

WRITTEN DIRECTIVE



SUBJECT:	Use of Force
ORDER TYPE:	Standard Operating Procedure
ISSUED DATE:	June 18, 2021
EFFECTIVE DATE:	June 18, 2021
DISTRIBUTION:	All Bureaus-Sworn and Civilian
CALEA STANDARDS:	4.1.1, 4.1.2, 4.1.3 ,4.1.4 ,4.1.5 ,4.1.6, 4.1.7 ,4.2.2 ,4.2.3 ,4.3.4(LE)

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PURPOSE

1. The primary purpose of this directive is to ensure officers respect the sanctity of life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of officers to comply with the laws of the State of New Jersey regarding the use of force and to comply with the provisions of this directive. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. Use of force may never be considered routine. In exercising this authority, officers must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public.

POLICY

2. This directive applies to all officer uses of force. This directive establishes guidelines for officers regarding use of force. This directive applies to all uses of force, whether officers are on- or off-duty. This directive complements the Critical Decision-Making model (CDM) that is the core of the Department's use of force training. CDM provides officers with an organized way of making decisions about how they must act in any situation, including situations that may involve potential uses of force.
3. This directive recognizes constitutional principles but aspires to go beyond them. The Fourth Amendment requires that an officer's use of force be "objectively reasonable." *Graham v. Connor*, 490 U.S. 386 (1989). Under this standard, an officer may only use force that a reasonable officer would when facing similar circumstances. The objectively reasonable standard acknowledges the difficult decisions that officers are forced to make under rapidly evolving and often unpredictable circumstances, but it does not provide specific guidance on what to do in any given situation.
The Constitution provides a "floor" for government action. This Department aspires to go beyond *Graham* and its minimum requirements. Sound judgment and the appropriate exercise of discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this directive is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that an officer encounters.

The Department's core use of force principles are as follows:

CORE PRINCIPLE #1: Officers may use force only to accomplish specific law enforcement objectives.

CORE PRINCIPLE #2: Whenever feasible, officers must attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

CORE PRINCIPLE #3: Officers must use only the amount of force that is proportionate to the circumstances.

CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.

CORE PRINCIPLE #5: Officers must promptly provide or request appropriate medical aid following use of force or any police action.

CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.

4. Officers will be disciplined for violations of this directive. This directive is not intended to create or impose any legal obligations or bases for legal liability absent an expression of such intent by a legislative body, court, or agency. Nevertheless, officers have an affirmative, individual duty to ensure compliance with this directive and with applicable state and federal laws. This applies to the officer's own conduct, as well as observation or knowledge of the conduct by other employees. This directive reinforces the responsibility of officers to take those steps possible to prevent or stop illegal or inappropriate uses of force by other officers. Actions inconsistent with this directive may result in disciplinary action, up to and including termination. At the same time, officers whose actions are consistent with the law and the provisions of this directive will be strongly supported in any subsequent review of their conduct regarding the use of force.

PROCEDURES

CORE PRINCIPLE #1: Officers may use force only to accomplish specific law enforcement objectives.

5. Officers *may* use force for the following legitimate law enforcement objectives:
 - a. To effect lawful law enforcement objectives, such as to affect a lawful seizure (an arrest or detention) or to carry out a lawful search.
 - b. To overcome resistance directed at the officer or others.
 - c. To prevent physical harm to the officer or to another person, including intervening in a suicide or other attempt to self-inflict injury.
 - d. To protect the officer, or a third party, from unlawful force; or to prevent property damage or loss.

6. Officers *may not* use or threaten to use force for the following reasons:
 - a. To resolve a situation more quickly, unless the extended delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other legitimate law enforcement objectives.
 - b. To punish a person or to retaliate against them for past conduct or to impose punishment; To prevent a person from resisting or fleeing in the future.
 - c. To force compliance with an officer's request, unless that request is necessary to serve officer or public safety, or criminal adjudication; or
 - d. Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

CORE PRINCIPLE #2: Whenever feasible, officers must attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

7. Officers will use de-escalation and force-mitigation tactics and techniques whenever safe and feasible to do so. It must be every officer's goal to resolve all situations without using force. To make this more likely, officers must use de-escalation and force-mitigation tactics and techniques whenever doing so will not put the officer or another person at undue risk.
 - a. Officers will receive substantial training on the Critical Decision-Making (CDM) model, as well as when and how to appropriately use de-escalation and force-mitigation, including but not limited to *Tactical Communication, Tactical Positioning, and Time as a Tactic*.

8. Officers will provide clear instructions and warnings whenever feasible before using force. Whenever safe and feasible, officers may not use force immediately when encountering noncompliance with lawful verbal directions. Instead, whenever safe and feasible, before using force, officers must:
 - a. Provide clear instructions and warnings.
 - b. Seek to communicate in non-verbal ways when a verbal warning would be inadequate

(such as when the person does not speak English, or is unable to hear or understand warnings);

- c. Indicate the consequences of refusing to comply with a mandatory order, including that force will be used unless the person complies; and
 - d. Give the person a reasonable amount of time to comply.
9. Officers must consider an individual's mental, physical, or other incapacities. Officers must, when feasible, consider whether a person's failure to comply with an officer's command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In these situations, officers must consider whether specific techniques or resources would help resolve the situation without force.
10. Officers may not exercise force unless it is necessary and as a last resort. Officers must exhaust all other reasonable means before resorting to the use of force. Using force only as a last resort means that officers do not engage in unnecessary, overly aggressive, or otherwise improper actions that create a situation where force becomes needed. Using force only as a last resort also means that an officer must not use force if a safe alternative would achieve the law enforcement objective.

CORE PRINCIPLE #3: Officers must use only the amount of force that is proportionate to the circumstances.

11. Officers must evaluate all the circumstances facing them in the field to determine whether force is appropriate and what amount is proportionate. Officers encounter a wide range of situations in the field, but the sanctity of human life must be at the heart of every decision an officer makes. When force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances. In general, the greater the threat and the more likely that the threat will result in injury or death, the greater the level of force that may be immediately necessary to overcome it. Consistent with training, some of the factors that officers must consider when determining how much force to use include:
- a. The risk of harm presented by the person.
 - b. The risk of harm to the officer or innocent citizens by using force; The seriousness of the law enforcement objective.
 - c. Whether further de-escalation techniques are feasible, including the time available to an officer to decide, and whether additional time could be gained through tactical means.
 - d. If there is a practical, less harmful alternative available to the officer.
 - e. Mental or physical disability, medical condition, and other physical and mental characteristics, including but not limited to drug and/or alcoholic beverage intoxication; and
 - f. Whether there are other exigent/emergency circumstances.

12. As a situation changes, officers must reevaluate the circumstances and continue to respond proportionately. Over the course of an encounter, the circumstances and threats an officer faces may change. Consistent with training and the CDM process, while using force, officers must continually assess the effectiveness, proportionality, and necessity of their actions. Response to a subject's behavior is a fluid assessment that must be based on the individual subject's real-time actions, not what the subject may have done previously and not the actions of others in the group or party to which the subject may belong or be in proximity.
13. This Department trains officers on the following range of force options. The force options available to an officer fall along a continuum. Officers are not required to exhaust one type of force before moving to a greater force. Sound judgment and the appropriate exercise of discretion will always be the foundation of officer decision making in determining the proportionate amount and type of force required. This Department trains its officers on the following force options: police presence, verbal control techniques, physical contact, holding techniques, compliance techniques, control instruments, oleoresin capsicum spray, physical force, impact weapons, canine apprehension, conducted energy devices, and deadly force.
14. The level of resistance that an officer encounters is a key factor in determining the proportionate amount of force. It is not possible to determine ahead of time what the proportionate level of force is for every possible situation that officers may face. Nevertheless, one of the key factors in determining what level of force is necessary and proportionate in each situation are the subject's actions encountered by the officer. In general, the less resistance an officer faces, the less force the officer may use. The types of resistance officers may encounter fall along a continuum, from a cooperative person to an active assailant. Consistent with training, the following continuum applies when officers are exercising judgment in determining what level of force is necessary and proportionate to the individual subject's level of resistance:

Level of Resistance	Force Options that may be used Proportionately
Cooperative Person	Police Presence Verbal Control Techniques
Passive Resistor	Police Presence Verbal Control Techniques Compliance Techniques Control Instruments
Active Resistor	Police Presence Verbal Control Techniques Compliance Techniques Control Instruments Physical force Oleoresin Capsicum Spray Conducted Energy Device¹ Canine Apprehension²
Threatening Assailant	Police Presence Verbal Control Techniques Compliance Techniques Control Instruments Physical force Oleoresin Capsicum Spray Conducted Energy Device Canine Apprehension Impact Weapon
Active Assailant	Police Presence Verbal Control Techniques Compliance Techniques Control Instruments Physical force Oleoresin Capsicum Spray Conducted Energy Device Canine Apprehension Impact Weapon Deadly Force³

¹ Where the subject's resistance is flight ONLY, the CED may only be fired/discharged where the Active Resistor is in immediate flight, AND the officer has Probable Cause to believe the subject has committed an offense that caused or attempted to cause serious bodily injury or death.

² Canine apprehension may ONLY be deployed if the canine handler has probable cause to believe that the Active Resistor has committed an offense that caused or attempted to cause serious bodily injury or death, AND less intrusive means of apprehension have been exhausted or under the circumstances are unavailable or reasonably believed to be ineffective under the circumstances.

³ Deadly Force may only be used as a last resort and in strict accordance with the guidance below, see Core Principle #4.

15. When an individual engages in certain aggressive actions, he/she is considered an assailant, not a resistor. When a person uses force, threatens to use force, or otherwise acts in an aggressive manner that increases the likelihood that they may cause physical injury to an officer or to another person, that person is no longer considered cooperative or even a resistor, but instead becomes an assailant. Flight from an officer does not, on its own, qualify a person as an assailant (*see* Section 24 below for more information).
16. When an individual's actions pose an imminent danger, he/she is considered an active assailant, not a threatening assailant. The difference between a threatening assailant and an active assailant is how immediate a threat the assailant poses to the officer or another person. When the person poses an *imminent danger*, the person is considered an active assailant. When the threat exists but does not amount to imminent danger, the person is considered a threatening assailant.
17. Special requirements must be met before an officer may display a firearm. Unholstering or pointing a firearm are tactics that must be used with great caution. The presence of an officer's firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to actual force. At the same time, however, unnecessarily or prematurely drawing a firearm can limit an officer's options in controlling a situation, will create great anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Accordingly, officers may only display their firearms in appropriate tactical situations and using the following principles as guidance:
 - a. *Pointing a firearm.* Consistent with training, officers may point a firearm at a person only when circumstances create a reasonable belief that it may be immediately necessary for the officer to use deadly force. When the officer no longer reasonably believes that deadly force may be immediately necessary, the officer must, as soon as practicable, secure or holster the firearm.
 - b. *Unholstering a firearm.* Consistent with training, officers may unholster or otherwise display a firearm only when circumstances create a reasonable belief: (1) that the officer is permitted to point a firearm at a person, or (2) that unholstering or displaying the firearm may itself help establish or maintain control in a potentially dangerous situation.
18. Persons under an officer's control must be positioned in a way so that their breathing is not obstructed. To prevent positional asphyxiation, after gaining physical control of an active resisting person, threatening assailant, or active assailant; officers must not sit, kneel, or stand on the person's head, neck, chest or back. Where prone restraint is unavoidable incidental to gaining control of the person, officers must as soon as the person is handcuffed and/or under physical control "*get them off their stomach*" and onto their side or in a sitting position.
19. In addition to this directive, specific weapons directives remain applicable. In addition to the requirements of this directive, officers may only use weapons in a manner consistent with specific Departmental weapons policies, such as directive CCV3C3 (Weapons & Ammunition), directive CCV4C3 (Conducted Energy Devices – Tasers), and other relevant directives.

CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.

20. Deadly force includes, but is not limited to, use of a firearm. Deadly force is force that an officer knows or should know creates a substantial risk of causing death or serious bodily harm. Deadly force includes, but is not limited to, firing a firearm in the direction of another person. Deadly force also includes other potentially lethal tactics, such as:
 - a. Firing of a firearm at a vehicle, building, or structure in which another person is believed to be.
 - b. Applying a chokehold or carotid restriction or neck/vascular restraint. Chokeholds and any other carotid restriction or neck/vascular restraint technique are only authorized where deadly force is necessary, proportionate, and in strict compliance with this directive.

21. Threatening deadly force does not necessarily constitute deadly force. A threat to cause death or serious bodily harm, such as by displaying a firearm, does not constitute deadly force, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary.

22. Strict requirements must be met before an officer may use deadly force. As discussed above, when feasible, officers must try to de-escalate situations, issue verbal warnings, or use non-lethal force with the goal of resolving encounters without using deadly force. There are, however, occasions when deadly force is necessary to protect officers or members of the public. An officer may use deadly force only when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.
 - a. If feasible, an officer must identify himself/herself and state his/her intention to shoot before using a firearm.
 - b. Officers must not use deadly force if the officer reasonably believes that an alternative will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the law enforcement purpose at no increased risk to the officer or another person.

23. Strict additional requirements must be met before an officer may use deadly force against a moving vehicle. While any firearm discharge entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an officer must not fire from a moving vehicle, or at the driver or occupant of a moving vehicle, unless the officer reasonably believes:
 - a. There exists an imminent danger of death or serious bodily harm to the officer or another person; *and*
 - b. No other means are available at that time to avert or eliminate the danger.

24. Strict additional requirements must be met before an officer may use deadly force against a fleeing suspect. An officer may use deadly force to prevent the escape of a fleeing person only if *all* the following conditions are met:
 - a. The officer has probable cause to believe the suspect has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; *and*
 - b. The suspect will pose an imminent danger of death or serious bodily harm should the escape succeed; *and*
 - c. The use of deadly force presents no substantial risk of injury to innocent persons.

25. There are specific circumstances in which the use of deadly force is prohibited. In general, officers may not discharge their weapons as a signal for help or as a warning shot, nor may they use deadly force in the following situations:
 - a. Solely to prevent property damage or loss.
 - b. Solely to prevent the destruction of evidence (for example, under no circumstances must an officer use a chokehold, or any contact with the neck area, to prevent ingestion.
 - c. Solely to disable moving vehicles; or
 - d. Against a person who poses a threat only to themselves (and not to others).

CORE PRINCIPLE #5: Officers must promptly provide or request appropriate medical aid following use of force or any police action.

26. Officers have a duty to provide prompt medical care. Officers must always treat people with dignity and respect. Whenever a person is injured, complains of an injury, or requests medical attention, as soon as it is safe and practical, officers must request medical aid (such as by contacting emergency medical services) and provide appropriate medical care consistent with the officer's training (such as by providing first aid and/or transportation to an emergency medical facility).

27. Officers have a duty to continuously monitor individuals for potential medical intervention. Out of respect for the sanctity of life, officers must closely monitor persons against whom force is/or was used for signs that they require medical assistance. Signs may include shortness of breath, absence of chest rising, discoloring, groaning, unconsciousness, unresponsiveness, verbalizing that they are having difficulty breathing, obvious trauma, and/or flailing in a state of panic. *What appears as active resistance or battery against the officer may be a panicked response to the person's inability to breath*). This responsibility applies from the moment of first contact, during the application of force, upon gaining physical control, during transportation and throughout custody. Officers must pay attention to persons believed to be medically fragile, emotionally distressed, intoxicated, having ingested drugs or other intoxicating substances, pregnant, children, the elderly, and physically vulnerable, frail, or obese individuals.

CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.

28. Employees have a duty to prevent and stop illegal and inappropriate uses of force by others. Every employee, regardless of rank, seniority, sworn or civilian (for example: a junior officer observes a supervisor applying excessive force) has an obligation to ensure compliance, by themselves and others, with Department directives and regulations, as well as all applicable laws, regarding use of force. Any employee who observes an officer about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events *before* the fellow officer does something that makes any official action necessary. Officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately. Similarly, any employee who observes an officer using force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, immediately do whatever he/she can, including physical intervention to interrupt the flow of events and *stop* the use of force. In addition to preventing and stopping illegal and inappropriate uses of force, supervising employees must control the scene, gather/document all facts/observations, ensure immediate action is taken to provide medical intervention and as soon as practicable notify the on-duty watch commander.
29. Employees have a duty to report illegal and inappropriate uses of force by other employees. Any employee who observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive must:
 - a. Notify a supervisor as soon as possible; *and*
 - b. Submit an individual written report to a supervisor before reporting off duty on the day the officer becomes aware of the misconduct.
30. Employees are prohibited from retaliating against an employee who intercedes in or reports illegal or inappropriate uses of force. No employee may retaliate, in any form, against another employee who intercedes in or reports a violation of this directive, or who cooperates with an investigation into a possible violation of this directive.

NOTIFICATION REQUIREMENTS

31. Officers must immediately notify the Department of all use of force incidents greater than physical contact and/or any firearm discharge. All uses of force greater than physical contact must immediately be reported to the Department's Real-Time Tactical Operations and Intelligence Center via radio transmission or landline. This requirement includes any intended discharge or unintended discharge of a firearm while an officer is on or off duty, but does not include discharges during recreation, training and/or qualification sessions. Documentation and reporting requirements required under this written directive must be followed.

32. The on-duty watch commander must immediately notify the Professional Development Division of all use of force incidents that result in death or serious bodily injury, and/or any firearm discharge.
33. The Professional Standards Division is responsible for notifying the Camden County Prosecutor's Office of all use of force incidents that result in death or serious bodily injury, or when an injury of any degree results from the use of a firearm. This notification must occur before any investigation of the incident is undertaken, other than to establish situational awareness, secure the scene and to render medical assistance as required.
34. The Prosecutor's Office is responsible for the necessary notifications to the Division of Criminal Justice ("DCJ").

REPORTING & REAL-TIME REVIEW

35. All employees must complete their reports accurately and completely. All employees are responsible, always, for accurately and completely describing the facts and circumstances concerning any use of force incident, including articulating specific facts to explain an officer's own decision to use force. The Department may impose discipline for any substantial omissions or misrepresentations.
36. Every use of force greater than physical contact must be documented and reported. Whenever an officer uses a degree of force greater than physical contact, the officer must complete the following reports and submit them through the appropriate Departmental chain of command:
 - a. A State of New Jersey—electronic Use of Force Report; *and*
 - b. A Department Blue Team—Use of Force Report; *and*
 - c. An investigation report and/or supplementary report regarding the nature of the underlying incident (and indicating that the officer has completed Use of Force Reports), with the following conditions:
 - i. In accordance with New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2006-5, supervisors must not require officers deploying force that results in death or serious bodily harm, being investigated by the Attorney General's Office, a county prosecutor's office, or DCJ to submit investigation or supplemental reports. Officers are still required to submit Use of Force reports.
 - ii. Only the New Jersey Attorney General's Office, a county prosecutor's office, or DCJ can order such reports. An officer's statements to these entities can suffice as their report of the incident.
 - iii. Officers not directly involved in the use of force, but who have indirect involvement (*e.g.*, secondary responders, assisting responders, witnesses, etc.), may be required to submit investigation reports upon approval of the

lead investigating agency (*i.e.* New Jersey Attorney General's Office, Camden County Prosecutor's Office, or DCJ).

- d. A Conducted Energy Device Deployment Review Report (if a CED is used).
- e. An Informational Report (if a CED is used); *and*
- f. A Police Use of Deadly Force–Attorney General Notification Report (if applicable).

37. The following additional reporting requirements apply to an officer's actions that do not involve force greater than physical contact under Section 36. An officer who takes any of the following actions, if not otherwise reportable under Section 36, must create a written incident report and/or supplementary report capturing the relevant facts and circumstances for each of the following situations:

- a. Every intentional discharge of a firearm not for training or recreational purposes.
- b. Every instance where an officer unintentionally discharges a CED or firearm, regardless of the reason.
- c. A firearm discharge to destroy an aggressive animal presenting an immediate threat to human life requires, a State of New Jersey electronic use of force report, in addition to the *investigation report*.
- d. Every instance where an officer takes an official action that results in or is alleged.

38. Real-time reviews are required for all use of force incidents that do not result in death or serious bodily injury, and/or do not involve injury of any degree resulting from the use of a firearm. Supervisors have specific responsibilities as part of each real-time use of force review. The approving Sergeant (or other supervisor) and Watch Commander must review all reports for accuracy and completeness and must promptly address any issues, including: policy changes, training needs, weapons or equipment issues, or discipline (*i.e.* an administrative review). Recommendations to modify policy, apply remedial training beyond what can be performed by the supervisor, change weapons, equipment, or tactics, or apply discipline must be thoroughly documented and forwarded through the chain of command.

- a. Sergeants have the following responsibilities:
 - i. Ensure all required paper reports and related documents are complete and submitted, review them for accuracy and completeness, and either reject and return for immediate corrections or approve.
 - ii. Review all relevant documents and information, including body-worn camera video and photographs, to assess the underlying incident and complete an Administrative Review Report.
 - iii. Log into Blue Team, review the submitted Blue Team Report, and either reject and return for corrections or approve; *and*
 - iv. Assemble all reports and relevant documents and immediately submit them to the Watch Commander.
- b. Watch Commanders have the following responsibilities:
 - i. Ensure a supervisor responds to the scene of any use of force incident without unnecessary delay to gather facts, preserve evidence and ensure department protocols are being strictly adhered to.

- ii. Review all submitted reports, body-worn camera video, photographs, and any other relevant information or documents.
 - iii. Log into Blue Team review the submitted Blue Team Report, and either reject and return for corrections or approve.
 - iv. Complete the Use of Force Command Review Report and forward it to Executive Command personnel.
 - v. Scan and attach the Use of Force Command Review Report and all submitted documents to the Blue Team report; *and*
 - vi. Forward the Blue Team Report with attachments to the Internal Affairs Unit in Blue Team and forward all paper documents to the Internal Affairs Office (2nd Floor) via inter-office mail.
39. Use of force records must be retained and available according to state law. All use of force reports must be retained as required by the New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules. Use of force reports are subject to discovery and access through the New Jersey Open Public Records Act.

INTERNAL AFFAIRS USE OF FORCE REVIEW

40. Use of force incidents will be reviewed by Internal Affairs according to set procedure. Once a Use of Force Administrative Review Packet has been completed and submitted, or in the case of incidents requiring investigation by the county prosecutor or attorney general—such investigation has concluded or been approved for bifurcated investigation, the following procedure will be followed:
- a. Review the Use of Force Administrative Review Packet to ensure all relevant documents are attached and signed, including:
 - i. Command Review Report
 - ii. Sergeant Administrative Review
 - iii. Incident Report
 - iv. Use of Force Card
 - v. Use of Force Report
 - vi. Blue Team Report
 - vii. CAD Ticket
 - viii. Arrest Report (if applicable)
 - ix. Tickets/Summons
 - x. Impound Report
 - xi. Victim Notification Report
 - xii. Medical Discharge Forms (if applicable)
 - xiii. Victim Notification Form
 - xiv. Photographs
 - xv. Any other additional documentation

- b. Review the Command Review Report for the Watch Commander's findings and whether the officer(s) involved followed Department policy and procedures.
- c. Review the Sergeant's Administrative Review for its findings and whether the officer(s) utilized the Critical Decision-Making model.
- d. Review the Incident Report to gain a situational understanding of the reason force was utilized.
- e. Review the officer's body-worn camera footage to ensure the force was necessary, proportionate, and reasonable.
- f. Compare the officer's actions as displayed on the body-worn camera footage with the officer's Incident or Additional Information Report, Use of Force Report, and Blue Team Report (repeat for all officers who utilize force in each incident);
- g. Review all other body-worn camera footage, including from responding officers, to gain a full panoramic view of the incident.
- h. Upload and link all documents into IPro, along with all body-worn camera footage, Audio Log Transmissions, Blue Team Reports, witness officers involved, and Administrative Review forms.
- i. If there are no issues identified with the incident or the Administrative Review Packet, the incident is routed (via IPro) and the hard copy of the Review Packet is provided to the Internal Affairs Commander for review.
- j. If there are any issue(s) identified with any application of force, documentation, or body-worn cameras, the Watch Commander (who reviewed the incident) and the reviewing supervisor are contacted and made aware of the issue(s) and provided a date as to when the issue(s) must be resolved and corrected;
- k. If training issues are identified, the issues are brought to the attention of the Internal Affairs Commander (once the issue is confirmed, the Professional Development and Training Division is contacted, via an EIS Request for Training, for corrective actions).
- l. If any criminal or rule violations are identified, an Internal Affairs complaint is generated.

INVESTIGATION REQUIREMENTS

- 41. The Prosecutor's Office must investigate the use of force in accordance with the New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2006-5. DCJ may supersede the investigation where there may be a conflict or if the matter is better handled at the state level.
- 42. When a prosecutor's detective or investigator, assistant prosecutor, or the prosecutor is involved in the use of force incident, DCJ must be the lead investigating agency. If DCJ becomes the lead investigating agency, a shooting response team consisting of DCJ investigators and members of the New Jersey State Police Major Crimes Unit must normally conduct the investigation.

43. Any employee whose action(s) or use of force in an official capacity results in death or serious bodily injury to any person, must be promptly removed from operational assignment(s) pending the outcome of the investigation.
44. Rule infractions are forward to Command Level for investigation. Criminal or serious violations are investigated within the Office of Internal Affairs, any such investigation is secondary to the county prosecutor or attorney general's investigation; however, a bifurcated investigation may be authorized by the Chief of Police with the consent of the county prosecutor.

USE OF FORCE DATA COLLECTION & ANALYSIS

45. The Department must collect and analyze use of force data. This Department collects, analyzes, and makes public data regarding uses of force. The Department does so to ensure our enforcement practices are fair, non-discriminatory, and involve the minimum amount of force necessary to accomplish a legitimate law enforcement objective.
46. The Professional Standards Division must issue an annual use of force report and analysis.
 - a. The Professional Standards Division is responsible for completing an annual use of force summary report in a manner prescribed by the Camden County Prosecutor. This summary report must be published and made available to the public upon request.
 - b. The Professional Standards Division is responsible for completing an annual analysis of the previous calendar year's use of force incidents, Department polices, and use of force practices. Examples of some analytical categories may include, but are not limited to:
 - i. Use of force by time of day and day of week.
 - ii. Use of force by type of location (*e.g.*, business, residential, or industrial).
 - iii. Use of force by type of incident.
 - iv. Use of force by officer/detective involved.
 - v. Use of force by division, bureau, unit.
 - vi. Use of force by person's actions.
 - vii. Use of force by type (*e.g.*, deadly force).
 - viii. Use of force resulting in injury to personnel.
 - ix. Use of force resulting in injury to actors.
 - x. Use of force resulting in arrests.
 - xi. Percentage of use of force vs. total number of custodial arrests.
 - c. The Professional Standards Division's annual analysis is designed to: (1) identify any broad patterns or trends that could indicate policy ineffectiveness, training needs, equipment upgrade needs, and/or policy modification needs; and (2) identify any pattern or practice of behavior by particular officers that could warrant intervention, remediation, and/or re-training.

TRAINING REGARDING USE OF FORCE

47. All officers must be issued this directive and receive use of force training. Prior to being authorized to carry a weapon, all personnel must receive training from a certified instructor. NJ Attorney General Guidelines require semi-annual use of force training, while this is the minimum required standard, we aspire to go beyond the minimum requirement. To that end use of force-centered training must be conducted on a more frequent basis in concert with the department's professional development requirements. The training, issuance of the directive, and verified transfer of knowledge must be completed, documented, and forwarded to the training unit. This training must:
- a. Reflect current standards and procedures established by statutory and case law, as well as state, county, and departmental policies, directives, and guidelines, including terms and definitions in this directive.
 - b. Include scenario-based tie-ins.
 - c. Include the use of force in general, force continuum, the limitations that govern the use of force and deadly force, including necessity, and proportionality of force requirements.
 - d. Include general instruction and practical application of de-escalation as a tactic.
 - e. Include supervisor responsibilities to respond, assess, and intervene, and all applicable aspects of Departmental directives.
 - f. Include risks associated with positional asphyxiation and prone restraint, alternatives to prone restraint, physical control techniques used to transition a person out of prone restraint, signs of breathing difficulties and/or loss of consciousness.
 - g. Training in the use of chemical or natural agents, such as oleoresin capsicum (OC), mace, gas, etc., must include procedures for the treatment of persons exposed to such chemical/natural agents, as well as safe handling and storage procedures.
 - h. Prior to being authorized to carry and use less lethal ammunition or control and restraint techniques, employees must demonstrate proficiency in the deployment and/or use of such authorized less lethal ammunition and approved control and restraint techniques.
48. Officers have an ongoing obligation to review Department directives and trainings on use of force. All officers have an ongoing obligation to review the Department's use of force directives and training materials, and to seek clarification any time they have questions or need guidance. This ongoing review may take place via formal supervisor-led training sessions as well as through mentoring opportunities to reinforce the content and philosophies.

DEFINITIONS

<p>49. Administrative Review: A documented review of an incident or occurrence prepared by or for the Chief of Police or his/her designee. The review must indicate whether policy, training, equipment, or disciplinary issues should be addressed.</p>
<p>50. Active Assailant: A person who is using or imminently threatening the use of force, with or without a weapon, in an aggressive manner that poses a substantial risk of causing bodily injury to an officer or another person. A threatening assailant becomes an active assailant when the threat becomes imminent.</p>
<p>51. Active Resistor: A person who is uncooperative, fails to comply with directions from an officer, and instead actively attempts to avoid physical control. This type of resistance includes, but is not limited to, evasive movement of the arm, flailing arms, tensing arms beneath the body to avoid handcuffing, and flight.</p> <p>Examples of evasive or resisting movements include:</p> <ul style="list-style-type: none">• attempting to/or creating physical distance• stiffening or tensing of the body,• flailing of the arms or legs• immediate flight.• refusing to comply with lawful directions from an officer to surrender an object the officer
<p>52. Appropriate Medical Aid: may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid consistent with the officer's training, evaluation by paramedics, or for more serious or life-threatening incidents, immediate aid by medical professionals.</p>
<p>53. Canine Apprehension: There are two types of apprehension techniques taught in police-service dog training: bite-and-hold and circle-and-bark. Bite-and-hold is generally defined as under the direction of its handler the dog while off leash finds a suspect, bites, and holds the suspect until commanded by the handler to release the hold. Circle-and-bark is generally defined as the dog while on leash under the direction of its handler finding a suspect and, if the suspect remains still, circling and barking until the handler takes control. In most cases, a dog trained to circle, and bark will bite if</p>
<p>54. Chokehold/Carotid Restraint/Vascular Neck Restriction: A chokehold is a technique that involves applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air. A Carotid Restraint/Vascular Neck Restriction is a technique that applies direct pressure to the carotid artery (on the side of the neck) restricting the flow of blood to the brain and causing a temporary loss of consciousness/incapacitation. Both are considered deadly force.</p>
<p>55. Compliance Techniques: Physical techniques that involve the use of non-impact pressure to sensitive areas of the body (mainly areas of skin covering bone) to elicit and maintain control of a person. Compliance techniques include joint manipulation and pressure point techniques, but do not include any technique that restricts blood flow to carotid arteries, causing a person to lose oxygen to the brain, or any striking.</p>
<p>56. Conducted Energy Devices (CED): A CED is any device approved by the New Jersey Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.</p>

<p>57. Control Instruments: Tools (such as a baton) applied with non-impact pressure to joints and sensitive areas of the body (mainly areas of skin covering bone) to elicit and maintain control of a person. Additional guidance may be found in Department directive CCV3C3.</p>
<p>58. Cooperative Person: A subject that is responsive to and compliant with lawful directions from an officer.</p>
<p>59. Critical Decision-Making Model: The Critical Decision-Making model or “CDM” is an organized way of making decisions about how an officer will act in any situation, including situations that may involve potential uses of force.</p>
<p>60. Deadly Force: Deadly force means force that an officer uses with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing death or serious bodily injury. Discharging a firearm, constitutes deadly force, unless the discharge occurred during the course of a law enforcement training exercise, routine target practice at a firing range, a lawful animal hunt, or the humane killing of an injured animal. A threat to cause death or serious bodily injury by the display of a weapon or otherwise, so long as the officer’s purpose is limited to creating an apprehension that deadly force will be used if necessary, does not constitute deadly force.</p>
<p>61. De-escalation (De-escalation Techniques): Actions taken by an officer meant to stabilize a situation and reduce the immediacy of a potential threat so that a potentially dangerous situation with voluntary compliance and without resorting to force.</p>
<p>62. Employee: Any employee of the Camden County Police Department, full or part-time, sworn, and non-sworn.</p>
<p>63. Holding Techniques: Holding techniques include a firm grip or grab of an arm, wristlocks, come-along holds (i.e. escort holds that are not elevated to compliance techniques), controlled take-downs, and pins against the ground or objects, as well as any combination of the above.</p>
<p>64. Imminent Danger: Imminent danger describes threatened actions or outcomes that are immediately likely to cause death or serious bodily harm to an officer or another person unless action is taken. To be <i>imminent</i>, the person threatening danger must have the means/instruments and opportunity/ability to cause harm. The threatened harm does not have to be instantaneous. The period of time involved is dependent on the circumstances and facts of each situation and is not the same in all situations.</p>
<p>65. Impact Weapons: Weapons designed to establish control by means of applying mechanical impact to a person to disable elements of his or her musculoskeletal structure. Impact weapons include batons and less lethal ammunition. The Department trains officers to avoid the use of flashlights, radios, firearms, or any item not specifically designed as an impact weapon, unless immediately necessary and no other practical options are available. Additional guidance may be found in Department directive CCV3C3.</p>
<p>66. Officer: Also known as a law enforcement officer. Any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by a public safety agency and is authorized to carry a firearm under N.J.S.A. 2C:39-6.</p>

<p>67. Oleoresin Capsicum: Also known as OC Spray or Pepper Spray, this is an inflammatory chemical agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. Direct exposure to a person's eyes will likely result in the eyes closing, tearing, and swelling. When inhaled, a person experiences choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. As a result of these symptoms, a person may experience nausea or temporarily impaired thought processes or may become disoriented or lose his or her balance.</p>
<p>68. Passive Resistor: A person who is non-compliant in that they fail to comply in a non-movement way with verbal or other direction from an officer.</p>
<p>69. Physical Contact: Routine or procedural contact necessary to effectively accomplish a legitimate law enforcement objective. Examples include, guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject, and maneuvering or securing a subject for a frisk.</p>
<p>70. Physical Force: Concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.</p>
<p>71. Police Presence: Official presence established through identification of authority and proximity to the person.</p>
<p>72. Positional Asphyxia: a form of asphyxia which occurs when a subject's restrained position prevents the person from breathing adequately. Positional asphyxia also may be a result of the policing technique, "prone restraint" used by police. People may die from positional asphyxia accidentally, when the mouth and nose are blocked, or where the chest may be unable to fully expand. Pressing down on a person's back, head, neck, shoulders, or chest while they are on their stomach increases</p>
<p>73. Proportionate Force: Actions, including de-escalation and force, which correspond appropriately with the circumstances confronting the officer.</p>
<p>74. Professional Standards Division: Division within department that includes the Internal Affairs Section, which is responsible for the investigation of all internal complaints, and the Quality Assurance Section, which is responsible for managing the department's in-service training curriculum as well as completing various audits of department processes.</p>
<p>75. Real-Time Tactical Operations and Intelligence Center: The RT-TOIC maintains a real-time awareness of conditions of certain places within the Department's integrated technology platform and monitors the tactical deployment of all Department assets in the field to ensure compliance with the Department's weekly crime reduction plan. RT-TOIC also deploys virtual patrollers utilizing the Department's CCTV camera system, and manages police dispatch and 911 functions.</p>
<p>76. Reasonable Belief: is an objective assessment based upon an evaluation of how a reasonable police officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the officer at the time.</p>
<p>77. Serious Bodily Injury: Serious bodily injury means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. Serious bodily injury and serious bodily harm have the same definition the purposes of this Policy. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).</p>

<p>78. Substantial Risk: A substantial risk is one that is foreseeably likely to occur. That is, the risk is one that a reasonable officer in the same circumstances should anticipate as the likely outcome.</p>
<p>79. Tactical Communication: Verbal communications techniques that are designed to avoid or minimize the use of force. Such techniques include attempts to exercise persuasion, advice, instruction, and warning prior to the use of physical force.</p>
<p>80. Tactical Positioning: Making advantageous use of positioning, distance, and cover to isolate and contain person and avoid the need to resort to force.</p>
<p>81. Threatening Assailant: A person who is threatening the use of force against another person, with or without a weapon, in an aggressive manner that may cause bodily injury. Examples may include a person armed with a weapon who fails to disarm, and an unarmed person who advances on an officer or any other person in a threatening manner thereby reducing the officer's time to react, putting the officer in reasonable fear of a physical attack.</p> <p>Examples include but are not limited to:</p> <ul style="list-style-type: none"> • the Assailant advances on the officer in a threatening manner and/or attempts to close the distance between themselves and the officer, thereby reducing the officer's reaction time. • the Assailant resists an officer's lawful direction by threatening to use physical force against the officer or another person while creating a substantial risk of causing bodily injury to the officer or another person.
<p>82. Time as a Tactic: Establishing a zone of safety around a person that creates an opportunity for an assessment and action, when feasible, thereby decreasing the need to resort to force.</p>
<p>83. Verbal Control Techniques: Consists of persuasion, advice, instruction, and warning in the form of verbal statements or commands that may result in compliant behavior. Whenever it is safe and feasible, officers must attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.</p>

OTHER PROVISIONS

All personnel are responsible for adhering to the requirements of this written directive until rescinded or amended by written order of the Chief of Police. Employees have an ongoing and continuous responsibility to seek guidance and verify their understanding of this and all directives including orders, policies, procedures, and rules. This directive shall take effect immediately and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Chief of Police. All directives not expressly altered by this order remain in full force and effect.

The provisions of this directive shall be severable. If any phrase, clause, sentence or provision of this directive is declared by a court of competent jurisdiction to be invalid, the remainder of the directive shall not be affected.

Non-enforceability by third parties. This Directive is issued pursuant to the Chief of Police's authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice by department members. This Directive imposes limitations that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state

statutes and regulations. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.

By Order of

A handwritten signature in black ink, appearing to read "Gabriel Rodriguez #12". The signature is written in a cursive style with a distinct "G" and "R".

Gabriel Rodriguez
Chief of Police