Annual WOPD
Use of Force
Analysis for 2021

FEBRUARY 17, 2022

WEST ORANGE POLICE DEPARTMENT
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 1:8-6d 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 2021, the West Orange Police Department personnel responded to 37,245 calls for service and only used reasonable, necessary and justifiable force, as defined in Directive 1:8, on a total of thirty-six (36) individual incidents. This equates to our officers utilizing force options on .0966 % of the total calls for service. Although it is difficult to assess the exact number of police/citizen encounters, it is objectively reasonable to say our officers interacted with a minimum of 37,245 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 thirty-six (36) 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 thirty-six subjects during calls for service. Pursuant to WOPD Directive 1:8-6a, which requires each officer who is present and employs force to prepare

Suspect characteristics:

- 67 % of the force used involved male subjects (24)
- 33 % of the force used involved female subjects (12)
- 11 % of the force used involved white male subjects (4)
- 5 % of force used involved white female subjects (2)
- 47 % of the force used involved black/AA male subjects (17)
- 22 % of the force used involved black/AA female subjects (8)
- 8 % of the force used involved Hispanic male subjects (3)
- 5 % of the force used involved Hispanic female subjects (2)
- 53 % of the force was used dealing with a mental health crisis (19)
- 28 % of the force was used with subjects identified as being under the influence (10)
and submit a use of force form. Ninety-five (95) use of force forms were submitted and evaluated for this analysis:

Data compiled from the 2021 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 September where six incidents occurred, October where six incidents occurred and December where seven incidents occurred. It is important to note that both September through December were months where we began to see major spikes and a resurgence in COVID-19 infections.

Force was used significantly more on adult males than females. This makes statistical sense as 80% (221) of arrestees during the year were male compared to 20% (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 64% of our arrestees in 2021 were black as compared to 14% being white. 54% of use of
force incidents led to the arrest of the offender and were categorized as “crimes in progress”. We also saw 53% of incidents involved persons suffering from a mental health crisis, as noted above. Approximately 6% of the incidents, involved persons in a mental health crisis actively engaging in criminal behavior.

Fifty-three percent of all use of force incidents involved persons dealing with a mental health crisis. This represents a 4% increase in use of force incidents compared to 2020. 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 (19). According to the agency CAD/RMS system, in the calendar year of 2021, officers responded to 311 calls for service related to handling persons suffering from mental health issues. 299 of the 311 calls for service ended with a medical transport to a hospital for evaluation. Although 311 mental health calls is a 9% decrease from 2020 (345), our medical transports to the hospital for evaluation increased 282%. We believe this increase in medical transports is a direct result of our co-response program with Mental Health Associates of Essex & Morris (MHA).

It should also be noted that 28% of the use of force incidents involved persons under the influence of intoxicants (10). This is a 12% increase compared to 2020. It becomes evident when you view this data in its entirety and in comparison to 2020 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 53% of all use of force incidents involve persons in psychological 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 psychological crisis or a person under the influence of intoxicants. This has proven to be a very hard task under some circumstances.

### Type of force used according to Use of Force Reports submitted:

- **Compliance holds:** 78% of the time (28)
- **Chemical/Natural Agent:** <1% of the time (1)
- **Constructive Authority:** 17% of the time (6)
- **Hands/fists:** <1% of the time (1)
- **Kicks/feet:** <1% of the time (1)
- **Deadly force:** ZERO %
During 2021, 96% 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 2021, **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, the 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 and 2020 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 two 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 2020 and in the 2nd quarter of 2021 in collaboration with Picatinny Arsenal Training facility.

A review of the 2021 Use of Force Reports revealed five officers sustained minor injuries during the execution of their duties. This is an increase from the 2020 where only one officer sustained injuries. Further review revealed an increase of injuries sustained by the resisting subjects, with five injuries compared to one in the 2020 analysis, which had zero. Although any such increases are significant, every incident was reviewed for causation. Fortunately, none of the officers or suspects sustained any major injuries during these incidents.

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<tr>
<th>Incidents where more than one officer used force on a single resistant subject</th>
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<td>• (9) incidents where one officer used force on one subject; 25%</td>
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<td>• (12) incidents where two officers used force on one subject; 33%</td>
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<td>• (7) incidents where three officers used force on one subject; 19%</td>
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<td>• (4) incidents where four officers used force on one subject; 11%</td>
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<tr>
<td>• (3) incident where five officers used force on one subject; 8%</td>
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<tr>
<td>• (1) Incident where eight officers used force on one subject; &lt;1 %</td>
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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 (25%) 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, which reveals another success, we reduced single officer use of force by 11 % in 2021. Finally, the data shows there was one (1) documented use of force incidents, or <1% 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 this incident is also reviewed by our defensive tactics coordinators 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. This is supported by the fact that officers are randomly selected for a particular zone, and they are dispatched based on their assigned zone to address a call for service. Keeping this in mind, it is impossible to predict when an incident will result in a use of force. In addition, once an officer is assigned to a call for service, he has a duty to resolve it before he can leave. When we put this in perspective, officers only use force in less than 1% of assigned calls for service.

**Officer’s race/subject’s race ratio resulting in a use of force incidents**

- Officer’s race white / subject’s race white (2) incidents. 5%
- Officer’s race white / subject’s race is black (17) incidents. 47%
- Officer’s race black/ subject’s race black two (1) incident. 3%
- Officer race white / subject’s race Hispanic (2) incidents 5%
- Officer race Hispanic / subject’s race white (1) Incident 3%
- Multiple officers’ race white/black/ Hispanic / subject’s race black (7) incidents.19 %
- Multiple officers’ race white/black Hispanic/subject’s race white (3) incident. 8%
- Multiple officers’ race white/black/ Hispanic / subject’s race Hispanic (3) incidents 8%

**REVIEW OF EXCESSIVE FORCE COMPLAINTS**

A comparison between 2020 and 2021 reports of excessive force complaints remained the same at one. The excessive force complaint in 2020 was investigated and the officer was exonerated. This was out of thirty-nine (39) internal affairs complaints/investigations undertaken in 2020. The excessive force complaint which was received on December 30th, 2021 is currently under investigation. This is one out of forty-four internal affairs complaints received in 2021. The incident involved a “road rage” dispute between two drivers on the Garden State Parkway, which ultimately ended in West Orange. The West Orange Police Department briefly assisted the New Jersey State Police in their investigation. All interactions between West Orange Officers and the “road rage” suspects were recorded on body worn camera. As a result of a third-party excessive force complaint, the Essex County Prosecutor’s Office was immediately notified along with the New Jersey State Police Internal Affairs Unit in accordance with
normal procedures. The preliminary information revealed the West Orange Police Officers had little to no interaction with the suspects and cleared once the State Police arrived on scene. 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 and 2021 by our Internal Affairs Unit to monitor the quantity of use of force incidents per officer within a twelve-month period. This computerized early warning tracking and monitoring component was triggered in 2021 based on the thresholds set by an officer’s assignment. All of the identified use of force incidents have been reviewed by WOPD Command Staff and Chief Executive. All were deemed to be necessary, reasonable and justified in accordance with our directive and state and federal laws.

**Total Complaints 2021**

- Excessive Force 1
- All other 97%

**HANDLING COMPLAINTS**

Every formal complaint we receive from the public is taken very seriously and reported directly to the Chief of Police to be assigned for investigation. This includes anonymous complaints. Within 30 days of the final disposition of the investigation, the department will provide written notice of the findings to the complaining party. Officers found to have violated policy will be subject to the disciplinary process, as outlined by the NJ Attorney General’s office.
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 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.

Supervisor Training Conducted Fall 2020

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. In 2021, we assessed our process again, which resulted in the submission of thirty-six (36) command reviews.
MOVING FORWARD

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 embarked 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.
As a result of Dr. Kelly’s observations of our force-on-force training, and arrest and control tactics training he submitted a written evaluation endorsing our training programs. He concluded: “Based on my experience as a sports medicine and ringside physician, the techniques demonstrated in the observed program have a low risk of injury and a high probability of effectiveness. Mixed Martial Arts grappling and submission techniques are useful tools for law enforcement when physical force is required and may decrease the need for force escalation and may actually facilitate de-escalation.”

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 arrest and control 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.
REQUIRED COMPREHENSIVE REPORTING
Any use of force by a member of the WOPD is required to be documented promptly, completely, and accurately. Documentation of incident(s) related to forceful actions is completed by the Essex County Prosecutor’s Office and the Office of the Attorney General’s Office.

VERBAL WARNINGS BEFORE FORCE IS USED
WOPD officers are required to provide a verbal warning and opportunity to comply before resorting to force. If force is used, an officer must record in writing the date, time, incident, location, narrative of the use of force, and the name of the officer.

USE OF FORCE CONTINUUM
We recognize that the amount of force needed during an encounter is situational, and the continuum of force can range from verbal de-escalation techniques to the use of physical force. It is essential to consider the use of force in light of the circumstances.

DE-ESCALATION TRAINING
Our officers train consistently and are instructed to overcome the ego and time limitations embedded in the state of NJ. Our training includes physical de-escalation techniques and procedures for responding to situations without using physical force. All officers are required to complete the training. Our officers also participate in de-escalation training opportunities and training that is conducted locally.

BODY WORN CAMERAS
We provide body-worn cameras to all officers and all equipment is annually calibrated for optimal performance. Body cameras can record and transmit audio and video.

DUTY TO INTERVE
All of our officers have a duty to intervene if they observe another officer using an unreasonable use of force. Intervening in a situation can be a constitutional right. An officer who observes excessive force is required to intervene to prevent the use of excessive force. Failure to follow this policy can result in disciplinary action.

HANDLING COMPLAINTS
Every formal complaint we receive from the public is taken very seriously and reported directly to the Chief of Police to be assigned for investigation.

TRANSPARENCY
Transparency and trust in our community with regards to how we provide superior protection and service to our community is a priority for us.

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