

FACT SHEET: JUSTICE DEPARTMENT AGREEMENT WITH THE CITY OF NEWARK TO REFORM NEWARK POLICE DEPARTMENT

The Department of Justice (DOJ) and the City of Newark (City) have reached a Settlement Agreement (Agreement) to reform the Newark Police Department (NPD). The Agreement is intended to resolve the allegations in DOJ's complaint that NPD engages in a pattern or practice of making stops, searches, and arrests in violation of the Fourth and First Amendments, and that have a disparate impact on minorities in Newark; a pattern or practice of using unreasonable force in violation of the Fourth Amendment; and a pattern or practice of theft by officers.

PROVISIONS OF THE SETTLEMENT AGREEMENT

Community engagement with NPD:

- Development of formal and informal mechanisms to ensure greater community engagement with NPD.
- Creation of a civilian oversight entity to enhance NPD's accountability and transparency and the public's confidence in the Department. The oversight entity will represent Newark's many communities and should be able to assist NPD efforts to adhere to the principles of the agreement.
- Implementation of a comprehensive community and problem-oriented policing model to strengthen partnerships with the community and ensure collaborative problem-solving.
- An annual survey to assess the Newark community's experience with and perceptions of NPD and public safety.

Stop, search and arrest practices:

- Revision of policies and training to ensure that all stops, searches, and arrests are conducted in accordance with the Constitution and in a manner that takes into account community priorities.
- Significantly more supervision of officers' stop, search and arrest practices.
- Development on policies that require officers to respect the First Amendment rights of onlookers or bystanders to witness, observe, record, and comment on or complain about officer conduct.

Bias-Free Policing:

- NPD will deliver police services that are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department.
- Development of a bias-free policing policy that makes clear that biased policing, including deciding to detain someone based solely on racial stereotypes, is prohibited. Includes training on cultural competency and implicit bias.
- Tracking and analysis of interactions between the police and residents, including the race, ethnicity, age, and gender of people who are stopped and against whom force was used.
- NPD will conduct quarterly analyses of its enforcement activities to ensure compliance with bias-free policing policies.

Use of force:

- Revision of force policies and improved training and guidance on when and how officers may use force, including an emphasis on de-escalation of incidents.
- Strengthening of the systems for reviewing and investigating uses of force.
- Further development of the Use of Force Review Board to review intermediate and serious uses of force, including whether the use of force investigation is thorough and complete and whether there are tactical, training, equipment, or policy considerations that need to be addressed.

In-car and Body-worn Cameras:

- NPD will equip all marked patrol cars with video cameras.
- Require most officers to wear body-cameras to record enforcement activities (excluding officers who will not wear body cameras because they are engaged only in administrative or management duties).
- Require supervisors to review video recordings when evaluating officers' enforcement activities, including uses of force.

Theft:

- Improved storage and recordkeeping practices to ensure that citizens are not deprived of property without due process.
- Random and targeted integrity audits to identify and deter theft.

Accountability:

- Revised systems to ensure that all allegations of officer misconduct are investigated fully, fairly, and efficiently, and that officers who engage in misconduct are held accountable.
- Substantial changes to processes used by the Office of Professional Standards to ensure that all civilian complaints of police misconduct are thoroughly and effectively investigated.
- Acquisition and deployment of in-car and body-worn cameras to improve accountability, officer legitimacy, and law enforcement records.

Discipline:

- Application of discipline will be consistent and fair throughout NPD.
- Development of written disciplinary guidance that is based on the nature and severity of the policy violation rather than an officer's rank, assignment, reputation, or personal associations.

Data systems improvement:

- Enhance early warning system to support the effective supervision and management of NPD officers and develop data protocols and use of the system to make it an effective supervisory tool.
- Improve existing records management system so that it can more effectively and efficiently share information with NPD's other systems.

Transparency and oversight:

- Establishment of a civilian oversight entity to enhance NPD's transparency and the public's confidence in the Department.
- Broad data collection regarding many of NPD's activities, including its use of force and stop and search practices, and public reporting of that data.

Implementation and Termination:

- Filed in federal Court and operates as a federal court order once approved by a judge.
- Overseen by an independent monitor, chosen by the Parties for an initial term of five years, to assess and report on whether the requirements of this Agreement have been implemented.
- Termination of the Agreement when the city has demonstrated to a judge that it has been in substantial and effective compliance for two consecutive years.