Annual WOPD
Use of Force
Analysis for 2020
To all of our community partners,

Central to the ability of the police to provide fair and effective services is the generation and preservation of reasonable levels of trust and transparency. The public must be able to understand how agencies behave in order to have confidence that their police force is working to ensure a high degree of efficiency, efficacy and equity in operations.

The West Orange Police Department is committed to expanding our relationship with our community through meaningful transparency. I would like to take this opportunity to thank the dedicated officers of the West Orange Police Department for their commitment to upholding the high standards of the agency. Their professionalism and resolve help keep our community safe and help keep West Orange as one of the premier townships in the great state of New Jersey.
Annual Use of Force Analysis

Introduction

Every member of West Orange Police Department has taken an oath or affirmation to “bear true faith and allegiance to the government established in this state under the authority of the people, to support the Constitution of the United States and the Constitution of the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of their offices”. To accomplish these duties, under the authority of the people, police officers have been given enormous, but limited, power to satisfy the needs of government. That power consists of legally taking a citizen’s liberty through arrest or detention and the lawful use of deadly force when reasonable and necessary to accomplish these duties. These enormous powers come with tremendous responsibilities and it is incumbent on every chief executive to implement effective policy based on “clearly established law” and national standards, provide effective training to ensure the policies are understood, and finally to evaluate this process at the operational level.

Pursuant to West Orange Police Department Directive 1:8-6 and CALEA Standard 4.2.4, an administrative review of all use of force incidents was conducted to assess patterns, training needs and performance gaps in our existing directive to ensure we meet the highest national standards and the demands of our community. The purpose of this report is to conduct a comprehensive evaluation of police/citizen “use of force” incidents involving members of the WOPD to ensure compliance with our directive system, guidelines promulgated by the New Jersey Attorney General, Essex County Prosecutor, CALEA national standards and current court decisions.

“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey.”
ASSESSING THE DATA

This report will begin with an evaluation of information that was collected from our Computer Automated Dispatch (CAD) and Records Management System (RMS), Use of Force reports, investigative reports and command reviews. In 2020, the West Orange Police Department personnel responded to 31,109 calls for service and only used reasonable, necessary and justifiable force, as defined in Directive 1:8, on a total of twenty-five (25) individual incidents. This equates to our officers utilizing force options on .0804% of the total calls for service. Although it’s difficult to assess the exact number of police/citizen encounters, it is objectively reasonable to say our officers interacted with a minimum of 31,109 citizens based on calls for service data from our CAD/RMS systems.

During these interactions police officers only used force when necessary and justified to accomplish a specific governmental need on twenty-five (25) individual incidents. This is an astounding low number of “use of force” incidents, and clearly shows our officers utilize de-escalation tactics effectively to manage over 99% of the police citizen encounters. Finally, the data has shown every use of force incident involving our officers began with a citizen’s call for service or assistance.

The following information was obtained from the West Orange Police Department Use of Force forms and an independent review of suspect characteristics on each Use of Force Form submitted. Analysis was based on the force used on twenty-five subjects during calls for service. Pursuant to WOPD Directive 1:8-6a, which requires each officer who is present and employs force to prepare and submit a use of force form. Fifty-eight (58) use of force forms were submitted and evaluated for this analysis:

Suspect characteristics:

- 72 % of the force used involved male subjects (18)
- 28 % of the force used involved female subjects (7)
- 40% of the force used involved white subjects (10)
- 60% of the force used involved black/AA subjects (15)
- 48 % of the force was used dealing with a mental health crisis (12)
- 16 % of the force was used with subjects identified as being under the influence (4)
Data compiled from the 2020 Use of Force Reports revealed that the majority of the use of force encounters were spread out evenly over all twelve months, with the exceptions of March where four incidents occurred and November where three incidents occurred. It’s important to understand that both March and November were months where we began to see major spikes and a resurgence in COVID-19 infections and a change in human behavior due to the complications this global pandemic caused our society.

Force was used significantly more on adult males than females. This makes statistical sense as 78% (192) of arrestees during the year were male compared to 22% (55) female. Based on the CAD/RMS data, force was used more on black subjects than on white subjects, however a comparison to arrest totals for the year show that 59% of our arrestees in 2019 were black as compared to 41% being white. 52% of use of force incidents led to the arrest of the offender and were categorized as “crimes in progress”. The remaining 48% of incidents involved persons suffering from a mental health crisis, as noted above.
Forty-eight percent of all use of force incidents involved persons dealing with a mental health crisis. This agency, as well as the entire state of NJ, has consistently witnessed a growing trend in incidents involving persons with mental or cognitive disabilities (12). According to the agency CAD/RMS system, in the calendar year of 2020, officers responded to 345 calls for service related to handling persons suffering from mental health issues. 110 of the 345 calls for service ended with a medical transport to a hospital for evaluation.

It should also be noted that 16% of the use of force incidents involved persons under the influence of intoxicants (4). It becomes evident when you view this data in its entirety and in comparison, to 2019 use of force data that no disparaging patterns, practices or trends exist. The problem with the assessment of use of force incidents rests on the fact that the subjects’ behavior plays a significant role in the officer’s decision to use force. This fact makes it nearly impossible to prevent certain use of force events when you consider that 48% of all use of force incidents involve persons in medical crisis. Despite our officer’s extensive training and experience, all de-escalation attempts require some form of rational thought and cooperation on behalf of the person in medical crisis or a person under the influence of intoxicants. This has proven to be a very hard task under some circumstances.

During 2020, All of the force types used by our officers fell into two categories: compliance holds and constructive authority. Compliance holds involve a low level of force used to combat resistance, such as arm locks, wrist locks or other means of physical force to bring a combatant into compliance. Constructive authority, according to the New Jersey Attorney General Guideline, is not a category of force, however the West Orange Police Department collects and measures every time our officers display a firearm to exert authority over a potentially dangerous or resistant combatant. If we did not measure Constructive Authority our actual total use of force incidents would be significantly lower, however a census of national best practices suggest we should be measuring the display of a firearm.
During 2020, NO officers in this agency used deadly force in any citizen encounters. A review of the incidents reveals that WOPD officers consistently use the lowest levels of physical force to accomplish their legal objectives in these incidents. This review revealed that in all use of force incidents, officers involved utilized the lowest level of physical force, which is defined as compliance holds, as opposed to transitioning to more serious levels of force. In addition, the 2019 analysis indicated that officers were forced to transition from one type of force to another to accomplish their objective and overcome resistance. We believed the ineffective execution of compliance holds were related to human performance factors, such as strength, conditioning or the competency of the individual officers involved in the specific incidents. To combat this problem, our defensive tactics instructors modified our training to specifically address deficiencies identified in the 2019 Use of Force Analysis.

The data in this annual report concludes that officers executed more effective de-escalation tactics and compliance holds, which resulted in no incidents of transitioning to other levels of force. We interpret this to signify that our training and constant evaluation of these events has had a meaningful effect on the performance of our officers at the operational level. The enhanced defensive tactics and trauma care training was conducted in the 4th quarter of 2019 in collaboration with Picatinny Arsenal Training facility.

A review of the 2020 Use of Force Reports revealed only one officer sustained a minor wrist injury consisting of an abrasion during a mental health call. Although, one injury is too many, this is down significantly from the 2019 analysis, which revealed seven officers sustained injuries during use of force incidents. Further review revealed zero injuries were sustained by the resisting subjects, compared to one in the 2019 analysis. One subject reported sustaining minor injuries, however that was reported nearly two months after the incident. See the excessive force complaint below for more details. These finding are a major success for the West Orange Police Department in 2020. We believe these accomplishments are a direct result of our comprehensive training programs, de-escalation tactics, timely command reviews and progressive initiatives.
Depending on the level of violence or aggression displayed by the subject, more than one officer may be involved in a single incident. In all but nine (36%) of the use of force incidents, multiple officer tactics were used successfully to bring the resistant subject into compliance. A multiple officer response is consistent with this agency’s directive system for most calls for service and in many cases encouraged due to our experience of success and injury reduction. This is also an important training area for defensive tactics considerations. Finally, the data shows there were four (4) documented use of force incidents, or 16% of the time, where a subject was armed, presumed to be armed or threatened the use of a weapon as defined in N.J.S. 2C:39-1r. I recommend these incidents are also reviewed by our defensive tactics coordinator so our training curriculum can incorporate strategies that involve more than one officer on a single offender and the presumption the subject is armed with a deadly weapon.

A review of these racial comparisons does not reveal any discernable pattern, practice or trend. It should also be noted that force was not used on persons of any other races during 2020.
A comparison of 2019 and 2020 excessive force complaints remained the same at one. The excessive force complaint in 2019 was investigated and the officer was exonerated. This was out of thirty-nine (39) internal affairs complaints/investigations undertaken in 2020. The results of these investigations were compared and contrasted in conjunction with this data analysis. The results failed to disclose a perceivable pattern, practice or trend that one or more of our agency personnel had engaged in any discernable incidents involving excessive force.

Additional steps were implemented in 2019 and carried into 2020 by our Internal Affairs Unit to monitor the quantity of use of force incidents per officer within a twelve-month period. This computerized tracking and monitoring component was NOT triggered in 2020 based on the thresholds set by an officer’s assignment. All the use of force incidents have been reviewed and deemed to be necessary, reasonable and justified in accordance with our directive and state and federal law.

A review of the department’s one excessive force complaint for 2020 is as follows:

On 6/5/2020 the complainant reported that he felt his civil rights were violated by the West Orange Police Department during an incident on 4/1/20. The complainant claimed that excessive force was used against him, specifically by grabbing him by the throat, slamming him face first on the ground and kneeling him several times in the back as he was handcuffing him. On 6/8/2020, the WOPD Internal Affairs Unit was directed by the Chief of Police to open an investigation into this matter. This matter was immediately sent to the Essex County Prosecutor’s Office for review and consultation, per protocol. Upon reviewing all of the information gathered during this investigation the following was determined:

On 4/1/2020 at 1527 hours an off-duty Police Officer from another jurisdiction contacted the West Orange Police Department via 911, reporting that he was an off-duty officer and had chased a male dressed all in black with a black backpack and riding on a black bicycle from Pleasant Valley Way up Porter Road after the male attempted to enter his vehicle. At the time of the incident the off-duty officer was stopped in
traffic, when the suspect began pulling on the door handle and stating “open the door”. This information was relayed to units in the field as a strong-arm carjacking, called in by an off-duty officer. While units were responding they were further notified that the off-duty police officer was engaging the suspect at Pleasant Valley Way and Porter Rd.

Upon the arrival of the first West Orange Police Officer, he ordered the suspect to the ground 3 times prior to physically engaging him. This WOPD officer ordered the suspect to the ground 4 more times with little or no compliance to the order. After grabbing the suspect, he and the off-duty officer guided him to the ground, handcuffed him and placed him under arrest. The complainant sustained a minor abrasion to his left cheek after it came in contact with the street as the officer lost his grip while guiding him to the ground. This entire incident was captured on BWC (body worn camera) and was reviewed by the Essex County Prosecutors' Office.

Based on the footage and interviews conducted there was no evidence of excessive force, nor was there any evidence the suspect was choked, grabbed by the throat and/or slammed to the ground. In fact, an assistant prosecutor who reviewed the matter reported that the West Orange Police Officer’s compliance tactics were extremely measured considering this was reported as a carjacking suspect. The entire incident lasted 19 seconds according to the body worn camera. After a thorough and objective investigation by Internal Affairs and the Essex County Prosecutor’s Office, the officer was exonerated.
Deficiencies in reporting from 2019 led to Supervisor Training

In accordance with West Orange Police Department Directive 1:8-8a, “all incidents of uses of force which qualify as Constructive Authority, Physical Force, Mechanical Force or Deadly Force are subject to command review”. Division commanders thoroughly reviewed and prepared twenty-five command reviews for the qualifying incidents. All qualifying incidents were deemed to be necessary, reasonable and justifiable in scope, intensity and duration. To ensure the highest level of compliance, all command reviews were subsequently evaluated and approved by senior level management including the Chief of Police.

Based on the 2019 Use of Force Analysis, we identified specific areas that were in need of improvement and standardization. A training block addressing these needs was prepared and implemented for all supervisors and tour commanders and division commanders. The block of instruction included changes to our use of force directive, current court decisions, and national best practices. Upon the completion of this training, we re-evaluated our command review process and concluded we made significant improvements to standardize our review process and identify training needs and policy changes.
Mental Health Initiative

To help balance the duty to care and assist persons in medical crisis, the West Orange Police took our most progressive approach to handling mental health calls. We created a ground breaking program involving a co responder model. In September of 2020, we came into an agreement with Mental Health Associates of Essex & Morris (MHA) to create a progressive and revolutionary partnership consisting of a Co Responder Model of mental health response. In addition to the basic premise that a trained clinician will respond with our police officers to mental health calls, the program also includes a weekly analysis and review of all our responses to mental health crisis calls and subsequent monthly training. MHA personnel utilize the conclusions from their analysis of our calls for service to create a training program to focus on any deficiencies or areas for improvement.

2021 Use of Force Training Initiative

In 2021, the West Orange Police Department will embark on an initiative not seen by a law enforcement agency in this area before, we have commissioned the assistance of a medical practitioner to review our use of force policies, training and procedures. Dr. Michael Kelly is a published author in sports medicine and fight science, a certified expert on the physiological effects and injuries caused by uses of force. We are excited to bring Dr. Kelly’s expertise into all aspects of use of force training, with the ultimate goal of injury reduction.
CONCLUSION

This annual review was conducted to ensure we promote a culture of professionalism, accountability and transparency to our community. It is well settled and all personnel are thoroughly indoctrinated as to the necessity in ensuring we are vigilant in protecting the constitutional rights of all those we encounter. To achieve this high level of competency and accountability the West Orange Police Department will continue to use the data we are collecting, along with community feedback, evolving best practices and the experiences of other law enforcement agencies to improve our organization. Our goal is to make sure that our use-of-force directive gives police officers the guidance they need to effectively and fairly protect public safety while maintaining their own safety and the trust of the communities they serve.

Based on the information contained herein, all the performance gaps that were identified in our 2019 analysis have been addressed through training and/or policy change. We also took it a step further and evaluated how the changes affected our officers at the operational level. We re-engineered our defensive tactics training to incorporate additional tools, such as broader de-escalating tactics and multiple officer compliance tactics with the goal of bringing a subject’s resistance to a safe and effective end, in a timely manner.

Traditionally this type of training precluded the use of choke holds and head strikes as a means of bringing an actor into compliance. WOPD officers have always recognized that the deliberate use of these techniques increases the potential of causing serious bodily injury or death to a person. To address these performance gaps in our directive, language specifically defining chokeholds and/or neck restraints have been included and prohibited, unless deadly force is necessary and justified. These policy recommendations will harmonize both our written procedures and rigorous training protocols.

I recommend we stay committed to continually enhancing our Use of Force continuum and protocols during our semiannual firearms training. Finally, the department should continue to provide all personnel with training on any directive changes made as a result of these recommendations.