



Legislation Details (With Text)

File #: 22-0766 **Version:** 1 **Name:** Resolution: Order Extending Federal Monitorship Period
Type: Resolution **Status:** Adopted
File created: 5/23/2022 **In control:** Law
On agenda: 7/13/2022 **Final action:** 9/8/2022

Title: 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

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/8/2022	1	Municipal Council	Adopt	Pass
8/3/2022	1	Municipal Council	Defer	Pass
7/13/2022	1	Municipal Council	Defer	Pass

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.