



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: Civilian Complaint Review Board	GENERAL ORDER NO. 24-02
SUPERCEDES: New	DATED: August 08, 2024

- I. PURPOSE**
- II. POLICY**
- III. RESPONSIBILITY FOR COMPLIANCE**
- IV. DEFINITIONS**
- V. COORDINATION WITH CIVILIAN COMPLAINT REVIEW BOARD**
- VI. DUTIES OF THE CCRB**
- VII. RESPONSIBILITIES AND COOPERATION OF POLICE DIVISION**
- VIII. RESPONSIBILITIES OF THE OFFICE OF PROFESSIONAL STANDARDS**
- IX. REPORTING REQUIREMENTS**
- X. EFFECT OF THIS ORDER**



NEWARK POLICE DIVISION GENERAL ORDER



I. PURPOSE

The purpose of this general order is to outline the responsibilities of Newark Police Division personnel regarding cooperation and coordination with the Civilian Complaint Review Board (CCRB). This policy will explain how NPD members shall interact with the CCRB, within the scope and authority provided by the New Jersey Attorney General Guidelines, specifically Section 9.7, "*Coordination with Civilian Review Boards*" within the "Internal Affairs Policy and Procedures." Additionally, the policy will offer guidance and instruction to Division members on the appropriate interactions with the CCRB.

II. POLICY

The Newark Police Division is committed to fully cooperating with the Civilian Complaint Review Board (CCRB) as mandated by law and Attorney General Guidelines. All Division members are required to adhere to this policy.

The Police Division actively works with the community to build strong partnerships and achieve fair and unbiased policing. To further this goal, the city has established a civilian oversight entity to improve the Police Division's accountability and transparency, as well as increase public trust in the Division.

III. RESPONSIBILITY FOR COMPLIANCE

All division members shall comply with this General Order. Command and supervisory officers are responsible for ensuring subordinates are aware, understand, and follow this general order. Any Division member who violates the contents of this General Order is subject to discipline.

IV. DEFINITIONS

- A. **Civilian Complaint Review Board:** A civilian panel that has investigatory and oversight authority concerning the Newark Police Division. The civilian panel will investigate police misconduct and / or review completed Police Division investigations and will submit findings and recommendations based on the results of those investigations to the Public Safety Director.
- B. **Investigation Review:** A review by the CCRB of the contents, findings, investigative process, conclusions, and recommendations for completed Newark Police Division administrative investigations regarding any police misconduct.



NEWARK POLICE DIVISION GENERAL ORDER



V. COORDINATION WITH CIVILIAN COMPLAINT REVIEW BOARD

Per Attorney General Directive 2020-7, titled Directive Revising Internal Affairs Policy & Procedures, section 9.7.1, internal investigation case files generally are not releasable to Civilian Review Boards, (CRB) but the “good cause” standard may be satisfied when a CRB requests records from a completed or closed investigation file and the CRB has in place certain minimum procedural safeguards to preserve the confidentiality of the requested records and the integrity of the internal affairs function.

VI. DUTIES OF THE CCRB

A. In the ordinary course, CCRB will refer all complaints to NPD Office of Professional Standards, within three (3) days of receipt. Notification will be provided to NPD's Office of Professional Standards. Notification can be provided by:

- Telephone: (973) 733-6171, or
- Email: IAD@ci.newark.nj.us

A notification to the NPD via email shall be effective as of the date the email is received by the NPD.

B. The CCRB shall only be obligated to provide the NPD with the name of the officer(s) and a synopsis of the nature of the complaint against the NPD officer(s), including location, date, and time.

- NPD may request that the CCRB voluntarily provide the name(s) of the person who reported the misconduct to CCRB, as that information (which is subject to confidentiality) would enable NPD to confirm or deny any concurrent investigation.

C. Per Attorney General Guidelines, ‘*Internal Affairs Policy and Procedures*’ section 9.7.2, the CCRB may commence an investigation of a particular civilian complaint only after any criminal and / or internal affairs investigations have concluded and any resulting discipline has been imposed.

D. During the course of the review of IA documents, the authorized CCRB staff shall be permitted to take notes when reviewing confidential documents and/or IA records. The notes taken by the authorized CCRB staff shall be the sole property of the CCRB and shall be confidential in nature.

E. In accordance with §9.7.2 of the AG Guidelines, the CCRB may recommend discipline, or request NPD to reconsider its findings or disciplinary decisions, or request that the IA investigation be reopened.



NEWARK POLICE DIVISION GENERAL ORDER



- F. After reviewing the relevant internal affairs records and conducting any other lawful investigation that the CCRB deems appropriate, the CRBB board may:
1. Present its conclusions to the Public Safety Director or designee;
 2. Request additional information or clarification regarding the findings or decisions made in the course of an NPD internal affairs investigation;
 3. Request that an NPD internal affairs investigation be re-opened.
 - a. The decision to reopen any investigation rests with the Public Safety Director, or their designee, and can only be undertaken after a careful review of the facts and circumstances of the investigation.
 - b. If the NPD chooses not to reopen an investigation, the CCRB can release a final public report about the complaint or incident. The report will be redacted, as per the instructions provided by the Public Safety Director or their designee.
 4. There may be an occasion whereby the NPD may have concluded its internal proceedings and/or trial(s) against the subject NPD officer(s). Even though the NPD may have concluded its internal proceedings and/or trial against the NPD officer(s), that does not preclude the CCRB from investigating the said complaint and requesting documents.
- G. **The CCRB may not:**
1. Override any finding or decision made as part of the internal affairs process;
 2. Impose discipline;
 3. Require that another official impose discipline;
 4. Render any finding or decision that requires deference from any other official;
 5. Immunize any person from prosecution or take any other action that would have the effect of conferring immunity on any person.
 6. Copy, photograph, or remove IA records from designated locations.
- H. The CCRB will provide the Public Safety Director with reports containing findings, recommendations, and the basis for those recommendations from all completed investigations and investigation reviews. These reports may include suggestions for new or changes to general policies and procedures not specific to any particular investigation or complaint.



NEWARK POLICE DIVISION GENERAL ORDER



- No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the basis for any such finding or recommendation concerning a particular complaint;
- CCRB findings must be based on substantial evidence and competent support.

VII. RESPONSIBILITIES AND COOPERATION OF POLICE DIVISION

It shall be the duty of the Police Division to provide such assistance as the CCRB may reasonably request, consistent with the "good cause" standard, and approval of the Public Safety Director.

The mere filing of a complaint with the CCRB shall constitute in itself "good cause" in order to satisfy the requirements of the AG Guidelines as it relates to accessing, inspecting and reviewing IA records/documents, unless, because of the exceptionally rare occasion where the very acknowledgment of an IA investigation may have the potential to jeopardize the investigation, NPD cannot provide access to IA records/documents to the CCRB.

- A. NPD will provide a dedicated location for reviewing internal affairs records, which shall be the Office of Professional Standards.
 - 1. Alternatively, upon written request and as approved by the Public Safety Director, NPD shall provide access at Police Headquarters, 480 Clinton Avenue, Newark NJ, 07108.
- B. NPD shall provide the CCRB access within seven (7) days from the date the NPD receives notification from the CCRB for access to IA records.
- C. The NPD will provide to the CCRB upon request, records and other materials which are necessary for the investigative review of complaints, except such records or materials that cannot be disclosed by law.
- D. The NPD shall provide the CCRB with all materials used in the NPD's investigation. The NPD shall provide the CCRB with all requested documents and/or data within seven (7) days of the request.
- E. NPD shall provide copies of non-confidential information and documents to CCRB members and staff within seven (7) days of request.
 - 1. Such a request shall be made to the Commanding Officer of NPD's Office of Professional Standards via either of the notification methods outlined in this general order.



NEWARK POLICE DIVISION GENERAL ORDER



2. Non-confidential information and documents typically include OPRA-discussible materials, such as:
 - incident reports,
 - arrest reports,
 - body camera video,
 - in-car camera video,
 - radio communications, and
 - use of force reports.
3. The NPD shall provide the CCRB a log of all materials it claims are confidential by naming the materials and the reason for said confidentiality, unless, because of the exceptionally rare occasion where the very acknowledgment of an IA investigation may have the potential to jeopardize the investigation, NPD cannot provide such a log to the CCRB.

VIII. RESPONSIBILITIES OF THE OFFICE OF PROFESSIONAL STANDARDS

The Commander of the Office of Professional Standards, or his/her designee shall ensure that all received requests from the CCRB are promptly attended to, and properly addressed. The Office of Professional Standards shall provide routine access to the following CCRB staff to review IA records and other confidential information at NPD's Office of Professional Standards:

- CCRB Investigator on the actual matter.
- CCRB Head of Investigative Committee.
- CCRB Executive Director.

Alternatively, upon written request and as approved by the Public Safety Director, NPD shall provide access at Police Headquarters, 480 Clinton Avenue, Newark NJ, 07108.

Office of Professional Standards personnel shall provide the CCRB with the following, when requested:

- A. Provide a dedicated location for reviewing internal affairs files;
- B. Assist in the evaluation, preparation, review, and investigation of complaints;
- C. Assist in the procurement and acquisition of Police Division records, materials and documentation as related to complaint investigations and investigation reviews.



NEWARK POLICE DIVISION GENERAL ORDER



IX. REPORTING REQUIREMENTS

The Office of Professional Standards shall provide the CCRB a monthly report (on or before the 5th of each month) including but not limited to a report delineating the number of IA complaints reported on a monthly basis, the basis of the complaints and the outcome of resolved complaints.

The OPS Commander, or his/her designee, shall submit **monthly, quarterly, and annual reports** (on or before the 5th of each month) to the Office of the Public Safety Director. Each report shall summarize the activities of the CCRB, provide year-to-date activities, and interpret and explain any issues or concerns that may arise between the CCRB and the Police Division.

At a minimum, the report shall include:

- A. Total number and types of CCRB-generated complaints and/or investigations, external and internal;
- B. Total number and types of Police Division forwarded complaints to CCRB, external and internal;
- C. Total number and types of CCRB reviewed Police Division investigations, and the results of the reviews;
- D. Number and type of complaints forwarded by CCRB to the Essex County Prosecutor's Office, or any other investigative body, for criminal review;
- E. Results and disposition of CCRB investigations;
- F. Number and type of CCRB Substantiated investigations, including all related CCRB recommended charges and CCRB recommendations for discipline;
- G. Number of CCRB Unsubstantiated investigations;
- H. Number of CCRB Exonerated investigations;
- I. Number of CCRB Unfounded investigations;
- J. Listing of any other CCRB dispositions,
- K. Comparison and explanation of outcomes when CCRB and NPD personnel reach inconsistent dispositions;
- L. Any unusual events, issues, or concerns;
- M. Any other items, as designated by the Public Safety Director.



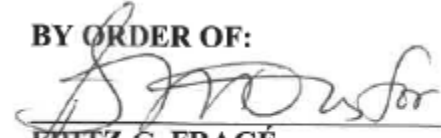
NEWARK POLICE DIVISION GENERAL ORDER



X. EFFECT OF THIS ORDER

This Order is effective immediately upon it being signed and issued (promulgated) by the Public Safety Director. Any previous Orders, Memoranda, Directives, or portions thereof, that conflict with this Order are hereby rescinded.

BY ORDER OF:



FRITZ G. FRAGÉ
PUBLIC SAFETY DIRECTOR

FGF/CS/LC:jg

c: Rufus Jackson, Assistant Public Safety Director
Sharonda Morris, Deputy Director of Police Operations
Emanuel Miranda, Chief of Police