

DEPTFORD POLICE DEPARTMENT



SUBJECT: USE OF FORCE

OF PAGES: 25

EFFECTIVE DATE:

July 28, 2020

ACCREDITATION STANDARDS: 1.10.2, 3.3.1, 3.3.2, 3.3.3, 3.3.4

BY THE ORDER OF:

Chief of Police

SUPERSEDES ORDER #: V3C2 (01/18/2011, AS AMENDED)

PURPOSE The purpose of this directive is to maintain compliance with guidelines and directives promulgated by the New Jersey Attorney General, the Gloucester County Prosecutor, and existing statutory and case law.

POLICY It is the policy of the Deptford Police Department that officers hold the highest regard for the dignity and liberty of all persons and place minimal reliance upon the use of force and instead use de-escalation tactics to the extent possible under the circumstances. This department respects and values the sanctity of human life and the application of deadly force is a measure to be employed only in the most extreme circumstances.

Police officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility to comply with the laws of the State of New Jersey regarding the use of force and to comply with the provisions of this directive. In situations where officers are justified in using force, the utmost restraint should be exercised. The use of force should never be considered routine. In determining whether to use force, officers shall be guided by the principle that the degree of force employed in any situation should be only that, which is reasonably necessary. Officers should exhaust all other reasonable means before resorting to the use of force. It is the policy of the State of New Jersey and the Deptford Police Department that officers will use only that force that is objectively reasonable and necessary when force is necessary to accomplish lawful objectives.

This directive reinforces the responsibility of officers to take those steps possible to prevent or stop the illegal or inappropriate use of force by other employees. Officers are required to take appropriate action in any situation where they are clearly convinced that other employees are using force in violation of state law or this directive. Officers have a legal, moral and ethical obligation to report all situations in which force is used illegally by anyone. Officers are encouraged to do whatever they can to interrupt the flow of events before other officers do something illegal and before any official action is necessary.

Deciding to utilize force when authorized in the conduct of official responsibilities is among the most critical decisions made by officers. It is a decision that must be made quickly and under difficult, often unpredictable and unique circumstances.

PROCEDURES

I. DEFINITIONS

A. Use of force options:

1. Constructive authority does not involve actual physical contact with a subject but, involves the use of officers' authority to exert control over a subject.
 - a. Examples include verbal commands, gestures, warnings, and unholstering a weapon.
 - b. Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.
 2. Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective. Examples include, guiding a subject into an agency vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.
 3. Physical force involves contact with a subject beyond that which is generally utilized to affect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of an officer's authority or to protect persons or property. Examples include, wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.
 4. Mechanical force involves the use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of an officer's authority. Examples include the use of a baton or other impact weapon, canine physical contact with a subject, or chemical or natural agent spraying.
 5. Enhanced mechanical force Is an intermediate force option between mechanical force and deadly force requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the use of deadly force. Enhanced mechanical force is applied using less-lethal ammunition and/or a CED.
 6. Deadly force is force which officers use with the purpose of causing, or which an officer knows to create a substantial risk of causing, death or serious bodily harm.
 - a. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force.
 - b. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the purpose is limited to creating an apprehension that deadly force will be used, if necessary, does not constitute deadly force.
- B. Aerosol spray device is a device that projects a spray or stream of oleoresin capsicum (OC), tear gas, or other chemical or natural agent intended to produce

temporary physical discomfort or to incapacitate a suspect. NOTE: This term does not include a tear gas canister or similar projectile that is launched by a firearm or by a non-firearm delivery device or system.

- C. Chokehold (also known as stranglehold) is a weaponless control technique designed to interfere with the normal breathing of another by manually constricting his/her windpipe. Chokeholds/strangleholds are prohibited unless deadly force is authorized, and necessary as a last resort to protect the officer's life when no other alternative is available.
- D. Conducted energy device (CED) means any device approved by the Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person. Related definitions include:
1. Anti-felony identification device (AFID) are the confetti-like contents of each conducted energy device cartridge bearing the serial number of the cartridge deployed.
 2. Cartridge is a shell containing AFIDs and two probes that penetrate the target and deliver neuromuscular incapacitation (NMI).
 3. Data download is the method of electronic recovery of the firing and video data saved by a CED upon activation.
 4. Discharge means to cause an electrical charge or current to be directed at a person in contact with the darts/electrodes of a conducted energy device.
 5. Drive stun mode means to discharge a conducted energy device where the main body of the device is in direct contact with the person against whom the charge or current is transmitted.
 6. Fire means to cause the darts/electrodes of a conducted energy device to be ejected from the main body of the device and to come into contact with a person for the purpose of transmitting an electrical charge or current against the person.
 7. Spark display means a non-contact demonstration of a conducted energy device's ability to discharge electricity that is done as an exercise of constructive authority to convince an individual to submit to custody.
- E. De-escalation is calmly communicating with an agitated person in order to understand, manage and resolve his/her concerns. Ultimately, these actions should help reduce the person's agitation and potential for future aggression or violence. Such tactics include but, are not limited to:
1. Approach people with extreme caution; be alert and maintain a calm and casual demeanor.
 2. Speak to the person by name, if known; your tone of voice should be soothing but, firm and businesslike.
 3. Avoid exciting the person, if possible.

4. Ask questions slowly, one at a time, and be patient in waiting for a response. Be prepared that the person may not understand questions and/or instructions or be able to answer in an understandable manner.
 5. Ignore verbal abuse directed at you or others.
 6. Make use of friends or relatives who know how to talk to, and deal with, the person unless impracticable.
 7. Whenever possible, try and stall until a back-up unit arrives at the scene.
 8. Show kindness and understanding; maintain professionalism.
- F. Emotionally disturbed person is a person who appears to be mentally ill or emotionally disturbed and is conducting him/herself in a manner that an officer reasonably believes is likely to result in serious bodily injury to him/herself, the officer or others.
- G. Employee shall mean all employees of the Deptford Police Department regardless of sworn status, job title, or assignment.
- H. Excited delirium is a medical disorder generally characterized by observable behaviors, including extreme mental and physiological excitement, intense agitation, hyperthermia often resulting in nudity, hostility, exceptional strength, endurance without apparent fatigue, and unusual calmness after restraint accompanied by a risk of sudden death. Specific signs and characteristic symptoms may include, but are not limited to:
1. Constant or near constant physical activity;
 2. Irresponsiveness to police presence;
 3. Nakedness/inadequate clothing that may indicate self-cooling attempts;
 4. Elevated body temperature/hot to touch;
 5. Rapid breathing;
 6. Profuse sweating;
 7. Extreme aggression or violence;
 8. Making unintelligible, animal-like noises;
 9. Insensitivity to or extreme tolerance of pain;
 10. Excessive strength (out of proportion to the person's physique);
 11. Lack of fatigue despite heavy exertion;
 12. Screaming and incoherent talk;
 13. Paranoid or panicked demeanor;

14. Attraction to bright lights/loud sounds/ glass or shiny objects.

- I. Imminent danger describes threatened actions or outcomes that may occur during an encounter absent action by officers. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations. The threatened harm does not have to be instantaneous. For example, imminent danger may be present even if a subject is not at that instant pointing a weapon at officers but, is carrying a weapon and running for cover.
- J. Law enforcement officer (officer) is any employee sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by the Deptford Police Department and is authorized to carry a firearm under N.J.S.A. 2C: 39-6.
- K. Meaningful review is a formal documented process to determine whether policy, training, equipment or disciplinary issues need to be addressed.
- L. Positional asphyxia happens when a person can't get enough air to breathe due to the positioning of his/her body. This happens when a person is placed in a position where his/her mouth and nose is blocked or where his/her chest/torso may be unable to fully expand resulting in suffocation.
- M. Reasonable belief is an objective assessment based upon an evaluation of how reasonable officers with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the officers at the scene.
- N. Resisting arrest refers to the act of a person who purposely prevents a law enforcement officer from affecting an arrest, to include such things as threatening to use physical force or violence against the law enforcement officer or use of any other means to create a substantial risk of causing physical injury to a law enforcement officer when acting under the color of his official authority (N.J.S.A. 2C: 29-2).
 - 1. Active resistance refers to a person who uses or threatens to use physical force or violence against the law enforcement officer or another or uses any other means to create a substantial risk of causing physical injury to the public servant or another.
 - 2. Passive resistance refers to a person who doesn't obey a command to submit to an arrest (e.g., a person refuses a police command to exit a vehicle and grabs on to the steering wheel to prevent being removed by physical force, refuses to get on the ground, etc.)
- O. Serious bodily injury means bodily injury, which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- P. Substantial risk: Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when officers disregard a foreseeable likelihood that innocent persons will be endangered. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by innocent persons exposes those persons to a substantial risk of harm.
- Q. Vascular restraint (also known as neck compression or carotid artery hold) is a weaponless control technique designed to restrict a person's normal blood flow to

the brain by constricting his/her carotid arteries with a chokehold or other manual pressure. Vascular restraints, neck compressions, carotid artery hold, and other neck restraints are prohibited unless deadly force is authorized, and necessary as a last resort to protect the officer's life when no other alternative is available.

II. AUTHORIZATION AND LIMITATIONS

A. Use of physical and mechanical force:

1. Officers may use physical force or mechanical force in the performance of their duties when they reasonably believe that the use of force is immediately necessary in the following situations:
 - a. To protect themselves or others against the use of unlawful force by another person and the officer's immediate intervention is necessary, or;
 - b. To prevent another from committing suicide or inflicting serious bodily harm upon oneself, or;
 - c. To prevent the commission or consummation of a crime or offense involving or threatening bodily harm, damage to or loss of property or a breach of the peace, or;
 - d. To prevent the escape of an arrested person from custody, or;
 - e. To effectuate the lawful arrest of any person for an offense or crime under the laws of the State of New Jersey. The use of less lethal force to effectuate an arrest however is not justifiable unless;
 - 1) When the arrest is made under a warrant and the warrant is valid or reasonably believed by the officer to be valid; and
 - 2) The arrest is lawful, and the officers make known the purpose of the arrest or reasonably believe that their identity and purpose are otherwise known by or cannot reasonably be made known to the person to be arrested.
2. Once all resistance or physical force being used to resist or prevent officers from carrying out their duties has ceased, use of further force on the officers' part shall cease.
3. When the officer reasonably believes that less lethal force is immediately necessary, the officer should assess the totality of the circumstances and apply the minimum force necessary to overcome resistance when an individual is using or threatening to use force unlawfully, and bring the situation under control in the safest manner possible.

B. ***Due to the potential for unintended serious injury or death, the use of chokeholds and other similar neck/vascular restraint techniques are not authorized unless deadly force is authorized and necessary as a last resort to protect the officer's life when no other alternative is available.***

C. Use of mechanical force:

1. Tactical batons:
 - a. Batons are defensive impact tools that may be used when the justification for the use of less lethal force exists.
 - b. Once resistance ceases, the use of the baton as a less lethal weapon shall cease.
 - c. Batons shall only be used as instructed. Batons shall not be used to deliberately strike another with a degree of force intended to cause serious bodily injury or death unless the use of deadly force is justified.
 - d. Personnel must exercise special care in their use and avoid striking those potentially fatal areas of the body identified during training.

2. Oleoresin capsicum (OC) Spray (aerosol spray device):
 - a. Only non-flammable aerosol spray devices are authorized.
 - b. OC is permitted in less lethal force situations where the use of force is necessary and justified to apprehend or control an individual, and the use of the OC will facilitate the arrest with the minimum chance of injury to the officer, the arrestee, or innocent bystander.
 - c. OC must not be handled by children or unauthorized individuals.
 - d. Generally, OC has been found to be effective in controlling persons who are under the influence of alcohol and/or narcotics, persons highly agitated or motivated and those who are mentally unbalanced. The effects of OC vary with different types of individuals. OC exposure to humans may not be effective and may cause the subject to be even more aggressive. Therefore, officers must be continually alert to the possibility that other means may be necessary to subdue a resistive or noncompliant subject or attacker.
 - e. OC has been found to be effective against aggressive animal attack and may also work well against attacking dogs. Caution must be used when repelling dogs trained to attack and/or those who are extremely motivated.
 - f. OC should be sprayed directly into the target's face with the spray being directed to the eyes, nose, and mouth from as close as safely possible. OC should always be used in the upright position with short one-half to one-second bursts.
 - g. Once resistance ceases, the further application of OC shall cease.
 - h. Noncompliance with an officer's verbal commands may be considered justification for deployment where force is otherwise authorized.
 - i. OC shall not be used on crowds or large groups of people without the expressed permission of a ranking supervisor.

- j. OC shall not be used in the immediate vicinity of infants or the elderly unless absolutely necessary.
- k. All persons who have been exposed to OC will at the earliest practicable time, be allowed to flush the affected area with cold/cool water,
- l. OC shall not be used on the operator of a motor vehicle unless the motor vehicle is first disabled (e.g. removal of keys from the ignition).

D. Use of deadly force:

- 1. Officers may use deadly force when they reasonably believe such action is immediately necessary to protect them or another person from imminent danger of death or serious bodily harm.
- 2. Officers may use deadly force to prevent the escape of a fleeing suspect:
 - a. Whom officers have probable cause to believe has committed an offense that the suspect caused or attempted to cause death or serious bodily harm; and
 - b. Who will pose an imminent danger of death or serious bodily harm should the escape succeed; and
 - c. When the use of deadly force presents no substantial risk of injury to innocent persons.
- 3. If feasible, officers should identify themselves and state their intention to shoot before using a firearm.

E. Restrictions on the use of deadly force:

- 1. Officers shall not use deadly force to subdue persons whose actions are only destructive to property.
- 2. Officers shall not discharge a firearm as a signal for help or as a warning.
- 3. Officers are under no obligation to retreat or desist when resistance is encountered or threatened. However, officers shall not resort to the use of deadly force if they reasonably believe that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the law enforcement purpose at no increased risk to themselves or another person.
- 4. Deadly force shall not be used against persons whose conduct is injurious only to them.

5. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons. The safety of innocent people is jeopardized when a fleeing suspect is disabled and loses control of their vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, in the actions that necessitated the use of deadly force. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, officers shall not fire from a moving vehicle or at the driver or occupant of a moving vehicle unless they reasonably believe:
 - a. There exists an imminent danger of death or serious bodily harm to themselves or another person; and
 - b. No other means are available at that time to avert or eliminate the danger.
6. Officers shall not fire a weapon solely to disable moving vehicles.
7. In active shooter situations, officers shall not fire a weapon into buildings, doors, windows, or other openings when the person being fired upon is not clearly visible unless extraordinary circumstances necessitate officers to engage in suppression fire in order to protect the lives of injured persons requiring immediate rescue and evacuation from an area in which a subject's continued actions pose an imminent threat of death or serious bodily harm. Such gunfire shall be directed towards the area of the threat.
8. Destroying an animal is justified only in the following circumstances:
 - a. Officers may use a firearm to destroy an animal where the animal presents an immediate threat to human life; or
 - b. Officers may use a firearm to destroy an animal that is so badly injured that humanity requires its relief from further suffering and the animal shelter has been notified and either cannot or is unable to respond. If the injured animal is domesticated, personnel make every reasonable effort to notify an owner. The firearm discharge shall create no substantial risk to employees or third parties and must be approved by a supervisor.
 - 1) Officers shall be mindful that some animals have insufficient body mass to prevent a bullet from passing completely through their bodies.
 - 2) Therefore, personnel must be cognizant of surrounding conditions, such as the composition of the material behind or below the animal, and nearby persons or structures that could be affected by a ricochet or deflection.
 - 3) When there is suspicion that the animal may be rabid, the point of aim should be the front shoulder area and not the head.
 - 4) Employees shall not touch an animal without first protecting themselves from blood borne pathogens.

- 5) Employees shall protect any area contaminated with animal body fluids for cleansing by animal shelter personnel.

III. CONDUCTED ENERGY DEVICES

- A. All use of a conducted energy device must be in compliance with the [New Jersey Attorney General's Supplemental Policy on Conducted Energy Devices](#), the *New Jersey Attorney General's Directive Revising the Supplemental Policy on Conducted Energy Devices* (03/03/2016), and the Gloucester County Prosecutor's Office *Countywide Standard Operating Procedure on Conducted Energy Devices*.
- B. One of the key distinctions between the standard for using deadly force and the standard for using enhanced mechanical force is that the threat of bodily injury does not have to be imminent or immediate in order to use enhanced mechanical force.
- C. A CED may be deployed under the following circumstances:
 1. The officer believes such force is reasonably necessary to prevent the person against whom the device is targeted from causing death or serious bodily injury to him/herself, a law enforcement officer, or any other person; or
 2. The person against whom the device is targeted is armed with an object that that the officer reasonably believes could be used as a deadly weapon, and the person refuses the officer's command to put down or surrender the object after having been given a reasonable opportunity to do so; or
 3. The officer believes such force is reasonably necessary to prevent the immediate flight of an individual whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily injury; or
 4. The person against whom the device is targeted resists a lawful arrest by using or threatening to use physical force or violence against the officer or another in a manner and to a degree that the officer reasonably believes creates a substantial risk of causing bodily injury to the officer, a victim, or a bystander; and
 5. The individual will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ force.
- D. When feasible, an officer should warn the person against whom the CED is directed of the intent to fire the weapon. If a subsequent discharge is necessary, the officer, when feasible, should warn the person that the officer intends to discharge the device once again. It shall not be necessary to warn the person if the person's conduct is creating a risk of bodily injury that is so immediate that any delay in firing the device would likely result in bodily injury.
- E. An officer may, through verbal commands, threaten to use a CED, so long as the officer's purpose is limited to creating a belief, as an element of constructive authority, that the device will be used if necessary.

- F. An officer shall not exhibit a CED to a subject or conduct a spark display during an actual operation unless the officer reasonably believes that the display of the device and/or demonstration of its ability to discharge electricity as an exercise of constructive authority, would help to establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety.
- G. A spark display may be conducted when the following conditions are met:
1. The purpose of such a display is to create a belief, as an element of constructive authority, that the device will be fired/discharged if necessary so as to induce compliance with an officer's commands;
 2. The subject to whom the CED is exhibited is refusing to comply with an officer's commands; and
 3. The use of some form of actual force (physical, mechanical, enhanced mechanical, or deadly) against the subject may potentially be needed if the exercise of constructive authority is not successful in inducing the subject to comply with an officer's commands.
- NOTE:** In the event the subject refuses to comply with an officer's commands after witnessing a spark display, the officer **would not be authorized** to fire or discharge the CED unless the deployment criteria and prerequisites as set forth in this policy are satisfied.
- H. An officer may unholster and exhibit a CED or conduct a spark display if another officer on the scene has unholstered and exhibited a firearm, in accordance with this directive.
- I. To ensure officer safety, when feasible, at least one officer other than the one deploying the CED should be present, armed with lethal ammunition, and be prepared deploy deadly force in the event the use of the CED, for any reason, fails to incapacitate the suspect and prevent them from causing bodily injury to the officer equipped with the device, or any other person.
- J. A CED may be used in conjunction with a distraction device, water-based chemical agent or less-lethal ammunition. If the individual has already received an electrical charge from a CED, the officer should, when feasible, provide the subject a reasonable opportunity to submit and comply with commands, considering physiological effects of the discharge before deploying a distraction device, chemical agent, or less-lethal ammunition.
- K. An officer shall not direct an electrical charge against a person who has already received an electrical charge from a CED unless the subject, despite the initial discharge, continues to pose a threat of causing bodily injury to him/herself or any other person.
1. The person shall be given a reasonable opportunity to submit to law enforcement authority and to comply with law enforcement commands before being subjected to a second or subsequent discharge, unless the person's conduct after the initial discharge creates a risk of bodily injury that is so immediate that any delay in applying a second or subsequent discharge would likely result in bodily injury.

2. The person's refusal to comply with law enforcement commands after having been given a reasonable opportunity to do so shall not be a basis for a second or subsequent discharge unless the person continues to refuse to put down or surrender an object that the officer reasonably believes could be used as a deadly weapon, or unless the person continues to use or threaten to use physical force or violence against the officer, or another, in a manner and to a degree that reasonably creates a substantial risk of causing bodily injury to the officer or another. The person shall not be subjected to a second or subsequent discharge, for example, for attempting instinctively to reduce the leverage of a wristlock, hammerlock, or other pain compliance hold applied by the officer while attempting to apply handcuffs, or for bracing or pulling against an officer's attempt to pull/move him or her, unless such resistance reasonably creates a substantial risk of causing bodily injury to the officer.
 3. In the event that a second or subsequent discharge is authorized and necessary, unless the officer is equipped with and activates a body worn camera so that the circumstances justifying a second or subsequent discharge are recorded by the body worn camera, the officer shall, when feasible, point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying any such second or subsequent discharge.
- L. An officer shall not direct an electrical charge or current against a person who is restrained by handcuffs unless:
1. The officer reasonably believes based on the suspect's conduct while handcuffed that such force is immediately necessary to protect the officer, the suspect, or another person from imminent danger of death or serious bodily injury; and
 2. The use of physical or mechanical force (e.g., a baton or pepper spray) is not immediately available to be employed, has been tried and failed to stop the imminent threat of death or serious bodily injury, reasonably appears to be unlikely to stop the imminent threat if tried, or would be too dangerous to the officer or an innocent person to employ.
 3. In the event that a CED is discharged against a person who is restrained by handcuffs, unless the officer is equipped with and activates a body worn camera so that the circumstances justifying a second or subsequent discharge are recorded by the body worn camera, the officer shall point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying the discharge.
- M. An officer shall not use a conducted energy device in drive stun mode unless the officer reasonably believes, based on the subject's conduct, that discharging the device in drive stun mode is immediately necessary to protect the officer, subject or another person from imminent danger of death or serious bodily injury.

NOTE: The use of drive stun mode may be utilized in the event of a single-probe impact or clothing disconnect. Drive stun location should be applied away from probe impact sites. This tactic should not be applied to a subject's head, neck or groin impact sites.

- N. Officers should use particular care when considering whether to use a conducted energy device against an individual who is particularly vulnerable due to age (elderly or young) or due to a known or reasonably apparent medical condition (e.g., pregnant).
- O. The CED should not be fired if there is a substantial risk that the darts/electrodes will strike an innocent person unless firing the device in such circumstances is reasonably necessary to protect an innocent person from death or serious bodily injury by the subject to whom the CED is targeted.
- P. During CED deployment. The deploying officer shall, when feasible, continually evaluate the (force) options selected against the changing circumstances.
- Q. The deployment of a CED in any of the following situations is prohibited:
1. A CED shall not be fired or discharged against a person who is exhibiting only passive resistance to officer's command to move from or to a place, to get onto the ground, or to exit a vehicle. A CED shall not be fired or discharged against a person, for example, who is attempting instinctively to reduce the leverage of a wristlock, hammerlock, or other pain-compliance hold applied by an officer, or who is bracing or pulling against an officer's attempt to pull/move him or her.
 2. To prevent a subject from committing property damage;
 3. Against the operator of a moving vehicle;
 4. When a subject is situated on an elevated surface (e.g. ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net);
 5. On or adjacent to a body of water in which the targeted person could fall during the application of the device;
 6. In an environment an officer, or has reason to believe, is potentially flammable, volatile, or where explosive material is present that might be ignited by an open spark, including but not limited to pepper spray with a volatile propellant, gasoline, natural gas or propane;
 7. The discharge of two or more devices upon a subject at the same time;
 8. Be used or threatened to be used to retaliate for any past conduct or to impose punishment.
- R. In all instances when a CED is fired at or discharged upon a person, a higher-ranking supervisor shall investigate the circumstances and outcome of the device's use. The investigating supervisor shall report on the incident to the Chief of Police, providing the Chief of Police information on all relevant circumstances, deployment, and outcome, including whether the deployment avoided injury to an officer and avoided the need to use deadly force. Upon receipt, the Chief of Police shall issue a finding on whether the firing and all discharges complied with the *Attorney General's Supplemental Policy on Conducted Energy Devices*. The Chief of Police shall forward the report to the County Prosecutor within 3 business days of the firing/discharge, unless the County Prosecutor grants the Chief of Police request for

a reasonable extension of time within which to forward the report for good cause shown.

- S. In all instances when a CED is fired at or discharged upon a person, a superior officer designated by the Chief shall take custody of and secure the device. The superior officer shall safeguard the digital information in that device concerning the incident. The superior officer shall:
1. Ensure that the internal digital recording system of the device are maintained; and
 2. Ensure that the data contained therein has not and cannot be tampered with; and
 3. Secure the device in an evidence locker to ensure that the device cannot be accessed except by duly authorized personnel; and
 4. Prepare a report regarding the information stored in the device concerning its use during the incident. In addition to any other information that is required to be in the report, said report shall also contain information related to the data concerning the time the weapon was fired, the time of all electrical discharges, and video recordings of the firing of the weapon and all electrical discharges. This information shall also be preserved consistent with any retention schedules established by the State. Only after the information is safeguarded may the device be returned to deployment; and
 5. Download the digital information on all conducted energy devices bi-annually in order to ensure that all discharges and spark displays have been properly reported. A letter detailing the results shall be sent to the Gloucester County Prosecutor for review.
- T. During a deployment with no signs of medical distress or serious injury. The CED cartridge, wire and probes should be collected and entered in the agency's evidence system.
1. After proper removal of the probes by a trained CED operator or medical professional they can be placed back into the cartridge for evidence collection purposes.
 2. The wire should be collected taking care not to deploy any more wire from the cartridge unless they were deployed to full length. The wire should not be wrapped up tightly and should be picked up as loosely as possible.
 3. The CED cartridge, wire and probes should be secured in a handgun evidence box or brown paper bag.
 4. The package should be treated as a biohazard and labeled due to the probes' penetration into the body
 5. The probes should be secured inside a container separated from one another. The container should allow the probes to be secured with the wire attached.
- U. In the case of signs of medical distress or serious injury the following steps should be taken.

1. The area should be preserved as a crime scene.
 2. Photographs of the scene overall should be taken.
 3. Measurements of the scene and location of CED components should be taken.
 4. Photographs of the CED components, AFIDs, blast doors and wire should be photographed in their location prior to collection for evidence.
 5. Once the photographs are taken the components can be collected utilizing the method described in subsection VIII.B above.
 6. Special care should be utilized during the collection of the wire with special attention given to the knot in the wire where it attaches to the probe.
- V. If the CED was separated from the operator and the situation requires photographs, the CED should be left in its current place. The CED DOES NOT need rendering into safe mode. After 20 minutes of inactivity, it will go into sleep mode. Even after it goes into sleep mode, leave the safety selector switch in its current position.
1. If the CED is found with the cartridge still inserted collect as a unit. Do not remove the power source from the CED.
 2. If they are separate, collect separately and note such in the report.
 3. Limit altering the items from how they are found.

IV. EXHIBITING A FIREARM OR CED

- A. Officers shall not unholster or exhibit a firearm or CED except under any of the following circumstances:
1. For maintenance of the firearm or CED;
 2. To secure the firearm or CED;
 3. During training exercises, practice or qualification with the firearm or CED;
 4. When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm or CED;
 5. When circumstances create a reasonable belief that the display of a firearm or CED as an element of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety;
 6. To destroy an injured animal (firearm);
 7. When ordered by a supervisor or other lawful authority.

V. AFTER ACTION REQUIREMENTS

- A. Following the use of force, officers shall immediately evaluate the need for medical attention or treatment for the person upon whom the force was used and provide

first aid to the extent of their training except where the application of first aid will expose the officer to immediate danger.

1. In any instance where deadly force is used, officers shall summon EMS and paramedics as soon as possible. While EMS and paramedics will not enter an area that is not tactically secure, they should still be summoned to a secure area near the scene to expedite treatment for the person once the scene is secure.
2. Be alert for signs of potential excited delirium (see definitions, section I.H of this directive).
 - a. Officers should check the subject's pulse and respiration on a continuous basis until transferred to EMS personnel. Officers shall ensure the airway is unrestricted and be prepared to administer CPR or an automated external defibrillator (AED) if the subject becomes unconscious.
 - b. Whenever possible, an officer should accompany the subject to the hospital for security purposes and to provide assistance as necessary.
3. If a baton is used, officers shall observe the affected subject(s) for obvious changes in condition or breathing and shall immediately summon medical assistance if the subject appears to be in need of medical aid.
4. Following the use of OC, officers shall sit the subject upright and decontaminate the subject as soon as practicable. Personnel shall monitor subjects who had been exposed to OC staying alert to any obvious changes in condition or breathing and shall immediately summon medical assistance if the subject appears to be in need of medical aid.
5. Decontamination procedures for exposure to OC consist of:
 - a. Once subjects have been secured, have ceased resisting, and are no longer a threat to officers, themselves, or others, every reasonable effort will be made to relieve discomfort.
 - b. Expose the subject(s) to fresh air as soon as possible and have them remain calm.
 - c. Have subject flush affected areas with large amounts of fresh water.
 - d. Have subject remove contact lenses and contaminated outer clothing; have the subject wash these items prior to reuse.
 - e. Do not apply salves, creams, oils, lotion, grease, or bandages to the exposed area. These remedies can trap the OC against the skin or mucus membranes and cause irritation.
 - f. Summon medical assistance if the subject has medical problems and/or continues to have difficulty after the decontamination procedures.

areas by qualified medical personnel. Darts can be wrapped in the removing officer's latex gloves and shall be disposed of in a 'Sharps' container.

- E. Under no circumstances shall agency employees sign or endorse any medical authorization for any person under arrest or in custody indicating that the Township of Deptford is the responsible billing party.
- F. If available, a supervisor should respond to the scene of any use of force incident where, as the result of the application of force, agency employees, bystander, or detainee/prisoner are injured, complain of injury or discomfort and require medical attention. The supervisor or designee shall also:
 - 1. Ensure that affected persons receive the necessary assistance, including medical attention;
 - 2. When necessary, especially in a deadly force incident, notify the appropriate support staff, e.g., detective bureau and/or Gloucester County Prosecutor's Office. When an injury or complaint of pain exists, supervisors should obtain photographic documentation to the extent possible.
- G. Any employee whose action(s) or use of force in an official capacity results in death or serious bodily injury to any person shall be removed from line-duty assignment pending a meaningful review.
 - 1. The meaningful review shall normally be conducted by the employee's division commander and shall determine whether policy, training, equipment or disciplinary issues should be addressed. Division commanders shall forward the use of force report and the subsequent meaningful review to the Chief of Police.
 - 2. Any meaningful review resulting from the application of deadly force must occur regardless of the outcome of the prosecutor or attorney general's investigation.
 - 3. The Chief of Police may assign the meaningful review to another unit/person at his/her discretion.
 - 4. Employees should be afforded the appropriate level of critical incident stress debriefing or counseling in comportment with agency policy.
 - 5. The employee may be assigned to administrative duties or placed on administrative leave as soon as practicable following the incident pending a complete investigation and review of the incident.
 - a. This reassignment is not considered a disciplinary action.
 - b. If any weapon(s) had been taken, the weapon(s) will be reissued once the Gloucester County Prosecutor's Office and/or the Attorney General adjudicate the case. Reissuing of duty weapons should be completed as soon as practicable after the incident has been cleared.
 - 6. The Chief of Police or designee may cause the employee to undergo a psychiatric/psychological evaluation and/or counseling by a mental health professional.

VI. ARRESTS REQUIRING THE USE OF FORCE

- A. Whenever a person being arrested resists the officer's action and force is used, one of the following charges (whichever is applicable) shall be made against the subject. This charge is in addition to the charges that precipitated the arrest.
1. N.J.S.A. 2C: 29-2a(1) – a person is guilty of a disorderly persons offense if he purposely prevents a law enforcement officer from effectuating a lawful arrest; or
 2. N.J.S.A. 2C: 29-2a (2) – a person is guilty of a crime of the fourth degree, if by flight, he purposely prevents or attempts to prevent a law enforcement officer from effectuating an arrest.
 3. N.J.S.A. 2C: 29-2a (3) – a person is guilty of a crime of the third degree if he used, or threatened to use, physical force or violence against the law enforcement officer or another; or, (2) subject used any other means to create a substantial risk of causing physical injury to the public servant or another.

VII. COMPLAINTS BY OFFICERS FOR ASSAULT AGAINST THEMSELVES

- A. Officers shall arrest actors of assaults or criminal offenses directed against them. Actors shall be charged accordingly.
1. Whenever it is impossible to effectuate the arrest at the time of the offense, the officer shall make a complete report of the incident to the on-duty shift commander and initiate a complaint in the proper court.
 2. In no case shall the aggrieved officer serve any warrant issued as a result of filing such a complaint.
 3. The aggrieved officer shall take no part in the handling or processing of actors in these incidents, except under emergent circumstances.

VIII. NOTIFICATION AND INVESTIGATION REQUIREMENTS

- A. The Chief of Police and the Gloucester County Prosecutor's Office shall be immediately notified when the use of physical, mechanical, enhanced mechanical, or deadly force results in death or serious bodily injury, or when an injury of any degree results from the use of a firearm by agency personnel.

- B. The Gloucester County Prosecutor's Office or the New Jersey Division of Criminal Justice will conduct the investigation into the use of force in accordance with the *New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2019-4* whenever an incident occurs that involves a member of this department that has employed force that results in serious bodily injury or death. The Gloucester County Prosecutor's Office is responsible for the necessary notifications to the Division of Criminal Justice.
1. The Prosecutor's Office or the Division of Criminal Justice is responsible for all phases of the investigation including photography, evidence gathering.
 2. The internal affairs supervisor shall only investigate any administrative matters surrounding the incident. If an employee's actions are of a criminal nature, the administrative internal investigation must cease.
 3. Copies of any reports associated with such application of force shall not be distributed to anyone unless authorized by the Gloucester County Prosecutor's Office or the New Jersey Division of Criminal Justice.
- C. Prior to the arrival of investigative staff from the Gloucester County Prosecutor's Office and/or the Division of Criminal Justice, the on-scene supervisor or his/her designees shall complete the following tasks as soon as possible but, not necessarily in the order listed:
1. Identify any remaining threats and take necessary action;
 2. Ensure that emergency medical services have been dispatched and appropriate medical aid is rendered to injured parties;
 3. Secure the scene pending the arrival of the Gloucester County Prosecutor's Office, and/or the Division of Criminal Justice personnel. The scene will be relinquished to the Gloucester County Prosecutor's Office and/or the Division of Criminal Justice, upon their arrival.
 4. Ensure that an inner perimeter is established to secure the scene(s). Direct that an outer perimeter be established to prevent all from entering except those who have a specific function to perform.
 5. Maintain a scene log documenting who enters and leaves. The scene log will be relinquished to the Gloucester County Prosecutor's Office and/or the Division of Criminal Justice personnel or their designees upon their arrival.
 6. Secure any suspect(s) at the scene(s), unless the suspects are injured and require immediate medical care.
 7. Locate and secure in place (if no danger or threat exists) all weapons, ammunition and expended cartridges used by the suspect(s) and/or involved officer(s).
 8. Providing there is no immediate danger to anyone, preserve the involved officers' firearms in their original state at the time of the incident (i.e. not to be unloaded and/or rendered safe or reloaded).

9. If vehicles are involved in the incident and there is no immediate danger to anyone, the vehicles shall not be moved or altered from their location at the time of the incident (e.g., emergency lights, MVRs, BWCs, etc.) until directed to do so by the Gloucester County Prosecutor's Office and/or the Division of Criminal Justice. No equipment and/or property shall be removed without authorization from the Gloucester County Prosecutor's Office and/or the Division of Criminal Justice.
 10. Ensure that all potential witnesses have been identified and separated and ask that they remain on-scene to provide a statement. If witnesses wish to leave, obtain their contact information for future communications.
 11. All law enforcement officers involved in the incident shall be identified and their names and agency documented. Involved officers shall be kept separated at the scene, as circumstances warrant.
 12. Locate and secure in place as evidence any clothing or other personal items that may have been discarded or removed from the suspect(s) and/or officer(s) by medical personnel.
- D. Upon the arrival of investigative personnel from the Gloucester County Prosecutor's Office and/or the Division of Criminal Justice, agency personnel will assist as directed with certain non-investigatory tasks including but, not limited to:
1. Preserve the scene by closing roadways and conducting detours whenever feasible;
 2. As necessary, arrange and provide through the fire department and/or DPW sufficient nighttime illumination and/or other heavy machinery or equipment at the scene;
 3. Make death notifications only as directed by the Gloucester County Prosecutor's Office and/or the Division of Criminal Justice in compliance with NJ Attorney General's Guidelines.
 4. Arrange for the towing of vehicles with contracted towers as required. Only flatbed towing shall be utilized. Towed vehicle(s) must be removed to a secure area where it can be easily accessed at a later date for additional inspections but, not at a facility operated by the involved agency.
 - a. Towing operators **MUST** be advised **NOT** to place debris from the roadway into the passenger compartment of the vehicle(s) involved in the incident.
 - b. Towing operators **MUST** be advised to wear gloves when touching any part of the vehicle(s) involved. All vehicles being towed will be escorted by a member of the Gloucester County Prosecutor's Office to maintain the evidence chain-of-custody.
 5. Complete and file the *NJTR-1 Police Crash Investigation Report*, if applicable.

- E. No employee of this agency shall directly or indirectly (i.e., through another person) share information learned in the course of the use of force investigation including but, not limited to police video/audio recordings or information learned from reviewing such video/audio recordings, with any principal(s) or other law enforcement or civilian witness without prior expressed authorization from the Gloucester County Prosecutor's Office or Division of Criminal Justice.
 - 1. No officer who is a witness to the use of force incident, including a principal(s), receive any such information from any sworn or civilian employee of a law enforcement agency without first obtaining authorization from the assistant prosecutor or assistant/deputy attorney general supervising the investigation, or his or her designee.
 - 2. Any dissemination or receipt of investigative information without prior authorization as required by this section shall be reported promptly to the assistant prosecutor or assistant/deputy attorney general supervising the investigation, or his/her designee, who shall investigate the circumstances.
- F. All firearms discharges shall be immediately reported to the Gloucester County Prosecutor's Office. This requirement extends to accidental discharges and in all on duty and off duty incidents, but does not extend to recreation, training and/or qualification discharges.

IX. REPORTING REQUIREMENTS

- A. In all instances when physical, mechanical, enhanced mechanical, or deadly force is used, whether on or off duty, each employees who had employed such force shall complete and submit
 - 1. An electronic *Use of Force Report* (through the [DCJ reporting portal](#)). The reporting guide is available on DMS;
 - 2. A *Conducted Energy Device Deployment Review Report* (when a CED is fired);
 - 3. Any investigative document made necessary by the nature of the underlying incident (investigation report, etc.); except:
 - a. In accordance with *New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2006-5*, supervisors shall not require officers deploying force, which results in death or serious bodily injury being investigated by the Gloucester County Prosecutor's Office or Division of Criminal Justice, to submit investigation or supplemental reports. Officers are still required to submit *Use of Force* reports.
 - a. Such officers' statements to the Gloucester County Prosecutor's Office or Division of Criminal Justice may suffice as their report of the incident.
 - b. Officers not directly involved in the application of such force, but who may have indirect involvement (e.g., secondary responders, assisting responders, witnesses, etc.) may be required to submit investigation reports upon approval of the lead investigating agency

(i.e., Gloucester County Prosecutor's Office or Division of Criminal Justice).

- B. In all instances where constructive authority results in the pointing of a firearm at another person, the facts and circumstances shall be reported on the investigation report made necessary by the nature of the precipitating incident.
- C. A written report is also required:
 - 1. In all instances whenever an employee discharges a firearm, for other than training or recreational purposes;
 - a. NOTE: destroying an animal that presents an immediate threat to human life (e.g., attacking dog/animal) is considered use of force and officers shall complete the electronic *Use of Force Report* (through the [DCJ reporting portal](#)).
 - 2. In all cases whenever an employee unintentionally discharges a firearm or CED, regardless of the reason.
- D. The employee's supervisor shall review these reports for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment, or discipline.
 - 1. Supervisors must review the *Use of Force Report* through the [DCJ reporting portal](#). The reviewing supervisor or his/her designee shall print a copy of the use of force report and include it with the case file
 - 2. Recommendations to modify policy, apply remedial training beyond what can be performed by the supervisor, change weapons, equipment, or tactics, or apply discipline shall be thoroughly documented and forwarded through the chain of command.
 - 3. The reviewing supervisor shall initiate a Guardian Tracking entry logging the use of force incident and the results of this preliminary meaningful review.
- E. If a ranking officer uses force, the next highest-ranking officer in that chain of command shall conduct the initial meaningful review. If the Chief of Police uses force, the internal affairs bureau supervisor shall conduct the meaningful review or may refer the matter to the Gloucester County Prosecutor's Office.
- F. The officer's division commander shall conduct a secondary meaningful review of the incident to determine whether:
 - a. The relevant general order was clearly understandable and effective to cover the situation;
 - b. Department equipment is adequate;
 - c. Department training is currently adequate;
 - d. Departmental rules, policy or procedures were followed.

- e. The division commander shall review and annotate the Guardian Tracking record.
- G. In all instances when a conducted energy device is fired at or discharged upon a person, a lieutenant or higher rank shall investigate the circumstances and outcome of the device's use.
 - 1. The investigating supervisor shall report on the incident to the Chief of Police through the chain of command, providing the Chief information on all relevant circumstances, deployment, and outcome, including whether the deployment avoided injury to an officer and avoided the need to use deadly force.
 - 2. Upon receipt, the Chief of Police shall render a finding on whether the firing and all discharges complied with the *New Jersey Attorney General's Supplemental Policy on Conducted Energy Devices* and the *Gloucester County Prosecutor's Office Policy on Conducted Energy Devices*.
 - 3. The Chief of Police shall forward the investigation report, the CED data log(s), and the video of the incident captured by the CED to the Gloucester County Prosecutor within 3 business days of the firing/discharge, unless the Gloucester County Prosecutor grants the Chief's request for a reasonable extension of time within which to forward the report for good cause shown.
 - 4. The Gloucester County Prosecutor shall review all reports detailing CED usage.
- H. Use of force reports are subject to discovery. In indictable cases, all reports should be forwarded to county intake with the complaints, police reports, and other case documents. In non-indictable cases, the use of force reports should be made a part of the case file and included in the discovery package provided in municipal court.
- I. Use of force reports (not investigation reports) may also be subject to public release under OPRA. Upon receiving an OPRA request for any use of force reports, the records bureau supervisor shall notify the Chief of Police, who may direct notification to the Gloucester County Prosecutor's Office for a determination.
- J. The Office of Professional Standards shall be responsible for completing the annual use of force summary report and submitting it to the prosecutor's office. A copy shall be forwarded to the Chief of Police or his/her designee

X. TRAINING

- A. All department personnel authorized to carry agency lethal and less lethal weapons shall be issued copies of, and be instructed in, this directive prior to being authorized to carry a weapon. The issuance and instruction shall be documented and can be accomplished electronically.
- B. Weapons instructors are responsible for conducting use of force training concurrent with the semiannual firearms training and qualification sessions. This training must reflect current standards established by statutory and case law, as well as state and county policies, directives, and guidelines. The training program will include the use of force in general, the use of physical and mechanical force, the use of deadly force, decision making skills; the limitations that govern the use of force and deadly force;

and all applicable aspects of agency directives. This training can be delivered electronically.

- C. The supervising weapons instructor is responsible for ensuring that all weapons instructors comply with the mandates of this directive and is also responsible for completing the annual *Gloucester County Firearms Training Report* when due.
 - 1. Copies of all training records shall be forwarded to the training coordinator, who shall update the agency's master training records.
 - 2. The administrative secretary shall also ensure that all personnel training records are updated as required.