

BIAS-BASED POLICING ANNUAL ANALYSIS

FEBRUARY 15, 2022

WEST ORANGE POLICE DEPARTMENT



Message from Chief of Police:

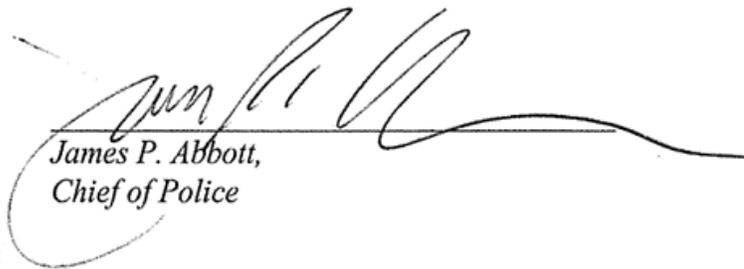
To all of our community partners,

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 2021. 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 2021, the Internal Affairs Unit was in receipt of thirty-five (35) complaints/investigations from the public and nine (9) internal 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 2021.

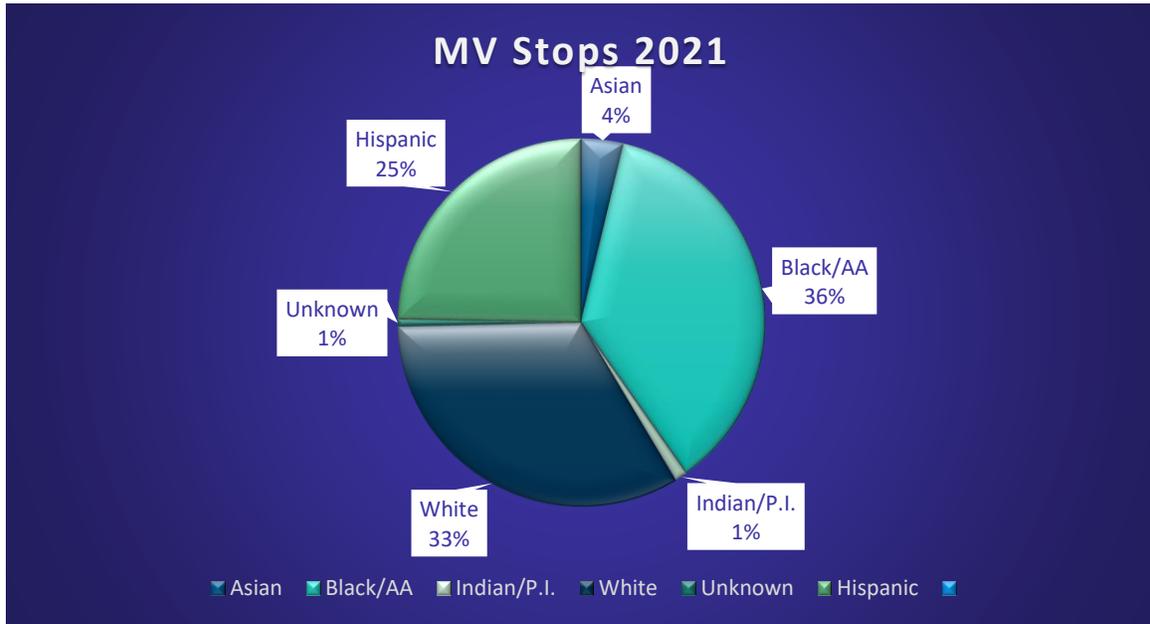
Statistical Data of Agency Practices for 2021

MV STOP DATA FOR 2021: 3,679 total stops

While calculating the race/ethnicity of MV stops for 2021, 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 from both the Officer Daily Stop Sheet Profile Reports and the CAD/RMS entries. The race and ethnicity data points are based on every occupant in a vehicle at the time of the stop. For example, if an officer stops a motor vehicle the CAD/RMS system will reflect one stop. However, if the vehicle is occupied by three people, such as two African-Americans and one Caucasian, the Daily Stop Sheet Profile Report will collect the race data on three people for one stop.

According to the Daily Stop Sheet Profile Report, a total of 4,738 people were stopped during 3,679 motor vehicles stops. In 2021 the West Orange Police Department, purchased an advanced software system to run our CAD/RMS. The new software by CSI Technology Group will revolutionize public safety data collection, management, and reporting. In addition, InfoShare™ RMS comes embedded with advanced crime analysis tools, enabling users to run multidimensional crime analysis and advanced queries across disparate datasets. The transfer of historical data from the existing CAD/RMS and the implementation of the new system began on October 1, 2021. Many of the searches used to create last year's analysis are being engineered in the new system, which is designed to collect all the data we have in the past, plus additional data to help better define the data we are collecting. We believe this advanced software will enhance our ability better analyze data to ensure we are delivering the highest level of transparency to our community and stakeholder.

For instance, in 2020 the West Orange Police Department conducted 2,380 motor vehicles stops compared to 3,679 in 2021, which equates to a 54% increase in stops. The percentages in this graph used 4738 people to calculate the total stop percentage.



FIELD INTERVIEW DATA FOR 2021: 4 Field Interviews

<i>FIELD INTERVIEWS BY RACE/ETHNICITY</i>	<i>4 stops</i>	<i>100 % OF TOTAL STOPS</i>
White	0	0%
Black	3	75%
Unknown	0	0%
Indian/native American	0	0%
Asian/Pacific Islander	0	0%
Hispanic	1	25%

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.

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 due 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.

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.

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 represents index crimes for Essex County from January 2020 through December 30, 2020. <https://www.njsp.org/ucr/uniform-crime-reports.shtml>

Township of West Orange:

- Population: 48,843 (Census April 1, 2020)
- # of reported offenses: 742
- Crime rate per 100,000 people: 1543.6

City of Orange:

- Population: 34,447 (Census April 1, 2020)
- # of reported offenses: 672
- Crime rate per 100,000 people: 2,207

City of East Orange:

- Population: 69,612 (Census April 1, 2020)
- # of reported offenses: 1104
- Crime rate per 100,000 people: 1,708.3

Township of Montclair:

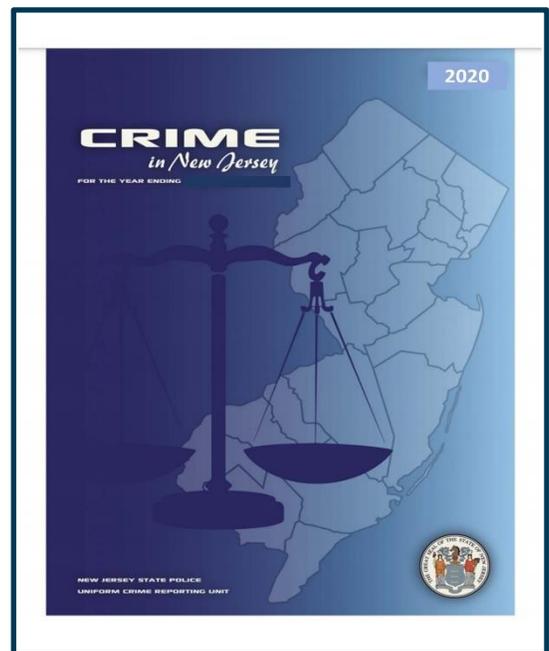
- Population 40,921 (Census April 1, 2020)
- # of reported offenses: 305
- Crime rate per 100,000 people: 784.2

Township of South Orange:

- Population 18,484 (Census April 1, 2020)
- # of reported offenses: 216
- Crime rate per 100,000 people: 1279.6

City of Newark:

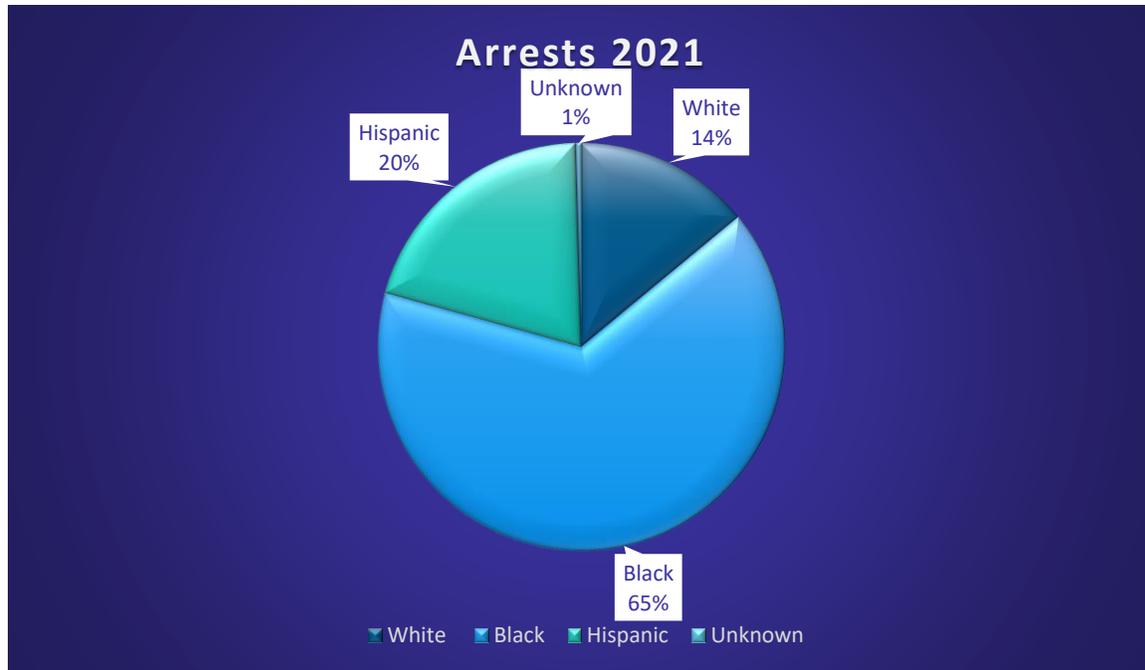
- Population 311,549 (Census April 1, 2020)
- # of reported offenses: 6,059
- Crime rate per 100,000 people: 2,146.6



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 top 100 most violent cities in the United States (<https://www.neighborhoodscout.com/blog/top100dangerous-2019>). 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. According to U.S. Census data published on April 1, 2020, Essex County has a population make up of 48.9 % White, 41.9 % Black or African American and 23.8 % Hispanic or Latino (<https://www.census.gov/quickfacts/>). 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.



During 2021, the West Orange Police Department arrested 276 people for numerous offenses reported to us by our community. The racial breakdown and percentage of the whole is listed below:



A comparison of total arrests to field interviews (small sample size) was conducted and revealed the following information:

White:	14% of arrests compared to 0% of field interviews = 14% difference
Black:	64% of arrests compared to 75% of field interviews = 11% difference
Asian/Pacific Islander:	0% of arrests and 0% of field interviews = 0% change
Indian/native American:	0% of arrests and 0% of field interviews = 0% change
Unknown:	.5 % of arrests and 0% of field interviews = .5% difference
Hispanic	20% of arrests and 25 % of field interviews = 5% 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. The deviation in the percentages between persons stopped and arrested is minute and acceptable for this analysis. The reader needs to take special note to the fact that when a police officer responds to a call for service reported by our community, the officer must arrest the suspected person once probable cause exists.

CALLS FOR SERVICE AND AREAS OF TOWNSHIP

During 2021 the West Orange Police Department responded to 37,245 calls for service (CFS). Our officers conducted a total of 3,679 motor vehicle stops and 4 field interviews. Based on CAD/RMS records 36 % (1,333) of all motor vehicles stops and 75 % (3) of all field interviews occurred in Patrol Zone 1 and Zone 2, which have a far more diverse populace. These Zones are located on the eastern side of the township, but are geographically smaller than the western portion of the township, which consist of Zone 3 and 4. Patrol Zones 1 and 2 account for 57 % of all Part 1 Crimes, which include the following breakdown.

- 79% of all robberies
- 63 % of all sex assaults
- 58 % of all burglaries
- 79% of all vehicle thefts
- 65 % of all burglaries to vehicles
- 44 % of all thefts
- 55% of all shopliftings

PART 1 CRIMES INCLUDE THE FOLLOWING OFFENSES:

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



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. The experts suggest *“The most common error found in these reports is the use of Census data as the benchmark for comparing the racial makeup of the jurisdiction to the racial makeup of those drivers stopped by the police. When people get into their car, they do not limit their travels to their city limits and Census data does not demonstrate who is on the road or who is committing traffic violations.”* (<https://www.dolanconsultinggroup.com/news/racial-profiling-or-bad-research/>).

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 1279 motor vehicle crash incidents in 2021. The data collected to assess the race and ethnicity of crash data includes a total of 2086 drivers. The reason for this rests on the fact that 99% of motor vehicle crashes involve more than one vehicle.

<u>DRIVER CRASH DATA BY RACE/ETHNICITY</u>		<u>PERCENTAGE OF TOTAL NUMBER OF DRIVERS</u>
White	1209	58%
Black	513	25%
Asian/Pacific Islander	47	2%
Indian/native American	11	<1%
Unknown/Unidentified	0	0%
Hispanic	306	15%

The April 1, 2020 census number 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 (<https://www.census.gov/quickfacts/fact/table/>)

Township of West Orange - The racial makeup of the township was 55% White, 28 % Black or African American, 0.1% Native American, 5.9% Asian, 0.1 % Pacific Islander, 4.82% (2,227), 2.4 % from two or more races and Hispanic or Latino of any race were 23.8% 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 13.5% White, 69.7 % Black or African American, 0.0% Native American, 1.7% Asian, 0.1% (6) Pacific Islander, 1.5% from two or more races and Hispanic or Latino of any race were 25% of the population.

Township of Montclair- The racial makeup of the township was 67% White, 22.3% Black or African American, 0.1% Native American, 3.8% Asian, 0.0% Pacific Islander, 4.9% from two or more races and Hispanic or Latino of any race were 10.4% of the population.

Township of South Orange- The racial makeup of the township was 64.9% White, 25.1% Black or African American, 0.1% Native American, 4.9% Asian, 0.0% () Pacific Islander, 1.77% (287) 4.1% from two or more races and Hispanic or Latino of any race were 6.3% 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 3.4 % White, 84.6% Black or African American, 0.1% Native American, 5.9% Asian, 0.1% Pacific Islander, 1.6% from two or more races and Hispanic or Latino of any race were 11.2% of the population.

City of Newark: The racial makeup of the city was 28.6% White, 50.1% Black or African American, 0.5 % Native American, 1.9% Asian, 0.1% Pacific Islander, 2.4% from two or more races and Hispanic or Latino of any race were 36.3% 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. At the close of 2021, we implemented a new CAD/RMS System to collect 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 from calls for service data. This data will show the demographics of the suspect(s) identified by our residents, which should correlate with the demographics of the stops, arrests and detention data we collect from officer interactions. We feel this will give us a tremendous opportunity to more effectively evaluate patterns and practices that are indicative of differential treatment and bias-based policing.

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.

In 2021, the entire West Orange Police Department attended training in Implicit Bias Awareness, instructed by Dr. David E. Jones, a Diversity Consultant, speaker and trainer.

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>.