



## ***Frequently Asked Questions*** **The Department of Justice and Newark Police Department**

*On July 22, 2014, the Civil Rights Division of the U.S. Department of Justice (“DOJ”) and the Newark Police Department (“NPD”) announced an historic agreement to reform the NPD following a multi-year federal civil rights investigation of the department. The binding agreement will require the Newark Police Department to implement sweeping changes in order to end unconstitutional police practices and strengthen civil rights and liberties.*

### **What did the DOJ investigation of the NPD find?**

Following a multi-year civil rights investigation beginning in May 2011, the DOJ found the existence widespread unconstitutional police practices by the NPD. Among other findings, the DOJ reported that up to 75 percent of NPD stop-and-frisks are unconstitutional, black Newarkers disproportionately bear the brunt of NPD stop-and-frisks and arrests; NPD officers engaged in a pattern and practice of brutality; officers have arrested or targeted members of the public in retaliation against objections to police actions and other First Amendment-protected activity; officers have unlawfully taken Newarkers’ personal property, and the internal discipline and Internal Affairs system has failed to hold officers accountable.

### **What reforms did the DOJ recommend for the NPD?**

In its report, the DOJ included a section of “remedial measures” that form part of the “agreement in principle” with the NPD. These measures include civilian review of the police department, closer scrutiny of NPD use of force, improved Internal Affairs practices, an improved internal discipline system, changes to make stop-and-frisk and arrest practices comply with the Constitution, enhanced data collection and analysis, stronger procedures for safekeeping of Newarkers’ personal property, and an officer early warning system to raise red flags about patterns of officer misconduct.

More reforms may be included in the final court-enforced agreement that the NPD signs with the DOJ.

### **What is an “agreement in principle” and what does it mean?**

When it released the findings of its civil rights investigation, the DOJ announced an “agreement in principle” with the NPD, which included recommendations for reform. This agreement is a preliminary outline that is expected to form the basis for the binding agreement, or “consent decree,” that will be enforced by a federal judge. The DOJ has set a goal of signing a final Consent Decree by September 15, 2014.

### **What is a federal “monitor” and what are its powers and responsibilities?**

Once a formal “consent decree” laying out required reforms is entered into between the NPD and the DOJ, a monitor will be appointed to oversee implementation of the decree, or agreement. The monitor will be responsible for ensuring that the NPD complies with its obligations under the agreement with the DOJ. The identity of the monitor has not yet been determined.

### **Why did the DOJ choose the Newark Police Department?**

Newark communities, and the ACLU-NJ, have been calling for federal oversight of the Newark Police Department since 1967. Rampant police misconduct and brutality played a large part in leading to the clashes between police and the community that devastated Newark that year. In September 2010, the ACLU-NJ filed a petition with the DOJ that documented 418 allegations of police misconduct, including false arrests, excessive force, unlawful stops and searches, discrimination and retaliation, as well as a broken internal affairs system. The petition was based on the study a 2.5 year period ending in 2010. In May 2011, the DOJ announced it would open an in-

investigation into the reports of civil rights and civil liberties violations department. The findings issued on July 22, 2014, were the result of that investigation.

### **Is the federal government taking over the Newark Police Department?**

No. The DOJ and the NPD will be entering into an agreement to ensure that policing practices in Newark comply with the Constitution and protect Newarkers' rights. The reform process will be overseen by a federal judge and a monitor appointed by the federal government. The command structure and operations of the NPD will still be controlled by City of Newark.

### **Where does the DOJ get the power to investigate the NPD?**

The DOJ's power to investigate law enforcement agencies that may be violating constitutional rights comes from the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, passed in the years following the Rodney King beating by the Los Angeles Police Department. The DOJ also derives authority from Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968.

### **What happens if the Newark Police Department doesn't make the changes required by the consent decree?**

The NPD and Newark Mayor Ras Baraka have pledged to work closely with the DOJ to make sure police practices comply with the constitution and to strengthen ties between communities in the police. The role of the federal monitor is to oversee implementation of the agreement the NPD signs with the DOJ. Should reforms be unavailing, the agreement will be enforceable in federal court.

### **Who is paying for the federal monitor?**

The costs associated with the reforms found in the consent decree and the federal monitor will be borne by the City of Newark.

### **To whom is the monitor accountable?**

The federal monitor, once appointed, will be accountable to the NPD, the DOJ, and ultimately the federal judge overseeing implementation of the consent decree. Newark communities, however, have an opportunity and responsibility to hold all parties accountable.

### **How long will the Newark Police Department be bound by this consent decree?**

In her remarks at the press conference announcing the DOJ's findings of its investigation, Acting Assistant Attorney General for Civil Rights Jocelyn Samuels said, "The Department of Justice will remain actively engaged for as long as necessary to ensure sustainable reform and to help restore the community's trust in its police department." However, the length of the consent decree will be laid out in that document once it is finalized.

### **What role will community members play in the reform process?**

Newark community members have a crucial role to play in ensuring this reform process is a success. The DOJ has set up an official e-mail account to solicit Newarkers' thoughts on how the NPD should be reformed: **community.newark@usdoj.gov**. Without community involvement and trust, any change to the NPD will be unlikely to stick. The time is now for community members, churches, and organizations to join together to demand a police department that will keep Newark safe and protect Newarkers' civil rights.

July 22, 2014