



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

WEST ORANGE POLICE DEPARTMENT INTERNAL AFFAIRS

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FROM CHIEF JAMES P. ABBOTT...

Internal Affairs and Disciplinary Process Annual Public Report 2021

A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the *2021 Annual Report* will support the conclusion that the West Orange Police Department maintains that level of vigilance.

This introduction will not restate all the facts, figures and analysis articulated in this report, other than to remind the reader that police officers in the West Orange Police Department engaged in 37,245 police/citizen calls for service during the calendar year 2021. Any single complaint reported to the Internal Affairs Unit that was generated within that vast number of contacts was, without exception, taken, classified and addressed in accordance with the Departments' Written Directive System and the new 2021 New Jersey Attorney General Guidelines Internal Affairs Policy and Procedures.

In addition to adhering to the best practices, the Internal Affairs Unit conducts further system checks and balances through the Early Warning System and a quarterly auditing process to identify patterns, practices or trends of inappropriate behavior or conduct of our officers. If patterns, practices or trends are identified, those members are entered into the Early Warning System. The Early Warning System is an important management tool designed to detect and address improper police conduct before that conduct escalates. The Early Warning System therefore, serves to not only increase public safety and public confidence in law enforcement, but also assists at risk officers through early intervention. In 2021, no officers were entered into the Early Warning System. We believe this to be a result of increased oversight by supervisors and an effective training mechanism that is used to address and monitor officer training.



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TOWNSHIP OF WEST ORANGE

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The West Orange Police Department accepts, reviews and responds to complaints received from the public, including anonymous complaints, complaints from third party witnesses and complaints from parties not directly involved in the incident. Complaints can be made in person, by telephone, fax, email or through regular mail. Complaint forms are available in both English as well as Spanish and can be picked up at the West Orange Police Department or online at westorange.org. Similarly, West Orange Police has access to translation services for over 200 foreign languages 24 hours per day. This Department continues its commitment to ensuring that members of the public have ease of access to the complaint system. Further, citizens who are not satisfied with the outcome of our investigation are referred to the Essex County Prosecutor’s Office for a follow up review of our procedures and investigations. This follow up review has continued to provide citizens significantly more opportunity to provide feedback, compliments or complaints about the West Orange Police Department and its personnel.

As part of our comprehensive management system, the West Orange Police Department conducts random drug testing of ten percent of all sworn officers, twice a year. The purpose of this proactive testing mechanism has two goals. Firstly, we want to deter illegal drug use by all our sworn officers. Secondly, we want to promote a culture of professionalism, accountability, while constantly maintain the highest level of public trust with the citizens we serve. In 2021, we randomly tested a total of twenty sworn officers on two separate dates. All drug test results were found to be negative by the New Jersey State Toxicology Lab.

During 2021, 44 total complaints were reported and classified, as compared to 39 in 2020. This represents a 12% increase in the number of reportable complaints received in 2021, then those received in the year 2020.

Internal Affairs Category Summary Report

<u>Type of Complaint</u> 2021	<u>Anonymous</u> <u>Complaints</u>	<u>Citizen</u> <u>Complaints</u>	<u>Agency</u> <u>Complaints</u>	<u>Total</u> <u>Complaints</u>
Excessive Force		1		1
Improper Arrest				0
Improper Search				0
Improper Entry				0
Other Criminal Violations		2		2
Differential Treatment				0
Demeanor		12	0	12
Domestic Violence				0
Other Rule Violations		20	9	29
Total	0		6	44



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<u>Type of Complaint</u> 2020	<u>Anonymous</u> <u>Complaints</u>	<u>Citizen</u> <u>Complaints</u>	<u>Agency</u> <u>Complaints</u>	<u>Total</u> <u>Complaints</u>
Excessive Force		1		1
Improper Arrest				0
Improper Search				0
Improper Entry				0
Other Criminal Violations				0
Differential Treatment				0
Demeanor		9	1	10
Domestic Violence		0		0
Other Rule Violations		13	15	28
Total	0	23	16	39

Agency Disposition by Category

<u>2021</u>	<u>Sustained</u>	<u>Exonerated</u>	<u>Not Sustained</u>	<u>Unfounded</u>	<u>Administratively Closed</u>	<u>Total</u>
Excessive Force						
Improper Arrest						0
Improper Entry						0
Improper Search						0
Other Criminal		1	1			2



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TOWNSHIP OF WEST ORANGE

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Violations						
Differential Treatment						0
Demeanor	1	5	0	1	2	9
Domestic Violence						0
Other Rule Violations	10	11	1	1	3	26
Total	11	17	2	2	5	37
<u>2020</u>	<u>Sustained</u>	<u>Exonerated</u>	<u>Not sustained</u>	<u>Unfounded</u>	<u>Administratively Closed</u>	<u>Total</u>
Excessive Force		1				1
Improper Arrest						0
Improper Entry						0
Improper Search						0
Other Criminal Violations						0
Differential Treatment						0
Demeanor	3	2	2		3	10
Domestic Violence						0
Other Rule Violations	7	13	2	1	8	31
Total	10	16	4	1	11	42

All complaints are categorized based on the alleged conduct. Each allegation, upon review by the Chief of Police, is determined to have one of the following five dispositions:



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TOWNSHIP OF WEST ORANGE

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Sustained: The investigation disclosed sufficient evidence to prove the allegation, and the actions of the officer violated provisions of rule(s) and regulation(s) or agency procedure(s).

Exonerated: The alleged incident did occur, but the actions of the officer were justified, legal, and proper.

Not Sustained: Not Sustained. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

Unfounded: The alleged incident did not occur.

Administratively Closed: Examples include situations when a complainant voluntarily requests that a complaint be withdrawn or does not cooperate in the investigation and their cooperation is necessary. (Note: Investigations may still proceed without complainant cooperation.)

Note: The West Orange Police Department employs a system of progressive discipline. Discipline plays an important role in the overall performance and credibility of any police agency. Condemnations of unacceptable and inappropriate behaviors not only provide for a specific deterrence to the affected employee in the hopes of preventing future acts of misconduct but also serves as a general deterrent to the force at large. Moreover, and of arguably the utmost importance is that it protects the integrity of the organization, a necessary ingredient to earning the public's trust.

It is not uncommon for cases involving similar allegations or circumstances to result in dissimilar penalties; as an officer's past history is taken under consideration and repetitive transgressions will typically result in augmented discipline up to and including termination. Furthermore, the most egregious violations may spawn termination notwithstanding an otherwise unremarkable disciplinary record.



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SYNOPSIS OF MAJOR DISCIPLINE IN 2021ⁱ

- A citizen filed a demeanor complaint against an officer during a dispute call. An internal investigation into this matter, which included interviews, a review of the officer's body worn camera footage and other documentary evidence resulted in a sustained finding that the officer's demeanor was inappropriate and a parking summons was issued in retaliation. As a result of a Civil Service Commission Decision this matter was sustained, and a 70-day suspension was imposed. This was reported to the New Jersey Attorney General's Major Discipline Report as required by Directive. See <https://www.njoag.gov/majordiscipline/> for additional details.

James P. Abbott,
Chief of Police

ⁱ In accordance with Civil Service Commission regulations, discipline is categorized as either "major" or "minor," and the designation carries with it different consequences and different avenues of relief. **Major discipline** includes removal, disciplinary demotion, and suspension or fine of **more than five working days** at one time. **Minor discipline** is defined as "a formal written reprimand or a **suspension or fine of five working days or less.**"



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