoring Team when addressing the work that the Consent Decree requires of the Independent Monitor.

This is the Monitoring Team's first quarterly report, which covers the time period from July 12, 2016 through January 31, 2017. In it, the Monitoring Team (a) sets forth the background and history of the Consent Decree, (b) summarizes the Monitoring Team's activities during the reporting period, (c) provides a detailed status update of the City and Newark Department of Public Safety's Police Division, formerly known as the Newark Police Department, ("NPD")'s progress towards implementing the Consent Decree's requirements for each subject area, and (d) previews the activities that the Monitoring Team and Parties will undertake during the next quarter.

The Monitoring Team will host a community forum to discuss the report by June 2017. This event is open to the public and refreshments will be provided.



### **III. HISTORY AND BACKGROUND**

#### **A. City of Newark, DOJ Report and Consent Decree**

Founded 351 years ago, Newark is a mighty city. A major transportation hub in the United States, Newark has the thirteenth busiest airport in the nation and third largest seaport in the country. It also is home to major Fortune 500 businesses, hundreds of manufacturers, a large network of leading hospitals, and world-class research universities and cultural institutions. As a testament to Newark's economy, the majority of the people employed in the city earn more than \$40,000 each year.

At the same time, however, this prosperity has not been shared by the majority of Newark residents, as the poverty level for Black residents of Newark is a striking 33 percent, more than double the national average for all races.<sup>2</sup> This is part of a broader picture: Newark residents hold only 18 percent of all jobs in the city. In addition, NPD has an unfortunate history of police abuse and discrimination against people of color. July 12, 2017 will mark the fiftieth anniversary of Newark's civil unrest, known locally as the "Newark Rebellion," which was sparked by a police beating of John Weerd Smith, a Black cabdriver. In the summer of 1967, tensions between NPD and Newark's Black population erupted in civil unrest that led to twenty-six deaths and over 700 people injured.

Continued tensions between Newark residents and the NPD in more recent years led the American Civil Liberties Union of New Jersey ("ACLU") to petition the DOJ to commence an investigation into NPD. The ACLU's Petition, which was filed on September 8, 2010, alleged that NPD has a history of engaging in conduct that violates its citizens' constitutional rights.

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<sup>2</sup> The United States Census Bureau publishes federal poverty thresholds—income levels for different sized households below which a household is defined as living in poverty. For instance, in a household with four people, the poverty threshold is \$18,850.

On May 9, 2011, the DOJ opened a civil investigation into the operations of NPD, involving allegations that included use of excessive force and discriminatory policing. On July 22, 2014, the DOJ issued a report of its findings.<sup>3</sup> (See **Appendix A.**) The DOJ concluded that NPD officers had 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 rights under the First Amendment. Following release of the report, the DOJ Civil Rights Division, the U.S. Attorney's Office for the District of New Jersey, and the City worked together to identify the reforms necessary to address the DOJ's findings. The negotiations culminated in an agreement to enter into a consent decree to reform police policies and practices.

On March 30, 2016, the DOJ, U.S. Attorney's Office and City signed and filed with the United States District Court a Consent Decree, and jointly proposed Peter C. Harvey to lead the team of attorneys and experts that will monitor Newark's compliance with the Consent Decree. Mr. Harvey was appointed as the Monitor for a period of five years, the length of the Consent Decree.

On May 5, 2016, the Parties submitted to the Court, and the Court entered, a revised Consent Decree. As the Independent Monitor, Mr. Harvey is tasked with supervising the implementation of the Consent Decree and ensuring NPD's compliance with its requirements.

## **B. Consent Decree Goals**

The Consent Decree requires the City and NPD to improve the quality of policing through training, increased community engagement and oversight, and the development of new

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<sup>3</sup> United States Department of Justice, Civil Rights Division & United States Attorney's Office, District of New Jersey, *Investigation of the Newark Police Department* at 35 (July 22, 2014). Available at [https://www.newarkpdmonitor.com/wp-content/uploads/2016/06/DOJ\\_Report.pdf](https://www.newarkpdmonitor.com/wp-content/uploads/2016/06/DOJ_Report.pdf).

policies and procedures concerning officers' theft; stop, search and arrest; use of force; investigation of misconduct; officer discipline; data systems improvements; and use of in-car and body-worn cameras. The overarching goals of the Consent Decree are as follows:

- NPD will create, review, and revise its policies and procedures to “reflect and express its core values and priorities, and provide clear direction that officers and civilian employees will enforce the law effectively and constitutionally.” (*See* Consent Decree § III.)
- NPD will also constructively engage with the Newark community to promote and strengthen partnerships and to achieve collaborative, ethical, and bias-free policing. As part of this effort, the City will establish a Civilian Oversight Entity to make NPD more accountable and transparent, and increase the public's confidence in NPD. (*See* Consent Decree § V.)
- NPD will integrate concepts of community and problem-oriented policing into its management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems to increase cooperation and trust between it and the community. (*See* Consent Decree § V.)

### **C. The Monitoring Team**

As Independent Monitor, Mr. Harvey heads the Monitoring Team, backed by the full support and resources of his law firm, Patterson Belknap Webb & Tyler LLP, one of New York City's premier law firms.<sup>4</sup> At Patterson Belknap, Mr. Harvey is assisted by a carefully selected team of highly qualified staff. The Patterson Belknap team of attorneys and paralegals speak a variety of languages, are proficient in numerous database tools, and have expertise in statistical analysis.

Mr. Harvey served as Attorney General and First Assistant Attorney General for the State of New Jersey during most of the time period when the New Jersey State Police (“NJSP”) was subject to a five-year federal consent decree executed between the State of New

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<sup>4</sup> Patterson Belknap Webb & Tyler LLP is a New York City based law firm with over 200 lawyers. The firm has been on The American Lawyer's 2016 “A-List” of the 20 leading law firms in the United States eleven times. The “A-List,” is based on four criteria: pro bono performance, associate satisfaction, diversity of lawyers and financial performance.



Jersey and the DOJ. Mr. Harvey played a central role in implementing the reforms set forth in the New Jersey State Police Consent Decree, thereby assuring that the NJSP achieved full compliance with all components of the Consent Decree, including the elimination of the NJSP's practice of selective enforcement, commonly referred to as "Racial Profiling." Like the Newark Monitorship, the NJSP work called for the implementation and oversight of organic change in a comprehensive law enforcement organization.<sup>5</sup>

Also supporting Mr. Harvey is the Monitoring Team of independent SMEs, consisting of community advocates, former law enforcement professionals and leading academics with expertise in community engagement, civilian review, data analysis and information management, statistical analysis, policy review, training, compliance, and internal affairs. Members of the Monitoring Team have prior experience with Consent Decrees involving structural changes to law enforcement agencies, have a deep understanding of Newark and New Jersey, and are committed to serving as agents of change for NPD. Given the team's diverse backgrounds and deep, longstanding connections to Newark, the Monitoring Team is uniquely well-suited to address the challenge of helping NPD reform the Police Division under the Consent Decree.

The Monitoring Team has unparalleled experience and commitment to civil rights, constitutional policing, NPD and the Newark community. The members of the team are:<sup>6</sup>

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<sup>5</sup> NJSP has a budget in excess of \$300 million and a force of nearly 3,000 troopers. Its components include DNA laboratories, highway patrol, aviation units, marine units, detective bureaus, state-wide emergency management coordination, and state-wide investigations. *See* The State of New Jersey, Fiscal Year 2017 Detailed Budget at D-241 to D-273, *available at* <http://www.nj.gov/treasury/omb/publications/17budget/pdf/FY17BudgetBook.pdf>

<sup>6</sup> For more information on the Monitoring Team members, please visit the Independent Monitor's Website: <https://www.newarkpdmonitor.com/monitor-team/>.

- Rutgers Police Institute/Dr. Wayne Fisher; Tom O'Reilly; Linda Tartaglia; Dr. Mary Eckert; Dr. Rosalyn Bocker Parks; Tom Bell, Retired Captain NJ Police
- Rutgers University School of Criminal Justice/Dr. Rod Brunson; Dr. Todd Clear<sup>7</sup>
- Rutgers University, Eagleton Institute of Politics/Dr. Ashley Koning
- Strategic Policy Partnership/Robert Wasserman; Robert Haas, Retired Chief Cambridge PD; Robert Stewart, Former Chief of Police Ormond Beach, Florida PD; Zachary Ginsburg
- N.J. Institute of Social Justice/Ryan Haygood, Esq., Andrea McChristian, Esq.
- The IJIS Institute, Director Steve Ambrosini, Maria Cardiellos
- Kevin Bethel, Retired Deputy Commissioner Philadelphia PD
- Julio A. Thompson, Esq.
- Dr. Gerard LaSalle
- Dr. Delores Jones-Brown
- Maggie Goodrich, President LE Innovation, Inc.
- Natasha Tidwell, Esq., Collora LLP

#### **D. The Monitoring Process**

The Monitoring Team will not, and is not intended to, replace or assume the role and duties of the City or NPD, including the Police Director or Chief of Police. Rather, the Monitoring Team is tasked with providing the City and NPD with technical assistance and assessing the City and NPD's progress in implementing and achieving compliance with the Consent Decree. To that end, the Monitoring Team will:

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<sup>7</sup> Dr. Todd Clear assumed an advisory role to the Monitoring Team starting March 1, 2017. His contributions to the Monitoring Team with respect to the surveys of NPD personnel and the many communities that comprise the City have been invaluable.

- report to the Parties, the Court, and the public regarding NPD's progress in implementing Consent Decree tasks;
- work with the Parties to address any barriers to compliance;
- assist the Parties to informally resolve any disputes or differences
- present issues to the Court; and
- assist the City in identifying best practices to support and implement recommendations.

The Monitoring Team also will assess whether implementation of the Consent Decree is resulting in policing that is consistent with the Constitution, that engenders effective cooperation and trust between NPD and the communities it serves, and provides effective public safety services to the residents of Newark. To provide the Parties and Court with this assessment, the Monitoring Team will conduct compliance reviews, audits and outcome assessments as specified in the Consent Decree. (*See* Consent Decree ¶¶ 173-75.)

#### **E. Role of NPD and City**

The Consent Decree prescribes the process by which the Parties will work together to achieve the goals set forth in the Consent Decree. To ensure systemic change, NPD will implement the Public Safety Director's vision for the Police Division by creating and revising policies, updating training manuals and instruction, and purchasing new technology to develop a successful Early Warning System and to identify concerns about police practices generally, or the conduct of specific police officers. The City is an integral part of ensuring NPD's success by providing the funding, support and resources to NPD necessary to bring about systemic change.

On October 26, 2016, the City filed an Initial Status Report detailing the measures that NPD had taken to implement the Consent Decree since it was approved by the Court. The Report highlights the positive progress that NPD, under the leadership of Director Anthony

Ambrose, has made towards achieving compliance with the Consent Decree. In particular, on July 15, 2016, NPD established a Consent Decree and Planning Unit (“CDPU”) and Consent Decree Advisory Committee (“CDAC”), which is dedicated to implementing the Consent Decree. Among other tasks, the CDPU is responsible for liaising with the Monitoring Team, developing and implementing policies and procedures, and monitoring compliance of Consent Decree-related projects. The CDAC is responsible for, among other items, discussing mandates/reforms with members of the CDPU relative to their area of expertise, reviewing information to and feedback from commanders, and analyzing NPD’s progress towards compliance. The CDAC consists of a number of SMEs in NPD who have specialized knowledge regarding certain Consent Decree requirements.

The Monitoring Team commends NPD for their early initiative to allocate resources and personnel to implementing the Consent Decree’s requirements.

#### **IV. SUMMARY OF PRIOR QUARTER ACTIVITIES**

Beginning in April 2016, Mr. Harvey began assembling his team of SMEs and building capacity to handle the responsibilities required by the Consent Decree. Since the Monitoring Team was assembled, the Monitoring Team has worked extensively with the Parties to lay the foundation for NPD to achieve “full and effective compliance” with the Consent Decree and maintain such compliance for at least two consecutive years. (Consent Decree ¶ 216.) As noted above, NPD has assembled the CDPU and CDAC and assigned its own SMEs to develop NPD’s capacity to implement the Consent Decree requirements. The Monitoring Team has met with the Parties frequently and with community members to gain a solid understanding of NPD’s current policies, operations, training, facilities, and interactions with community members. These discussions, along with the provisions of the Consent Decree, inform the Monitoring Team’s First-Year Monitoring Plan that details all of our goals for the

first year. The Monitoring Team also has collaborated with the Parties to begin working toward these goals, including providing technical assistance with respect to (i) the review and revision of some of NPD's key policies, (ii) developing initial trainings for its personnel, (iii) assessing NPD's data systems and reporting, developing a pilot program for body-worn cameras, and (iv) assessing the needs for a new property and evidence room. The Monitoring Team has set forth below a summary of the Monitoring Team's work since July 2016, and a more detailed status update in Section V.

**A. The Monitoring Team's Communication with the Newark Community**

The Consent Decree requires that "police services delivered to the people of Newark fully comply with the Constitution and laws of the United States, promote public and officer safety, and increase public confidence in [NPD] and its officers." (Consent Decree ¶ 2.) Newark community members will play a vital role in helping NPD achieve this goal. Their experiences, concerns, and ideas will help shape how the Consent Decree is implemented. To this end, the Monitoring Team communicates with City residents and receives public input on the Consent Decree's implementation in three primary ways. First, the Monitoring Team has established several different avenues for the community to share their experiences, perceptions and feedback with NPD. Second, the Monitoring Team is holding meetings with community members to discuss changes NPD is making and the implementation of the Consent Decree. Third, the Monitoring Team will issue quarterly reports that will provide a comprehensive overview of NPD's work completed during this reporting period. In addition, as discussed further below, the Monitor conducts a community survey to learn about community members' "experience with and perceptions of NPD and public safety." (Consent Decree ¶ 13.)

## **1. Website and Voice Messaging System**

On August 1, 2016, the Monitoring Team launched its Website, located at <http://newarkpdmmonitor.com>. The Website includes announcements, links to resources and reports related to the Consent Decree, information about the Monitoring Team, and a feedback form for community members to share positive and negative experiences concerning NPD and provide suggestions or voice concerns about the implementation of the Consent Decree.

On August 18, 2016, the Monitoring Team launched a voice-messaging system as an additional avenue for Newark community members to both receive information and provide feedback to the Monitoring Team. The toll-free voice messaging number is 1-844-967-3668. The Monitoring Team also established a twitter account (@NPDMonitor) in October 2016 to reach Newark residents and communicate about the work being done on the Consent Decree. The Monitoring Team will continue to use traditional and Internet-based media to communicate with the Newark community.

## **2. Participation at Community Fora**

In addition to launching the communication platforms mentioned above, the Monitoring Team has scheduled and participated in several community fora in Newark. The first forum was organized for the community to meet the Monitoring Team and to learn about the Consent Decree. This event was held on August 10, 2016 at Rutgers University, 123 Washington Street, Room 070, Newark, NJ and was attended by dozens of residents and community groups. Following a presentation by Director Ambrose, then-United States Attorney Paul Fishman and Peter C. Harvey, the floor was opened to questions. The event lasted for several hours. The second “Meet the Monitor” event was held on Monday, November 28, 2016 from 6:30 pm – 8:30 pm at St. John’s Community Baptist Church, 1066 Bergen St., Newark, NJ. Following introductory remarks by Ryan Haygood, President and CEO of the New Jersey



Institute of Social Justice (“NJISJ”), and U.S. Attorney Paul Fishman, Mr. Harvey made a presentation, responded to questions and invited audience participation on the Consent Decree process. On September 12, 2016, the Independent Monitor also participated in a panel discussion at the New Jersey Performing Arts Center titled, *Moving New Jersey’s Communities Forward: A Critical Conversation about Race and Policing*. This event attracted more than 600 community members.

NJISJ, led by the Monitoring Team’s Community Engagement SME, Ryan Haygood, assisted by NJISJ associate counsel Andrea McChristian, was instrumental in coordinating these events. The Monitoring Team will continue to engage with the Newark community (through the NJISJ), and provide an opportunity for residents to communicate with the Monitoring Team and receive updates about NPD’s progress on implementing the Consent Decree requirements.

#### **B. Training on Consent Decree Implementation**

To ensure that NPD personnel understand the requirements, goals, and expectations of the Consent Decree, NPD is required to provide training regarding the Consent Decree’s requirements by October 10, 2016. (Consent Decree ¶ 10.) To this end, NPD conducted a division-wide training on the requirements of the Consent Decree from September 14 through November 4, 2016. The trainings were held at Rutgers University to ensure a more academic training environment. NPD officers were trained in small groups of approximately twenty-five to thirty officers to maximize the learning environment. The two-hour training sessions covered the following topics: (1) the definition of a consent decree and its meaning; (2) why and how the Consent Decree came into existence; (3) explanation of the major issues identified in the DOJ’s Findings Report concerning NPD, including, oversight by the United States District Court for the District of New Jersey (Honorable Madeline Cox Arleo) and the

Monitoring Team; (4) an overview of the requirements of the Consent Decree, including changes in policy and practice; (5) the timeline for implementing the Consent Decree; and (6) an opportunity for members of NPD to ask questions or seek further clarification.

For each session, two or three instructors from NPD and/or the City of Newark Corporation Counsel's Office taught the class, which was accompanied by a PowerPoint presentation, a training bulletin, a videotaped introduction by Director Ambrose, and a videotape re-play of a NJTV news report about the Independent Monitor and the monitoring process. During the presentation, time also was provided to administer two surveys—one from the Monitoring Team (discussed in more detail in Section V.H), and one internal NPD survey about the training course itself. The training also included a question and answer session for the officers.

The Monitoring Team provided technical assistance with creating the training materials and lesson plans and observed the vast majority of the training sessions. The Team also provided direct feedback to the instructors after each class to improve the quality of the training sessions. The Team obtained comments from the Consent Decree instructors after each class to evaluate whether recommendations should be made to NPD concerning the manner of instruction. On December 28, 2016, the Monitoring Team conducted a review of 22 randomly selected Consent Decree Training course evaluation forms, which revealed that the training was generally successful in educating NPD personnel about the requirements of the Consent Decree. The training is ongoing for recent graduates of the police academy and personnel who missed the sessions that concluded in November. All new police recruits now receive this orientation training as soon as they arrive at NPD from their state Police Training Academy.

**C. First-Year Monitoring Plan**

The Consent Decree requires the Monitoring Team to develop a monitoring plan that sets forth (1) how the Parties, Independent Monitor and Newark community members will work together to achieve the Consent Decree's goals; and (2) how the Monitoring Team will assess whether the City and NPD are complying with the Consent Decree. (Consent Decree ¶ 176.)

During the time period covered by this report, the Monitoring Team worked collaboratively with the DOJ, the City, and NPD and sought community input to develop a detailed Monitoring Plan setting out the work the Parties would undertake during the first year of the Consent Decree. Beginning in October 2016, the Monitoring Team met with the Parties multiple times to discuss the Plan. Drafts of the Plan were circulated to the Parties, and the Plan was posted on the Monitoring Team, City, and NPD's Websites for public comment from January 18 through February 10, 2017.

On February 17, 2017, the Independent Monitor filed the First-Year Monitoring Plan with the Court. The Plan consists four documents:

- 1) Memorandum that outlines the Monitoring Team's priorities for the first year;
- 2) Chart that sets forth deadlines for achievements that the Parties and Monitoring Team will accomplish during the first year;
- 3) Critical Path that details the methodology for how the Monitoring Team, Parties and Newark community members will collaborate to accomplish the achievements set forth in the Chart; and
- 4) Compliance Methodology that categorizes the steps the City and NPD must take to accomplish the Consent Decree's requirements into compliance levels, which the Monitoring Team will use to assess compliance with the Consent Decree.

As set forth in the Memorandum, in consultation with the Parties, the Monitoring Team prioritized the following accomplishments for the first year of the Consent Decree, among

others: (i) reviewing and revising existing policies addressed by the Consent Decree, (ii) drafting new policies for new responsibilities required by the Consent Decree, (iii) providing NPD personnel with training on the Consent Decree's requirements and certain policies, (iv) conducting an audit of NPD's theft and property room, (v) a detailed review of existing reporting systems, internal and external forms, and data collected, (vi) a gap analysis for the development of an Early Warning System, and (vii) developing an in-car and body-worn camera pilot program for NPD.

In subsequent quarters, the Monitoring Team will develop the Second-Year Monitoring Plan, which will build on the work done during the first year of the Monitorship and focus on providing additional training for NPD personnel and implementing revised policies into NPD's practices.

#### **D. Parties' Amendments to Consent Decree Deadlines**

Over the past six months, the Parties and the Monitoring Team have discussed NPD's capacity to meet the ambitious deadlines set forth in the Consent Decree. In some instances, the Parties have recognized that certain deadlines that seemed realistic when the Consent Decree was negotiated and agreed to, in fact, could not realistically be met given NPD's current capacity and the change in NPD leadership following negotiation of the Consent Decree. Therefore, pursuant to Paragraphs 181,<sup>8</sup> and following joint discussions and court conferences, the District Court granted two amendments to the Consent Decree, extending certain deadlines accordingly (the Court Orders amending the Consent Decree are included as **Appendices B and C.**)

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<sup>8</sup> Paragraph 181 of the Consent Decree provides that "[t]he Monitor may make recommendations to the Parties regarding any relevant issues, including measures the Monitor believes are necessary. . . . Such recommendations may include proposals to change, modify, or amend a provision of the Agreement, subject to Court approval."

These amendments were necessary, in part, because of certain historical realities. Prior to this Consent Decree, NPD did not have a formal community policing policy or program. Additionally, the Independent Monitor has been working with the NPD to develop additional resources for the Division. The Monitoring Team is assisting NPD in identifying high-quality programs (policies and training) to use as examples in developing a modern community engagement program to be implemented Division-wide. Therefore, the first amendment to the Consent Decree affords NPD more time to design and implement a comprehensive, modern and forward-thinking community policing program.

The type of community-based policing envisioned by the Consent Decree requires a cultural sea-change within NPD. The Parties recognize that lasting and foundational change cannot be achieved within the time frame established by the Consent Decree. This amendment will allow NPD to expand its institutional knowledge of modern community policing practices, engage with the community in a meaningful way, and build the sustainable culture and infrastructure needed to create this program. This program will then form the basis of the required sixteen hours of community policing training required by the Consent Decree (Consent Decree ¶¶ 14, 63.)

The second amendment to the Consent Decree extends some of the core training deadlines based upon NPD's lack of existing training resources when it entered into the Consent Decree. In particular, when the Consent Decree was agreed to by the Parties and entered by the Court, NPD did not have experience in developing training curricula, and still does not have its own recruit training academy, nor did it have a training director on staff. Several months after the Consent Decree was filed with the Court, on October 17, 2016, NPD identified and hired a qualified training director, Michael Bramhall, as a Special Assistant to the Public Safety

Director. Mr. Bramhall will meaningfully develop NPD's institutional training capacity under the ambitious timelines laid out in the Consent Decree. The Monitoring Team is optimistic that Mr. Bramhall will spend the majority of his time on developing and implementing trainings for NPD required by the Consent Decree.

Additionally, the Parties recognized that the Consent Decree established a very tight time frame for NPD to prepare a detailed curriculum and train its nearly 1,000 sworn officers following the preparation of revised or new policies. Therefore, the second Consent Decree amendment grants NPD additional time to provide training on community policing, bias-free policing, and stops, searches and arrests. It also expands the window of time for the implementation of training after a new policy or procedure is approved by both the Monitoring Team and the DOJ. The extension of time also grants NPD additional time to revise and assess its staffing allocation to support effective community-oriented policing and to develop a reporting system for collecting data on all investigatory stops and searches.

## **V. DETAILED STATUS UPDATE**

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

Under the Consent Decree, NPD must develop and implement policies and training and review its investigatory mechanisms to ensure that the use of force by NPD officers complies with the United States Constitution, New Jersey's Constitution, as well as relevant state and federal laws. The requirements relating to use of force touch upon many of the most pressing issues NPD is facing. The Monitoring Team, led by Dr. Wayne Fisher is assisting with these efforts.

#### **1. Use of Force Policies**

NPD's existing use of force policy had its roots in the 1960s. NPD's first step towards compliance with the Consent Decree's use of force provisions is to develop a revised set



of policies that cover all force techniques, technologies, and weapons that are now available to NPD officers. (Consent Decree ¶ 66.) After numerous deliberations and consultations with the Monitoring Team and the Parties, NPD decided to draft three policies to address use of force: (1) a Firearms General Order, (2) an All Force Investigation Team (“AFIT”) General Order, and (3) a Use of Force General Order that outlines the Division’s goals and defines the circumstances under which force may be used and the appropriate level of force.

NPD’s initial approach to a modern use of force policy was to revise its existing Use of Force General Order. During the course of amending the existing policy, and upon consultation with both the Monitoring Team and DOJ, NPD recognized that the more prudent course of action would be to begin from the “ground-up” and write a completely new policy. NPD has made significant progress on the draft policy, and it has undergone multiple rounds of revisions and review by NPD, the Monitoring Team, DOJ and lawyers for the City. A draft of this policy will be shared with Newark community members for review and comment in the Spring of 2017.

NPD also is currently drafting General Orders addressing Firearms and the Serious Force Investigative Team (“SFIT” or AFIT). NPD will likely need to revise other policies, such as NPD General Supervisory Responsibilities General Order, to ensure consistency throughout its policies. The Monitoring Team will continue to be closely involved in the development and implementation of these policies.

## **2. Use of Force Reporting**

NPD is required under the Consent Decree to adopt a use of force reporting system and a supervisor use of force report—separate from its arrest and incident reports—which include individual officers’ accounts of the use of force. (Consent Decree ¶ 75.) NPD also will develop a system to address the issues arising from complaints made in connection with an

officer's use of force. Specifically, training staff will review and develop new training programs based on use of force and citizen-interaction complaints. NPD General Orders will be reviewed to ensure that the report forms are clearly required in all incidents where an NPD officer uses force against another person. NPD also is required to maintain a Use of Force Review Board (Consent Decree ¶¶ 95-102) to conduct timely, comprehensive and reliable reviews of all Intermediate and Serious Force incidents.

NPD recently purchased *IA Pro Blue Team* software, which will serve as the platform for use of force reporting. Significant progress remains to ensure that the software will capture the supervisory review process in a manner consistent with that contemplated by the Consent Decree.

NPD will need to develop a Reporting Form for witness-officer reports and documentation protocols for the supervisory review process. The Monitoring Team has assessed NPD's existing incident report forms and made suggestions for modifications to bring the forms into compliance with the Consent Decree. Once the Reporting Forms are revised, the Monitoring Team will assess them to ensure that they capture the information necessary to facilitate the appropriate review of use of force incidents.

In the next reporting period, NPD will categorize appropriate levels of force to report, investigate, and review within the Supervisory forms. The Monitoring Team will consult with NPD throughout this process to ensure that NPD takes into account New Jersey state law, best practices, and the use of force incident consequences and characteristics identified in the Consent Decree.

### **3. Reporting and Investigation of Serious Force Incidents**

NPD must create and implement a multi-disciplinary SFIT under the Consent Decree to conduct criminal and administrative investigations of serious force incidents and

determine whether these incidents raise policy, training, tactical or equipment concerns. NPD also must implement General Orders establishing supervisors' responsibilities to investigate lower and intermediate use of force incidents. (Consent Decree ¶¶ 78, 90.)

It is worth noting that, pursuant to the New Jersey Attorney General's 2015 Supplement to Attorney General Directive 2006-5, the Essex County Prosecutor's Office ("ECPO") is required to investigate all serious force incidents for potential criminal conduct. NPD and the Monitoring Team have met with ECPO leadership to discuss how to coordinate responsibilities for those investigations in which both SFIT and the ECPO will have a role, consistent with New Jersey law. It is currently contemplated that the ECPO will investigate serious incidents of force, while those incidents not resulting in criminal charges will be referred to SFIT. NPD also has proposed going above and beyond what the Consent Decree requires by having SFIT conduct administrative reviews of *all* use of force incidents. In light of this change in the scope of SFIT's role, the unit has been renamed the All Force Investigation Team ("AFIT").<sup>9</sup>

The Consent Decree deadline for the SFIT General Order was February 1, 2017. However, recognizing that SFIT should be guided by the revised Use of Force General Order—which is still in draft form—the Monitoring Team concurred with the Parties' decision to delay drafting the SFIT policy (which will now be the AFIT policy) until the Use of Force General Order is finalized. Moving forward, NPD will continue to work closely with the Monitoring Team and Parties to create and implement the AFIT policy and establish the supervisory responsibilities required by the Consent Decree.

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<sup>9</sup> Although this unit has been renamed, AFIT is still under development and has not been formally assessed or approved by the Monitor or DOJ.

Once AFIT/SFIT is operational, the Monitoring Team will assess training curricula and programs for investigators assigned to AFIT/SFIT. The Monitoring Team also will review a sample of use of force investigations to ensure that the investigations are conducted in a manner consistent with the Consent Decree's requirements and best practices.

Discussions are currently underway between the Parties and the Monitoring Team regarding the appropriate placement for AFIT in NPD's organizational structure.

## **B. Stop, Search, and Arrest**

Section VI of the Consent Decree requires NPD to conduct all investigatory stops, searches, and arrests of Newark citizens consistent with the United States Constitution as well as applicable state and federal law (*See* Consent Decree § VI.) To achieve this goal, the Consent Decree lays out specific requirements for (1) practices NPD officers must adhere to when performing stops, searches, and arrests; (2) training NPD officers must receive regarding stops, searches, and arrests; (3) data collection and review of effectuated stops, searches, and arrests; and (4) respect for the right of members of the public (bystanders) to witness, observe, record, comment on, or complain about officer conduct. NPD's focus during the reporting period has been determining the methodology and timeline for the review and revision of its stop, search and arrest policies, and providing officer training. The Monitoring Team, under the leadership of Former Deputy Commissioner Kevin Bethel, is working with the Parties to support these efforts.

### **1. Extension of Deadlines**

As originally drafted, the Consent Decree called for NPD to conduct stop, search, and arrest training for its officers and to create a stop and search data collection form by January 8, 2017. (Consent Decree ¶¶ 43, 52.) Under the Order to Amend Consent Decree entered on December 22, 2016, the deadline for revising the data collection form is now September 9, 2017, and the deadline for training is now November 1, 2017. As discussed in Section V.D below, the

extended deadlines should ensure that NPD complies with Consent Decree requirements as it rewrites its policies and training curriculum. The extended deadline will allow NPD to accomplish these requirements in a manner that complies with the Consent Decree.

## **2. Policies**

As part of the First-Year Monitoring Plan, NPD has committed to revising its policies regarding stop, search, and arrest by September 4, 2017. (*See* Monitoring Plan, App'x A at 8.) This new deadline will enable NPD to incorporate best practices into its stop, search, and arrest policies before NPD officers receive training regarding stop, search, and arrest by November 1, 2017.

During the reporting period, NPD began making revisions to its policies and circulated preliminary drafts to the Monitoring Team. In providing technical assistance to NPD, the Monitoring Team delivered to NPD model stop, search, and arrest policies from other jurisdictions to use as a guide when creating its own policy. The Monitoring Team also provided commentary to NPD regarding components of its new policies. In keeping with the agreed-upon Critical Path for revising policies (*see* Monitoring Plan, Critical Path), the Monitoring Team and Parties scheduled a meeting to discuss the draft policies and provide NPD with any necessary additional guidance before the formal review and revision process began. The Monitoring Team is encouraged that NPD has started revising its policies far in advance of the September deadline.

## **3. Data Collection Form**

Paragraph 52 of the Consent Decree requires NPD to develop a report format to collect data on all investigatory stops and searches. In October 2016, NPD notified the Monitoring Team that NPD adjusted its Field Inquiry Report form to capture the data required by the Consent Decree. As a result of the extended deadline, NPD has not yet circulated a final version of the Field Inquiry Report to the Monitoring Team, DOJ, or City for review. The

Monitoring Team anticipates that NPD will submit a Field Inquiry Report to the Monitoring Team, DOJ, and City for review during the Summer of 2017, to receive their input before the September 9, 2017 deadline.

### **C. Internal Affairs: Theft**

In view of the DOJ's findings of property and evidence theft by NPD officers, Section X of the Consent Decree requires NPD to take steps to prevent officer theft of evidence and property seized from arrestees. These steps relate to (1) inventory procedures, (2) officer surveillance, (3) disciplinary reviews, (4) personnel decisions, and (5) the policies and procedures that govern property storage and security. Due to the physical limitations of NPD's current property storage facilities, these changes represent a significant challenge to compliance with the Consent Decree.

As detailed below, the Independent Monitor believes that a new property and storage facility is desperately needed. In fact, it will be difficult for NPD to comply with the Theft provisions of the Consent Decree (§ X) without a new property facility that has modern inventory control and security technology. To its credit, however, NPD has been proactive in conducting inspections, making efforts to streamline its inventory technologies, obtaining and installing new video surveillance cameras, improving on-site security, and investigating officer disciplinary histories. At the outset of the reporting period, NPD assigned a new Evidence and Property Control Officer to supervise the property room who has diligently pursued these initiatives. The Monitoring Team, led by Retired Captain Tom Bell, has worked with NPD to support these efforts.

#### **1. Property Room Audits**

Improvements to the evidence process and property room are critical to resolving incidences of officer theft and building public trust that property seized by NPD will be properly



handled and, where necessary, returned to the owner without damage. To that end, the Consent Decree requires NPD to conduct periodic audits and inspections of the property room and to immediately correct any deficiencies. (Consent Decree ¶ 111.) In accordance with the First-Year Monitoring Plan, NPD has completed an initial audit and inspection of all cash and jewelry, and an audit of bulk narcotics inventory is ongoing. While the Monitoring Team has not yet received the complete results of this audit, the Monitoring Team has reviewed NPD's methodology and provided procedural recommendations. The Monitoring Team also has conducted an extensive review of the property and evidence room and has made its own observations, which we summarize here.

## **2. Antiquated and Substandard Property/Evidence Facility**

Compliance with Section X of the Consent Decree will be difficult for NPD to achieve. As noted above, NPD's existing property and evidence storage facility is outdated and lacks basic security features. A considerable portion of the building in which the property section is housed has been *condemned* due to asbestos, and is otherwise unusable. The areas that are utilized for storage in large part do not have electricity, lights or air conditioning, and in some places have broken windows and leaking roofs. These areas are either unlocked or do not have secure electronic locking systems, and the property room does not have a separate and secure area for processing new evidence. In the past, the ground floor of the facility has been subject to unlawful intrusions. Evidence relating to homicide investigations is stored in large, open areas in unsecured cardboard boxes stacked upon one another, without climate control for bio-hazardous materials. Narcotics and firearms are stored in locked areas, but should be kept in a more secure manner. The storage facility also is overcrowded, partly the result of NPD devoting storage space to evidence belonging to other law-enforcement agencies such as the ECPO and Bureau of Narcotics. The buildup of unnecessary clutter also is partly due to the lack

of a systematic or periodic evidence-destruction practice. In addition to the aforementioned issues, the property room is in need of new perimeter fencing, new video cameras, retrofitted doors that automatically close, and new policies for evidence intake and maximizing shelving space. NPD has begun to address these deficiencies. However, the Monitoring Team estimates that under current conditions and resources it will take many years before the property room can be modernized to permit it to be fully audited, organized, purged of stale evidence and compliant with the Consent Decree.

In view of the above, it is the opinion of the Monitoring Team that compliance will be best achieved, and the City and NPD's interests most furthered by, either the construction of a new property and evidence storage facility, or the utilization of an appropriate vacant structure that can be modernized to meet the security standards of a proper evidence and evidence/property room. The Independent Monitor is mindful of the significant financial hurdles presented by such a project. But NPD's ability to securely manage and protect the integrity of its evidence is essential to achieving Consent Decree compliance and creating a reliable chain of custody in all circumstances. In the current property storage facility, without dramatic renovation, that ability will likely always be compromised. Thus, the Monitoring Team believes that NPD, County of Essex, City and State should begin to explore the feasibility of constructing a new evidence facility.

The Monitoring Team estimates that construction would cost approximately \$8 million, with those funds going toward building construction, evidence management systems, secure storage facilities, modern surveillance and locking technologies, and the like. Conversion of an existing structure to an evidence/property facility would cost somewhat less, depending

upon the quality of the existing building. The Monitoring Team looks forward to working and reporting on these goals in future reports.

### **3. Chain of Custody and Inventory Policy**

The Consent Decree calls for NPD to revise its evidence and property policies to ensure a secure chain of custody, from property intake through inventory maintenance. (Consent Decree ¶¶ 105, 110.) Over the course of the reporting period, the Monitoring Team met with NPD's Property Section to discuss in detail the Consent Decree's requirements relating to property management. To further inform NPD's policy revisions, SME Property Room Team Lead Tom Bell arranged for the Monitoring Team and Property Section to meet with the New Jersey State Police Planning Bureau and to tour the State Police's state-of-the-art Evidence and Property Control Unit. This tour and discussion provided the Property Section with an opportunity to observe best practices in evidence management, electronic security systems, property storage, humidity control, and accreditation standards.

NPD is currently in the process of revising its General Orders governing evidence and property management. NPD has shared some of these revisions with the Monitoring Team, and will share all revised policies with the Monitoring Team and the Parties upon completing a draft. It appears that NPD is making progress toward completing chain-of-custody policy revisions set out in the First-Year Monitoring Plan, and the Monitoring Team looks forward to reporting on those policies in the next quarterly report.

### **4. Property Intake and Storage Procedures**

NPD has taken initial steps during the reporting period to improve its property intake and storage policies and procedures, with a focus on its computerized inventory database. (Consent Decree ¶ 110(h).) NPD has implemented a new computerized inventory system—the Automated Evidence Management Inventory Control System (called “BEAST”)—and on

January 4 and 5, 2017, all officers assigned to the Property Section received training on the system, which members of the Monitoring Team attended.

There is a challenge with the officers' use of the BEAST system. As of this report, NPD's older Records Management System, used to inventory all evidence and property received by officers in the field and precincts, is not fully integrated into the BEAST system. This lack of integration causes redundancy and inefficiency within NPD's property control system. The Monitoring Team is currently working with NPD's Property Section and the system vendors to resolve this issue, and anticipates that NPD will have a seamless, fully integrated and automated tracking system in the near future.

NPD also has begun to improve the physical security of its property room, (Consent Decree ¶ 110(d)), install property room video cameras, and establish a video retention policy. (Consent Decree ¶ 110(f).) During this reporting period, NPD cleared the outside perimeter of its property room of tree and bush debris to allow for better surveillance of the facility's exterior, and began installing new high-definition video cameras on the site's interior and exterior. These systems will be under centralized NPD control, and the Monitoring Team is working with experts in other areas of the Consent Decree to ensure that any new surveillance-retention policy is implemented in coordination with the retention system used for in-car and body-worn camera footage. NPD has also begun to install fencing inside the facility to partition the evidence processing area from the general work area.

## **5. Transmittal of Theft Allegations**

The Consent Decree requires NPD to ensure that all theft allegations are reported to the New Jersey Attorney General's Office (Department of Law and Public Safety), and to continue to report such allegations to the ECPO. (Consent Decree ¶ 109.) The Monitoring Team has reviewed NPD's transmittal forms and procedures. Currently, all theft allegations are

reported to the Essex County Prosecutor, who in turn forwards the allegations to the Attorney General's Office (Department of Law and Public Safety). While this procedure results in the Department of Law and Public Safety ultimately receiving all theft allegations, NPD has considered revising its policy to a system in which allegations are forwarded to both the ECPO and the Attorney General's Office (Department of Law and Public Safety), simultaneously. NPD has drafted a policy on this issue, which, along with the transmittal form, is part of a comprehensive review and revision of the internal affairs and property room General Orders, which is in progress. (*See* § V.D above.) The Monitoring Team looks forward to reporting on NPD's revised policies in this area when they are received.

#### **6. Disciplinary Review and Officer Transfer for Theft Allegations**

The Consent Decree requires NPD to review the disciplinary histories of officers who handle contraband or cash, and, to the extent permitted by law and NPD's collective bargaining agreements, to transfer any officers with any sustained complaints or multiple not-sustained complaints. (Consent Decree ¶¶ 107, 108.) NPD has provided the Monitoring Team with all disciplinary records of officers who handle contraband or cash, and the Monitoring Team has completed a review of these records. These records reveal that one officer has two not-sustained theft allegations occurring within a one-year period. The Monitoring Team passed along this information to NPD. As of the date of this report the officer has been transferred to another assignment.

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

In its 2014 report, DOJ criticized NPD's past internal affairs practices, finding that "NPD's system for investigating civilian complaints appears to have been structured to curtail disciplinary action and stifle investigations into the credibility of the City's police

officers.”<sup>10</sup> The Consent Decree accordingly calls for many changes to NPD’s procedures for receiving, processing, and investigating complaints of officer misconduct. Specifically, Section XI of the Consent Decree requires NPD and City to “establish policies and procedures directing that all allegations of officer misconduct are received and fully and fairly investigated; that all investigative findings are supported using the preponderance of the evidence standard and documented in writing; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent.”

During the reporting period, the Monitoring Team, led in this area by Dr. Gerard LaSalle, met often with NPD to understand its internal affairs facilities, processes, personnel and policies. Team members toured the NPD Communications Center and learned from NPD’s internal affairs staff about their complaint intake and investigation practices, and the storage and maintenance of internal affairs case files by the Office of Professional Services (“OPS”). The Monitoring Team reviewed NPD’s use of the *IA Pro* data system, in which most internal affairs case files are digitized. The Team also visited the City’s 4311 call center and interviewed staff to examine how civilian complaints about police misconduct are transferred from the call center to NPD’s internal affairs unit. Monitoring Team members met with NPD to review the Consent Decree and discuss what it requires of the internal affairs department.

NPD has begun to revise its internal affairs policies and procedures. The Monitoring Team, however, did not receive a revised policy governing internal affairs during the reporting period. The Monitoring Team looks forward to reporting on the revised policy and the Consent Decree requirements that stem from it, including policy directives on complaint intake

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<sup>10</sup> See DOJ Investigation Report at **Appendix A**, at 35.



(Consent Decree ¶ 112), classification (Consent Decree ¶ 121), adjudication (Consent Decree ¶ 126), and supervisory review (Consent Decree ¶ 142).

The Consent Decree also requires NPD to provide training to internal affairs personnel in the areas of complaint intake (Consent Decree ¶ 116), OPS supervisory oversight (Consent Decree ¶ 141), and investigations (Consent Decree ¶¶ 147-48). While not a part of the training mandated by the Consent Decree, NPD personnel from the Office of Professional Standards attended training conducted by the ECPO in October 2016 on the topic of misconduct investigations.

Additionally, NPD has informed the Monitoring Team that it has provided training in these areas, but the Monitoring Team has not received or approved of training curricula on these topics. This training cannot, therefore, comply with the Consent Decree since all training materials must be reviewed and approved by both the DOJ and the Independent Monitor *before* the training is administered to NPD officers. The Consent Decree requires that all training plans or curricula related to the requirements of the Decree be sent to the Monitoring Team and the DOJ for review and approval to make sure that the training satisfies the letter and spirit of the Consent Decree. (Consent Decree ¶ 11.)

#### **E. Discipline**

The Monitoring Team has also met several times with NPD's Internal Affairs group regarding compliance with disciplinary requirements under the Consent Decree. (*See* Consent Decree ¶¶ 152-54.) The Monitoring Team has provided NPD with a sample directive, which incorporates a disciplinary matrix as well as the Division's Rules & Regulations. The Monitoring Team requested that NPD develop a disciplinary matrix that will provide objective standards and defined categories for disciplinary action for potential violations of NPD's Rules & Regulations. The disciplinary matrix also should provide a schedule identifying the factors

that will be utilized as potential mitigating and aggravating factors, describing at what stage, and by whom, those factors will be applied.

Under the Consent Decree, the disciplinary matrix was to be developed by October 10, 2016. Before the matrix can be formally adopted and promulgated, it must receive final approval from the DOJ and the Monitoring Team. Moreover, collective bargaining with the unions, and training on the application of the directive and the oversight processes required to assure the appropriate application of the disciplinary matrix must be completed.

## **F. Community Policing and Bias-Free Policing**

### **1. Community Policing and Bias-Free Training Plan**

As previously mentioned, modern community-based policing requires a significant cultural change and poses a challenge to NPD. To effectively engage with the various Newark communities, and to understand the benefits of doing so, the Consent Decree requires NPD to provide eight hours of community policing and problem-oriented policing methods and skills training, as well as a minimum of eight hours of comprehensive and interdisciplinary training on bias-free policing, including training on implicit bias, procedural justice, and police legitimacy. (Consent Decree ¶¶ 14, 63.) Understanding that the components of these two trainings go hand-in-hand, NPD has agreed to combine the community policing and bias-free policing training. Simply put, all five training components for community policing and the eight training components for bias-free policing could not be provided for in the time allotted under the Consent Decree.

NPD is to be commended for adopting a unified approach to community policing and bias-free policing training. The topics are inextricably intertwined and should be taught together as they address core principles of high-quality service without regard to race, gender, class or societal status. NPD will conduct two eight-hour blocks of training over the course of

two days for each training topic. The combined training course will occur in two phases. Phase I will cover general best practices in community policing and bias-free policing, while Phase II will focus on NPD-specific community policing strategies and policies.

During the reporting period, the Monitoring Team has tracked NPD's implementation of the Phase I community and bias-free policing training. Ongoing changes within NPD with respect to training coordinators, trainers, and the Training Academy have made progress on the training difficult. The Monitoring Team has provided technical assistance by connecting NPD with other police departments that have successfully implemented community policing training programs, so that NPD may obtain sample training materials and first-hand insight on developing a quality training program. Specifically, SME Robert Wasserman arranged for NPD personnel to visit the New York City Police Department and the Seattle Police Department. SME Former Commissioner Robert Haas arranged for members of the Cambridge Police Department to visit NPD. In addition, the Monitoring Team provided NPD with a detailed roadmap listing fifteen steps designed to implement the combined training program, which NPD has agreed to follow. The Monitoring Team also coordinated the Community Policing/Bias-Free Policing Development Conference discussed in more detail below.

NPD is now actively preparing to develop Phase I community policing training and Phase I bias-free policing training. During this reporting period, NPD has identified twenty officers within its ranks who will be trained to teach Phase I of the training to the entire Division. The twenty officers are comprised of ten permanent trainers and ten Community Service Officers, two of whom are posted at each of NPD's five precincts. All of the officers identified have to complete the state-mandated Method of Instruction course. As mandated by the Consent Decree (Consent Decree ¶ 15), NPD has identified a consultant to undertake a staffing resource

allocation study and procured funds from the DOJ's Office of Community Oriented Policing Services ("COPS Office") to obtain technical assistance with developing the Phase I curriculum. With those funds, NPD has contracted with the Virginia Center for Policing Innovation ("VCPI"), after seeking and receiving a recommendation from the COPS Office, to write the curriculum and train the twenty officers to teach the Phase I training. The Monitoring Team will evaluate VCPI's curriculum to determine whether it is sufficiently comprehensive to address the letter and spirit of the Consent Decree's community policing and bias-free policing requirements.

## **2. Community Policing Strategic Plan and Community-Oriented Policing Policy**

A cornerstone of the Consent Decree is the improvement of NPD's relationship with the community through effective community-oriented policing. To accomplish this goal, NPD has developed a Community Policing Strategic Plan, which is Director Ambrose's vision for NPD to become a model of innovative, community-oriented policing. The Plan includes three primary topics: (1) defining what community policing means to NPD; (2) the Director's vision of a more community-focused, problem-solving organization; and (3) pushing down responsibility to a lower level of the organization by requiring precinct commanders to formulate micro strategic plans for the neighborhoods within their precincts to facilitate problem solving. A draft of the Plan is close to completion. The Plan, if implemented effectively, has the potential to go above and beyond the requirements of the Consent Decree.

In addition to the Strategic Plan, NPD has completed a draft of its community-oriented policing policy. The draft policy aims to define important concepts and roles for patrol officers and supervisors. It will emphasize the importance of community engagement, problem solving, service referrals, procedural justice, and abiding by community policing principles throughout all interactions. As currently drafted, however, the policy does not clearly define the

role of other key personnel, including, but not limited to, Community Service Officers, or include sufficient detail about NPD's community policing strategy. While the policy is not currently close to completion, it nevertheless is being reviewed by the Monitoring Team. Understanding the importance of input from the community, NPD has agreed to provide an opportunity for the community to review and provide comments on the policy before it is finalized.

### **3. Community Policing and Bias-Free Policing Training Development Conference**

The Monitoring Team, under the leadership of SME Former Commissioner Robert Haas, coordinated an all-day Community Policing/Bias-Free Policing Training Development Conference on December 14, 2016. The conference defined core course concepts for the Phase I community policing and bias-free policing training; agreed on a proposed timeline for the Phase I training; gathered feedback on the draft Strategic Plan and Community-Oriented Policing policy; and obtained community and other stakeholder input. Attendees included representatives of NPD Consent Decree Planning Unit, Newark community leadership organizations, the Independent Monitoring Team, and the Cambridge, Massachusetts Police Department (who joined as guests for the purpose of describing their own experience with community policing and developing a community policing training program).

Throughout the day, attendees engaged in a roundtable discussion, facilitated by SME Robert Wasserman, and provided suggestions for the Phase I training on community policing and bias-free policing. The Cambridge Police Department provided an informative presentation on "Legitimacy, Procedural Justice and Value-based Policing," which spawned a robust discussion concerning the development of a quality training program that will serve the needs of the community and, at the same time, empower NPD.

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

The Consent Decree requires NPD to assess and revise its staffing allocation and personnel deployment to support community policing and problem-solving initiatives. (Consent Decree ¶ 15.) NPD has identified a consultant to conduct the allocation study necessary to staff an expanded, Division-wide community policing strategy. The Independent Monitor has been advised that the consultant's contract has been reviewed and approved by the City. The staffing allocation study will be discussed in the next quarterly report.

#### **5. Review of Training Programs**

As discussed above, the Monitoring Team has reviewed drafts of the Strategic Plan and Community-Oriented Policing policy.

The Monitoring Team is currently conducting a systematic review of NPD's field training officer program, the Consent Decree training records, and police academy training materials. Additionally, the Monitoring Team is in the process of reviewing how NPD maintains its training records in order to better organize and chronicle those records. Currently, all training records are maintained by a Sergeant-in-training on an Excel spreadsheet. Further follow-up is needed regarding storage, retrieval, and centralization of training records.

### **G. Community Engagement and Civilian Oversight**

#### **1. Civilian Oversight Entity**

The Consent Decree requires NPD to revitalize its community policing efforts to forge strong relationships with community members and encourage an open dialogue between NPD and the community it serves. As part of that effort, the City is required to implement and maintain a civilian oversight entity by July 12, 2017, whose duties and responsibilities "shall, at a minimum, include the substantive and independent review of internal investigations and the procedures for resolution of civilian complaints; monitoring trends in complaints, findings of

misconduct, and the imposition of discipline; and reviewing and recommending changes to NPD's policies and practices, including, but not limited to, those regarding use of force, stop, search, and arrest.” (Consent Decree ¶ 13.)

Even before the Consent Decree was entered, on March 16, 2016, the City established a Civilian Complaint Review Board (“CCRB”) by Ordinance, whose powers included and extended beyond those mandated by the Consent Decree. The City, in adopting the Ordinance, envisioned that the CCRB would encompass the responsibilities of the Civilian Oversight Entity. However, due to a pending litigation in New Jersey Superior Court, Essex County, instituted by the Fraternal Order of Police, Newark Lodge No. 12, the CCRB is enjoined from performing some of the responsibilities required under the Consent Decree, until further court order. Most recently, the Superior Court Judge, to which the case is assigned, issued a January 23, 2017 Order stating that the CCRB is “permitted to engage in the process of reviewing NPD's policies and procedures and developing recommendations to said policies and procedures but will not submit those recommendations to the Federal Monitor or any other outside party without further court order.” This language could be read by some to allow the CCRB to evaluate certain NPD policies and functions, but not share its evaluations with either the Monitoring Team or the United States District Court. If that Order, in fact, has that restriction, it could frustrate the letter and spirit of Paragraph 13 of the Consent Decree.

The Parties and the Monitoring Team have spent significant time discussing how the City intends to comply with Paragraph 13 while the CCRB litigation is ongoing. These discussions have focused primarily on the CCRB's ability to review NPD draft policies and recommend changes to NPD. The City's deadline to implement a Civilian Oversight Entity does not expire until 365 days of the Operational Date of the Consent Decree (July 12, 2016). During

the last status conference, March 2, 2017, the Court instructed the City to provide the Parties and the Independent Monitor with an update with respect to the Civilian Oversight Authority. The City represented that there is a Case Management Conference scheduled for May 8, 2017 before Judge Kessler and anticipates a decision will be made prior to the next conference scheduled for June 2, 2017 before Judge Arleo. Judge Arleo ordered the City to provide a status update prior to the June 2, 2017 conference. The Monitoring Team will be guided by the Court with respect to the implementation of the Civilian Oversight Entity.

#### **H. Surveys**

The Consent Decree directs the Monitoring Team to conduct a reliable, comprehensive, and representative baseline survey of the Newark community's experience with, and perceptions of, NPD. (Consent Decree ¶ 22.) The Monitoring Team's survey obligations include measuring the satisfaction and assessing the attitudes of representative samples of City residents, NPD personnel, and custodial arrestees. (Consent Decree ¶ 23.) Therefore, during the reporting period the Monitoring Team developed and initiated a wide-ranging set of baseline surveys: (1) Police Survey to assess NPD personnel's attitudes and perceptions of their work and role in the Newark community; (2) Community Probability Survey to obtain a statistically reliable sampling of attitudes and perceptions of NPD's policing across all City residents; (3) Detention Survey of currently incarcerated arrestees; (4) Non-Probability Community Survey, similar to the Probability Survey, but open to all City residents rather than a scientifically-drawn sample; (5) Non-resident Survey of attendees at sporting or cultural events that draw visitors to the City; and (6) Business Survey of commuters to the City who reside elsewhere. The survey results for the Non-Probability Community Survey will be presented in the next quarterly report. The Monitoring Team expects that these surveys will provide a thorough assessment of the



attitudes and perceptions of each demographic, and serve as a reliable baseline to which future assessments can be compared.

### **1. Police Survey**

The Monitoring Team is pleased to provide with this report a comprehensive Initial Assessment of NPD, prepared by Dr. Todd Clear and his team from Rutgers University – Newark School of Criminal Justice. (**Appendix D.**) As explained in the Assessment, over the course of seven weeks, the Monitoring Team surveyed 1,048 individuals—1,006 police officers and 42 non-police personnel—from all NPD departments about their attitudes, perceptions, and experiences related to their job and the Newark community. The survey was administered through a written instrument and delivered to NPD personnel at Rutgers University’s Center for Law and Justice in Newark by members of the Rutgers team.

The survey provides a wealth of data on officer attitudes and draws valuable conclusions, including that: (1) black officers were more likely than white officers to perceive higher levels of bias within the department and in NPD policing practices; (2) officers with more years of experience at NPD perceive greater levels of bias within the department and in policing practices than their less experienced counterparts; and (3) officers with at least one citizen complaint filed against them report higher perceived levels of within-department bias and greater fear of criticism than those without any prior citizen complaints. This data and Dr. Clear’s recommendations will greatly assist NPD in formulating new policies and the Monitoring Team in assessing NPD’s progress in future reports.

The Rutgers team also received Institutional Review Board (“IRB”) approval to conduct police focus groups, which will supplement the findings of the Police Survey. The police focus groups findings will be reported on in the Monitor’s next quarterly report.

## 2. Community Probability Survey

The Monitoring Team also is pleased to report that Ashley Koning, Ph.D., and her team Eagleton Center for Public Interest Polling Institute, Rutgers University, the State University of New Jersey (“Eagleton”), developed and administered the baseline probability<sup>11</sup> survey.

Eagleton administered this survey from December 1, 2016 through February 10, 2017 by conducting calls to cell phones and landlines of a sample of Newark residents. Eagleton also sent out text messages and included a link to the survey so that residents could opt to complete the survey online. The survey was administered in English, Spanish, and Portuguese. During this time, Eagleton collected more than 600 survey responses. For more information on the survey, please see the Executive Summary. (**Appendix E.**) We expect to publish the final report of the baseline survey in the Monitor’s next quarterly report.

## 3. Detention Survey

Dr. Clear and his team also prepared, and are ready to administer, a Detention Survey of currently incarcerated individuals in Newark. Like the Police Survey, members of the Rutgers team will administer the Detention Survey through a written instrument. As of this report, the Rutgers IRB approved the survey instrument and methodology, and students have been recruited to administer the survey. The survey results will be presented in the next quarterly report.

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<sup>11</sup> A “probability” survey is a survey where members are randomly selected to participate, using valid statistical methods. This scientific random selection process ensures that the attitudes and perceptions of the City’s diverse racial and ethnic groups are captured. In particular, a randomly selected, straightforward and statistically significant sample ensures that community members of different backgrounds, races, genders, and ethnicities have an equal chance of being chosen to participate in the Survey, and allows the Monitoring Team to make scientifically valid (or statistically significant) conclusions from the survey.

In addition, at the request of the Independent Monitor, Dr. Esther Nir, a professor at New Jersey City University, Department of Criminal Justice, working under the direction of Dr. Clear, prepared a report analyzing suppression motions<sup>12</sup> made in Essex County court in 2014. The purpose of the report is to help the Monitor understand how Newark Police Officers perform stops, searches, and seizures; how those practices are viewed by courts, prosecutors, criminal defendants, and defense attorneys; and how those practices impact criminal trials.

The report makes many interesting observations, including that prosecutors and defense attorneys agree that Newark Police Officers would benefit from better education on constitutional protections. In addition, the report provides valuable analysis in the areas of police practices and knowledge regarding stops, searches, and arrests, and the requirements of the Fourth and Fifth Amendments. This information aided the Monitoring Team in developing the Detention Survey instrument, and will continue to be a helpful resource for the Team and NPD as they assess officer training and comprehension in this area.

To prepare the report, Dr. Nir focused on motions filed in Essex County criminal prosecutions that sought to suppress evidence from trial based on the defendant's claim that NPD officers violated his or her Fourth or Fifth Amendment rights. Dr. Nir reviewed all available suppression motions that were filed in Newark and adjudicated in 2014 and conducted qualitative interviews with defense attorneys who regularly handle suppression motions in Newark and prosecutors with the ECPO. The Monitoring Team is pleased to present Dr. Nir's comprehensive report. (**Appendix F.**)

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<sup>12</sup> Suppression motions are requests by the defendant in a criminal case for the court to exclude evidence from trial that the defendant believes was obtained in violation of his or her constitutional rights—often as a result of a search without a warrant.

#### **4. Key-Resident, Non-Resident and Business Surveys**

The Monitoring Team has engaged the broader Newark community to allow all residents to comment on their experiences with, and perceptions of, NPD and public safety. During March and April 2017, the New Jersey Institute for Social Justice in conjunction with other Newark community-based organizations, hosted Newark residents at community centers, houses of worship, and other locations to solicit feedback on these important topics in the form of a non-probability survey. Because this feedback is not being collected pursuant to the kind of rigorous scientific methodology used in the probability Survey, the Monitoring Team will not be able to draw statistically significant conclusions from it. However, the voice and participation of Newark's communities is vital to the Consent Decree process, and collecting this information is an important step in building trust between the community and NPD. Moreover, this information will be valuable to NPD as it re-formulates its patrol activity in the Newark community. Results will be summarized in the next quarterly report.

The Monitoring Team also recognizes that Newark has non-resident communities, including a large student population, commuters, and attendees of art, cultural, entertainment and sporting events, who experience interactions with the police that impact policy and training priorities. A full picture of the demands upon NPD cannot be complete without the experience of these groups. To that end, the Monitoring Team will be administering a short written online questionnaire to non-residents. Administration of this survey is set to begin in the near future. Initial contact has also been made with local business organizations in preparation for a business-commuter-focused version of the Non-resident Survey. The progress of these surveys will be reported in future reports.

## **I. Data Systems Improvements: Early Warning and Records Management Systems**

The Monitoring Team has commenced an assessment of the primary data sources within the operations of the NPD. As discussed further below, a number of issues were identified: (1) NPD systems require duplicative data entry into multiple stand-alone systems (i.e., information “silos”); (2) the identical data retrieved from two different systems looks different; hence, NPD does not have integrated and uniform data; and (3) NPD currently lacks the Information Technology (“IT”) staff dedicated solely to NPD to solve these issues and support its operations. The Monitoring Team’s evaluation included the Computer Aided Dispatch (“CAD”) system, the Records Management Systems (“RMS”) and the Early Warning System (“EWS”). During this review, the Monitoring Team discovered that NPD’s technology systems are antiquated and incapable of capturing or providing the data required by the Consent Decree in an accessible form.

It is the Monitoring Team’s view that NPD will not be in a position to comply with Consent Decree requirements unless the City commits substantial funding and resources to correct these issues.

### **1. Monitoring Team’s Assessment**

The Consent Decree requires NPD to implement an EWS (Consent Decree ¶¶ 156-57), a data-driven management tool used by police departments to identify police officers with performance and conduct issues that may require early intervention to address and correct certain problems. The EWS also will identify the data that NPD needs to collect and how that data will be analyzed and presented to improve police services to the community and identify abuses of authority. In addition, many of the revised General Orders will have revised and streamlined data collection procedures and forms (NPD currently uses over 1000 forms)

associated with them that should be incorporated into a comprehensive records management system. It also is anticipated that by the September 9, 2017 target date, the EWS will include a combination of existing automated reports, manual reports and other temporary workarounds that will result in capturing the required data, albeit not in a uniform or easily useable format. It is anticipated that the final EWS and associated systems for reporting police activities, interactions with the public, personnel issues, training, etc., may require enhancements or replacement of some of today's systems and manual processes. The technical assistance regarding the EWS has been provided to NPD by the Monitoring Team, led by the Rutgers Police Institute, specifically Tom O'Reilly, Linda Tartaglia, Dr. Mary Eckert, Dr. Rosalyn Bocker Parks, Maria Cardiellos, and other experts in the field, Maggie Goodrich and Julio Thompson.

An EWS is not an "off-the-shelf" software product that can be purchased and implemented. Rather, implementing an EWS requires NPD to understand its current data collection systems and how they integrate—or not—with one another. To assist with this complex task, the Monitoring Team has begun assessing NPD's current data collection systems and reviewing the content of existing reporting protocols to compare these protocols to Consent Decree requirements. The Monitoring Team is assessing NPD's information gathering and analysis systems to evaluate their sufficiency for documenting NPD's current practices, and serving as benchmarks for progress through the monitoring process.

The Monitoring team has created *data dictionaries* that cover all Consent Decree task areas to identify gaps in NPD's data collection and reporting. Data dictionaries provide the Monitoring Team's SMEs guidance in reviewing new and revised policies to ensure that the requirements mandated by the Consent Decree and best practices are met, and for the team to weigh in on other data collection elements that would facilitate NPD's move toward best

practices. This information will lead to an effective EWS, as well as assist NPD in revising its current technology (Consent Decree ¶¶160, 162.)

NPD's current EWS is based upon limited information, namely, thresholds for complaints and uses of force found within *IA Pro*, the Internal Affairs database. During the reporting period, the Monitoring Team reviewed NPD's existing General Orders covering the current identification of officers for monitoring through *IA Pro* and the Personnel Monitoring Program. The Personnel Monitoring Program is a program in which the identified officers may be placed under increased supervision by a supervisor in their chain of command for a period of six months.

In October 2016, a new Police Director's Memorandum created the Office of Transparency and Risk Analysis Management. This office provides data to the Risk Analysis Review Board (created in May 2016) that meets monthly to review a range of data that may indicate officers or units in need of corrective action or intervention. The Office of Transparency has also taken on more responsibility in the EWS, which previously was exclusively under the purview of Internal Affairs.

The Monitoring Team met twice during the monitoring period with NPD officers from both Internal Affairs and the Office of Transparency to gain an understanding of NPD's current process for data collection storage and analytics. A complete understanding of the current process will help the Monitoring Team's assessment of which agencies to recommend that NPD examine (Consent Decree ¶ 160) as NPD moves forward to revise and fully integrate all data required for the EWS.

NPD has provided the Monitoring Team with data from its current EWS on the number of officers that the EWS identified as having performance or conduct issues and were

supervised for the last six months of 2016. The Monitoring Team will use this information, in conjunction with its understanding of the current process, in the next reporting period to meet again with NPD personnel and examine the documentation for the current EWS program, be it in *IA Pro*, or in officer files. The Monitoring Team will then develop categories for on-going monitoring of the current EWS until such time as the requirements of Paragraphs 157-59 of the Consent Decree are fully implemented.

During the reporting period, the Monitoring Team observed brief demonstrations of the RMS, as well as other systems that the RMS might feed in order to begin assessing where NPD may need to move to use its information more effectively.

The Monitoring Team also has met with NPD on several occasions to focus on resources for NPD that will help fill these gaps, including discussions regarding technology purchases to assist with implementing an EWS. The ultimate goal is for NPD to accurately and timely identify officers who need additional training and resources to prevent any further negative consequences for the community and themselves. The Monitoring Team does not expect that there will be a single set of criteria for NPD to establish compliance across a range of substantive topics and requirements

## **2. Monitoring Team's Recommendation**

It is the Monitoring Team's view that NPD will not be in a position to comply with Consent Decree requirements unless the City commits substantial funding and resources to improving the NPD's data systems. Simply put, NPD needs updated and modern information hardware and software.

Moreover, the NPD is in critical need of a comprehensive IT Assessment and Evaluation that will document and assist in the development of an IT Strategic Plan. That Plan will: (a) determine which IT systems must be improved, upgraded or replaced; (b) recommend



the proper technical approach to integrate data sets to enable NPD to engage in data-driven policing as contemplated by Paragraph 174 of the Consent Decree and other Consent Decree provisions (both operationally and administratively); and (c) identify the resources necessary to implement, support and maintain IT.

The costs associated for IT improvement will likely be significant. However, without the investment in IT hardware and software, NPD will not achieve compliance with key provisions of the Consent Decree.

The Monitoring Team recommends that the City hire a full-time IT person dedicated solely to work on NPD technology and data issues. The Monitoring Team also recommends that the City undertake an assessment and planning of NPD's IT effort immediately to determine the level of funding that will be needed to properly provide the data that NPD needs to support its operational goals and better serve the community.

#### **J. Body-Worn Cameras**

To increase accountability and public trust, NPD is required to develop a system of video recording officers through body-worn cameras. The Monitoring Team, led by Retired Dep. Commissioner Kevin Bethel and Maggie Goodrich, is assisting with these efforts. On September 26, 2016, the Bureau of Justice Assistance within the DOJ awarded NPD a \$372,500 grant to assist with the implementation of body-worn camera policies, practices and evaluation methods.

The Monitoring Team previously advised NPD and the City's business manager that any footage from in-car and body-worn cameras must be provided in a non-proprietary format so that NPD is able to re-play the footage regardless of its technology provider. This will allow NPD and other law enforcement agencies to use different camera vendors over time, if necessary, without the risk of NPD losing access to its own video footage as a result of a change

in vendors. The Monitoring Team has further advised that NPD should create hyperlinks to video footage to the appropriate data storage systems to avoid “information silos” that require supervisors and internal affairs detectives, among others, to travel from office to office simply to collect relevant information regarding a particular officer’s behavior on the street. The Independent Monitor will not determine an in-car or body-worn camera system to be in compliance with the Consent Decree if that system does not store the footage in a non-proprietary manner.

NPD has made a decision to use Panasonic as the vendor for its body-worn cameras. The video from the body worn cameras will be stored in a non-proprietary format. The video that is captured by the body-worn camera is stored in proprietary format only on the camera itself. Once the video is uploaded, it is accessible in an open format that is non-proprietary.

# **1. Policy and Procedure**

As required by the Consent Decree, NPD is in the process of drafting a body-worn camera policy. (Consent Decree ¶104.) Topics covered will include the processes for supervisory review, which officers will be required to wear body-worn cameras and under what circumstances, criteria for public access to footage, data storage and retention, technical requirements, cost, system compatibility and inter-operability, protection of privacy for officers and citizens, etc. Given the complex public and privacy issues involved and the cutting-edge nature of this policing approach, developing a thoughtful, detailed policy will be critical to successfully implementing NPD’s body-worn camera program. During the reporting period, the Monitoring Team submitted to the NPD edits on the draft policy and the draft was tested against the Bureau of Justice’s Scoring Platform for body-worn cameras.

Before it finalizes this policy, NPD will make a draft available on its Website for review and comment. NPD will also hold public forums where community members will be invited to share their thoughts and concerns regarding the body-worn camera program.

## **2. Pilot Program**

NPD has decided to conduct a pilot program of body-worn cameras before implementing the program on a Division-wide basis. The goals of this pilot program include identifying best practices, evaluating the impact on the community's perception of the policy, and addressing potential privacy concerns for community members. NPD is partnering with the School of Criminal Justice at Rutgers University-Newark to design the pilot program and assess the results to ensure that the body-worn camera program meets the needs of NPD's officers and the community.

The Monitoring Team has met with NPD personnel on numerous occasions to track NPD's progress and to ensure that the pilot program is being structured and implemented effectively. Given the absence of a finalized policy on body-worn cameras, the Monitoring Team suggested that NPD adopt the New Jersey Attorney General Guidelines for body-worn cameras for the duration of the pilot phase. At the Monitoring Team's suggestion, NPD will also establish a body-worn camera committee to review progress of the pilot program and identify potential issues that may require changes to the policy or operational procedures. NPD is currently reviewing potential camera vendors and is in the process of identifying a vendor to provide cameras for the pilot program.

## **K. In-Car Cameras**

In addition to body-worn cameras, NPD is required, under the Consent Decree, to equip all marked patrol cars with video cameras. (Consent Decree ¶ 9.) However, in light of funding issues, NPD has prioritized implementing body-worn cameras with the goal of

eventually introducing in-car cameras to 250 marked police cars. Each in-car camera is estimated to cost approximately \$6,000. The Monitoring Team is working closely with NPD to identify potential funding and other resources.

The Monitoring Team identified for NPD several grant programs that might be useful in providing resources to support the Consent Decree-related changes. The DOJ Bureau of Justice Assistance (“BJA”) solicited applications to support programs to enhance community policing and “hot spots” policing. NPD, with the assistance of the Monitoring Team, developed an application to conduct a pilot program in the 5th District. This pilot will provide the opportunity to implement many of the community and bias-free policing efforts on a pilot basis.

NPD also filed an application with BJA to improve technology for use in the City in high crime areas. This technology, if funded, will provide the resources to address some of the more violent areas of the City and be responsive to citizens’ requests for increased police presence.

## **VI. NEXT QUARTER ACTIVITIES**

### **A. Training**

In light of the capacity and resource issues discussed above, progress towards developing the additional training curricula required under the Consent Decree has been slow. NPD’s Training Division lacks the capacity and resources to concurrently develop this year the multiple training manuals and adult-based learning programs that are required under the Consent Decree. Nevertheless, the Monitoring Team anticipates that NPD will begin training on internal affairs, complaint intake, community policing and bias-free policing during the next quarter.

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

As discussed above in Section IV, in the past quarter, the Monitoring Team and Parties have begun to work closely to review and revise NPD’s policies on a number of subjects

to reflect the requirements of the Consent Decree and best practices. Throughout the course of these revisions, the Monitoring Team and Parties have developed a collaborative approach to policy review and revision, which is reflected in the “Critical Path” for Tasks Implementation Appendix to the Monitoring Plan. (Monitoring Plan, Appendix B.) Once the NPD, DOJ and Monitoring Team reach agreement on a preliminary draft policy, that policy will be shared with the community for additional feedback. The draft policy will be posted on the Monitoring Team’s website so that the community may submit written comments about the proposed draft. In addition, to the extent practicable, the Monitoring Team will host a community forum or series of forums to discuss the draft policy with Newark community members.

The Monitoring Team anticipates that it will continue working with the Parties during the next quarter to revise NPD’s policies, so that NPD can meet the deadline of revising all of its current policies by October 1, 2017. (*See* Monitoring Plan at 8, Chart at 37.) In particular, the Monitoring Team anticipates that by the end of the next quarter, NPD will have revised existing policies for (a) internal affairs, (b) use of force, and (c) stop, search, and arrest. The Monitoring Team also expects that NPD will have written drafts of its first-generation policies for community policing and bias-free policing. These revised and newly created policies will be distributed to various Newark residents and organizations for community feedback before being finalized.

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

The Consent Decree requires the Monitoring Team to conduct compliance reviews and audits to determine whether the City and NPD are implementing and complying with the terms of the Consent Decree. (Consent Decree ¶ 173.) In addition, the Monitoring Team is required to conduct outcome assessments to determine whether implementing the Consent Decree’s requirements is resulting in constitutional policing that facilitates cooperation

and trust between NPD and Newark community members. (Consent Decree ¶ 174.) The Monitoring Team is required to submit its proposed monitoring methodology to the Parties at least 45 days before beginning any review, audit, or outcome assessment. The Parties then have 30 days to advise the Monitoring Team whether they have comments or concerns about the proposed methodology. After receiving this input, the Monitoring Team can modify the methodology or explain to the Parties in writing why the methodology is staying the same. (Consent Decree ¶ 180.)

The Monitoring Team anticipates that it will begin sharing proposed review, audit and outcome assessment methodologies with the Parties during the next quarter and be able to issue substantive findings in the next quarterly report. Although the subject areas that will undergo review, audit and/or outcome assessments will be determined by the availability of the data, the Monitoring Team's reviews and audits will assess whether the City and NPD have "(a) incorporated [a Consent Decree requirement] into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) implemented the requirement into practice." (Consent Decree ¶ 173.) The outcome assessments will include collecting and analyzing certain data specified in the Consent Decree to establish NPD's baseline practices and assess its change over time. (Consent Decree ¶ 174.)

## **VII. CONCLUSION**

Based upon our interactions with the Parties during the reporting period, the Monitoring Team is encouraged by NPD's initial efforts in implementing the Consent Decree. NPD's leadership has developed a positive working relationship with the Monitoring Team and DOJ. With systems in place for policy revisions and a better understanding of NPD's capacity to develop training materials, DOJ and the Monitoring Team are building the foundation for NPD to be able to achieve compliance with the Consent Decree's requirements. However, significant

work remains to be done in the coming quarters to put new policies and systems in place, train NPD personnel, and implement the policies and systems into NPD's practices. A particular focus must remain on continuing to increase NPD's capacity to develop and implement written training materials for its personnel, as well as utilizing outside resources to provide NPD with necessary assistance for larger-scale trainings.

The Monitoring Team will continue to collaborate with the Parties as this work is being done, and is primed to begin its reviews, audits and outcome assessments of NPD's practices to ensure that the Consent Decree is being complied with and implemented effectively. This work will be detailed in future quarterly reports.

#### **VIII. APPENDICES**

- A. DOJ Investigation Report**
- B. Order Amending Paragraphs 14, 17, and 18 of the Consent Decree (October 17, 2016)**
- C. Joint Stipulation and Order to Amend the Consent Decree (December 21, 2016)**
- D. Police Survey Final Report (Todd Clear)**
- E. Community Probability Survey Executive Report (Ashley Koning)**
- F. Suppression Hearings Analysis (Esther Nir)**

# **APPENDIX A**





**Investigation of the  
Newark Police Department**

United States Department of Justice  
Civil Rights Division

United States Attorney's Office  
District of New Jersey

July 22, 2014

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## **I. EXECUTIVE SUMMARY**

The Department of Justice opened an investigation of the Newark Police Department (“NPD” or “the Department”) in May 2011, after receiving serious allegations of civil rights violations by the NPD, including that the NPD subjects Newark residents to excessive force, unwarranted stops, and arrests, and discriminatory police actions.

This investigation of Newark’s policing practices was conducted jointly by the Special Litigation Section of the Civil Rights Division and the United States Attorney’s Office for the District of New Jersey (collectively, “DOJ”) pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (“Section 14141”), Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (“Title VI”), and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d (“Safe Streets Act”). Section 14141 prohibits government authorities from engaging in a pattern or practice of law enforcement misconduct that violates individuals’ constitutional or federal statutory rights. Title VI and the Safe Streets Act together prohibit discrimination on the basis of race, color, sex, religion, or national origin by the recipients of certain federal funds.

The investigation benefited from the assistance of the NPD and the City of Newark (“City”), which provided access to officers, command staff, documents, and available data. The DOJ also received input from other criminal justice stakeholders, including members of the community, law enforcement organizations, advocacy groups, unions representing NPD officers, and others who shared their experiences with the NPD.

This report sets out the DOJ’s investigative findings. In sum, and as discussed further below, this investigation showed a pattern or practice of constitutional violations in the NPD’s stop and arrest practices, its response to individuals’ exercise of their rights under the First Amendment, the Department’s use of force, and theft by officers. The investigation also revealed deficiencies in the NPD’s systems that are designed to prevent and detect misconduct, including its systems for reviewing force and investigating complaints regarding officer conduct. The investigation also identified concerns that do not appear to amount to patterns of constitutional misconduct, but which nonetheless are significant and warrant consideration by the NPD. These concerns relate to the NPD’s practices in dealing with potentially suicidal detainees, the NPD’s sexual assault investigations, and the impact of the NPD’s policing on the LGBT community.

The City of Newark is diminished, and the NPD rendered less effective, by these patterns and practices of unconstitutional conduct. The NPD’s policing practices have eroded the community’s trust, and the perception of the NPD as an agency with insufficient accountability has undermined the confidence of other Newark criminal justice stakeholders as well. Fixing the problems this investigation identified will not only make Newark a more equitable community, but also a safer one. As the NPD stated in its Transparency Policy, General Order 2013-03, “[i]t is a fundamental principle that the public’s trust and cooperation is essential to the Newark Police Department’s effectiveness . . . . The Department cannot prevent future crimes without commitment and cooperation from the community . . . .”

As discussed more fully in the body of this report, there is reasonable cause to believe that the NPD has engaged in a pattern or practice of:

- **Effecting stops and arrests in violation of the Fourth Amendment.** Approximately 75% of reports of pedestrian stops by NPD officers failed to articulate sufficient legal basis for the stop, despite the NPD policy requiring such justification. During the period reviewed, the NPD made thousands of stops of individuals who were described merely as “milling,” “loitering,” or “wandering,” without any indication of reasonable suspicion of criminal activity. In addition, a review of the NPD’s arrest reports raised concerns that, in some subset of NPD narcotics arrests, officers have failed to report completely or accurately the circumstances of those arrests.
- **Policing that results in disproportionate stops and arrests of Newark’s black residents.** The NPD stops black individuals at a greater rate than it stops white individuals. As a result, black individuals in Newark bear the brunt of the NPD’s pattern of unconstitutional stops and arrests. This investigation did not determine whether the disparity is intentional or is otherwise legally unjustified. Regardless, this experience of disproportionately being subjected to stops and arrests in violation of the Fourth Amendment shapes black residents’ interactions with the NPD, to the detriment of community trust, and makes the job of delivering police services in Newark more dangerous and less effective.<sup>1</sup>
- **Retaliating against individuals who question police actions.** In violation of the First Amendment, NPD officers have detained and arrested individuals who lawfully object to police actions or behave in a way that officers perceive as disrespectful.
- **Using unjustified and excessive force in violation of the Fourth Amendment.** In more than twenty percent of the NPD force incidents reviewed, the force as reported appeared unreasonable and thus in violation of the Constitution. Further, there has been substantial underreporting of force by NPD officers, and most NPD use of force investigations have been too inadequate to support reliable conclusions about whether an officer’s use of force—including deadly force—was reasonable.
- **Subjecting individuals to theft by NPD officers in violation of the Fourth and Fourteenth Amendments.** The investigation revealed evidence of theft of

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<sup>1</sup> As this report was being finalized, the American Civil Liberties Union’s New Jersey affiliate (ACLU-NJ) released the results of its review of NPD stop statistics. The ACLU-NJ review was limited to a subset of summary stop data the NPD now publishes on its website. As explained below, the DOJ obtained direct access to the NPD’s source records and the DOJ investigation thus included analysis of more precise information, including the location of stops, the documented justification, whether the stop was a pedestrian or vehicle stop, and descriptions of post stop activity such as searches and frisks. Like the DOJ investigation, the ACLU-NJ review of different, but more recent data identified racial disparities in NPD stops.

citizens' property and money by officers, specifically in the NPD's specialized units such as the narcotics and gang units, and in the prisoner processing unit at the Green Street Cell Block. The NPD has conducted inadequate investigations into theft complaints, failed to take corrective action against offending officers, and declined to implement the methods recommended by its own investigators that could prevent future theft by officers.

The finding of a pattern or practice of unlawful conduct within a law enforcement agency does not mean that most officers violate the law. Nor does a pattern or practice reflect that a certain number of officers have violated the law, or that the number of unlawful acts have reached a particular threshold. *See United States v. Peachtree Tenth Corp.*, 437 F.2d 221, 227 (5th Cir. 1971) ("The number of [violations] ... is not determinative ..., [no] mathematical formula is workable, nor was any intended. Each case must turn on its own facts"). Rather, the touchstone is whether the unlawful conduct appears more typical than isolated or aberrant. A pattern or practice exists where the conduct appears to be part of usual practice, whether officially sanctioned by policy or otherwise. *See, e.g., Int'l Bhd. Of Teamsters v. United States*, 431 U.S. 324, 336 (1977) (a pattern or practice is "more than the mere occurrence of isolated or 'accidental' or 'sporadic'" acts; instead it must be a "regular rather than the unusual practice").

The patterns of constitutional violations described in this report result in significant part from a lack of accountability and review systems within the NPD. The NPD has neither a functioning early warning system nor an effective internal affairs structure. Those inadequacies undermine the Department's ability to identify and address officer misconduct. The NPD's data collection and analysis, and its system for regular review of officer use of force, are similarly deficient.

One indication of the ineffectiveness of the NPD's internal affairs system is that the Internal Affairs Unit ("IA") sustained only one civilian complaint of excessive force out of hundreds received from 2007 through 2012. While there is no "right" rate at which force complaints should be sustained, only one finding of unreasonable force out of hundreds of complaints over a six-year period is symptomatic of deeply dysfunctional accountability systems. The NPD also has failed to adequately collect or analyze data about officers' use of force, stops, or arrests. Nor has the NPD taken adequate steps to implement an early warning system that would track and identify officers' problematic behavior. As a result of these systemic deficiencies, the NPD does not discern or respond to problematic trends in officer conduct that could constitute or lead to misconduct.

Nor has the NPD provided officers with the tools necessary to support constitutional policing, such as adequate training, clear and easily accessible policies, and meaningful supervisory direction. Basic deficiencies have included the failure to ensure that NPD officers actually have access to the policies they are supposed to follow, to regularly update policies, and to provide or track necessary training. Supervisory review of officer actions, including use of force and arrests, has been lax. The cumulative effect of these deficiencies is an organization that is too prone to shield officers from accountability, and insufficiently focused on protecting constitutional rights.



The responsibility for correcting the NPD's unconstitutional policing practices lies at every level within the Department. NPD supervisors and command leadership must ensure that officers receive the training, guidance, and direction necessary to police effectively and constitutionally, and clearly communicate to officers that constitutional policing and effective law enforcement are not in tension with each other, but rather are interdependent. Officers must act within the parameters that the law places on stops, searches, and arrests, and avoid escalating interactions to the point where they use force unnecessarily. The NPD further must collect and analyze data related to stops, searches, and arrests, so that it can minimize the disparate impact of its enforcement efforts and avoid bias in policing. NPD leadership must also ensure that, when officers do violate policy or the law, they are held accountable and that corrective action, including discipline, is effective, fair, and consistent.

All of these findings, as well as proposed remedies, have been discussed with City officials and NPD leadership, and the City and NPD have pledged to quickly and thoroughly address these problems. To that end, the City and DOJ have reached an Agreement in Principle that will form the foundation of a comprehensive, judicially enforceable and independently monitored agreement to implement significant reform.

The Agreement in Principle, which is attached, addresses each of the patterns of constitutional violations described in this report. The Agreement requires the City to establish a civilian oversight entity for the NPD and additional mechanisms for effective community engagement to help ensure the sustainability of reforms and to foster positive relations between the NPD and the Newark community. The City, NPD, and DOJ agree that the NPD will review and revise its policies, training, and internal oversight mechanisms, particularly regarding the use of force and stop, search and arrest practices. The NPD also will provide officers with proper guidance regarding individuals' exercise of their First Amendment rights. The NPD will develop and implement accountability and supervisory practices to prevent, detect, and address unlawful stops, searches, and arrests and unreasonable force, and to detect and prevent theft by officers. The NPD will revise its internal affairs practices to ensure effective complaint intake, objective investigations of misconduct, and fair and consistent discipline. The NPD will also enhance its collection and analysis of data so that it can better understand its enforcement practices and ensure their effectiveness and constitutionality.

Throughout the investigation of the NPD's practices, all parties have recognized that Newark is a challenging city to police, given its significant level of crime and its budget constraints. The DOJ acknowledges in particular the skills and dedication of the many Newark police officers who abide by the rule of law and commit themselves daily to the difficult, and too often thankless, job of protecting public safety. The findings of this investigation are not meant to detract from these officers' efforts. Indeed, many of the investigative findings underscore the need for the NPD and the City to better support and direct its officers.

Alongside this appreciation for the difficulties of police work, all parties agree that any NPD policies or practices that violate civil rights must be identified and remedied. This shared respect for individuals' civil rights reflects not only the fundamental importance of these rights, but also an understanding that repeated civil rights violations make policing less effective and more dangerous. The DOJ looks forward to working cooperatively with the City and the NPD—

as well as with the many other important stakeholders in this process, including community members and police unions—to carry out these reforms.

## **II. BACKGROUND**

### **A. Investigation and Methodology**

The DOJ provided notice to the City and the NPD of its investigation pursuant to Section 14141, Title VI, and the Safe Streets Act on May 9, 2011, and that the investigation would focus on allegations of excessive force; unconstitutional stops, searches, and seizures; discriminatory policing on the basis of race, ethnicity, national origin, sexual orientation, and gender identity; risk of harm to detainees confined in holding cells; and retaliation by officers against individuals who legally attempt to observe or record police activity.

The team investigating the NPD’s police practices consisted of experts in police practices, and lawyers and other staff from the DOJ. Police practice experts included current and former police chiefs and supervisors from other jurisdictions, who provided expertise on law enforcement issues, as well as an expert in the collection and analysis of police-related data.

The investigation included intensive on-site review of NPD practices and procedures. The team conducted interviews and meetings with NPD officers, supervisors, and command staff, and participated in “ride-alongs” with officers and supervisors. The team also met with representatives of police fraternal organizations, conducted numerous community meetings, met with advocates and other individuals, and interviewed a wide array of local, regional, and federal stakeholders in the Newark criminal justice system, including representatives of the Essex County Prosecutor’s Office (“ECPO”), the Essex County Public Defender’s Office, the Newark Municipal Prosecutor’s Office, and the Federal Bureau of Investigation. The team set up a toll-free number and email address to receive information related to the NPD. The DOJ also worked with NPD’s contracted data management vendor to obtain substantial amounts of data related to NPD stops and arrests.

Throughout this report, specific facts and incidents are included as examples and illustrations, but the conclusions reflect the entirety of the information received, and are not based only on the individual events described here.

### **B. Newark, New Jersey and the Newark Police Department**

Newark is New Jersey’s largest city, with a population of 277,140 people, according to the 2010 census. Newark’s population is racially and ethnically diverse: 53.9% black, 26.4% white, and 19.8% other or unknown.<sup>2</sup> Of the entire population, approximately 33.9% identify themselves as Hispanic or Latino, with 30.6% identifying as non-black Hispanic.

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<sup>2</sup> This demographic breakdown for the population used in this report differs slightly from the percentages in the overall 2010 census for Newark. The breakdown in this report is calculated on a block-by-block basis, a smaller geographic unit than the U.S. Census Bureau uses to calculate data. This breakdown is a more accurate figure for assessing NPD’s policing practices within precinct and sector geographic boundaries.



The NPD currently employs approximately 1,000 sworn officers, and is still recovering from the layoff of 167 officers at the end of 2010 due to budget cuts. The Department is led by a Police Director, appointed by the Mayor of Newark and approved by the Newark City Council, and a Chief of Police, who reports to the Police Director. The NPD is composed of four precincts and additional bureaus and special units, including the Detective Bureau, the Special Operations Division, and the Support Services Bureau. All of these report to the Chief, whereas the Director directly oversees the Internal Affairs Unit,<sup>3</sup> the Training Section, and the Administration Bureau.

General Orders and Director's Memoranda set forth the NPD's policies and procedures.<sup>4</sup> The investigation included a review of the NPD's written policies, procedures, and training materials. To gain a complete picture of the NPD's police practices, the team also reviewed myriad records and reports completed by NPD officers to document their activities and enforcement actions. When officers conduct a traffic or pedestrian stop, they are required to complete a *Field Inquiry Report* which, by policy, must include the legal support for the stop. If officers make an arrest, or take some other enforcement action, they are required to complete an *Incident Report* in which the officer is required to describe the legal support for the arrest, the elements of the alleged offense, and, if force was used, a narrative description of the nature of and reason for the use of force. Officers using force are required also to complete a *Use of Force Report*, which consists of data fields to complete, but provides no space for any narrative description of the force used or its justification. A supervisor is required to sign the Use of Force Report to document that the force has been reviewed and approved.

When an individual complains that an officer committed misconduct, the NPD's internal affairs unit is required to conduct an administrative investigation of the allegation and document its investigation and findings in an *Internal Affairs Investigation Report*. The NPD's internal affairs unit also is required by policy to conduct an administrative investigation of all officer-involved shootings, whether or not they result in any complaint, and independent of any criminal investigation of the incident. These shooting investigations also are documented in an Internal Affairs Investigation Report. The administrative investigation of a shooting differs from a criminal investigation in that the administrative investigation is focused on determining whether the shooting violated departmental policy and was a reasonable use of force, rather than whether the shooting was potentially criminal. This investigation included close review of a representative sample of each category of these reports.

Three separate unions represent NPD officers: the Fraternal Order of Police Lodge No. 12 ("FOP"), the Superior Officers' Association ("SOA"), and the Deputy Chiefs' Association ("DCA"). All three unions have collective bargaining contracts with the City. SOA members

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<sup>3</sup> During the course of the investigation and drafting of this report, the name of the NPD's internal investigations unit changed. At present, the NPD organizational chart no longer lists a specific "Internal Affairs" unit, although the Office of Professional Standards ("OPS"), of which IA was previously a sub-unit, still appears in the chart. NPD staff use the terms OPS and Internal Affairs interchangeably. This report refers to the NPD's internal investigations unit as Internal Affairs or "IA."

<sup>4</sup> These policies and procedures are informed by the New Jersey State Attorney General's Office guidelines for law enforcement agencies, which apply to all municipalities in New Jersey. These guidelines are available at <http://www.state.nj.us/lps/dcj/agguide.htm>.

may also join the FOP to obtain that union's legal defense benefits. Separately, NPD officers may also join the Newark Police Benevolent Association which advocates on behalf of NPD officers and also offers legal defense benefits, but is not the collective bargaining unit. The NPD currently does not have any form of civilian oversight, although the previous mayor announced a plan to establish a civilian-led police oversight panel in 2013.

### III. FINDINGS

#### A. STOPS AND ARRESTS

The NPD's stops and arrests are problematic in a number of respects. The NPD engages in a pattern or practice of effecting pedestrian stops without reasonable suspicion of criminal activity, in violation of the Fourth Amendment. In addition, the NPD's response to perceived disrespect violates the First and Fourth Amendments. Further, an uncertain number of the NPD's narcotics-related arrests appear to violate the Fourth Amendment.

##### 1. Stops

Generally, a search or seizure is unreasonable "in the absence of *individualized* suspicion of wrongdoing." *City of Indianapolis v. Edmond*, 531 U.S. 32, 37 (2000) (emphasis added). There is reasonable cause to believe that the NPD nonetheless engages in a widespread pattern or practice of making pedestrian stops without such individualized suspicion.<sup>5</sup> This conclusion is based on review of NPD policies, stop reports for a three-and-a-half year period, arrest records, IA files, site visits to the NPD, interviews with stakeholders in the criminal justice system, and information provided by community members.

##### a. Legal Standards

Under the Fourth Amendment, law enforcement officers may briefly detain an individual for investigative purposes if the officers possess reasonable suspicion that criminal activity is afoot. *Terry v. Ohio*, 392 U.S. 1, 21 (1968). Reasonable suspicion to conduct a stop may be "the result of any combination of one or several factors: specialized knowledge and investigative inferences, personal observation of suspicious behavior, information from sources that have proven to be reliable, and information from sources that—while unknown to the police—prove by the accuracy and intimacy of the information provided to be reliable at least as to the details contained within that tip." *United States v. Nelson*, 284 F.3d 472, 478 (3d Cir. 2002) (internal citations omitted). Courts have interpreted the Fourth Amendment's guarantee against unreasonable searches and seizures to mean that law enforcement officers must satisfy escalating legal standards of "reasonableness" for each level of intrusion upon a person—stop, search, seizure, and arrest.

While reasonable suspicion is evaluated by looking at the totality of circumstances, an officer must be able to "articulate specific reasons justifying [the] detention." *Johnson v. Campbell*, 332 F.3d 199, 206 (3d Cir. 2003); *see also United States v. Robertson*, 305 F.3d 164,

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<sup>5</sup> The investigation focused on pedestrian stops and did not assess the NPD's vehicle stop practices.

167 (3d Cir. 2002). A stop must be based on something more substantial than an “inchoate and unparticularized suspicion or ‘hunch.’” *Terry*, 392 U.S. at 27. The officer must be able to point to some particular and objective manifestation that the suspect was, or was about to be, engaged in criminal activity. *United States v. Cortez*, 449 U.S. 411, 417 (1981); *see also United States v. Brown*, 448 F.3d 239, 246 (3d Cir. 2006); *Johnson*, 332 F.3d at 206.

The Third Circuit has found that a stop is unconstitutional where an officer thinks an individual’s behavior is “suspicious” but is not able to articulate why or link it to criminal activity. *Johnson*, 332 F.3d at 210 (report that plaintiff was pacing and acting agitated, followed by officer’s observation of plaintiff sitting in a car reading the newspaper, did not give rise to articulable suspicion that plaintiff was about to commit a crime). Similarly, an officer may not stop individuals based only on a generalized description of appearance that could apply widely, when the officer has not observed suspicious activity by those individuals. *See Brown*, 448 F.3d at 248-52 (stop was unconstitutional when officer stopped two individuals he observed hailing a taxi based on description of robbery suspects as two black males, ages 15 to 20, wearing dark clothing).

Nor is an individual’s mere presence in a particular neighborhood or area—even “an area of expected criminal activity” or “a high crime area”—sufficient “to support a reasonable, particularized suspicion that the person is committing a crime.” *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000); *see also United States v. Bonner*, 363 F.3d 213, 217 (3d Cir. 2004); *United States v. Roberson*, 90 F.3d 75, 81 (3d Cir. 1996) (mere presence on a corner known as a “hot corner” for drug sales does not support reasonable suspicion to justify a stop). Rather, while presence in a high crime area may be a factor, police must make their determination of reasonable suspicion upon the individual’s actions.

#### **b. NPD Stops Have Routinely Violated the Fourth Amendment**

The NPD uses a Field Inquiry Report to document stop activity by officers, and NPD policy requires that the report contain sufficient facts to demonstrate reasonable suspicion for a stop.<sup>6</sup> Reports failing to meet reasonable suspicion standards are to be rejected by the reviewing supervisor, and corrective training conducted to prevent a recurrence. Therefore, in theory, the Field Inquiry Report offers the best record of the NPD’s stop activities. However, the NPD’s use of Field Inquiry Reports is not entirely consistent with its policy, as NPD officers also use Field Inquiry Reports to document encounters other than stops for which reasonable suspicion is not required, such as witness interviews.

To ensure that the review assessed the NPD’s core pedestrian stop practices and not other encounters, the review of Field Inquiry Reports was conservatively limited to those in which the individual was described as a suspect, instead of a witness, and subject to a warrant check. By this measure, during the period of January 2009 to June 2012, NPD officers completed 39,308 Field Inquiry Reports, each documenting a pedestrian stop. Of those 39,308 encounters, the officer did not record *any* justification for the stop on 6,200 occasions (15.8%). These encounters were excluded from further analysis. DOJ investigators analyzed a sample of one-

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<sup>6</sup> NPD GO 97-8 (Revised 7/1/2000).

third (n=10,179) of the Field Inquiry Reports that recorded a justification for the stop. In approximately 75% of these remaining Reports, the officers failed to articulate reasonable suspicion to justify the stop, as required by NPD policy.<sup>7</sup> *Cf. Floyd v. City of New York*, 959 F.Supp.2d 540 (S.D.N.Y. 2013) (finding violations of class members' Fourth Amendment rights where statistical analysis revealed that 6% of stops lacked reasonable suspicion).

In particular, thousands of the stops—all of which were at least long enough to run warrant checks—involved individuals who were described merely as “milling,” “loitering,” or “wandering,” without any indication of criminal activity or suspicion. Some of those were augmented with a notation that the “milling,” “loitering,” or “wandering” was taking place in high-crime areas, high-narcotics areas, or high-gang activity areas. Officers also routinely stopped and ran warrant checks for individuals solely for being present in high-crime areas, near scenes of suspected or reported crimes, or simply “in areas.” Without any indicator of criminal activity or suspicion of an intent to engage in criminal activity, these reasons do not constitute reasonable suspicion to detain an individual, and are therefore constitutionally deficient. Yet, the reports demonstrate that these have been the most common type of pedestrian stops made by NPD officers.<sup>8</sup>

While poor report-writing may amplify the number of stops that appear unjustified, the repeated reliance on these insufficient justifications strongly suggests that NPD officers do not appreciate what is legally required for reasonable suspicion of criminal activity. Moreover, the frequent use of certain types of illegitimate justifications for stops, combined with the failure of reviewing supervisors to reject reports that contain them, suggests that the NPD has tolerated its officers' stopping people for reasons that do not meet constitutional muster.

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<sup>7</sup> This high rate of unjustified stops may actually understate the problem. For example, if the Field Inquiry Report indicated that the stop was dispatch-initiated rather than officer-initiated, the review did not consider the stop insufficiently justified, even where the report did not articulate facts that would justify a stop. Similarly, stop reasons referencing quality of life citations were also generally not included in the “no reasonable suspicion” category because the majority of behaviors giving rise to quality of life citations are evident by observation. However, stop reasons consisting solely of the fact that an individual was arrested *were* included in the “no reasonable suspicion” category for reasons explained later in this section. Even when excluding this latter category of stops, the analysis shows that officers failed to articulate reasonable suspicion in 69% of the Field Inquiry Reports reviewed. In addition, if this analysis had considered the 15.8% of reports that recorded no justification for the stop to be insufficient, approximately 93% of the stops would have been considered unsupported by articulated reasonable suspicion.

<sup>8</sup> Backseat detentions are another troubling aspect of NPD stop practices. Being placed in the backseat of a police vehicle can be a humiliating and often frightening experience. Police departments should use this practice only in strict accordance with the law. In Newark, there were credible complaints from community members that NPD officers routinely detain people and place them in the backs of police vehicles for significant periods of time and without cause, and then release them without actually filing charges, or even informing the individuals of the reasons for detention. It is difficult to assess the extent of this practice because of the lack of written documentation, in violation of policy, of the officers' action. NPD policy (GO No. 09-03) requires officers to document detentions in Incident Reports, even when an officer subsequently releases an individual without bringing the person to the precinct for processing or filing formal charges. However, like other NPD documentation requirements assessed, this policy does not appear to have been consistently followed, reviewed, or enforced. The NPD should ensure that backseat detentions are used only as appropriate for officer safety or other legitimate reasons and should enforce its policies that require documenting this activity.

These deficiencies in the NPD's stop practices were also reflected in IA investigations of complainants that officers used excessive force, discussed more fully later in this report. Nineteen percent—almost one in five—of those IA files described a stop without a constitutional justification. If the initial stop that culminated in the use of force was itself unjustified, any use of force, whether otherwise appropriate or not, is troubling, and perhaps unconstitutional.

At least part of this pattern of unlawful stops can be traced to NPD policies and training. NPD policy includes “[h]igh crime areas and the type of activity that takes place there” and “[p]roximity to scene of a crime” in its list of “reasonable suspicious factors to stop a person.”<sup>9</sup> Although the policy provides examples for each of these factors that include the factor *plus* additional information (*i.e.* high crime area *plus* exchange of currency and objects by the individual, proximity of scene of crime *plus* individual matches a description or is engaged in activity such as running or hiding), the policy does not clearly state that any of those factors alone are insufficient and that additional information is *required* to establish reasonable suspicion. This lack of clarity in NPD policies effectively promotes a view that living or simply being in a high-crime area is criminally suspicious. This violates the Fourth Amendment's fundamental tenet requiring *individualized* suspicion to justify deprivation of liberty by law enforcement. The lack of clarity may also result in inadequate documentation of stops that might actually have been constitutional but were not fully described.

In addition to stopping individuals based on their mere presence in high crime areas, NPD officers also have too often stopped pedestrians for other impermissible reasons. For example, NPD officers illegally stopped individuals whom officers perceived to react negatively to the presence of police officers, without any additional indicia of criminal activity. *See, e.g., Bonner*, 363 F.3d 217-18 (flight upon noticing police, without some other indicia of wrongdoing, is not grounds for reasonable suspicion). Officers also have impermissibly stopped individuals solely because they were in the presence of an arrestee or other suspicious person, without any other articulated indicia of criminal activity. *See Ybarra v. Illinois*, 444 U.S. 85, 91 (1979) (“[A] search or seizure of a person must be supported by probable cause particularized with respect to that person.”). Specific examples of these types of reasons for stops include: “Actor Upon Noticing Our Presents [sic] Changed His Direction of Travel,” “Observed Actor Hid Behind A Car When He Observed Police Car,” and “Subject Was In the Company of a Female Who Was Cited For Drinking.”

NPD officers also regularly have justified stops based solely on information or evidence discovered after the stop was initiated. Examples include “Individual Was Stopped on Bicycle No Proper ID” and “A Record Check of the Above Individual Revealed an Open Warrant.” The reasonableness of a stop is determined based on “facts available to the officer *at the moment of the seizure.*” *Terry*, 392 U.S. at 20-21 (emphasis added); *Johnson*, 332 F.3d at 205; *see also Brown*, 448 F.3d at 245 (attempt to escape after stop was irrelevant in determining reasonableness of stop because attempt to escape occurred after stop was initiated).

Similarly, officers have justified stops based on the fact that the individual was ultimately arrested. Typical examples of these justifications include “Arrested,” “CDS Arrest,” “Narcotics

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<sup>9</sup> *See* NPD GO 97-8 (Revised 7/1/2000).



Arrest,” and “Individual Arrested for [charge].” This is constitutionally impermissible: an officer must first have reasonable suspicion of criminal activity in order to conduct a stop, and the discovery of evidence during or after the stop that provides probable cause for arrest cannot be used to retroactively establish reasonable suspicion for the stop. *See Wong Sun v. United States*, 371 U.S. 471, 484-85 (1963). Because the stop was not justified in the first place, the subsequent search and arrest are the direct result of impermissible police activity and are invalid.

### **c. Unconstitutional Stop Practices Undermine Effective Policing and Officer Accountability**

The NPD’s unconstitutional stop practices negatively affect not only Newark’s residents but also the NPD’s ability to effectively police the City. First, the practice erodes the community’s trust, as individuals feel that they will be treated as criminals based on where they live or spend time, rather than on how they act. Indeed the NPD’s own stop policy warns that “[t]he indiscriminate use of stopping and questioning individuals will be detrimental to the positive community relations that this Department strives to obtain.” And representatives from other criminal justice agencies, advocates, and community members reported throughout the investigation that many Newark residents have come to expect that officers might stop, record-check, and search them at any time without any justification at all. One individual characterized this experience as “just part of living in Newark.” As with the NPD’s Quality of Life citation practices discussed later in this report, residents perceive these stops as harassment by police. Research has shown, and individuals interviewed during this investigation recounted, that witnesses who experienced such stops are less likely to accept police legitimacy and to provide assistance to police during investigations.

Second, stops without adequate justification result in the over-collection, and improper retention and use, of personal information. NPD policy states that information about individuals in the NPD’s database is relevant for evaluating the veracity and reliability of their statements in the future. As a result, NPD officers’ unjustified stops can have long-lasting and substantial consequences for people’s lives, as well as for the NPD’s ability to hold officers accountable for misconduct. For example, as discussed later in this report, the NPD’s IA may improperly discredit the complaint of an individual in part because the individual has multiple recorded encounters with police.

The NPD’s undisciplined stop practices also increase the risk that officers, without appropriate guidance to distinguish between appropriate and inappropriate justifications for conducting stops, may rely on impermissible factors such as an individual’s race, color, or ethnicity. The NPD should be particularly attentive to this concern in light of the disproportionate impact its stop and arrest practices have on Newark’s black residents, which is discussed below.

## **2. Arrests**

Although NPD officers generally write reports that facially appear to establish probable cause to arrest, those reports have reflected two categories of problematic practices. First, there is reasonable cause to believe that the NPD has engaged in a pattern or practice of unconstitutional arrests for behavior perceived as insubordinate or disrespectful to officers—

often charged as obstruction of justice, resisting arrest, or disorderly conduct. Second, there is reasonable cause to believe that some number of NPD narcotics arrest reports may not have accurately described the circumstances leading to arrest, and that the NPD has not addressed this problem. This assessment of NPD arrest practices is based on: a review of a random sample of 100 arrest reports and associated incident reports from a three-and-a-half year period, January 2009 to June 2012; NPD policy; IA files; Use of Force Reports; site visits to the NPD; interviews with stakeholders in the criminal justice system; and information provided by community members.

#### **a. Legal Standards**

Probable cause to arrest an individual exists “when the information within the officer’s knowledge at the time of the arrest is sufficient to warrant a reasonable officer to believe that an offense has been or is being committed by the person to be arrested.” *Paff v. Kaltenbach*, 204 F.3d 425, 436 (3d Cir. 2000). In determining whether an officer had probable cause to make an arrest, courts consider the totality of the facts and circumstances known to the officer at the moment the arrest was made. *Wright v. City of Philadelphia*, 409 F.3d 595, 602 (3d Cir. 2005). The constitutional validity of the arrest does not depend on whether the suspect actually committed any crime, and probable cause cannot be retroactively established or disproven by the fact that the suspect later pleads guilty, is found guilty, or is acquitted. *See id.*; *Johnson*, 332 F.3d at 211. The totality of the circumstances test is objective: the question is whether “an officer would be justified in believing that an actual offense was being committed,” not whether an officer subjectively believed there was probable cause to make an arrest. *Johnson*, 332 F.3d at 214. An officer’s erroneous belief that a suspect’s actions constitute criminal activity is irrelevant if the available evidence would not support that conclusion. *Id.*

Officers may not arrest individuals for exhibiting behavior that is disrespectful or obnoxious, but legal, and must be mindful that some speech challenging or objecting to police action is protected by the First Amendment. Police officers “are expected to endure significant burdens caused by citizens’ exercise of their First Amendment rights,” including “provocative and challenging” speech and gestures. *Gilk v. Cunniffe*, 655 F.3d 78, 83 (1st Cir. 2011); *City of Houston, Tex. v. Hill*, 482 U.S. 451, 461 (1987); *see also Swartz v. Insogna*, 704 F.3d 105, 110 (2d Cir. 2013) (“[A] reasonable police officer would not have believed he was entitled to initiate the law enforcement process in response to giving the finger.”); *Sandul v. Larion*, 119 F.3d 1250 (7th Cir. 1997) (extending middle finger and shouting profanity protected by the First Amendment); *Duran v. City of Douglas, Arizona*, 904 F.2d 1372, 1377-78 (9th Cir. 1990) (while police officers “may resent having obscene . . . gestures directed at them, they may not exercise the awesome power at their disposal to punish individuals for conduct that is not merely lawful, but protected by the First Amendment.”).

#### **b. “Contempt of Cop” Arrests, Seizures, and Citations Have Violated the Fourth and First Amendments**

The Supreme Court has recognized that the First Amendment protects verbal challenges to police action, holding that “[t]he freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” *Hill*, 482 U.S. at 462-63. NPD officers have

engaged in a pattern of violating constitutional rights by detaining and arresting individuals who lawfully object to police actions or behave in a way that officers perceive as disrespectful. These types of arrests are sometimes referred to as “contempt of cop” arrests, and are often charged as obstruction of justice, resisting arrest, or similar offenses, even though the behavior has not met the legal standards for such charges. Contempt of cop detentions and arrests in retaliation for questioning or expressing criticism of police violate individuals’ rights under both the Fourth and First Amendments.<sup>10</sup>

The NPD’s arrest reports and IA investigations, including some incidents involving unreasonable uses of force, reflect numerous instances of the NPD’s inappropriate responses to individuals who engage in constitutionally protected First Amendment activity, such as questioning or criticizing police actions.

For example, in one IA investigation, an individual was arrested after he questioned officers’ decision to arrest his neighbor. The individual alleged that officers immediately proceeded to use force against him. The officers’ own version of events, reporting that the individual told them loudly and “in a belligerent manner” that they could not arrest his neighbor, did not establish probable cause for the officers’ decision to arrest the man for obstructing the administration of law.

In another incident, officers reported that a woman standing outside her apartment yelled profanity and spat in their direction. According to the officers, based on this conduct, they decided to arrest her for aggravated assault and disorderly conduct and used “physical contact” to effect the arrest. According to the woman, she had publicly criticized an officer for questioning a street vendor about a permit. Although the officers’ and complainant’s accounts of the incident differ, the officers’ own explanation of the incident—that they used force and arrested the woman in response to her using profanity and spitting towards them—provides insufficient justification for their actions.

In another example, a civilian complainant alleged that a plainclothes detective used force and arrested him after he walked away from the detective. The IA investigation revealed that the detective first observed a group of people standing near the street and deemed them suspicious based solely on “the area” they were in. The detective’s report indicates that, although he had observed no criminal activity, he announced police presence and “*randomly* approached one actor” (emphasis added) and ordered him to stop. The individual attempted to walk away from the detective, and allegedly used profanity toward the detective while the

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<sup>10</sup> In addition to the examples of First Amendment violations discussed here, prior to the initiation of this investigation, there were several highly publicized incidents where NPD officers prohibited citizens from recording police action. NPD ultimately settled at least three of the resulting lawsuits, and promulgated a Director’s memorandum in the fall of 2011 with guidance on individuals’ right to record police. However, this investigation found that NPD has not fully corrected the practice of inappropriately prohibiting individuals from recording the police, and needs to issue more detailed policies to guide officer behavior. For example, the current policy states that individuals have a First Amendment right to record police activities but gives officers the discretion to order individuals to stop recording if they “truly interfere with legitimate law enforcement operations.” The policy does not explain or provide examples of the types of conduct that might amount to such interference and thus does not provide sufficient guidance to officers on how to lawfully exercise their discretion.



detective continued to issue verbal commands for him to stop. The complainant alleged that the detective grabbed him from behind and he turned in response. It is not clear from the detective's report when he first touched the individual, but the report states that the individual turned around, raised his hands and reached for the detective's wrists, suggesting that the officer had already initiated his use of force. The detective's report indicates he pushed the individual up against the hood of a car, before arresting him for resisting arrest, obstructing the administration of law, and disorderly conduct. The Supreme Court has consistently held that a refusal to cooperate with the police, without more, does not furnish the minimal level of objective justification needed for a detention or seizure. *Florida v. Bostick*, 501 U.S. 429, 437 (1991); *see also Wardlow*, 528 U.S. at 125.

In addition to a pattern of unjustified arrests in which individuals are formally charged, there is evidence that, in violation of the Constitution, the NPD has seized and detained individuals or issued unjustified Quality of Life citations in retaliation for protected conduct.

For example, in one incident investigated by the NPD's IA, the complainants alleged that a plainclothes officer stopped an individual on the street. Two complainants were present and one, unaware that the plainclothes officer was a police officer, asked the officer why she had stopped the individual. According to that complainant, the officer slammed him to the ground and used a choke hold on him. The second complainant then asked the officer why she was choking the other observer. The officer allegedly kicked the second complainant in the ribs and placed both individuals in handcuffs. In her interview with IA, the officer stated that she "bumped into" the first complainant causing him to fall on the ground. She admitted detaining the two individuals after they became "loud and hostile." Both individuals were ultimately released from handcuffs and issued Quality of Life citations for disorderly conduct. The municipal court later refused to adjudicate the citations.

In another excessive force complaint investigated by IA, two officers dispersing crowds at a high school following a large fight reported that a student spat on the ground in front of the officers. One officer reported to the IA investigator that he then grabbed the juvenile by his arm, "placing" his head against the hood of the police cruiser. The second officer confirmed this account. The juvenile was ultimately frisked, given a summons and released when his father arrived on the scene. Several of the IA files reviewed contained similar descriptions of officers detaining, arresting, or issuing citations to individuals perceived to have spat in the general direction of the officers, giving credence to these complaints and indicating that this practice may be more widespread.

The NPD's exercise of its police power to respond to "contempt of cop" behavior is part of the pattern of unreasonable stops and arrests by NPD officers, and consistent with the pattern of unreasonable force discussed below. A police officer's job is difficult, requiring a thick skin and patience. Unfortunately, rather than using de-escalation techniques and acting within the constraints of the Constitution when confronted with disrespectful behavior, NPD has engaged in a pattern and practice of taking immediate offensive action, without regard to whether that conduct complies with the law.

### **c. Narcotics Searches and Arrests Have Violated the Fourth Amendment**

There is reasonable cause to believe that the NPD's pattern of unlawful arrests extends to its narcotics arrests. NPD narcotics-related arrest reports reflect a strikingly high number of instances in which officers did not have to conduct a search to find the narcotics that provided the probable cause for the arrest. These numbers, and the circumstances of these arrests, suggest that some number of these narcotics arrest reports have been inaccurate. While this investigation did not determine which, or how many, arrest reports suffered such deficiencies, it is troubling that the NPD appears neither to have noticed this pattern nor to have taken appropriate steps to ensure that officers write accurate, reliable narcotics arrest reports that reflect legitimate searches.

Out of a sample of 100 reports documenting NPD arrests between January 2009 and June 2012, 58 documented arrests on narcotics-related charges. The overwhelming majority of these narcotics arrests and associated incident reports contained remarkably similar language to support officers' reasonable suspicion to stop the individual. According to the narratives written by officers, in at least 46 of the 58 narcotics arrest reports in the sample, officers reportedly did not have to conduct a search in order to find narcotics. Rather, officers reported, using similar language, that suspects either voluntarily and immediately offered or discarded an otherwise concealed CDS (controlled dangerous substance) to the police upon mere announcement or recognition of police presence, or that the CDS was "in plain view" of the officers when they approached the suspects. In the "plain view" scenarios, individuals often were purportedly seated in cars holding clear plastic baggies in front of them or on their laps and officers could "immediately" see the contraband, even though the report indicated that the subject's back was to an officer, or that the officer had not yet approached the car.

The concerns raised by these reports may be partly explainable by poor report writing, and some portion of these plain view narcotics arrests may also reflect that NPD practices are far too opportunistic, with some officers' relying too heavily on only the most obvious violations. Nonetheless, the sheer frequency with which NPD officers report finding contraband in plain view, sometimes in what appear to be less than plausible circumstances, makes it difficult to ascribe this problem to these dynamics alone. Indeed, police practice experts reviewing these reports observed that, in their experience reviewing such narcotics arrest reports in multiple jurisdictions across the country, the proportion of narcotics arrests in Newark that did not require a search is markedly high. These expert observations are consistent with concerns expressed by community members and other criminal justice stakeholders in Newark. The NPD and the City of Newark should engage a broad spectrum of criminal stakeholders, including the Essex County Public Defender's Office and the Essex County Prosecutor's Office, to determine how widespread this problem may be and develop an effective plan to combat it.<sup>11</sup>

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<sup>11</sup> Improved report writing within NPD would also yield stronger cases for prosecution. One of the NPD arrest files reviewed also contained a report about the same incident written by Essex County Sheriff's Department officers, providing an opportunity to compare these two agencies' accounts of the same incident. In marked contrast to the canned language used in narratives written by NPD officers, the Essex County report contained many details

Prior to this investigation, the NPD apparently had not recognized this pattern in its arrests. This is due in part to the NPD's insufficient accountability systems, such as adequate supervisory review, that are discussed later in this report. When this pattern was brought to their attention, City and NPD officials noted the brazen, open-air drug markets that plague Newark as a potential explanation for the high proportion of plain view arrests, and maintained that the NPD's arrest reports accurately reflect the encounters. It is doubtless true that many of these arrest reports are accurate, and the review of these reports did not attempt to include an evaluation of the overall merits of any particular arrest, or examine the work of any particular officer. Rather, the prevalence of instances in which officers purportedly recovered drugs without the need for a search, together with the circumstances of those arrests as described by the reports, indicated that some portion of NPD arrest reports may have been inaccurate and that the NPD does not have the systems in place to reliably detect such deficient reports so that it can ensure that the underlying circumstances of the stop, search, and arrest are lawful.<sup>12</sup>

## **B. DISPARATE IMPACT BASED ON RACE**

This investigation found that black people in Newark have been stopped and arrested at a significantly higher rate than their white and Hispanic counterparts. This disparity is stark and unremitting. Approximately 80% of the NPD's stops and arrests have involved black individuals, while Newark's population is only 53.9% black. Black residents of Newark are at least 2.5 times more likely to be subjected to a pedestrian stop or arrested than white individuals. Between January 2009 and June 2012, this translated into 34,153 more stops of black individuals than white individuals. The disparity persists throughout the city regardless of whether sectors have highly concentrated black residential populations or comparatively fewer black residents.<sup>13</sup>

This investigation did not determine whether this disparity reflects intentional race discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment, or whether this disparity is avoidable or unnecessary, in violation of Title VI or the Safe Streets

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specific to the incident, including individualized descriptions of the suspects and specific actions giving rise to probable cause, locations of officers, approximate lengths of time of observation of actions by officers, reasons specific to the incident that led the officer to conclude they had reasonable suspicion or probable cause, and a plausible sequence of events.

<sup>12</sup> It is important also to note that, for the purposes of this investigation, the question was not whether arrestees were engaged in drug activity; rather, it was whether NPD officers were acting in accordance with fundamental constitutional requirements, such as individualized reasonable suspicion to support a detention, legal authority to support a search, and probable cause to support an arrest. The fact that an officer actually discovers evidence during or after a stop or search that provides reasonable suspicion for the stop or probable cause for the arrest does not render the officer's actions constitutional. *See Wong Sun*, 371 U.S. at 484-85. Nor does the fact that some of the individuals arrested and charged in the narcotics arrests reviewed pled guilty or were convicted in state court determine whether a Fourth Amendment violation in the arrest process occurred, or preclude consideration of this issue by a federal court in a subsequent Fourth Amendment challenge. *Haring v. Prosise*, 462 U.S. 306, 314-23 (1983); *Anela v. City of Wildwood*, 790 F.2d 1063, 1068-69 (3d Cir. 1986). Similarly, the Supreme Court has recognized that there are various incentives for a defendant to plead guilty independent of whether there may have been a Fourth Amendment violation. *Prosise*, 462 U.S. at 318-19.

<sup>13</sup> As this report was being finalized, the ACLU-NJ released the results of its own review of stop data that NPD publishes on its website. The ACLU-NJ's review of this different, more recent data also showed racial disparities in NPD stops.

Act. As discussed in the Legal Standards section below, policing that has a disparate impact on members of a particular race may be unlawful not only where it is intentional, but also where it is unintentional, but avoidable.

Nonetheless, regardless of *why* the disparity occurs, the *impact* is clear: because the NPD engages in a pattern of making stops in violation of the Fourth Amendment, Newark's black residents bear the brunt of the NPD's pattern of unconstitutional policing. This undeniable experience of being disproportionately affected by the NPD's unconstitutional policing helps explain the community distrust and cynicism that undermines effective policing in Newark. In individual interviews and group meetings, many community and criminal justice stakeholders consistently described Newark as a city where black residents, and particularly black men, fear law enforcement action, regardless of whether such action is warranted by individualized suspicion. They indicated that unjustified stops by NPD officers have become so routine that many members of the black community have ceased feeling a sense of outrage and simply feel a sense of resignation.

These conclusions about the racially disparate impact of the NPD's policing practices are based on an analysis of NPD data obtained directly from the NPD's data management vendor because the NPD does not maintain, track, or analyze demographic data for its law enforcement actions in a manner that could be relied upon for the close scrutiny required by this investigation. Further refinement of the systems and analysis of this data are necessary to more fully understand the nature and cause of this disparate impact, and the NPD should implement systems to collect and analyze this data as part of its effort to ensure that unlawful racially discriminatory policing does not occur.

## **1. Legal Standards**

Discriminatory policing in violation of the Equal Protection Clause of the Fourteenth Amendment may arise from either an explicit classification or a facially neutral policy or practice that is implemented or administered with discriminatory intent. *See United States v. Armstrong*, 517 U.S. 456, 457 (1996); *Washington v. Davis*, 426 U.S. 229, 239-40 (1976). Discriminatory policing under the Fourteenth Amendment includes selective enforcement of the law based on race. *Whren v. United States*, 517 U.S. 806, 813 (1996). In addition, Title VI and the Safe Streets Act prohibit law enforcement agencies that receive federal financial assistance, such as the NPD, from engaging in intentional discrimination or in law enforcement activities that have an unjustified disparate impact based on race, color, or national origin. The Safe Streets Act provides that "[n]o person in any State shall on the ground of race, color, religion, national origin, or sex be ... subjected to discrimination under or denied employment in connection with any programs or activity" receiving federal funds. 42 U.S.C. § 3789d(c)(1). Title VI establishes that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving [f]ederal financial assistance." 42 U.S.C. § 2000d. Title VI's implementing regulations prohibit law enforcement agencies from using "criteria or methods of administration" that have a disparate impact based on race, color, or national origin. 28 C.F.R. § 42.104(b)(2); *see also Alexander v. Sandoval*, 532 U.S. 275, 281-82 (2001). Thus, under these statutes, discriminatory impact may be unlawful even where it is not intentional.

## **2. Failure to Track and Analyze Appropriate Data With Respect to Race**

A full understanding of the race-based effects of the NPD's policing practices is made more difficult by the NPD's failure to track and analyze data with respect to race, which is unusual, and at odds with sound policing practices, for a police department in a major city, especially one with such diversity. Although NPD Field Inquiry forms track race, and the Arrest Report and Incident Report forms track race and ethnicity, the NPD does not use this demographic data to analyze and inform its policing practices. In fact, when requested to produce basic data on stops and arrests that included race, the NPD was unable to do so because the NPD has not enabled its records management system to provide this information. Indeed, the NPD has not implemented any systems through which it can effectively monitor and assess the race-based effects of its policing practices. This failure is particularly surprising as the NPD has adopted a COMSTAT process similar to the one pioneered by the New York Police Department ("NYPD") to help command staff ensure that the Department is policing effectively. Although the NYPD COMSTAT process includes tracking and analysis of policing activities by race, the NPD chose not to incorporate those features, meaning that NPD can use COMSTAT to analyze crime rates, but not to analyze the impact of its enforcement efforts on different racial or ethnic groups.

Moreover, the NPD does not collect race and ethnicity data for any of the Quality of Life citations it issues, which made it impossible to use these forms to help determine the accuracy of widespread complaints from the community that the NPD uses Quality of Life citations in a racially discriminatory manner. These deliberate decisions by the NPD when the process was implemented make it difficult for anyone within or outside of NPD to assess the racial impact of NPD's policing.

After persistent efforts spanning approximately one year in which the NPD was unable to provide comprehensive data, the DOJ ultimately arranged to work directly with the vendor that created the NPD's record management system to gain access to the raw data, including demographic information on race and, where tracked, ethnicity, for NPD stop and arrest activities from January 2009 through June 2012. Although there are deficiencies in this data resulting from the NPD's inconsistent record-keeping practices and lack of corrective supervisory review, the sheer volume of the available records provided a sufficiently reliable data set to analyze.

Further study of these numbers and their explanations is warranted, particularly because the data show that Newark's black residents bear a disparate burden of stops, searches, and detentions that violate the Fourth Amendment. Without carefully tracking, analyzing, and addressing the racially disparate effects of its law enforcement activities in Newark, the NPD will be unable to fully understand and respond to this divisive disparity, and will face greater difficulty gaining the community trust and legitimacy required for effective and constitutional policing.



### **3. NPD's Unconstitutional Stop, Search, and Arrest Practices Have Had a Disparate Impact on Black People in Newark**

The disparate impact of the NPD's stop, search, and arrest practices appears to be an additional harm stemming, at least in part, from the same poor policing practices that result in stops, searches, and arrests that violate the First and Fourth Amendments. NPD officers, failing to apply constitutional and legal standards for stops, searches, and arrests, appear to have substituted their own judgments for these standards in determining when a stop, search, or arrest is justified. Without meaningful supervisory review, this practice increases the opportunity for officers to rely—consciously or unconsciously—on impermissible factors such as an individual's race when conducting law enforcement actions.

In addition to the broad statistical evidence of disparate impact set out below, there is more specific evidence that, while not conclusive, supports a conclusion that the NPD's failure to require its officers to adhere to legal standards for stops facilitates impermissible reliance on race. For example, NPD officers used the conclusory phrase "suspicious person," without articulating any facts that establish actual reason for suspicion, to justify approximately 1,500 stops conducted during the three-and-a-half year time period reviewed.<sup>14</sup> Of these 1,500 illegal "suspicious person" stops, 85% were stops of individuals identified by officers as black, and 15% were stops of individuals identified as white, a proportion starkly inconsistent with Newark's demographic breakdown.

#### **a. Pedestrian Stop Practices**

Community perceptions of disparate treatment by the NPD are confirmed by the data. NPD officers documented a total of 52,235 pedestrian stops between January 2009 and June 2012.<sup>15</sup> Overall, 80.9%, or 42,234, of these stops were of black individuals; 15.5%, or 8,081, were of white individuals (which includes a large number of Hispanic individuals); and 3.7%, or 1,920, of the stops were of individuals identified as "other races" or "unknown." In comparison, according to 2010 U.S. census data, Newark's population is 53.9% black, 26.4% white, and 19.8% other races.<sup>16</sup> While the NPD conducted approximately 111 stops per 1,000 residents for white people, the NPD conducted approximately 283 stops per 1,000 residents for black people.

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<sup>14</sup> As discussed previously, identifying someone as a "suspicious person," without articulating any factual basis for that suspicion, does not establish a legal basis for a stop.

<sup>15</sup> This analysis included all pedestrian stops, not just those that were accompanied by a warrant check. This was done because the analysis sought to discover the demographic impact of all police-initiated pedestrian stops.

<sup>16</sup> Because pedestrian stops are more likely to stop persons who actually live in Newark than are vehicular stops, residential population (census) provides a useful benchmark for conducting a preliminary analysis to discern whether a pattern of racially disparate policing appears to exist. While using residential population as a benchmark for measuring the rate of people subjected to law enforcement activity relative to the potential population of people who could have been subjected to such activity is not a perfect fit, it is adequate, and was the best benchmark available, given NPD's failure to collect, track, and analyze demographic data. Residential population for this analysis was calculated on a block-by-block basis. Of the 26.4% of Newark's population that is white, 14.7% also are Hispanic according to the 2010 census data. However, because, until January 2014, the NPD's stop data did not include ethnicity, this stop analysis considered race but not ethnicity. By contrast, as discussed below, the arrest data did include ethnicity during the period this investigation was conducted.

This means that black individuals in Newark have been 2.5 times more likely on average to be subjected to a pedestrian stop by an NPD officer than white individuals.

In addition to being 2.5 times more likely to be stopped than their white counterparts, black individuals in Newark also have been 2.7 times more likely on average to be subjected to searches and 3.1 times more likely to be subjected to frisks by the NPD. NPD officers conducted 34,153 more stops, 13,174 more searches, and 12,130 more frisks of black individuals than of white individuals over three-and-a-half years. Yet, according to the NPD's documentation, the likelihood that a search or frisk by the NPD recovers evidence is essentially the same for both racial groups. The likelihood of recovering evidence during a frisk is 13.6% for whites and 12.7% for blacks, and the likelihood of recovering evidence during a search is 14.2% for whites and 14.8% for blacks.<sup>17</sup> Thus, not only are the unconstitutional stop practices of the NPD falling most heavily on black individuals, but those massively additional stops are not yielding more evidence of crime. In other words, the stops are both impermissible *and* ineffective.

These racial disparities characterized every one of the NPD's policing precincts and sectors, regardless of the racial makeup of those areas. For example, in the 3rd Precinct, which covers the southeast area of the city and has a relatively low black residential population (22%), black individuals have been stopped at a rate 5.5 times that of their white peers, with stops of black individuals totaling 4,819 and stops of white individuals totaling 2,194, despite white residents' comprising 55% of the population. In the 4th Precinct, which covers the western area of the city, and where the residential population is heavily black (85%), black people accounted for 95%, or 14,693 of the stops, compared to 4%, or 572, stops of white people. When the precincts are broken down by sector, in 12 of Newark's 29 sectors (including sectors from each of the four precincts), black people have been stopped at a rate more than 4 times that of white people. In some sectors in the 3rd Precinct, the stop rate for black individuals exceeded ten times the stop rate for white individuals.

### **b. Arrest Practices**

The analysis of arrests by NPD officers over the three-and-a-half year period are almost identical to the analysis of pedestrian stops over that time period. Out of the 84,396 arrests in the three-and-a-half year period reviewed, 66,888, or 79.3%, were arrests of black people, while black residents accounted for 53.9% of Newark's population. By comparison, only 5,567, or 6.6%, were arrests of white people, while non-Hispanic white residents account for 11.6% of Newark's population.<sup>18</sup> Stated differently, black individuals were 2.6 times more likely to be

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<sup>17</sup> These evidence recovery rates are provided for race-comparison reasons only. The NPD's actual evidence recovery rates likely are materially lower than this, given the methodology of this review, which restricted the dataset of stops reviewed to those in which a warrant check was run, and the likelihood that the NPD did not complete this report for all stops.

<sup>18</sup> Although there were anecdotal accounts of mistreatment of Hispanic individuals by NPD officers based on perceived ethnicity and national origin, particularly when these individuals have sought assistance from the police, the arrest data reviewed as part of this investigation did not show a disparity in arrests of Hispanics. Out of the 84,396 arrests, 10,277, or 12.2%, were arrests of Hispanic non-black individuals, compared to Hispanic non-black individuals accounting for 30.6% of Newark residents. As noted above, because the NPD's stop data did not track

arrested than white individuals in Newark. As with stops, the disparity held true across all NPD precincts and sectors. It is also consistent throughout most categories of arrests, based on charges reported at the time of arrest. It is crucial that the NPD implement data collection and analysis so that it can more fully understand the nature and causes of these racial disparities.

#### **4. Quality of Life Citation Practices Have Been Ineffective and Have Facilitated Abuse**

Community members, criminal justice stakeholders, and NPD officers and stakeholders widely recounted complaints about the NPD's use of Quality of Life citations (commonly referred to by officers and community members as "blue summonses"). These citations are issued by NPD officers pursuant to Newark's Municipal Code. Officers and residents alike perceive that the NPD issues these citations in order to satisfy quotas rather than to improve public safety. This perception alienates many community members and there is some evidence that calls into question the effectiveness of NPD's use of Quality of Life citations on reducing crime in Newark.

During various time periods in recent years, NPD leadership reportedly instituted a quota to encourage officers to increase the number of citations issued. Officers' eligibility for overtime and desirable assignments apparently were linked to meeting the Quality of Life citation quota, thus giving officers an incentive to issue more. Although there was conflicting information about whether a formal quota still exists, the perception of at least an unofficial quota persists among officers.

There were consistent reports from a variety of stakeholders that, in recent years, the NPD's increased emphasis on the use of the citations, coupled with poor training,<sup>19</sup> has disproportionately and ineffectively targeted black individuals. Because the NPD does not track race and ethnicity for citations, the DOJ could not confirm the accuracy of this perception. However, given the racially disparate effects of the NPD's stop practices, the allegations that the citations disparately affect the black community have some basis.<sup>20</sup>

Moreover, complaints from NPD officers and—particularly in public housing projects—the community allege that the NPD's practice of requiring officers to issue high numbers of citations results in officers' focusing on convenient targets, rather than on the individuals involved in serious criminal activity. Issuing high numbers of citations, particularly if this

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ethnicity until January of 2014, this investigation did not include an analysis of stops of Hispanics in Newark. Further inquiry is necessary to determine more conclusively whether the NPD's police activities have a disparate impact on Hispanics.

<sup>19</sup> That lack of appropriate training concerning Quality of Life citations results in officers' improper issuance of citations is supported by the fact that these citations are dismissed by the municipal and county prosecutor's offices approximately thirty percent of the time.

<sup>20</sup> Community members and groups also raised concerns that the NPD inappropriately uses Quality of Life citations to target people with mental illness, people with disabilities, and seniors. During the site visit, members of the NPD command staff lacked a sufficient understanding and sophistication about issues related to mental illness and disabilities, highlighting the need for training on these issues. Some community members reported that seniors and people with disabilities are terrified of calling the police because they perceive that NPD officers will assume that they have mental health concerns and will treat them like suspects.



practice is seen as focused on low level targets of opportunity rather than the individuals more likely to be involved in serious criminal activity, alienates potential allies in the community who might otherwise be helpful as witnesses, or in providing information related to crime.

### **C. USE OF FORCE**

There is reasonable cause to believe that the NPD has engaged in a pattern or practice of unconstitutional force in violation of the Fourth Amendment. Relying primarily on officers' own descriptions of and justifications for the force they used, this review found that more than twenty percent of NPD officers' reported uses of force were unreasonable and thus violated the Constitution. The investigation also revealed significant underreporting of force by NPD officers. This pattern and practice of unreasonable force both results from and is evidenced by failures in policy, supervision, investigation, training and discipline.

#### **1. Legal Standards**

The Fourth Amendment guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. CONST. amend. IV. The use of excessive or unnecessary force by a law enforcement officer during an arrest or stop is considered an "unreasonable" seizure that violates the Fourth Amendment. *Graham v. Conner*, 490 U.S. 386, 394 (1989). The assessment of reasonableness and, therefore, constitutionality of an officer's use of force is objective. Just as an officer's bad intentions will not render an objectively reasonable use of force unconstitutional, an objectively unreasonable use of force is unconstitutional, even where the officer had good intentions. *Id.* at 397. Determining whether the use of force was reasonable requires carefully balancing the risk of bodily harm that the officer's actions pose to the individual in light of the threat to the public that the officer was trying to eliminate. *Scott v. Harris*, 550 U.S. 372, 383 (2007). In *Graham*, the Supreme Court noted that, in order to properly balance these interests, courts must examine the totality of the circumstances, including the severity of the crime, whether the subject posed an immediate threat to the officer or public safety, and whether the suspect was actively resisting arrest or attempting to escape. *Id.*

#### **2. NPD Format for Reporting and Tracking Force**

The NPD's use of force policy appropriately charges officers to use the "minimum force necessary to effect a lawful arrest" and officers must be able to "justify the degree of force used." General Order 63-02. The policy requires that officers clearly document all uses of force in an Incident Report and complete a separate Use of Force Report, both of which are to be submitted to a supervisor for review and approval. The Use of Force Report (Form DPI:2000) ("Force Report") is a paper form intended to track the specific details about use of force incidents. The Incident Report Form (Form DPI:802) ("Incident Report") is an electronic record contained in the NPD's Record Management System ("RMS") that officers complete for all arrests, crime reports, uses of force and other incidents. Only the Incident Report includes a place to include a narrative description of an officer's actions. The Force Report provides space to indicate what force was used, what resistance was encountered and whether there were injuries, but its format makes it impossible for a reviewer to tell what happened, especially in situations where more than one type of force is used, or force is used against more than one person. Upon approval,

supervisors are to forward copies of both reports to the Office of the Police Director, Internal Affairs, and the Police Academy. In addition, the policy requires each precinct or unit to maintain file copies of the Incident, and Use of Force Reports (and any associated Arrest Reports).

The policy requires copies of Use of Force Reports to be forwarded to IA, where they are to be entered into a computerized case management system, IAPro, and for the Police Academy to retain them for “future purposes.”<sup>21</sup> In apparent conflict with this policy, although IAPro appears to contain a record noting the occurrence of each use of force, very little of the data from the Use of Force Report is actually entered into the NPD’s data system for tracking or further analysis. The omission of this detailed data from any electronic database limits the ability of the NPD to track and analyze officer use of force practices for accountability, training, or officer safety purposes.

### **3. NPD’s Unreasonable Use of Force**

With the assistance of experts, the team reviewed all 82 of the NPD’s IA investigations of allegations of excessive force for the eighteen-month period, from January 2010 to June 2011.<sup>22</sup> In 67 of these investigative files, IA determined that NPD officers had used force and IA then made efforts to conduct an investigation.<sup>23</sup> Yet, IA did not find the force used by officers in any of these investigations to be unreasonable. In fact, IA sustained only one excessive force allegation in the six-year period from 2007 to 2012.

The DOJ’s review yielded very different results. Upon evaluating the information in these 67 files, the investigation concluded that 14 incidents involved the use of unreasonable force by NPD officers, some of which are described below. In 27 other incidents, the documentation of the internal affairs investigation lacked sufficient information to allow an assessment of whether the force was reasonable.

In addition to its review of IA investigations, the team also evaluated the NPD’s Force and Incident Reports for the nine-month period from January 1, 2011, to October 4, 2011 by selecting a statistically significant, random sample of 100 out of 336 incidents for review. Because the Force Reports included only officers’ accounts, without any documented investigation or additional information gathering by the NPD, such as interviews with victims or third-party witnesses, the review simply examined whether the officers provided sufficient

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<sup>21</sup> The policy does not describe what those future purposes might entail, apart from an additional requirement for IA to include in its monthly reports a summary of all uses of force and firearm discharges that occurred.

<sup>22</sup> To assess the NPD’s use of force, the team reviewed NPD’s Force Reports, Incident Reports, Internal Affairs investigations of excessive force allegations, and investigations of shootings in which officers were involved. Because this review of individual incidents relied on the same documentation that was available at the time of the incidents to the NPD’s direct supervisors and IA investigators, it permitted an assessment of both the reasonableness of each force incident and the supervisory or investigatory process that followed. Interviews with NPD officials, from line officers to NPD leadership, were also critical to evaluating the NPD’s use of force, as was information from other law enforcement stakeholders, community groups and individuals.

<sup>23</sup> In 15 of these 82 investigations, the NPD either affirmatively concluded that the incidents did not occur, or was unable to confirm that the allegations involved NPD officers and halted the investigation. As a result, these investigation files contained insufficient information for review and were excluded.

justification for their uses of force in their own reports. Similar to the results of the IA force investigation review, in nearly one third of the Force and Incident Reports reviewed, the force appeared unreasonable, and thus in violation of the Fourth Amendment, based on the officer's own description of the nature of and reason for the use of force. In a significant number of additional incidents the reporting was too unclear to permit an assessment of whether the force used was reasonable. Force appeared reasonable on its face in only a little more than half of the 100 Force and Incident Reports reviewed.<sup>24</sup>

#### **a. Examples of NPD's Use of Unreasonable Force**

The overall impression of this review is that NPD officers escalate common policing situations, in which force should be unnecessary or relatively minimal, to situations in which they use significant force, sometimes unreasonably. Taken as a whole, the investigation revealed that NPD officers too often use open and closed fist strikes, especially to the head of the subject. In many cases, these actions were not necessary for the officer to control the situation and seemed to be simply retaliatory.

The NPD's own force documents helped explain why many in the community perceive NPD officers as needlessly escalating incidents, rather than as officers committed to protecting their community. Indeed, the NPD appears to be a department that too frequently turns to force as its first option when dealing with the public.

In one incident, for example, while an officer was escorting an intoxicated 140-pound, 69-year-old man from a store, the man grabbed the officer's upper chest. The officer reported that he punched the man twice in the face in response.

In another incident, a man suffered a concussion, loss of consciousness, and bruises and cuts after a detective in plainclothes struck him several times in the face with a closed fist. The detective's incident report indicates that the man swung first, but acknowledged that the detective had startled the man with his sudden presence behind him. The police practice experts who reviewed this incident for this investigation noted this response did not appear to be a defensive or control tactic, but rather was retaliatory. Additionally, a sergeant on the scene admitted during the IA investigation that, although he had kicked the man, he did not complete a Force Report as required by policy. Despite the severity of his injuries, the man was not taken to the hospital until he complained of mouth pain at the police station. Further, while the man's hospital records were included in the investigative file, the loss of consciousness and concussion were barely acknowledged in the investigator's summary, and appear not to have been discussed with the complainant.

Another aspect of the pattern of unreasonable force is the number of incidents in which officers appeared to respond with significant force against individuals who questioned police activities, sometimes, in the language of one police report, "in a loud and hostile manner." In an incident more fully discussed in the assessment of arrest practices above, according to a citizen

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<sup>24</sup> Because the information available in these reports was less than that available in an internal affairs investigation, the review of the use of force reports was limited to an assessment of whether the officer's own report of the incident adequately justified the officer's actions.

complaint, when a man asked a plainclothes officer why another individual had been stopped, the officer reportedly slammed the man to the ground and used a choke hold on him. When the man's female cousin asked why the officer was choking her cousin, the officer kicked her in the ribs and placed both individuals in handcuffs. Both the officer's account and the IA investigation are incomplete, raising questions about the reliability of the investigation: while the complainants alleged specific details, including a choke hold and a kick, the officer's account was minimal and uninformative, reporting only that she and other officers "quelled" the behavior.

The investigation uncovered that officers also have used force in furtherance of an investigation rather than to effect a lawful arrest or prevent harm. In an incident in January 2011, two officers decided to conduct a "well-being check" of a man and woman whom they observed arguing, and called over to them. As the couple approached the officers, the officers reportedly observed the man put something into his mouth and ordered him to spit it out. When the man did not comply, one officer immediately placed him in a choke hold to prevent him from swallowing the item. The choke hold was unsuccessful. After the man had swallowed the item, he reportedly refused to give the officers his hands to be cuffed and was "taken to the ground and given two strikes to the side of his head." Although the officer's report states that he acted for the man's safety as well as to prevent him from swallowing the item, the encounter at that point was voluntary and the officers had not established a basis for any seizure. Although police officers may use reasonable force to secure or prevent the destruction of evidence while conducting a lawful arrest, they must have constitutionally adequate grounds for doing so. In this and similar incidents, NPD officers have used force before establishing probable cause to justify a seizure, as is required by the Constitution. Additionally, in this instance the NPD failed to scrutinize the use of a choke hold as a potentially deadly use of force that likely was unreasonable in response to the man's resistance.

#### **b. Lack of Effective System for Use of Force Reporting and Review**

The pattern of using unreasonable force is both perpetuated and further evidenced by significant problems with the NPD's force reporting and review practices. First, although NPD policies in many (but far from all) respects comport with contemporary best practices, the NPD does not always follow its own force policies, contributing to and reflecting the pattern of unreasonable use of force. Second, the NPD lacks a robust process for supervisory review of officers' use of force by first-line supervisors. Third, the NPD often fails to refer serious use of force cases to the Essex County Prosecutor's Office for review for criminal prosecution. When the NPD has referred cases, the criminal referral prematurely has ended the NPD's administrative investigations of serious force, including officer-involved shootings.

#### **i. NPD's Force Reporting and Supervisory Review Systems**

Consistent with the discussion above describing a culture that facilitates unreasonable force, the review revealed an unacceptable tolerance within the NPD for Force Reports that are insufficient to permit meaningful review. In particular, officers' reports repeatedly failed to describe the actions that prompted the use of force. Instead, officers frequently have made conclusory statements that a person was "resisting arrest," "flailing his arms," or "swinging his shoulders," without providing the facts that would permit an assessment of whether the level of

resistance warranted the level of force used in response. Similarly, officers often documented their actions with vague, conclusory, and non-descriptive language that failed to describe what force they used and why, such as:

- “appropriate amount of force to effect a lawful arrest”
- “necessary level of physical force”
- “placed under arrest after a struggle”
- “all necessary force”

Other problematic descriptions of force indicated only that, after some unspecified amount and type of force, the subject was placed in handcuffs:

- “administered several compliance holds to handcuff and then escort”
- “attempted to handcuff him as he violently resisted being handcuffed. [Officers] eventually were able to place [the suspect] into handcuffs.”
- “after several attempts ... [three officers] were finally able to put handcuffs on the suspect.”

Such descriptions make it impossible for a supervisor, investigator, or outside reviewer to determine whether the force used by officers in these situations was reasonable, or even whether the officers’ tactics raise officer safety concerns. Yet, there was no indication in the records that supervisors questioned the adequacy of officers’ force descriptions, or requested additional information. In fact, of more than 300 Force Reports reviewed as part of this investigation, supervisors approved every use of force description, including those DOJ found to be deficient.

It is widely accepted and understood in the field of modern policing that, without meaningful review of officers’ use of force, it is more difficult to detect and correct uses of unreasonable force and officer safety issues, or to identify training needs, poor tactics, policy failures or inadequate equipment. Without routine, thorough force review, officers may become less careful about whether they use force consistently with policy or law. Poor decisions, bad tactics, and lax adherence to policy and law can reinforce themselves over time and become a part of the culture. Without effective supervisory review, the lines of accountability throughout the Department weaken, making it more difficult for leadership to promote and ensure its operational mandates and vision.

The NPD’s Force Report, meant to facilitate NPD’s tracking and assessment of officer force, instead facilitates both poor reporting and ineffective review. The Force Report is intended to track the specific details when force is used, including the name, age and race of the individual(s) involved, the level of resistance the officer encountered, the type of force used, and whether anyone was injured or received medical treatment. While these are all important details for the NPD to document and track, the Force Report’s usefulness as a management tool is undermined by its failure to require a narrative description of the event and an explanation of the connection between an individual’s behavior and the officer’s use of force. For example, when

an officer uses more than one type of force, the Force Report provides no way of indicating which force was used first or what behavior prompted it. Similarly, if force was used against multiple individuals, the form offers a reviewer no way of discerning what force was used against which specific individual. By contrast, the New Jersey State Attorney General's Guidelines on Use of Force include a model Use of Force Report—albeit last revised in 2001—that, although organized differently, does require information regarding what force was used against a specific individual when multiple individuals are involved.

Pursuant to NPD policy, NPD officers are instead instructed to describe their uses of force in the narrative of the Incident Report Form, a separate electronic form. Although Force Reports and Incident Reports can be cross-referenced by the unique, computer-generated Criminal Complaint Number assigned to every incident, the NPD does not file the two reports together. Indeed, completed Force Reports are routed differently through the NPD than their related Incident Reports, and they are neither tracked nor routinely evaluated together by NPD supervisors. Thus, unless supervisors match up each Force Report with its corresponding Incident Report (a time-consuming process completed for this investigation), supervisors reviewing Force Reports do not see the accompanying narrative in the Incident Report that, theoretically at least, describes what happened. Nor is there any other mechanism within the NPD to ensure that this comprehensive force review occurs: IA staff reported that, although they track the number of force incidents, they have no responsibility to review individual officers' Force Reports to ensure that the reports are accurate and complete.

Exacerbating these problems, the NPD tolerates significant underreporting of force by its officers. In 30% of the Incident Reports reviewed that described a use of force, the officer did not complete the required Force Report. Similarly, in at least a dozen of the approximately 87 internal affairs investigations of force complaints, officers reported uses of force during internal affairs interviews that they had failed to document contemporaneously in Force Reports. Thus, if the complainants in these cases had not come forward to pursue allegations of excessive force, there would have been no record that these officers even had used force.

The NPD has not held officers accountable for failing to document their uses of force, even though this is a clear violation of the NPD's use of force policy,<sup>25</sup> and the NPD's IA policy requires investigators to pursue evidence that an officer violated department rules or engaged in other misconduct, even if that misconduct was not the basis for the original complaint.<sup>26</sup> The NPD's tolerance of officers' failure to report force therefore suggests that NPD condones such behavior, and may well significantly contribute to the widespread underreporting of force.

Acknowledging the deficiencies in the NPD's use of force reporting and review systems, NPD's leadership reports that it has created a Use of Force Review Board to more closely assess uses of force and patterns of officer behavior. While establishing such a board is a necessary component of an adequate force review system, the NPD must also ensure that officers diligently report force and that supervisors, or dedicated force investigators, are equally diligent in their reviews.

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<sup>25</sup> See GO 63-02 at 9.

<sup>26</sup> See GO 05-04 at 14.



## ii. NPD's Administrative and Criminal Force Review Systems

NPD also has mishandled serious use of force incidents that require both criminal and administrative review, including cases where officers have used deadly force. In particular, the NPD often has failed to refer serious use of force cases to the ECPO to be considered for criminal prosecution, and when the NPD has done so, the criminal referral inappropriately has ended the NPD's administrative investigation.

### 1. Failure to Appropriately Review Cases Involving Serious Use of Force

The NPD's policies require IA to refer to the ECPO any complaint "where a preliminary investigation indicates that the accused officer may have engaged in a criminal act or used force which resulted in serious bodily injury or death."<sup>27</sup> IA staff reported that all excessive force allegations are referred to the ECPO, not just allegations involving serious bodily injury or death as required by policy. However, this claim was not substantiated by the review of IA files. Instead, the review shows that, in practice, some excessive force files are referred to the ECPO, some are reviewed internally only by IA, and still others may be reviewed only at the command level without ever being assessed by IA.

This review revealed multiple instances in which credible complaints of potentially criminal uses of force were not referred to prosecutors for review, even though by any objective measure they should have been. For example, in one investigation a complainant alleged that he was physically assaulted by four officers at the Green Street Cell Block. He reported suffering a broken nose, lacerated lip and bruises to his cheek. Officers acknowledged administering blows to the complainant's torso after they had already taken him to the ground. This review determined that the force used appeared excessive and potentially criminal under the relevant legal standards, but the NPD never referred this case to the ECPO.

When the NPD has referred excessive force allegations to the ECPO and the ECPO has declined to prosecute the case, the NPD routinely has closed the administrative case with little additional investigation. Some NPD investigators expressly have relied on the prosecutor's decision not to proceed to justify an exoneration recommendation. One IA investigator wrote in support of his recommendation to clear an officer that the ECPO "determined there was insufficient evidence to warrant criminal prosecution. Therefore, the actions of the officers were within the legal realm of their responsibilities and functions as Newark Police Officers." There are numerous other cases where the investigator received notice of non-prosecution from the ECPO, and closed the investigation mere days later.<sup>28</sup> *See Garcia v. City of Newark*, 2011 WL 689616 \*4 (D.N.J. Feb 16, 2011) (noting, in a civil case alleging that NPD officers engaged in excessive force, that NPD's "IA investigator . . . stated that he has never sustained an excessive force allegation unless the Prosecutor had already found sufficient evidence to bring a criminal charge.").

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<sup>27</sup> *Id.* at 9.

<sup>28</sup> The IA investigators usually requested written statements from the accused officers, but this appears to have been a formality, based on the subsequent lack of investigation and quick closure of the file.

The standard for criminal conviction and the standard for sustaining an administrative complaint are significantly different, and a decision by the ECPO not to prosecute criminally does not mean that an officer acted legally or in keeping with NPD policies. The NPD's practice results in failures to sufficiently investigate serious uses of force and recommend appropriate disciplinary action, and is contrary to both the expectations of the ECPO and the New Jersey Attorney General's IA Guidelines, which require that the NPD take appropriate administrative action even when cases are not criminally prosecuted. N.J. AG Guidelines at 20.

## **2. Inadequate Review of Officers' Use of Deadly Force**

The most significant and "intrusive" use of force is the use of deadly force, which can result in the taking of human life, "frustrat[ing] the interest of . . . society in judicial determination of guilt and punishment." *Tennessee v. Garner*, 471 U.S. 1, 9 (1985). Because deadly force poses such a high risk, it must be closely reviewed and controlled by a police department to ensure that it is used only when justified. Deadly force incidents, such as officer-involved shootings, also often draw substantial attention to the Department, and can be a source of significant tension with the community when a police department responds inappropriately.

NPD's handling of officer-involved shootings has fallen strikingly short of generally accepted police practices. The NPD has not conducted adequate administrative investigations to determine if officer-involved shootings violate NPD policy. Indeed the investigations of all 29 officer-involved shootings between May 2010 and January 2012 were generally incomplete.<sup>29</sup> This deficiency is partly due to how the NPD has handled its split jurisdiction with the ECPO for shootings involving law enforcement officers. The ECPO conducts the criminal investigation, while the NPD retains authority for the administrative review. However, as with its handling of other serious uses of force as described above, the NPD has misunderstood or misapplied the distinction between criminal and administrative investigations and abdicated its independent responsibility to conduct an administrative investigation to determine whether officer-involved shootings violate NPD policy or present officer safety concerns.

Criminal and administrative investigations of officer-involved shootings are both critical processes for a police department and the community it serves. A criminal investigation assesses the lawfulness of the use of force and may result in prosecution. The administrative review assesses whether the incident involved any violation of policy and whether it raises any tactical, training, or other concerns for the agency. The NPD starts an administrative investigation after each officer-involved shooting, but always suspends the administrative investigation while the ECPO conducts a criminal review. A blanket rule of not conducting an administrative investigation of a shooting pending completion of the criminal review is problematic due to the unnecessary delay it imposes, but it is less troubling if the administrative investigation restarts once it is clear it will not interfere with a potential criminal prosecution. However, it appears that the NPD has not resumed its administrative review of the use of force once the ECPO has completed its criminal review and declines to prosecute. This is consistent with all IA

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<sup>29</sup> Of these 29 officer-involved shootings, thirteen were confirmed hits, twelve were confirmed misses, and four were of unknown effect. According to NPD reports, five of the shootings resulted in critical injuries and four were fatal.



investigators' statements that, once a criminal review is initiated, they are precluded from taking administrative action regarding the use of deadly force, although they may investigate and take action for any other rule violations that may be identified.

Therefore, when the NPD suspends its administrative investigation pending criminal review, the NPD effectively ends its review of the incident.<sup>30</sup> The NPD's files do not include material gathered by the ECPO for its criminal review, and the NPD has not itself collected or considered critical evidence, or its absence.<sup>31</sup> For example, some files lack photographs or diagrams of the scene or even a clear description of a subject's injuries. Others lack a coroner's report discussing the cause of death. The files do not contain statements from the subjects of the shootings, or any indication that the investigator tried to obtain such statements. The NPD's response to officer-involved shootings appears to have been based only on the perspective of officers who were involved as witnesses and friendly civilian witnesses. The lack of thoroughness of NPD's officer-involved shooting investigations is reflected in the brevity of the investigative files: one investigation file of a fatal shooting was nine pages long, and another file where the shooting left the subject in critical condition was twelve pages.

As a result of the NPD's practice of not conducting meaningful administrative investigations, shootings that violate policy, but have not been criminally prosecuted, have avoided review. Except in the extremely rare instance where a shooting is prosecuted criminally, there is no possibility of holding officers accountable, or determining whether there were training or other failures. Indeed, while the NPD's lack of investigations made it impossible to draw firm conclusions about any shooting based upon the investigative file, at least one appeared unreasonable based solely on the documents available.

The NPD's weak investigations of officer-involved shootings provide a patina of oversight that is wholly insufficient to determine whether shootings are justified. Further, because it has conducted no investigation, the NPD has had little information to assess the need for changes to training, equipment, policies or tactics that may be placing officers and civilians at risk. By not conducting thorough investigations followed by appropriate disciplinary action when warranted, the NPD fails to deter officers from using deadly force unnecessarily and decreases public confidence that the NPD is exercising appropriate supervision and review.

#### **D. THEFT**

There is reasonable cause to believe that NPD officers have engaged in a pattern or practice of theft from civilians, and that the NPD has taken inadequate measures to prevent, investigate, and remediate incidents and allegations of such theft.

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<sup>30</sup> While there is no good rationale for the NPD's practice of dispensing with an administrative review altogether, delaying initiation of the administrative review may be the result of the potentially confusing guidance offered in the Attorney General's guidelines on how departments should proceed in these situations. During the course of this investigation the Attorney General's Office expressed its interest in considering modifications to its guidelines to provide greater clarity.

<sup>31</sup> With the potential exception of Grand Jury secrecy and similar requirements, there is no legal barrier to including information from a criminal investigative file in an administrative investigation.

## 1. Legal Standards

Law enforcement officers who extort and rob persons of their property violate the Fourth and Fourteenth Amendment rights of those individuals. *See e.g., Hernandez v. Borough of Palisades Park Police Dep't*, 58 Fed. Appx. 909, 912 (3d Cir. 2003); *see also United States v. McClean*, 528 F.2d 1250 (2d Cir. 1976).

## 2. Theft by NPD Officers

The team reviewed numerous documents produced by the NPD, including general orders, audits, disciplinary histories for officers assigned to the Narcotics and Gang Bureau, and all thirty IA files provided by the NPD involving allegations of theft or lost property. The evidence makes clear that theft from arrestees has been more than an aberration limited to a few officers or incidents within NPD. Examples of the problem include allegations of theft of money and drugs during arrests and allegedly deliberate failure to return money and property such as wallets, cell phones, jewelry, and car keys upon arrestees' release by the NPD.<sup>32</sup>

The NPD has been aware for several years that theft by some of its officers is a serious problem. The Special Investigations Unit and IA have conducted several reviews of officers with high numbers of theft complaints.<sup>33</sup> Some of the officers reviewed in the NPD's internal reports had more than ten complaints of theft in a period of two to three years, and many additional complaints of other misconduct, generated both internally, by the NPD, and externally, by civilians. The NPD's reviews concluded that theft of civilians' property and money by officers was particularly problematic in the NPD's specialized units, such as narcotics and gangs, and in the prisoner processing unit at the NPD's Green Street Cell Block.<sup>34</sup> Moreover, these reports reflected that theft had become a problem not only with line officers, but also with more highly ranked officers and supervisors. Yet the NPD did not sustain any of the misconduct complaints of theft against any of the officers with the largest number of incidents. Further, the NPD's internal documents mirror the many accounts of NPD theft alleged by community members and other criminal justice stakeholders, including law enforcement. Indeed, while the DOJ's investigation was ongoing, there were several high-profile incidents of alleged theft by NPD officers.

The issue of theft is especially evident at the Green Street holding facility. On several occasions the Essex County Jail has rejected the property bags of prisoners transferred from Green Street because of discrepancies between prisoner property and their corresponding inventory forms. A late 2009 NPD memorandum indicated that property bags were being opened and money or property removed at Green Street. The NPD installed video cameras in the Prisoner Processing Division to determine who was stealing from the property bags. In 2011 the

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<sup>32</sup> Review of this issue was hindered by the deficiencies in IA investigations discussed later in this report, as well as NPD's inability to provide all of the documents requested. Specifically, the NPD was unable to provide documents evidencing actions taken in response to the policy recommendations made by the Special Investigations Unit or to confirm that no additional documents existed.

<sup>33</sup> According to an NPD internal memorandum, ten officers generated 42 investigations of theft complaints in a two-and-a-half year period.

<sup>34</sup> The NPD holds detainees at a 58-cell facility on the lower level of its building at 31 Green Street.

cameras recorded two officers—including a supervisor—disabling the camera. Although these two officers were charged with misconduct, neither was ever disciplined for tampering with the video cameras: the NPD terminated one officer for unrelated reasons and allowed the other to retire without sanctioning him, even though he had been being found guilty in a police trial regarding this incident.

The ECPO also has expressed concern with the handling of arrestees' property by the NPD. In one instance of theft (where a prisoner's property bag was found to have been ripped open and fixed with a staple), the matter was referred to the ECPO for criminal investigation. After more than a year of investigating this incident, the ECPO declined prosecution in March 2012, noting that "even though it is evident that a theft did occur, no specific officer can be identified for prosecution." The ECPO also noted that "after a thorough investigation, it appears that the NPD's' general orders regarding the custody and inventory of prisoners' property at 31 Green Street ha[ve] been fundamentally deficient for some time," but that the ECPO hoped the new holding facility in police headquarters on Clinton Avenue "is better equipped to safeguard prisoners' personal property." Although the NPD had planned to transfer its detention operations from Green Street to the new police headquarters on Clinton Avenue, that transition has been delayed indefinitely.

### **3. NPD Practices Have Failed to Adequately Address Theft by Officers**

Despite its awareness of the theft problem, the NPD has not enforced its own rules regarding theft prevention, has conducted inadequate investigations into theft complaints, has failed to take corrective action against offending officers, and has not taken other steps it knows are necessary to prevent or effectively respond to theft allegations. The NPD has failed to follow through on the recommendations of its own internal audits and reviews regarding theft, including reassigning the problem officers out of specialized units, video monitoring the Prisoner Processing Division, and requiring supervisors to inspect and document prisoner property. Instead, the NPD has routinely allowed officers with multiple theft complaints to be assigned to or remain in units with the most opportunity for theft, and then—contrary to its own recommendations—has failed even to monitor or conduct internal integrity checks of these officers.

The NPD's lax response to allegations of theft by officers is longstanding and remained evident during this investigation. For example, despite the 2009 memorandum and other information alerting the NPD to problems in its property room, an early 2013 visit to the property room revealed that many obvious, easily correctable deficiencies still lingered: the property room door did not automatically lock; valuables other than cash were not stored as securely as cash; documentation of property was limited to a handwritten log book; property was not counted and inventoried by at least two people; and there appeared to be no systematic inspection of property bags for damage.

#### **a. Failure to Adequately Screen Candidates for Specialized Units**

Accusations of theft and corruption are most often leveled against officers in specialized units—particularly the various narcotics, gang, and street crimes units—where officers often come into contact with individuals carrying large sums of money. The NPD is well aware of this

pattern: a 2010 internal review showed that the officers with the most theft complaints had been assigned almost exclusively to specialized units like the Central Narcotics Enforcement Team, the precinct Narcotics Enforcement Teams, the Narcotics Gang Enforcement Bureau, and the Street Crimes Task Force. Recognizing that inadequate screening has allowed such problems to occur, the NPD's Special Investigations Unit recommended a policy of thoroughly reviewing an officer's IA history before assignment to a specialized unit. Despite the clear need for such a policy, the NPD did not act on this recommendation.

Nor has the NPD implemented screening measures to ensure assignment of officers with appropriate and tested integrity to these units. Newark's assignment policy, General Order 96-08, includes general requirements for an officer's becoming a member of a specialized unit: two years on patrol before a police officer can join a precinct narcotics enforcement team; two years of experience on a precinct narcotics team or anti-crime unit before a detective can join the Centralized Narcotics Division. This bare two-year service requirement may be waived for department "need," a term not defined in the policy.

The NPD's assignment policy does not include any other criteria, let alone rigorous, objective, integrity-based criteria designed to minimize the possibility of theft or other forms of corruption, such as the absence of any history of dishonesty, theft, or similar allegations. Of most concern among these deficiencies is the lack of any prohibition against assigning officers with multiple theft complaints—even sustained theft complaints—to specialized units. The policy instead places a restriction on assignments in instances where an officer affirmatively requests a particular assignment, and provides that such a request will be denied if the officer has a pending "major" disciplinary case, discipline greater than three days' suspension within the past twelve months, or two prior findings of guilty by trial board within the past twelve months. Other than these very narrow restrictions, the assignment policy does not limit selection of officers for the units, even if they have had prior discipline for theft, have been the recipients of multiple theft allegations, or other integrity-related complaints (e.g., truthfulness, falsifying reports, etc.). The assignment policy does not set a maximum number of theft complaints for candidates or otherwise discuss what kind of disciplinary history would be acceptable. These inadequate screening procedures allow officers with multiple theft complaints to be assigned to a specialized unit or transferred to another specialized unit while continuing to accumulate integrity-related complaints.

#### **b. Failure to Follow the NPD's Established Rotation Policy**

Rotating personnel out of specialized units is an essential tool for combating theft and corruption in police departments. NPD policy clearly recognizes as much, stating in General Order 96-08 that rotation is an "effective method at controlling police misconduct" designed to "minimize complacency and prevent corruption." According to the rotation policy, officers are limited to two years in a narcotics unit and one year in a vice unit before they must be rotated to another assignment. The policy also requires the Human Resources Unit to notify officers in advance of the expiration of their term that they should submit a request for transfer.

Although command staff emphasized the importance of such a rotation procedure in interviews during the investigation, the NPD largely has failed to enforce its "mandatory" policy. Many of the NPD officers with the highest number of theft complaints remained in specialized

units beyond the maximum amount of time provided in the rotation policy. In fact, in several instances where memoranda made specific recommendations to enforce the rotation policy and rotate the officers with the highest number of theft complaints out of their units, the NPD did not transfer these officers for many months, and in some instances, transferred them to other specialized units with similar opportunities for theft. In one egregious example, an internal report recommended a transfer for an officer with more than ten theft complaints in just four years, but this officer was not transferred to a non-specialized unit (i.e., a unit that did not focus on narcotics or vice) until ten months later, more than two years after he had initially been identified as one of the officers with the most theft complaints lodged against him. Indeed, in the three years *after* this officer was first identified as a top offender he accumulated an additional six theft complaints.

Not only has the NPD ignored its own rotation policy, but the policy is itself inadequate. While the policy sets a maximum amount of time in a particular specialized unit (*e.g.*, two years in narcotics), there is no restriction on the number of rotations in a specialized unit or on transfers from one specialized unit to another, and then back again. There is also no requirement that officers who accumulate one or more theft or other integrity-related complaints will be rotated out of these assignments before the maximum time has elapsed. The fact that officers in specialized units continued to accumulate civilian complaints underscores the importance and effectiveness of adhering to a rigorous and regular rotation policy.

#### **c. Failure to Monitor Problem Officers or Conduct Integrity Tests**

The NPD itself recommended integrity tests and closer monitoring in 2010 in connection with the NPD's internal review of officers with the highest number of theft complaints. Although such measures are an integral tool for combating theft, there is no information suggesting that the NPD took any action on these important recommendations.

As part of a comprehensive approach to reducing the incidence of theft, the NPD should conduct regular integrity tests not only in response to allegations against specific officers, but routinely throughout the Department, both on a random and a targeted basis. The NPD should monitor officers suspected of theft, including those with high numbers of complaints.

### **E. INADEQUATE MISCONDUCT INVESTIGATIONS HAVE CONTRIBUTED TO THE PATTERN OF CONSTITUTIONAL VIOLATIONS**

An effective system for investigating complaints of officer misconduct is a basic component of any department's accountability. Such a system requires the prompt and thorough investigation of civilian complaints; the sustaining of those complaints when they are supported by a preponderance of the evidence; and the imposition of fair and consistent discipline when appropriate. By contrast, a police department that fails to adequately investigate civilians' allegations of misconduct through its IA system tacitly permits officers to engage in such conduct. *See Beck v. City of Pittsburgh*, 89 F.3d 966 (3d Cir. 1996) (holding that a deficient internal investigation process is evidence of a custom tolerating the tacit use of excessive force by police officers).



Much like the IA system assessed in *Beck*, the NPD's system for investigating civilian complaints appears to have been "structured to curtail disciplinary action and stifle investigations into the credibility of the City's police officers." *Id.* While the NPD has severely and inconsistently disciplined officers for internal rule violations, there are serious deficiencies in the NPD's handling of civilian complaints that translate to a lack of accountability for serious misconduct.<sup>35</sup> For example, as noted above, according to the NPD's own records, IA sustained only one misconduct complaint of excessive force in the six-year time period from 2007 through 2012. Every police department is different and there is no threshold percentage of sustained complaints that a law enforcement agency must attain in order to demonstrate that its investigations of misconduct complaints are effective. Nonetheless, it is worth noting that the NPD's failure to sustain more than one excessive force complaint in six years is implausible on its face and appears significantly aberrant: a 2006 Bureau of Justice Statistics Special Report found that large municipal police departments sustained an average of 8% of citizens' complaints about police use of force.<sup>36</sup>

Similarly, summaries of IA investigations involving complaints of theft from 2009 to 2011 and disciplinary histories of officers assigned to the Central Narcotics Unit in August 2011 (which included more than fifty theft complaints over six years against these officers) indicated that the NPD sustained allegations against only two officers.<sup>37</sup> This means that officers with high numbers of credible complaints that have not been adequately investigated by the NPD, as discussed below, have continued to work on the force, often in the specialized unit from which the complaints originate, without any discipline or other corrective action, such as re-training or increased supervision.<sup>38</sup>

The NPD's low rate of sustaining civilian complaints has not been limited to allegations of theft or excessive force. In 2010, only 38 out of 814 (4.6%) complaints by civilians were sustained. In 2011, only 29 out of 601 (4.8%) civilian complaints were sustained. In 2012, 38 of 561 (6.8%) civilian complaints were sustained. This slight increase between 2011 and 2012 appears to have resulted from an increase in the number of relatively low-level "demeanor"

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<sup>35</sup> The assessment of NPD's IA and disciplinary processes included a review of the NPD's policies and general orders related to IA and the disciplinary process, IA data on complaint intake and adjudication provided by the NPD, annual reports, an external audit conducted by the ECPO, interviews of IA command staff, the commanders responsible for making disciplinary decisions, and officers familiar with the disciplinary process, and a review of all of the IA files provided by the NPD where individuals alleged that they were subjected to excessive force, unlawful arrests, or theft during a period of approximately 18 months, from January 2010 to June 2011. In addition, members of the community and advocates provided feedback about their experience pursuing complaints through the NPD's IA process.

<sup>36</sup> *Citizen Complaints about Police Use of Force*, Bureau of Justice Statistics Special Report, June 2006. The report did not address whether an 8% sustained rate is appropriate or acceptable. The report further noted that many factors, including variations between departments in complaint intake, review and documentation processes, can skew data in either direction.

<sup>37</sup> Although certain documents reflect that administrative charges were sustained against these two officers in 2009 for failing to properly document the receipt of a prisoner's property, the NPD provided no information whether these officers went to police trial on these charges, or whether they were ever disciplined.

<sup>38</sup> Poor record-keeping by the NPD and incomplete production of requested records prevented a review of all theft-related IA files and the outcome of all investigations.

complaints sustained. These sustained complaints were generally either ancillary to criminal charges (in which another law enforcement agency had already charged the officer with an offense), or were for low-level rule violations such as “neglect of duty” or “language” (e.g. derogatory speech). Overall, it has been exceedingly rare for the NPD to sustain citizen complaints of misconduct, particularly serious misconduct.

The NPD is far more likely to sustain complaints against officers when the complaint is made by another NPD officer or a supervisor. The sustained rates of internally generated complaints, while decreasing, are strikingly high: of the 653 internal complaints filed in 2010, 453 (69.3%) were sustained. In 2011, of the 291 internal complaints filed, 171 (59%) were sustained, and in 2012, 285 internal complaints were filed and 153 (53.6%) were sustained.

The NPD has been aware of deficiencies in its internal affairs system since at least February 2011, when a federal court found that the NPD condoned police officers’ use of excessive force by failing to adequately investigate civilian complaints. The ruling in *Garcia v. City of Newark*, No. 08-1725 (SRC), 2011 WL 689616 at \*4 (D.N.J. Feb. 16, 2011), was based in part on expert testimony that “it is the custom, practice and policy of the [Newark Police Department] to stringently discipline any misconduct against the organization itself but pay little or no attention to complaints from citizens, especially those regarding use of force.” 2011 WL 689616 at \*4 (D.N.J. Feb 16, 2011) (unpublished). Although, the district court issued this opinion just three months before this investigation commenced, the NPD appears to have done little since the court’s admonishment to improve its practices. Indeed, the NPD reduced the staffing of its IA by more than half in 2011 and 2012, making it more difficult to adequately investigate allegations of officer misconduct.

### **1. Overview of NPD’s Internal Affairs Process**

The NPD’s IA process begins when the complainant completes a form called an Investigation of Personnel Report (“IOP”). A complaint can be filed by a civilian (“external” complaint) or by a member of the Department (“departmental” or “internal” complaint). The NPD then divides complaints into two categories: major offenses and minor offenses. Major offenses are those that may result in a penalty of more than five days of suspension, and minor offenses are those where the penalty may not exceed five days. The list of major offenses is not exhaustive, and in practice is highly variable.<sup>39</sup> Unlike many modern police agencies, NPD policy does not set out the presumptive punishment for various categories of offenses: that failure reduces transparency and compromises consistency in discipline.

Once categorized by IA, minor and major offenses follow two separate processes. Each precinct has a dedicated Integrity Control Officer (“ICO”) who is responsible for investigating allegations of minor offenses. Minor offenses are typically resolved at a “Disciplinary

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<sup>39</sup> The NPD’s General Order categorizes the following as major offenses, and specifies that the list is not exhaustive: criminal offenses or allegations of criminal acts; aggravated insubordination; unauthorized discharge of firearms; refusal to submit to drug screening; and violations of Radio Discipline. See General Order 93-2 (“Disciplinary Process”), April 1, 2010, at 4.

Conference,” where a precinct or division commander conducts an administrative review of the alleged offense.<sup>40</sup>

By contrast, the NPD’s IA unit investigates major offenses. NPD policies require that the IA investigator document the investigation in a report and recommend one of four findings: Exonerated, Sustained, Not Sustained, or Unfounded.<sup>41</sup> The IA Commander, who is responsible for managing IA’s daily operations, the IA Executive Officer (the second-in-command), and the Police Director subsequently review the report and either accept the investigator’s recommendation, override it and issue a different finding, or ask the investigator to seek additional evidence. If, after that review, an allegation against an employee is ultimately “sustained,” a formal Complaint Against Personnel (“CAP”) is initiated, charging the officer with the relevant policy violation. Once a CAP is filed, the NPD’s complaint adjudication process is triggered and the accused officer is notified to appear before the Trial Board.

The Trial Board is a three-member panel consisting of the Police Director’s designee and two commanders.<sup>42</sup> NPD policy mandates that Trial Board proceedings “shall be informal” and the parties are not bound by the rules of evidence.<sup>43</sup> The policy states “[t]he sole purpose of the Trial Board is to determine the facts and situations surrounding a case,” and to “determin[e] the truth.”<sup>44</sup> Although a sustained finding by Internal Affairs amounts only to a charge and is not a formal finding of guilt or innocence, Trial Board members reported that their main function is to sustain the decisions of Internal Affairs.<sup>45</sup> Officers similarly perceive that the Trial Board makes decisions about an officer’s guilt or innocence before the evidence against the officer is tested at the hearing.

Pursuant to state law, disciplinary sanctions imposed through the Trial Board process may be appealed through the Office of Administrative Law and the Civil Service Commission, and then to the Superior Court of New Jersey. The NPD can impose administrative sanctions prior to the completion of the appeal process. NPD staff reported that it can take more than two years to complete this process, which potentially magnifies the burden imposed on officers by an arbitrary disciplinary decision.

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<sup>40</sup> See General Order 93-2.

<sup>41</sup> See General Order 05-04 (“IA”), September 21, 2005 at 14:

Exonerated: When the evidence indicates that the act complained of did in fact occur but the action taken by the officer was legal and the officer was in compliance with Department policies and procedures, or an incident occurred and the officer was not involved.

Sustained: When the facts support the complaint and the Investigator reasonably believes that the incident occurred and that involved officers(s) engaged in the violation of Department policy/procedure and/or Criminal Law/Ordinances.

Not sustained: When the facts and/or investigation fails to disclose sufficient information to clearly prove or disprove the allegation or when material conflicts in the evidence are resolved in favor of the accused employee.

Unfounded: Indicates that the act complained of did not occur and the complaint is false.

<sup>42</sup> See General Order 93-02 (“Disciplinary Process”), April 27, 2011 at 3.

<sup>43</sup> See G.O. 93-02 at 8.

<sup>44</sup> See G.O. 93-02 at 8.

<sup>45</sup> See G.O. 93-02 at 8.



## **2. Investigative Deficiencies**

### **a. Failure to Collect Evidence from Complainants**

IA records reflect that IA investigators failed to make consistent attempts to follow up with complainants to clarify critical facts. Similarly, community members reported filing complaints with IA and receiving little or no subsequent contact from investigators. In order to conduct an effective investigation, investigators must exhaust reasonable means to contact a person, including telephone calls and in-person attempts, and document what steps were taken to do so. Moreover, in cases alleging serious misconduct such as excessive force, where the complaint is credible upon review, the NPD should move forward with the investigation, even if the complainant cannot be reached.

### **b. Failure to Objectively Assess Evidence from Officers, Complainants, and Witnesses**

When investigating civilian complaints, NPD investigators have routinely failed to probe officers' accounts or assess officer credibility. IA investigators have not, for example, inquired further when officers' Force Reports or interviews with subjects have included non-descriptive language such as the "necessary level of force" or "minimum force necessary." Investigators instead appeared to have presumed that officers had not used excessive force or committed other violations alleged, even when that presumption was plainly refuted by the weight of the evidence.

Consistent with the NPD's practice of accepting officers' accounts with little critical analysis, investigators failed to give statements from complainants and witnesses sufficient weight. And investigators generally discredited statements that did not support accused officers' accounts. For example, a complainant alleged that an officer threatened to hurt him, pulled him into the precinct bathroom, beat him, and pushed him through the bathroom window, shattering the glass and causing lacerations to the front and back of his head. A witness reported seeing the officer threaten the complainant, force him into the bathroom, and throw him into the window. She then observed the complainant having seizures and a group of officers enter the bathroom and shut the door. In exonerating the officer, IA concluded that the incident did occur, but accepted without question the officer's description in the incident report that the officer "lunged forward to close the gap that was between him and [the complainant] after [the complainant] threw a punch at him. His forward momentum caused their bodies to collide, which caused [the complainant] to fall forward and into the window." The investigator never interviewed the officer and ignored the complainant's and corroborating witness's statements.

Even minor conflicts between complainant and witness accounts have often been deemed fatal to a complainant's credibility, whereas IA investigators have not similarly probed conflicts between officers' statements or Force Reports. In one record, five witnesses confirmed the complainant's allegation that officers beat him repeatedly during his arrest. One witness provided the names of four additional witnesses who also observed the arrest, but the IA investigator never contacted any of them. And even though medical records documented the complainant's injuries, the investigator recommended a finding of "not sustained" because the

officers uniformly denied witnessing or using excessive force, and because the witnesses' accounts, which all described excessive force, had minor differences among them.

In another record, a complainant reported that an officer struck him repeatedly with a waffle grill. The investigator accepted the officer's version of the facts despite conflicting information in his Force Report and subsequent reports. Although the officer's report documented only that he had used "hands/fists," he later reported that he inadvertently struck the complainant on the head with a waffle grill in self-defense. Instead of probing this inconsistency, the IA investigator exonerated the officer and noted that the use of force was "reported and filed with complete transparency."

This elevation of officer credibility, and simultaneous unwarranted discounting of complainant and civilian witness accountability, helps perpetuate patterns of misconduct. *See Beck*, 89 F.3d 966, 974 (finding that failure to adequately investigate IA complaints of misconduct permitted officers to engage in misconduct and this failure, in part, was fueled by a pattern of giving little weight to the accounts of credible witnesses who supported the complainant's version of the facts while being overly favorable towards officers' statements).

### **c. Unequal Treatment of Officer and Complainant History**

The NPD's bias in favor of officers was particularly evident in IA's reliance on complainants' criminal histories while discounting officers' disciplinary histories. Investigators often have questioned complainants about their arrest histories during interviews, run checks of complainants' criminal histories, and used this information to impugn complainants' credibility, bolster the credibility of officers, and support findings that officers should be exonerated. Generally, a complainant's criminal history should not be used in resolving a misconduct complaint unless there is a genuine issue of credibility. To its credit, the NPD's leadership recently acknowledged that this practice is problematic and that investigators should cease routinely checking and invoking complainants' criminal histories.

The NPD's inappropriate use of criminal histories has resulted in premature terminations of investigations and inaccurate assessments of available evidence. For example, IA reports commonly have referred to a complainant's criminal history in the "findings" section of the report, noting that, for example, the complainant's "criminal history would lead a prudent person to believe that he has the probability to be less than truthful," or the complainant's prior crimes demonstrated a "pattern of anti-authority behavior and an unstable relationship with law enforcement."

Investigators' improper emphasis on complainants' criminal history has not been limited to considering criminal convictions. Some IA records also have included consideration of NPD reports of previous stops of complainants, or incident and arrest reports from previous arrests, even where no conviction resulted. This is especially problematic because, as detailed in this report, the NPD's stop and arrest practices have not comported with constitutional requirements and have resulted in unjustified stops. In one file, the investigator checked the complainant's criminal history and compiled related incident and arrest reports for offenses dating back to 1996 – offenses that predated the complainant's allegation of excessive force by fourteen years. In recommending that the officer be exonerated, the investigator relied in part on the complainant's

criminal history to question the complainant's version of the facts. In other IA investigations, investigators reviewed the complainants' juvenile court records and called the prosecutor's office to inquire about details of the complainant's previous arrests not captured in reports.

In stark contrast, investigators have given no weight to accused officers' disciplinary history, even when that history has demonstrated a pattern of similar allegations of misconduct. While investigators typically have included the officer's disciplinary history in the IA record, those references appear perfunctory, with no indication that the disciplinary history should affect credibility determinations or other aspects of the investigation. For example, in one force investigation, an officer had 55 entries in his IA history over four years, including 26 use of force incidents. Both numbers are comparatively high but were not addressed in the investigation. In another force investigation, the officer's 70 entries in his IA history over six years, including 40 use of force incidents, were not considered by the investigator.

An officer's tendency to elicit certain types of allegations by civilians should be considered highly relevant in an IA investigation. *See Beck*, 89 F.3d 966, 973 (recognizing that a "system of investigation [where] each complaint was insulated from other prior and similar complaints and treated in a vacuum" is "sterile and shallow"). However, the NPD has taken the reverse approach, scrutinizing complainants' criminal records, but routinely ignoring officers' disciplinary histories.

#### **d. Discouraging Complainants Through Miranda Warnings**

The New Jersey Attorney General's Internal Affairs Guidelines appropriately mandate that a complainant must be accorded all appropriate protections when the complaint arises from an incident where the complainant has been charged with a criminal offense. N.J. AG Guidelines at 27-28. Accordingly, contact with such a complainant must be coordinated through his or her defense counsel. *Id.* However, the guidelines also appropriately state that the need to issue *Miranda* warnings is triggered only "whenever the questioning of an individual is custodial in nature."<sup>46</sup> *Id.* at 40 ("The question is whether a reasonable person would believe that he or she is free to leave."); *see Miranda v. Arizona*, 384 U.S. 436 (1966). When a civilian voluntarily meets with an investigator in furtherance of an administrative complaint of police misconduct, and remains free to leave the interview at any time, the interview is neither custodial nor an interrogation. *See Stansbury v. California*, 511 U.S. 318, 322 (1994) ("An officer's obligation to administer *Miranda* warnings attaches, however, 'only where there has been such a restriction on a person's freedom as to render him 'in custody.'") (citing *Oregon v. Mathiason*, 429 U.S. 492, 495 (1977); *see also Alston v. Redman*, 34 F.3d 1237, 1244 (3d Cir. 1994) ("Because the presence of *both* a custodial setting and official interrogation is required to trigger the *Miranda* right-to-counsel prophylactic, absent one or the other, *Miranda* is not implicated."))

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<sup>46</sup> The fact that a complainant may have been arrested during the course of the incident about which he is filing a complaint does not change a voluntary interview by Internal Affairs into a custodial interrogation. *See, e.g., Minnesota v. Murphy*, 465 U.S. 420, 430-31 (1984) (Although the probation officer questioned probationer about a crime, the interview with the probation officer, which was "arranged by appointment at a mutually convenient time," and where probationer was "not physically restrained and could have left the office" did not amount to custodial interrogation.).

Despite these limitations, NPD investigators routinely have given *Miranda* warnings to complainants, and sometimes witnesses, before taking their statements. Over a quarter of the misconduct investigation files reviewed documented *Miranda* warnings to complainants.

This practice is not only unnecessary and demonstrates a lack of understanding of the purpose of *Miranda* warnings, but it inappropriately suggests to complainants and witnesses that they are being questioned as suspects in a criminal case instead of as potential victims or witnesses of police misconduct. Ultimately, it can intimidate and discourage victims' and witnesses' participation in the complaint process. Indeed, NPD records included examples where the *Miranda* warning either prompted complainants to end the interview or dissuaded complainants from moving forward with their complaints. For example, in one record the complainant stated that he was unsure about moving forward with his complaint because the investigator asked him to sign a *Miranda* waiver.

This practice is out of the norm for police departments across the country, and the NPD's leadership acknowledged that it is inappropriate and may discourage complainants from coming forward.

### 3. NPD's Application of Discipline

The way in which the NPD determines appropriate discipline in sustained cases is also seriously flawed.<sup>47</sup> First, the NPD has no set presumptive penalties for particular violations. As a result, the Trial Board can impose the same punishment for an officer's failure to report to work on time as for the officer's use of excessive force against a civilian. Similarly, officers can receive vastly disparate discipline for committing similar offenses. While Trial Board members report that they consider past Board disciplinary decisions when meting out discipline, this practice appears to be haphazard and to rely heavily on Board members' recollections.<sup>48</sup> The current system also lacks guidance for what mitigating or aggravating circumstances might warrant consideration in determining the appropriate penalty. This means there is no structured, transparent way for the NPD to take into account the particular circumstances of the incident in determining discipline. And, with no guidelines for disciplinary penalties, there is no opportunity, much less requirement, for the NPD to explain why penalties diverge in seemingly similar cases. Accordingly, officers have no way to form a reliable expectation of the consequences for misconduct.

Officers also report that the Trial Board's decisions appear to be arbitrary. For example, officers have complained that some officers were not disciplined after testing positive for drugs or driving under the influence, while others were terminated for the same conduct. Disciplinary penalties appear inordinately harsh in some instances, particularly in response to internal

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<sup>47</sup> This is not a new problem. The independent consultants that reviewed the Department's IA system in 2007 recommended "a complete review" of the disciplinary system due to the widespread perception that it is "administered in an arbitrary and capricious manner," "often unnecessarily focus[es] on minor violations of rules and regulations," and has historically operated on a "patronage system."

<sup>48</sup> NPD reports that it plans to appoint a permanent chairperson who will participate in all Trial Board proceedings as a means of ensuring consistent decision-making. However, such a position is insufficient by itself to ensure objective decision-making and is not an adequate replacement for formal and transparent standards.

complaints, and weak or nonexistent in others, mainly in response to misconduct complaints from civilians. For example, the NPD has not disciplined an officer for engaging in excessive force in more than five years. Yet an NPD officer who assisted a disabled tractor-trailer was suspended for 30 days for failing to strictly abide by the Department's towing policy and other minor rule violations, despite the officer's almost otherwise flawless disciplinary record.

Without transparent, objective criteria to guide and document disciplinary decisions, the NPD is ill equipped to persuasively respond to the widespread belief, both within and outside the Department, that discipline is meted out, at least in part, based on how well-liked or well-connected an officer is. The NPD can and should work with officers and community members to develop disciplinary sanctions that make sense, and a system for imposing discipline that is transparent, consistent, and fair.

## **F. INADEQUATE SUPERVISION HAS CONTRIBUTED TO THE PATTERN OF CONSTITUTIONAL VIOLATIONS**

### **1. Failures in Supervision and Management**

Effective supervision is critical to the operation of any police department. It is particularly important for supervisors in the field, where the requirements of law and policy are at risk of being misapplied in the heat of the moment, or even disregarded completely. Through consistent daily interactions, supervisors can shape and guide officers' conduct and help them learn from their mistakes. They are able to identify problems and act immediately to prevent or minimize harm. For example, a supervisor on the scene can identify an arrest made without sufficient probable cause and order the citizen's immediate release. Similarly, a more experienced supervisor at the scene of a use of force might be able to advise an officer of alternative techniques to minimize or avoid using force in future similar encounters.

Unfortunately, the NPD does not take full advantage of its chain of command to promote accountability and constitutional policing. When officers use force, the NPD does not require supervisors to respond to the scene, where they would be able to conduct an immediate initial assessment of the incident. Further, although supervisors are required to approve officers' Force Reports, the approval confirms only that the report was completed. Similar concerns are manifest with respect to the NPD's stops and arrests. With nearly three quarters of documented stops lacking an articulation of reasonable suspicion, it is clear that supervisors are not reviewing and holding officers accountable for their actions.

By not requiring meaningful review of officer actions by supervisors, the NPD loses a principal benefit of their supervision. During the investigation NPD leadership acknowledged that NPD officers and supervisors often view each other as peers rather than superiors and subordinates, making it more difficult for supervisors to properly scrutinize officers under their command.

### **2. Absence of an Effective Early Warning System**

Early warning systems are a significant component of police department supervision and risk management systems across the country. Such systems are comprised of one or more



databases that track, and make it possible to analyze, various facets of officer activity, including stops, arrests, uses of force and misconduct complaints. That analysis, in turn, allows departments to identify outlier units and individuals whose behaviors are undermining their own successes. Early warning systems identify patterns of activity by officers and groups of officers for supervisory review and intervention. Once an officer is identified for review by the Early Warning System, a supervisor should conduct a comprehensive written review and provide an array of individualized alternatives for resolving any problems identified during the review, such as counseling, training, additional supervision or monitoring, and action plans for modifying future behavior. By identifying problematic trends and behavior as they develop, early warning systems enable management to provide direction and take corrective action before serious problems occur. Early warning systems also can be critical components of a City's system for managing risk and liability, as police leadership is responsible for responding appropriately to officers with a history of problems. *See Beck*, 89 F.3d at 973 (finding that when an officer receives multiple similar complaints over a short time period, it can be inferred that the Chief of Police knew, or should have known, of the officer's propensity for violence when making arrests). Especially in larger departments where an officer's problematic behavior may otherwise continue undetected for some time, early warning systems have become valuable tools for effective and supportive officer supervision.

To be effective, early warning systems require not only a reliable, accurate, and complete computer database, but strong policies and protocols that allow the Department to use the data to identify and change problematic officer behavior. Unfortunately, the NPD has failed to implement such a system. Since 2006, the NPD has used commercial case management software called IAPro. IAPro includes some early warning functionality, including the ability to generate alerts when officers reach specified thresholds, such as a certain number of misconduct complaints over a specified period. The NPD apparently did not use this capability at all until 2010. In 2010, NPD tested an early warning system based on IAPro called the "Performance Monitoring System." This system was designed to use IAPro's alert features to identify NPD officers with multiple records in the system, who would then be subject to increased training and supervision rather than formal disciplinary action. Although this feature was reportedly implemented in late 2010 and identified approximately 100 officers for monitoring, the NPD could not provide documentation regarding the details or outcomes. And, in August 2011, NPD personnel provided only tentative and inconsistent answers about whether and how the Performance Monitoring System was being applied. However, there was general consensus that monitoring had stopped for most, if not all, of the officers initially identified, and that no others had been placed on monitoring. No alternative tracking or early warning system was formally implemented to replace the Performance Monitoring System, although NPD has asserted that it is now making efforts to increase the use of IAPro to identify officers for corrective action.

The NPD's attempts at implementing an early warning system have been undermined not only by its failure to use the information it gathers, but also by the poor quality and inconsistency of the information itself. There are significant, widespread data failures in areas critical to evaluating whether officers are in need of support and intervention. Although a principal purpose of an early warning system is to promote awareness of developing issues before they become problems, it appears that the NPD does not inform supervisors and district commanders of pending complaint investigations and charges against officers under their command. At a

minimum, the complaint information in an early warning system should include: allegations, investigation outcomes (e.g., guilty, sustained, dismissed); charges against officers; and discipline imposed. The NPD's system has not consistently included these data, which can make it impossible for NPD supervisors to properly identify and hold officers accountable for patterns of problematic behavior.

The NPD's use of inconsistent terminology when entering data further complicates accountability efforts. For example, the NPD tracks uses of physical force in IAPro as "physical force," but omits the more specific description of the type of force used that is recorded on the Force Report. As a result, supervisors reviewing data in IAPro have no way of knowing what types of force are actually being used by their officers, and therefore are limited in their ability to detect an emerging problematic trend, or respond most effectively.

In sum, the NPD's nascent efforts to implement a meaningful early warning system faltered some time ago, and efforts to restart this program have been insufficient and unsuccessful. This failure to institute an effective early warning system underscores the NPD's lack of sufficient, sustained commitment to monitoring officers' complaint and disciplinary histories and the supervision and intervention necessary to change problematic behavior.

## **G. DEFICIENT TRAINING PRACTICES HAVE CONTRIBUTED TO THE PATTERN OF CONSTITUTIONAL VIOLATIONS**

### **1. Inadequate Officer Training**

NPD officers' patterns of misconduct are consistent with the NPD's failure to provide adequate training and sufficiently track the training it does provide. At the outset of this investigation, a random sample of 212 officers' training cards—reportedly the NPD's primary record of officers' training—reflected that only two officers attended training in 2011. One had attended a class on drug, crime and terrorist vehicle interdiction, the other on a fingerprint and facial recognition software package. Although the NPD claimed that many other officers had attended training, there was no supporting documentation. The NPD must maintain a detailed, current record management system so it can effectively track and monitor what training has been offered and completed by its officers.

In addition to the sample of training cards, the NPD provided a schedule of the training it offered from 2009 to 2011.<sup>49</sup> That schedule showed a decline in training opportunities in 2011, when compared to the preceding years. In addition, the training identified in the NPD's records appeared limited to external specialty classes that certain officers were authorized or directed to attend. The NPD's officer training records did not document any regular annual training on routine police practices and current legal developments, such as those related to use of force, or search and arrest practices. Although the NPD reports that such matters are covered in refresher training presented annually by the legal advisor from the ECPO, that training reportedly was provided to only 280 NPD members in 2010 and to 418 members in 2011. Moreover, the NPD could not provide a syllabus of the training, but related that it covered several definitions of

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<sup>49</sup> We have repeatedly asked Newark to provide updated training information, but have not been provided any.



force, review of actual use of force, and examples of permissible uses of force in the NPD. There was no indication that this training was tailored to the NPD's particular force training needs, or was part of an overall NPD training plan.

Based on a recently provided summary of training activities, the NPD appears to have increased specialized and subject-specific training opportunities for officers in 2012 and 2013. However, attendance at the annual training sessions provided by the ECPO legal advisor declined to 124 officers in 2012 and only 55 officers in 2013. This decline is of particular concern because these sessions, while far too limited in length and scope, nonetheless stand as NPD's closest analog to the annual use of force training that is standard in well-run police agencies.

The investigation also raised concerns that the NPD also may have underemphasized the importance of regular firearms qualification. Regular firearms qualification helps ensure that officers can fire their weapons accurately and appropriately in a variety of conditions. It is a critical component of officer and public safety. The New Jersey State Attorney General's Guidelines and NPD policy require officers to qualify twice annually, with at least 90 days between qualifications. The policy does not prohibit officers who do not qualify from carrying their weapons, and only precludes them from working outside employment. This is an inadequate sanction. Officers who do not qualify with their firearms should be prohibited from carrying their firearms and be required to requalify promptly.

A review of firearms qualification records in the early stages of this investigation raised concerns that a significant number of officers might not have satisfied the twice annual qualification requirement in 2011. However, a recent training summary from the NPD indicates that all officers may have qualified with their firearms in 2012 and 2013, although the information that the NPD provided was not sufficiently detailed to allow for confirmation of this assertion. Further, this information indicates that as many 77 officers in 2012 and 67 officers in 2013 may not have qualified twice, as required by NPD policy. Nonetheless, if these numbers are confirmed, the NPD appears to have improved the rate at which officers qualify on their firearms in recent years, but the NPD should take steps to ensure that all officers comply with the policy and the accurate records.

## **2. Inadequate Training of Internal Affairs Investigators**

In addition to the numerous deficiencies with the NPD's IA policies, procedures, and practices, the NPD has failed to appropriately train its investigators. NPD command staff and officers, IA investigators, and Integrity Compliance Officers ("ICO") consistently reported that investigative experience has not been required to become an investigator. The NPD is well aware of its IA training needs. In 2007, the City hired a consulting firm to conduct an analysis of the NPD's organizational structure and operational methodology.<sup>50</sup> The consultants interviewed members of the Department, conducted focus groups and reviewed documents. Their analysis included a review of the NPD's Internal Affairs system. The consulting firm warned that the

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<sup>50</sup> The goal of the analysis was to provide the City with recommendations on how to reduce crime through increased effectiveness and efficiency within NPD.

NPD's investigators "receive[] no formal training" and emphasized that IA must be "staffed with quality personnel." Those training deficiencies remain. For example, one ICO interviewed had been on the job for three months, yet had not received any training, even though, prior to becoming an ICO, he had never been in a detective position or received any formal training on how to conduct investigations. The 2007 assessment also recommended that all investigators receive training in interview techniques, evidence collection, search and seizure law, administrative law, and advanced IAPro user training. Yet, the NPD's Deputy Chief of Training and Support reported that there is no required training specifically for IA investigators. While a statewide training class is available, he reported that it has been difficult for the NPD to get its investigators into the program. This failure must be addressed if the NPD is to ensure adequate investigations of officer misconduct.

#### **IV. OTHER AREAS OF CONCERN**

At the beginning of the investigation, the DOJ notified the City that its review would include allegations of gender-biased policing with respect to criminal investigations of sexual assault, bias related to sexual orientation and gender identity, and risk of harm to detainees confined in the NPD's holding cells. While the available evidence does not support a finding of a pattern or practice of misconduct in any of these areas, the investigation revealed potential issues or deficiencies in some practices that warrant further examination by the NPD.

##### **A. Gender-Biased Policing**

A review of a sample of NPD sexual assault files and interviews of the supervisor of the NPD's special victims division and relevant staff at the ECPO who handle or supervise sexual assault prosecutions revealed crucial deficiencies in the way the NPD has responded to and investigated sexual assault complaints. This deficiency is, in part, grounded in what appears to be ignorance or bias concerning victims of sexual assault, as evidenced by comments made by several command staff during interviews and a review of a sample of sexual assault investigative files. Specifically, there is evidence that some NPD officers and detectives have made mistaken assumptions about who can or cannot be a "true" victim of sexual assault. This includes views that sex workers, employees of nightclubs or adult establishments, and women who consumed alcohol with an assailant cannot be legitimate sexual assault claimants.

The NPD's problematic response to sexual assault complaints is also structural, embedded in procedural problems with the way the NPD has handled sexual assault investigations. The NPD has not made significant efforts to provide vital support for victims such as referrals to counseling services or a competent liaison to assist them who is not the detective investigating the matter.

Nor has the NPD evidenced an understanding of the emotional rollercoaster a sexual assault victim might experience, especially with regard to whether to participate in investigative and legal proceedings. Partly because of this, the NPD has stopped some sexual assault investigations prematurely. Often, as soon as the complainant indicates she or he may not want to move forward, the NPD has brought the complainant in to sign a declination form, without recognizing that complainants often change their minds several times throughout the charging and prosecution process.

In addition, investigators have appeared to ignore basic investigatory steps, such as checking the alleged assailant's criminal record even when the assailant's name and date of birth are known. For example, in one incident the investigator spoke to the alleged assailant, who acknowledged having had sexual intercourse with the complainant. But there was no further investigation, including no evidence that the investigator ran a record check. A record check would have determined whether the alleged assailant had an open warrant, and could have influenced the direction of the investigation. The NPD should revise its practices to better serve sexual assault complainants, and therefore better protect the public from sexual assaults.

## **B. Green Street Cell Block Suicide Prevention Policies and Practices**

In response to several suicides at the NPD's Green Street Cell Block, this investigation reviewed the holding facility's suicide prevention measures. In assessing jail suicide precautions, the Third Circuit applies a three-part test to establish a violation: (1) the detainee had a "particular vulnerability to suicide," (2) officials knew or should have known of that vulnerability, and (3) acted with "reckless indifference" to the detainee's vulnerability. *Colburn v. Darby Upper Tp.*, 838 F.2d 663, 669 (3d Cir. 1988) (holding that allegation of a jail's custom of inadequate monitoring for potential suicides could sustain a cause of action). Reckless indifference requires a level of culpability that is at least higher than a negligent failure to protect, such that the custodian either knew or should have known of a strong likelihood of self-harm. *Colburn v. Upper Darby Tp.*, 946 F.2d 1017, 1024 (3d Cir. 1991).

The Cell Block is comprised of fifty cells for males and eight cells for females, and is where the NPD holds detainees prior to their initial court appearance and subsequent transfer into the custody of Essex County. Detainees are usually held in the Cell Block for fewer than 24 hours. The NPD provides no special or additional training to officers who are assigned to the holding facility, and some officers report that assignment to the holding facility is undesirable, and commonly perceived as an informal punishment. The layout of the Cell Block offers only limited lines of sight into the cells, and the cells all contain suicide hazards such as exposed cross bars which could be used as hanging points.<sup>51</sup>

The hours immediately following arrest are a period of heightened risk of suicide, and the NPD must be able to identify suicidal detainees and immediately take precautions. General Order 08-08 requires intake officers to conduct a screening of all detainees entering the Cell Block,<sup>52</sup> which includes checklist items for "Mental/Emotional Problems" and "Suicidal/Aggressive Behavior."<sup>53</sup> However, because officers have received no specific training regarding custodial operations in the cell block, it is unclear that the intake screening is effective in identifying potentially suicidal detainees.

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<sup>51</sup> During this investigation, the NPD completed construction of a new police headquarters at Clinton Avenue that includes a modern holding facility which would likely mitigate concerns regarding suicide hazards. However, the NPD recently informed the DOJ that it will not be moving operations to the Clinton Avenue facility. As a result of this change in plans, the United States may seek additional remedies to ensure NPD ensures adequate suicide precautions are maintained at Green Street.

<sup>52</sup> See GO 08-08 at 11.

<sup>53</sup> Prisoner Intake and Medical Status Report (Form DP1:1885-2).

If a detainee is determined to be at risk, the General Order authorizes the cell block supervisor “to employ extraordinary measures to protect a prisoner from self harm,” including but not limited to: placement in a cell that is easily viewable, constant observation, 15-minute checks, and referral to the EMS or the hospital. During a site visit, however, NPD officers working in the Cell Block acknowledged that only one of the options in the written policy was available: any detainees they believe to be suicidal are automatically sent to the hospital for assessment, where they remain until they are medically or psychologically cleared. NPD officers described no other precautions or steps they would take with potentially suicidal detainees. The discrepancy between policy and practice was evident in a review of the NPD’s documentation of suicide and suicide attempts, which showed also that suicidal detainees are not always sent to the hospital, raising concerns that the NPD’s current suicide prevention policies, practices, and training create an unacceptable suicide risk to future Green Street detainees if not corrected.

### **C. Policing Related to Sexual Orientation and Gender Identity**

During the investigation there was anecdotal evidence that the NPD has engaged in discriminatory policing practices based on sexual orientation or gender identity. The investigation did not produce evidence sufficient to demonstrate a pattern or practice in this area. The LGBT community expressed concerns about the NPD’s lack of responsiveness to complaints about violent assaults against LGBT individuals, as well as harassment of female transgender persons by NPD officers—including the mistaken assumption that all female transgender persons are prostitutes. They also described a lack of cultural competence and insensitivity by NPD officers when engaging the LGBT community, and the transgender community, in particular.

The NPD does not appear to have any policy or training that would provide officers guidance on how to interact respectfully and effectively with LGBT individuals.<sup>54</sup> Community advocates report that NPD command staff are amenable to training on LGBT issues, although none had yet occurred. The NPD should engage with the LGBT community around the concerns noted, and develop training on policing related to sexual orientation and gender identity.

## **V. CONCLUSION**

The patterns of misconduct identified by this investigation present both a challenge and an opportunity for the NPD. The City of Newark took an important first step by acknowledging the community’s concerns and cooperating with the investigation. Further, during the course of the investigation, the City initiated efforts to modify and improve its practices in some of the areas identified in this report. Most importantly, the City and NPD have already reached an Agreement in Principle with the United States to remedy the problems identified by this investigation.

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<sup>54</sup> GO 03-04, “Biased-Based Policing” directs officers to enforce the law in a “fair and impartial manner” but does not provide any guidance on how that is to be accomplished with respect to any protected class, including race, gender and sexual orientation, apart from an admonition to comply with the Fourth Amendment and an acknowledgment in its introduction of the Fourteenth Amendment’s guarantee of equal protection under the law for all who live in the United States.

An effective and long lasting remedy to these violations will require the full and sustained commitment from the City's leadership, as well as from the members of the NPD and the residents of Newark. Only a true partnership between the NPD and the broader community will establish a foundation for simultaneously respecting the rights of all Newark residents, effectively preventing crime, and better preparing and protecting officers. The DOJ is fully committed to working with the City, the NPD, and the Newark community to ensure that this effort is successful.

# **APPENDIX B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

	x	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
v.	:	Civil Action No: 16-1731 (MCA) (MAH)
	:	
CITY OF NEWARK,	:	<b>ORDER AMENDING PARAGRAPHS</b>
	:	<b>14, 17, AND 18 OF THE CONSENT</b>
Defendant.	:	<b>DECREE</b>
	:	
	x	

**THIS MATTER HAVING BEEN OPENED TO THE COURT** pursuant to a status conference held on September 20, 2016; and appearances having been made by the United States of America, the City of Newark (collectively, “the Parties”), and the Independent Monitor; and the Court having conducted a discussion with the Parties and the Independent Monitor regarding the progress being made by the Newark Police Division (“NPD”) with respect to compliance with the terms of the Consent Decree entered by the Court on May 5, 2016 (Doc. 5); and the Court having discussed with both the Parties and the Independent Monitor the NPD’s request for additional time to comply with the requirements of Paragraph 14 of the Consent Decree requiring that the NPD implement community policing and problem-oriented policing training; and the Independent Monitor, pursuant to Paragraph 181 of the Consent Decree, having advised both the Parties and the Court that the NPD has sound reasons for its request for an extension of time, and having recommended that the Consent Decree be modified to allow the NPD the additional time to comply with Paragraph 14; and the Independent Monitor and Parties having conferred after the status conference and having reached consensus that the same reasons



for allowing the NPD additional time to comply with Paragraph 14 also necessitate for allowing the NPD additional time to comply with Paragraphs 17 and 18; and the Parties having consented to the NPD's request for additional time; and based upon the reasons stated on the record at the September 20, 2016 status conference; and good and sufficient cause having been shown;

**IT IS ON THIS** 19<sup>th</sup> day of October, 2016

**ORDERED** that the application by the NPD is GRANTED for the following reasons:

1. In August 2016, the NPD raised concerns about its ability to design and implement a comprehensive community policing training program. Subject Matter Experts who are members of the Independent Monitor's team also have identified the institutional and structural difficulties that the NPD has encountered in designing and implementing an effective community policing training program as contemplated by Paragraph 14 of the Consent Decree. Paragraph 14 requires the NPD to complete training on community policing and problem-oriented policing methods and skills within 60 days of the July 12, 2016 Operational Date;

2. On September 9, 2016, the Independent Monitor sent a letter to both the United States and the City of Newark recommending, pursuant to Paragraph 181 of the Consent Decree, that the Parties agree to the NPD's request and allow additional time for the NPD to comply with Paragraph 14 of the Consent Decree. The Independent Monitor stated that the NPD (a) has little institutional knowledge regarding modern community policing, (b) has no existing infrastructure to provide the required training, and (c) currently is requesting assistance from the United States Department of Justice's Community Oriented Policing Services ("COPS") office to help design an appropriate program tailored to the needs of the Newark community; and

3. In the view of the Independent Monitor, requiring the NPD to comply with Paragraph 14 before it has the ability to do so would result in the NPD offering to its members perfunctory training, and would risk losing the opportunity for the NPD to establish a sound community policing program in the Newark community;

4. Paragraph 17 requires the NPD to implement mechanisms to measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies within 90 days of the Operational Date; and Paragraph 18 requires the NPD to prepare a publicly available report of its community policing efforts, including specific problems addressed and steps taken by the NPD and the community toward their resolution, within 120 days of the Operational Date;

5. The Consent Decree established the deadlines in Paragraphs 17 and 18 to occur after the deadline in Paragraph 14;

6. The Independent Monitor and Parties agree that requiring the NPD to comply with Paragraphs 17 and 18 before the NPD completes the training required by Paragraph 14 would risk losing the opportunity for the NPD to establish a sound community policing program in the Newark community; and

7. At the September 20, 2016 status conference and in subsequent conversations, the Parties consented to the Independent Monitor's recommendation, pursuant to Paragraph 181 of the Consent Decree, that the NPD be given additional time to develop and implement a community policing program under Paragraphs 14, 17, and 18; and it is further

**ORDERED** that Paragraphs 14, 17, and 18 of the Consent Decree (Doc. 5) are hereby amended as follows: Paragraph 14 is amended to extend the time period within which NPD is to complete the training prescribed by Paragraph 14 from within 60 days of the

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Operational Date of the Consent Decree, to within 180 days of the Operational Date; Paragraph 17 is amended to extend the time period within which the NPD is to implement mechanisms to periodically measure its community partnerships and problem-solving strategies from within 90 days of the Operational Date, to within 210 days of the Operational Date; and Paragraph 18 is amended to extend the time period within which the NPD is to prepare a publicly available report of its community policing efforts from within 120 days of the Operational Date within 240 days of the Operational Date.



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HONORABLE MADELINE COX ARLEO  
United States District Court

# **APPENDIX C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF NEWARK,

Defendant.

CIVIL NO: 16-1731 (MCA)(MAH)

**JOINT STIPULATION AND ORDER TO AMEND THE CONSENT DECREE**

Plaintiff, the United States of America, and Defendant, the City of Newark (“City”), (collectively “the Parties”) hereby stipulate to the entry of the following order modifying certain deadlines in the Consent Decree (Doc. 4-1) so that the Newark Police Division (“NPD”) can satisfy the Consent Decree’s requirements regarding officer training in an efficient and meaningful manner.

Under the terms of the Consent Decree, the Parties “may jointly stipulate to make changes, modifications, and amendments” subject to the Court’s approval. Moreover, the Consent Decree notes that “[s]uch changes, modifications, and amendments to this Agreement shall be encouraged when the Parties agree, or where the reviews, assessments, and/or audits of the Monitor demonstrate that the Agreement provision as drafted is not furthering the purpose of the Agreement, or that there is a preferable alternative that will achieve the same purpose.” *Id.* In spite of recent changes to deadlines in Paragraphs 14, 17, and 18 of the Consent Decree, NPD has not been able to meet these deadlines. (*See* Doc. 11).

The Parties seek to create new, realistic, and attainable deadlines in the Consent Decree. The Parties therefore have agreed to modify the Consent Decree so that essential training and cornerstone policies can be developed, implemented, and delivered in a reasonable amount of time. It is preferable to make these changes now, before the Independent Monitor assesses NPD's compliance efforts, so that NPD can have additional time and a realistic opportunity to build institutional capacity, develop an effective training schedule, and provide training to officers. Otherwise, under the current timeframes, NPD is likely to miss many if not all of its deadlines. The Parties therefore have met and conferred, agreeing on manageable time-sensitive deadlines for developing and implementing policies, and delivering associated training.

WHEREFORE, the Parties respectfully request that the Court accept the Parties' stipulated modifications to Paragraphs 11, 14, 15, 43, 52, and 63 of the Consent Decree.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF NEWARK,

Defendant.

CIVIL NO: 16-1731 (MCA)(MAH)

**ORDER TO AMEND CONSENT DECREE**

The parties have stipulated to the following amendments to the Consent Judgments in this case, and the Court, having fully considered the stipulation and proposed amendments hereby amends the Consent Judgments in the following manner:

The provision in Paragraph 11 that currently reads as follows:

“Within 30 days of approval by the Monitor and DOJ of any new or revised policy or procedure that implements a requirement of this Agreement, NPD will provide appropriate training to officers. NPD will provide drafts of new or revised training plans or training curricula related to the requirements of this Agreement to the Monitor and DOJ for review and approval prior to implementation.”

The amended provision shall read as follows:

“Within **60 days** of approval by the Monitor and DOJ of any new or revised policy or procedure that implements a requirement of this Agreement, 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 by paragraph 9.** NPD will ensure that officers receive formal training NPD will provide drafts of new or revised training plans or training curricula related to the requirements of this Agreement to the Monitor and DOJ for review and approval prior to implementation.”

The provision in Paragraph 14 that currently reads as follows:

“Within 60 days of the Operational Date and annually thereafter, the NPD will provide eight hours of structured in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives...”

The amended provision shall read as follows:

“**By July 9, 2017**, and annually thereafter, the NPD will provide eight hours of structured in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives...”

The provision in Paragraph 15 that currently reads as follows:

“Within 180 days of the Operational Date, NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem-solving initiatives, and will modify any deployment strategy that is incompatible with effective community-oriented policing. This assessment and modified deployment strategy will be provided to the Monitor and DOJ for review and approval.”

The amended provision 15 shall read as follows:

“**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 any deployment strategy that is incompatible with effective community-oriented policing. This assessment and modified deployment strategy will be provided to the Monitor and DOJ for review and approval.

The provision of Paragraph 43 that currently reads as follows:

“NPD will provide all officers with at least 16 hours of training on stops, searches, arrests, and the requirements of this Agreement, within 180 days of the Operational Date, and at least an additional 4 hours on an annual basis thereafter...”

The amended provision shall read as follows:

“NPD will provide all officers with at least 16 hours of training on stops, searches, arrests, and the requirements of this Agreement by **November 1, 2017**, and at least an additional 4 hours on an annual basis thereafter...”

The provision in Paragraph 52 that currently reads as follows:

“Within 180 days of the Operational Date, NPD will modify or develop a written or electronic report format to collect data on all investigatory stops and searches, whether or not they result in an arrest or issuance of a summons or citation...”

The amended provision shall read as follows:

**“By September 9, 2017, NPD will modify or develop a written or electronic report format to collect data on all investigatory stops and searches, whether or not they result in an arrest or issuance of a summons or citation...”**

The provision in Paragraph 63 that currently reads:

“NPD will provide all officers with a minimum of eight hours of comprehensive and interdisciplinary training on bias-free policing, including implicit bias, procedural justice, and police legitimacy, within 180 days of the Operational Date, and at least four hours annually thereafter...”

The amended provision shall read as follows:

“NPD will provide all officers with a minimum of eight hours of comprehensive and interdisciplinary training on bias-free policing, including implicit bias, procedural justice, and police legitimacy, **by July 1, 2017**, and at least four hours annually thereafter...”

**IT IS HEREBY ORDERED.**



**HONORABLE MADELINE COX ARLEO**  
United States District Court

# **APPENDIX D**

**City of Newark Consent Decree Baseline Survey Assessment**

**Baseline Assessment of Newark Police Personnel on Behalf of the Independent Monitor**

March 2017

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## EXECUTIVE SUMMARY

This report has been prepared at the request of Peter C. Harvey, Independent Monitor of the Consent Decree signed by the Newark Police Division (NPD) and the United States Department of Justice. The Consent Decree aims to reform the NPD so its policing services “delivered to the people of Newark fully comply with the Constitution and the laws of the United States, promote public and officer safety, and increase public confidence in the Newark Department of Public Safety and Newark Police Division...and its officers” (pp. 1).<sup>1</sup> Paragraphs 22 and 23 of the Consent Decree require a representative survey of the Newark Police Division (among other stakeholder groups) be completed. The survey presented here was designed with input from the Independent Monitoring Team, including the New Jersey Institute for Social Justice, Delores Jones-Brown, Ph.D., and Patterson Belknap Webb & Tyler LLP.

From September 14<sup>th</sup>, 2016 to December 22<sup>nd</sup>, 2016, 57 training sessions on the terms of the Consent Decree were held. During this time, 1,092 individuals from NPD (1,050 officers and 42 non-officers) completed a survey about their attitudes, perceptions, and experiences related to their job and the community.

Statistical analyses revealed seven themes that were present based on officer responses: department leadership, within department bias, policing bias, fear of criticism, community support, media scrutiny, and filmed encounters. Results were analyzed across a variety of methods. First, we present results of all officers collectively. In this section, *low* represents “strongly disagree” and “moderately disagree”; *medium* represents “slightly disagree” and “slightly agree”; and, *high* represents “moderately agree” and “strongly agree.”

**Table 1: Overall Categorized Responses and Themes**

<b><i>Theme</i></b>	<b><i>Low (%)</i></b>	<b><i>Medium (%)</i></b>	<b><i>High (%)</i></b>
Department Bias	49.4	32.0	18.6
Policing Bias	70.5	19.5	10.0
Department Leadership	2.3	34.2	63.5
Community Support	8.4	57.0	34.6
Fear of Criticism	6.8	30.9	62.3
Media Scrutiny	11.1	47.2	41.7
Filmed Encounters	54.5	31.0	14.5

Second, we looked at how officer responses differed across a variety of officer characteristics including: gender, race, residential status, the number of years of experience policing in Newark, rank, and history of citizen complaints. Significant differences emerged for each of the themes identified.

### Department Bias

- ***Race***: Black officers reported 35 percent higher levels of within department bias relative to white officers.

<sup>1</sup> *United States of America v. City of Newark* (2016). Consent Decree, No. 2:16-cv-01731-MCA-MAH.



- **Experience:** Each increase in year of work experience was associated with a nearly 2 percent increase in perceived level of within department bias.
- **Complaint History:** officers who have had a citizen complaint filed against them reported 24 percent greater levels of perceived within department bias compared to officers who have no citizen complaints

### **Policing Bias**

- **Race:** Black officers reported 59 percent higher levels of perceived bias in policing than white officers, whereas no significant difference was present when comparing white officers to officers of other races
- **Experience:** A one-year increase in work experience with NPD was associated with a 1.4 percent increase in perceived policing bias
- **Rank:** Officers ranked Sergeant and above reported slightly higher levels of perceived bias in policing compared to officers of lower ranks.

### **Department Leadership**

- **Residential Status:** Police who live in Newark reported almost 6 percent more confidence in department leadership compared to officers living outside of the city
- **Experience:** A ten-year increase in years of experience was associated with a roughly 3 percent decrease in confidence in department leadership.
- **Complaint History:** Officers who have had at least one citizen complaint filed against them reported nearly 9 percent less confidence in department leadership than officers with no history of citizen complaints.

### **Community Support**

- **Gender:** Male officers reported 7 percent greater levels of community support compared to their female counterparts.
- **Complaint History:** Officers who have been subjected to at least one complaint rated community support 7 percent lower than those without a citizen complaint.

### **Fear of Criticism**

- **Complaint History:** Police who have had a citizen complaint filed against them reported 14 percent more fear of criticism than officers with no complaints.

### **Media Scrutiny**

- **Race:** Black officers perceived the impact of the media's scrutiny of police on officers' attitudes and behaviors as 13 percent lower than white officers. In contrast, there was no significant difference in the perceived impact of media scrutiny when comparing white officers to officers of other races.

### **Filmed Encounters**

- **Experience:** With each additional year of experience policing in Newark, there was a 1.5 percent increase in the perceived changes in officers' behaviors due to the potential of being filmed in a citizen encounter.

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## METHODOLOGY

This report investigates the experiences, attitudes, and perceptions of NPD employees through the analysis of a department-wide survey of NPD officers. (See Appendix A for a detailed description of the design and administration of the survey.)

The survey (see Appendix B) was divided into four parts: 1) personal and professional background, 2) job satisfaction, 3) community policing, police legitimacy, and procedural justice, and 4) police-community relations.<sup>2</sup> Background items posed in Section 1 were designed to be forced choice and rank-order responses. Items in Sections 2 through 4 were posed as statements with participants answering on a six-point Likert scale:

- 1 = Strongly Disagree
- 2 = Moderately Disagree
- 3 = Slightly Disagree
- 4 = Slightly Agree
- 5 = Moderately Agree
- 6 = Strongly Agree

A total of 1,092 individuals completed the NPD personnel survey. The vast majority of these individuals were police officers (N=1,050), while the remainder of subjects performed non-policing responsibilities for the department (N=42). Given the wide disparity in the representation of these two categories of personnel, the present analysis focuses on the attitudes and experiences of NPD officers.<sup>3</sup>

### Identifying Themes

The first step in this analysis was identifying themes related to police-community relations that were captured in the instrument. To identify themes, we performed a series of factor analyses. Factor analysis is a commonly used strategy for reducing a large number of items in a survey into a series of “factors” that are conceptually related and mathematically consistent. Each item that goes into a factor represents a dimension of a larger abstract concept, or theme.<sup>4</sup> Our analyses identified seven coherent factors that each reflect themes of interest to the consent decree.<sup>5</sup> These themes include: *department leadership*, *within department bias*, *policing bias*, *fear of criticism*, *community support*, *media scrutiny*, and *filmed encounters*.

We then created a summary score for each of these factors by adding together the individual items and dividing by the number of items making up each theme. This conversion yields an

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<sup>2</sup> A modified version of the officer survey was created to administer to NPD personnel who do not carry a service weapon. The only difference between the officer and non-officer surveys is that questions specific to police officers were removed from the non-officer survey.

<sup>3</sup> Supplemental analyses of non-officers will be included in the forthcoming updated report.

<sup>4</sup> Frankfort-Nachmias, Chava & David Nachmias (2008). *Research Methods in the Social Sciences* (7<sup>th</sup> ed.). New York, NY: Worth Publishers.

<sup>5</sup> Each factor consisted of at least three questions with an Eigenvalue of at least 1 and factor loadings greater than 0.60.

average response on the original six-point Likert scale. Descriptions of each of these themes are provided in Table 2, along with the number of survey items represented in each construct.

**Table 2: Descriptions of Themes**

<i>Theme</i>	<i>Description</i>	<i># of Items</i>
Department Leadership	Represents officers' trust in the department, the clarity of departmental rules, and belief that the department is heading in a positive direction working with the community	9
Within Department Bias <sup>^</sup>	Assesses the extent to which officers believe NPD command staff treats all of its employees the same regardless of race, ethnicity, gender, and sexual orientation	4
Policing Bias	Assesses the extent to which respondents believe police officers in Newark are less respectful or use more force against citizens who are non-white, do not speak English, or are gay, lesbian, bisexual, or transgender	6
Fear of Criticism	Measures the degree to which participants feel community complaints and fear of being unfairly punished impact officer behavior	3
Community Support	Captures how supportive the community is perceived of being to Newark PD	4
Media Scrutiny	Examines whether repeated media coverage questioning police use of force impacts officer behaviors and attitudes towards the job	6
Filmed Encounters	Represents the extent to which officers report reduced aggression or engagement with civilians due to the potential of being filmed or recorded in a police-citizen encounter	3

<sup>^</sup>Theme was reverse coded

## RESULTS

Results are presented in three ways. First, we present descriptive information on individuals who participated in this survey. Second, we present the distribution of responses for each theme along various officer characteristics (personal and professional).<sup>6</sup> Third, multivariate regression results are presented to examine the association between particular officer characteristics on themes while controlling for the effects of other relevant variables.

### Descriptive Statistics

Table 3 contains descriptive information on a variety of officer personal background characteristics.<sup>7</sup> The average age of respondent was 42.6 years, with the largest age group being 40 to 49 years old (44.2 percent). There are nearly four-times as many male officers (79.3 percent; N=826) compared to female officers (20.7 percent; N=215). In terms of racial composition, there is almost an even representation of white officers (40.0 percent; N=385) as black officers (37.9 percent; N=365) followed by officers of other races (22.1 percent; N=212).

<sup>6</sup> In these tables, we provide a chi-square test for each item. Chi-square is a non-directional test that examines the probability that differences between observed and expected frequencies in a sample could be due to chance, rather than actual differences in the larger population. Because these tables show results of the total department, however, it must be recognized that a chi-square test does not actually represent a measure of "statistical significance." We provide this statistic, anyway, to give an idea of the importance of the differences.

<sup>7</sup> Percentages within each variable may not exactly total 100.0 due to rounding error.

Additionally, approximately half of respondents identified as Hispanic or Latino (49.0 percent; N=437).

**Table 3: Officer Personal Background Characteristics**

<i>Variable</i>	<i>N</i>	<i>Percent</i>
<i>Age</i>		
20 to 29	117	11.1
30 to 39	201	19.1
40 to 49	464	44.2
50+	268	25.5
<i>Gender</i>		
Female	215	20.7
Male	826	79.3
<i>Race</i>		
White	385	40.0
Black	365	37.9
Other	212	22.1
<i>Ethnicity</i>		
Hispanic/Latino	437	49.0
Not Hispanic/Latino	455	51.0
<i>Education</i>		
High School/GED	269	25.9
Some College	465	44.8
Associate Degree	88	8.5
Bachelor's Degree	193	18.6
Master's Degree or Higher	24	2.3
<i>Marital Status</i>		
Married	554	54.1
Divorced/Separated	124	12.1
Single	327	31.9
Other	19	1.9
<i>Residential Status</i>		
Live in Newark	445	43.0
Does Not Live in Newark	590	57.0
<i>Military Experience</i>		
Yes	129	12.4
No	911	87.6

For educational attainment, 44.8 percent of officers have some college experience (N=465), while 8.5 percent have an Associate Degree (N=88), 18.6 percent have a Bachelor's Degree (N=193), and 2.3 percent have a Master's Degree or higher (N=24). The majority of officers are married (54.1 percent; N=554) followed by single (31.9 percent; N=327) and divorced or separated (12.1 percent; N=124). Less than half of NPD officers live in the city of Newark (43.0 percent; N=445) and approximately 12 percent of officers have prior military experience (N=129).

Table 4 contains descriptive information on professional background characteristics of officers.<sup>8</sup> The average number of years of total experience as a police officer was comparable to the average experience as a police officer in Newark: 15.5 versus 15.2 years, respectively. Over half of officers have more than 15 years of experience as a police officer in general (55.9 percent; N=576) and as a police officer in Newark (55.1 percent; N=566). In terms of rank, officers

<sup>8</sup> Percentages within each variable may not exactly total 100.0 due to rounding error.

comprised the majority of respondents (55.0 percent; N=541) followed by detectives (24.5 percent; N=241), supervisors (16.5 percent; N=162), and special police officers (4.1 percent; N=40). Most officers reported patrol as their current assignment (58.9 percent; N=472), while a 23.1 percent of officers indicated investigative (N=185) and 18.1 percent administrative (N=145).

When disaggregated by precinct, the two precincts with the largest representation were the 5<sup>th</sup> precinct (22.4 percent; N=127) and 3<sup>rd</sup> precinct (22.2 percent; N=126). The shift with the highest number of officers worked 2<sup>nd</sup> shift (38.9 percent) followed by 1<sup>st</sup> shift (30.7 percent), while fewer officers worked 3<sup>rd</sup> shift (15.8 percent) or a rotating shift (14.6 percent).

Almost 21 percent of officers (N=216) reported ever having discharged their firearm in the line of duty. More than half of officers (52.7 percent; N=527) indicated that they have had one to two citizen complaints filed against them whereas 26.1 percent (N=261) reported zero complaints and 21.2 percent (N=212) reported three or more complaints. Finally, 72.1 percent (N=739) indicated that they have ever been the subject of an internal affairs investigation during the course of their career.



**Table 4: Officer Professional Background Characteristics**

<i>Variable</i>	<i>N</i>	<i>Percent</i>
<i>Police Experience (years)</i>		
0 to 5	173	16.8
>5 to 10	103	10.0
>10 to 15	179	17.4
>15 to 20	264	25.6
20+	312	30.3
<i>Police Experience in Newark (years)</i>		
0 to 5	181	17.6
>5 to 10	99	9.6
>10 to 15	182	17.7
>15 to 20	265	25.8
20+	301	29.3
<i>Rank</i>		
Officer	541	55.0
Detective	241	24.5
Supervisor	162	16.5
Special	40	4.1
<i>Current Assignment</i>		
Patrol	472	58.9
Investigative	185	23.1
Administrative	145	18.1
<i>Precinct</i>		
1 <sup>st</sup>	87	15.3
2 <sup>nd</sup>	124	21.9
3 <sup>rd</sup>	126	22.2
4 <sup>th</sup>	103	18.2
5 <sup>th</sup>	127	22.4
<i>Shift</i>		
1 <sup>st</sup>	272	30.7
2 <sup>nd</sup>	344	38.9
3 <sup>rd</sup>	140	15.8
Rotating	129	14.6
<i>Fired Weapon</i>		
Yes	216	20.9
No	818	79.1
<i>Number of Citizen Complaints</i>		
0	261	26.1
1 to 2	527	52.7
3+	212	21.2
<i>Investigated by Internal Affairs</i>		
Yes	739	72.1
No	286	27.9

Respondents were also asked to rank the top two reasons for why they became a police officer. These results are expressed in two different ways. First, in Table 5, we report the number of officers who indicated a given reason was one of their top two choices in no particular order (e.g., not ranked). Nearly 74 percent of officers (N=765) indicated “to serve the community” was one of the top two reasons why they became a police officer. The next most frequently selected option was “to protect people from violent criminals” (44.8 percent; N=466), then “for the steady pay and benefits” (39.5 percent; N=411) and “to fight crime” (27.0 percent; N=280).

**Table 5: Reason for Becoming an Officer (Pick 2) – Not Ranked (N=986)**

<i>Reason</i>	<i>N</i>	<i>Percent</i>
To serve the community	765	73.6
To protect people from violent criminals	466	44.8
For the steady pay and benefits	411	39.5
To fight crime	280	27.0
Other	63	6.1
For the excitement	63	6.1
For the power and authority	30	2.8

Second, in Table 6, we report the ranked version of the question. Overwhelmingly, more than half of officers (51.3 percent; N=505) ranked “to serve the community” as the number one reason why they became an officer. The option most frequently ranked second for becoming an officer was “to protect people from violent criminals” (23.7 percent; N=233).

**Table 6: Reason for Becoming an Officer (Pick 2) – Ranked (N=881)**

<i>Reason</i>	<i>1<sup>st</sup> – N (Percent)</i>	<i>2<sup>nd</sup> – N (Percent)</i>
To serve the community	505 (51.3)	217 (22.1)
To protect people from violent criminals	203 (20.6)	233 (23.7)
For the steady pay and benefits	163 (16.6)	225 (22.9)
To fight crime	98 (10.0)	162 (16.5)
Other	24 (2.4)	36 (3.6)
For the excitement	18 (1.8)	38 (3.9)
For the power and authority	2 (0.2)	23 (2.3)

Similar to the previous question, officers were asked to rank the top three priorities for police from a list of eight potential options. We report in Table 7 the number of officers who indicated an option was a top three priority for law enforcement in no particular order (e.g., not ranked). The most frequently selected priority was “improve the quality of life for all members of the community” (78.3 percent; N=819) followed closely by “develop positive relationships with people in neighborhoods I serve” (72.7 percent; N=761). The next two most chosen priorities of police were “protect the constitutional rights of all citizens” and “be a role model and/or mentor to youth” with 53.7 percent (N=562) and 45.0 percent (N=471), respectively.

**Table 7: Police Priorities (Pick 3) – Not Ranked (N = 976)**

<i>Priority</i>	<i>N</i>	<i>Percent</i>
Improve the quality of life for all members of the community	819	78.3
Develop positive relationships with people in neighborhoods I serve	761	72.7
Protect the constitutional rights of all citizens	562	53.7
Be a role model and/or mentor to youth	471	45.0
Respond to all calls for service quickly	289	27.6
Communicate with victims of crime about the status of their case	135	12.9
Control the streets	126	12.1
Make arrests and issue summonses	96	9.2

Table 8 addresses the same question but reports responses in a ranked order. “Improve the quality of life for all members of the community” was ranked the number one priority of police

more than any other options (30.1 percent; N=309). Another 24.3 percent of officers (N=250) designated “protect the constitutional rights of all citizens” as the highest priority of police while 24.1 percent (N=248) prioritized “develop positive relationships with people in neighborhoods I serve” the most.

**Table 8: Police Priorities (Pick 3) – Ranked (N = 940)**

<b>Priority</b>	<b>1<sup>st</sup> – N (Percent)</b>	<b>2<sup>nd</sup> – N (Percent)</b>	<b>3<sup>rd</sup> – N (Percent)</b>
Improve the quality of life for all members of the community	309 (30.1)	233 (22.7)	260 (25.3)
Protect the constitutional rights of all citizens	250 (24.3)	182 (17.7)	119 (11.6)
Develop positive relationships with people in neighborhoods I serve	248 (24.1)	295 (28.7)	203 (19.8)
Be a role model and/or mentor to youth	129 (12.6)	127 (12.4)	201 (19.6)
Respond to all calls for service quickly	111 (10.8)	86 (8.4)	83 (8.1)
Communicate with victims of crime about the status of their case	37 (3.6)	30 (2.9)	60 (5.8)
Control the streets	32 (3.1)	41 (4.0)	47 (4.6)
Make arrests and issue summonses	16 (1.6)	31 (3.0)	43 (4.2)

### **Themes and Officer Characteristics**

This section contains a series of cross-tabulations of themes identified in Table 1 and officer characteristics. Percentages that are provided reflect the within-group percent distribution. We cross-tabulate eight NPD officer characteristics (gender, race, age, residence, experience, rank, citizen complaints, and current precinct) with each of the seven themes: (1) bias within the department; (2) policing bias; (3) department leadership; (4) community support; (5) fear of criticism; (6) filmed encounters; and (7) media scrutiny. Each key concept is displayed in a table showing the responses of NPD officers by officer characteristic.

For ease of interpretation, the response scale was divided into three groups. Specifically, *low* represents “strongly disagree” and “moderately disagree”; *medium* represents “slightly disagree” and “slightly agree”; and, *high* represents “moderately agree” and “strongly agree.” To provide a sense of the importance of the differences, we provide the chi-square statistic (see footnote 4 above). These results are presented in tables 9-15, respectively. (For frequency distributions of individual survey items, see Appendix C.)

#### *Within Department Bias (Table 9)*

Overall, 49.4 percent of officers (N = 492) perceived low levels of within department bias. Approximately 32.0 percent of officers (N = 319) indicated a medium degree of within department bias and 18.6 percent (N = 185) suggested within department bias is high.

Table 9 provides a breakdown of officers’ perceptions by various officer traits. When disaggregating results by officer characteristics, a number of noteworthy differences are revealed. First, for race, more than half of white officers (56.7 percent) and officers of other races (61.0 percent) perceived low levels of within department bias compared to approximately

one-third of black officers who felt that way. Second, in general, officers who live in Newark reported lower levels of perceived within department bias compared to officers who do not live in the city. Third, officers with fewer years of experience policing in Newark perceived lower levels of within department bias compared to officers with more experience. Fourth, officers who reported having ever had a citizen complaint filed against perceived higher levels of within department bias than those with no complaints. No substantial differences across gender, rank, and precinct were observed for perceived levels of within department bias.

**Table 9: Level of Perceived Within Department Bias and Officer Characteristics**

<i>Variable</i>	<i>Low N (Percent)</i>	<i>Medium N (Percent)</i>	<i>High N (Percent)</i>	<i>Total N (Percent)</i>
<i>Gender</i>				
Female	91 (44.0)	76 (36.7)	40 (19.3)	207 (100.0)
Male	400 (51.0)	243 (31.0)	142 (18.1)	785 (100.0)
<i>Race</i>				***
White	211 (56.7)	106 (28.5)	55 (14.8)	372 (100.0)
Black	109 (32.4)	136 (40.5)	91 (27.1)	336 (100.0)
Other	125 (61.0)	54 (26.3)	26 (12.7)	205 (100.0)
<i>Residential Status</i>				**
Live in Newark	236 (56.1)	118 (28.0)	67 (15.9)	421 (100.0)
Does Not Live in Newark	251 (44.6)	198 (35.2)	114 (20.3)	563 (100.0)
<i>Police Experience in Newark (years)</i>				***
Less than 2	96 (78.7)	18 (14.7)	8 (6.6)	122 (100.0)
2 to 10	90 (59.6)	41 (27.1)	20 (13.3)	151 (100.0)
11 to 15	88 (50.3)	56 (32.0)	31 (17.7)	175 (100.0)
16 to 20	89 (35.5)	98 (39.0)	64 (25.5)	251 (100.0)
21+	129 (43.4)	106 (35.7)	62 (20.9)	297 (100.0)
<i>Rank</i>				
Below Sgt.	392 (49.6)	249 (31.5)	149 (18.9)	790 (100.0)
Sgt. And above	75 (48.1)	54 (34.6)	27 (17.3)	156 (100.0)
<i>Citizen Complaint</i>				***
Yes	318 (43.1)	259 (35.1)	160 (21.7)	737 (100.0)
No	169 (67.9)	57 (22.9)	23 (9.2)	249 (100.0)
<i>Precinct</i>				
1 <sup>st</sup>	42 (51.1)	25 (30.5)	15 (18.3)	82 (100.0)
2 <sup>nd</sup>	67 (55.4)	36 (29.7)	18 (14.9)	121 (100.0)
3 <sup>rd</sup>	69 (57.0)	34 (28.1)	18 (14.9)	121 (100.0)
4 <sup>th</sup>	40 (41.7)	34 (35.4)	22 (22.9)	96 (110.0)
5 <sup>th</sup>	48 (40.0)	45 (37.5)	27 (22.5)	120 (100.0)

Chi-square \*p<.05, \*\*p<.01, \*\*\*p<.001

### *Policing Bias (Table 10)*

Overall, 70.5 percent of officers (N = 716) reported low levels of policing bias by NPD. Almost 20 percent of officers (N = 198) indicated there is a medium level of bias in NPD policing practices and that 10.0 percent (N = 102) suggested policing bias is high.

Table 10 contains results for officers' perceptions of policing bias across a variety of factors. Significant differences in perceived levels of policing bias were found for a number of officer characteristics. First, male officers reported lower levels of perceived bias in NPD policing

practices than female officers. Second, while white officers and officers of other races overwhelmingly indicated low levels of policing bias (84.3 percent and 82.1 percent, respectively), whereas less than half of black officers (46.3 percent) reported policing bias is low. Additionally, 22.0 percent of black officers characterized NPD policing bias as high compared to only 3.2 percent of white officers and 3.9 percent of officers of other races. Third, the majority of officers across all experience categories reported low levels of policing bias; however, officers with more years of experience indicated higher levels of perceived policing bias relative to officers with less experience. Fourth, officers who have never had a citizen complaint filed against them were slightly more likely to report lower levels of perceived bias in policing practices. No substantial differences were found across officers on the basis of residential status, rank, or precinct.

**Table 10: Level of Perceived Bias in Policing and Officer Characteristics**

<i>Variable</i>	<i>Low N (Percent)</i>	<i>Medium N (Percent)</i>	<i>High N (Percent)</i>	<i>Total N (Percent)</i>
<i>Gender</i>				<b>**</b>
Female	129 (62.0)	57 (27.4)	22 (10.6)	208 (100.0)
Male	585 (72.7)	140 (17.4)	80 (9.9)	805 (100.0)
<i>Race</i>				<b>***</b>
White	318 (84.3)	47 (12.5)	12 (3.2)	377 (100.0)
Black	162 (46.3)	111 (31.7)	77 (22.0)	350 (100.0)
Other	170 (82.1)	29 (14.0)	8 (3.9)	207 (100.0)
<i>Residential Status</i>				
Live in Newark	317 (73.4)	74 (17.1)	41 (9.5)	432 (100.0)
Does Not Live in Newark	392 (68.3)	123 (21.4)	59 (10.3)	574 (100.0)
<i>Police Experience in Newark (years)</i>				<b>***</b>
Less than 2	108 (90.0)	7 (5.8)	5 (4.2)	120 (100.0)
2 to 10	128 (82.1)	18 (11.5)	10 (6.4)	156 (100.0)
11 to 15	130 (73.5)	33 (18.6)	14 (7.9)	177 (100.0)
16 to 20	169 (66.5)	59 (23.2)	26 (10.2)	254 (100.0)
21+	181 (58.6)	81 (26.2)	47 (15.2)	309 (100.0)
<i>Rank</i>				
Below Sgt.	576 (72.1)	148 (18.5)	75 (9.4)	799 (100.0)
Sgt. And above	108 (66.7)	38 (23.5)	16 (9.9)	162 (100.0)
<i>Citizen Complaint</i>				<b>**</b>
Yes	514 (68.4)	163 (21.7)	74 (9.9)	751 (100.0)
No	196 (77.2)	30 (11.8)	28 (11.0)	254 (100.0)
<i>Precinct</i>				
1 <sup>st</sup>	66 (78.6)	8 (9.5)	10 (11.9)	84 (100.0)
2 <sup>nd</sup>	98 (81.7)	18 (15.0)	4 (3.3)	120 (100.0)
3 <sup>rd</sup>	92 (74.8)	19 (15.5)	12 (9.8)	123 (100.0)
4 <sup>th</sup>	68 (67.3)	22 (21.8)	11 (10.9)	101 (100.0)
5 <sup>th</sup>	88 (70.4)	23 (18.4)	14 (11.2)	125 (100.0)

Chi-square \*p<.05, \*\*p<.01, \*\*\*p<.001

*Department Leadership (Table 11)*

Overall, 63.5 percent of officers (N = 615) reported high levels of department leadership. Notably, only 2.3 percent of officers (N = 22) rated department leadership as low.

Table 11 presents officers' opinions of department leadership across select traits, and reveals a number of pertinent findings. First, across all subgroups, the portion of participants to characterize department leadership as low was never greater than 4.2 percent. Second, officers who live in Newark reported higher confidence in department leadership compared to officers who did not live in the city (73.3 versus 56.4 percent, respectively). Third, while the majority of all categories of work experience described department leadership as high, a larger portion of officers with fewer years of experience in Newark reported high levels of perceived department leadership. Fourth, officers who have never had a citizen complaint filed against them more often described department leadership as high (78.1 percent) compared to officers who have had a citizen complaint filed against them (58.9 percent). Lastly, no significant differences in perceived levels of department leadership were found across gender, race, rank, or precinct.

**Table 11: Level of Perceived Department Leadership and Officer Characteristics**

<i>Variable</i>	<i>Low N (Percent)</i>	<i>Medium N (Percent)</i>	<i>High N (Percent)</i>	<i>Total N (Percent)</i>
<i>Gender</i>				
Female	4 (2.1)	64 (33.5)	123 (64.4)	191 (100.0)
Male	17 (2.2)	266 (34.4)	490 (63.4)	773 (100.0)
<i>Race</i>				
White	9 (2.5)	121 (33.6)	230 (63.9)	360 (100.0)
Black	9 (2.7)	118 (35.8)	203 (61.5)	330 (100.0)
Other	2 (1.0)	68 (34.2)	129 (64.8)	199 (100.0)
<i>Residential Status</i>				***
Live in Newark	12 (2.9)	99 (23.9)	304 (73.3)	415 (100.0)
Does Not Live in Newark	8 (1.5)	229 (42.2)	306 (56.4)	543 (100.0)
<i>Police Experience in Newark (years)</i>				***
Less than 2	0 (0.0)	13 (11.2)	103 (88.8)	116 (100.0)
2 to 10	4 (2.7)	40 (26.9)	105 (70.5)	149 (100.0)
11 to 15	4 (2.4)	71 (42.0)	94 (55.6)	169 (100.0)
16 to 20	8 (3.2)	101 (40.6)	140 (56.2)	249 (100.0)
21+	6 (2.1)	106 (37.2)	173 (60.7)	285 (100.0)
<i>Rank</i>				
Below Sgt.	19 (2.5)	253 (33.0)	494 (64.5)	766 (100.0)
Sgt. And above	1 (0.7)	61 (40.9)	87 (58.4)	149 (100.0)
<i>Citizen Complaint</i>				***
Yes	19 (2.6)	279 (38.5)	427 (58.9)	725 (100.0)
No	2 (0.8)	50 (21.1)	185 (78.1)	237 (100.0)
<i>Precinct</i>				
1 <sup>st</sup>	2 (2.5)	34 (42.0)	45 (55.6)	81 (100.0)
2 <sup>nd</sup>	2 (1.7)	37 (32.5)	75 (65.8)	114 (100.0)
3 <sup>rd</sup>	3 (2.5)	39 (32.8)	77 (64.7)	119 (100.0)
4 <sup>th</sup>	2 (2.0)	37 (37.0)	61 (61.0)	100 (100.0)
5 <sup>th</sup>	5 (4.2)	38 (31.7)	77 (64.2)	120 (100.0)

Chi-square \*p<.05, \*\*p<.01, \*\*\*p<.001

*Community Support (Table 12)*

Collectively, the majority of officers (57.0 percent) rated community support for NPD as medium (N = 578), followed by high (34.6 percent; N = 351) and low (8.4 percent; N = 85).

Table 12 reports participants' perceived level of community support varied across a number of officer characteristics. First, officers who live in the city were more often to rate community support for NPD as high (42.1 percent) than officers who live outside of Newark (28.9 percent). Second, officers with fewer years of experience policing Newark were more likely to perceive community support as high relative to those with greater experience. Third, differences in perceived community support were present across precincts. The 4<sup>th</sup> precinct was had the largest percentage rating community support as low (15.7 percent) whereas the smallest portion with a low rating for community support was the 2<sup>nd</sup> precinct (2.4 percent). The 3<sup>rd</sup> precinct was most likely to characterize community support as high (43.4 percent) and the 5<sup>th</sup> precinct was least likely to do so (25.0 percent). For gender, race, rank, and citizen complaint history, there were no substantial differences in perceived levels of community support.

**Table 12: Level of Perceived Community Support and Officer Characteristics**

<i>Variable</i>	<i>Low N (Percent)</i>	<i>Medium N (Percent)</i>	<i>High N (Percent)</i>	<i>Total N (Percent)</i>
<i>Gender</i>				
Female	23 (11.2)	121 (59.0)	61 (29.8)	205 (100.0)
Male	59 (7.3)	455 (56.6)	290 (36.1)	804 (100.0)
<i>Race</i>				
White	33 (8.8)	221 (58.8)	122 (32.5)	376 (100.0)
Black	25 (7.2)	210 (60.3)	113 (32.5)	348 (100.0)
Other	17 (8.3)	109 (52.9)	80 (38.8)	206 (100.0)
<i>Residential Status</i>				***
Live in Newark	37 (8.6)	213 (49.3)	182 (42.1)	432 (100.0)
Does Not Live in Newark	46 (8.1)	359 (63.0)	165 (28.9)	570 (100.0)
<i>Police Experience in Newark (years)</i>				**
Less than 2	10 (8.4)	46 (38.7)	63 (52.9)	119 (100.0)
2 to 10	16 (10.3)	89 (57.4)	50 (32.3)	155 (100.0)
11 to 15	11 (6.3)	109 (61.9)	56 (31.8)	176 (100.0)
16 to 20	23 (8.9)	157 (60.6)	79 (30.5)	259 (100.0)
21+	25 (8.2)	177 (58.0)	103 (33.8)	305 (100.0)
<i>Rank</i>				
Below Sgt.	68 (8.5)	448 (56.0)	284 (35.5)	800 (100.0)
Sgt. And above	11 (7.0)	100 (63.7)	46 (29.3)	157 (100.0)
<i>Citizen Complaint</i>				***
Yes	63 (8.4)	458 (61.1)	229 (30.5)	750 (100.0)
No	21 (8.3)	115 (45.3)	118 (46.5)	254 (100.0)
<i>Precinct</i>				**
1 <sup>st</sup>	6 (7.1)	47 (55.3)	32 (37.7)	85 (100.0)
2 <sup>nd</sup>	3 (2.4)	68 (55.3)	52 (42.3)	123 (100.0)
3 <sup>rd</sup>	5 (4.1)	64 (52.5)	53 (43.4)	122 (100.0)
4 <sup>th</sup>	16 (15.7)	52 (51.0)	34 (33.3)	102 (100.0)
5 <sup>th</sup>	11 (8.9)	82 (66.1)	31 (25.0)	124 (100.0)

Chi-square \*p<.05, \*\*p<.01, \*\*\*p<.001



*Fear of Criticism (Table 13)*

Overall, 62.3 percent of officers (N = 632) indicated high levels of fear of criticism. In contrast, 6.8 percent of officers (N = 69) reported low levels of fear of criticism.

Table 13 displays results disaggregated by officer characteristics for self-reported levels of fear of criticism. Analyzing results in this way reveals one significant variations. Officers who have previously had a citizen complaint filed against them reported higher levels of fear of criticism relative to officers without a history of citizen complaints. No substantial differences in fear of criticism were revealed for any of the remaining variables examined.

**Table 13: Level of Fear of Criticism and Officer Characteristics**

<i>Variable</i>	<i>Low N (Percent)</i>	<i>Medium N (Percent)</i>	<i>High N (Percent)</i>	<i>Total N (Percent)</i>
<i>Gender</i>				
Female	12 (5.8)	74 (35.6)	122 (58.7)	208 (100.0)
Male	56 (7.0)	237 (29.6)	507 (63.4)	800 (100.0)
<i>Race</i>				
White	25 (6.7)	124 (33.2)	225 (60.2)	374 (100.0)
Black	21 (6.1)	103 (29.7)	223 (64.3)	347 (100.0)
Other	20 (9.6)	58 (27.9)	130 (62.5)	208 (100.0)
<i>Residential Status</i>				
Live in Newark	37 (8.6)	134 (31.2)	258 (60.1)	429 (100.0)
Does Not Live in Newark	30 (5.2)	175 (30.5)	369 (64.3)	574 (100.0)
<i>Police Experience in Newark (years)</i>				
Less than 2	17 (14.1)	35 (28.9)	69 (57.0)	121 (100.0)
2 to 10	10 (6.5)	51 (33.1)	93 (60.4)	154 (100.0)
11 to 15	11 (6.3)	58 (33.3)	105 (60.3)	174 (100.0)
16 to 20	12 (4.7)	79 (30.7)	166 (64.6)	257 (100.0)
21+	19 (6.1)	91 (29.5)	199 (64.4)	309 (100.0)
<i>Rank</i>				
Below Sgt.	57 (7.1)	248 (31.0)	494 (61.8)	799 (100.0)
Sgt. And above	6 (3.8)	47 (29.9)	104 (66.2)	157 (100.0)
<i>Citizen Complaint</i>				***
Yes	39 (5.2)	223 (29.6)	491 (65.2)	753 (100.0)
No	30 (11.9)	86 (34.3)	135 (53.8)	251 (100.0)
<i>Precinct</i>				
1 <sup>st</sup>	7 (8.1)	24 (27.9)	55 (63.9)	86 (100.0)
2 <sup>nd</sup>	5 (4.2)	40 (33.9)	73 (61.9)	118 (100.0)
3 <sup>rd</sup>	12 (9.8)	43 (35.0)	68 (55.3)	123 (100.0)
4 <sup>th</sup>	5 (5.0)	27 (27.0)	68 (68.0)	100 (100.0)
5 <sup>th</sup>	5 (4.0)	38 (30.7)	81 (65.3)	124 (100.0)

Chi-square \*p<.05, \*\*p<.01, \*\*\*p<.001

*Filmed Encounters (Table 14)*

As a whole, slightly more than half of officers (54.5 percent; N = 546) report low levels of changes in behavior due to potentially being filmed, followed by medium levels of change (31.0 percent; N = 311) and high levels of change (14.5 percent; N = 145).

Reported in Table 14 is distribution of officer attitudes towards the potential of being filmed and select officer characteristics. This disaggregation suggests that two significant differences are present. First, male officers were more likely to say that potentially being filmed influences officers' attitudes and behaviors compared to female officers. Second, officers with fewer years of work experience were slightly more likely to report fewer changes in officers' behaviors over the potential of being filmed in a citizen encounter. Self-reported changes in officers' behavior due to potentially being filmed did not vary substantially across any of the other assessed factors.

**Table 14: Level of Perceived Changes Due to Potentially Filmed Encounters and Officer Characteristics**

<i>Variable</i>	<i>Low N (Percent)</i>	<i>Medium N (Percent)</i>	<i>High N (Percent)</i>	<i>Total N (Percent)</i>
<i>Gender</i>				*
Female	122 (61.3)	58 (29.1)	19 (9.5)	199 (100.0)
Male	420 (52.7)	252 (31.6)	125 (15.7)	797 (100.0)
<i>Race</i>				
White	201 (53.5)	122 (32.5)	53 (14.1)	376 (100.0)
Black	188 (54.5)	110 (31.9)	47 (13.6)	345 (100.0)
Other	111 (54.9)	57 (28.2)	34 (16.8)	202 (100.0)
<i>Residential Status</i>				
Live in Newark	241 (56.8)	119 (28.1)	64 (15.1)	424 (100.0)
Does Not Live in Newark	297 (52.5)	189 (33.4)	80 (14.1)	566 (100.0)
<i>Police Experience in Newark (years)</i>				***
Less than 2	81 (66.9)	29 (24.0)	11 (9.1)	121 (100.0)
2 to 10	102 (66.2)	33 (21.4)	19 (12.3)	154 (100.0)
11 to 15	94 (54.0)	57 (32.8)	23 (13.2)	174 (100.0)
16 to 20	124 (50.0)	96 (38.7)	28 (11.3)	248 (100.0)
21+	145 (47.5)	96 (31.5)	64 (21.0)	305 (100.0)
<i>Rank</i>				
Below Sgt.	432 (55.2)	243 (31.0)	108 (13.8)	783 (100.0)
Sgt. And above	85 (53.8)	52 (32.9)	21 (13.3)	158 (100.0)
<i>Citizen Complaint</i>				
Yes	392 (52.9)	235 (31.7)	114 (15.4)	741 (100.0)
No	147 (58.8)	72 (28.8)	31 (12.4)	250 (100.0)
<i>Precinct</i>				
1 <sup>st</sup>	52 (61.2)	21 (24.7)	12 (14.1)	85 (100.0)
2 <sup>nd</sup>	63 (53.4)	38 (32.2)	17 (14.4)	118 (100.0)
3 <sup>rd</sup>	67 (54.5)	35 (28.5)	21 (17.1)	123 (100.0)
4 <sup>th</sup>	49 (51.6)	31 (32.6)	15 (15.8)	95 (100.0)
5 <sup>th</sup>	67 (54.0)	41 (33.1)	16 (12.9)	124 (100.0)

Chi-square \*p<.05, \*\*p<.01, \*\*\*p<.001

### *Media Scrutiny (Table 15)*

Overall, results indicate that media coverage questioning police use of force influences a police officer's perceptions of the job and policing practices. Specifically, 47.2 percent of officers indicated that media's impact is medium (N = 478) and 41.7 percent indicated the impact was high (N = 422). By comparison, 11.1 percent of officers (N = 113) characterized the impact of media scrutiny on officers' attitudes and behaviors as low.

Table 15 presents results by individual characteristics for officers' perceived effect of media scrutiny. There were significant differences for two variables in relation to the perceived impact

of media scrutiny of police use of force encounters. First, almost half of white officers (50.0 percent) perceive the impact of media scrutiny as high, followed by officers of other races (44.2 percent) and black officers (32.8 percent). Black officers were slightly more likely than officers of other races to perceive the impact of media scrutiny as low (13.2 percent versus 12.6 percent, respectively), and both were more likely to perceive it as such compared to white officers (7.7 percent). Second, 45.0 percent of officers who do not live in the city suggested that media scrutiny had a high impact on police behaviors and attitudes compared to 37.3 percent of officers who live in Newark. Substantial differences in perceived level of impact of media scrutiny were not present for gender, work experience, rank, citizen complaint history, or precinct.

**Table 15: Level of Perceived Negative Effects of Media Scrutiny and Officer Characteristics**

<i>Variable</i>	<i>Low N (Percent)</i>	<i>Medium N (Percent)</i>	<i>High N (Percent)</i>	<i>Total N (Percent)</i>
<i>Gender</i>				
Female	28 (13.7)	104 (50.7)	73 (35.6)	205 (100.0)
Male	84 (10.5)	372 (46.3)	347 (43.2)	803 (100.0)
<i>Race</i>				***
White	29 (7.7)	159 (42.3)	188 (50.0)	376 (100.0)
Black	46 (13.2)	188 (54.0)	114 (32.8)	348 (100.0)
Other	26 (12.6)	89 (43.2)	91 (44.2)	206 (100.0)
<i>Residential Status</i>				*
Live in Newark	60 (13.9)	211 (48.8)	161 (37.3)	432 (100.0)
Does Not Live in Newark	52 (9.1)	261 (45.9)	256 (45.0)	569 (100.0)
<i>Police Experience in Newark (years)</i>				
Less than 2	20 (16.9)	54 (45.8)	44 (37.3)	118 (100.0)
2 to 10	17 (11.0)	79 (51.3)	58 (37.7)	154 (100.0)
11 to 15	25 (14.1)	89 (50.3)	63 (35.6)	177 (100.0)
16 to 20	21 (8.1)	119 (46.1)	118 (45.7)	258 (100.0)
21+	30 (9.8)	137 (44.8)	139 (45.4)	306 (100.0)
<i>Rank</i>				
Below Sgt.	92 (11.5)	374 (46.9)	331 (41.5)	797 (100.0)
Sgt. And above	15 (9.4)	78 (48.7)	67 (41.9)	160 (100.0)
<i>Citizen Complaint</i>				
Yes	74 (9.8)	353 (46.8)	327 (43.4)	754 (100.0)
No	36 (14.5)	120 (48.2)	93 (37.3)	249 (100.0)
<i>Precinct</i>				
1 <sup>st</sup>	10 (11.5)	39 (44.8)	38 (43.7)	87 (100.0)
2 <sup>nd</sup>	9 (7.7)	48 (41.0)	60 (51.3)	117 (100.0)
3 <sup>rd</sup>	20 (16.1)	58 (46.8)	46 (37.1)	124 (100.0)
4 <sup>th</sup>	11 (10.9)	53 (52.5)	37 (36.6)	101 (100.0)
5 <sup>th</sup>	16 (13.2)	61 (50.4)	44 (36.4)	121 (100.0)

Chi-square \*p<.05, \*\*p<.01, \*\*\*p<.001

### Multivariate Regression Results

In this section, we analyze results using multivariate ordinary least squares (OLS) regression. Multivariate regression provides a way of comparing the independent impact of different officer characteristics on the key themes elicited in this survey.<sup>9</sup> Because we know that characteristics

<sup>9</sup> Wooldridge, Jeffrey M. (2006). *Introductory Econometrics: A Modern Approach* (3<sup>rd</sup> ed.). Mason, OH: Thomson South-Western.

such as gender, rank, and experience are interrelated, when one of these attributes is correlated with a theme the other will be, as well. OLS regression allows us to investigate the statistical effects of a particular background characteristic controlling for the effects of other related characteristics.<sup>10</sup>

Results for the multivariate regression models are presented in Table 16. In total, seven regression models were needed to assess each key outcome measure. Reported in the table are coefficients, robust standard errors, and significance levels for each relationship examined.

**Table 16: Multivariate Regression Results on Logged Concepts<sup>^</sup>**

Variable	Department Bias	Policing Bias	Department Leadership	Community Support	Fear of Criticism	Being Filmed	Media Impact
	$\beta$ (S.E.)	$\beta$ (S.E.)	$\beta$ (S.E.)	$\beta$ (S.E.)	$\beta$ (S.E.)	$\beta$ (S.E.)	$\beta$ (S.E.)
Gender							
Male	-.09 (.05)	-.07 (.05)	-.01 (.02)	*.07 (.03)	.01 (.03)	.10 (.05)	.04 (.04)
Race							
Black	***.30 (.05)	***.47 (.04)	-.02 (.02)	.01 (.03)	.01 (.03)	-.05 (.05)	***-.14 (.03)
Other	-.05 (.05)	.08 (.04)	.03 (.02)	.03 (.03)	-.02 (.04)	.01 (.05)	-.06 (.04)
Residence							
Newark	-.04 (.05)	-.04 (.04)	*.06 (.02)	.04 (.03)	-.01 (.03)	.02 (.05)	-.04 (.03)
Experience	***.02 (.01)	***.01 (.01)	*.01 (.01)	.01 (.01)	-.01 (.01)	***.01 (.01)	.01 (.01)
Rank							
Sgt. And above	-.02 (.01)	*.03 (.01)	.01 (.01)	.01 (.01)	-.01 (.01)	.01 (.01)	-.01 (.01)
Citizen Complaint	***.21 (.06)	-.01 (.05)	***-.09 (.02)	*.08 (.03)	** .13 (.04)	-.01 (.06)	.05 (.04)

<sup>^</sup>Robust standard errors reported; \*p<.05, \*\*p<.01, \*\*\*p<.001

### *Department Bias*

Similar to results from the bivariate analyses in the previous section, multivariate analysis shows race, experience, and citizen complaint status are all relevant predictors of perceived bias within the departments. Regression results confirm that black officers are significantly ( $p < .05$ ) more likely to report higher levels of perceived within department bias. Black officers reported 35 percent higher levels of within department bias relative to white officers. There was a significant ( $p < .05$ ) positive relationship between experience and level of perceived within department bias. Specifically, each increase in year of work experience was associated with a nearly 2 percent increase in perceived level of within department bias. Additionally, officers who have had a citizen complaint filed against them reported 24 percent greater levels of perceived within department bias compared to officers who have had no citizen complaints, a difference that was statistically significant ( $p < .05$ ). In contrast to the prior bivariate chi-square results, residential

<sup>10</sup> While we use the same seven key themes previously mentioned, we analyze the continuous form of these variables rather than the version that groups responses into three categories. Furthermore, each outcome was log transformed in order to interpret results as an approximate percentage change in the dependent variable. (When the dependent variable in an OLS regression model is log transformed, the observed coefficient may be converted to a percentage change in the outcome by using the following formula:  $\exp(\beta_i - 1) * 100$ .) We also utilized the continuous version for years of experience as police officer in Newark.

status is no longer a significant predictor of perceived within department when controlling for other officer characteristics.

### *Policing Bias*

In the multivariate regression model for perceived policing bias, race and experience continue to be significant predictors of perceived bias in NPD policing practices. Specifically, black officers reported 59 percent higher levels of perceived bias in policing than white officers ( $p < .05$ ), whereas no significant difference was present when comparing white officers to officers of other races. With each one-year increase in work experience with NPD, there is a significant ( $p < .05$ ) 1.4 percent increase in perceived policing bias. While differences were present for gender and citizen complaint history in the previous chi-square tests, neither factor remained statistically significant in multivariate analyses. In contrast, rank went from being unrelated in the bivariate analysis to statistically significant in the multivariate regression model. Officers ranked Sergeant and above reported almost 3 percent higher levels of policing bias, but still statistically significant ( $p < .05$ ), compared to those with a rank below Sergeant.

### *Department Leadership*

Results from the multivariate regression model examining perceptions of department leadership confirm results from the prior bivariate analyses as the same three factors yielded significant effects. Police who live in Newark reported almost 6 percent more confidence in department leadership compared to officers living outside of the city at a statistically significant level ( $p < .05$ ). The number of years of experience as an officer in Newark was significantly ( $p < .05$ ) and inversely related with perceived level of department leadership. A ten-year increase in years of experience was associated with a roughly 3 percent decrease in confidence in department leadership. Also, officers who have had at least one citizen complaint filed against them reported nearly 9 percent less confidence in department leadership than officers with no history of citizen complaints ( $p < .05$ ).

### *Community Support*

Only one officer characteristic from the previous bivariate analyses maintained a statistically significant relationship with perceptions of community support in the multivariate regression model: citizen complaint history. Officers who have been subjected to at least one complaint rated community support 7 percent lower than those without a citizen complaint ( $p < .05$ ). While gender was non-significant in the bivariate analysis, it became significant in the multivariate model. Male officers reported 7 percent greater levels of community support compared to their female counterparts ( $p < .05$ ). While residential status and experience were related to community support when using a chi-square tests, controlling for other relevant factors rendered both non-significant.

*Fear of Criticism*

Similar to the previous bivariate analyses, only citizen complaint history was significantly related to fear of criticism in the multivariate regression analysis. Police who have had a citizen complaint filed against them reported 14 percent more fear of criticism than officers with no complaints ( $p < .05$ ). None of the other variables included in the multivariate model were significantly associated with fear of criticism.

*Being Filmed*

Multivariate regression results revealed only a single officer characteristic associated with the level of perceived changes in officers' behaviors due to potentially being filmed: experience. With each additional year of experience policing in Newark, there was a 1.5 percent increase in the perceived changes in officers' behaviors due to the potential of being filmed in a citizen encounter ( $p < .05$ ). No other predictors included in the model were related to this dependent variable.

*Media Impact*

Multivariate regression results indicated only one of the two variables that were significantly associated with the perceived level of impact of media scrutiny in earlier bivariate analyses continued to produce significant effects when controlling for other relevant officer characteristics. While residential status is no longer significant in the multivariate model, race continued to be significantly ( $p < .05$ ) related to perceptions of the impact of media scrutiny over police use of force events. Black officers rated the impact of media scrutiny of police changes officers' attitudes and behaviors 13 percent lower than white officers. In contrast, there was no significant difference in the perceived impact of media scrutiny when comparing white officers to officers of other races.

**CONCLUSION**

Analyses conducted in this report revealed a number of important findings. First, officers' attitudes and perceptions tend to align along a select few characteristics. Bivariate and multivariate analyses revealed three factors that were consistently associated with the key theme being examined: race, experience, and citizen complaint status.

- *Race*: Black officers were more likely than white officers to perceive higher levels of bias within the department and in NPD policing practices, and less likely to feel that media scrutiny negatively impacts officers' attitudes and behaviors.
- *Experience*: Compared to their less experienced colleagues, officers with more years of experience policing Newark perceive greater levels of bias within the department and in policing practices, and they believe potentially being filmed has a greater impact on officers' behaviors. Officers with fewer years of experience report greater confidence in

department leadership, although confidence overall was high across all experience levels.

- *Citizen Complaint History*: Officers with at least one citizen complaint filed against them report higher perceived levels of within department bias and greater fear of criticism than those without any prior citizen complaints. Furthermore, officers with a citizen complaint history report less confidence in department leadership and view the community as less supportive of NPD compared to officers with no citizen complaints.

For other variables that were examined, results were inconsistent across different types of analyses or minimal differences were present.

- *Residential Status*: The extent to which residential status was associated with attitudes and perceptions among officers was mixed. Bivariate analyses suggested officers who lived in Newark were generally more positive in their attitudes towards the department and public compared to those who do not live in the city. However, controlling for relevant factors in a multivariate regression model rendered only one significant relationship: officers living in Newark had more favorable views of department leadership than those who do not.
- *Gender*: While bivariate analyses indicated that gender was associated with perceptions of bias in policing practices and impact of potentially being filmed, it was not a significant factor after controlling for a number of other relevant predictors. In the multivariate analyses, gender was only significant when predicting perceived community support of NPD, with males viewing the community as more supportive than females.
- *Rank*: One variable that provided little variation in officers' attitudes and perceptions was rank. Little evidence suggested that officers differed on the basis of whether they were ranked Sergeant or above versus below the rank of Sergeant. Supplemental analyses were performed comparing officers ranked Lieutenant and above versus Sergeant and below but results did not vary substantially from the original rank classification.



**Appendix A:**  
**Design and Administration of the Survey**

The construction of the NPD survey was a joint effort among members of the Consent Decree's Community Assessment Team. Broadly, there were three key components that went into composing the survey instrument. First, survey items from instruments used in evaluations of police from other cities under a Consent Decree (e.g., Los Angeles, CA; New Orleans, LA; Seattle, WA) were incorporated to facilitate generalizability of findings. Second, existing research on police officers' perceptions, attitudes, and experiences (e.g., Nix & Wolfe 2016, 2017; Reisig et al. 2007; Spector 1994; Sunshine & Tyler 2003; Tankebe 2014; Tyler 2006; Wolfe & Nix 2016) to ensure empirically validated measures of key concepts in police-community relations were included. Third, given the sociodemographic composition and geographic proximity, Newark, NJ is uniquely situated relative to other cities where police departments have been subjected to a Consent Decree. Therefore, in addition to drawing on existing resources, we found it prudent to tailor the survey instrument to address issues specific to Newark, NJ.

After the survey was drafted, we performed a pre-test of the survey with six sworn police officers from Rutgers University-Newark's Department of Public Safety (DPS) to examine the validity and reliability of the instrument. Rutgers University-Newark's DPS was selected for pre-testing the survey for a number of reasons: 1) DPS officers possess the same law enforcement powers as NPD officers, 2) DPS and NPD often collaborate on public safety initiatives, and 3) both departments police in the same urban environment. The composition of the six DPS officers who participated in the pre-test was diverse, representing various races, ethnicities, ranks, and years served in law enforcement. Each participant completed the officer survey in a classroom-type setting comparable to the environment where NPD would later take the survey. Following the completion of the survey, DPS officers discussed the instrument with RU-SCJ representatives; specifically, whether there were any ambiguous or problematic questions and other ways the survey may be improved. Feedback obtained from this pre-test was then incorporated into a revised survey instrument before submitting to Rutgers University's Institutional Review Board for approval.

This survey was intended to be a population survey whereby all members of NPD were provided an opportunity to complete the survey, and therefore have their attitudes and experiences represented. All information reported in this analysis is based on self-report data. For example, participants reported their own rank and assignment in the department. Participants completed the survey using pen and paper.

Over the course of approximately seven weeks (September 14<sup>th</sup> to December 22<sup>nd</sup>, 2016), 57 training sessions were held to inform NPD personnel of the terms of the Consent Decree. At the beginning of each training session, attendees were shown a short video message from Director of Public Safety Anthony Ambrose that gave a brief overview of the Consent Decree. Following this video, members from Rutgers University-School of Criminal Justice's (RU-SCJ) team administered the survey. Data were collected at 55 of the 57 scheduled training sessions on the terms of the Consent Decree. Of the two scheduled sessions for which data were not collected, one consisted largely of 100+ non-sworn crossing guards and the other had zero attendees.

Training sessions were held at Rutgers University's Center for Law and Justice in Newark, NJ; therefore, the surveys were administered at this same location. Attendees completed their training and the survey in a classroom-type setting.

Because some of the personal and professional background information requested from subjects, the survey was not considered anonymous; instead, the survey was strictly confidential. Before taking the survey, a representative from RU-SCJ's team read instructions to participants informing them that their survey responses will be kept confidential. Moreover, participants were informed that the U.S. Department of Justice and Rutgers University's Institutional Review Board approved procedures established by RU-SCJ's team to ensure confidentiality of the data. After completion of the survey, all participants were given contact information for the leader of the Community Assessment Team (Dr. Todd Clear) and RU's Institutional Review Board should they have any questions about their participation in the survey and/or data handling procedures.

Responses from each survey were entered into a central database in preparation for analysis. Data entry was completed by a team of eight graduate students from Rutgers University's School of Criminal Justice. The software program *Qualtrics* was used to compile data because of its ability to secure data and restrict access. Specifically, the program centralizes survey responses on a secure server without information being stored on any computer used to input the data. Throughout the process, access to hard copies of completed surveys and the centralized database was restricted to only members of RU-SCJ's team.

After all surveys had been entered into the electronic database, approximately 15 percent of surveys (N = 162) were randomly selected to be coded a second time to facilitate the assessment of data entry accuracy. Data cleaning and all analyses completed for this report were completed using the statistics software Stata v14.

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**Appendix B:**  
**Survey Instrument**

**Section 1: Officer Background**

Personal Background					
1.1. Age (Years): _____					
1.2. Gender:				Male	/ Female
1.3. Race:		White	Black/African American	Asian	Other: _____
1.4. Hispanic or Latino/a:				Yes	/ No
1.5. Highest level of education completed:		< High School Some College Bachelor's Degree	High School/GED Associate Degree Master's Degree or Higher		
1.6. Marital Status:		Married	Divorced	Separated	Single Other
1.7. Do you live in the city of Newark, NJ?				Yes	/ No
1.8. Have you ever served in the military?				Yes	/ No
1.8a. If yes, for how many years? _____					
1.8b. If yes, during your service were you ever mobilized or deployed to a combat zone?				Yes	/ No

1.9. Which of the following best describes why you became a police officer? Rank the **top 2** reasons:  
 "1" = primary reason and "2" = secondary reason.

- \_\_\_ To fight crime
- \_\_\_ To serve the community
- \_\_\_ To protect people from violent criminals
- \_\_\_ For the steady pay and benefits
- \_\_\_ For the excitement
- \_\_\_ For the power and authority
- \_\_\_ Other: \_\_\_\_\_

**Professional Background**

1.10. How many years have you been a police officer in your career? \_\_\_\_\_

1.10a. How many years have you been an officer with the Newark Police Division (NPD)? \_\_\_\_\_

1.11. Current Rank: \_\_\_\_\_

1.12. Current Assignment: Patrol Investigative Administrative

1.12a. What assignments have you previously had with Newark PD? (**check all that apply**)

<input type="checkbox"/> Alcohol Beverage Control	<input type="checkbox"/> Patrol	<input type="checkbox"/> Homicide	<input type="checkbox"/> Special Victims
<input type="checkbox"/> Fugitive Apprehension	<input type="checkbox"/> Major Crimes	<input type="checkbox"/> Narcotics	<input type="checkbox"/> Taxi Unit
<input type="checkbox"/> Other Investigative	<input type="checkbox"/> Metro Division	<input type="checkbox"/> Traffic	<input type="checkbox"/> Administrative

1.13. Current Precinct: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup>1.14. Current Shift: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> Rotating

1.15. Have you ever discharged your firearm in the line of duty? Yes / No

1.16. Have you ever had a citizen's complaint filed against you? Yes / No

1.16a. If yes, how many complaints? 1 2-5 6-10 11+

1.17. Have you ever been the subject of an internal affairs investigation? Yes / No

1.18. In your opinion, what are the most important tasks for law enforcement? Rank the **3 highest** priorities: "1" = most important, "2" = second most important, and "3" = third most important.

\_\_\_ Be a role model and/or mentor to youth

\_\_\_ Communicate with victims of crime about the status of their case

\_\_\_ Respond to all calls for service quickly

\_\_\_ Make arrests and issue summonses

\_\_\_ Develop positive relationships with people in neighborhoods I serve

\_\_\_ Protect the constitutional rights of all citizens

\_\_\_ Improve the quality of life for all members of the community

\_\_\_ Control the streets



**Section 2: Job Satisfaction**

	Strongly Disagree				Strongly Agree	
2.1. As a police officer, I believe I occupy a position of special importance in society.	1	2	3	4	5	6
2.2. I feel a sense of pride in doing my job.	1	2	3	4	5	6
2.3. I feel I am being paid fairly for the work I do.	1	2	3	4	5	6
2.4. The daily tasks that I perform for my job are what I expected them to be when I first became an officer.	1	2	3	4	5	6
2.5. I feel that the local community I police values the work I do.	1	2	3	4	5	6
2.6. I feel that my supervisors support me in the work I do.	1	2	3	4	5	6
2.7. Generally, in my precinct, my fellow officers treat me with respect.	1	2	3	4	5	6
2.8. Generally, in my precinct, my supervisors treat me with respect.	1	2	3	4	5	6
2.9. NPD command staff treats employees the same regardless of their:						
2.9a. Race	1	2	3	4	5	6
2.9b. Ethnicity	1	2	3	4	5	6
2.9c. Gender	1	2	3	4	5	6
2.9d. Sexual Orientation	1	2	3	4	5	6
2.10. My precinct provides a quality work environment.	1	2	3	4	5	6
2.11. I receive the training I need from the police department that helps me do my job.	1	2	3	4	5	6
2.12. I receive quality equipment from the police department that helps me do my job.	1	2	3	4	5	6
2.13. The goals of this organization are clear to me.	1	2	3	4	5	6
2.14. I understand clearly what type of behavior will result in discipline within my department.	1	2	3	4	5	6
2.15. NPD's investigation of civilian complaints is fair.	1	2	3	4	5	6
2.16. My agency's policies are designed to allow employees to have a voice in agency decisions (e.g., assignment changes, discipline).	1	2	3	4	5	6
2.17. I trust the direction that my department's command staff is taking our agency.	1	2	3	4	5	6
2.18. NPD policies clearly define how to interact with people who exhibit symptoms of mental illness, in order to get them the help they need.	1	2	3	4	5	6
2.19. NPD provides the training, resources and tools that I need to safely resolve situations involving individuals who are in crisis situations.	1	2	3	4	5	6

**Section 3: Community Policing, Police Legitimacy, and Procedural Justice**

	Strongly Disagree				Strongly Agree	
3.1. The manner in which I interact with civilians influences the way the community perceives the police department.	1	2	3	4	5	6
3.2. I feel my job helps the community.	1	2	3	4	5	6
3.3. I routinely work with community members in my daily duties.	1	2	3	4	5	6
3.4. Youth programs improve relations between the police and community.	1	2	3	4	5	6
3.5. Law enforcement strategies in my precinct promote community relations.	1	2	3	4	5	6
3.6. To do their jobs well, police officers need to try to solve non-crime problems in their patrol areas.	1	2	3	4	5	6
3.7. Performance evaluation measures for NPD encourage officers to engage in community policing.	1	2	3	4	5	6
3.8. Community policing is most effective when there is a specialized community policing unit responsible for it.	1	2	3	4	5	6
3.9. The community has confidence in NPD to reduce crime.	1	2	3	4	5	6
3.10. The fact that I could be filmed or recorded by civilians:						
a. Makes me change my approach to the situation	1	2	3	4	5	6
b. Makes me less aggressive	1	2	3	4	5	6
c. Makes me less likely to get involved	1	2	3	4	5	6
3.11. Community complaints about NPD change the way NPD officers perform their jobs.	1	2	3	4	5	6
3.12. Fear of being unfairly disciplined changes the way many police officers do their jobs.	1	2	3	4	5	6
3.13. I am afraid I will be punished for making an honest mistake.	1	2	3	4	5	6
3.14. NPD command staff takes a tough stance on improper behavior by police.	1	2	3	4	5	6
3.15. It is not unusual for a police officer in Newark to turn a blind eye to improper conduct by other officers.	1	2	3	4	5	6
3.16. An officer in Newark who reports another officer's misconduct is likely to be given the cold shoulder by fellow officers.	1	2	3	4	5	6
3.17. Police officers in Newark treat white people better than they do black people.	1	2	3	4	5	6
3.18. Police officers in Newark treat white people better than they do people who are Latino.	1	2	3	4	5	6
3.19. Police officers in Newark often treat people who are lesbian, gay, bisexual or transgender with less respect than others.	1	2	3	4	5	6
3.20. Police officers in Newark treat people who do not speak English with less respect than English speakers.	1	2	3	4	5	6

3.21. Police officers in Newark are more likely to use physical force against black people than against white people in similar situations.	1	2	3	4	5	6
3.22. Police officers in Newark are more likely to use physical force against people who are Latino than against white people in similar situations.	1	2	3	4	5	6

#### ***Section 4: Police-Community Relations***

	Strongly Disagree				Strongly Agree	
4.1. Generally, officers in my precinct are respected by adults in the community.	1	2	3	4	5	6
4.2. Generally, officers in my precinct are respected by juveniles in the community.	1	2	3	4	5	6
4.3. Generally, residents in the community I work in trust NPD.	1	2	3	4	5	6
4.4. Generally, NPD today receives more support from the community than one year ago.	1	2	3	4	5	6
4.5. The community does not understand the risks officers face in their job.	1	2	3	4	5	6
4.6. Being a police officer is a dangerous job.	1	2	3	4	5	6
4.7. My career has been negatively affected by citizen complaints.	1	2	3	4	5	6
4.8. Having police wear cameras improves relations between the police and community.	1	2	3	4	5	6
4.9. Footage from police officers' body-worn cameras should be made available to the public.	1	2	3	4	5	6
4.10. When wearing a camera, officers are less likely to use force even when it is necessary.	1	2	3	4	5	6
4.11. Repeated media coverage questioning police use of force has:						
a. Made it more difficult to do my job.	1	2	3	4	5	6
b. Made it more dangerous to be a law enforcement officer.	1	2	3	4	5	6
c. Caused me to be more apprehensive about using force even though it may be necessary.	1	2	3	4	5	6
d. Caused me to be less likely to want to work with community members to solve local problems.	1	2	3	4	5	6
e. Made it less enjoyable to have a career in law enforcement.	1	2	3	4	5	6
f. Caused my coworkers to be more apprehensive about using force even though it may be necessary.	1	2	3	4	5	6

**Appendix C:**  
**Frequency Tables for Individual Survey Items**

**JOB SATISFACTION****As a police officer, I believe I occupy a position of special importance in society.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	22	2.1	2.2
Moderately Disagree	11	1.1	3.2
Slightly Disagree	38	3.7	6.8
Slightly Agree	105	10.1	16.9
Moderately Agree	234	22.5	39.4
Strongly Agree	630	60.6	100.0
Total	1040	100.0	

**I feel a sense of pride in doing my job.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	22	2.1	2.1
Moderately Disagree	12	1.1	3.3
Slightly Disagree	17	1.6	4.9
Slightly Agree	60	5.8	10.7
Moderately Agree	184	17.7	28.3
Strongly Agree	746	71.7	100.0
Total	1041	100.0	

**I feel I am being paid fairly for the work I do.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	134	12.9	12.9
Moderately Disagree	110	10.6	23.5
Slightly Disagree	197	19.0	42.6
Slightly Agree	264	25.5	68.1
Moderately Agree	171	16.5	84.6
Strongly Agree	160	15.4	100.0
Total	1036	100.0	

**The daily tasks that I perform for my job are what I expected them to be when I first became an officer.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	67	6.5	6.5
Moderately Disagree	98	9.5	15.9
Slightly Disagree	183	17.7	33.6
Slightly Agree	272	26.2	59.8
Moderately Agree	235	22.7	82.5
Strongly Agree	182	17.5	100.0
Total	1037	100.0	

**I feel that the local community I police values the work I do.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	129	12.4	12.4
Moderately Disagree	145	14.0	26.4
Slightly Disagree	220	21.2	47.6
Slightly Agree	253	24.4	72.0
Moderately Agree	152	14.7	86.7
Strongly Agree	138	13.3	100.0
Total	1037	100.0	

**I feel that my supervisors support me in the work I do.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	45	4.3	4.3
Moderately Disagree	61	5.8	10.1
Slightly Disagree	89	8.5	18.7
Slightly Agree	197	18.9	37.5
Moderately Agree	334	32.0	69.5
Strongly Agree	318	30.5	100.0
Total	1044	100.0	

**Generally, in my precinct, my fellow officers treat me with respect.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	14	1.3	1.3
Moderately Disagree	17	1.6	3.0
Slightly Disagree	18	1.7	4.7
Slightly Agree	76	7.3	12.0
Moderately Agree	336	32.4	44.4
Strongly Agree	577	55.6	100.0
Total	1038	100.0	

**Generally, in my precinct, my supervisors treat me with respect.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	20	1.9	1.9
Moderately Disagree	25	2.4	4.3
Slightly Disagree	37	3.6	7.9
Slightly Agree	102	9.9	17.8
Moderately Agree	337	32.5	50.3
Strongly Agree	515	49.7	100.0
Total	1036	100.0	

**NPD command staff treats employees the same regardless of their race.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	117	11.3	11.3
Moderately Disagree	89	8.6	19.9
Slightly Disagree	148	14.3	34.1
Slightly Agree	163	15.7	49.8
Moderately Agree	204	19.7	69.5
Strongly Agree	317	30.5	100.0
Total	1038	100.0	

**NPD command staff treats employees the same regardless of their ethnicity.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	107	10.6	10.6
Moderately Disagree	78	7.7	18.4
Slightly Disagree	140	13.9	32.3
Slightly Agree	157	15.6	47.9
Moderately Agree	201	20.0	67.8
Strongly Agree	324	31.2	100.0
Total	1007	100.0	

**NPD command staff treats employees the same regardless of their gender.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	104	10.3	10.3
Moderately Disagree	83	8.3	18.6
Slightly Disagree	141	14.0	32.6
Slightly Agree	158	15.7	48.3
Moderately Agree	196	19.5	67.8
Strongly Agree	324	32.2	100.0
Total	1006	100.0	

**NPD command staff treats employees the same regardless of their sexual orientation.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	91	9.1	9.2
Moderately Disagree	59	5.9	15.0
Slightly Disagree	135	13.5	28.6
Slightly Agree	155	15.5	44.1
Moderately Agree	205	20.5	64.6
Strongly Agree	353	35.4	100.0
Total	998	100.0	

**My precinct provides a quality work environment.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	73	7.1	7.1
Moderately Disagree	97	9.5	16.6
Slightly Disagree	144	14.1	30.6
Slightly Agree	232	22.6	53.3
Moderately Agree	243	23.7	77.0
Strongly Agree	236	23.0	100.0
Total	1025	100.0	

**I receive the training I need from the police department that helps me do my job.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	133	12.8	12.8
Moderately Disagree	174	16.7	29.5
Slightly Disagree	200	19.2	48.7
Slightly Agree	235	22.6	71.3
Moderately Agree	156	15.0	86.3
Strongly Agree	142	13.7	100.0
Total	1040	100.0	

**I receive quality equipment from the police department that helps me do my job.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	199	19.2	19.2
Moderately Disagree	200	19.3	38.5
Slightly Disagree	205	19.8	58.4
Slightly Agree	220	21.3	79.6
Moderately Agree	120	11.6	91.2
Strongly Agree	91	8.8	100.0
Total	1035	100.0	



**The goals of this organization are clear to me.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	44	4.3	4.3
Moderately Disagree	56	5.4	9.7
Slightly Disagree	130	12.5	22.2
Slightly Agree	214	20.7	42.9
Moderately Agree	320	30.9	73.7
Strongly Agree	272	26.3	100.0
Total	1036	100.0	

**I understand clearly what type of behavior will result in discipline within my department.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	30	2.9	2.9
Moderately Disagree	28	2.7	5.6
Slightly Disagree	79	7.7	13.3
Slightly Agree	133	12.9	26.2
Moderately Agree	305	29.6	55.8
Strongly Agree	456	44.2	100.0
Total	1031	100.0	

**NPD's investigation of civilian complaints is fair.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	90	8.8	8.8
Moderately Disagree	91	8.9	17.6
Slightly Disagree	149	14.5	32.1
Slightly Agree	271	26.4	58.5
Moderately Agree	241	23.5	82.0
Strongly Agree	185	18.0	100.0
Total	1027	100.0	

**My agency's policies are designed to allow employees to have a voice in agency decisions (e.g., assignment changes, discipline).**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	233	22.6	22.6
Moderately Disagree	197	19.1	41.7
Slightly Disagree	204	19.8	61.4
Slightly Agree	226	21.9	83.3
Moderately Agree	96	9.3	92.6
Strongly Agree	76	7.4	100.0
Total	1032	100.0	

**I trust the direction that my department's command staff is taking our agency.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	60	5.8	5.8
Moderately Disagree	88	8.5	14.3
Slightly Disagree	149	14.4	28.7
Slightly Agree	258	24.9	53.6
Moderately Agree	272	26.3	79.8
Strongly Agree	209	20.2	100.0
Total	1036	100.0	

**NPD policies clearly define how to interact with people who exhibit symptoms of mental illness, in order to get them the help they need.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	80	7.7	7.7
Moderately Disagree	120	11.6	19.3
Slightly Disagree	192	18.5	37.8
Slightly Agree	245	23.7	61.5
Moderately Agree	236	22.8	84.3
Strongly Agree	163	15.7	100.0
Total	1036	100.0	

**NPD provides the training, resources and tools that I need to safely resolve situations involving individuals who are in crisis situations.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	132	12.7	12.7
Moderately Disagree	181	17.4	30.1
Slightly Disagree	209	20.1	50.2
Slightly Agree	229	22.0	72.2
Moderately Agree	161	15.5	87.7
Strongly Agree	128	12.3	100.0
Total	1040	100.0	

#### ***COMMUNITY POLICING, POLICE LEGITIMACY, AND PROCEDURAL JUSTICE***

**The manner in which I interact with civilians influences the way the community perceives the police department.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	20	1.9	1.9
Moderately Disagree	15	1.4	3.4
Slightly Disagree	31	3.0	6.3
Slightly Agree	102	9.8	16.1
Moderately Agree	236	22.7	38.8
Strongly Agree	637	61.2	100.0
Total	1041	100.0	

**I feel my job helps the community.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	13	1.3	1.3
Moderately Disagree	15	1.4	2.7
Slightly Disagree	35	3.4	6.0
Slightly Agree	122	11.7	17.7
Moderately Agree	275	26.4	44.1
Strongly Agree	583	55.9	100.0
Total	1043	100.0	

**I routinely work with community members in my daily duties.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	92	9.0	9.0
Moderately Disagree	71	6.9	15.9
Slightly Disagree	146	14.3	30.2
Slightly Agree	262	25.6	55.8
Moderately Agree	211	20.6	76.4
Strongly Agree	241	23.6	100.0
Total	1023	100.0	

**Youth programs improve relations between the police and community.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	22	2.1	2.1
Moderately Disagree	26	2.5	4.6
Slightly Disagree	48	4.6	9.3
Slightly Agree	137	13.3	22.5
Moderately Agree	261	25.2	47.8
Strongly Agree	540	52.2	100.0
Total	1034	100.0	

**Law enforcement strategies in my precinct promote community relations.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	49	4.8	4.8
Moderately Disagree	62	6.1	10.9
Slightly Disagree	147	14.5	25.4
Slightly Agree	293	28.9	54.3
Moderately Agree	239	23.5	77.8
Strongly Agree	225	22.2	100.0
Total	1015	100.0	

**To do their jobs well, police officers need to try to solve non-crime problems in their patrol areas.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	35	3.4	3.4
Moderately Disagree	42	4.0	7.4
Slightly Disagree	103	9.9	17.3
Slightly Agree	253	24.3	41.7
Moderately Agree	342	32.9	74.6
Strongly Agree	264	25.4	100.0
Total	1039	100.0	

**Performance evaluation measures for NPD encourage officers to engage in community policing.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	84	8.2	8.2
Moderately Disagree	85	8.3	16.4
Slightly Disagree	184	17.9	34.3
Slightly Agree	277	26.9	61.2
Moderately Agree	218	21.2	82.4
Strongly Agree	181	17.6	100.0
Total	1029	100.0	

**Community policing is most effective when there is a specialized community policing unit responsible for it.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	87	8.5	8.5
Moderately Disagree	91	8.9	17.4
Slightly Disagree	142	13.9	31.3
Slightly Agree	245	23.9	55.2
Moderately Agree	243	23.7	78.9
Strongly Agree	216	21.1	100.0
Total	1024	100.0	

**The community has confidence in NPD to reduce crime.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	128	12.4	12.4
Moderately Disagree	164	15.9	28.2
Slightly Disagree	242	23.4	51.6
Slightly Agree	288	27.8	79.4
Moderately Agree	131	12.7	92.1
Strongly Agree	82	7.9	100.0
Total	1035	100.0	

**The fact that I could be filmed or recorded by civilians makes me change my approach to the situation.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	428	41.8	41.8
Moderately Disagree	183	17.9	59.7
Slightly Disagree	112	10.9	70.6
Slightly Agree	123	12.0	82.6
Moderately Agree	86	8.4	91.0
Strongly Agree	92	9.0	100.0
Total	1024	100.0	

**The fact that I could be filmed or recorded by civilians makes me less aggressive.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	412	40.4	40.4
Moderately Disagree	191	18.7	59.2
Slightly Disagree	135	13.3	72.4
Slightly Agree	116	11.4	83.8
Moderately Agree	79	7.7	91.6
Strongly Agree	86	8.4	100.0
Total	1019	100.0	

**The fact that I could be filmed or recorded by civilians makes me less likely to get involved.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	512	50.5	50.5
Moderately Disagree	175	17.3	67.7
Slightly Disagree	102	10.1	77.8
Slightly Agree	94	9.3	87.1
Moderately Agree	60	5.9	93.0
Strongly Agree	71	7.0	100.0
Total	1014	100.0	

**Community complaints about NPD change the way NPD officers perform their jobs.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	89	8.7	8.7
Moderately Disagree	70	6.8	15.5
Slightly Disagree	145	14.2	29.7
Slightly Agree	224	21.9	51.6
Moderately Agree	247	24.1	75.7
Strongly Agree	249	24.3	100.0
Total	1024	100.0	

**Fear of being unfairly disciplined changes the way many police officers do their jobs.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	61	5.9	5.9
Moderately Disagree	48	4.7	10.5
Slightly Disagree	85	8.2	18.8
Slightly Agree	167	16.2	34.9
Moderately Agree	273	26.4	61.4
Strongly Agree	399	38.6	100.0
Total	1033	100.0	

**I am afraid I will be punished for making an honest mistake.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	119	11.5	11.5
Moderately Disagree	76	7.3	18.8
Slightly Disagree	102	9.9	28.7
Slightly Agree	186	18.0	46.7
Moderately Agree	224	21.6	68.3
Strongly Agree	328	31.7	100.0
Total	1035	100.0	

**NPD command staff takes a tough stance on improper behavior by police.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	33	3.2	3.2
Moderately Disagree	36	3.5	6.7
Slightly Disagree	75	7.3	14.0
Slightly Agree	204	19.8	33.8
Moderately Agree	315	30.6	64.4
Strongly Agree	366	35.6	100.0
Total	1029	100.0	

**It is not unusual for a police officer in Newark to turn a blind eye to improper conduct by other officers.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	279	27.1	27.1
Moderately Disagree	202	19.6	46.7
Slightly Disagree	168	16.3	63.0
Slightly Agree	200	19.4	82.4
Moderately Agree	108	10.5	92.9
Strongly Agree	73	7.1	100.0
Total	1030	100.0	

**An officer in Newark who reports another officer's misconduct is likely to be given the cold shoulder by fellow officers.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	200	19.5	19.5
Moderately Disagree	140	13.6	33.1
Slightly Disagree	171	16.6	49.7
Slightly Agree	202	19.7	69.4
Moderately Agree	159	15.5	84.8
Strongly Agree	156	15.2	100.0
Total	1028	100.0	

**Police officers in Newark treat white people better than they do black people.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	603	58.5	58.5
Moderately Disagree	153	14.9	73.4
Slightly Disagree	81	7.9	81.3
Slightly Agree	72	7.0	88.3
Moderately Agree	50	4.9	93.1
Strongly Agree	71	6.9	100.0
Total	1030	100.0	

**Police officers in Newark treat white people better than they do people who are Latino.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	600	58.3	58.3
Moderately Disagree	156	15.1	73.4
Slightly Disagree	90	8.7	82.1
Slightly Agree	79	7.7	89.8
Moderately Agree	45	4.4	94.2
Strongly Agree	60	5.8	100.0
Total	1030	100.0	

**Police officers in Newark often treat people who are lesbian, gay, bisexual or transgender with less respect than others.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	634	61.4	61.4
Moderately Disagree	182	17.6	79.1
Slightly Disagree	95	9.2	88.3
Slightly Agree	57	5.5	93.8
Moderately Agree	41	4.0	97.8
Strongly Agree	23	2.2	100.0
Total	1032	100.0	

**Police officers in Newark treat people who do not speak English with less respect than English speakers.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	588	56.9	56.9
Moderately Disagree	184	17.8	74.7
Slightly Disagree	118	11.4	86.2
Slightly Agree	80	7.7	93.9
Moderately Agree	34	3.3	97.2
Strongly Agree	29	2.8	100.0
Total	1033	100.0	

**Police officers in Newark are more likely to use physical force against black people than against white people in similar situations.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	636	61.7	61.7
Moderately Disagree	139	13.5	75.2
Slightly Disagree	81	7.9	83.0
Slightly Agree	61	5.9	88.9
Moderately Agree	52	5.0	94.0
Strongly Agree	62	6.0	100.0
Total	1031	100.0	

**Police officers in Newark are more likely to use physical force against people who are Latino than against white people in similar situations.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	637	61.9	61.9
Moderately Disagree	136	13.2	75.1
Slightly Disagree	94	9.1	84.3
Slightly Agree	67	6.5	90.8
Moderately Agree	54	5.3	96.0
Strongly Agree	41	4.0	100.0
Total	1029	100.0	

**POLICE-COMMUNITY RELATIONS****Generally, officers in my precinct are respected by adults in the community.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	39	3.8	3.8
Moderately Disagree	51	4.9	8.7
Slightly Disagree	124	12.0	20.8
Slightly Agree	299	29.0	49.8
Moderately Agree	327	31.7	81.5
Strongly Agree	190	18.5	100.0
Total	1030	100.0	

**Generally, officers in my precinct are respected by juveniles in the community.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	157	15.3	15.3
Moderately Disagree	200	19.5	34.8
Slightly Disagree	216	21.0	55.8
Slightly Agree	227	22.1	77.9
Moderately Agree	151	14.7	92.6
Strongly Agree	76	7.4	100.0
Total	1027	100.0	

**Generally, residents in the community I work in trust NPD.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	86	8.3	8.3
Moderately Disagree	115	11.1	19.4
Slightly Disagree	230	22.2	41.7
Slightly Agree	328	32.7	73.4
Moderately Agree	183	17.7	91.1
Strongly Agree	92	8.9	100.0
Total	1034	100.0	

**Generally, NPD today receives more support from the community than one year ago.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	155	15.0	15.0
Moderately Disagree	156	15.1	30.1
Slightly Disagree	231	22.4	52.5
Slightly Agree	254	24.6	77.1
Moderately Agree	154	14.9	92.1
Strongly Agree	82	7.9	100.0
Total	1032	100.0	

**The community does not understand the risks officers face in their job.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	43	4.1	4.1
Moderately Disagree	37	3.6	7.7
Slightly Disagree	54	5.2	12.9
Slightly Agree	107	10.3	23.3
Moderately Agree	259	25.0	48.3
Strongly Agree	536	51.7	100.0
Total	1036	100.0	

**Being a police officer is a dangerous job.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	26	2.5	2.5
Moderately Disagree	5	0.5	3.0
Slightly Disagree	11	1.1	4.1
Slightly Agree	26	2.5	6.6
Moderately Agree	156	15.1	21.6
Strongly Agree	812	78.4	100.0
Total	1036	100.0	

**My career has been negatively affected by citizen complaints.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	526	51.0	51.0
Moderately Disagree	174	16.9	67.8
Slightly Disagree	116	11.1	79.1
Slightly Agree	97	9.4	88.5
Moderately Agree	37	3.6	92.1
Strongly Agree	82	7.9	100.0
Total	1032	100.0	



**Having police wear cameras improves relations between the police and community.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	114	11.0	11.0
Moderately Disagree	61	5.9	16.9
Slightly Disagree	132	12.7	29.6
Slightly Agree	231	22.3	51.8
Moderately Agree	216	20.8	72.6
Strongly Agree	284	27.4	100.0
Total	1038	100.0	

**Footage from police officers' body-worn cameras should be made available to the public.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	196	19.1	19.1
Moderately Disagree	116	11.3	30.3
Slightly Disagree	147	14.3	44.6
Slightly Agree	203	19.7	64.3
Moderately Agree	142	13.8	78.1
Strongly Agree	225	21.9	100.0
Total	1029	100.0	

**When wearing a camera, officers are less likely to use force even when it is necessary.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	201	19.5	19.5
Moderately Disagree	132	12.8	32.3
Slightly Disagree	171	16.6	48.9
Slightly Agree	196	19.0	68.0
Moderately Agree	166	16.1	84.1
Strongly Agree	164	15.9	100.0
Total	1030	100.0	

**Repeated media coverage questioning police use of force has made it more difficult to do my job.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	114	11.0	11.0
Moderately Disagree	83	8.0	18.9
Slightly Disagree	92	8.9	27.8
Slightly Agree	162	15.6	43.4
Moderately Agree	230	22.1	65.5
Strongly Agree	359	34.5	100.0
Total	1040	100.0	

**Repeated media coverage questioning police use of force has made it more dangerous to be a law enforcement officer.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	75	7.2	7.2
Moderately Disagree	47	4.5	11.8
Slightly Disagree	67	6.5	18.2
Slightly Agree	112	10.8	29.0
Moderately Agree	235	22.7	51.7
Strongly Agree	501	48.3	100.0
Total	1037	100.0	

**Repeated media coverage questioning police use of force has caused me to be more apprehensive about using force even though it may be necessary.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	186	18.0	18.0
Moderately Disagree	140	13.6	31.6
Slightly Disagree	141	13.7	45.3
Slightly Agree	183	17.7	63.0
Moderately Agree	175	17.0	79.9
Strongly Agree	207	20.1	100.0
Total	1032	100.0	

**Repeated media coverage questioning police use of force has caused me to be less likely to want to work with community members to solve local problems.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	358	34.6	34.6
Moderately Disagree	236	22.8	57.4
Slightly Disagree	144	13.9	71.3
Slightly Agree	146	14.1	85.4
Moderately Agree	77	7.4	92.9
Strongly Agree	74	7.1	100.0
Total	1035	100.0	

**Repeated media coverage questioning police use of force has made it less enjoyable to have a career in law enforcement.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	222	21.5	21.5
Moderately Disagree	147	14.2	35.7
Slightly Disagree	134	13.0	48.7
Slightly Agree	182	17.6	66.3
Moderately Agree	150	14.5	80.8
Strongly Agree	198	19.2	100.0
Total	1033	100.0	

**Repeated media coverage questioning police use of force has caused my coworkers to be more apprehensive about using force even though it may be necessary.**

	<i>N</i>	<i>Percent</i>	<i>Cumulative Percent</i>
Strongly Disagree	141	13.7	13.7
Moderately Disagree	121	11.7	25.4
Slightly Disagree	146	14.1	39.5
Slightly Agree	204	19.8	59.3
Moderately Agree	195	18.9	78.2
Strongly Agree	225	21.8	100.0
Total	1032	100.0	

# **APPENDIX E**

# **NEWARK POLICE DIVISION CONSENT DECREE 2016-2017 COMMUNITY PROBABILITY SURVEY**

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## **EXECUTIVE SUMMARY**



**Eagleton Center for Public Interest Polling (ECPIP)  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey**

*Ashley Koning, PhD  
Director, ECPIP | Assistant Research professor*

**April 2017**

*Newark Police Division Consent Decree | Peter C. Harvey, Independent Monitor  
Eagleton Center for Public Interest Polling | Eagleton Institute of Politics | Rutgers, The State University of New Jersey*

**This report has been prepared at the request of Peter C. Harvey, Independent Monitor of the Consent Decree signed by the City of Newark and the United States Department of Justice. Paragraphs 22 and 23 of the Consent Decree require that the Independent Monitor conduct a reliable, comprehensive, and representative survey of the Newark Community's experience with and perceptions of the Newark Police Division and public safety. The survey was designed with input from the Independent Monitoring Team, including the Rutgers School of Criminal Justice, the New Jersey Institute for Social Justice, Delores Jones-Brown, PhD, and Patterson Belknap Webb & Tyler LLP, in conjunction with the Eagleton Center for Public Interest Polling at Rutgers, The State University of New Jersey. (See attached as Exhibit A.)**

**Below is an executive summary of the findings from the 2016-2017 Community Survey. A more detailed report will be released with the Monitor's Second Quarterly Report.**

Newark Police Division Consent Decree | Peter C. Harvey, Independent Monitor  
Eagleton Center for Public Interest Polling | Eagleton Institute of Politics | Rutgers, The State University of New Jersey



## EAGLETON INSTITUTE OF POLITICS

— EAGLETON CENTER FOR PUBLIC INTEREST POLLING —

*The Eagleton Center for Public Interest Polling (ECPIP), home of the Rutgers-Eagleton Poll, was established in 1971. Now celebrating its 45<sup>th</sup> anniversary and over 200 public opinion polls on the state of New Jersey, ECPIP is the oldest and one of the most respected university-based state survey research centers in the United States.*

*Our mission is to provide scientifically sound, non-partisan information about public opinion. ECPIP conducts research for all levels of government and nonprofit organizations with a public interest mission, as well as college and university-based researchers and staff. ECPIP makes it a priority to design opportunities for undergraduate and graduate students to learn how to read, analyze, design, and administer polls. We pride ourselves on integrity, quality, and objectivity.*

*To read more about ECPIP and view all of our press releases and published research, please visit our website: [eagletonpoll.rutgers.edu](http://eagletonpoll.rutgers.edu). You can also visit our [extensive data archive](#), [blog](#), [Facebook](#), and [Twitter](#).*

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## 2016-2017 NEWARK COMMUNITY PROBABILITY SURVEY SAMPLE

**687 Newark, New Jersey Residents<sup>1</sup>**  
**Margin of Error = +/- 4.4 percentage points**

	U.S. Census Parameters	Sample Demographics
<b>Sex</b>		
Male	49%	49%
Female	51%	51%
<b>Age</b>		
18-24	15%	16%
25-34	23%	23%
35-44	19%	18%
45-64	31%	31%
65+	12%	12%
<b>Education</b>		
HS grad or less (incl voc/tech)	61%	60%
Some college	26%	27%
College grad+	12%	13%
<b>Race/Ethnicity</b>		
White, not Hispanic	11%	10%
Black, not Hispanic	48%	49%
Hispanic	36%	36%
Other/mixed, not Hispanic	5%	6%
<b>Ward</b>		
Central	19%	19%
East	21%	20%
North	18%	18%
South	19%	19%
West	23%	23%



## EXECUTIVE SUMMARY

### METHODOLOGY: SURVEY DESIGN, DATA COLLECTION, AND ANALYSIS

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The 2016-2017 Newark Community Probability Survey was fielded from December 1, 2016 to February 10, 2017 with a scientifically designed “address-based” sample (ABS) representative of the City of Newark’s residential adult (18 years or older) population based on 2015 estimates from the U.S. Census Bureau American Community Survey.<sup>2</sup> Survey respondents were randomly selected to participate and were contacted by a live survey interviewer through either their landline phone number or cellular phone number to respond orally, or via text message to participate in a self-administered online version of the same survey. Respondents within a household with a landline number were selected by asking for the youngest adult male currently available; if a male was not available, the youngest female was interviewed until quotas per ward<sup>3</sup> were fulfilled. The cell phone owner or user who was contacted by cell phone – either via a live caller or text message – was recruited to participate in the survey.<sup>4</sup> The study was available in English (637 completed interviews), as well as in Spanish (45 completed interviews) and Portuguese (5 completed interviews) for respondents who requested it, as required by the Consent Decree.<sup>5</sup>

Mode			Incentive
<b>Phone</b>	<b>629</b>	<b>92%</b>	
Landline	394	57%	\$10 gift card offered to respondents
Cell	235	34%	\$10 gift card offered to respondents
<b>Text Message (online)</b>	<b>58</b>	<b>8%</b>	\$10-20 gift card offered per respondent based on quotas <sup>6</sup>
<b>Total Sample</b>	<b>687</b>	<b>100%<sup>7</sup></b>	

Data were weighted to the demographics of residents of the City of Newark to ensure that the demographic characteristics of the sample closely approximate the demographic characteristics of the target population. The sample was weighted using a raking algorithm<sup>8</sup> to match several key demographic parameters of the Newark population: gender, race, age, Hispanic ethnicity,

education, and Census tract.<sup>9</sup> The final weight, which combined all of the parameters mentioned, was trimmed at the 5th and 95th percentile so as to avoid too much weight be accorded to any one case or subset of cases. All percentages are reported as weighted data. This survey, like all surveys, is subject to sampling error.<sup>10</sup>

## NEIGHBORHOOD LIFE AND SAFETY

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Six percent of Newark residents say the City of Newark is an “excellent” **place to live**, and another 25 percent say it is “good.” Fifty percent of residents, on the other hand, say Newark is “only fair,” while 19 percent rate the city as a “poor” place to live. Twenty-nine percent believe the **city has improved** in the past year, while 28 percent say the city has gotten worse, and 41 percent believe the city has not changed at all.

Almost all residents say they feel “**very**” or “**somewhat**” **safe in their homes**: 92 percent feel this way during the day (55 percent say “very,” 37 percent say “somewhat”), and 86 percent feel this way at night (46 percent say “very,” 40 percent “somewhat”). Eighty percent of residents also feel “very” (28 percent) or “somewhat” **safe** (52 percent) **around their neighborhood** during the day. In contrast, 60 percent of residents do not feel safe (27 percent say “not very” and 33 percent say “not at all”) in their neighborhood at night; 28 percent say they feel “somewhat safe” in their neighborhood at night, while 9 percent say “very safe.”

A majority of residents at least somewhat **worry they will be a victim of a crime** at some point: 28 percent are “very worried,” and another 36 percent are “somewhat worried”; 22 percent say they are “not very worried,” and 11 percent are “not worried at all.”

Most residents say they would be “very” (64 percent) or “somewhat” (24 percent) **likely to interact with Newark police officers** if they needed help; similar numbers say they would **report a crime to the Newark Police** if they witnessed or heard about a crime. Eighty percent of

residents furthermore support an **increase in the number of officers patrolling** around their neighborhood.

Presently, 41 percent of residents report seeing officers in their neighborhood at least once a day, 19 percent report seeing officers several times a week, 10 percent claim once or twice a week, 14 percent say a few times a month, and 4 percent once a month; 10 percent claim they never see officers around their neighborhood in a typical month.

## COMMUNITY EXPERIENCES AND PERCEPTIONS OF POLICE

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When residents assess the **job the Newark Police are doing serving the people in their neighborhood**, 11 percent believe officers are doing an “excellent” job, and another 32 percent say they are doing a “good” job. Thirty-six percent rate officers in their neighborhood as doing an “only fair” job, while 19 percent rate their job as “poor.”

When it comes to the overall **job Newark Police are doing serving all the people of Newark**, 8 percent of residents say that officers are doing an “excellent” job in the city, while another 27 percent say they are doing a “good” one. Forty-two percent rate their service as “only fair,” and 18 percent rate their service as “poor.”

Twenty-seven percent of residents believe Newark police officers have “a lot” of **impact on lowering the city’s crime rate**, and 34 percent believe they have “some” impact. Twenty-two percent think officers have “a little” impact on lowering Newark’s crime rate, while 12 percent say officers have “none at all.”

Sixty-two percent of residents say they have “a lot” of **respect for Newark police officers**, while another 25 percent say they have “some” respect. Nine percent have “little” respect, and 4 percent have “none at all.” Almost three-quarters of residents say that they have “a lot” (35

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percent) or “some” (38 percent) **trust in Newark police**; 17 percent have “only a little” trust, and 9 percent have “no trust at all.”

Residents’ views are somewhat mixed regarding various components of **police conduct** as highlighted by the Consent Decree.<sup>11</sup> About half say that Newark police officers usually **respect personal property** (30 percent “all of the time,” 21 percent “most of the time”) and **use respectful language** (28 percent “all of the time,” 23 percent “most of the time”).

Residents are less likely to feel this way about other forms of conduct. Seventeen percent of residents believe officers **use force only when necessary** “all of the time,” and another 24 percent say officers use force only when necessary “most of the time.” Twenty percent say officers **make truthful statements** “all of the time”; 21 percent say “some of the time.” Twenty-four percent believe officers **treat everyone equally regardless of race or ethnicity** “all of the time,” and another 17 percent say this happens “some of the time.”

About three in 10 residents say the same when it comes to **properly handling evidence** (18 percent “all of the time,” 14 percent “some of the time”), **detaining individuals only as long as necessary** (17 percent “all of the time,” 14 percent “some of the time”), and **performing stops and searches only with good reason** (14 percent “all of the time,” 19 percent “some of the time”).

Residents are most skeptical of appropriate officer conduct when it comes to treating everyone equally, as well stops and searches: about one in five residents say that Newark police officers “rarely” or “never” act appropriately in each of these circumstances.<sup>12</sup>

## PERSONAL INTERACTIONS WITH POLICE

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Three percent of residents say they have had **direct interaction with Newark police officers** at least once a day in the past year, another 3 percent say they did several times a week, and

another 3 percent say once or twice a week. Eight percent say they have had direct contact with officers a few times a month. The majority of residents interacted with officers less than this, if at all: 26 percent have done so a few times in the past year, 22 percent just once, and 36 percent not at all within the same time frame. Those residents who have come into direct contact with an officer in the last 12 months were then asked whether they **felt more or less safe in the presence of an officer**.<sup>13</sup> When asked about direct contact with an officer, 48 percent say they typically feel more safe, while 10 percent feel less safe, and 37 percent feel no different. When asked about personal safety when an officer is nearby, 62 percent report usually feeling more safe, 7 percent feel less safe, and 29 percent feel no different.

Among residents who have had direct contact with the Newark Police in the past year, 56 percent of **residents have requested assistance** within this time frame – 18 percent specifically within the last month. Forty-eight percent say that a **Newark police officer has requested information from them** in the last year, with 16 percent stating this has happened specifically within the past month.

## COMPLAINTS AND REPORTING

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Nineteen percent of residents believe that Newark **police officers investigate complaints filed by residents** “all of the time,” while another 42 percent say this happens “some of the time.” Twenty-two percent say officers “rarely” investigate complaints, and another 5 percent say “never”; 12 percent are unsure. When it comes to how often **officers investigate complaints about fellow officers**, 14 percent believe officers investigate complaints against their own “all of the time,” 27 percent say “some of the time,” 22 percent think this “rarely” happens, and 15 percent say “never”; 22 percent are unsure.

About one in ten residents report having had a **reason to file a complaint** in the past year, and just over half of this group actually ended up filing. Among those who filed, **satisfaction** with the result is mixed, and among those who did not file, reasons vary.<sup>14</sup>

Twenty-four percent say the Newark Police **respond quickly to 911 calls** “all of the time,” 37 percent say “some of the time,” 16 percent say “rarely,” and 15 percent say “never.” Fifty-seven percent of residents have made a 911 emergency call in Newark at some point as a resident.

## **STOPS, SEARCHES, AND USE OF FORCE**

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Of those residents who have had direct contact with an officer in the past year, 31 percent have been **stopped by an officer**; 8 percent have been stopped in the last month.

When asked to think about the most recent time they were stopped by an officer – regardless of whether or not it was in the past year – **personal safety** was a concern for four in 10 residents: 19 percent report they were “very concerned” during the most recent time they were stopped, and 22 percent report being “somewhat concerned.” On the other hand, 15 percent say they were “not very concerned” and 39 percent say they were “not concerned at all” during the most recent time they were stopped.

Among those who have been stopped, 59 percent state that the **officer explained the reason for stopping them**. Fifty percent of those who received an explanation were “very satisfied,” and another 25 percent were “somewhat satisfied” with the explanation given. Eight percent were “not very satisfied” and 17 percent were “not satisfied at all.”

Sixteen percent of residents have **seen Newark police officers stop someone** at least once a day, 20 percent say they have seen this occur several times a week, 11 percent see it once or twice a week, and 17 percent see it a few times a month. The rest have seen someone stopped less often: 16 percent have seen this occur a few times in the past year, 4 percent just once, and 14 percent say they have never seen it. Among those who saw a Newark police officer stop

someone, 55 percent felt that the officer had a **legitimate reason for stopping the person**, while 18 percent felt the opposite, and 27 percent were unsure.

Over half of residents have seen a Newark police officer **body search someone** in their neighborhood in the past year: 4 percent have witnessed this at least once a day, another 4 percent several times a week, 6 percent once or twice a week, 13 percent a few times a month, 17 percent a few times in the past 12 months, and 11 percent just once in the past year. Forty-one percent of residents say they never saw someone body searched in this time frame. Among those who witnessed a body search, 20 percent report that the **officer used force** in the most recent body search they saw; 76 percent say they did not see any force used, and 4 percent were unsure.

Twenty-eight percent of residents are “very” concerned and another 25 percent are “somewhat” concerned that a Newark police officer **will use excessive force on them** if they are stopped; 18 percent are “not very concerned,” and 27 percent are “not concerned at all.” Forty-two percent of residents feel “very concerned” and 25 percent feel “somewhat concerned” that a Newark police officer **will use excessive force on a family member** in the future. Fourteen percent are “not very concerned,” and 16 percent are “not concerned at all.”

## **BODY CAMERAS**

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Almost all Newark residents (94 percent) say it is a **good idea for more Newark police officers to wear body cameras** that would record their interactions. Seventy-five percent say they would be “very comfortable” knowing they are **being filmed when communicating with police officers wearing body cameras**, and another 17 percent say they would be “somewhat comfortable.”

Residents agree that body camera would foster greater **trust** in police officers wearing them (63 percent “strongly agree”) and greater resident **compliance** with officer requests (60 percent

“strongly agree”). They also agree that body cameras would increase residents’ likelihood to **share information about a crime** (49 percent “strongly agree”).

Eight in ten “strongly” (65 percent) or “somewhat” (16 percent) agree that **original footage** from body cameras should be made publicly available. Sixty-six percent of residents “strongly agree” that body cameras would improve overall **relations between the police and community**; another 20 percent “somewhat agree.”

## **POLICE INVOLVEMENT IN THE COMMUNITY**

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Nineteen percent of residents believe that Newark Police officers are “very” **knowledgeable about the backgrounds and experiences of members in the community**, and another 48 percent say they are “somewhat” knowledgeable; conversely, 17 percent say officers are “not very knowledgeable” and another 8 percent say they are “not knowledgeable at all.” Twenty-one percent of residents report **seeing Newark police officers at community events** “all of the time,” while another 40 percent say they see officers at events “some of the time.” Twenty-two percent believe **Newark police officers interact with residents in a positive way** “very often,” and 36 percent say this happens “somewhat often.”

Fifty-four percent of residents believe the **Newark police treat some members of the community better than others**; 35 percent feel all members of the community are treated equally. When asked **how the Newark Police treat various groups of individuals**, roughly four in 10 residents feel that Black individuals, homeless individuals, and males are treated the worst. Almost half say white residents are treated better than other members in the community.

Nine percent feel **personally discriminated against by Newark police officers** “very often” and another 22 percent feel this way “somewhat often” because of who they are or how they identify; 15 percent feel this way “not very” often, and 50 percent never feel this way.



## LEARNING ABOUT THE CONSENT DECREE AND THE NPD

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Three-quarters of residents report that they had heard nothing at all about the **Newark Consent Decree** before taking the survey; The responses from the remaining quarter were divided somewhat evenly between having heard “a lot,” “some,” or a “little” about it.

Residents are most likely to **get information about the Newark Police** from local TV news (61 percent), family or friends (56 percent), or word of mouth (54 percent). Four in 10 residents go online or use social media for information about the NPD; 29 percent get information from the local paper, and 13 percent get information from government officials.

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<sup>1</sup> 621 respondents completed the entire survey. 66 respondents in the sample completed at least half of the survey or more; they were included as cases because these 66 respondents answered most substantive questions in the survey, as well as key demographic questions about themselves that assisted in statistical weighting calculations for each of these individuals.

<sup>2</sup> The U.S. Census Bureau’s American Community Survey estimates and 2010 U.S. Census data for Newark, New Jersey can be found here:

[https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml?src=bkmk](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk).

<sup>3</sup> The City of Newark is divided into five wards, each composed of a different set of neighborhoods: north, south, east, west, and central. Stratifying the survey sample by these wards allows us to ensure representativeness not just across the overall population but also by distinct geographical sections. To find out more about Newark’s wards, see here: [https://web.archive.org/web/20150201064158/http://policy.rutgers.edu/cupr/rcopc/data\\_atlas/6.pdf](https://web.archive.org/web/20150201064158/http://policy.rutgers.edu/cupr/rcopc/data_atlas/6.pdf).

<sup>4</sup> This is standard survey research practice. Asking for the “youngest male in the household” improves participation rates among this subgroup – especially given that males and younger adults are more difficult to interview, resulting in a higher propensity to complete surveys among females and older adults:

<http://www.pewresearch.org/methodology/u-s-survey-research/sampling/>.

<sup>5</sup> The language in which the survey was conducted does not necessarily reflect the primary household language of the respondent.

<sup>6</sup> The amount of incentive offered (in the form of an online Amazon.com gift card) was based on the need to fulfill quotas and recruit more respondents among harder-to-reach subgroups in order to obtain a representative sample of the city.

<sup>7</sup> Percentages may not add up to 100% due to rounding.

<sup>8</sup> Raking is a commonly used weighting technique in survey research. A raking algorithm uses an iterative process in calculating the statistical weights, accounting for all key

variables upon which the sample is weighted simultaneously, to produce a closer match to population parameters than the original sample without raking. For more information, see the following sources: <http://methods.sagepub.com/reference/encyclopedia-of-survey-research-methods/n433.xml>, [http://www.abtassociates.com/Expertise/Surveys-and-Data-Collection/Raking-Survey-Data-\(a-k-a--Sample-Balancing\).aspx](http://www.abtassociates.com/Expertise/Surveys-and-Data-Collection/Raking-Survey-Data-(a-k-a--Sample-Balancing).aspx).

<sup>9</sup> Newark's census tracts can be viewed here:

[https://www2.census.gov/geo/maps/dc10map/tract/st34\\_nj/c34013\\_essex/DC10CT\\_C34013\\_002.pdf](https://www2.census.gov/geo/maps/dc10map/tract/st34_nj/c34013_essex/DC10CT_C34013_002.pdf).

<sup>10</sup> All surveys are subject to sampling error, which is the expected probable difference between interviewing everyone in a population versus a scientific sampling drawn from that population. The simple sampling error for 687 Newark residents is +/-3.7 percentage points at a 95 percent confidence interval. Sampling error should be adjusted to recognize the effect of weighting the data to better match the population. The adjusted margin of error including the weighting design effect is +/- 4.4 percentage points.

<sup>11</sup> To make sure question wording did not bias respondents toward a particular answer, the sample of Newark residents was randomly split in half to investigate whether the way in which the questions were framed made a difference in how respondents answered. One random half of the sample was asked about the frequency with which officers behave in appropriate ways, while the other random half of the sample was asked about the frequency with which officers behave in inappropriate ways.

<sup>12</sup> Among residents asked about the frequency with which officers display various forms of *inappropriate* conduct, similar patterns emerge. Amidst the variety of ways in which officers can act inappropriately, residents are most likely to believe officers use disrespectful language, stop and search without good reason, and discriminate based on race of the individual – though in each of these cases, about a quarter of residents say this happens “all” or “most” of the time. On the other hand, only one in ten say the same about officers tampering with evidence, making false statements, and unlawfully taking property. Much like the other group, results are mixed and dependent upon the form of misconduct, with anywhere from one-fifth to one-third of respondents claiming that officers act in inappropriate ways “some” of the time.

<sup>13</sup> One random half of this group was asked the question in terms of their own safety when in *direct contact* with an officer, while the other random half was asked the question in terms of their own safety when an officer is *nearby*.

<sup>14</sup> Given the small number of residents who answered these questions about filing a complaint, generalizations should be drawn with extreme caution.

## APPENDIX: NEWARK COMMUNITY PROBABILITY

### SURVEY INSTRUMENT

**December 1, 2016 – February 10, 2017**  
**687 Newark, New Jersey Adults (18+)**

*Question numbers appear in the order in which they were programmed; due to questionnaire edits before fielding, numbering is not always sequential. "Unweighted Total N" specifies the actual total number of respondents who answered each question; percentages may not add up to 100% due to rounding.*

#### Introduction - LANDLINE

Hello, my name is \_\_\_\_\_. I am calling Newark residents on behalf of the Independent Monitor. Under the Newark Consent Decree, the Monitor needs to hear from community members like you about your perceptions of, experiences with, and expectations for the Newark Police. I'm not selling anything and just need a few minutes of your time. All of your answers are completely confidential.

#### [YM VERSION]

I'd like to ask a few questions of the YOUNGEST MALE over 18 who is now at home.

**[IF NO MALE AT HOME]:** May I speak to the YOUNGEST FEMALE over 18 who is now at home?

#### [IF PERSON ANSWERING THE PHONE IS THE RIGHT PERSON SAY:

Great, would you talk with me for a bit?

- 1. YES – CONTINUE TO SCREENER
- 0 NO – ATTEMPT CALLBACK SCHEDULE/CONVERSION

#### [IF PERSON ANSWERING THE PHONE IS NOT THE RIGHT PERSON, WAIT FOR PERSON AND REINTRO]

#### [REINTRO]

Hello, my name is \_\_\_\_\_. I am calling on behalf of the Independent Monitor who wants to hear firsthand from residents in the community about the Newark Police. Under the Newark Consent Decree, the Monitor needs to hear from residents like you about your perceptions of, experiences with, and expectations for the Newark Police. I'm not selling anything and just need a few minutes of your time. All of your answers are completely confidential.

- 1 YES – CONTINUE TO SCREENER
- 0 NO – ATTEMPT CALLBACK SCHEDULE/CONVERSION

## Introduction – CELL PHONE

Hello, my name is \_\_\_\_\_. I am calling on behalf of the Independent Monitor who wants to hear firsthand from residents in the community about the Newark Police. Under the Newark Consent Decree, the Monitor needs to hear from residents like you about your perceptions of, experiences with, and expectations for the Newark Police. I'm not selling anything and just need a few minutes of your time. All of your answers are completely confidential.

I know I am reaching you on a cell phone. We need to talk to community members with cell phones to ensure that the information we gather represents the opinions of all Newark residents. Are you currently driving, walking, or in any public place that might distract you?

- 0 DISTRACTED → **RESCHEDULE/TERMINATE**
- 1 NOT DISTRACTED, good time to talk [**CONTINUE TO SCREENER**]

**IF NOT DISTRACTED:** Great, would you talk with me for a bit?

- 1. YES – CONTINUE TO SCREENER
- 0 NO – ATTEMPT CALLBACK SCHEDULE/CONVERSION

## [ENCOURAGE PARTICIPATION AS NEEDED/CONVERSION]

**IF NECESSARY:** We are not selling anything, not asking for money, and all your answers will be completely confidential.

## **IF RESPONDENT DECLINES TO PARTICIPATE, POSSIBLE PROBES:**

Your participation is very important because you have been randomly selected for this survey, and your views will represent many people throughout Newark.

## **IF "DON'T KNOW ENOUGH":**

There are really no right or wrong answers. We are only interested in your opinions. They are just as important as anybody else's.

## **IF NOT INTERESTED, DON'T WANT TO:**

Can you help me? We could really use your cooperation, and we are interested in what you think.

## **IF NECESSARY, ATTEMPT TO SET UP A CALLBACK**

## [SCREENER]

QD6C. Do you currently live in Newark, New Jersey?

Yes	100%
No	-

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**Unweighted Total N      687**

QD6B. May I please have your home zip code?

*(Newark, New Jersey zip codes)*

QD7. To ensure we are reaching people of all ages, would you please tell me your age?

**18-29                      27%**

**30-49                      37%**

**50-64                      24%**

**65+                        12%**

---

**Unweighted Total N      687**

**[IF Don't Know/REFUSED IN QD7, ASK:]**

QD8. Would you be willing to tell us whether it's between...?

*(Combined with above question results)*

**[CONSENT]**

Great. Your participation is very important to us. You have been randomly selected to share your views and represent many of your fellow residents. This should only take about 20 minutes. Your answers are completely confidential and will only be reported in combination with others. Your participation is voluntary, you may end at any time, and you may skip questions you do not want to answer. May I ask the first question? **[IF YES]** Thanks!

<b>NEIGHBORHOOD LIFE</b>
--------------------------

Let's talk about daily life in Newark.

B1. Were you born in Newark?

**Yes                        49%**

**No                         51%**

---

**Unweighted Total N      686**

Q1. How long have you lived in Newark?

**1-10 years                19%**

**11-20 years              19%**

**21-40 years              22%**

**41+ years                17%**

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**Entire life                23%**

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**Unweighted Total N      680**

Q2. How would you rate Newark as a place to live? Excellent, good, fair, or poor?

<b>Excellent</b>	<b>6%</b>
<b>Good</b>	<b>25%</b>
<b>Only fair</b>	<b>50%</b>
<b>Poor</b>	<b>19%</b>
<hr/>	
<b>Unweighted Total N</b>	<b>685</b>

Q3. Thinking back over the last year, would you say Newark has gotten better as a place to live, gotten worse, or there hasn't been much change?

<b>Better</b>	<b>29%</b>
<b>Worse</b>	<b>28%</b>
<b>Hasn't been much change</b>	<b>41%</b>
<b>Don't know (vol)</b>	<b>2%</b>
<hr/>	
<b>Unweighted Total N</b>	<b>687</b>

<b>NEIGHBORHOOD SAFETY</b>
----------------------------

Now let's turn to the issue of safety in the City of Newark.

**[VERSION A]**

Q5A. Please tell me if you feel very safe, somewhat safe, not very safe, or not safe at all in each of the following circumstances:

**[RANDOMIZE ORDER]**

	<b>In your home during the day</b>	<b>In your home at night</b>	<b>Walking around your neighborhood during the day</b>	<b>Walking around your neighborhood at night</b>
<b>Very safe</b>	<b>55%</b>	<b>46%</b>	<b>28%</b>	<b>9%</b>
<b>Somewhat safe</b>	<b>37%</b>	<b>40%</b>	<b>52%</b>	<b>28%</b>
<b>Not very safe</b>	<b>5%</b>	<b>7%</b>	<b>11%</b>	<b>27%</b>
<b>Not safe at all</b>	<b>3%</b>	<b>7%</b>	<b>8%</b>	<b>33%</b>
<b>Don't know (vol)</b>	<b>1%</b>	<b>1%</b>	<b>1%</b>	<b>4%</b>
<hr/>				
<b>Unweighted Total N</b>	<b>684</b>	<b>686</b>	<b>683</b>	<b>685</b>

**[CODE VOL OPTION IN ADDITION TO WORRY SCALE ANSWER IF APPLIES]**

Q6. How worried are you that you will be a victim of a crime?

Very worried	28%
Somewhat worried	36%
Not very worried	22%
Not at all worried	11%
Already been victim of crime (vol)	3%
Don't know (vol)	1%
<hr/>	
Unweighted Total N	687

Q7A. If you were in need of assistance, how likely would you be to ask a Newark police officer for help?

Very likely	64%
Somewhat likely	24%
Not very likely	8%
Not likely at all	4%
<hr/>	
Unweighted Total N	682

**[SPLIT SAMPLE]****[VERSION A]****[CODE VOL OPTION IN ADDITION TO RESPONSE]**

Q8A. If you witnessed a crime that took place, how likely would you be to report it or to provide information to the Newark Police?

Very likely	69%
Somewhat likely	20%
Not very likely	6%
Not likely at all	4%
Don't know (vol)	1%
<hr/>	
Unweighted Total N	319

**[VERSION B]****[CODE VOL OPTION IN ADDITION TO RESPONSE]**

Q8B. If you heard about a crime that took place, how likely would you be to report it or to provide information to the Newark Police?

Very likely	71%
Somewhat likely	16%
Not very likely	5%
Not likely at all	5%
Don't know (vol)	2%
<hr/>	

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**Unweighted Total N 359**

**[END SPLIT SAMPLE]**

**[IF Q8A=3, 4 OR Q8B=3,4]**

Q8X. In just a few words, WHY would you NOT be likely to report a crime to the Newark Police?

*(See open-ended response list)*

**[IF Q8A=7 OR Q8B=7]**

Q8Y. In just a few words, WHY did you NOT report the crime to the Newark Police?

*(See open-ended response list)*

Q9. In a typical month, how often do you see Newark Police officers on foot or in a car patrolling in your neighborhood?

At least once a day	41%
Several times a week	19%
Once or twice a week	10%
A few times	14%
Once	4%
Never	10%
Don't know (vol)	2%
<b>Unweighted Total N</b>	<b>687</b>

Q10. Would you like to see an increase or a decrease in the number of Newark Police officers on foot or in a car patrolling in your neighborhood, or would you like to see the number of officers stay the same?

Increase	80%
Decrease	3%
Stay the same	15%
Don't know (vol)	1%
<b>Unweighted Total N</b>	<b>685</b>

<b>COMMUNITY EXPERIENCES AND PERCEPTIONS OF POLICE</b>
--

Next, we would like to ask you for your general thoughts on Newark police officers based on what you have seen, heard, and experienced.



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Q4A. Thinking about the area where you live, how would you rate the job the Newark Police are doing serving people in your neighborhood?

Excellent	11%
Good	32%
Fair	36%
Poor	19%
Don't know (vol)	2%
<hr/>	
Unweighted Total N	686

Q4B. And thinking about the City of Newark as a whole, how would you rate the job the Newark Police are doing serving all the people of Newark?

Excellent	8%
Good	27%
Fair	42%
Poor	18%
Don't know (vol)	4%
<hr/>	
Unweighted Total N	685

Q22. How much impact do you think the Newark Police have on lowering the city's crime rate?

A lot	27%
Some	34%
A little	22%
None at all	12%
Don't know (vol)	5%
<hr/>	
Unweighted Total N	686

Q11A. How much respect do you have for the Newark Police, in general?

A lot	62%
Some	25%
A little	9%
None at all	4%
<hr/>	
Unweighted Total N	684

Q11C. How much trust do you have in the Newark Police, in general?

A lot	35%
Some	38%
A little	17%
None at all	9%
Don't know (vol)	1%
Unweighted Total N	684

[SPLIT SAMPLE Q12A and Q12B]

Q12A. And for each of the following, please tell me if you think Newark police officers do this all of the time, most of the time, some of the time, rarely, or never.

[PROMPT: Do they do this all of the time, most of the time, some of the time, rarely, or never?]

[RANDOMIZE ORDER]

	Properly handle evidence	Use appropriate force only when necessary	Make truthful, accurate statements	Use respectful, polite language
All of the time	18%	17%	20%	28%
Most of the time	14%	24%	21%	23%
Some of the time	25%	36%	34%	29%
Rarely	10%	8%	8%	10%
Never	5%	4%	4%	6%
Don't know (vol)	28%	12%	14%	4%
Unweighted Total N	326	330	332	335

	Detain people only as long as necessary	Stop and/or search people w/ good reason	Treat all equally regardless of race or ethnicity	Respect residents' personal property
All of the time	17%	14%	24%	30%
Most of the time	14%	19%	17%	21%
Some of the time	33%	32%	29%	27%
Rarely	9%	12%	10%	8%
Never	7%	7%	12%	7%
Don't know (vol)	21%	15%	8%	7%
Unweighted Total N	329	327	331	332

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Q12B. For each of the following, please tell me if you think Newark police officers do this all of the time, most of the time, some of the time, rarely, or never.

**[PROMPT: Do they do this all of the time, most of the time, some of the time, rarely, or never?]**

**[RANDOMIZE]**

	Tamper or interfere with evidence	Use more force than is necessary	Make untruthful or false statements	Use disrespectful and offensive language
All of the time	4%	11%	4%	14%
Most of the time	7%	11%	8%	11%
Some of the time	21%	33%	30%	24%
Rarely	12%	14%	14%	13%
Never	26%	18%	25%	26%
Don't know (vol)	29%	12%	19%	12%
Unweighted Total N	348	348	344	347

	Detain people for longer than necessary	Stop and/or search people without good reason	Discriminate against certain individuals based on their race or ethnicity	Unlawfully take property from residents
All of the time	11%	14%	13%	5%
Most of the time	10%	9%	10%	4%
Some of the time	29%	33%	26%	19%
Rarely	13%	13%	17%	16%
Never	16%	19%	24%	33%
Don't know (vol)	21%	12%	10%	22%
Unweighted Total N	346	349	347	347

**[END SPLIT SAMPLE]**

## PERSONAL INTERACTIONS WITH POLICE

Now let's talk about your own interactions and experiences with Newark police officers.

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Q13. In the last 12 months, how often did you have direct contact with a Newark police officer?

At least once a day	3%
Several times a week	3%
Once or twice a week	3%
Few times a month	8%
Few times in the past year	26%
Once in the past year	22%
Never	36%
Unweighted Total N	685

**[SPLIT SAMPLE]**

Q17. When you come into direct contact with Newark police officers, do you typically feel more safe or less safe than you did a few moments before you came into contact with them, or do you typically feel no different?

More safe	48%
Less safe	10%
No different	37%
Depends on situation	3%
Don't know (vol)	2%
Unweighted Total N	340

Q17B. When Newark police officers are nearby, do you typically feel more safe or less safe than you did a few moments before they arrived in your area, or do you typically feel no different?

More safe	62%
Less safe	7%
No different	29%
Depends on situation (vol)	1%
Don't know (vol)	1%
Unweighted Total N	333

**[END SPLIT SAMPLE]**

**[SKIP IF Q13=NEVER]**

Q14A. Have you requested assistance from a Newark police officer in the last month, or not?

Yes, I have	18%
No, I have not	82%
Unweighted Total N	435

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**[SKIP IF Q14A=1]**

Q14B. Have you requested assistance from a Newark police officer in the last three months, or not?

Yes, I have	14%
No, I have not	86%
Unweighted Total N	350

**[SKIP IF Q14A or Q14B=1]**

Q14C Have you requested assistance from a Newark police officer in the last year?

Yes	38%
No	62%
Unweighted Total N	296

**[SKIP IF Q13=NEVER]**

Q15A. Has a Newark police officer requested information from you in the last month, or not?

Yes, an officer has	16%
No, an officer has not	84%
Unweighted Total N	433

**[SKIP IF Q15A=1]**

Q15B Has a Newark police officer requested information from you in the last three months, or not?

Yes, an officer has	10%
No, an officer has not	90%
Unweighted Total N	368

**[SKIP IF Q15A or B=1]**

Q15C Has a Newark police officer requested information from you in the last year, or not?

Yes, an officer has	31%
No, an officer has not	69%
Unweighted Total N	330

**[ROTATE ORDER]**

QOEA. In just a few words, please tell us about your most memorable negative experience with a Newark police officer.  
*(See open-ended response list)*

QOEB. In just a few words, please tell us about your most memorable positive experience with a Newark police officer.  
*(See open-ended response list)*

[END ROTATION]

## COMPLAINTS AND REPORTING

Next, we would like to ask you about your thoughts on the Newark Police reporting and complaint process.

Q20. To the best of your knowledge, how often do you think the Newark Police investigate complaints filed by residents?

All of the time	19%
Some of the time	42%
Rarely	22%
Never	5%
Don't know (vol)	12%
Unweighted Total N	678

Q20B. To the best of your knowledge, how often do you think the Newark Police investigate complaints filed by residents specifically against a Newark police officer?

All of the time	14%
Some of the time	27%
Rarely	22%
Never	15%
Don't know (vol)	22%
Unweighted Total N	670

Q21B. In the last 12 months, have you ever had a reason to file a complaint with the Newark police, or not?

Yes	9%
No	91%
Unweighted Total N	672

[ASK Q21C IF Q21B=1]

Q21C. Did you end up filing a formal complaint with the Newark Police, or not?

Yes, I did	54%
No, I did not	46%
Unweighted Total N	66

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**[ASK Q21D IF Q21C=1]**

Q21D. Were you very satisfied, somewhat satisfied, not very satisfied, or not satisfied at all with the result?

Very satisfied	21%
Somewhat satisfied	1%
Not very satisfied	17%
Not satisfied at all	60%
<hr/>	
Unweighted Total N	34

**[ASK Q21E IF Q21C=2]**

Q21E. Why did you decide not to file a formal complaint? Just tell me if each of the following applies to you.

**[READ EACH AND CHECK ALL THAT APPLY. PROBE AT END: "Any other reason?"]**

You did not know how	6%
It would have taken too much time	6%
Concerned that there would be backlash	8%
You did not think it would make a difference	62%
Some other reason	18%
<hr/>	
Unweighted Total N	31

Q21F. To the best of your knowledge, do you think the Police respond quickly enough to emergency 911 calls all of the time, some of the time, rarely, or never?

All of the time	24%
Some of the time	37%
Rarely	16%
Never	15%
Don't know (vol)	7%
<hr/>	
Unweighted Total N	668

Q21G. Have you, yourself, ever made a 911 emergency call in Newark?

Yes	57%
No	43%
<hr/>	
Unweighted Total N	667

**STOPS, SEARCHES, AND USE OF FORCE**

I now want to ask you a few questions about what you have seen or experienced specifically when it comes to stops, searches, and use of force.

**[SKIP IF Q13=7 “NEVER”]**

Q51A. Has a Newark police officer stopped you in the last month, or not?

Yes, an officer has	8%
No, an officer has not	92%
<hr/>	
Unweighted Total N	424

**[SKIP IF Q13=7; SKIP IF Q51A=1]**

Q51B. Has a Newark police officer stopped you in the last three months, or not?

Yes, an officer has	5%
No, an officer has not	95%
<hr/>	
Unweighted Total N	392

**[SKIP IF Q13=7; SKIP IF Q51A or Q51B=1]**

Q51C. Has a Newark police officer stopped you in the last year, or not?

Yes, an officer has	21%
No, an officer has not	79%
<hr/>	
Unweighted Total N	371

**[ASK IF Q51A =1]**

Q18A. About how many times have you been stopped by a Newark police officer in the last month?

1 time	71%
2 times	20%
3 times	-
4 times	6%
5 times	3%
<hr/>	
Unweighted Total N	28

**[ASK IF Q51B=1]**

Q18X. About how many times have you been stopped by a Newark police officer in the last three months?

1 time	56%
2 times	22%
3 times	6%
4 times	17%
<hr/>	
Unweighted Total N	20



**[ASK IF Q51C=1]**

Q18Y. About how many times have you been stopped by a Newark police officer in the last year?

<b>1 time</b>	<b>77%</b>
<b>2 times</b>	<b>14%</b>
<b>3 times</b>	<b>4%</b>
<b>4 times</b>	<b>3%</b>
<b>5 times</b>	<b>1%</b>
<b>12 times</b>	<b>1%</b>
<hr/>	
<b>Unweighted Total N</b>	<b>79</b>

Q18B. Now think about the most recent time in which you were stopped by a Newark police officer. How concerned were you for your own safety when you were stopped by the police officer? Very concerned, somewhat concerned, not very concerned, or not concerned at all?

<b>Very concerned</b>	<b>19%</b>
<b>Somewhat concerned</b>	<b>22%</b>
<b>Not very concerned</b>	<b>15%</b>
<b>Not concerned at all</b>	<b>39%</b>
<b>Don't know (vol)</b>	<b>4%</b>
<hr/>	
<b>Unweighted Total N</b>	<b>401</b>

**[SKIP TO Q16 IF Q18B=5 "NEVER"]**

Q18C. Thinking again about that most recent time in which you were stopped, did the officer explain why they were stopping you, or not?

<b>Yes</b>	<b>59%</b>
<b>No</b>	<b>32%</b>
<b>Don't know (vol)</b>	<b>9%</b>
<hr/>	
<b>Unweighted Total N</b>	<b>398</b>

**[SKIP TO Q16 IF Q18C=2 "NO"]**

Q18D. Were you very satisfied, somewhat satisfied, not very satisfied, or not satisfied at all with the explanation you were given?

<b>Very satisfied</b>	<b>50%</b>
<b>Somewhat satisfied</b>	<b>25%</b>
<b>Not very satisfied</b>	<b>8%</b>
<b>Not satisfied at all</b>	<b>17%</b>
<hr/>	
<b>Unweighted Total N</b>	<b>251</b>

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Q16. In the last 12 months, how often did you see a Newark police officer stop someone else? At least once a day, several times a week, once or twice a week, a few times a month, less than once a month, a few times in the past year, once in the past year, or never?

At least once a day	16%
Several times a week	20%
Once or twice a week	11%
A few times a month	17%
A few times in the past year	16%
Once in the past year	4%
Never	14%
Don't know (vol)	2%
Unweighted Total N	648

[SKIP IF Q16=7"NEVER"]

Q19B. Thinking about the most recent time in which you saw a Newark police officer stop someone else, did you feel the police officer had a legitimate reason to stop that person, or did you not feel that way?

Yes, officer had legitimate reason	55%
No, officer did not have legitimate reason	18%
Don't know (vol)	27%
Unweighted Total N	551

[SKIP IF Q16=7"NEVER"]

Q22A. And in the last 12 months, how often did you see a Newark police officer body search someone in your neighborhood?

At least once a day	4%
Several times a week	4%
Once or twice a week	6%
A few times a month	13%
A few times in the past year	17%
Once in the past year	11%
Never	41%
Don't know (vol)	4%
Unweighted Total N	562

**[SKIP IF Q22A=7“NEVER”]**

Q24. Thinking about the most recent time in which you saw a Newark police officer body search someone, did the officer use force in the stop you saw, or not?

Yes, officer used force	20%
No, officer did not use force	76%
Don't know (vol)	4%
Unweighted Total N	303

**[SKIP IF Q24=2“NO”, 8“DON'T KNOW”]**

Q25. Still thinking about that same time, how concerned were you for the safety of the person who was stopped by the police officer? Very concerned, somewhat concerned, not very concerned, or not concerned at all?

Very concerned	52%
Somewhat concerned	28%
Not very concerned	10%
Not concerned at all	10%
Unweighted Total N	64

I now want to ask you a couple of questions about excessive force – that is, when a police officer uses an unnecessary amount of force to arrest a suspect and keep the surrounding area safe.

Q26. For each of the following, please tell me if you are very concerned, somewhat concerned, not very concerned, or not concerned at all that this will happen:

	That excessive force will be used on you if you are stopped by a Newark police officer?	That excessive force will be used on a member of your family if they are stopped by a Newark police officer?
Very concerned	28%	42%
Somewhat concerned	25%	25%
Not very concerned	18%	14%
Not at all concerned	27%	16%
Don't know (vol)	3%	3%
Unweighted Total N	647	646

**BODY CAMERAS**

Police body-worn cameras are devices that record video of interactions with citizens from the officer's viewpoint.

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- Q27. Do you think it would be a good idea or a bad idea for more Newark police officers to wear body cameras that would record their interactions?

Good idea	94%
Bad idea	3%
Don't know (vol)	4%
Unweighted Total N	647

- Q31. How comfortable are you knowing you are being filmed when communicating with police officers wearing body cameras?

Very comfortable	75%
Somewhat comfortable	17%
Not very comfortable	4%
Not at all comfortable	3%
Don't know (vol)	1%
Unweighted Total N	647

- Q30. For each of the following statements, please tell me if you strongly agree, somewhat agree, neither agree nor disagree, somewhat disagree, or strongly disagree:

**[RANDOMIZE ORDER]**

	I would have more overall trust in Newark police officers if they were wearing body cameras.	I would be more likely to comply with a Newark police officer's request if he or she were wearing a body camera.	I would be more likely to share information about a crime I witnessed or heard about with a Newark police officer who was wearing a body camera.
Strongly agree	63%	60%	49%
Somewhat agree	24%	20%	20%
Neither agree nor disagree	5%	11%	11%
Somewhat disagree	3%	4%	9%
Strongly disagree	3%	4%	8%
Don't know (vol)	1%	1%	3%
Unweighted Total N	643	639	635

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	Original footage from Newark police body-worn cameras should be made publicly available without any alterations or interference.	Body cameras would improve relations between the Newark Police and the community.
Strongly agree	65%	66%
Somewhat agree	16%	20%
Neither agree nor disagree	3%	4%
Somewhat disagree	6%	4%
Strongly disagree	7%	3%
Don't know (vol)	2%	3%
Unweighted Total N	635	635

#### POLICE INVOLVEMENT IN THE COMMUNITY

Now for a few questions about relationships between the Newark community and Newark police officers.

Q35. In general, how knowledgeable do you think Newark Police officers are about the backgrounds and experiences of members of your community?

Very knowledgeable	19%
Somewhat knowledgeable	48%
Not very knowledgeable	17%
Not at all knowledgeable	8%
Don't know (vol)	8%
Unweighted Total N	633

Q33A. Do Newark police officers attend events in your community all of the time, some of the time, rarely, or never?

All of the time	21%
Some of the time	40%
Rarely	18%
Never	9%
Don't know (vol)	12%
Unweighted Total N	630

Q33. How often do Newark police officers interact with members of your community in a positive way?

Very often	22%
Somewhat often	36%
Not very often	19%
Not at all	12%
Don't know (vol)	11%
Unweighted Total N	629

Q32. Generally speaking, do you think **[ROTATE: the Newark Police treat all members of the community equally]**, or do **[the Newark police treat some members of the community better than others]**?

All members of the community equally	35%
Some better than others	54%
Don't know (vol)	10%
Unweighted Total N	621

Q34. For each of the following groups, please tell us if you think the Newark Police treat this group better, worse, or the same as other groups in the community:

**[RANDOMIZE ORDER]**

	Men	Women	Homeless people	Non-English Speakers
Better	7%	28%	7%	7%
Worse	37%	9%	38%	36%
Same	46%	50%	37%	43%
Don't know (vol)	10%	13%	17%	14%
Unweighted Total N	621	622	622	623

	Black people	Hispanic/Latino people	White people	LGBT people
Better	4%	9%	46%	5%
Worse	41%	23%	2%	17%
Same	44%	56%	40%	56%
Don't know (vol)	11%	13%	12%	22%
Unweighted Total N	621	621	622	619

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Q35A. How often do you personally feel discriminated against by Newark police officers because of who you are or how you identify?

Very often	9%
Somewhat often	22%
Not very often	15%
Not at all	50%
Don't know (vol)	4%
Unweighted Total N	625

Q37. In just a few words, what should the role of Newark police officers be in the community?

*(See open-ended response list)*

Q38. In just a few words, what is one thing the Newark Police should do differently to improve police-community relations?

*(See open-ended response list)*

#### LEARNING ABOUT THE CONSENT DECREE AND THE NEWARK POLICE

Q36. How much have you heard about the Newark Consent Decree before taking this survey today?

A lot	7%
Some	9%
A little	8%
None at all	75%
Don't know (vol)	2%
Unweighted Total N	623

QD22. And where do you typically get information about the Newark Police? Please just tell me yes or no for each one.

Local TV News	61%
Friends and Family	56%
Word of mouth	54%
Social Media	41%
Online	40%
Local newspaper	29%
Government officials	13%
Unweighted Total N	620

## DEMOGRAPHICS

Now just a few final questions so that we can be sure we are talking to community members representing all of Newark. Remember all of your individual information is completely confidential and will only be reported in combination with others.

QD2. What is the last grade you completed in school?

8th grade or less	4%
Some high school (Grades 9, 10 And 11)	9%
High school graduate or completed GED	47%
Vocational/technical school, or, some college	13%
Junior college graduate (2 Year, Associate's Degree)	14%
4-year college graduate (Bachelor's Degree)	8%
Graduate Work (Masters, Law/Medical School, Ph.D., Etc.)	4%
Don't know (vol)	0%
Unweighted Total N	622

QD10. What is your current relationship status?

Single	50%
Unmarried, but living as couple	5%
Civil union	1%
Married	32%
Separated	2%
Divorced	4%
Widowed	5%
Don't know (vol)	1%
Unweighted Total N	617

QD3. Are you the parent, legal guardian or caretaker of any children under 18 now living in your home?

Yes	32%
No	68%
Unweighted Total N	625



QD17. Including yourself, how many people live in in your household?

1 person	14%
2 people	26%
3 people	23%
4 people	20%
5 people	9%
6 people	4%
7 people	2%
8 people	1%
<hr/>	
Unweighted Total N	616

QD4. Are you the chief wage earner in your household?

Yes	54%
No	41%
No chief wage earner in household	5%
<hr/>	
Unweighted Total N	622

QD11. What best describes your employment situation today?

Employed full time	47%
Employed part time	11%
Employed in temporary or seasonal work	1%
Unemployed	10%
Stay at home parent or caregiver	3%
A student	6%
Retired	14%
On disability and can't work	8%
<hr/>	
Unweighted Total N	618

QD5. Are you of Latino or Hispanic origin, such as Mexican, Puerto Rican, Cuban, Brazilian, Dominican, or some other Spanish or Portuguese-speaking background?

Yes	35%
No	65%
<hr/>	
Unweighted Total N	631

QD66. [IF D5=1, display: "Many people of Latino or Hispanic origin also consider themselves to be part of a racial category. How about you?"]

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Which of these groups would you say best represents your race? If more than one, just tell me as I read the list.

White	20%
Black	66%
Native	1%
Asian	1%
Multi/Other	12%
<hr/>	
Unweighted Total N	519

***[Race and Ethnicity Combined]***

White	10%
Black	49%
Hispanic	35%
Native	0%
Asian	1%
Other	3%
Multi	2%
<hr/>	
Unweighted Total N	629

QD21B. What is the primary language spoken in your home?

English	78%
Spanish	16%
Portuguese	5%
Other	2%
<hr/>	
Unweighted Total N	624

QD21D. Were both of your parents born in the United States, one of your parents, or was neither parent born in the United States?

Both parents born in US	56%
One parent born in US	6%
Neither parent born in US	37%
<hr/>	
Unweighted Total N	621

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QD8. What is your housing situation? Do you, or does the head of your household, currently:

Own house	33%
Rent house	16%
Rent apartment	46%
Rent rooms in house or apartment	1%
Live with relative or friend free of rent	4%
No permanent place to live	0%
Unweighted Total N	615

D11. So that we can group all answers, how much money did you earn last year, that is in 2015, from a job or jobs that withhold taxes?

**[READ ANSWERS ALOUD]**

Under \$5,000	20%
Between \$5,000 and \$15,000	11%
Between \$15,000 and \$25,000	15%
Between \$25,000 and \$35,000	10%
Between \$35,000 and \$45,000	7%
Between \$45,000 and \$55,000	7%
Or \$55,000 or more	16%
Don't know (vol)	14%
Unweighted Total N	546

QD12. What is your gender? [NOT ASKED ALOUD ON PHONE]

Male	49%
Female	51%
Unweighted Total N	687

QD18. Which of the following best represents how you think of yourself: Gay or lesbian, Straight, that is not gay or lesbian, Bisexual, or Something else?

**[RANDOMIZE RESPONSES 1 thru 3]**

Gay or lesbian	3%
Straight	91%
Bisexual	3%
Something else	3%
Unweighted Total N	599

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<b>CLOSING AND ADDITIONAL INFORMED CONSENT LANGUAGE</b>
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That completes our survey. Thank you very much for your time and cooperation. If you have any questions or further comments about the survey, you may contact Dr. Ashley Koning at 848.932.8995. If you have any questions about your rights as a research participant, you may contact the administrator of the Rutgers Institutional Review Board at 732-235-9806. To learn more about the Newark Consent and the Independent Monitor, go to [www.newarkpdmonitor.com](http://www.newarkpdmonitor.com). Have a good day/evening.

## APPENDIX: COMMUNITY PROBABILITY SURVEY OPEN-ENDED RESPONSES

**QOEA. In just a few words, please tell us about your most memorable negative experience with a Newark police officer.**

1) Churches office located on a one-way street. YMCA across street having a parade. Police blocked street, passed block aide. Police officer approved him in a negative manner. Police officers have been very rude to minorities. 2) Motorcycle cop pulls up next to car, and gives him ticket. Believes there is a lack of benefit of the doubt when interacting with minorities

12 years ago, the volume was loud in my house and I was drinking. The police kicked my bottle and threatened to throw me out a window. I was a little drunk so I understand but he didn't have to threaten me

2006 very nasty to me when I was locked up and needed my medication. I have epilepsy and they did not give me my medication.

A boy threw a bike in my daughter's car, called the police, police came for another call. Thought they were coming for my call, I told them I knew the boy who did it, get the parents involved - he says "we don't do that, go and find the mother and try and work it out." mother tried to fight.

A female officer made sexual comments to me

A neighbor gave false information about me. They arrested me without proper cause.

A police officer asked me did I know the people who robbed someone

A police officer came into my home for no reason, It was long time ago.

A police officer wrote me a ticket for street parking and I was then towed for failure of inspection.

A raid across the street from the house

Alarm went off

All normal

Almost was hit by a police car

An officer followed me, stopped me and asked questions and then let me go

An officer said I ran a red light when that was not the case at all. Many people witness him lying and instead drove off

Any

Any

Any

Any

Approached us in a bad way, so my mom had an accident and they did not call me, and another time they didn't care they didn't do anything

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Arrested for having car registration expired one day and now it's on my record that I didn't comply with the cop, and made an illegal right turn and 5 cop cars pulled up with guns

Arrested, falsely charged and falsely prosecuted

Asked officer about car being towed and wouldn't help

At times they're aggressive and rude in questioning people

Bad encounter in store

Being pepper sprayed. That is the worse. Everything burns

Being stopped for no reason

Being stopped for no reason and given a ticket for something stupid that wasn't justified

Being stopped for walking in the neighborhood

Being unnecessary searched, administered wrongful tickets.

Blue collar guys, don't trust anybody

Broke into my car

Broke into my landlord's car. They said they would send a car but never came

Broke lock on gate looking for a suspect

Call the police when got robbed and they did not help enough

Call them and never show

Called as a teen and they told everyone to go to sleep

Called at 4:30 in the afternoon, and they did not arrive until 7.5 hours later. Also, I live very close to the station

Called for a car towed and they did not show up

Called for assistance, late in responding

Called for noise complaint and whoever answered the phone was not competent

Called multiple times and the same officer was answering the phone and still never sent out officers to fix the issue

Called police to report a suspicious stolen vehicle parked in front of property and police treated me as criminal rather than concerned citizen

Called the police a couple months back and they didn't come until the next day

Called them about drugs being used

Called them and they were not discrete about who called

Called them over once and they never showed up

Called them up to house for someone trying to send a package to home and instead of them investigating they seemed uninterested

Came into house and arrested me without telling me why

Can't really tell you

Can't remember

Can't remember that

Can't say I have had one

Cant

Cant remember

Cant remember

Cant think of one at the moment

Car crashed and they blocked my street

Car parked behind me in my driveway so I contact the police so that I could get out of my driveway, no one came to the address that was given no one followed up with me to see if the car was removed and I had to call a cab to take my sister to the hospital

Car was being towed and policeman and was rude and was not helpful.

Car was broken into but the police couldn't file a report because there was no insurance on the car. It was in a driveway because it wasn't drivable

Case where a person ran across the street and was hit. The officers gave the individual the benefit of doubt

Come when you call the police. They never come

Cop was off duty and arrested me, I was discriminated for me being Dominican, and used excessive force

Couple years ago people came to my door and asked if they could come in. After I said no they kicked the door down and after I pinned them against the wall they did not identify themselves as police. Female cop tried to seduce me.

Crimes around

Demeanor of officer while he was driving shouted at him to get attention. Abusive manner

Detained me longer than they should

Detaining a person for no reason

Did not turn up after registered complaint

Didn't believe me

Didn't have any

Didn't have one

Didn't help me when needed

Didn't support when its necessary

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Didn't talk to police yet

Disrespected and bully my husband

Disrespectful behavior towards family - but officer not in uniform - disrespectful towards grandmother, wife and baby

Does not have one

Don't have any

Don't have one

Don't have one

Don't have one

Don't have one

Don't really have one

Donating 100 dollars to the police officers and when came to pick up the money and the police towed my car when I parked at the wrong place and it was not in the way of the construction or anything. Reported the event

Don't have

Don't have

Don't have

Don't have any

Don't have any

Don't have any

Don't have any

Don't have any

Don't have one

Don't have one

Don't have one

Double parked and couldn't moved, at a red light, officer made me move and there was a crash because I could not move, but in the end did not pay for the ticket

Double parked on a little angle for 2 minutes. Getting cigs. Very rude and barking at me.

Driving with my license and was accused by police of not being Newark resident, and running him over and ticketed

Explained situation and nothing was done

Few years ago, I did not know anything and cops stopped me abruptly without any good explanations, asked for my id and snatched it from me

Few years back stopped it was unnecessary



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Fifteen or ten years ago, ran into me with no red light on

Firefighter- so no negative experience

Getting a traffic ticket for parking in a bus stop and didn't realize it was one

Getting pulled over being nasty with me

Getting pulled over, getting disrespected

Getting stopped and frisked while walking through the projects during the day.

Give you a ticket and don't tell you the reason why they stopped you

Giving me a ticket without valid proof

Got a flat tire, police officer cursed me

Got into a car accident and they called the cops and said they do not make police reports anymore.  
Very upset

Got pulled over for having my hoodie on my head he thought I stole a car

Got stopped and got ambushed by 2 or 3 cop cars

Got stopped for no reason when I was coming back from school

Gun stuck in my mouth by a police officer

Hace dos años tuve un accidente y no había policías y cuando llegaron me pusieron una multa y no me ayudaron, llevamos el caso a la corte y lo gane

Had a bad experience with FBI came in my house without a warrant and accused my son of something they didn't do

Had a bag and police said it was something in it

Had a gun thrown on me

Had a situation at home in which the police was called to the house. I didn't feel like they were really responsive to the situation and didn't seem to care much.

Had no drugs but they said he did

Harassed me for sitting on my porch

Haven't had any

Haven't had any

Haven't had one

Have none

Have none

Have not had a bad experience

Have not had one

Haven't had any

Haven't had any

Haven't

Haven't had any

Haven't had any

Haven't had one

Haven't had one

Haven't had one

He did not write up my report

He got pulled over for no reason, they didn't wanted to let him go, they gave false information, they said he was trying to go away from them

He was very disrespectful at house

High school when me and my brothers were walking around. We were two blocks from my house and a cop car pulled us over and patted us down on a fence. Said they were looking for someone that we fit the description

House got broken into

House was broken in 2012. They came and charged me with breaking into my own house and charged me with having a gun in possession which I didn't have.

How you talk to a person. Cops may have said something inappropriate. Sarcastic. But nothing serious.

I asked for help on an identity theft case and they told me that they were not able to help me. I had to call the police department in California, where the claim was taking place, and the California was able to help me.

I call them and they don't come

I called an officer for assistance for a neighbor who asked for a favor and it didn't go as planned and the neighbor was harassing him and he called the police and they came and he explained the situation and their attitude was rude and not respectful and didn't treat him well bullying him and the situation wasn't important enough for them

I called and they arrived three days later. I was robbed of my jewelry and money and computer from my house. They did not let me sleep in my house because it was a crime scene. They said they were gonna bring a detective and he never showed.

I called one time my son has issues with development issues and attacked me and family members and Newark police office did not enter the house and help me when needed. And they lied about the incident. And did not file the report.

I called the ambulance no one came and a girl died

I called the cop and cop was being mean to me in every way

I called the police when my daughter was missing, I found where she was, and they never showed up.

I can't say, i'm [redacted - age]

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I cant say I have a negative experience

I cant think of any

I cant think of one, sometimes when you call it takes a long time for them to come

I could not even tell you, I have never experienced

I do not have an extreme negative memorable experience. However, I believe community policing needs to be adopted.

I don't have any

I don't have one.

I don't know, stop and frisk

I don't really call one at the moment

I don't remember any negative experience

I don't believe they mess with me

I don't have

I don't have a negative experience

I don't have a personal experience

I don't have any

I don't have any

I don't have any

I don't have one

I don't have one

I don't have one

I don't have one

I don't have one

I don't have one

I don't have one

I don't have one

I don't know

I felt like they did not care. No openness to what I needed

I flagged them down on, while standing in my street, and they drove past.

I get mugged, called for the police, and no one ever showed up; got mugged, called 911, a squad car never showed, police did nothing

I got jumped and I called and it took them a lot to get where I was, late response

I got pulled over and it was 3 in the morning and ask for proper reason and they asked for paper

I got pulled over once but it wasn't a real negative

I got robbed and I called the police five times and got no answer. I saw a cop on the street and took the report but I did not feel like he cared much.

I got robbed by 3 people and I called and the cops never came.

I got stopped, he pulled me over and gave the ticket and told me to shut up.

I got stopped and it wasn't a good stop

I had a fraud committed upon me by someone in another town, when I went to the police officer to report it, I had a lot of documents showing it. He said you're not reported here, it has to be in another place, in the place where the fraud is. The officer took the papers and threw them in the air, he started screaming and I asked to talk with the manager and he was the manager. I didn't know where to go.

I had an emergency and no one picked up the phone for half an hour so I never got in touch with the Newark police department

I had an issue with a neighbor

I had some items stolen and they didn't deal with the incident too well

I had to call for assistance and no one showed up for a long period of time

I have never had one

I have never had one

I have no negative experience at this time.

I have not had a negative experience with a police officer on Newark

I haven't had a negative experience with any police officer that I have encountered.

I haven't had one

I haven't had one

I haven't really had any

I never had a negative experience

I never had a negative experience

I pulled in my driveway and they ran to the back of my house pulled me out and ransacked my car without telling me who they were I thought I was getting robbed

I really don't have one

I really haven't had one

I thought both of my car registrations expired on the same day, but they expired on the same day. But one expired in April. The conversation with the police was not pretty. He had an attitude. The car was parked in front of my house.

I was [redacted - age] and we were 4 girls in the car and I the block was empty it was night and I dropped a friend and they screamed at me so much and I refused I was dropping the friend, they took my id, my stuff and they left without telling me what they were going to do with it, I had to go to the

office, and they made me wait without telling me anything and they had my license, they called the supervisor and the supervisor talked to the official that took my staff and they gave me 3 tickets

I was at my kids fathers house with my two-year-old daughter. Cops pulled up and performed a search on everyone who was outside in the neighborhood. Made everyone get against the wall and threw people to search them

I was beaten up by a Newark cop in 1991 December. I was locked up for the weekend. They stripped.

I was coming from a party and was stopped just for walking home in a group and they were rough housing and throwing them to the ground

I was falsely accused of being on the cell phone while driving

I was going to the store and a police officer stopped and searched me and told me I couldn't walk through my complex

I was held at gunpoint, it was a long time ago, I was coming home and I was waiting at bus stop. Suddenly a man jumped out of car and held at gun point, when I called police there was no response

I was in a domestic violence dispute and it was not the first time and the officer started yelling at me asking me why I let him back in

I was in front of AT&T I was coming out of it and it was 5 minutes to 6pm. I let the officer know I will put more change in the meter and addressed him as "sir". He got so mad he wrote the ticket and also said his name is not sir to call him Mr. Officer .

I was in my driveway and the cop came and searched me and asked questions because a guy had a gun nearby...

I was on my way to my business meeting around 5 or 6 and right around my house there's a stop sign I got them to put there. An officer falsely accused me of running the stop sign. Even the judge dismissed it

I was on strike and the officer in NPD the officer was rough almost disrespectful.

I was pulled over for tinted windows but I have a medical card for the windows.

I was robbed. I called Newark police and they never showed up. I had to go to the police precinct and file a report. It took them about 45 minutes for them to even see me and I was the only person there. I was dissatisfied with the service

I was stopped and when I asked why I was stopped they said shut up and demanded I give them I license. (multiple times)

I was stopped for what I would say no reason. They walked up to my car and noticed my inspection wasn't done. I accidentally gave them the wrong insurance card and instead of telling me they wrote on the report that I didn't have insurance at all. I was charged a large fee taking money I didn't have. The officer said it'd be thrown out and it wasn't. It took money away from my family that I didn't have. Pulled me over for inspection and reported me for invalid paperwork that I did have present with me.

I was trying to get people working on my house and I called them to watch out of the workers and they didn't come and I had to pay

I was waiting for the light for change. A police officer was behind me and my granddaughter threw the

orange out of the car and the officer told me that she was littering. They see things they do not see

I was walking and got stopped by a cop because I had no id. I told him I was just going to the store to buy food. They arrested me and I didn't get out till 10 pm. They did this and wrote in the documents that I was going to buy drugs and made me do community service when I was just buying food with 10 dollars. I had to do community service

I worked downtown with some rich folks there. I was a building superintendent for that building and several other buildings. I was standing in front of the establishment when the police pulled up and said 'move,' just like that, called me a scumbag. I wasn't arrested or anything, but people from outside had to come and tell them I was working, and the damage was done

I wouldn't say negative

I'm [a senior citizen – age redacted]. I can't remember. I forget sometimes

I've never had a negative experience with a Newark officer.

Ignored my friend in distress

In the 70s, thanksgiving, I was pregnant. Me and my mom was driving and was pulled in by the cops. I was emotionally affected cause I was harassed along with the family on holiday

Incident with son. Police did not show up

Interfering in a family squabble

Ironbound, we have 5 establishments and its very hard to find parking at night, they stop me asking why I'm going around the block so many times and my son too, acting like we were criminals

It was horrible, all I want to say

I've gotten harassed before. I was mistreated; it could have been handled more professionally. I also got hit but I never did anything about it.

Just a couple months ago there was someone parked in my parking spot and I called the police to come but they took too long to come

Lack of response time/ next day

Last week when they came and started speaking Spanish and did not understand what they were saying

Made fun of his sexuality when in contact with police.

Made left hand turn, police trap, got 2 tickets

Mistreated a woman with mental issues. Hand cuffed me naked.

Mom car got shot near a restaurant. They took a long time to come and then acted like it was no big deal.

Most of the time imp in the car with other people and they always stop the driver if he's a man and minority.

Mucho tiempo en llegar

My car was towed about two months ago in the no parking area. He said it wasn't his problem

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My friend was arrested, and the respondent did not like the way I was being handled. Then I came out to intervene and was told to back up or else I would also be detained.

My grandson was coming home from college, very first day driving, got lost in Newark, found himself on a one-way street and was attempting to turn around, stopped by a Newark police officer, who immediately gave him a ticket--my grandson is white--and was very demeaning, saying, "why are you here, do you think you're better," and now my grandson won't come into Newark

My house was broken into and they came ten hours after

My house was broken into. I was dissatisfied with their follow-up. They didn't do the stuff I saw on TV. They didn't do anything about it.

My landlord is a Newark police officer, he once barged in the door without permission because he had the key, I was showering, he just opened it, please tell him to not come while I'm showering

My mom's car was stolen and it took them six hours to come and investigate.

My neighbor threw a flowerpot into my car and told the police that he stole it and they didn't do anything

My roommate got robbed and her phone was stolen. And the police questioned her and her boyfriend and a lot of unprofessional things were said. The cops said 'how can you even see a black robber if it was dark?'

My roommate's car was broken into, I called 911 but no one came

My son got in trouble for being around someone who was breaking the law

My son got jumped by a gang member, I reported it to the police and they didn't too much

My son was detained

N/a

N/a

N/a

N/a

Na

Nah

Negligence solving a case

Never

Never

Never

Never

Never

Never

Never

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Never

Never a negative experience, just takes long to respond

Never had

Never had a negative

Never had a negative experience

Never had a negative experience

Never had a negative experience

Never had a negative experience

Never had a negative experience, I know they have a job to do, so they come stop to me stop me and I would talk to them

Never had a problem

Never had a run in with the Newark police

Never had any

Never had any

Never had any

Never had anything negative

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one



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Never had one

Never had one

Never had one

Never had one personally

Never had one

Never really had a negative experience with an officer

Niece had altercation with her boyfriend and the Hispanic officer was more out of pocket with tone. You could tell that he wanted to lock someone up, not very understanding compared to the African American officer

No

No

No

No

No bad experience, arrive late when call them

No experience

No experience

No ha tenido

No I don't have any

No I don't have experience talking with them, I stay at home mostly, I did not have any reason to talk to them.

No la tine

No negative experiences

No negative experiences

No negative experience

No terrible experiences

No tiene

None

None

None

None

None

None

None

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None

None

None to report

Not friendly face to face in the face of emergency

Not much negativity experienced. Have been pulled over without proper reason

Not protecting quality of life

Not responding to a non emergency quick enough

Not that I can recall of

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing negative

Nothing really

Nothing really

Nunca

Nunca

Nunca llega cuando le llamo o llegan 2 3 horas tarde

Observed them being unnecessarily rough with someone stopped at a traffic violation

Officer did not believe me about me statements of where I lived

Officer disrespected family

Officer entered my home illegally and without cause

Officer gave strong attitude when they passed by

Officer was threatening with the gun

Officer was very rude to the caller and aggressive

Officers demanded stuff, did not give room to speak for myself

On way to school, stopped by police and asked if he was ok and was told bicycle had no light when it did

Once a person attempted to rob me one block from my house. Two officers came to the scene to ask questions but I insisted on filing a report. Both were disgusted because they had to take me to [redacted – street name] and they missed out on a stolen car chase.

One pulled a shotgun on high schoolers going to prom for no reason to get them out of the street

One time I saw this guy in Newark Penn station who was harassing someone and I think the cops at Penn station tackled him. Not sure if it was NJ transit police or Newark police.

One time, a cop denied me entrance to the parking lot of my apartment building when the road was shut down for a parade. I told him I lived there and he said, "white people don't live here." he made me show him my ID and only then did he let me in, but very rudely.

Only been involved with police for traffic violations

Only once when they came looking for someone that they thought lived in my house. Involved in the house they were very respectful

Organization, nothing really to elaborate

Parking tickets, parked couple feet from corner always give me a ticket

Phone got stolen, they didn't file a report

Police never arrive on time on robbery scene.

Police office told me I was bad and used force on me for no reason.

Police officer basically in a rush in a private car and plain clothes stopped me. Phone dropped phone at a red light and garbage truck was in the way. The police officer couldn't get around me. The police were yelling, "move that car out the way" I flipped the officer off and told me to pull over. Wanted license and registration and I refused. I called police and the officer told me I was obstructing traffic. I got a ticket and it never made it into the system and I made a complaint that never made it.

Police officer did not believe the victim

Police officer gave me a ticket and I was sitting on the car, in front of the house, and it was Wednesday and they cleaned the street on Thursday when you are not supposed to park there. So I was parking in the right place and I was inside, and she did not tell me anything so I called 911 and they told me that I did not have authority to tell her that I shouldn't park on the other side. So they abused of their authority it was ridiculous

Police officer on cellphone a lot

Police officer was not too kind

Police officer, stopped me and treated me poorly

Police pulled me over and threw my license

Police repeatedly harassed me with tickets

Police took fiancé and held him. They did not provide a reason for detaining him

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Police was rude, and threaten to jail and did jail for weekend caused miss of traffic court  
Pull over and dragged out  
Pulled for allegedly running a stop sign  
Pulled over 3/4 years ago, spoken to very loudly and rudely  
Pulled over by a police officer, false acquisition  
Pulled over for no reason, gave no explanation, gave him 3 tickets without any explanation  
Pulled someone over giving them a hard time and turned to me and asked for id. Said I had to leave saying that I was interjecting. I'm just watching they did not want me out there even though it was in front of my house. They were like you need to leave.  
Really I have never had one  
Refused  
Report a break in and used a lot of bad language  
Reported a crime and they came to the house and indirectly put me in the shoes of the criminal instead of trying to find out what was going on  
Response time in general  
Response time is too high  
Rude, rushing  
Running red light when there is no need  
Saw an officer eating pizza while driving  
Shootout, they ran and hid. Didn't do anything.  
Showing up late to a shootout, but rode through the block moments before it began  
Skip  
Small accident and they took over an hour to get there  
Some police stopped me just because they saw my backpack and they didn't tell me at first why they were taking it, and they were a little bit aggressive  
Sometimes when they get under stress they get more wild and less sensitive  
Sons arrested for bogus reasons  
Stop and frisk in the 80s. They took my husband while he was out for pizza and pinned him against the wall  
Stopped and frisk just going to the store for somebody, had my work id on, arrested for half a bag of weed  
Stopped and put into a car without cause (15 years ago)  
Stopped for taillight. Should be given a ticket not a warning  
Stopped incorrectly for something I did not do

Stopped me

Stopped me for being a white person in a non white part of the town and warned me to be very careful

Stopped walking down street

Stopping me because I went in one door and came out the other door. I said damn the last time I checked that wasn't against the law

Take a long time to arrive

Takes a long time for response when you call them

Taking out garbage cans and being harassed by police

Talking about coffee

The cop threatened me when I got in trouble when I was a kid

The multiple times I call and either they don't pick up the phone or take hours to show up

The one time I interacted with a police officer, he towed my car

The police robbed one of the dealers and participated in the war on drugs.

The police take a long time to respond

There are not a lot of officials and they are always late so the people prefer to fix it themselves. My friend had an accident and the police arrived at 6 am six hour latters

There has been a few, the most memorable will always be how they incarcerated my brother when he was the victim and unfortunately self defense wasn't acknowledged by the police department or court system just because in Newark the rule of who do you know is more important than the actual facts.

There isn't one

There was a big fight, police involved in it pushing people

There was a crash accident and the driver run away, I called the police and they didn't reply or assist, they had more important things to do. They said that it wasn't an emergency. There was a child involved in the crash. I thinks that they keep record of the calls so that's way they don't take my calls

There was a robbery and no police were giving me information

There was an incident around my block where family members got stabbed and we called the policemen and they came and 2 hours later the police came

They always just spot me and give me a ticket for no reason while driving

They are not from this community so they don't understand the community

They arrested a guy because of his appearance

They beat my daughter's son

They come two or three hours later

They could be rude sometimes

They didn't come when I called about a car accident



They didn't come in time or at all

They didn't help a robbery in my house

They don't answer their calls sometimes, would take hours sometimes

They don't value the community. I feel like imp being controlled and watched rather than protected. That's the only time I see police in the community. Only for drugs, not regular stuff.

They gave me a parking ticket

They had a street closed on my home's street and they refused to let me through even though my elderly mother lived there and I needed to pick her up urgently.

They have for no reason pulled me over. Asking questions that don't make sense. Black lives matter. You know what imp saying

They just lied and I know they lied to me and lied to my daughter and wound up being arrested went to court. Had to take a plea for yelling at the police because they broke into the house and scared me to death, tore up my house so I was arrested and exonerated

They made the situation worse than what was there

They never respond when you need help

They ran into my house for no reason

They responded late

They stop cars just to make money

They stopped me for a speeding ticket they said I was going 50 mph but I was only going 30

They take too long reporting a call

They took a really long time, about an hour

They treat young black kids differently; they treat them with less respect. They treat white people better

They were towing my car and I was really pissed

They were trying to get house because they were looking for something 16 years ago

They were very compassionate

Three years ago called for help and took 6 hours to come

Ticket for something I should not have gotten a ticket for

Took me for warrant, no cause for it

Took over an hour to arrive then started asking questions about where I bought my furniture and did nothing about the reason they were called, poor service

Took some money from me

Took too long to get to place

Towed my car off the street

Traffic stop for a blown blub. Officer gave me a 60-dollar ticket.

Trying to ask a question over the phone or in the precinct

Trying to get information about my apartment in reference to something that happened outside my apartment

Two years ago my tenant house was broken, they didn't take fingerprints, didn't do anything, no follow up back

Un policia le dio dos multas al mismo tiempo sin razones

Uncle vehicle stolen, not proper response

Unfairly searched a friend's car

Unprofessional interaction while officer was chasing a suspect

Used the bathroom. On a one-way and asked the officer if you can pass the one way and he ignored me. I asked if I could back up. Two tickets for tape in her mirror and passenger.

Voodoo, fair

Walking and saw an officer use unnecessary force

Walking down the street and got stopped

Walking down the street with a friend and was stopped randomly on an undercover car

Walking downtown with his friend who is black it was at night and the police thought his friend was trying to rob him and almost handcuffed him

Walking home

Walking outside and a cop screamed "what the f\*\*\* are you looking at?"

Walking to work and was stop by a officer who asked weird questions and a week the same officer stop and asked the same questions

Want speed bumps on street and they will not comply. Nobody show up

Was mugged and approached police officer, the police officer instead of asking me what happened asked me if I was buying drugs

Was pulled over for nothing, and the police officer was very rude. Had to go to court to resolve.

Was walking home and was body searched

Way they approach people as if they were criminals and talking down to them

Well once they had broken into my house and we called the cops, they came, they took fingerprints and said they would get back to us and they never did. And we lost a lot of money and a lot of valuable items that could not be replaced with money

Went to the police precinct to find out about her great nephew who was arrested. There was a cop in the background on why they were there, and way they came, and she felt very disrespected

What observed was they assault school kids. There was a robbery, grabbed a kid who was not involved

When a guy banged on the door, complained to police , he was like do u want me to shoot him

When a guy hit my car on [redacted – street name] there was no damage but the police are patrolling him between [redacted – street name] and [redacted – street name] they saw it and didn't arrest the young man for trying to attack me. They didn't ask either of us for our driving credentials. They just stopped him from putting his hands on me and kept asking me for my number and making inappropriate comments about my appearance.

When a police officer came to my home and verbally threatened and used fowl language in search of someone who did not live in my home

When a police officer gave my friend unnecessary tickets

When I got pulled over for unnecessary thing

When I got robbed and they didn't show when I called for help until 9 hours later

When I was a kid I called them came and I didn't know what to do

When I went to a district to report an accident that happened to me. They did not acknowledge me.

When my car was stolen from my driveway and there were fingerprints on the car. They said they cannot find the car even with fingerprints

When my car was stolen I called 911 called police station they are like we aren't going to find it. They didn't even try to find it.

When the cops finally came because my car was involved in a hit and run, they arrived 5 hours later the 911 person that I talked to told me they were busy and they would send me the next available unit. They didn't come. They took down my number and they said to call her. Never phone call. Around 8:30 called back and no available people. At 9 called back and a different person because changed shift. The new person says that call was answered and officers showed up and I wasn't there. Gave info again and eventually the officer showed up at 10:30 am.

When they broke into our house but they let the criminal walk away

When they called for assistance never showed up

When they came in to raid the apartments and pointed gun at son's face

When they show up in my neighborhood because a few of my neighbors were like arguing each other or got to point where it got physical and there was 2 or 3 cops coming to my area to stop the madness in the summer maybe 2 years

When we call them in 911 they ask about ethnicity which they should not do. By the time they respond the person would be shot.

Where I live there are drugs and prostitution and the cop assumed that I was part of it but I just live there

With my father three blocks from my house at a stop sign. He stopped even though the sign was knocked down. The police officer stopped him claiming that he did not stop at the stop sign and the officer gave him two tickets: one for not stopping and another for being a reckless driver. My father had to go to court and pay \$400 for tickets.

Witnessed them harassing teenagers in front of my home

Working at night coming home one morning at 3:30am and talk to police that were in the area. Didn't

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fasten seatbelt and they stopped me got back in the car and gave me four tickets. Went to court to fight the tickets.

Years ago, my friend and I were detained without any explanation. It turned out there was a warrant out for my friends arrest, however, I was still detained without explanation

Young man had a seizure, bus stopped, called police, did not care about it

Young officer was rude

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**QOEB. In just a few words, please tell us about your most memorable positive experience with a Newark police officer.**

2 months ago, child was missing, they helped me find her

2 weeks ago I was at a party and there was a fight and the police did a good job at maintaining the order and took care of the people who got hurt

A car ran into the front of their house and the police came and were very helpful

A conversation about the neighborhood with a few police officers on foot patrol

A cop helped an elderly lady that fell while it was snowing

A cousin died, and helped me go through the motions and gave me advice on what to do

A lot because they are into sports

A lot of experiences

A person threatened me, the police officer arrested the person

A police officer helped me cross the street and back

A smiling greeting

A stolen car was set on fire on my block. I called the police. Then, they called the fire department. Fire department doused the fire before the car could explode.

About 2 years ago, I was in my garden and they stopped by and talked to me very nicely. On a whole, very nice and respectful guys

Adults sleeping on sidewalk, my children thought he was dead ,cop helped them out.....wish there w

After shooting in my neighborhood, police closed down my street for a few weeks and played with neighborhood kids

Algunos son muy atentos con las personas y las familias

All the experiences were positive

Always willing to help even with small things

Amicable they are

An officer playing a role interacting with Newark residents.

An officer thought I was going to fall so they quickly tried their best to catch and hold me up , though I was fine and was not going to fall

An officer went out his way to drive me home so I wouldn't drive under the influence

Any

Any

Arrived in timely manner to assist

Assistance in settling a domestic issue

Assisted me with a robbery in progress  
Assisted with an accident on my street and a fire  
Assistance with my stolen vehicle  
At high school, had a fair with Newark police department  
Attacked by a pit bull, and police officers were very responsive and showed compassion  
Backup  
Being a family member of a police officer helps me get myself out of it  
Black out once, officer had matches and drove us home  
Bought kids some stuff from store  
Break-in in my vehicle and they handled it  
Called 911 and police responded quickly.  
Called 911 and they came quickly  
Called the police and they helped me  
Called them about my neighborhood drugs, good outcome  
Came on time and handled situation in a good manner  
Came to building to find someone and were very respectful  
Came to house and were very polite and felt more safe  
Came to our house after bike was stolen and they found the bike and brought it back  
Can't remember  
Can't remember  
Can't remember  
Can't remember that  
Can't say I have one with a police officer  
Can't think of one/ never had one  
Car got stolen, police found car  
Car was parked in my spot since 3:30am and I called the police and they came quick and arrested the guy since he had a gun  
Car was stolen and police were very active in case  
Care about people  
Caring and understanding  
Cars were stuck in the snow and police helped move car out of the way  
Clergy academy

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Come on time when called

Coming home from work really late and police officer escorted home

Cooperative, but cold

Cop talked to me like a regular person when he came up to me

Cop was very informative and deescalated situation

Daughter dropped doll and cop handed it over to her

Decent people, positive experience at career day in school a few years back

Didn't give ticket for running light

Didn't have one

Do not have one

Don't have

Don't have

Don't have any

Don't have any

Don't have any

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Don't have any

Don't have any

Don't have any

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Don't have one

Don't have one.

Don't know

Don't not have any

Don't really have one

Don't remember

Don't remember

Drove me home post car lost

Dunkin donuts I was working and they were so nice

During the community meetings, where you have a chance to talk to them 1 on 1

During the summer, my great granddaughter's nose was bleeding. The police officer came over and told us about his son's nosebleeds and he seemed generally concerned about her nose. The ambulance never came so I had to end up taking her to the hospital.

Escorted to precinct, very generous

Every time I've called, they came. When my mother in law was dying they were here. No matter what I call them for they come. And I come to the monthly meetings. I am very involved.

Everyday their presence

Every time I call they help me and give me advice on what to do.

Family and friends in the police are cordial. Son's friend had a basketball game , they are fun and humble

Family is a police officer, so is he. Police parade, dressed up as batman

Family that are police

Fast response after car accident

Friendly conversation

Friendly. I see them patrolling more often

Gave info when working

Give him a direction

Giving me some directions

Good assistance when needed

Good conversation and engagement with the neighbors and children

Got a warning

Guy got killed a couple of years ago in front of my house and they caught the guy

Had a great conversation with an officer last week at a gas station

Had a problem and they came and solved the issue

Had to call and they did come promptly

Handled a young lady being assaulted very professionally

Hangtag and he was very nice and respectful



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Hasn't had any

Hasn't had any

Hasn't had one

Hasn't had one

Hasn't had one

Have never had one

Have seen them around my area

Haven't had any

Haven't had any

Haven't had any

Haven't had any

Haven't had any real positive

Haven't had much personal contact with them and cant remember anything positive

Having dinner with a cop for a day.

He came properly on time when their was an incident and handled it well

He gave me directions

He made me laugh, gave me some advice

He started talking to me in a vulnerable state and had a nice conversation

He told me that one of my tail lights was out and told me if it was another cop they would have gave me a ticket

He was nice he help me when someone hit my car

Help people that were in an accident

Help residents

Helped a lot, it really helped

Helped him through a personal tough time

Helped me with my car because someone broke into my window

Helped me around

Helped me find my uncle suffering from Parkinson's

Helped me out in a abusive situation

Helped me when my car broke down

Helped me with a situation/problem I was going through

Helped when had an accident

Helpful during last time I called

Hispano muy buena persona

Horrible and I was offended.

I ain't never had to do nothing with the police officers

I asked a police officer a question and he answered cool

I called the police for an abusive relationship and they responded quickly and with force

I called the police to call the ambulance and they showed up quick

I called the police when someone who lived above me was being attacked, before he could be hurt more, the police arrived

I called them and they came and I have nothing against them

I called them and they solved everything, they were very efficient

I can't think of any

I cant remember one

I cant say I have a positive experience

I cant think of a positive time

I cant think of one

I did not have any contact with them all my life

I do not have an experience.

I don't have any positive

I don't have one.

I don't interact with them that much

I don't recall any at the moment

I don't think I have any

I don't have

I don't have any interactions with them

I don't have none with them. Ain't nothing positive with them

I don't have one

I don't have one

I don't have one

I don't have one

I don't have one either

I gave information about a shooting

I got hit by somebody and the officer was really clear

I got jumped again but this time they were so quick

I got locked up for mistaken identity

I got pulled over and he let me go

I has a good neighbor who is a police officer

I have a friend who's a police officer. He's practically family.

I have family in the Newark police department; they're really helpful when my mom was in a car accident a few years ago they got there really quickly and move everything along

I have never had an experience with them

I have none

I haven't had a recent.

I haven't had any

I know some just talking about football

I live in a condominium and this was the lady downstairs who had had a serious mental condition. Depression, schizophrenic is what she was diagnosed with and the way the Newark police treated her was wonderful. They did have to break the door down, but they were so polite, patient, understanding, they tried everything before they had to break the door down. I was very impressed

I married one

I never had experienced with them so far

I never had one

I never had one

I remember there was a hit and run, a driving while impaired incident, and he fled the scene and I tried to catch the guy. And out of nowhere police officers came and handled the situation and they were very helpful as they understood that I was only trying to help

I saw a cop stopping a kid from getting robbed and jumped

I see them often.

I think I had one when they came for a car accident that came in front of my house

I thought that they wanted to come in, I realized they were freezing, they got in and had coffee and they talked about everything. They asked questions about what's going in.

I usually go to the violence rallies and they are nice

I was a former boy scout. We went camping, my brother and I. The officer just starting talking to us and was very friendly

I was going to an interview and saw me and my suit and said I looked good and I felt good about that

I was going to work and my car broke down and I was going to a trip, in the middle of the highway and I called 911 and the police officer was fast and nice. And he stayed with me the whole time and

protected me and the car with his car. But it was in Maryland.

I was in a car with friends and we were pulled over and it was 9 and their reasons were that the passengers, and it was because we were African Americans

I was in middle school and they had the dare program, there was a guy who used to dress up as batman, let me try on his vest

I was on [redacted – street name], and a female and male officer walked by and we had a nice conversation

I went running. The officer made sure that I was okay. This was good,

I'm older so I'm respectful. Pleasant conversation. Short.

Iba a buscar a su madre con urgencia y paso la policia con las sirenas y no entendia por que y me lo explicaron y razonaron muy bien

If I call them, they come. It may take a while though

If I called them up with a problem, they come on time, and took down all the info and made me feel safe

If I go to ask a question or whatever, or if I just stop them and ask questions, they're polite for the most part

If I'm asking for directions they're helpful

In any community there are good and bad people, that goes to Newark police department too. We have good police and bad police.

In emergency they responded fast. None directly to me but my family's story

In the Dominican parade

In the station 8 years ago he went to report a robbery and he wait and they were very helpful

Incident at where I was working at and came in less than five seconds. Response time was good

Interaction with crossing guards

It was good

I've actually seen them do their job where at live at. They have done a really good job here when I see them

I've seen that they have taken down an individual with a gun in my neighborhood

Just talked in a friendly way

Keep on time

Last six or seven months, approachable, very pleasant, males and females

Last week the street had to evacuated due to a gas leak. They were very on top of their game. The officer took and escorted me across the street. Tried to get my cats too.

Let me go off a ticket

Let me turn first in roads

Let them skateboard in a random building

Live in building with grandpa, called cops to do welfare check and cops came in and were very polite and nice and also handles the situation very well...I was very happy

Living in this gated community the cars were vandalized on the streets and neighbors told me and I did go to the police station and sent me to someone and he did speak to me and he led me to a committee of people who patrol the area

Many in the area that I live and they were pretty nice and made us safe

Meeting an officer on a subway nice conversation

Mom was in a rush, and a police officer helped her

My alarm in my home went off and they came and checked the home to see if it was safe

My apartment was broken into, the two officers that came asked if we were ok, waited for someone to come home to be with me. They called forensics

My car was parked on [redacted – street name] against the parking time, even though it was towed and I was furious against the officer, he still remained professional in dealing with me while giving the relevant information about the towing company.

My daughter's car broke down far from home and they did a good job of getting her home safe.

My daughters friend was robbed and the detective got the jewelry back and they went and got it and kept me updated on the case

My father got taken into custody for mistakenly having stolen property, but they let him go with no hassle and I respected them for that

My house was broken into and they showed up promptly

My sister's bakery was robbed and they arrived in 3 minutes

My sons were in the pal

N/a

N/a

N/a

Negative

Never

Never

Never

Never

Never

Never

Never dealt with the police so I don't know

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Never had one

Never had one

Never had one

Never had one

Never had one

Never had one

Never had one , I am a hard working law abiding citizen who just want to see the neighborhood thrive for better and the crime rate and drug dealing go

Never really had one

Never, none

Nicely asking me to move my car

Ninguna hasta ahora

None

No

No

No

No

No

No

No

No

No

No

No

No

No

No experience

No experience

No I don't have any

No not really

No positive

No positive experience

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No such experience

No tiene

Noise in the hallway

None

None

None

None

None

None

None

None

None

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None as such

None that I can really point out

Normal experience

Not had a memorable positive experience with Newark police

Not really

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing

Nunca

Nunca

Offering assistance to community

Officer assisted me in a vehicle

Officer helped with domestic violence call

Officer stopped fight quickly

Officer was very friendly and helpful

Once I was walking to the store and I was robbed. I saw a police officer and he drove me home and the police officer helped capture the guy afterwards.

Once someone was in front of my driveway and they came

Once they came and asked if I had heard any shootings out sound my door because someone was shooting

One day someone was trying to break in and I went to police to complain and I wish that I can help they were very empathetic

One lady helped me with a car situation. She was kind, and from another country.

One of my land lords was an officer

One time my father accidentally ran a red light in front of a cop and the cop didn't stop him.

One time, shooting on my block, some guys were trying to sell drugs on the block and police dealt with them and did a good job, block is much more quiet

Outside my son's school, providing security, making sure cars aren't speeding

Patrolling on foot and let her know that the corner of the street which was dangerous

Personally can't really say

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Police are good and nice

Police are nice and honest with not just me but my neighbors too

Police escort when he was a cub scout

Police have been good with them

Police helped her child very well, helpful to her

Police helped in a family situation

Police listened when I said. They need to live in Newark to serve in Newark

Police officer did a very good job delegating traffic

Police officer was good person

Police officers knocking door to door informing everybody within the area about a sex offender nearby in the area, felt safe

Police officers rarely issuing tickets to people parking illegally. Especially police.

Police officers were assuring that they were handling the situation at a crime scene

Police responded to calls quickly

Police station and my daughter wanted to touch the horses and they were so nice

Police stopped traffic for a woman to cross

Police talked kindly to participants kids about being a police officer

Police was good at conversation and calming down people, very nice

Polite and ready to help. Doing they're job

Portuguese festival. She was taking pics. They smiled when she asked for a pic.

Positive conversation, good advice, good vibes

Positive is the key word here, unfortunately I don't have a positive thing to say.

Prevented being attacked

Private information mostly. Couple of days ago coming home from work saw them pursuing car they cautiously went though what they had to do

Professional response after in-house robbery

Pulled over and let go with a warning

Pulled over for missing a stop sign, and they let me go with a warning. Very pleasant experience

Pulled over for running a stop and he let me go with a warning

Pulled over for speeding, very helpful

Purse stolen and police very helpful

Recently a week and a half ago, helped and arrested person with police

Refused

Respond to inquiry with respect

Responded quickly to a break-in in my building, and were very respectful to the residents

Respondent was robbed, very cooperative and he got his stuff back

Respondent works with them in a partnership

Responding to calls

Safely got me home

Saved life when I was suicidal

Saw a man in front of house who was intoxicated. Officer dealt with man in a caring way.

Saw a police officer ensure that a lost child made it back to their parent

See them a lot around home checking area

See them doing their job

Seeing them riding on horses

Shared a couple jokes with a police officer

She likes to see them in her neighborhood

She occasionally has casual conversations with some NPD officers. She learns about new laws being passed from them. They provide information

Shooting on block 2 months ago and police knocked on door and was the most friendly cop encountered in last 5 years.

Shot a few baskets playing basketball

Show compassion and help

Showed up at hospital

Showed up for a home break in

Sister, brother and a lot graduated from the academy

Sitting on my porch with my 5yr old son, two officers were patrolling our block and spoke to my son about staying in school and offered him candy. He wants to be a cop, so this experience was nice.

Skip

Some are kind

Some good things in protecting

Someone attacked my landlord and they came quickly

Someone broke into house and police helped

Someone broke into my home and they found out the person that did it. And they truly investigated it.

Someone had hit my car and the police officer assisted because the person fled the scene. I called police on the individual who didn't have a car accident. The officer was really polite

Someone said that I left my one year old grandson, very nice when they came to the door

Someone tried to break into my business and the police officers responded quickly and found the person in less than an hour

Someone tried to rob me and they responded immediately

Someone was breaking into an apartment and we called the police and they came very quickly.

Someone was parked in my driveway and a female police officer got them towed for me

Something happened on the block and they saved us

Something robbed they assaulted me and I went right into the police office and they did a very good job and detained one of the assailants

Sometime last year I was pulled over and the police officer gave me a warning and did not give me a ticket he let me go I really appreciated that .

Sometimes they patrol

Son is police officer

Son muy eficiente, que cogio a una ladrona

Speaking and opening door at store

Speaking to community

Speeding, let go with warning and not ticket

Spoken to a few officers and they were very polite and respectful

Standing out in [redacted – street name] and [redacted – street name]. And there was a food drive and there were very nice friendly Hispanic police officers enjoying the time with the neighbors in the neighborhood.

Standing outside post office had a casual conversation with an officer

Step dad graduated academy

Stopped by officer and officer helped get off your car no ticket for red light passing

Stopped in Newark. Saw I was a teacher and let me go

Stopping a fight at downtown

Street was busy an officer stop traffic so the few of us can cross.

Summertime they were walking and they introduced themselves

Talking to a classmate who was a Newark police officer

Tampoco ha tenido

The fact that we don't have a problem with the police is positive

The officers came and shoveled the snow off my car and front walk.

The police officer did some real nice things for me, he was a really nice person. He's dead now. The pins he had was really nice too. Most policeman were nice to me and I felt safe around them

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My car was involved in an accident. The officer who helped me was very helpful in assisting me and facilitating the insurance process.

The response time is great if someone needs them

The school near my neighborhood, some couple of students got stabbed and the police came in under 5 minutes

Them told him to be careful driving

There are none

There isn't one

There was a robbery and the police came and stopped the guy

There was a robbery on my street. We have cameras installed, so the detectives asked for footage. We gladly gave them the footage.

There was an officer in a navy blue car and stopped and gave my cousin some toys. It was right around the holidays.

There were two Newark police officers with horses and took a pic

They always respond when I called and they aid on my request

They are always over an hour wait to arrive to the scene that's horrible service who can feel protected with that

They are arresting people committing crimes, they are doing a lot

They are never there when you need them. I don't know. I can't think of one. Oh, this guy was beating up his girlfriend and they came and stopped him

They are nice at ShopRite

They are very helpful at events

They are very polite, when I took wrong turns they just warned me ,they did not give me a ticket

They asked if I was okay and checked on me randomly and I appreciated that and felt safe

They asked me questions and I cooperated with them for information they wanted

They assisted me a few times recently and acted with respect.

They assisted with her car who got stolen

They brought some stolen objects

They came and broke up a very big fight

They came by and helped me diffuse the situation and I have so much respect for them

They came quickly when I called them

They caught and arrested someone who was breaking into houses.

They clean where I live

They did their job correctly

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They didn't give me a ticket when I was double parked

They do have people that come to schools to talk to kids

They do their job

They don't harass anymore. In the past they did

They gave me a ride home

They had a meet and greet session, that was about it

They have saved my life a several times

They helped her with a job in her house

They helped me when I called them once, they were really interested in what I was saying, and they tried to do their job.

They kept me safe when I had a situation going on

They let my daughter touch their horse

They responded pretty quickly and were nice and acted in a professional and respectful manner and did their job properly.

They responded very quickly

They say hi around the neighborhood

They showed up to prevent a suicide of someone I knew

They typically do a good job, considering the station is on the same street where I live

They were doing their job and dealt with me in a respectable manner

They were kind and straightforward

They were on the corner selling drugs and cops came to help

They were playing with a bunch of kids

They were pretty nice when I reported them about some incident and did not misbehave!

They were very nice

They were very persistent with one problem, they really wanted to solve it

They were watching over a prisoner

They're always respectful I don't encounter them a lot so when I do its respectful

They're nice and understanding

They're very courteous

Three months ago. Reported a stealing, collected info and was nice

Traffic stop

Treating the Penn station crazy people with respect. I commute through Penn and regularly see this.

Unprofessional

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Used to work with one and went to his family barbecue so had good experience with him  
Using very respectful language to give me directions  
Very friendly - son has applied to be a police officer  
Very friendly officer giving me directions to where I needed to go  
Very good job taking report  
Very helpful  
Very nice at light  
Very polite and helped with a problem that had occurred.  
Very quick response to a shooting  
Very respectful  
Volunteer with police headquarters. Get to interact with police there  
Volunteering a lot  
Walking students across the street  
Was given a lot of information at police station  
Was in a park, they had conversation with us and it was good for them to come and speak to us letting them know that they're there for support  
Was robbed once, detectives constantly came to house and updated and put in effort  
We saw a robbery when a robber was running jumping through the fences and the police were quick and caught the robber and there were many cops  
Were well behaved and respectful  
When being stalked the police helped me and stayed until my mom came  
When I call they come fast  
When I call they come quick. No matter the situation  
When I called because neighbors had 7 cars in backyard  
When I called them, they were very attentive and helpful to me  
When I go to the community meetings they offer me their personal cell phone number or give me information in case I need it  
When I got stopped for an expired inspection sticker they let me slide with a warning  
When I had called them about my kids father, they were helpful making sure I felt safe, they came and checked all of the doors and windows, and one officer came back the next day to see if I was okay  
When I played football as a kid they would pat me on the back but now I looks like a criminal and has to prove myself innocent and that I am not a criminal  
When I recently moved to Newark, police stopped me and explained to me some local laws, very helpful



When I requested their assistance they were very cordial, they were very informative, and showed a great deal of respect

When I took an uber there was a driver who took a wrong route , I called police , they came immediately and also got me another ride.

When I was going to work I told the police there was a hole in the road. He listened to me and by the time I came back, it was fixed. It was fixed right away.

When I was injured they came quickly to the scene

When I was robbed, they came and calmed me down

When I'm partying with my family members

When my alarm went off they came very fast

When my alarm went off, police were very nice

When my brother got shot they wouldn't give us any info. They acted like we were just another black boy that got shot.

When my friend got hurt a cop did come and help me with her

When pregnant with child, walking from work a police officer offered me a ride.

When the officers would be at community events doing their job. And making sure everything is safe

When the police came and dragged a suspect who jumped over the fence into my backyard with a gun

When the police participate in community events like horses of Newark or just interacting with children in the community who want to pet the horses

When there was only one in the property. They came immediately, and there was a guy intoxicated and they called their relatives to pick him up. They always come fast.

When they explained to me their job and had a good conversation

When they say to drive and get to the destination safely and make it out safely

When they walk around in the neighborhood they are very friendly

When they're very helpful to me, so when we want them and there there

When we call for something they will call and assist

When we thought someone tried to poison us they came really fast

When working, bus operator, anytime he calls to remove someone, they are polite and remove person

When you need them they come around, one time someone called and they came real quick

When they do the big walk, that's what people want. Family officers

While walking with my students, a police officer noticed we wanted to cross the street and realized there was no designated crosswalk. So he stopped traffic and allowed my class and I to walk protecting us along the way.

Wishing me well on my way home

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Work along side officers

Work with them on a daily basis

Working side by side with them

Young men outside in front of the house, they came and handled the situation and left

**Q37. In just a few words, what should the role of Newark police officers be in the community?**

Be a friend, someone to help

A police officer should not to take one hour to two hours or three hours when we call them with a complaint and then call back to see if things are okay. They should not discriminate someone' based on race

A positive

A positive force. Firm. Vigilant.

Acquaint more with the community and the youth, being more social in a more friendly sense

Act in a positive way

Actually protect and serve

Ask questions on what they are doing and why they are doing it

Assist the community in issues that are relative to improve the community respond efficiently, not be biased

Attentive in the community and be with the children

Authority

Available to serve, public awareness

Ayudar a la comunidad y mantener la seguridad

Basically be a neighborly figure. Get to know everybody.

Be a human being, do something

Be a little more involved

Be a mentor, educator, save lives

Be a model

Be a role model and be protectors of the community

Be able to interact with and be trusted by the community

Be always alert

Be an example of a good leader and more interactive with the community so that the community won't be scared of them

Be apart of the community with the interest of everyone at hand

Be approachable

Be exemplary

Be friendly

Be friendly and walk in the community

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Be good

Be helpers

Be helpful honest and caring

Be heroes

Be hero's

Be keepers of peace . They should not always rush towards violence to solve something

Be knowledgeable

Be leaders

Be leaders

Be leaders and role models for kids an ideal person for motivation and not someone they should be afraid of

Be leaders in community & more active in community

Be leaders, community liaisons, and protective.

Be mediators

Be more active

Be more active

Be more active in the community and high crime rate areas

Be more aware of crimes happening, and more patrolling in community

Be more concerned about people

Be more friendly and more observant and get to know the people in the community and identify them

Be more truthful and do your job

Be more vigilant and responsive to some of the burning social issues in this community. Because of the lack of education the community is deprived. They are hostile. Education and job training. People are not willing to be trained to be work. Serious burning issues are social development

Be on the side of the people

Be part of the community and do their job

Be present when people need help

Be protectors not dictators.

Be the eyes and ears of the community

Being that they are the police of the community they should be instilling safety in the community and doing their job.

Be more humane, stand up to injustice, also up to the people to help make community better

Better community relations

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Better relation with the community, instructing them , supervising and interact better. Volunteer with the community

Better role models

Biggest role should be enforcement

Buen trabajo

Care, custody and control

Clean up and make the community safe

Cleaning up drug dealers and cleaning up people who do unnecessary killing

Closer to the people that they be watching, be more alike keep the guard up at the same time

Come out when you call and be seen

Communicate better with the public. They should listen to others before they judge. They could be more cordial. They need to smile more!

Community leadership and be more active in the community and set positive tones

Community officers

Community outreach, protect and serve and no us vs. them mentality

Community policing, should be a part of the community that they serve

Community policing. Getting involved and living in Newark

Community protectors

Courteous, understanding and not quick to rush to judgment

Courtesy, professional, and respect. They have to understand the climate in which you work in

Defend and protect the lawful business

Defend the people

Depends on need of the community. They're protectors, that is their job

Do everything they can to help to community

Do exactly what they always did

Do not stop people abruptly and block people

Do their job by serving the neighborhood

Do their job. Stop crime. Be helpful. Peacekeepers

Do they're job and treat people with respect

Don't know

Don't know

Don't know

Don't know

Don't know

Don't know

Enforce and protect the law

Enforce law

Enforce the law and equally treat everyone regardless of their race

Enforce the law and protect the citizens

Enforce the law not be the law.

Enforce the rules and laws

Enforcer of the law but while enforcing the law they should try to understand the perspective of the person in front of them,

Enforcing the law

Engaging

Ensure safety, be available for emergency

Equality is necessary

Extension of community, represent community, get information to help community

Fight crime and have more police on the streets. Do their job

Firstly, protecting the community.... Be considerate about the people before interrogating.... Have the ability to distinguish between a criminal and who's not

Focus more on the crimes, worry about more important things

Get more involved in people of community. A hands on approach

Get more training in community culture, understand the makeup of the community

Get out the police cars and walk the beat

Get the bad boys

Get to know people in the community

Get to know the people

Get to know the people in the community

Get to know the residents of Newark

Getting more involved and familiarize with community on a personal level, to increase trust

Give respect to the community. If you want respect you have to give respect.

Hacen ya un buen trabajo,

Hacer las cosas como deben de ser, y cuidar a la ciudadania

Have a good attitude; change their ways

Have a good role

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Have a positive image and reach out to the community on a personal level

Have communication with the public peacefully and the people will treat them well

Have good communication and respect

He believes they need to do a better job in preventing crime from happening. A lot more traffic control during rush hour downtown and it extends to other parts of town. Have respectful stop and searches.

Help citizens

Help the people and respond in a timely manner-this is a big issue!

I don't know

I don't know

I expect them to respect

I think that their role should be to create a safe space for all members to feel included

I think they should be the eyes and ears of the community to be aware of what's going on and then enforce the laws

I think they should be the models to protect and serve , they should know the community well, and they should get involvement in the community. They should interact with people. With interactions they can gain more trust with the people.

I think they should be walking more like they did years ago, on side streets and on busy streets they should be out there

I think they should have more of a mediator role

I think they should interact with us more instead of when a negative event happens. Get to know the community. Know who to harass and who not

I think they should pay attention to certain areas where drugs and crimes are reported. Those areas having gang activity.

I'm not sure

Improving life and wellness of community.

Instructors

Insuring safety, and be there with a reaction of the criminal action, being reactive, and correcting

Interact with the people

Involved

Involved in the community

Just be more friendly, take care of the people, pay attention when they are talking to you and when they complain about being robbed

Just be there, just be seen

Just enforcing safety

Just make sure everyone is safe.

Just make sure they are patrolling more to make it a little bit safer

Keep down violence

Keep everybody safe

Keep everyone safe. Stop ticketing people for no reason. Focus on violent crimes more.

Keep improving relationships

Keep people safe

Keep the peace. They should not use stereotypes

Keep the security of everyone in Newark

Keep them safe

Keep us safe

Know the community, protect people

Know the people in the community they are watching

Learn the community, talk and listen

Listen to both parties, make assessments

Maintain a level of safety

Maintain justice, be fair, protect and serve

Make it safer fore residents

Make people feel safe and comfortable

Make people feel safer

Make the streets safer for the people in the community

Make us feel safe

More community policing and interacting with the community and doing events in the community

More community policing

More foot patrol. More interaction with the community. Better bond and relation with the people

More interaction with the community

More involved in events and drive around the area more often and be more concerned about the neighborhood

More of authority figures, they do have to set an example.

More of communication, ease walk in the city

More patrolling and responses to calls

More people in the block just to look



More positive and more involved

More protection and more safety for Newark residents, children, and we need more police coming out. Especially in the evening time since we don't want children running the streets doing god knows what

More protective

More safety

National protection

Need to be there more and positive

No se decir

Official arresting, charging when necessary, and equal treatment

One

Other than protecting and serving, being a part of the community as a whole

Overlook , watch the streets more

Participate in the culture and lifestyle of the community

Patrol and cleaning the community downtown

Patrol community and keep respect

Patrol in the neighborhoods frequently

Patrol more so there's more caution and more order with the people

Patrol the community more, be around more often

Patrol the neighborhood, keep it safe, let their presence be known, follow up on incidents

Patrolling and being visualized

Patrolling more, be more aggressive on crime and drugs

Patrolling the city regularly,

Pay attention to all emergency calls.

Play the role of keeping things in order

Police

Police need to have a good relationship with community not out of fear, understand the community, and have language skills. No racism.

Police officers should be patrolling areas and build relationships with residents

Positive

Positive

Positive influence on the children and just get the criminals because they are destroying the people

Positive role

Positive role - protectors

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Positively involved

Presence should be shown more. Unfortunately we have a lot of drugs and they make their presence known. Basically just by making stops around the neighborhood. They need more trained officers

Present

Probably more interaction with the community, so they can act accordingly and get to know the people

Promote peace, promote safety, educate youth, be present to deter negative actions

Protect

Protect

Protect

Protect

Protect and people to look up to

Protect and serve

Protect and serve

Protect and serve

Protect and serve

Protect and serve

Protect and serve

Protect and serve

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Protect and serve

Protect and serve

Protect and serve

Protect and serve and be an important asset to community

Protect and serve and be pillars

Protect and serve and treat everybody the same

Protect and serve but also communicate

Protect and serve in the best way they can

Protect and serve with a positive attitude, they should not discriminate and have bias

Protect and serve, stay active in community activities and outreach programs, try to prevent crime, patrol

Protect and serve, stop towing cars

Protect and serve, try to help better communities

Protect and serve.

Protect and treat everyone the same

Protect and uphold the law

Protect assist and serve

Protect citizens and build relationships with them. Actually stop crime and do it without bias

Protect citizens and community

Protect citizens of the city from violence, crime and take them seriously

Protect ourselves from hurting other people, drug addicts and handguns. We don't know how kids have handguns. What can we do to get people away from handguns? The cameras help out a lot, especially for dealing with drug dealers. The cameras are very good for this. A lot of lives will be saved.

Protect people

Protect serve the citizens and uphold the law

Protect the citizens

Protect the citizens

Protect the citizens

Protect the community

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Protect the community and make community feel safe. No fear from police  
Protect the members. Provide support, be involved with criminals and people that need help  
Protect the neighborhoods  
Protect the people  
Protect the people  
Protect the people no matter who they are  
Protect us and help us and not kill us  
Protect you  
Protect, serve the community, make the community feel safe  
Protect, and not intimidate  
Protect, and serve  
Protect, more police officers out. There's a lot of drug addicts and prostitutes  
Protect, serve, and make themselves a part of the community they serve. They need to live there, need to be a victim  
Protecting and serving  
Protecting people  
Protecting the people  
Protection and safety and friendlier and not hostile  
Protection for members of the community, and should be a little better known and seen in the area (more visible)  
Protective  
Protective service  
Protective to the community  
Protective, known by the community, have relationships with the community, know who causes the trouble  
Protector and empathize  
Protector- sign of respect and safety  
Protectors  
Protectors, not enablers.  
Protects and servants. Servants first. Protectors second. Thoughtful community partners.  
Proteger a las personas  
Provide safety no matter what color. No matter who you are  
Public service

Reduce crime  
Refused  
Refused  
Respect  
Respect and serve, don't use excessive force  
Respected, kind  
Respectful of all and help older people  
Respond faster to issues in the community  
Responsible  
Restoring order, investigating complaints  
Role model  
Role model  
Role model  
Role model and protectors  
Role model citizens  
Role models  
Role models for children  
Role models  
Role models  
Role models, guardians  
Safety  
Safety  
Safety and protect us  
Safety and security  
Safety of residents  
Safety, protection  
Security for the community  
Ser igual con todo el mundo sin importa te su raza  
Servants  
Serve and protect  
Serve and protect  
Serve and protect

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Serve and protect

Serve and protect

Serve and protect

Serve and protect

Serve and protect

Serve and protect

Serve and protect

Serve and protect

Serve and protect

Serve and protect

Serve and protect the community

Serve and protect the community including everyone in the community

Serve and protect the people

Serve and protect, doing a good job

Serve and protect, not discriminate and be bias

Serve and protect, peace maintains law and order

Serve and protect, the role that they have

Serve and protect. Do what they are suppose to do

Serve and protect. Get to know the residents. Talk to them.

Serve assist and protect

Serve the people

Serving and protecting other people doing the right thing

Serving to protect

Set an example and be peace educators by using empathy and better communication by using humor

Set order and respect in order to be respected

Should be a liaison between the courts and the citizens. You know they are not

Should be a more active presence in areas and at times where crime becomes prevalent such as at 6 - 7 o'clock at night when people are getting home from work.

Should be a role model

Should be better and should have more patience and should know how to talk to people without negative language. They should just get right to the point about why they stopped you.

Should be concerned about people doing illegal activities

Should be fair to everyone regardless of race

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Should be members of the community or in the city in which they police, leads to a better interaction with people that they know, should live in that city

Should be more into searching for issues

Should be more mindful and respectful towards citizens. Use of non lethal firearms to subdue criminals should be explored

Should be more open , maintain order and protect community

Should be role models

Should be the same

Should be to protect and serve the people and treat everybody equally

Should be to protect the people

Should have a positive role and be more fair

Should interact more for trust to be built

Should protect and serve

Should be more like navigators and correct them from doing wrong

Show up when they are called, assist when someone requests their services.

Someone I can see more of

Someone who protects and cares

Someone you can go to when you have a problem no matter what it is

Sometimes when I talk to them they don't like to listen to my problems

Start with the kids and talk to the kids more. So that when the kids grow up they grow up as better people

Stay alert at all times

Stop being parked all the time, get involved

Stronger presence

Supervise more things and areas

Support people in the community

Supportive, involved and I would say knowledgeable

Take care of the community

Take less time to get to crime scene. Take too long

Tener mas contacto con la comuidad tener mas contacto, compartir ideas , patrullar un poco mas las calles

That they investigate, that they're watchful over neighborhoods to make sure everything's ok

The community partners, they should be in charge of keeping safe. They have to have a vested interest

The guard to protect, be safe

The responsibility that they should have to carry out everyday. Walking around the general area, making sure everyone is safe,

The role of NPD in the community should be to make residents feel safe, interact with members of the community, know residents by houses if possible by apartment, try to understand the parking situation around a church and a night club and stop issuing tickets unnecessarily. Focus more on protecting lives and properties then distributing tickets. Try to have conversations with residents, make them feel that you are part of them and overall, officers should live in these communities that they are assigned in.

Their role should be respectful, concerned, I think they should feel safe, it should go both ways, be respected and give respect, have rapport with the neighbors

Their role should be to be positive role models and set the standard for the community

Their role should be to keep the peace, serve and protect. Make sure everything is okay

Their role should be to patrol and survey the community

Their service in the community to protect and inform and be present in times of need

There role should be to make people of all race and color feel safe an protect them from harm, everyone should have equal rights

There should be an alliance between the law and the people

There should be integrated community patrol. Should be a housing requirement to live where they patrol. Shouldn't have to clench up when seeing an officer. Be more involved in communities and events. Feel safer and closer.

There to help people

There to serve the people

There's a lot of drug dealers so there needs to be a lot more patrol. All the way from [redacted – street name]. All the way down

They already did it, they cleaned it up in the past two years

They are actively seen, they are involved and they show it in their actions. They explain to us and they give us information.

They are fine

They are supposed to be there to protect us

They be driving through. They should do more. A little more rounds more often and watch a little more often.

They do the best they can, crime rate is high, should have more police officers

They doing alright

They don't take any actions on drug dealers and also release them quickly

They need to be more into the community to stop the crime. There are a lot of jumpings in my neighborhood. To protect the people



They need to be more involved, they need to know who they are policing, they need to be a part of their community

They need to go back to when police had to live in the community. So that they get to know people in the community. Community policing might be a big big help. We can confide in them if we knew them.

They need to interact more and learn to understand that every black male isn't a criminal. Just because we live here doesn't mean we are about trouble.

They need to know the people in the community so they know everyone and trust them in all situations

They need to live in the city of Newark and know the neighborhood and people that live there

They should be safe place for children and be role models

They should always be in the community

They should be a part of and know the community. And serve the community

They should be all be faithful

They should be community relations. Positively interacting with members and finding ways to improve the community. Find out information instead of going headstrong.

They should be examples

They should be helpers of the people of the community. They should not take things on themselves to investigate the situation. I don't think they should belittle any complaints.

They should be helpful in the community. You should be able to report a crime and they'll investigate. They should be more active in the community

They should be helping everyone more ,equally without racial discrimination.

They should be here for our safety

They should be in the community at all times to know what's going on like it use to be, walking the streets

They should be moa vigilant and get to know everyone in the community

They should be more knowledgeable of what's going on and the area they are patrolling. If they stop and talk to people it will better the confidence in the police

They should be more open to concerns and be a little bit more considerate and less aggressive especially towards children

They should be more uplifting, and not put fear in anybody. People are not being protected. More background and psychological

They should be more visible to prevent crime

They should be near the kids every week during the week come through here and check to see if anything is going the wrong way

They should be out more getting to know about people, drugs gang activities should be more looked into and be a role model

They should be out to protect all of the people all of the time.

They should be patrolling - they have a small force, it's an urban area, they should be patrolling, they can't be everywhere. The gang activity is so out of hand -- and you need be ready for retaliation.

They should be people from the community looking to help their neighborhood

They should be positive role models for the kids.

They should be protectors, respect people's rights, and serve with integrity

They should be role models and they should make people feel safer not make them feel like they don't want to call them at all

They should be seen as people who enforce the law and as an institution to ensure people are safe all the time. (wear body cameras before exiting car)

They should be someone you look up to and trust

They should be there. They should be more controlling or more active

They should build better relations in the community

They should do their job and answer 911 calls

They should do their job and do what they must but they can only do what they are trained to do

They should follow their code of ethics at all times without discriminating against race, religion, color or sexual preference

They should get along with the community, have more communication with all of Newark not just some wards.

They should have better interaction with the residents of the community. Many of them don't live here so they don't realize how hard it is to live in the city, it's different working here than living here. Have a little bit more compassion for its residents.

They should have communication with citizens of the community to help solve whatever is going on. Getting to know them

They should investigate issues within the community

They should know the areas where they patrol and know the areas where crime is going to occur and be there to stop it

They should know the people in the community and they should interact with people in the community, so people feel comfortable going to the police in their district and there should be camaraderie

They should not hit us, and ask before hitting

They should practice what they do, they protect. I don't feel like they do it. They make it seem like we serve them. They are not serving and protecting. More concerned about making and earning money. Not concerned about the community

They should protect and serve

They should protect and serve equally

They should protect everyone. They should respond to calls with urgency. They respect all members of the community.

They should protect us. Humanitarians. They're losing their human side and talk crazy to other human beings. We all have stories and we all have issues. You don't know what is going on with them. More communication

They should provide support and confidence in the people they police

They should realize that they are working for the public and not against them. They should be better trained how to deal with certain people. Do the job you are being paid to do. They should be sure of what they are doing

They should see

They should serve the community, prevent crime.

They should support and help people

They should treat everyone the same and do their job the best that they can. Don't be so rough and hard.

They should wear body protection and try to be more understanding

They should, in the areas they patrol, they should know the storeowners and homeowners in the community. Make presence more visible throughout the whole state

They suppose to make the town feel safe, and serve the people's needs

To assure that everyone is safe

To be a protecting light. There should be a bigger Newark police department. There should be a feeling of mutual respect between the police and community

To be an extension of the community, they are reflecting the population that live in the community. Responding to issues that come along and not discern towards certain issues depending on what comes along. They should be fair in who they respond to

To be approachable, be more seen and available

To be available when they are requested to be in need, at any time of the day or night.

To be empathetic, sympathetic, relatable protective, equally concerned for the community as they were their own family

To be patrolling on foot

To be peace officers and get involved with recreation so that children have access to the programs run by the police. We need to build a civilian unit

To be protectors that community can rely on

To be role models

To become involved in the community to know where they are and the people they serve

To build relationships with the community and to act according to the law without prejudice if they can not resolve conflict

To communicate

To continue to develop good relationship with the community

To enforce laws and keep everyone safe

To engage with community and keep people and property safe

To ensure everyone's safety

To ensure safety and security for all

To establish a relationship with community and not be judgmental

To get to know the people/neighborhood. Be more visible. Interact with the community.

To help and protect the people in it

To help the community to be helpful and care for the residents instead of profiling ,writing tickets and harassing them

To help the people in the community, keep the community safe and to be (especially among the young people) to have some sense of comfort

To help those that need assistance and listen to both sides not just women. Men are sensitive and have feeling and hurt just as much.

To help throughout

To honestly protect and serve their community

To improve

To interact with the community in ways that ensures safety for all citizens

To justify crime

To keep crime out

To keep people safe and to make them feel safe

To keep people safe.

To keep the community safe and also look out for residents. Non-discriminatory practices to make people feel safer.

To keep the peace and help unify the community

To keep us safe, more patrol is needed, be a little friendlier, communicate more

To keep where we live safe

To maintain safety and encourage trust

To make residents feel safe and equal and have respect for each other

To make the residents feel safe

To make us feel safer.

To patrol the streets

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To protect

To protect

To protect

To protect

To protect

To protect and aid the people, investigate crimes

To protect and interact with the community

To protect and make people feel safe.

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve

To protect and serve everyone

To protect and serve everyone

To protect and serve its residents and ensure safety

To protect and serve the community

To protect and serve the community

To protect and serve treat everyone equally

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To protect and serve, if I am in trouble I can call the cops but I don't do it, because I am afraid. Since I am black

To protect and serve. The rules needs to actually be followed. Getting familiar with members of the community is essential. Ensuring safety. There's so much.

To protect and to follow the law

To protect and to unite

To protect citizens

To protect our citizens

To protect people

To protect the citizens

To protect the citizens make sure there are no crimes being committed and make sure there is progress made in the city for safety

To protect the community from themselves and external force

To protect the community, to be involved in the community because now they don't even live in Newark

To protect the people and make them feel safe/trust the police

To protect the people in the community

To protect the people's rights regardless of race, gender, and sexual orientation

To protect the residents

To protect the tax payers and the innocent

To protect their citizens

To protect us

To protect us

To protect us

To protect, serve and engage

To secure the community without killing people

To serve and protect

To serve and protect

To serve and protect

To serve and protect

To serve and protect

To serve and protect

To serve and protect

To serve and protect

To serve and protect

To serve and protect

To serve and protect everyone

To serve and protect the community

To serve and protect the community. Understand every situation at hand and if they cannot handle it call their supervisor or someone that can do better.

To serve the community

To serve the community , everybody in the same way, no distinction of race, we are all human

To survey the area

To take care of people and to see that they don't do any harm.

To treat everybody the same, to be work training, and respond quicker to emergency

To treat everyone equally, protect and serve

Todo por igual

Tracking down traffic violation

Tratar de averiguar e investigar lo que esta pasando, en caso de que haya un grupo de personas que pregunten y comprueben que todo esta bajo control

Treat everyone equal

Treat everyone equally, don't speak Spanish when the person speaks English

Treated everyone equally

Unity brings community together

Upholding/ enforcing the law

Very friendly and kind

Walk around more, let people know they are there to help.

We need more officers around here where I live.

We need more officers living in and patrolling the community.

We need them to do their jobs

When they are on a horse, it is inconvenient. When an issue arises it would be better to be in a car or on a motorcycle.

When they get a call , they should assist, listen to the person and should not jump to conclusions

Work on coming faster and being better officers

Work with the community

Work with the community to make it better

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Working for the people, finding out what's going on, positive initiative

You can't live without police



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**Q38. In just a few words, what is one thing the Newark Police should do differently to improve police-community relations?**

A very good job is being done

Actually be more involved with the community

Actually listen to our concerns

Actually start a relationship

All good

Allow more parking spots, allow cars to park after the streets have been cleaned

Answer 911 calls earlier

Appear at community events

Approach situations with open mind

Arrive sooner at a situation

Ask better questions

Ask questions before acting

At present I do not know to be honest

Attend community events

Attend community events

Attend more community events or communication within the school districts

Attend more events and continue foot patrols

Attitudes towards stopped person, and have a reason for stopping them

Authority

Be a little more active around schools

Be a little more understanding.

Be around all the time

Be around more often

Be friendlier and be more open with communication

Be friendlier to everyone

Be friendlier towards the people. Don't have an attitude

Be generous and protect all the citizens

Be good guys

Be human first, officer second

Be involved with the community and not just when they are required to police the event.

Be kind and respectful and not use excessive force

Be more access, be more around

Be more accurate on other events other than crimes

Be more active

Be more active in all areas not just in some parts

Be more active in the community

Be more active in the community, people are scared of police, if they are more active that might lessen, build relationships

Be more active in the community. Hold more events and promote them better. And I think Newark police needs an auxiliary program like New York's.

Be more approachable

Be more attentive

Be more aware

Be more aware of what is happening and be present more

Be more consistent

Be more effective

Be more engaged with the community and build rapport with the neighborhood. Communicate and engage with people building trust.

Be more familiar with the people

Be more friendly

Be more involved

Be more involved

Be more involved and aware, stay connected

Be more involved and more conscious conversations. Store owners more conversation with community

Be more involved in community. Certain officers should have area they patrol all the time

Be more involved in the transitions of male and females leaving high schools in positive ways

Be more involved. If you walk by an officer, they should be inviting and friendly.

Be more involved with different events in the community

Be more kind

Be more polite and show more kindness

Be more polite, more respectful to men and women. Don't jump to conclusions

Be more present

Be more present in the community especially with the youth.

Be more respectful don't speak down to us

Be more stationed

Be more vigilant

Be more vigilante and respond to people in a less threatening manner

Be more visible on foot

Be more visual in community

Be nice to people. Just because you're a police doesn't mean you should be mean. You need to give respect.

Be nicer to people

Be on foot. Talk to the neighborhood residents. I don't see police officers unless a crime has happened. I know that the police force isn't as large as the city is, but steps need to be taken to ensure police at least have an increased presence

Be on the streets with more violence and more drugs and shooting

Be on time

Be out more and get involved

Be out more in the streets, throughout the community. They put you in the car, more on foot officers, that is more needed.

Be out there on the streets assisting and showing your presence, get rid of all the illegal parked cars clean up these streets

Be outside and try to remove all the negative people outside.

Be respectful

Be respectful

Be seen

Be seen in the neighborhood more and at gatherings

Be sociologically trained to understand different communities. Well versed and understanding. Race and class relations.

Be visible

Be well trained and disciplined in their duties and in their city covenant and constitution

Be where the people get to interact

Become a part of the community. How many actually live in Newark?

Become more involved in community and not just in a negative way

Become more involved with community leaders and advocates.

Being friendly

Being in the street more often

Better communication

Better communication, and better interaction

Better community relations

Better leadership

Better recognize the sociological problems such as poverty drugs and addiction.

Better response time

Better treatment of disabled people

Big push for block watches, more interactions

Body cameras

Body cameras would be a good idea

Breakup selling of drugs

Bring the feds in and retrain them

Care and respond, that's a big thing. I understand the staff may be short-staffed, but the response time, responding is a big thing because I used to live in a different part of Newark where people would get shot all the time and the cops would hardly come, we were right across the corner from the police station and the cops would come 2, 3 hours later

Change the way they are for the people to have faith. If the people are peaceful, they should be peaceful

Clean up the streets of Newark

Come in a faster time limit when an emergency is called in

Come in and talk to people and interact with them and make them, feel safe

Come in the block, come around here, and a car and they would have the badge

Come more often to gatherings by people of the community

Come out more often. Ride the neighborhood

Come out more to schools and event

Come to more events. Communicate

Communicate with the people more

Communicate

Communicate

Communicate more

Communicate more

Communicate more by doing positive things

Communicate more with the public

Communicate with the community

Communicate with the people in the neighborhood

Communication

Communication

Communication with the citizens visiting houses memorize names and specific police for each neighborhood

Communications with citizens

Community outreach; be more transparent and be more involved in community

Community program

Community seminars

Consider that some people don't speak English and try to be connected more with them

Continue the communications.

Control their temper

Creating more opportunities to interact with members of the community.

Dar charlas a la comunidad, invitarnos, instruir a la ciudadanía para que se sepa proteger por si misma

Detectives should be more mindful of the need for privacy when people are trying to provide information

Discriminate less

Do more in the community rather than focusing on one part of town

Do more rounds and be more present

Do more stuff for the kids

Do not be racist with the people

Don't know

Don't know

Don't know

Don't know

Don't shoot first

Don't beat up on people. Communicate more. Create a sense of community. Understand the people of the county better and get to know them better as people

Don't believe everything people tell you - investigate to make sure

Don't curse, treat people better

Don't know

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Don't know

Don't know

Don't know

Don't know

Don't know

Don't know

Don't know

Don't know

Don't know

Don't push people away because of the way they look

Don't think they can do anything different they have gotten better

Enforce better

Engage more in school activities for kids

Engage more socially

Estar mas presente

Every now and then get to know the community and the people that live there

Foot patrol. Actually speak to residents.

For me, nothing, for me, everything's good.

For once actually interact with people in general instead of being only in their vehicles. I've even seen an officer texting and driving which honestly isn't a good example to follow.

Form relationships with younger children

Get as much knowledge to do job

Get closer to the community

Get involved more

Get involved with kids more so not scared

Get more cops

Get more engaged in the community, patrol more, talk to people in the area

Get more involved in activities while in uniform

Get more involved with the youth

Get more involved with youth

Get more officers that come from the community

Get more out there and be involved

Get out and communicate with us, get to know us so we can help

Get out in the public and stop harassing

Get out more

Get out, go around, ask people how they are doing and if they have any problems

Get the guns off the street

Get to know and communicate with people

Get to know people

Get to know the community

Get to know the community in which they serve

Get to know the neighborhood

Get to know the neighborhood more

Get to know the people

Get to know the people

Get to know the people that are here and that they see

Get to know the people they are supposed to protect

Get to know they're community. I don't see them around

Getting to know everyone and that's it, meetings that they can hear what's going on. Interacting with the people in the area

Give rid of the mean face and try to smile more. Treat everyone like humans.

Had more funding to have more officers

Have a better police presence in the community

Have a good attitude

Have community policing

Have meetings or public events once a month or more within different parts of the community also walk around the neighborhood more to greet the people in the neighborhood

Have more communication with the citizens and listen more

Have more community based projects for youth

Have more compassion

Have more cultural training

Have more manners and respect

Have more officers interact with the community on a daily basis, for that you would need more officers

Have more officers on foot patrol

Have more people and more foot patrol

Have more police in senior buildings

Have more police in the streets

Have more police officers out

Have more police patrol

Have more presence

Have more respect for the people

Have patience

Have respect for all people

Have well known events to reach out to people but more so kids

Having people that are more patient with other people. Not hotheads or cocky people

Hire men from the community

Hire more officers

Hire more officers to report to and investigate

Hire more people from the community who know these people

Hire within the community, people that know Newark, they have to be from here because they treat us better

Hold town meetings to get to know officers

Honesty and respect

Host events and get to know people of the community.

I don't know

I don't know

I don't know

I don't know

I have no idea; being more visible

I think relations are just fine

I think some police officers are very rude. I know that much. They will call you a liar and don't investigate. They are just coming up grabbing people they don't know who is doing what they grabbed my son and he was just going to the store. Grabbed him and put him in jail

I think that they should listen to show up. They should approach everything with the intentions to diffuse instead of coming and looking for war

I think they need to get to know the people in the community more

I would say the things they've been doing, the cameras would be a plus, our words would be heard and also protect them too



I would say treat everyone the same, show they care  
If they get the body cameras, then that'll be okay  
Igual  
Improve  
Improve interaction with people. Interact more.  
Improve patrolling of streets and children  
Increase foot patrols to interact with local residents, get to know them  
Increase the amount of officers  
Integrate more into the community  
Interact more  
Interact more  
Interact more with community, general conversation  
Interact more with the community  
Interact more with the community and go through the dangerous areas a little more they seem scared of them  
Interact more, as a part of the community, as a friend.  
Interact nicely with anyone in the community equally  
Interact with people  
Interact with people. A basic hello  
Interact with respect with minority citizens, and act on better intelligence  
Interact with the community  
Interact with the community  
Interacting with the citizens more, understand the problems of the community, work in the weekends, there is a need of better relations, to people trust them more  
Interacting with the community residents to find out information about the community.  
Interpersonal skills  
Involve themselves within the community and show people that they can be trusted and not feared  
Involvement in schools to start early and go around community. Community outreach positivity  
It would help if they lived in the community  
Join the community  
Just be nice and talk to people  
Just communicate with the public better  
Just hear people out when we have a complaint. Sometimes feel like they don't really listen

Keep communicating with civilians, used to have activities for them  
Keep open communication  
Keep people informed about stuff happening around  
Keep up walking patrol  
Know every single member of the community  
Know residents better  
Know the people who live in their community, having a relationship with the community that's kind  
Learn how to talk to everyone  
Learn the community themselves. To see how the shoe can be on the other foot.  
Legitimate reason for stopping somebody  
Less aggression towards the community and more collaborative efforts.  
Less aggressive when speaking to people  
Less confrontational in certain areas  
Less hiding, should be more in the open  
Less parking tickets  
Less violent when attempting to make an arrest  
Let suspect know why they are being stopped  
Listen more and interact more with the youth  
Listen more to people  
Listen to what people/ victims have to say  
Listen, non-dictatorship  
Little more involved in activities that are going on in the streets and the school and community.  
Live in Newark  
Live in the community  
Live the example  
Live where they work in Newark  
Make it accessible to talk to police. Make police present at community events.  
Make some events and get to know people  
Make sure that people killing other people do not get out  
Make themselves more visible  
Mas contacto  
Maybe get more involved in the community and get to know the people they're serving

Maybe talk to people more often instead of giving them tickets  
More active with community and children at schools  
More approachable  
More approachable  
More community activity  
More community engagement and community policing  
More community involvement  
More cops on the road  
More cops walking around  
More dedicated to community, more police run programs towards children  
More engaging with the community  
More foot control, more door to door housing, introducing themselves  
More foot patrol  
More foot patrol  
More friendly  
More humble  
More interaction  
More interaction  
More interaction and friendliness. Don't assume everyone is in a gang  
More interaction with the community  
More interactions with the community in a positive way  
More interactions within the community. Walking the block like in the old days so police officers know the community  
More intervention with the community, on a friendly basis  
More involved  
More involved in community  
More involved in community events  
More involved, more patient  
More involvement with children  
More neighborhood interaction, more police that walk the street  
More nice  
More of walking on foot and talking to people

More on foot and get to know residents

More outreach from the police to the community, like volunteers and public service

More presence

More presence and greet and meet people

More recruiting

More training

More training in empathy and understanding residents, don't use force or aggression

More training, more empathy. More communication

More understanding of religions and morals

More visibility in local super meeting store owners and patrons

More visible

More visibility

More walking routes. Less time spent in a tinted car looking like big brother watching over you and more time walking and getting to know people on your route

Motivate kids

Nada no sabe

Need more communication

Need to have community meetings. Patrol on foot to interact with community to lower fear.

Immigration status should not matter to police

Newark department is better than most but I don't know, keep doing what they're doing

No

No answer

No clue

No harassment, support community, look for criminals

No lo sabe

No se

No stopping randomly

Not arrest for everything you do

Not be mean to people

Not come around when there is nothing happening and talk to people

Not discriminating

Not having preconceived biases towards some individuals. Interacting more with the people in the community. Be more visible

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Not speak aggressively especially young black men. Especially young black men

Not sure

Not sure

Nothing

Nothing

Nothing

Nothing

Nothing

Nothing much they do everything

Nothing that I say, what they are doing is working

Nothing they're doing their jobs the way the should

Pal should do something

Pasear un poco mas , incrementar el numero de policias paseando por la calle

Patrol more

Patrol more

Patrol more

Patrol more, be in more places that are dangerous, like for example the projects. And be attentive when we call them

Patrol more, more police presence

Patrol neighborhood often, wear body cameras for their own benefit. Live where you work and try to understand the culture of the precinct/community you patrol.

Patrol the community on foot

Pay attention

Pay attention to areas that have high crimes.

Personal interactions

Police from neighborhood communicate and be polite with residents

Police need more community connection with the neighborhoods they serve.

Police needs to step up on drug problem in community

Police officers need to live in Newark

Police should be more aware of their situations not using excessive force

Positive face for community

Probably have more events with the community so they can both get to know each other

Probably try to interact with people instead of trying to demand

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Protect more

Protect more

Provide more resources by government and more law enforcement and more training dealing with people and more hiring

Put bad guys in jail

Raise their kids better

Reach out more

React soon

Realize they work for the people not the other way around

Reduce the excessive force

Reduce use of excessive force

Refused

Renew the police who are on duty in our community. The current police don't know who we are. Sometimes they drive through with windows closed. It would take some doing to yell help and an officer to notice. Police should know their neighborhood.

Respect

Respect people

Respond quicker and speak to people

Respond quicker, can't be omnipresent. They need to do some activities with the kids so the kids can get to know them, neighbors get to know them.

Response time

Response times to emergency calls

Say hello if they're patrolling the area, make a conversation

See beyond color, or sexual preference no discrimination

Serve and protect everyone equally, not to protect some and not protect others

Shake hand with people and talk to them to see what's going on

Should be more officers in the community

Should be more present

Should have a line of communication

Should have more police officers in the street and interact with the community

Should not take advantage of authority.

Should reduce random searches

Show respect to community

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Show that they build relationships. Just through outreach programs like after school and volunteering programs.

Show up when the residents call

Smile

Smile more often - greet people - be more friendly and cordial

Smile more seem less intimidating until needed

Smile more!

Smile when we cross each other.

Solve the crimes

Some of them don't really act concerned about what might be going on when they are called and then you explain something to them and they ask you the same thing over again as if you will change your answer. They need to be more understanding and attentive to what people will say to them.

Sometimes there are over instances of what is petty. Cracking down in areas where they know crime is heavy. If they are monitoring areas in the city, its always something happening

Speak more to the citizens

Speak more, more patrol

Speak Spanish

Stop assuming all residents are not educated

Stop assuming people are criminals

Stop being discriminatory

Stop by and say hi. It's as simple as that.

Stop consistently profiling and harassing citizens

Stop criminalizing every person that is not white

Stop hanging out with the drug dealers and befriending them and turning the other cheek when they break the law

Stop harassing everyone. Not everyone is out causing trouble

Stop harassing people for very frivolous things and focus more on crimes that will change a certain community. Need to take into account that there are much greater things to be worried about, do not stop people for an unreasonable cause

Stop harassing the community

Stop interfering in family matters, unless it is critical

Stop judging people

Stop riding horses on the street because they poop all over and they don't clean it

Stop stopping people without any legitimate reason.

Stop the crime-rate that is going on

Stop unlawfully pullovers and stops

Stronger relationships within the community

Take a class on economics, how to speak to a person. Relations. Communications. And sensitivity

Talk better to the people who live in the community

Talk more and listen to the people and know their needs

Talk to people

Talk to people and find out issues.

Talk to schools and educate them and get rid of kids perception about the police

Talk to the community

Talk to the people

Talking to people more respectfully

Tener mas contacto con la comuidad tener mas contacto, compartir ideas , patrullar un poco mas las calles .

The best way to improve is the way they approach people. Don't be so aggressive, rude, or impolite

The police need to live in Newark, get diversity training, gender diversity training

The way they approach

The way they interact with residents

The way they speak to people

The way they talk and treat people

The way they talk to people. More calm less aggression

Their response time to emergency calls

There should be more police and we need to see more police in troubled areas. It will help the confidence of the people

There should be more police out in the public. Be more police on the force

They are doing alright

They are nice and no change

They are ok

They could try to resolve things without force and they have back up to control people, but try to use other skills to stop possible criminals. Don't treat people with that much force. The community is so scared because of that and they fear the police because of that.

They need more hands, more people, police

They need to be familiar with the community they are policing



They need to be more visible. You can't have a good relationship without communication.

They need to get to know the neighborhood

They need to have a place for these youths; play sports and games and be a part of it. They took away the pal, so how can they get close to you? Relationship is not there anymore, lack of communication.

They need to host events, treat people better. Community involvement

They need to make themselves more visible in the community

They need to unite with the community and become allies. Communication is important.

They should approach people in a more respectful way

They should ask the community more and ask the community about the situation happening in town.

They should be in the community

They should be more visible on the streets. More walking patrols. Vehicles that could better cover entire neighborhoods, and are more accessible to community members

They should be more visible so that people could feel more safe

They should definitely keep attending community events and participate in them

They should equalize services in all neighborhoods since we're all taxpayers

They should have more education about the community

They should have more interactions with the community voluntarily.

They should have more presence in downtown and all over the city to protect taxpayers

They should have more vigilance over neighborhoods and try to treat everyone equally.

They should help each other

They should improve but I don't know

They should interact more with the elementary schools

They should interact with the people, more patrolmen walking around the neighborhood

They should learn to play the steel pan. Learn to deal with different types of people (Caribbean).know the community culture.

They should listen more to others complaints and not have judgment on them.

They should not judge a book by its cover. We are not all the same. Respect everyone. Respond to all situations like it is their family.

They should patrol more quiet places

They should protect more than patrolling

They should stop discriminating. And when they stop somebody they should be fair, explain why you are stopping me, I always have to ask. They always see black people as a threat

They should take social courses and cultural courses, they should increase the length of the academy, they should do community service before coming into power

They should talk to people more often and be polite!

They should treat all equal, there should be an increase

They should treat everyone with the same respect

They should treat us with respect

They should walk the community more instead of driving around. Start a program where officers interact with the young people in the community on a personal level.

They're doing everything, they are interacting with the ministers very positively.

They're trying a lot of new things...I think maybe a little more visible. They're not quite as visible as I would hope

Things should get better

To act with the community, go into residential areas ring the doorbell

To be more available so that the people in the community would get to know you

To be more involved in the community not when there are just events. Also host specific events that would be more of a conversation builder and not just be in an authoritative role but more on the people's level

To come faster when someone calls 911 and not to take so much time

To deregulate cannabis in the streets. This would bring some type of calm start for a foundation to be built on

To get up out of the car and walk outside

To interact with more people in the community

To know the people, to show respect to the people in community

To listen to people

To respect

To respond promptly when called upon

Training

Training

Tratar a todos por igual

Treat all people alike

Treat all people equally

Treat all with respect

Treat each race equally

Treat everybody the same

Treat everyone equally

Treat everyone equally  
Treat other people right  
Treat people better  
Treat people kinder and nicer, use force when needed  
Treat people with more respect  
Trust  
Try their best to be courteous and serve everybody, not just some people and to remember that people are always looking.  
Try to get around more  
Try to get to know everybody in the community  
Try to get to know the people of the neighborhood  
Try to show up more, and in the ghettos and where the black people are  
Try to understand the community and situation better  
Try to understand the community they are policing  
Unbiased opinion  
Understand the community  
Walk a bit  
Walk around and not always be in the car  
Walk around and talk to the people and make them feel safe.  
Walk around more and be more in touch  
Walk around more often and greet people  
Walk around the community  
Walk in the streets during the day and getting to know the neighbors  
Walk in the streets to get to know the people  
Walk the street a little more  
Walk the street a little more walk the street so that they can interact with people more  
Walking on foot in neighborhood and knowing the name of the residents in the neighborhood  
Walking through the neighborhood more often so that the community can get to know them  
We need more cops on the force so that more areas can be supervised  
Wear body worn cameras  
Wear cameras  
Wear cameras and be more present

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What makes them biased? Find out and rectify

Whatever they did for my area, they should do it for the rest of the areas

When questions are being asked don't always come off with an attitude we get that a lot when even trying to ask for directions not everyone has gps.

When someone calls come within a half an hour instead of the next day

Work together

Work with us instead of against us

Workshops to need be more connected with the community

Worry more about crime than how people park their cars

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# **APPENDIX F**

**The Nature of Police Conduct Regarding 4<sup>th</sup> and 5<sup>th</sup> Amendment Issues:  
An Analysis of Suppression Motions in Newark on Behalf of the Independent  
Monitor**

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An Analysis of Suppression Motions in Newark

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## An Analysis of Suppression Motions in Newark

### Overview

This report has been prepared at the request of Peter C. Harvey, Independent Monitor of the Consent Decree signed by the Newark Police Division (NPD) and the United States Department of Justice.

Defendants in Newark, NJ who are charged with felony offenses may bring motions before the Essex County Superior Court of New Jersey (Criminal Division) to suppress evidence obtained by the police in violation of their 4<sup>th</sup> or 5<sup>th</sup> Amendment protections. These motions capture allegations of police misconduct relating to initial stops, searches, seizures, and interrogations of individuals detained by the police. A review of the allegations in these motions is instrumental in studying areas that may be of concern relating to Newark Police interactions with detained individuals.

In general, motions brought by the defense to suppress evidence can result in three outcomes:

1. Suppression is granted (i.e. court determines that the police violated the defendant's constitutional rights and the prosecution is barred from introducing the evidence at trial);
2. Suppression is denied (i.e. court determines that the defendant did not establish that his or her constitutional rights were violated and that the state may use the evidence at trial); and
3. The defense withdraws the motion before it is adjudicated. Withdrawals occur for a variety of reasons (e.g. defendant receives a favorable plea). Withdrawals are often not indicative of whether the motion is meritorious but, instead, reflect defendant strategies or circumstances.

In order to capture the most current situation in Newark, adjudicated suppression motions based on events that occurred in 2014 were reviewed.<sup>1</sup> According to court records, there were 87 adjudicated suppression motions filed in Newark in 2014. Of those motions, the court granted suppression in 19 cases (21.8%) and denied suppression in the remaining 68 cases (78.2%). An additional 130 suppression motions were brought in 2014 but later withdrawn by the defense prior to adjudication.

This report utilizes two primary sources of data:

1. Qualitative interviews with 6 defense attorneys and 4 Essex County Assistant Prosecutors in order to gain a preliminary understanding of the prevalent suppression issues in Newark;<sup>2</sup>

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<sup>1</sup> 2014 is the most recent year for which a large sample of suppression motions has been fully adjudicated. Motions filed more recently are often still pending.

<sup>2</sup> Significant recruiting efforts were made to access Essex County Superior Court judges for confidential, qualitative interviews. Unfortunately, permission to conduct these judicial interviews was denied.

## An Analysis of Suppression Motions in Newark

2. Content analyses of all available adjudicated suppression motions (and related case documents) that were filed in Newark by defendants based on events that occurred during 2014.<sup>3</sup>

The first section of this report highlights common themes revealed during the qualitative interviews. The second section describes findings from a comprehensive review of suppression motions. Finally, Appendix A provides a description of all reviewed cases. The following information is provided for each case:

1. Charges
2. Arrest date
3. Evidence in question
4. Why officers were at location
5. Allegation of police misconduct
6. Prosecutor's response
7. Outcome (granted or denied by the court)

### **Qualitative Interviews**

Each of the six defense attorneys who were interviewed for this study have significant experience handling suppression issues in Newark. Their years of experience range from 14 to almost 40 and several of the defense attorneys are former prosecutors. In addition, one interviewee handled numerous suppression issues as a judge prior to becoming a defense attorney. At present, one of the defense attorneys works as a public defender and the others are private attorneys. Two defense attorneys have represented police officers on cases. The four prosecutors have experience litigating suppression issues in Essex County and have worked with Newark Police officers in connection with their cases.

### **Emerging Themes from Interview Data**

#### ***Police Credibility***

A common theme expressed by defense attorneys is that Newark Police regularly “fudge” and “lie” in order to justify their searches and arrests. Several interviewees believe that police view these fabrications as “white lies” to get “bad people” off of the street. Virtually all defense attorney interviewees noted that police credibility in Newark is very low. The perception is that lying is common and culturally acceptable.

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<sup>3</sup> I was able to access documents in 42 of the 87 adjudicated suppression motions that were filed by defendants based on events that occurred in Newark in 2014. The remainder of the cases are either still pending (the defendant has not yet been sentenced or the case has still not been resolved) or the file was missing from the prosecutor's record room.

## An Analysis of Suppression Motions in Newark

Interviewees expressed these sentiments in a variety of ways. Below I provide some illustrations:

- “Police make fictitious statements on their reports and then have to stick to it on the stand.”
- “Their stories do not make sense. Most motions take place in a car and involve the plain view doctrine. The defendant happens to leave a kilo hanging around, in the open, on the center console. My kids could come up with a better story than that.”
- “The police manufacture the story to fit the rules.”
- “The more they know the law, the more they fabricate around it.”
- “These perceived ‘white lies’ are culture.”
- “Police reports use language straight out of the case law. It’s good for the defense – they look like big liars on the stand.”
- “The cops are saying defendants are consistently doing things that are contrary to human behavior. It’s ridiculous.”
- “In the beginning, cops are concerned about these white lies. The first time that you write that you saw a bunch of drugs on the middle console you are nervous. Then you get away with it and you feel emboldened.”
- “No weapon feels like 5 ounces of marijuana.”
- “Lying is more prevalent with drug and gun units.”
- “It’s harder to remember a lie. Some police officers see the police reports and get confused.”

In contrast, while most prosecutors acknowledge that police credibility issues arise occasionally, they generally perceive these issues to be far less prevalent:

- “There are definitely some bad apples, but I do not view it as a prevalent thing.”
- “Have I read police reports where I felt that it just does not make sense – sure.”
- “3-5% of the people make 100% of the problems.”
- “Trust but verify. If I am concerned about the officer’s story, I compare the crime scene photographs and investigate whether he could have seen it.”
- “I find that sometimes the gap between stories that make sense and do not make sense is the officer’s training and experience. On paper, the story does not make sense. But when you talk to them, you flesh out the details and see how it happened.”
- “Things happen quickly on the street. They are worried about being shot. They do not always know how to articulate what happened.”
- “Most of the guys are honest guys, trying to do their jobs.”

## An Analysis of Suppression Motions in Newark

### *Ends Justify the Means*

A common theme among all defense attorneys is that the police are motivated by an “ends justifies the means” mentality. The nature and the extent of crime in Newark, combined with pressure “coming from the top” to get results, creates this result-oriented culture. Below I provide examples:

- “The 4<sup>th</sup> Amendment is an annoyance. It just interferes with them being able to do their jobs.”
- “They see it as black and white. We are getting guns and drugs off of the street.”
- “It’s human nature. People are doing work and they have to feel that something is being accomplished.”
- “I represent people who will say I shot this person with no remorse. Police see it as a war.”
- “They don’t care if they cross lines – it’s all about the results.”
- “The fish stinks from the head – the ends justifies the means is the prevalent philosophy. If we bend the rules a bit it is a good thing.”
- “Ends justifies the means becomes truer as the level of the case becomes more serious.”
- “They are dealing with a dehumanized enemy in a war. Anything goes. Ends justify the means.”

### *Knowledge of the 4<sup>th</sup> Amendment*

Interviewees were questioned about their perceptions of police knowledge of 4<sup>th</sup> Amendment constitutional protections. In general, the defense attorneys characterized police knowledge in this area as “cursory” and “rudimentary.” One interviewee noted that 4<sup>th</sup> Amendment training usually involves schooling on the “blue code of silence.” Another stated that training comes in the form of “getting the wink and the nod from officers who have been out on the street.” The perception is that the police possess just enough knowledge about constitutional requirements to be able to justify their actions. Below are a couple of examples:

- “Better education is needed with regard to the 4<sup>th</sup> and 5<sup>th</sup> Amendments.”
- “They know rudimentary law. They know plain view. They know what they have to use.”
- “They know that they need consent at times. So they will play with that. An officer will tell the defendant that they will take their kids so the client signs a consent form. When a cop stops you it is scary. Most people say yes.”
- “Lack of understanding often comes from the patrol officers.”

Like defense attorneys, prosecutors expressed concerns over police knowledge of 4<sup>th</sup> Amendment constitutional protections; yet, on the whole, they perceive some of this

## An Analysis of Suppression Motions in Newark

deficit in knowledge to be outside police control. In addition, they view these knowledge deficits to be far less prevalent:

- “It varies by officer. Some officers know the law and some officers do not know the law. The experienced homicide detectives are all pretty good.”
- “A lot of them have a good understanding of the law.”
- “Part of the problem is that sometimes the laws are ambiguous and changing. It is hard when there isn’t a bright line rule to follow.”
- “If the laws were clearer, it would be easier to tell them what’s what in the situation.”
- “Some of them can definitely use more training on the law.”

### *Use of Pretexts*

The use of pretexts to engage in stops and searches is a prevalent theme among the defense attorneys who were interviewed:

- “Fabricated pretexts exist because cops do not like how defendants look.”
- “Pressures on officers influence pretextual stops. They focus on the players that they know and they find a reason to stop them.”
- “The pretexts are getting better. Cops know that it’s just as easy to come up with a [moving] violation than it is to come up with a broken taillight.”
- “You don’t need much in terms of pretext for reasonable suspicion.”
- “Most of the time a stop based on the smell of marijuana does not turn out marijuana but turns out a gun.”
- “In my mind, traffic stops are different if it is a marked car.”

Prosecutors emphasized that the vast majority of police stops for motor vehicle violations are based on reasonable suspicion or probable cause and are, consequently, legally valid.

### *Familiarity Targeting*

All of the defense attorneys perceived that police target known defendants for stops and searches. Below are a few examples:

- “We are dealing with a small pond. Especially with gang activity. There is a familiarity. Individuals are targeted because of their past behavior all of the time.”
- “Defendants with records are targeted. They believe that these guys are guilty anyway.”
- “Narcotics trains round everyone up and they find drugs some place – highly suspicious.”

## An Analysis of Suppression Motions in Newark

### ***Perceptions of Primary Culprits***

There is an overall perception, among defense attorneys, that the primary source of the problem is with the specialized units (e.g. gang, major narcotics, state police) of the police department. Most interviewees indicated that the “Newark cop in a patrol car” is not the main concern.

### ***Influence of Race***

While both defense attorneys and prosecutors perceive race to be a factor at times, its influence is considered minimal by most:

- “It’s socioeconomic and blue. Not black and white.”
- “I see black on black all of the time.”
- “The racial profiling situation is better because of improved education and better training.”
- “The problems in Newark are more a product of frustration than racial motivation.”

### ***“Difficult to Prove” Complaints***

Defense attorneys noted several common complaints, articulated by their clients, which are difficult to prove. Several interviewees indicated that they hear some of the following complaints over and over again:

- Allegations of planted evidence
- Theft of proceeds
- Use of excessive force
- Threats to arrest the defendant’s child’s mother and take the kids away

### ***Influence of Police Conduct on Prosecutorial Case Processing Decisions***

Prosecutorial concerns regarding the legality of stops, searches, and seizures have resulted in decisions to dismiss or downgrade charges (i.e. offer a reduction in severity), even if the defense has not yet filed a motion.<sup>4</sup> Further, the existence of 4<sup>th</sup> Amendment concerns in certain cases has led to comparatively (i.e. compared to cases without 4<sup>th</sup> Amendment issues) more lenient plea offers (in terms of charges and sentences). These decisions are based, in part, on the prosecutor’s evaluation of case “viability” (i.e. the

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<sup>4</sup> Cases dismissed or downgraded prior to the defense filing a suppression motion are not captured in the suppression motion data. Therefore, they reflect an additional influence of police conduct on case outcomes.

## An Analysis of Suppression Motions in Newark

potential of successfully prosecuting the defendant). Several prosecutors shared their perspectives on these issues:

- “If, from a blanket reading of the reports, we find that we will not be able to justify the search if we are challenged on it, we might dismiss the case.”
- “Sometimes cops will write what they did in a case . . . we did x, y, or z and we went into the building. Some officers are not even aware that they should have waited for the search warrant. We know there is no warrant exception – so we downgrade the case.”
- “In 2015, there were three Newark cases that involved bad searches. These cases are under [federal] investigation. The underlying cases could not be prosecuted.”
- “Depending on which judge gets it, it changes what I may do. Certain judges are less inclined to believe officers than others.”
- “Sometimes a defendant may get a favorable plea offer because of a shaky search.”
- “If we cannot defend the officer, why bother?”
- “It is not a matter of whether I believe the cop. I consider whether the officer’s story makes sense. Jurors have issues believing cops so I think about how it will play in front of the jury.”

While rare, at times officers are personally charged or subject to a criminal investigation on another matter. Though unrelated to a given defendant’s case, officers with criminal cases of their own present courtroom challenges for prosecutors (e.g. credibility issues during cross-examination by the defense). When the officer is the key witness, potentially insurmountable prosecutorial challenges arise:

- “When officers have been charged or indicted, we can’t use them.”
- “When Officer [X] is an affiant on my case, I have to dismiss the case. He has an open, indictable case. If he is the basis for probable cause, I have to dismiss the case unless there is someone else who can testify. If other officers only saw part of [the incident], it is a problem. This happened at least five times in the last 6 months.”

### ***Suggested Solutions***

At the conclusion of each interview, interviewees were asked whether they had any suggestions to improve the situation. Defense attorneys offered the following recommendations: (1) connect suppressions to repercussions; (2) develop a database for officer credibility and constitutional complaints; (3) increase the use of cameras; (4) improve education and training; (5) increase educational eligibility requirements for the police; (6) investigate repeat offenders; (7) receive assistance from the judiciary; and (8) hire police officers with a connection to Newark. While prosecutors agreed that improved training and an increased use of body cameras would be helpful, some noted potential



## An Analysis of Suppression Motions in Newark

pitfalls in implementation. Further, several prosecutors argued that connecting suppressions to repercussions and developing a database for officer credibility and constitutional complaints is inherently unfair. Each of the suggestions for reform raised by the interviewees is discussed, in turn, below:

**1. Connect suppressions to repercussions:** A defendant who brings a motion to suppress evidence is hoping for one primary outcome – for the court to rule that the evidence recovered was seized in violation of the defendant’s constitutional rights and, therefore, must be suppressed. While suppression motions may provide the defendant with a remedy, the officer involved rarely faces any professional repercussions. While one prosecutor indicated that, “I refer the officer to internal affairs if it doesn’t jive,” officers who are found to lack credibility on the stand are usually not prosecuted for perjury or reprimanded in any other manner:

- “We do not automatically turn it over to internal affairs if a judge suppresses on credibility”
- “Internal affairs does not get complaints about illegal searches very often. About 5 a month or less for the whole county. Most of the time the complaint involves a vehicle or theft of money. Not a lot of Newark cases.”
- “I have never seen the court refer a case.”

A couple of prosecutors expressed deep concerns about linking suppressions to repercussions. These concerns focus primarily on the issue of fairness. Specifically, the decision of whether or not to suppress the evidence is dependent on the subjective views of the particular judge presiding over the case:

- “It would be unfair to refer for credibility because some judges are pro-defense and some are pro-prosecution. To put in a bright line rule – it would be difficult to do.”

**2. Develop a database for officer credibility and “constitutional” complaints:**

Tracking an officer’s involvement in suppression issues may provide useful information that can be instrumental in controlling credibility and conduct issues. One of the defense attorneys interviewed for this study is in the process of developing a database regarding officer credibility. This database will provide vital information that can be used by the defense to effectively cross-examine police witnesses. Establishing a similar database to monitor police conduct regarding 4<sup>th</sup> and 5<sup>th</sup> Amendment protections could provide a source for in-house monitoring, perhaps as part of or in connection with an early warning system, that can be used to identify officers in need of education, guidance, and/or reprimand in these areas.



## An Analysis of Suppression Motions in Newark

**3. Increase the use of cameras:** Defense attorneys discussed the benefits of increased use of cameras. Several interviewees argued that the focus should not be on placing cameras on uniformed officers. To the contrary, they emphasized that cameras should be used with the specialized units since they see these officers as the primary source of the problem. While they acknowledge that cameras cannot be used in the case of undercover officers, they noted that the backup units could utilize cameras. In general, most interviewees believe that increased use of cameras is a step in the right direction, although reviews are mixed with respect to the extent of their value. Below are some comments provided by defense attorneys:

- “The camera doesn’t always tell the whole story.”
- “It is always what goes on before or after the video.”
- “A lot of the recordings are helpful to the defense. It splits.”
- “Police often come across as aggressive and disingenuous.”
- “Most of the time cameras are helpful to the police.”
- “They just turn them off when they want to and no one questions them.”
- “They put their hoods up and the dash camera cannot work.”
- “While Miranda is taped now, a lot of the time there is a pre-discussion before the tape. The court acts like it does not exist.”
- “Violations with cameras happen. Clients routinely tell me that they get questioned beforehand and then the cameras are turned on.”

Several prosecutors suggested that body cameras would help to remedy the situation. As a group, prosecutors were far more optimistic about the potential benefits of using cameras:

- “Search issues will be less and less with body cameras. It will relieve credibility issues. Since we started taping Miranda things are better. Defendants cannot say that they were beaten up.”
- “Sometimes video cameras capture aggressive but reasonable behavior.”
- “I think that cameras will make a big difference. Some of the quality is excellent with these video cases.”
- “My hope is just like with taping Miranda, cameras will make searches less of a problem.”

One prosecutor, did, however, express concern about mandating the use of body cameras in certain situations:

- “There needs to be a balance between documenting and what makes sense. Turning the cameras on and off can be a safety issue for officers. It is not an easy fix.”

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**4. Improve education and training on 4<sup>th</sup> and 5<sup>th</sup> Amendment constitutional protections:** Both prosecutors and defense attorneys agree that police need to be better educated about the law in this area and trained to use procedures that safeguard constitutional protections.

**5. Increase educational requirements for police:** Below are some of the concerns expressed by defense attorneys regarding the educational backgrounds of Newark Officers:

- “Newark Police have a lot of high school graduates that cannot write a report.”
- “Officer may think that he is following the law even though he is not.”
- “The suburban officers are more articulate than urban officers. It is a product of the school system.”
- “They are not well spoken. They do not know how to write.”
- “Education level causes problems for police during cross-examination. They will miscategorize evidence that will hurt them in the long run.”
- “Reports contain gross grammatical errors.”

Likewise, a couple of prosecutors indicated that certain officers lack writing skills and do not properly document their cases. These prosecutors additionally stated that some officers are unable to clearly articulate events in court.

**6. Investigate repeat offenders:** Officers who are the subject of numerous defendant complaints should be subject to a higher degree of scrutiny to ensure that defendants’ rights are protected.

**7. Assistance from the judiciary:** Though outside the scope of this report, each of the defense attorneys discussed the need for judges to hold the police accountable and commented on the failure of the courts to grant numerous legitimate suppression motions.

**8. Hire police with a connection to Newark:** Several defense attorneys discussed the benefits of hiring police to service areas in which they live. For example, one interviewee stated: “You need cops from Newark. Cops from affluent areas on the outside are not accountable to these people when they finish their shift. No one will question them. You need people who were or are part of the community.” Another stated: “State troopers who help out in Newark are mostly white. They have no connection to Newark at all.”

## An Analysis of Suppression Motions in Newark

**Motions Reviewed*****Methodology***

Adjudicated motions, based on incidents that occurred in 2014, were analyzed in this report. Several steps were taken to access this data: (1) with the cooperation of the Essex County Prosecutor's Office, I compiled a list of all cases in which a suppression motion was brought by the defense; (2) I reviewed each of these case files to obtain key documents including defense motions to suppress evidence, prosecution responses, court decisions, police incident reports, and police arrest reports; and (3) I examined these documents to gather information regarding defendant allegations, prosecution responses to incidents of alleged police misconduct, 4<sup>th</sup> and 5<sup>th</sup> Amendment issues addressed, reasons for police presence at the location, and motion outcomes.

I used the following criteria to determine case inclusion: (1) event occurred in 2014; (2) event initiated by the Newark Police Department; (3) at least one co-defendant had a felony charge that was initially processed by the Central Judicial Processing Court of the Essex Vicinage; (4) defense filed a suppression motion, based on the event, with the Essex County Superior Court; and (5) the motion was either granted or denied by the court. Motions filed but withdrawn prior to adjudication are excluded from these analyses. In total, 42 cases are included in these analyses.

**Observed Patterns in 2014 Suppression Motions**

Major findings from the analyses of the 42 adjudicated suppression motions is provided below:

**Outcomes**

- Suppression was granted (i.e. the judge found that the defendant's constitutional rights were violated and suppressed the evidence) in 14 of the 42 cases. This represents one third of the sample.
  - In total (including both reviewed and unavailable 2014 cases, see footnote 3), suppression was granted in 19 of the 87 adjudicated cases. This represents 21.8% of all adjudicated cases.

**Police Presence**

- There are a variety of reasons for police presence at the location. They include the following<sup>5</sup>:
  - Information from a confidential informant: 6 cases

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<sup>5</sup> In Case 21, the file was missing data regarding the reason for police presence in the area.

## An Analysis of Suppression Motions in Newark

- Proactive enforcement due to increased criminal activity: 15 cases
- Investigating reports of criminal activity: 13 cases
- Routine patrol: 3 cases
- Executing a search warrant: 3 cases
- Officer witnessed a car accident: 1 case

### **Officer Credibility**

- 34 of the 42 reviewed cases involve allegations of fabricated police statements. This represents over 80% of the sample.

### **Evidence in Question**

- All reviewed suppression motions involve either the recovery of drugs or weapons or both.
  - A review of a computer-generated list of all suppression motions brought and later withdrawn by the defense in 2014 reveals that 111/130 withdrawn cases involve requests to suppress a weapon or drugs. This represents over 85% of all 2014 withdrawn cases.

### **Police Stops**

- More than half of all cases (22/42) involve allegations that the police used a pretext to stop the defendant. Twelve of those cases involve a pretextual motor vehicle stop (e.g. driver was not wearing a seatbelt, obstructing traffic, tinted windows).
- Over half (23 of the 42 cases) of all cases involve a car stop and/or search.

### **Plain View**

- In 21 of the 23 motor vehicle stops, the police claim that they observed evidence (e.g. drugs, guns) in plain view (e.g. center console of the vehicle). Defendants claim that the police lied in 19 of these 21 cases.

### **Abandoned Property**

- Nine cases involve property recovered by the police under the theory of abandoned property, despite defendants' contentions that the property was not abandoned. Six of these nine cases resulted in suppressed evidence.

### **Defendant Statements**

- Three of the cases involve statements, made by the defendant, all of which were suppressed by the court.

## An Analysis of Suppression Motions in Newark

### **Various Defendant Allegations**

- Two of the cases involve the improper execution of a search warrant (e.g. police only waited seconds after the “knock and announce”).
- Five of the cases involve allegations that the defendant was targeted due to his criminal record or other interactions with the police.
- Four of the cases involve the warrantless search of a residence or its curtilage.
- One case involves an allegation that the police stole money from the defendant.
- Several of the cases involve allegations that the police planted evidence (drugs or weapons) or that the police lied regarding how and where the evidence was recovered (e.g. police stated that the evidence was recovered on the defendant’s person, when it was recovered on the ground, a distance away).
- Several of the cases involve property recovered after an arrest effectuated without probable cause.

### **Officers Involved**

- In over three quarters of the cases, defendants’ allegations involve claims against police detectives.

### **Patterns in Granted Motions**

#### **Police Credibility**

- 11 of the 14 cases in which evidence was suppressed involve allegations of fabricated police statements (79%).

#### **Police Stops**

- 11 of the 14 reviewed cases involve a car stop and/or search (79%).

#### **Evidence in Question**

- A weapon was recovered in 11 of the 14 cases in which suppression was granted. (79%).
- Drugs were recovered in 8 of the 14 cases in which suppression was granted (57%).

## An Analysis of Suppression Motions in Newark

### **Police Presence**

- Police were present at the location for a variety of reasons:
  - Information from a confidential informant: 1 case
  - Pro-active enforcement due to increased criminal activity: 8 cases
  - Investigating reports of criminal activity: 3 cases
  - Executing a search warrant: 1 case
  - Officer witnessed a car accident: 1 case

### **Officers Involved**

- In 11 of the 14 cases, defendants' allegations involve claims against police detectives (79%).

### **Plain View**

- The officer claimed to observe the evidence in plain view in 6 of the 14 cases (43%).

### **Patterns of Officer Involvement**

In the sample of cases, several patterns can be discerned based upon the alleged involvement of specific officers and groups of officers.<sup>6</sup> As illustrated below, numerous officers were involved in more than one case and several groups of officers had more than one case in common:

#### ***Granted Suppression Motions (14 cases in total):***

Of the 14 cases where the court granted the defendant's motion to suppress evidence, 32 officers were involved in only one case. Seven officers were involved in two or more cases:

- Six officers were involved in two cases.
- One officer was involved in three cases.

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<sup>6</sup> Officer names were obtained from police reports and suppression motions. In certain instances, first names were unavailable. In a few instances, there were discrepancies in officer title (e.g. same name but officer referred to as detective in one report and sergeant in another). All possible efforts were made to verify this information based on the case documents available.

## An Analysis of Suppression Motions in Newark

### ***Denied Suppression Motions (28 cases in total):***

Of the 28 cases where the court denied the defendant's motion to suppress evidence, 32 officers were involved in only one case. 14 officers were involved in 2 or more cases:

1. Eight officers were involved in two cases.
2. Three officers were involved in three cases.
3. Two officers were involved in four cases.
4. One officer was involved in six cases.

### ***Granted and Denied Suppression Motions (42 cases in total)***

A total of 71 unique officers were named in any of the 42 suppression motions. Of these:

- Six officers were involved in one granted case and one denied case.
- One officer was involved in one granted case and two denied cases.
- One officer was involved in one granted case and three denied cases.
- One officer was involved in one granted case and four denied cases.
- One officer was involved in two granted cases and two denied cases.
- One officer was involved in two granted cases and three denied cases.
- One officer was involved in two granted cases and four denied cases.
- One officer was involved in two granted cases and six denied cases.
- One officer was involved in three granted cases and one denied case.

### ***Officer Groupings***

- There were five instances where the same two officers were involved in two separate cases.
- There were two instances where the same three officers were involved in two separate cases.
- There was one instance where the same four officers were involved in two separate cases.
- There were three instances where the same two officers were involved in four different cases.

Please note that these observed patterns do not categorically establish that one or more particular officers are routinely engaged in unconstitutional practices. Rather, it suggests a pattern of behavior by a concentrated number of officers that warrants further investigation.

An Analysis of Suppression Motions in Newark

**Appendix A**

**2014 Motions Reviewed**

**Granted Motions**

**Case 1**

**Charges:** Unlawful possession of a weapon, various CDS<sup>7</sup> charges (possession and distribution), receiving stolen property

**Arrest Date:** November 19, 2014

**Evidence in Question:** Weapons/Drugs

**Why There:** Confidential informant provided information regarding a black male selling drugs (heroin, crack, marijuana, and Percocet). Confidential informant also informed officers that the stash and weapons were stored under the front steps of the location.

**Allegation of Police Misconduct:** Police violated the defendant's reasonable expectation of privacy by searching the box underneath the steps at a residence. There is a metal gate surrounding the house, the storage unit is embedded in the steps and protected by a metal door, and the contents of the bag are not visible from the outside. Warrantless search of the box was unlawful. The defendant was not at that location and did not engage in a drug transaction.

**Prosecutor's Response:** Police were working an undercover operation, based on a confidential informant's information, and observed the defendant sell and retrieve drugs from underneath the steps.

**Outcome:** Suppression granted

**Case 2**

**Charges:** Unlawful possession of a weapon

**Arrest Date:** April 1, 2014

**Evidence in Question:** Loaded firearm (.25 caliber)

**Why There:** Pro-active patrol due to recent influx of gun violence and open-air narcotics trafficking

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<sup>7</sup> "CDS" refers to controlled dangerous substances.



## An Analysis of Suppression Motions in Newark

**Allegation of Police Misconduct:** Police fabricated traffic violation (failure to wear a seatbelt). In direct contradiction of police claims, witnesses state that the car was parked when police approached. Crime scene photos were introduced to challenge the officer's credibility (court found that photos discredited officer's testimony). The defendant alleged that there was no legal basis for the stop.

**Prosecutor's Response:** Officer observed defendant driving a vehicle without a seatbelt. Officer conducted a vehicle stop and approached the car. As he approached, the officer observed defendant "frantically" attempting to place an item in his pocket. Officer ordered all occupants out of the vehicle and observed a handgun protruding from the defendant's waistband.

**Outcome:** Suppression granted

### **Case 3**

**Charges:** Unlawful possession of a weapon (2 counts) (4 defendants charged), resisting arrest (1 of 4 defendants charged) and aggravated assault on an officer (1 of 4 defendants charged)

**Arrest Date:** July 4, 2014

**Evidence in Question:** 2 handguns

**Why There:** To suppress gun violence and open-air narcotics trafficking in the geographical grid spanning from Avon Avenue to West Kinney Street, and from Bergen Street to Irvine Turner Boulevard

**Allegation of Police Misconduct:** Vehicle stopped for fabricated allegation of careless driving. Since there was no valid basis for the stop, guns recovered from the car were unlawfully seized.

**Prosecutor's Response:** Defendant 1 was observed driving carelessly by turning his head to the right and speaking to passengers (Defendants 2 and 3) in the back seat while driving. Detectives observed the driver toss an unknown object to the rear of the car and saw the passengers moving around "frantically" in the vehicle. The vehicle was stopped and the guns were observed in plain view and recovered.

**Outcome:** Suppression granted

### **Case 4**

**Charges:** CDS and weapons possession

**Arrest Date:** June 6, 2014

## An Analysis of Suppression Motions in Newark

### **Evidence in Question:** CDS and weapons

**Why There:** Police were in Bradley Court Public Housing Complex to investigate reports of recent homicide shootings, robberies, open-air narcotics distribution, and street gang activities.

**Allegation of Police Misconduct:** No reasonable articulable suspicion based on the facts to order defendant out of the car and put his hands up. No right to search gym bag dropped by defendant when he was ordered to put his hands up (weapon recovered in gym bag). Given the lack of reasonable suspicion, the defendant had every right to walk away from the police. Police allegation that a co-defendant, standing around the car, put an object into his pocket, did not constitute reasonable suspicion to stop the defendant.

**Prosecutor's Response:** Upon observing a co-defendant place an object in his front pants pocket and quickly enter the front passenger side door of the vehicle, officers believed that criminal activity was afoot and investigated. Officer stated that the defendant was crouched behind an open trunk looking toward the officers. At that point, the defendant was ordered to come out from behind his vehicle with his hands up. The defendant dropped the gym bag he was holding. Officers stated that they saw a revolver protruding from the bag. The defendant then spontaneously shouted that he got the gun for his protection – that they tried to kill his girlfriend.

**Outcome:** Suppression granted

### **Cases 5 & 6**

**Charges:** Unlawful possession of a weapon

**Arrest Date:** January 16, 2014

**Evidence in Question:** Handgun with hollow point rounds and defendant's statement to the police

**Why There:** Narcotics and Gang Enforcement conducting pro-active enforcement within specific 4<sup>th</sup> Precinct grid to suppress influx of gun violence and open air narcotics trafficking

**Allegation of Police Misconduct:** The defendant was in the back seat of a taxi when recognized by police based on criminal history. Police dragged the defendant from the taxi. Police fabricated that the defendant was acting suspiciously and holding his waistband. Police fabricated the defendant stating: "Ok, you got me. I got a gun on my side."

**Prosecutor's Response:** Officer heard the defendant tell the driver "Yo, don't stop here, pull off." Officer saw the defendant turning his head from left to right. The defendant was crouching down and then tried to exit the taxi, while tampering with his waistband.

## An Analysis of Suppression Motions in Newark

Officers opened the taxi door and patted down the defendant. The defendant blurted: “Ok, you got me. I got a gun on my side.”

**Outcome:** Suppression granted

### **Case 7**

**Charges:** CDS and weapons possession

**Arrest Date:** January 5, 2014

**Evidence in Question:** CDS and handgun

**Why There:** Officers deployed to the location after a rash of shootings occurred at the 211 and 213 sectors.

**Allegation of Police Misconduct:** Police acted without a search warrant, in a situation where a warrant was required. The defendant did not commit a moving violation by making an illegal turn. Witnesses observed police pulling up behind the defendant, who had been in a parked position for several minutes. The defendant stated that police allegations that drugs were in plain view on the center console were fabricated. The defendant alleged that the officer did not recover the drugs or the weapon from the glove compartment and claims that the police fabricated this narrative as well. Instead, the defendant contends that his vehicle was approached because of random police raids. Police records show that two units were redeployed within the 211 and 213 sectors due to a rash of shootings. The defendant, a black male with dreadlocks, alleged that he was a prime target due to his appearance and prior criminal record. The defendant claims that police planted the gun and drugs.

**Prosecutor’s Response:** No data in file

**Outcome:** Suppression granted

### **Case 8**

**Charges:** Possession and distribution of CDS

**Arrest Date:** October 1, 2014

**Evidence in Question:** CDS and U.S. Currency (\$560.50)

**Why There:** Surveillance to develop intelligence regarding recent gun violence in area of 101 Chadwick Avenue

**Allegation of Police Misconduct:** Defendant 1 alleged that officers pulled him out of his vehicle without cause. He further stated that the police fabricated their claim that they

An Analysis of Suppression Motions in Newark

observed him engage in a drug transaction. Defendant 2 stated that police fabricated their claims that he was startled and attempted to lock his vehicle.

**Prosecutor's Response:** Officers observed a narcotics sale. Defendant 1 was observed retrieving a small bag containing drugs from a stash underneath an air conditioning unit and exchanging it for U.S. currency with a driver in a vehicle. Defendant 1 motioned to Defendant 2 and said "it's cops." Officers saw Defendant 2 "startled" and attempt to lock his car with his keys. They approached the car and observed two plastic bags containing vials in plain view on the seat. Currency was recovered from Def. 1 upon arrest.

**Outcome:** Suppression granted

**Case 9**

**Charges:** Weapons/CDS

**Arrest Date:** May 5, 2014

**Evidence in Question:** Handgun and marijuana (marijuana recovered from Defendant 1)

**Why There:** Officer was on duty, in a marked vehicle, and witnessed a motor vehicle accident involving defendants' vehicle (Defendant 1 was the driver and Defendant 2 was the passenger).

**Allegation of Police Misconduct:** Glove compartment was unlawfully searched without a warrant. Car had been in an accident and defendants were injured and transported to the hospital. Officer claimed that firefighter looked for documents in glove compartment. Witness states that documents were clearly in visor and officer's claim was fabricated. The search of Defendant 1's person and recovery of drugs, therefore, was not conducted pursuant to a lawful arrest.

**Prosecutor's Response:** A fireman removed defendants from the vehicle and they were transported to the hospital. The fireman looked for vehicle documents and checked the glove compartment. The handgun was recovered.

**Outcome:** Suppression granted

**Case 10**

**Charges:** Unlawful possession of a weapon

**Arrest Date:** July 8, 2014

**Evidence in Question:** Handgun

### An Analysis of Suppression Motions in Newark

**Why There:** Officers were conducting a business check on S. Orange Avenue because it had been the location of two recent shooting incidents.

**Allegation of Police Misconduct:** The defendants were sitting in a parked car. Officers fabricated their claim that they saw Defendant 1 fumbling with a handgun. Further, officers also fabricated their statements that the gun was later observed in plain view in the rear of the vehicle.

**Prosecutor's Response:** Defendant 1 was observed fumbling with an item in the center console of the vehicle and Defendant 2 was observed tossing an item that appeared to be a handgun in the rear passenger side of the vehicle. The handgun was observed in plain view in the rear of the car.

**Outcome:** Suppression granted

#### **Case 11**

**Charges:** Carjacking, weapons and various robbery and receiving stolen property charges

**Arrest Date:** October 5, 2014

**Evidence in Question:** Revolver and victim's property

**Why There:** Officers were responding to a report of a carjacking at Springfield Avenue and South 11<sup>th</sup> Street

**Allegation of Police Misconduct:** The defendant was arrested without probable cause. The defendant was sitting on top of a shed, ordered to come down, and then handcuffed. Officers did not have a description of the suspects. The gun left on top of the shed was not abandoned property. Victim's property recovered from the defendant's person does not constitute a search incident to a lawful arrest.

**Prosecutor's response:** Officers were pursuing carjacking suspects, by foot, into a wooded area containing a shed. They observed the defendant on top of the shed with a revolver underneath him. Property belonging to the victim was found in a search incident to a lawful arrest.

**Outcome:** Suppression granted

#### **Case 12**

**Charges:** Various weapon and CDS charges

**Arrest Date:** October 10, 2014

## An Analysis of Suppression Motions in Newark

**Evidence in Question:** Loaded handgun, marijuana, and scale

**Why There:** Officers at location to execute an arrest warrant for Mr. X<sup>8</sup>. Mr. X was not present at the location.

**Allegation of Police Misconduct:** While present at the location to arrest another individual (who was not present), a detective grabbed a jacket that had been hung up by the defendant – who was not a target of the arrest warrant. The handgun and drugs were recovered from the jacket.

**Prosecutor's Response:** There is no dispute as to the facts in this case. Officers additionally state that they observed the defendant move his jacket from the front of the house to the back of the house. The prosecution argued that the jacket constituted abandoned property.

**Outcome:** Suppression granted

### **Cases 13 & 14**

**Charges:** CDS (marijuana, cocaine, and heroin), including possession and distribution charges

**Arrest Date:** February 20, 2014

**Evidence in Question:** CDS

**Why There:** In response to recent shootings, robberies, aggravated assaults, and other narcotics related crimes in the Newark area

**Allegation of Police Misconduct:** Police did not prove that they met with a confidential informant or that the confidential informant was reliable. There is no proof that a drug transaction occurred. Statements made by the police are contradictory. Allegations that the vehicle was stopped because the driver was not wearing a seatbelt were fabricated, as the vehicle was in a parked position. Defendants, who were seated in the back of the car, were improperly removed from the vehicle. Merely passing plastic bags to each other does not rise to the level of “heightened danger” for the police. Therefore, any evidence observed as a result of the defendants exiting the vehicle, was improperly obtained.

**Prosecutor's Response:** No data in file

**Outcome:** Suppression granted

### **Denied Motions**

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<sup>8</sup> Actual name omitted and replaced by “x”

An Analysis of Suppression Motions in Newark

**Case 15**

**Charges:** CDS (heroin), including possession and distribution charges

**Arrest Date:** April 18, 2014

**Evidence in Question:** Heroin

**Why There:** Proactive enforcement operation to suppress recent influx of violence and open-air narcotic trafficking network

**Allegation of Police Misconduct:** Stop of the defendant, who was sitting in a parked car by the side of the road, was not made with reasonable and articulable suspicion. Given the lack of reasonable suspicion, the police improperly removed the defendant from his car and searched him.

**Prosecutor's Response:** The police approached the defendant after observing him looking around nervously and manipulating an unknown object near his waist. Upon approaching the vehicle, police observed the defendant attempt to place an object between his right leg and the center console. The police officer observed several bricks of heroin wrapped in magazine paper in plain view.

**Outcome:** Suppression denied

**Case 16**

**Charges:** CDS (cocaine and heroin), including possession and distribution charges

**Arrest Date:** February 24, 2014

**Evidence in Question:** CDS (heroin and cocaine)

**Why There:** Officers were flagged down by an anonymous male who claimed that several men were conducting sales of illegal narcotics at his residence.

**Allegation of Police Misconduct:** Police entry into a residential building was improperly based on alleged anonymous tip that drug activity was occurring at the premises. Police version of events, that they entered the rear of the building, was fabricated as several locks to various gates and doors must be opened in order to secure entry and the police lacked appropriate keys. Information provided by anonymous source was insufficiently corroborated to justify police entry into the building.

**Prosecutor's Response:** Police investigated a residential building pursuant to a tip from an anonymous source. Police were familiar with the location and had made several prior arrests for CDS sales at the building. Police arrived through the rear entrance and observed the defendant conduct several hand transactions in exchange for money. Upon

## An Analysis of Suppression Motions in Newark

observing the officers, the defendant attempted to flee. Police observed the defendant discard sandwich bags containing CDS cocaine and clear glassine envelopes containing heroin.

**Outcome:** Suppression denied

### **Case 17**

**Charges:** CDS (cocaine), including possession and distribution charges

**Arrest Date:** February 18, 2014

**Evidence in Question:** CDS (cocaine)

**Why There:** Narcotics and Gang Enforcement Division conducting proactive enforcement operation in the 5<sup>th</sup> Precinct command due to an increase in criminal activities including recent shootings, robberies, aggravated assaults, and open-air narcotics trafficking.

**Allegation of Police Misconduct:** Officers stopped the car, in which Defendant 1 was the driver and Defendant 2 was a passenger, on the false premise that the driver was not wearing a seatbelt. Thus, any subsequent search of the vehicle was improper.

**Prosecutor's Response:** Police stopped the vehicle because they observed the driver operating the vehicle without a seatbelt. Upon approaching the vehicle, officers observed Defendant 1 hand items from her waistband toward the backseat, where Defendant 2 placed them under the driver's seat. Subsequently, officers shined a flashlight at the floor of the vehicle and observed clear plastic bags containing glass vials with orange caps in plain view. Police recovered said vials and conducted a search of each occupant. They discovered additional vials of cocaine in Defendant 1's waistband.

**Outcome:** Suppression denied

### **Case 18**

**Charges:** CDS, including possession and distribution charges

**Arrest Date:** April 2, 2014

**Evidence in Question:** CDS (heroin and marijuana) and defendant's statement to police.

**Why There:** Units of the fugitive apprehension team were in the area investigating an unrelated matter.

**Allegation of Police Misconduct:** The defendant was parked in his car when police officers surrounded him, pulled him out of his truck, and searched the vehicle. No drugs



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were found in the center console nor did an odor of marijuana emanate from the car, contrary to fabricated police allegations.

**Prosecutor's Response:** Police approached defendant's vehicle because it was illegally double-parked. Upon approaching the vehicle, police smelled an odor of marijuana and observed a small purple bag of marijuana in the center console. Following the defendant's arrest, police searched the vehicle and found 30 bags of marijuana and 700 glassine envelopes of heroin in the vehicle.

**Outcome:** Suppression denied

#### **Case 19**

**Charges:** CDS (heroin), including possession and distribution charges

**Arrest Date:** March 26, 2014

**Evidence in Question:** CDS (heroin) and U.S. currency

**Why There:** Sheriffs' officers were in the area conducting narcotics surveillance.

**Prosecutor's Response:** Police observed the defendant exit his vehicle, approach another vehicle, and receive money from the driver of that vehicle in exchange for an item. The defendant then drove away in his vehicle. Police subsequently stopped the defendant and informed him of their observations. Defendant voluntarily turned over 2 bags of marijuana. Upon arrest and search of defendant's person, police found 187 envelopes of heroin in the defendant's coat pocket.

**Outcome:** Suppression denied

#### **Case 20**

**Charges:** CDS (heroin), including possession and distribution charges, various weapons charges and receiving stolen property

**Arrest Date:** April 22, 2014

**Evidence in Question:** CDS/Weapon

**Why There:** Police were at the scene to execute a Knock and Announce Search Warrant.

**Allegation of Police Misconduct:** Search warrant was based on insufficient information. Specifically, the confidential informant provided the police with a street nickname and the address of a housing complex. The informant did not provide the police with the defendant's actual name or the specific floor of his residence. Also, the gun and bullets

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were not in plain view. Finally, police broke into the defendant's residence seconds after announcing the search.

**Prosecutor's Response:** Police properly executed a search warrant by knocking on the door and waiting for an answer. After receiving no answer, the police properly gained entry into the residence and executed the search. Police recovered 52 bricks of heroin, 72 rounds of .380 ammunition, a firearm, and several empty glass vials commonly used for packaging CDS.

**Outcome:** Suppression denied

#### **Case 21**

**Charges:** Weapons/CDS (heroin), including possession and distribution charges

**Arrest Date:** February 8, 2014

**Evidence in Question:** CDS (heroin)/Weapon

**Why There:** File missing relevant documentation

**Allegation of Police Misconduct:** Defendant claims that he was merely standing in a restaurant, waiting to be served, when the police approached him. Defendant contests the police argument that the restaurant had big clear windows that provided officers with an unobstructed view. Defendant argues that it is impossible that the police observed a bulge in his jacket because he was wearing a huge coat that prevented the concealed weapon from causing a bulge.

**Prosecutor's Response:** Police observed defendant standing inside of a restaurant, wearing a ski mask, and reaching into his jacket.

**Outcome:** Suppression denied

#### **Case 22**

**Charges:** CDS (prescription drugs)

**Arrest Date:** February 21, 2014

**Evidence in Question:** CDS (prescription drugs)

**Why There:** Patrolling geographic area to address quality of life issues throughout the area

**Allegation of Police Misconduct:** Police merely observed the defendant holding a prescription bottle. Police improperly ordered defendant to exit the vehicle based on their

### An Analysis of Suppression Motions in Newark

observation of the prescription medicine container. There was no evidence of illegal drugs in plain view.

**Prosecutor's Response:** Police properly stopped the defendant's vehicle because the driver was not wearing a seatbelt and the vehicle was blocking a crosswalk.

As police approached the vehicle, they observed both occupants attempt to conceal items in their waistband. Also, Defendant 1 became startled at the police presence. Upon ordering the occupants to exit the vehicle, police observed Defendant 1 discard a small aluminum foil onto the driver's floorboard. The foil contained 5 oxycodone tablets. Simultaneously, police observed Defendant 2 holding a medicine bottle that appeared to be defaced. The bottle contained 81 alprazolam tablets. Police confirmed that neither occupant had a prescription for the medicine they were holding.

**Outcome:** Suppression denied

### **Case 23**

**Charges:** Weapon/Resisting Arrest/Tampering with Evidence

**Arrest Date:** April 28, 2014

**Evidence in Question:** Weapon/Bullets

**Why There:** Patrolling specific geographical area that experienced a recent rise in gun violence and narcotics activity

**Prosecutor's Response:** Police observed the defendant grab his waistband in an attempt to conceal or adjust a weapon. Upon noticing the police, the defendant began to run away. He ignored numerous police commands to stop running. Police further observed the defendant discard a large black item that appeared to be a gun.

**Outcome:** Suppression denied

### **Case 24**

**Charges:** Weapon/Bullets

**Arrest Date:** September 2, 2014

**Evidence in Question:** Weapon/Bullets

**Why There:** Proactively patrolling geographic area in an effort to suppress gun violence due to a recent shooting that resulted in a homicide

**Allegation of Police Misconduct:** No data in file

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**Prosecutor's Response:** Police detectives observed defendant react startled when he saw a marked police car in the area. Police further observed the defendant remove a black gun from his waistband, turn toward the front door of a residence, and place the gun on the floor of a common open hallway of that residence.

**Outcome:** Suppression denied

### **Case 25**

**Charges:** CDS (marijuana, cocaine, and heroin), including possession and distribution charges

**Arrest Date:** January 4, 2014

**Evidence in Question:** CDS (marijuana, cocaine, and heroin)

**Why there:** Police were on active patrol addressing narcotics complaints and a recent increase in weapons offenses.

**Allegation of Police Misconduct:** No data in file

**Prosecutor's Response:** Upon observing a man obstructing the flow of traffic while speaking to another man in a parked car, police exited their vehicle to investigate. Upon approaching the parked car, police observed the defendant smoking a cigar and they smelled marijuana. After placing the defendant under arrest, police illuminated the defendant's car with a flashlight and observed a clear bag on the rear passenger seat containing cocaine. Police recovered an additional 10 glassine envelopes of heroin and 6 glass vials containing cocaine from the defendant's person.

**Outcome:** Suppression denied

### **Case 26**

**Charges:** Weapons

**Arrest Date:** February 16, 2014

**Evidence in Question:** Loaded handgun

**Why there:** Police were dispatched to the area in response to a report of a shooting in progress.

**Allegation of Police Misconduct:** Defendant was merely standing in front of his home, waiting for his mother to open the front door, when police officers jumped out of their cars, drew their weapons, and ordered defendant to put up his hands. Police did not have

## An Analysis of Suppression Motions in Newark

reasonable suspicion to perform a *Terry* search of the defendant's person and, therefore, the seized handgun should be suppressed. The description of the shooting suspect was too vague to warrant the stop and search. The defendant disputes police statements that their weapons were not drawn when they exited their vehicles, that the defendant appeared nervous as he was trying to force his way into his home, and that police were able to feel the presence of a weapon during the frisk.

**Prosecutor's Response:** Police officers were investigating a shooting in the area and the defendant matched the description of the shooter. Upon approaching the defendant and another man standing by a doorstep, the defendant became visibly nervous and attempted to force his way into the premises. The defendant failed to comply with the officers' requests that he raise his hands. Police then drew their weapons and again ordered the defendant to raise his hands. Eventually, the defendant complied and a search revealed a loaded handgun.

**Outcome:** Suppression denied

### Case 27

**Charges:** CDS (cocaine), including possession and distribution charges/trespassing

**Arrest Date:** July 21, 2014

**Evidence in Question:** CDS (cocaine)

**Why There:** An anonymous citizen, who lives at the residence in issue, claimed that she was prohibited from entering her own apartment because drug dealers operating at her address padlocked the front door. In response, police set up surveillance of the premises.

**Allegation of Police Misconduct:** Police allegation that they observed the defendant engage in drug transactions was fabricated. Given the physical layout of the street, these observations were impossible. Police had no basis to conclude that the building was abandoned or that the defendant was a trespasser. Consequently, the search of the building was unlawful.

**Prosecutor's Response:** Police engaged in surveillance of the premises in response to an anonymous citizen complaint. Police observed the defendant conduct several hand-to-hand drug transactions through an open window.

**Outcome:** Suppression denied

### Case 28

**Charges:** CDS (heroin), including possession and distribution

**Arrest Date:** May 10, 2014

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**Evidence in Question:** CDS (heroin)

**Why There:** Police assigned to the TIDE/TAG initiative were patrolling the neighborhood.

**Allegation of Police Misconduct:** After pulling defendant over for having tinted windows, police improperly seized his car keys, removed defendant from the vehicle, searched his vehicle, and recovered an envelope containing heroin. The heroin was not in plain view and should not have been seized.

**Prosecutor's Response:** The defendant acted in a nervous manner when approached by the police. While he initially complied with police requests to hand over his car keys, he suddenly placed the key in the ignition, turned on the engine, and attempted to shift gears. Police stopped him from fleeing and placed the defendant under arrest. Subsequently, both officers observed a clear plastic bag, in plain view, which contained an off-white powdery substance.

**Outcome:** Suppression denied

### **Case 29**

**Charges:** Weapons/CDS (marijuana), including possession and distribution charges

**Arrest Date:** June 2, 2014

**Evidence in Question:** CDS/Weapon

**Why There:** Detective executed a search warrant (based on confidential informant information regarding CDS sales).

**Allegation of Police Misconduct:** Search of two premises and a vehicle was illegal because the search warrant erroneously named an unknown party as the target of the investigation. Therefore, all seized evidence should be suppressed.

Police allegations, that the confidential informant was a proven and reliable source, were false. To the contrary, the confidential informant was the angry and vindictive wife of the defendant who sought revenge against her husband for having an affair. The defendant alleges that the police stole money during the execution of the search warrant.

**Prosecutor's Response:** The search warrant was obtained after the police received specific information from a confidential informant that the defendant was engaged in the sale of marijuana. The police further set up three controlled purchases of marijuana and observed the defendant engage in several sales. An investigation regarding the defendant's claim, that police stole money during the execution of the search warrant, was not sustained.

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**Outcome:** Suppression denied

**Case 30**

**Charges:** Unlawful possession of a weapon, receiving stolen property

**Arrest Date:** July 21, 2014

**Evidence in Question:** Weapon

**Why There:** Recent shooting in the area

**Allegation of Police Misconduct:** Gun was seized improperly

**Prosecutor's Response:** Police observed the defendant adjust an item, appearing to be a gun, in his waistband. When they approached to investigate, the defendant quickly walked away from the police while adjusting the object in his waistband.

**Outcome:** Suppression denied

**Case 31**

**Charges:** CDS (heroin), including possession and distribution charges

**Arrest Date:** May 12, 2014

**Evidence in Question:** CDS (heroin)

**Why There:** Narcotics investigation

**Allegation of Police Misconduct:** Police lacked probable cause to search the defendants and, therefore, the narcotics found on his person were seized unlawfully.

**Prosecutor's Response:** As part of their surveillance, police observed the defendants engage in two narcotics sales. Detectives approached the defendants, arrested them, and conducted a search of their person.

**Outcome:** Suppression denied

**Case 32**

**Charges:** Weapons/CDS, including possession and distribution charges

**Arrest Date:** July 15, 2014

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### **Evidence in Question:** Narcotics/Weapons

**Why There:** Police were conducting surveillance of narcotics activity.

**Allegation of Police Misconduct:** Police did not receive proper consent to search a room that Defendant 1 was using. While the homeowner consented to the search, the occupant did not.

**Prosecutor's Response:** Police observed defendants engage in what appeared to be drug transactions. Upon arrest, police recovered heroin on Defendant 2. They observed Defendant 3 attempt to discard four glassine envelopes from his right sock.

Police then received permission from the homeowner of a property (where Defendant 1 was observed entering) to conduct a search. Based on this search, police discovered a weapon and various narcotics. Defendant 1 did not pay rent for the room that he used in the house and, therefore, did not have a reasonable expectation of privacy.

**Outcome:** Suppression denied

### **Case 33**

**Charges:** Weapons/CDS (cocaine and heroin), including possession and distribution charges

**Arrest Date:** May 17, 2014

**Evidence in Question:** Weapon/CDS

**Why There:** Searching for a suspect wanted for a narcotics related offense

**Allegation of Police Misconduct:** Defendant denies selling drugs or resisting arrest. He was merely walking on the street when the police approached him.

**Prosecutor's Response:** While traveling by police vehicle to locate a suspect in a narcotics related offense, police observed the defendant engage in what appeared to be a drug sale. Police approached the defendant and identified themselves as police officers. Defendant attempted to flee and was arrested. The police observed a clear plastic bag, containing heroin, protruding from the defendant's pocket. Upon arrest, the police recovered heroin, cocaine, and a loaded firearm. The narcotics were observed in plain view and the handgun was recovered after a search incidental to a lawful arrest.

**Outcome:** Suppression denied



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**Case 34**

**Charges:** CDS (heroin and marijuana), including possession and distribution charges, conspiracy to commit burglary

**Arrest Date:** March 3, 2014

**Evidence in Question:** Heroin, marijuana, household supplies, pipes (and fittings), and tools

**Why There:** Police were on patrol in a marked Essex County Sheriff's Office Patrol Vehicle.

**Allegation of Police Misconduct:** There were no exigent circumstances to justify a warrantless search of the defendant's vehicle. The police should have obtained a telephonic warrant.

**Prosecutor's Response:** Defendant was properly stopped due to careless driving and a broken taillight. Police asked defendant to provide his license and registration. As the defendant opened the glove box, police observed a plastic bag containing marijuana protruding from the defendant's jacket. Police also smelled marijuana emanating from the defendant's vehicle. Defendant was arrested and a subsequent search revealed 98 glassines of heroin.

**Outcome:** Suppression denied

**Case 35**

**Charges:** CDS (heroin and Xanax), including possession and distribution charges

**Arrest Date:** March 14, 2014

**Evidence in Question:** Heroin and Xanax

**Why There:** In response to information received from a confidential informant regarding the sale of illegal narcotics.

**Allegation of Police Misconduct:** Police searched both defendants without a warrant and without probable cause. Police further searched the restaurant in which the defendants were arrested and removed a bag from under the countertop.

**Prosecutor's Response:** Police initiated surveillance of the defendants after receiving information from a reliable confidential informant that two men, fitting the defendants' descriptions, were engaged in the sale of illegal drugs. Police subsequently observed the defendants engage in a sale of illegal drugs. While searching the defendants incidental to

## An Analysis of Suppression Motions in Newark

a lawful arrest, police discovered narcotics and glassine envelopes on Defendant 1 and 101 Xanax pills on Defendant 2.

**Outcome:** Suppression denied

### **Case 36**

**Charges:** Weapon/CDS

**Arrest Date:** August 7, 2014

**Evidence in Question:** Weapon/CDS (cocaine and marijuana)

**Why There:** In response to information received from a confidential informant that the defendant was engaged in the sale of cocaine.

**Allegation of Police Misconduct:** Improper warrantless search and seizure (file is missing relevant documents).

**Prosecutor's Response:** Police initiated surveillance of the defendant based upon information received from a reliable confidential informant. Police then observed the defendant engage in the sale of illegal narcotics. Upon arresting and searching the defendant, police recovered a firearm and cocaine.

**Outcome:** Suppression denied

### **Case 37**

**Charges:** Weapons

**Arrest Date:** May 18, 2014

**Evidence in Question:** Weapons/Bullets

**Why There:** As part of the Newark Violence Reduction Initiative, police were conducting a pro-active enforcement operation to suppress the potential for gun violence and open-air narcotics trafficking networks.

**Allegations of Police Misconduct:** Following a motor vehicle stop, police improperly searched the defendants' vehicle without a warrant. The defendants were in the process of parking their vehicle when police approached them and ordered them out of the car. The stop was a pretext for an unlawful search.

**Prosecutor's Response:** The motor vehicle stop was initiated because the car was obstructing the flow of traffic. As police approached the car, they observed Defendant 1 remove a handgun from his waist and place it in the driver's side door compartment.

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Upon removing Defendant 2 from the vehicle, they observed a gun in the passenger side door.

**Outcome:** Suppression denied

### **Case 38**

**Charges:** Weapon/CDS (marijuana)

**Arrest Date:** June 17, 2014

**Evidence in Question:** Semi-automatic pistol, hollow rounds, additional assorted ammunition, CDS, key to hotel room, and rent receipts

**Why There:** Police obtained information from a reliable confidential informant that the defendant engaged in the sale of marijuana and possessed a handgun.

**Allegations of Police Misconduct:** Police lacked probable cause to search the defendant's vehicle. The purported consent to search the vehicle was coerced and invalid.

**Prosecutor's Response:** Police observed the defendant engage in several sales of CDS. Police arrested the defendant. Defendant consented to allow the police to retrieve his registration and insurance card for the purpose of towing his vehicle. Defendant advised the police that the insurance card and registration were in the glove compartment. Upon retrieving said documents, police observed 22 bags of marijuana in the glove compartment.

**Outcome:** Suppression denied

### **Case 39**

**Charges:** Weapon

**Arrest Date:** March 31, 2014

**Evidence in Question:** Weapon

**Why There:** Conducting proactive enforcement operation to suppress recent increase in violence and open-air narcotics trafficking

**Allegations of Police Misconduct:** Police did not observe the defendant driving without a seatbelt and, therefore, the stop was improper. Defendant contends that the gun was discovered inside the passenger door console and not on his person. The police did not have a warrant or probable cause to search the vehicle.

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**Prosecutor's Response:** Police properly stopped the vehicle because the driver was operating the vehicle without a seatbelt. Upon approaching the vehicle, police observed the passenger (defendant) reach for an object in his waistband. Police instructed the defendant to stop moving and show his hands. The defendant did not comply with the instruction. Believing that the defendant may be concealing a firearm, police ordered him to exit the vehicle. Police observed defendant once again reach for his waistband. Consequently, they conducted a *Terry* search and found the gun.

**Outcome:** Suppression denied

### **Case 40**

**Charges:** Weapon

**Arrest Date:** February 19, 2014

**Evidence in Question:** Weapon

**Why There:** Police were patrolling the area to address increased gun violence and narcotics offenses in the area.

**Allegations of Police Misconduct:** Police approached a parked car and instructed the passenger to exit the vehicle. Police executed a warrantless search of the vehicle and discovered a handgun. The handgun was not in plain view.

**Prosecutor's Response:** While on patrol, police observed the defendant sitting in a car. As their presence became known, the defendant appeared startled. The police approached the vehicle and observed the defendant move a handgun from her left side in an effort to conceal it in the center console.

**Outcome:** Suppression denied

### **Cases 41 & 42**

**Charges:** Weapons/Resisting Arrest

**Arrest Date:** April 28, 2014

**Evidence in Question:** Weapon

**Why There:** Officers, as part of the Newark Violence Reduction Initiative, were conducting pro-active enforcement to suppress the potential for retaliatory gun violence stemming from recent shooting incidents.

**Allegation of Police Misconduct:** The police did not have reasonable suspicion that defendant was engaged in illegal activity, as he was simply standing at a housing

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complex with a group of other African American men. Police had no basis to approach the defendant as he did not make any gestures to his waist with his hands nor did anyone in the group attempt to alert the group that the police were present.

**Prosecutor's Response:** Detectives observed the defendant, who was standing among four or five African American males, look down and adjust his waistband. After someone from the group yelled "the boys" (as a way to alert the others that the police were present), the defendant quickly turned around, appeared nervous, placed his hand on his waistband, and clinched an unknown black object. Believing that the object was a concealed firearm, police approached the defendant to investigate. Defendant pulled his shirt over the object and proceeded to walk away from the police. Defendant then began to run away from the police and subsequently tossed a black object from his waistband. Defendant was arrested and a semi-automatic handgun was recovered.

**Outcome:** Suppression denied

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**Appendix B****Table of Topics and Cases**

<b>Topics</b>	<b>Relevant Cases</b>
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Defendant's statement suppressed by court	4, 5, 6
Theory of abandoned property	4, 5, 6, 11, 12, 20, 27

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**References**

Essex County Prosecutor's Office (2014). Case files on forty two 2014 Superior Court cases. Files include various documents (suppression motions, prosecutor's response(s), court decisions) and police reports (arrest and incident reports).

Note: Defendants' names and prosecutor case numbers are omitted from this report.