

BIAS-BASED POLICING ANNUAL ANALYSIS

JANUARY 29, 2021

WEST ORANGE POLICE DEPARTMENT



Message from Chief of Police:

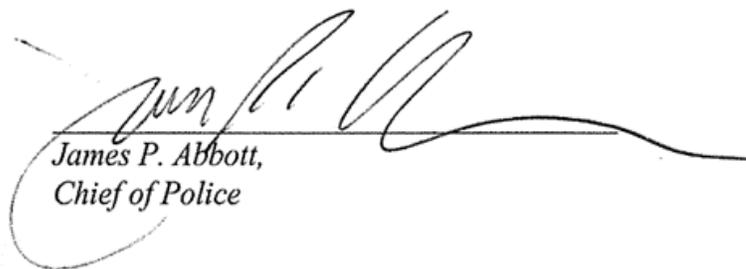
To all of our community partners,

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.


James P. Abbott,
Chief of Police



Bias Based Policing Annual Analysis

Introduction

As per WOPD Written Directive 1:9, section 1:9-7c, an administrative review shall be conducted on an annual basis to identify this agency's practices, citizen concerns and community concerns regarding profiling and other discriminatory practices. This process begins with a review of our internal affairs filing index for Differential Treatment/Racial Profiling complaints received by the agency in 2020. The examination revealed the Internal Affairs Unit had NO reported incidents of racial profiling or differential treatment. Whenever any complaint is received, they are immediately logged into the index system and then thoroughly and objectively investigated thereafter. Additionally, these protests are tracked and monitored post receipt to ensure that these complaints were not part of a bigger picture associated with prior allegations or future accusations.

In 2020, the Internal Affairs Unit was in receipt of thirty-nine (39) complaints/investigations. A summary of all complaints received and their dispositions are published on our website for public inspection. We believe that accountability through transparency will ensure the highest level of cooperation and trust between our community members and the police department. The results of these investigations were compared and contrasted in conjunction with the included 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 form of Bias Based Policing.

The examination revealed the Internal Affairs Unit had NO reported incidents of racial profiling or differential treatment during 2020.

Statistical Data of Agency Practices for 2020

MV STOP DATA FOR 2020: 2,380 total stops

While calculating the race/ethnicity of MV stops for 2020, there were found to be discrepancies in the total number of MV stops recorded. This anomaly is likely resultant of our Computer Aided Dispatch/Records Management System CAD/RMS unfittingly categorizing MV stops in addition to manually entered modifications by communications staff of the type incident entered within the CAD/RMS. To best depict the actual MV stops by race, the data utilized was compiled solely from the Officer Daily MV Stop Reports as opposed to the CAD/RMS entries. In addition to entry error, the West Orange Police Department, just like society, experienced tremendous stresses imposed on our personnel, our resources and our ability to thoroughly document data in our computer systems due to the COVID-19 global pandemic.

For instance, in 2019 the West Orange Police Department conducted 10,209 motor vehicles stops compared to 2,380 in 2020, which equates to a *76.67% decrease in stops*. This decrease was due in part to a change in the overall mission of the police department to ensure the continuous delivery of services as well as the economic shutdowns that occurred, causing a reduction in motor vehicle traffic. Finally, due to the reassignment of key IT personnel, access to certain computer systems were limited because of service interruptions. These inaccuracies will be noticeable when the reader looks at the total number of motor vehicle stops and the race data collected in comparison to 2019.

| <i>MV STOPS BY RACE</i> | <i>NUMBER STOPPED</i> | <i>% OF TOTAL STOPS</i> |
|-------------------------|-----------------------|-------------------------|
| <i>Asian</i> | <i>38</i> | <i>3 %</i> |
| <i>Black</i> | <i>489</i> | <i>45%</i> |
| <i>Indian</i> | <i>4</i> | <i>.03%</i> |
| <i>White</i> | <i>558</i> | <i>51%</i> |
| <i>Unknown</i> | <i>2</i> | <i>.01%</i> |

| <i>MV STOPS BY ETHNICITY</i> | <i>NUMBER STOPPED</i> | <i>% OF TOTAL STOPS</i> |
|------------------------------|-----------------------|-------------------------|
| <i>Non-Hispanic</i> | <i>835</i> | <i>77%</i> |
| <i>Hispanic</i> | <i>200</i> | <i>18%</i> |
| <i>Unknown</i> | <i>56</i> | <i>5%</i> |

FIELD INTERVIEW DATA FOR 2020: 34

| <i>FIELD INTERVIEWS BY RACE</i> | <i>34 stops</i> | <i>% OF TOTAL STOPS</i> |
|---------------------------------|-----------------|-------------------------|
| White | 10 | 29% |
| Black | 22 | 65% |
| Unknown | 2 | 6% |
| Indian/native American | 0 | 0% |
| Asian/Pacific Islander | 0 | 0% |

| <i>FIELD INTERVIEWS BY ETHNICITY</i> | <i>34 total stops</i> | <i>% OF TOTAL STOPS</i> |
|--------------------------------------|-----------------------|-------------------------|
| Non-Hispanic | 22 | 65% |
| Hispanic | 10 | 29% |
| Unknown | 2 | 6% |

FIELD INTERVIEW DATA EXPLAINED:

Kindly note that the field interview data reported here is but a small portion of all field interviews conducted by our officers. An inherent problem to efficiently collecting this data lies in the classification at the point of dispatch and the type of field interview conducted.

AN INVESTIGATIVE STOP IS A BRIEF DETAINMENT OF AN INDIVIDUAL, BASED UPON A REASONABLE AND ARTICULABLE SUSPICION THAT A CRIME HAS BEEN OR IS ABOUT TO BE COMMITTED.

Field interviews come in two forms, which are a consensual stop or an investigative stop. The genesis of these stops is either self-initiated or conversely resultant of direct assignment by headquarters. In a consensual stop setting, judicially referred to as a “mere inquiry”, a citizen is free to leave at any time and under no obligation to speak nor cooperate in any manner with law enforcement. The second type is an investigative stop which is a detention and requires a constitutional justification. A consensual stop is an interaction in which a police officer identifies an individual and finds out that person’s “business for being in a particular area”. An investigative stop is a brief detainment of an individual, based upon a reasonable and articulable suspicion that a crime has been or is about to be committed. Investigative stops are brief detainments conducted for the purpose of determining an individual’s identity and resolving an officer’s suspicions of criminal conduct. Investigative stops, unlike consensual stops, may also occur when a suspect is operating a motor vehicle and the officer executes a motor vehicle stop, commonly referred to as “being pulled over”. Officers

initiating investigative stops must always be able to clearly articulate the justification of the intrusion, as freedom of one's movement is a basic constitutional safeguard.

When an officer is assigned to a given location relative to a caller's concerns of one or more suspicious persons, the responding officer is tasked with determining if the individual(s) are at such location for nefarious reasons. Quite often, a consensual field interview is conducted. Should it be determined by the investigating officer that the alleged suspicious person(s) was simply present and not involved in criminal activity, oftentimes no field interview report will be completed and the call will be closed at the point of dispatch. On the other hand, at those times when an officer is assigned to determine if an alleged suspicious person is in fact in the process of or about to engage in criminal activity, the subsequent consensual field interview may produce different results than the previous example. Based upon the officer's observation of behaviors, demeanor or criminal activity by the suspect during the initial interview, the encounter may escalate into an investigative detention. If that person is later arrested, an arrest report will be completed in lieu of a field interview report. It is important to understand these two incidents may generate two field interviews with no field interview report due entirely to the CAD/RMS reclassifications. This paradox is an inherent flaw within all CAD/RMS as these IT systems are not engineered or envisioned for the purposes at hand.

The use of field interviews is an important tactical method employed by officers to effectively prevent, interrupt, detect, or intercept individuals who may be contemplating or engaged in criminal activity. Often, any interaction between the police and a citizen may be viewed or perceived by some as a means of police harassment or intimidation conducted in a discriminatory manner against groups or individuals, especially when dealing with marginalized groups such as undocumented immigrants, those lacking socioeconomic means and people of color. As has been said, "perception is reality" and as such it is of the utmost importance that those of us sworn to protect remain acutely aware of these sensitivities and continually make every effort to build bridges with all segments of the community, especially those most likely to be disenfranchised.



POPULATION AND DATA REPRESENTATION EXPLAINED

It is also important when reviewing the data in this report to understand the correct benchmark for measuring such data in each jurisdiction and understanding how populations of neighboring communities may contribute or give rise to the appearance of enforcement partiality. The importance of data review and research lies not solely in the conclusions reached, but it also lies in the methodology employed to deduce such findings. It is of particular importance that research undertaken factors in the transient and commuter populations which navigate the community on a daily basis. According to an August 07, 2019 study by Forensic Science.org, titled “Researchers Find No Racial Disparity in Police Deadly Force...And that’s just the beginning”: *“Using the metric of census information almost guarantees a finding of racial disparity (and allegations of racial bias) in every aspect of the criminal justice system.”* The author, Dr. Cesario outright rejects census representation as the yardstick by which to determine racial disparity. According to Dr. Cesario’s conclusions, the correct standard to calculate racial disparity is not population proportions, but instead rates of police exposure to racial groups. Further support of this theory can be found in “The War on Cops” (2016), by author Heather MacDonald. Ms. MacDonald too rejects population-based disparity studies by compellingly arguing it is crime as opposed to race which is responsible for consequent police actions.

Based on our research, the New Jersey State Police Uniform Crime Reporting Unit does not break down the race of arrestee per jurisdiction. However, the Uniform Crime Report (UCR) does reflect relevant crime information per jurisdiction. The following information is data pulled from the 2020 UCR. This data has only been compiled from January 2020 through September 30, 2020.

Township of West Orange:

- Population:48,071
- # of reported offenses: 581
- Crime rate per 100,000 people: 1,208.6

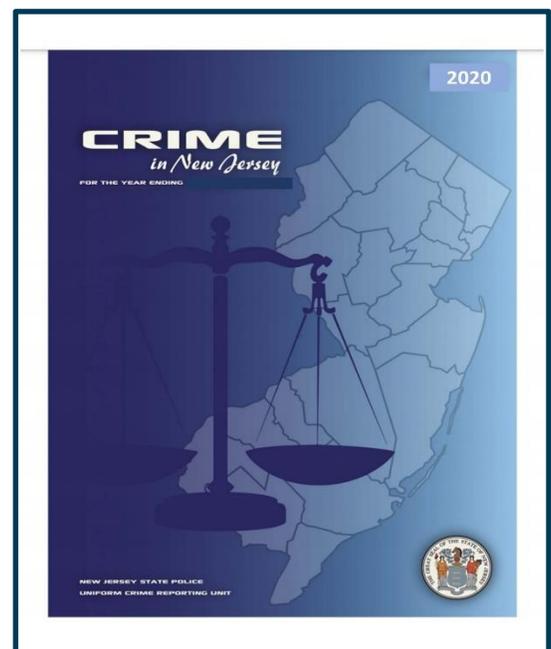
City of Orange:

- Population: 30,449
- # of reported offenses: 496
- Crime rate per 100,000 people: 1,629

City of East Orange:

- Population: 64,625
- # of reported offenses: 794
- Crime rate per 100,000 people: 1,228.6

Township of Montclair:



- Population 38,893
- # of reported offenses: 296
- Crime rate per 100,000 people: 676.2

Township of South Orange:

- Population 16,880
- # of reported offenses: 161
- Crime rate per 100,000 people: 953.8

City of Newark:

- Population 28,2258
- # of reported offenses: 4,612
- Crime rate per 100,000 people: 1,634.0

This information clearly illustrates most of our neighboring communities have a fairly high crime rate per 100,000 people. It is of significance to note that the Township of West Orange is located in a county which consistently has one of the highest crime rates in the State of New Jersey. This county also includes the City of Newark, noted to be one of the most violent cities in the United States. In addition, the Township of West Orange is transected by Interstate 280 with eleven on and off ramps to this highway, more than any other community it serves. The accessibility to this jurisdiction by Interstate 280 has undoubtedly played a role in the opportunity for crime and accordingly the diversity of those we encounter. Based on our historical data and investigative experience, more citizens travel from the eastern part of the county into West Orange, than from the western part of the county. This fact increases the chance of police encounters with communities that have more diverse demographics. For this reason, we not only included communities that are contiguous to West Orange, but also communities that effect our transient population because of the accessibility of Interstate I-280.



CALLS FOR SERVICE AND AREAS OF TOWNSHIP

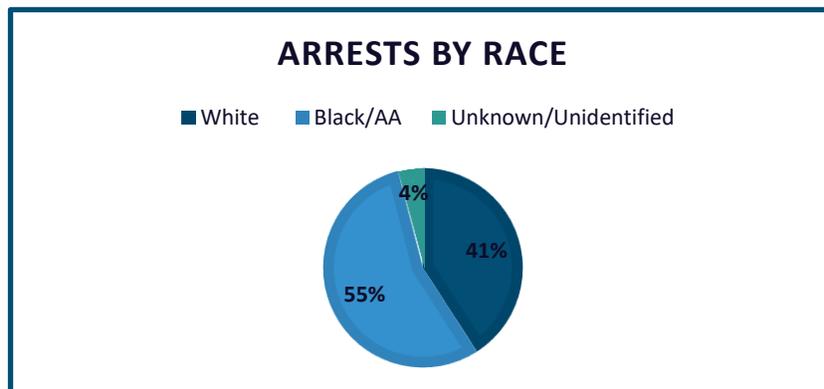
During 2020, the West Orange Police Department responded to 31,109 calls for service (CFS) to the community. The CFS break down is: 77% of MV Stops and 32% of Field Interviews occur in Patrol Zones 1 and 2 on the east side of the township. Zone 1 and Zone 2, although geographically smaller than the western portion of the township (zones 3 and 4) have a far more diverse populace. Patrol zones 1 and 2 account for 35% of all CFS in the township as well as the following:

- 83 % of all Robberies
- 77% of all Sexual Assaults
- 35% of all Burglary to MVs
- 64 % of all Burglary to Residence
- 86% of all Aggravated Assaults

Due to the greater proportion of reported crimes, criminal activity, known drug areas, known drug offenders and identified gang activity, the Criminal Investigations Unit operations are principally focused in the Zone 1 and Zone 2 area. In addition to conducting follow up investigations they work closely with community members to address crime and disorder activities using the concept of intelligence-led policing to prevent, stop and displace criminal elements.

During 2020, the West Orange Police Department arrested 247 people for numerous offenses reported by our community. The racial breakdown and percentage of the whole is listed below:

| | | |
|------------------------|-----|------|
| White | 101 | 41 % |
| Black | 136 | 55% |
| Asian/Pacific Islander | 0 | 0% |
| Indian/native American | 0 | 0% |
| Unknown/Unidentified | 10 | 4% |



A comparison of total arrests to field interviews was conducted and revealed the following information:

White: 41% of arrests compared to 29% of field interviews=11% difference
Black: 55% of arrests compared to 65% of field interviews=10% difference
Asian/Pacific Islander: 0% of arrests and 0% of field interviews= 0% difference
Indian/native American: 0% of arrests and 0% of field interviews= 0% change
Unknown: 4% of arrests and 6% of field interviews= 2% difference

It becomes evident in this comparison that the differences between the arrests and field interviews based on race and ethnicity are well within an acceptable range that does not indicate any discernable pattern, practice or trend in the actions of our officers. To further support this analysis, we included the fact that the highest percentages of serious crimes are committed within the most racially and ethnically diverse zones in the township. The slight deviation in the percentages between persons stopped and arrested is minute and acceptable for this analysis.

ANALYSIS OF CRIMINAL VICTIMIZATION

In 2020, we began to measure criminal victimization, by looking at criminal offenders, victims of crime, and how it correlates to the racial makeup of our community and our operations. The following statistics have been compiled from our CAD/RMS based on reported Part 1 crimes by our community.

The West Orange Police

Department is always looking to expand our analysis to best define the racial disparities with our community to ensure we can deliver effective and efficient services to our community while maintaining our mission to guarantee the highest level of procedural justice and accountability. The data shows that white males have the highest rate of victimization in West Orange.

PART 1 CRIMES INCLUDE THE FOLLOWING OFFENSES:

- **ASSAULT**
- **AGGRAVATED ASSAULT**
- **ARSON**
- **BURGLARY TO MOTOR VEHICLES**
- **RESIDENTIAL BURGLARY**
- **THEFT**
- **MURDER**
- **ROBBERY**
- **SEXUAL ASSAULT**

WEST ORANGE STATISTICS OF VICTIMS BASED ON PART 1 CRIMES:

TOTAL NUMBER OF VICTIMS BY RACE BASED ON 463 REPORTED PART 1 CRIMES

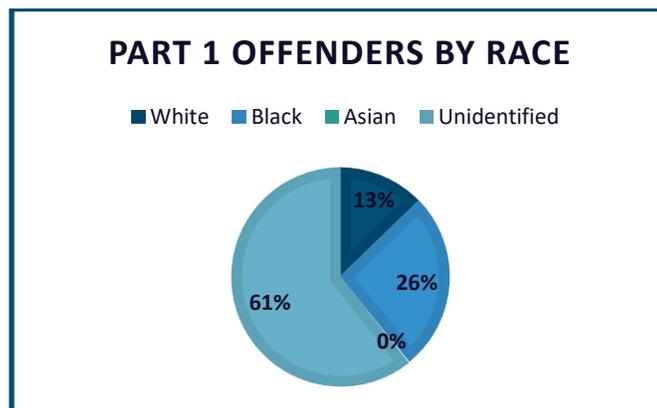
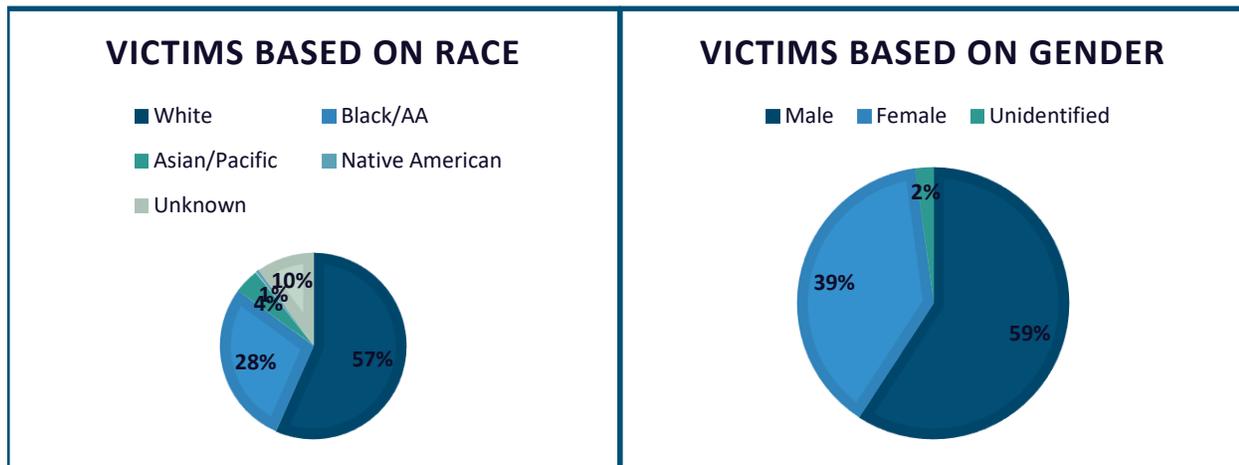
- 262 OR 57% OF ALL VICTIMS WERE WHITE
- 132 OR 29% OF ALL VICTIMS WERE BLACK/AFRICAN AMERICAN
- 20 OR 4% OF ALL VICTIMS WERE ASIAN OR PACIFIC ISLANDER
- 3 OR <1 % OF ALL VICTIMS WERE AMERICAN INDIAN
- 46 OR 10% OF ALL VICTIMS WERE OF AN UNKNOWN RACE

TOTAL NUMBER OF VICTIMS BY GENDER BASED ON 463 REPORTED PART 1 CRIMES

- 274 OR 59% OF ALL VICTIMS WERE MALE
- 179 OR 39% OF ALL VICTIMS WERE FEMALE
- 10 OR 2% OF ALL VICTIMS WERE UNIDENTIFIED BY GENDER

TOTAL NUMBER OF CRIMINAL OFFENDERS BY RACE BASED ON 463 REPORTED PART 1 CRIMES

- 59 OR 13% OF ALL OFFENDERS WERE WHITE
- 122 OR 26% OF ALL OFFENDERS WERE BLACK
- 1 OR <1% OF ALL OFFENDERS WERE ASIAN
- 281 OR 61% OF ALL OFFENDERS WERE UNIDENTIFIED



Analysis of Township Crash Data to Identify Demographics of Drivers

In 2019, we began to expand our efforts to collect commuter and transient motorist crash data in an attempt to better define the demographics of these populations. National trends have reinforced the empirical research that an analysis of the driving population is a much stronger and more accurate benchmark of the demographics of the actual drivers driving through a particular area or township. For this reason, an analysis was conducted for driver race/ethnicity on motor vehicle crashes within this township which should provide a more accurate account for our commuter and transient populations. The below statistics are derived from our CAD/RMS, which indicated we had 1009 motor vehicle crashes in 2020.

| <u>DRIVER CRASH DATA BY RACE</u> | | <u>PERCENTAGE OF TOTAL MV CRASHES</u> |
|----------------------------------|-----|---------------------------------------|
| White | 513 | 51% |
| Black | 321 | 32% |
| Asian/Pacific Islander | 22 | 2% |
| Indian/native American | 9 | <1% |
| Unknown/Unidentified | 145 | 14% |

| <u>DRIVER CRASH DATA BY ETHNICITY</u> | | <u>PERCENTAGE OF TOTAL MV CRASHES</u> |
|---------------------------------------|-----|---------------------------------------|
| Hispanic | 175 | 17% |
| Non-Hispanic | 652 | 65% |
| Unknown | 182 | 18% |

A comparison between motor vehicle stop data and motor vehicle crash data revealed the following data:

- White: 51% of MV stops and 51% of MV crashes= no change
- Black: 45% of MV stops and 32% of MV crashes=10% difference
- Asian/Pacific Islander: 3% of MV stops and 2% of MV crashes= 1% difference
- Indian/Native American: .<1% of MV stops and <1 % of MV crashes= no change
- Unknown: <1% of MV stops and 14% of MV crashes= 13% difference.

It becomes unmistakable based on this comparison that the difference between the MV stops and the MV crashes based on race and ethnicity are well within an acceptable range and fails to disclose any discernable pattern, practice or trend in the actions of our officers. These percentages are relatively consistent when compared to the 2019 analysis.

A check of the most current census numbers (2010) found the following regarding the racial composition of the Township of West Orange, as well as towns bordering the aforementioned Eastern, Northeast and Southeast areas of this township.

Township of West Orange - The racial makeup of the township was 57.15% (26,406) White, 26.58% (12,284) Black or African American, 0.38% (174) Native American, 7.96% (3,680) Asian, 0.02% (10) Pacific Islander, 4.82% (2,227) from other races, and 3.09% (1,426) from two or more races. Hispanic or Latino of any race were 16.20% (7,487) of the population.

Municipalities which are contiguous to Zones 1 and 2 in our township:

City of Orange- The racial makeup of the township was 12.80% (3,857) White, 71.83% (21,645) Black or African American, 0.57% (173) Native American, 1.51% (455) Asian, 0.02% (6) Pacific Islander, 9.95% (2,999) from other races, and 3.32% (999) from two or more races. Hispanic or Latino of any race were 21.67% (6,531) of the population.

Township of Montclair- The racial makeup of the township was 62.16% (23,416) White, 27.16% (10,230) Black or African American, 0.16% (59) Native American, 3.81% (1,434) Asian, 0.02% (9) Pacific Islander, 2.19% (826) from other races, and 4.50% (1,695) from two or more races. Hispanic or Latino of any race were 7.46% (2,810) of the population.

Township of South Orange- The racial makeup of the township was 60.19% (9,750) White, 28.66% (4,642) Black or African American, 0.14% (23) Native American, 5.16% (836) Asian, 0.01% (1) Pacific Islander, 1.77% (287) from other races, and 4.07% (659) from two or more races. Hispanic or Latino of any race were 6.13% (993) of the population.

Communities that are not contiguous to West Orange, yet increase our transient population because of the accessibility of Interstate 280:

City of East Orange- The racial makeup of the city was 4.13% (2,657) White, 88.51% (56,887) Black or African American, 0.39% (248) Native American, 0.72% (465) Asian, 0.06% (38) Pacific Islander, 3.69% (2,370) from other races, and 2.50% (1,605) from two or more races. Hispanic or Latino of any race were 7.93% (5,095) of the population.

City of Newark: The racial makeup of the city was 26.31% (72,914) White, 52.35% (145,085) Black or African American, 0.61% (1,697) Native American, 1.62% (4,485) Asian, 0.04% (118) Pacific Islander, 15.22% (42,181) from other races, and 3.85% (10,660) from two or more races. Hispanic or Latino of any race were 33.83% (93,746) of the population.

Although we do not believe census information is a qualified benchmark for this analysis, the information was included to provide a more complete look at the relationship between our population’s demographics and the chance of police interactions or encounters. The West Orange Police Department recognizes the limitations of the data we analyze on an annual basis, so we are currently looking to expand the collection of race and ethnic data as it relates to police citizen encounters. In 2021, we are looking to expand our collection process to include analyzing race and ethnic data at the point of dispatch. We believe this will add much value to our future analytical capabilities to monitor and track patterns, practices and trends. This collection point was also a goal for 2020, however due to the complexities COVID-19 caused and the budgetary constraints we intend to pursue this goal in 2021.

Finally, it is well settled and all staff are thoroughly indoctrinated as to the necessity in ensuring we are vigilant in protecting the constitutional rights of all those we encounter. To ensure the highest level of accountability, WOPD Directive 1:9, imposes strict responsibilities on all our employees to supervise each other and mandates the reporting of all constitutional violations committed by other officers.

It should be noted that all sworn members of the West Orange Police Department are trained annually in racial profiling and ethical based policing. During 2020, all sworn and civilian WOPD personnel were specifically trained in “*Law Enforcement and the Sikh Community*”, which was created and presented by the NJ Attorney General and NJ Division of Criminal Justice, and the course “*Law Enforcement Interactions With Transgender Individuals*”, also created by the NJ Attorney General’s Office and NJ Division of Criminal Justice.

We have also used this opportunity to review our policies and found that Directive 1:9 was last updated on January 14, 2019. This newest revision includes identifying gender identity as a protected class.

Moreover, we strive daily to continually foster a climate embedded deep within our culture to preserve the sanctity of life, act constitutionally, compassionately and always respect those we encounter regardless of the circumstances.

¹ <https://www.forcescience.org/2019/08/researchers-find-no-racial-disparity-in-police-deadly-forceand-thats-just-the-beginning/.p> 3

¹ MacDonald, H. (2016) *The War on Cops*”

¹ <https://www.njsp.org/ucr/index.shtml>.

¹ <https://www.census.gov/topics/population.html>.