

No. 6 FD 1st Reading

JUN 10 2020

Ordinance

Date to Mayor JUL 06 2020

No. Public Hearing

JUN 24 2020

of the

Date Returned 7-8-2020

No. 6 PSF-D 2nd Rdg. and Final Passage

City of Newark, N.J.

Date Resubmitted to Council

Date Advertised 1st Reading 6-15-2020

No. Reconsidered

Final Reading

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Corporation Counsel

Title

Council member Council of the whole presents the following Ordinance:

Eric R. ... / B.A.

ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 5, DEPARTMENT OF ADMINISTRATION, BY ADDING ARTICLE 12, CREATING AN OFFICE OF VIOLENCE PREVENTION TO HELP ELIMINATE AND COMBAT HATE CRIMES, RACISM, RACIAL DISCRIMINATION, POLICE BRUTALITY AND VIOLENCE OF ALL KINDS IN CITY GOVERNMENT AND THE COMMUNITY AT LARGE.

WHEREAS, in 1967 the City of Newark was one of the United States first majority black cities but the population of African Americans was faced with discrimination in daily life, discrimination in jobs and discrimination in housing; and

WHEREAS, the Newark 1967 riots were triggered when a black man was beaten by two white police officers and brought to the police precinct in the Central Ward; and

WHEREAS, the unrest lasted for four days from July 12 through July 17, 1967 and resulted in 26 deaths, 727 injuries and the arrest of 1,465 persons; and

WHEREAS, while the City has made positive strides towards rebuilding the community, Newark has yet to fully recover from the destruction that took place during the 1967 riots; and

WHEREAS, throughout the years, the interaction with the community and the members of the Newark Public Safety/Police Division has not always been as productive as the parties may like; and

WHEREAS, on July 22, 2014, the City of Newark, the United States Department of Justice ("DOJ") and the United States Attorney for the District of New Jersey entered into an Agreement in Principle, which contemplates the negotiation of a Consent Decree with the DOJ to resolve the United States' investigation of the Newark Public Safety/Police Division (NPD); and

WHEREAS, the investigative findings of the DOJ showed, *inter alia*, "a pattern or practice of constitutional violations in the Newark Public Safety/Police Divisions stop and arrest practices, its response to individuals' exercise of their rights under the First Amendment, the Newark Public Safety/Police Divisions use of force, and theft by officers. The investigation also revealed deficiencies in the Newark Public Safety/Police Divisions systems that are designed to prevent and detect misconduct, including its systems for reviewing force and investigating complaints regarding officer conduct... The City of Newark is diminished, and the Newark Public Safety/Police Division rendered less effective, by these patterns and practices of unconstitutional conduct." Investigation of the Newark Public Safety/Police Division, United States Department of Justice, Civil Rights Division, United States Attorney's Office, District of New Jersey, July 22, 2014, at page 1; and

WHEREAS, as a result of these findings, the City of Newark created a Civilian Complaint Review Board (CCRB) as a critical part of the implementation of police reforms and to create protections for its citizens, as well as to instill confidence in the Police Division; and

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WHEREAS, the Police Division has taken steps and instituted positive actions to improve its relationship with the community; and

WHEREAS, to further implement community policing, in 2015 Mayor Ras J. Baraka founded the Newark Community Street Team (NCST) as the City's community-based violence reduction strategy. NCST draws upon an evidence-based, trauma informed approach to violence reduction, and hires, trains and deploys outreach workers and high-risk interventionists in the City's South and West Wards; and

WHEREAS, in 2019 there was more contact between the residents of the City and the Police Division, but less complaints against the Police Division; and

WHEREAS, 1000 people are shot to death by the police in the United States every year according to a database maintained by the Washington Post; and

WHEREAS, Black and Brown Americans are shot by police at a higher rate than their White counterparts; and

WHEREAS, in just the last few months, the United States has seen the unjustified and unwarranted killing of Black Americans: February 23, 2020, Ahmaud Arbery by a retired police officer and his son; March 13, 2020, Breonna Taylor by members of the Louisville Metro Police Department, and; the recent May 25, 2020 murder of George Floyd by members of the Minneapolis Police Department; and

WHEREAS, the murder of George Floyd has sparked community outrage leading to national and international protests, and a call for action here in Newark, throughout all 50 United States, and countries throughout the world; and

WHEREAS, following the murder of George Floyd, the Newark community collaborated with the Newark Police Department and the Newark Community Street Team to shepherd a peaceful protest through the streets of Newark; and

WHEREAS, the heinous murder of George Floyd, who cried numerous times "I Can't Breathe", involved the actions of one police officer's knee on the neck of Mr. Floyd for 8 minutes and 46 seconds until he was dead, while the other officers watched and did nothing to stop his actions; and

WHEREAS, the City of Newark will not allow an atmosphere of indifference to exist in the City of Newark where employees, including Police Officers and Firefighters, turn a blind eye and condone the misdeeds of their fellow workers; and

WHEREAS, as the City approaches the 53rd anniversary of the 1967 Newark riots, the Mayor and the Municipal Council desires to take affirmative steps to institute policies that encourage all Municipal employees to intervene and report crimes when they occur in their presence and to convert one of the City's historic police precincts to a use that will spur violence reduction and improve the daily lives of residents in the City of Newark.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Section 1. The Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, are hereby amended by adding a new Article 12, Office of Violence Prevention, to Title II Administration, Chapter 5, Department of Administration.

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5 **2:5-24. OFFICE OF VIOLENCE PREVENTION; ESTABLISHED; DUTIES**

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8 **2:5-24.1. Definitions.**

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10 The following definitions apply to this Article:

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12 "City" means the City of Newark and all City-Related Agencies.

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14 "City-Related Agencies" means all authorities and quasi-public corporations which
15 either: receive appropriations from the City; have entered into continuing contractual or
16 cooperative relationships with the City, including any agreement whereby the City funds
17 an agency's debt service; or operate under legal authority granted to them by City
18 ordinance.

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20 "Hate Group" means a social group that advocates and practices hatred, hostility, or
21 violence towards members of a race, ethnicity, nation, religion, gender, gender identity
22 or sexual orientation.

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24 "Racism" means a belief that race is the primary determinant of human traits and
25 capacities and those racial differences produce inherent superiority of a particular race.

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27 "Racial Discrimination" means any discrimination against individuals on the basis of
28 their skin color, or racial or ethnic origin.

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30 "Violence" is defined as the use of physical force or power, threatened or actual, against
31 oneself, another person, or against a group or community, which either results in or has
32 a high likelihood of resulting in injury, death, psychological harm, maldevelopment or
33 deprivation.

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37 **2:5-24.2. Established.**

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39 There shall be within the Department of Administration, an Office of Violence
40 Prevention, the head of which shall be the Violence Prevention Coordinator.

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42 The Mayor shall appoint the Violence Prevention Coordinator.

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46 **2:5-24.3. Duties and Responsibilities of the Violence Prevention Coordinator.**

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48 The Violence Prevention Coordinator, under the direction of the Business Administrator,
49 shall:

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- 52 a. Manage policy initiatives and programs that advance the City's anti-violence
53 initiatives;
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55 b. Use data and research to inform the City's investments in violence prevention to
56 assure a targeted approach to violence prevention in City government and the
57 community at large;
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59 c. To support the development of comprehensive community-based anti-violence
60 initiatives within all City Departments;
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64 d. Develop sources of funding to maintain the office and expand its activities.
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67 **2:5-24.4. Budget.**

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The funding for the Office of Violence Prevention shall be provided for in the budget of the Department of Public Safety and shall be five (5) percent of the Department of Public Safety's Budget.

The Department of Public Safety shall assign an officer to the Office of Violence Prevention to serve as a liaison in order to coordinate and facilitate efforts to combat violence.

2:5-24.5. Anti-Violence Policies.

- a. All employees of the City of Newark have a duty to immediately intervene and report the following acts to the Violence Prevention Coordinator:
 - 1. When they are a witness to wrongful conduct by fellow employees;
 - 2. When they are a witness to blatant civil rights violations being committed by other employees.
- b. All acts of racism or racial discrimination by City of Newark employees will not be tolerated, and will result in automatic termination; said employee shall be prohibited from working for the City of Newark in any capacity.
- c. All employees who fail to take action in subsection (a) above will result in automatic termination and said employee shall be prohibited from working for the City of Newark in any capacity.

2:5-24.6. Hate Group Registry Established.

The Office of Violence Prevention shall establish a database (registry) of hate groups now existing within the United States. This list shall be amended as new groups are identified.

2:5-24.7. Hate Groups Policy.

All actions by hate groups including groups characterized as White Supremacists, Nazi Groups, Aryan Nations the KKK and other such groups are unlawful in the City of Newark and are hereby banned because they have a history of violence targeting individuals' race, religion and national origin. Their history of said violence, tied to their message, will incite panic and fear within the City of Newark.

2:5-24.8. Closure of the 1st Precinct

The 1st Precinct of the City of Newark Police Division located in the Central Ward at 10 17th Avenue, Newark, New Jersey 07103, shall be closed by December 31, 2021.

On or before December 31, 2021 the 1st precinct shall be transitioned into the following:

- a. A museum detailing with the history of the Newark Public Safety/Police Department and Division including the positive progress it has made with community relations;
- b. The building shall house the following:
 - 1. The Office of Workforce Development;
 - 2. The Headquarters for the Anti-Violence Initiative;

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3. A Trauma Center focused on recovery and healing from acts of violence.

2:5-24.9. Effective Date.

The Ordinance shall be effective upon final passage and publication in accordance with the laws of the State of New Jersey.

Section 2. If any provision of this Ordinance or application thereof to any persons or circumstance is adjudged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end, the provisions of this Ordinance are declared severable.

Section 3. The Municipal Council and/or the City Clerk shall send a certified copy of this Ordinance along with a letter of support to the Governor and all members of the New Jersey Legislature, encouraging similar legislation be passed and signed into law.

STATEMENT

An Ordinance amending Title II, Administration, Chapter 5, Department of Administration, by adding a new Article 12, Office of Violence Prevention to help eliminate hate crimes and racism, racial discrimination, police brutality and violence of all kind.

**CERTIFIED TO BY ME THIS
JUL 09 2020**

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE					RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador	✓				Osborne	✓				Amador				
Gonzalez	✓				Quintana <small>Vote President</small>	✓				Gonzalez				
James	✓				Ramos, Jr.	✓				James				
McCallum, Jr.	✓				Crump	✓				McCallum, Jr.				
McIver	✓				Crump President					McIver				
✓ - Indicates Vote					AB - Absent					NV - Not Voting				

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on JUN 24 2020
Adopted on second and final reading after hearing on JUN 18 2020

Approved
Rejected By Richard C. Crump Mayor Kenneth

Council President Richard C. Crump 016 City Clerk 20-0665 V2