

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF NEWARK, *et al.*,

Defendant.

HON. MADELINE C. ARLEO, U.S.D.J

Civil Action No. 16-cv-1731

**ORDER EXTENDING
MONITORING PERIOD**

THIS MATTER HAVING BEEN BROUGHT BEFORE THE COURT

pursuant to a request made by the United States and the City of Newark (the "City") (collectively, the "Parties"), asking the Court to extend the monitoring period outlined by Paragraph 206 of the Consent Decree until September 30, 2025; and the Parties having shown good cause as to why extending the monitoring period is reasonably necessary in order to assess and facilitate full and effective compliance with the Consent Decree;

IT IS ON THIS 31 day of March 2025,

ORDERED that the application of the Parties is granted; and it is further **ORDERED** that

(1) The monitoring period for the Consent Decree is extended until September 30, 2025.

During this period, the Parties agree that Independent Monitor Peter C. Harvey and members from his monitoring team (together, the "Independent Monitoring Team" or "IMT") shall continue to monitor the implementation efforts of the City and the Newark Police Division ("NPD") as set forth in this Order.

(2) The Independent Monitoring Team shall conduct and complete a limited review

of NPD's Internal Affairs Division. The Internal Affairs Division assessment will consist of a review of twenty-six (26) Internal Affairs files selected by the United States. NPD will produce 26 Internal Affairs files to the Independent Monitoring Team on a rolling basis beginning in March 2025. The last file will be produced no later than May 1, 2025. The Independent Monitoring Team will address the specific questions and employ the methodology set forth in Exhibit A to this Order to conduct the Internal Affairs assessment.

(3) Commencing on Monday, March 10, 2025, NPD will begin providing updated supervisory training to NPD's supervisors. The training will focus on Consent Decree Paragraphs 27(a), 38, 44, and 79.

(4) The Independent Monitoring Team shall conduct and complete a limited review of NPD's supervisory practices with respect to Consent Decree Paragraphs 27(a), 38, 44, and 79. The assessment will involve reviews of stop, search, arrest, and use-of-force incidents occurring throughout the month of April 2025 that will be selected for review by the United States and broken down as follows:

- a. Consent Decree Paragraph 27(a) no more than 20 incidents;
- b. Consent Decree Paragraph 38 no more than 20 incidents;
- c. Consent Decree Paragraph 44 no more than 15-20 incidents; and
- d. Consent Decree Paragraph 79 no more than 15-20 incidents.

The incidents concerning Consent Decree Paragraphs 27(a), 38, 44, and 79 shall include video review and all reviewed incidents concerning these paragraphs will include incidents where the responding officers were equipped with Axon Body Worn Cameras. NPD will produce the April 2025 incidents to be reviewed as part of the targeted Supervision assessment to the

Independent Monitoring Team on a rolling basis with the last incident produced no later than May 31, 2025. The Independent Monitoring Team will address the specific questions and employ the methodology set forth in Exhibit B to this Order to conduct the streamlined Supervision assessment.

(5) On or before August 15, 2025, the Independent Monitoring Team will present its findings made in connection with the streamlined Internal Affairs and Supervision assessments to the Parties.

(6) On or before August 31, 2025, the Monitor will file a closeout report addressing the full scope of all Consent Decree activities and improvements made by NPD from the inception of the Consent Decree in May of 2016 through August 2025. The closeout report will also include the Independent Monitoring Team's findings made in connection with the most recent 2025 streamlined Internal Affairs and Supervision assessments.

(7) The Parties and the Monitor have agreed to a **firm cap** of \$175,000.00 of additional funding from the City to complete all remaining work under this extension agreement including but not limited to:

- a. Conducting the streamlined Internal Affairs assessment addressed in Paragraph 2 of this Order.
- b. Conducting the streamlined Supervision assessment addressed in Paragraph 4 of this Order.
- c. Preparing and filing the closeout report by August 31, 2025.
- d. Attending any and all Court conferences and Court-sponsored community forums concerning the Consent Decree process and the

Monitor's closeout report.

(8) The total cap for all extension period activities set forth in Paragraph 7 above will be \$240,000.00 (\$175,000.00 of new funds from the City and \$65,0000.00 of remaining funds from the \$2.4 million expended by the City in connection with the previous, May 2022 extension order). The City will not be required to make any additional payments.

(9) Payment of the \$175,000.00 of new funds from the City shall be made as follows:

- a. \$75,000.00 on or before March 31, 2025;
- b. \$50,000.00 on or before July 15, 2025; and
- c. \$50,000.00 within ten (10) days after filing of the Monitor's closeout report.

(10) On or before July 15, 2025, notice shall be given to the public concerning the impending filing of the Monitor's closeout report on August 15, 2025, and the potential termination of the Consent Decree.

(11) At a date to be set in September 2025, the Court will hold a public forum to give community members the opportunity to discuss NPD's implementation efforts, the Consent Decree process, and the potential termination of the Consent Decree.

(12) Pursuant to Paragraph 224 of the Consent Decree, at the expiration of the Monitoring Extension Period, on September 30, 2025, the City shall have the right to file an application with the Court to terminate the Consent Decree Agreement.



HONORABLE MADELINE COX ARLEO
United States District Court

EXHIBIT A

l allegations of Serious Misconduct as defined in this Agreement.

Policies, misconduct investigations and data IMT review of investigative ass
report. Audit question: Were

l complaints based on the preponderance of the evidence. This standard will be clearly delineated in
es and be accompanied by extensive examples to ensure proper application by investigators.

Policies, misconduct investigations and data NPD to send relevant policies
clearly explained. IMT to chec
standard during audit. Audit q
reasons for their finding(s)? 2
the preponderance of the evid

NPD will collect and consider all relevant circumstantial, direct, and physical evidence, including officer-
comes available through NPD's implementation of in-car and body-worn cameras pursuant to this

Misconduct investigations IMT to check NPD collecting e
Audit questions include: 1) "D
circumstantial, direct and phy
BWC or ICC associated with tl
reviewing supervisor documei

e that investigators consider patterns in officer behavior based upon disciplinary history and other
Early Warning System.

Policies, misconduct investigations NPD to send relevant policies
complaint and disciplinary his
and account for any relevant p

e efforts to resolve material inconsistencies in officers' and witnesses' statements and will not discount
s solely due to minor inconsistencies.

Misconduct investigations IMT to check officers are not a
minor inconsistencies during
inconsistency between officer :
witness statements are incon:
witness statement due to min

y the same criteria in assessing the credibility of all witnesses' testimony, whether they are civilians,
pects. Investigators will not give greater weight or credibility to officers' statements merely because they
vestigators discredit, disregard, or give less weight to a statement merely because of the relationship
nt or subject of police action and the person who made it. An individual's criminal history will not be solely
g his or her credibility.

Misconduct investigations IMT to assess during audit. Cf
an officer's statement more ci
yes, please explain) 2) if comp
appear to give that criminal hi
unknown

e limited to the allegations that prompted it. NPD will evaluate all relevant police activity and evidence of
duct uncovered during the course of the investigation, including each use of force (i.e., not just the type of
ut) and any stops, searches, or seizures that occurred during the incident.

Audit question: Is there evide
investigation including all rele

...a finding that an allegation of misconduct is unfounded or not sustained, or otherwise exonerate an officer if the complaint is withdrawn or the complainant is unavailable, unwilling, or unable to cooperate with an investigation to provide medical records or proof of injury; rather, the investigation will continue as necessary to complete the investigation(s) where possible based on the evidence and investigatory procedures and techniques available.

Misconduct investigations

...is guilty or is found guilty of an offense, NPD will not consider the fact of conviction to be evidence whether or not it was found in misconduct, nor will it justify discontinuing the investigation.

Misconduct investigations

...int investigation may not be conducted by any supervisor or officer who authorized, engaged in conduct or who participated in the incident complained of; who was on the scene at the time of the incident; or who has a conflict of interest as defined by NPD policy.

Misconduct investigations

...preliminary inquiry into an allegation of misconduct, or at any other time during the course of an investigation, the OPS has cause to believe that an officer or employee might have engaged in criminal conduct, the OPS may refer the matter to the ECPO, DOJ, or other law enforcement agency as appropriate.

Misconduct investigations

...referral and unless otherwise directed by the prosecutive agency, NPD will proceed with its administrative investigation. In no circumstances will OPS compel a statement from the subject officer without first consulting with the prosecutive agency with the prosecuting agency.

Misconduct investigations and records

...typically end its administrative investigation in matters in which the prosecuting agency declines to prosecute or the prosecuting agency declines to bring criminal charges. Instead, NPD will require investigators to conduct a complete investigation and document all relevant evidence.

Misconduct investigations and records

Misconduct investigations and records

...Y/N/Unknown) 4) did investigation should revise its policies, strategies, or procedures for the incident forwarded to the police? Audit questions: 1) was the complainant unwilling or unable to cooperate with an investigation to provide medical records? Y/N/Unknown, 1a) If you find the allegation is unfounded, not sustained, or not proven, y/n/unknown/NA

Audit questions: 1) was complaint given that weight in determining the outcome of the investigation?

Audit questions: 1) did the misconduct investigation officer who authorized, engaged in conduct or who participated in the incident complained of; who has a conflict of interest as defined by NPD policy? Audit question: 1) Is there evidence that the officer/employee might have engaged in criminal conduct? the matter to ECPO, DOJ or other law enforcement agency? Y/No/unknown (please explain)

IMT to flag if they see evidence of criminal conduct without first consulting with the prosecuting agency? Audit questions: "1) Is there a related criminal investigation statement from a subject officer or employee? and with the prosecuting agency? IMT to flag if NPD automatically declines to prosecute which the prosecuting agency declines to bring criminal charges. Audit question: 1a) If so, why did you not continue the investigation because the prosecuting agency declines to bring the matter?"

EXHIBIT B

onal circumstances, a supervisor will immediately
for obstructing or resisting an officer, any disorderly
or a vehicle infraction or as required by the use of force
ie event that a supervisor is unable to respond to the
case file the circumstances preventing his or her
involve obstructing or resting arrest, any disorderly
le infraction; (b) Did the supervisor respond to the
ond to the scene, did the supervisor document the
er presence?

Arrest Report (DPI 800); Incident
Report (DPI 802); Incident Details
Report (CAD Summary); RMS
Supervisory Logs; Supervisory update
reports.

Discuss methodology with IMT and
NPD and determine the sampling of
Paragraph 38 arrests to create a sample
for the mini-audit (e.g., 20-30 incidents)

**Given that it's Roll Call Train
distribute content slides fo
also suggest that NPD cond
create learning objectives,
design and pre- and post-tr**

igatory stops and detentions, searches, and arrests for
PD policy. NPD's supervisors will:

Stop Report (DPI 1388); Arrest
Report (DPI 800); Incident Report
(DPI 802); BWC/ICC audit logs;
Supervisory Logs.

Discuss methodology with IMT and
NPD and determine the sampling of
stop, search, and arrest incidents to
create a sample for the mini-audit (e.g.,
20-30 incidents)

l incidents in which the supervisor suspects, for any
have complied with law or NPD policy; and
selection of video recordings of stops and detentions,
10 percent of all stops and detentions, searches, and
sor review all written documents; (b) Did the
video recordings; (c) Did the supervisor maintain a
of stops and detentions, searches, and arrests
l stops and detentions, searches, and arrests?

will include at least the following requirements:
ze form and narrative each time the officer uses force.
officer will complete a supplemental narrative.
holstering or pointing a weapon or unresisted
ne supervisor of an officer using force will respond to
ry
ch the use of force should be categorized. A supervisor
would usually be required for the level of the force used,
ie incident.

Incident Report (DPI 802);
Supervisor use of force report (DPI
1005); AFIT use of force summary.

Discuss methodology with IMT and
NPD and determine the sampling of
use of force incidents to create a
sample for the mini-audit (e.g., 20-30
incidents)

es of force or multiple officers, the entire incident will
t level of force used by any officer during the incident.
is otherwise personally involved in any type of force, a