



## Legislation Text

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File #: 22-0766, Version: 1

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**Dept/ Agency:** Law

**Action:** (X) Ratifying (X) Authorizing ( ) Amending

**Purpose:** Settlement of Civil Litigation

**Docket No.:** 2:16-cv-01731-MCA-LDW

**Claimant:** Phillip R. Sellinger, United States Attorney, District of New Jersey

**Claimant's Attorney:** 970 Broad Street, Suite 700, Newark, New Jersey 07102

**Settlement Amount:** Not Applicable

**Funding Source:** Department of Public Safety - Newark Police Division

**Additional Comments:**

To approve the extension of the monitoring period of Peter C. Harvey, Esq., of Patterson Belknap, as the Independent Monitor, in accordance with the Order Extending Monitoring Period, filed May 12, 2022, which facilitates the City of Newark's full and effective compliance with the Consent Decree entered into on or about April 29, 2016; in order to resolve this matter and avoid further litigation. Supportive documentation for the Consent Decree can be found under Resolution 7R7-b adopted on April 20, 2016.

**Deferred 7R6-p 071322**

**Deferred 7R6-a 080322**

**WHEREAS**, in 2016, the United States of America filed a civil action against the City of Newark seeking declaratory and injunctive relief under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141; and

**WHEREAS**, the United States brought this action seeking a remedy for alleged pattern or practice of conduct by law enforcement officers of the Newark Police Department, now known as the Newark Police Division ("NPD"), a Division of the Department of Public Safety, the law enforcement agency of the City of Newark, alleging that the NPD has deprived persons of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; and

**WHEREAS**, the United States, Department of Justice, the United States Attorney's Office, and the Police Department, now known as the Newark Police Division of the Department of Public Safety, engaged in extensive discussions and negotiations to settle the Complaint, which was memorialized in the 2016 Consent Decree (attached hereto); and

**WHEREAS**, a requirement of the Consent Decree was the appointment of an Independent Monitor, who shall report the City's compliance with the terms of the Consent Decree, among other responsibilities, to the United States and the Court; and

**WHEREAS**, after an extensive procurement process the parties agreed to the selection of Peter C. Harvey, Esq., of Patterson Belknap, to serve as the Independent Monitor; and

**WHEREAS**, on or about April 29, 2016, in accordance with the Consent Decree, the Mayor of the City of Newark, the Corporation Counsel and the Director of the Department of Public Safety consented to the appointment of Peter C. Harvey, Esq., as Independent Monitor for an amount not to exceed Seven Million Four Hundred Thousand Dollars and Zero Cents (\$7,400,000.00) for the initial five (5) year monitoring period; and

**WHEREAS**, at the conclusion of the initial five (5) year monitoring period, the United States, Department of Justice, the United States Attorney's Office, and the Department of Public Safety, Division of Police, engaged in extensive discussions and negotiations to extend the monitoring period of Peter C. Harvey, Independent Monitor, for approximately twenty-seven (27) months beginning on July 12, 2021 and having a target end date of October 31, 2023 (the "Monitoring Extension Period"), in accordance with the terms of the Order Extending Monitoring Period filed May 12, 2022 (attached hereto), in order to facilitate full and effective compliance with the Consent Decree; and

**WHEREAS**, the Mayor of the City of Newark, the Corporation Counsel, and the Director the Department of Public Safety believe it is in the best interest of the City of Newark to ratify and authorize the Monitoring Extension Period of Peter C. Harvey, Esq., as the Independent Monitor, for the period of July 12, 2021 through October 31, 2023, in an amount not to exceed Two Million Four Hundred Thousand Dollars and Zero Cents (\$2,400,000.00), in order to resolve this matter and avoid further litigation.

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

1. The Mayor of the city of Newark, the Corporation Counsel and the Director of the Department of Public Safety are authorized to approve the extension of the monitoring period of Peter C. Harvey, Esq., of Patterson Belknap, as Independent Monitor, in accordance with the terms of the Order Extending Monitoring Period (attached hereto) to fully effectuate compliance with the Consent Decree (attached hereto).

2. The Corporation Counsel is authorized to further negotiate the terms as may be required upon presentation to the Court.

3. This extension is ratified from July 12, 2021, to the date of the adoption of this authorizing Resolution.

4. The Mayor of the City of Newark, the Corporation Counsel, the Director of the Department of Finance and the Director of the Department of Public Safety are authorized to ensure that the annual funds necessary to cover the fees of the Independent Monitor are appropriated and budgeted extending the monitoring period beginning July 12, 2021 and having a target end date of October 31, 2023. The total amount for the extension of the monitoring period is at an amount not to exceed Two Million Four Hundred Thousand Dollars and Zero Cents (\$2,400,000.00) for a term of twenty-seven (27) months.

**STATEMENT**

This Resolution ratifies and authorizes the Mayor of the City of Newark, the Corporation Counsel and the Director of the Department of Public Safety to approve the extension of the monitoring period by Peter C. Harvey, Esq., of Patterson Belknap, as the Independent Monitor, in accordance with the Order Extending Monitoring Period filed May 12, 2022, for an amount not to exceed \$2,400,000.00 for a term of twenty-seven (27) months, beginning July 12, 2021 and having a target end date of October 31, 2023 (the "Monitoring Extension Period"), in order to fully effectuate the terms of the Consent Decree entered into on or about April 29, 2016, to resolve this matter and avoid further litigation. The Corporation Counsel is authorized to further negotiate the terms as may be required upon presentation to the Court.