

Annual Review of Use of Force & Vehicle Pursuit Incidents

This submission is made in accordance with Sections 7.6 and 7.7 of the Attorney General’s Use of Force Policy (April 2022) (“Use of Force Policy”), and Sections 12.2 and 12.3 of Addendum B to the Attorney General’s Use of Force Policy (April 2022) (“Vehicular Pursuit Policy”).

County*

Morris

Law Enforcement Agency *

Chester Police Department

Date of Report *

3/7/2024

Year of Data Covered in this Report*

2023

Check the box below to confirm*

Report has been reviewed by and endorsed by the agency's law enforcement executive.

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Agency Overview

The Chester Police Department provides law enforcement services to the Township of Chester and the Borough of Chester. The Department is currently staffed by 22 full-time sworn officers, one part-time Special Law Enforcement Officer – Class II and two part-time Special Law Enforcement Officer – Class III officers, who serve as School Resource Officers (SROs). The Department’s primary jurisdiction encompasses approximately 29 square miles, which includes approximately 95 miles of municipal, county and state roadways, and is populated by over 9,000 residents within Chester Township and Chester Borough. Dispatch services are provided by the Morris County Communications Center.

In addition, officers conducted 4,081 traffic enforcement stops, issued 1,359 summonses, and were involved in two motor vehicle pursuits stemming from two incidents involving crimes of the third degree. Using this data, the percentage of motor vehicle enforcement stops to motor vehicle pursuits equals .0004%. All motor vehicle pursuits incidents in 2023 resulted in three recorded reports during two separate incidents.

Use of Force Annual Review: Written Report

Section One: BWC/Video Audit

Your review must include a brief description of your agency's random and risk-based audit process (e.g., how videos are selected, who reviews the videos, etc.). If your agency did not conduct a risk-based and/or random BWC/video audit in 2023, please indicate how you plan to remedy that in 2024.

Section One: BWC/Video Audit*

Frontline supervisors conduct monthly reviews of at least three randomly selected recordings per officer under their command. Reviews are conducted to assess officer performance, conduct, and adherence to established department policies and procedures, as well as state and county guidelines. In addition, supervisors flag any videos requiring follow-up with an officer or that may be appropriate for training.

The Patrol Lieutenant conducts monthly reviews of at least three randomly selected recordings per supervisor assigned to the Division. These reviews are conducted in the same manner as those conducted by frontline supervisors.

Section Two: Internal Affairs Complaints

Your analysis must include a review of internal affairs complaints related to use of force incidents and must include the following: 1. number of IA complaints filed; 2. number filed by civilians; 3. number initiated by the agency; 4. numbers sustained; and 5. number still pending.

Section Two: Internal Affairs Complaints *

A review of use of force reports and internal affairs records identified that zero internal affairs complaints related to the use of force were filed by civilians and/or members of this agency.

Section Three: Meaningful Review of Individual Uses of Force

Section 7.5 of the Attorney General's Use of Force Policy requires that every use of force must undergo a meaningful command level review. Your annual review should include a brief description of your agency's meaningful review policy. If your agency was not able to conduct a meaningful review of each use of force incident, please explain why you were unable to do so and please indicate how you plan to do so going forward.

Section Three: Meaningful Review of Individual Uses of Force*

In all instances, except those involving a fatality, wherein an officer uses force, the incident undergoes a 2-level meaningful review process, specifically known as the Command Level One Review and the Command Level Two Review. This review process includes a review of all reports filed through the Benchmark Reporting Portal, an examination of all available sources of information about the incident, including any BWC/MVR videos, telephone and/or cell phone recordings, available public/private surveillance videos, department reports, officer or other witness statements, medical records, and records of injuries. In addition, the level(s) of force used are analyzed to ensure compliance with current New Jersey Attorney General Guidelines and that force was used in a nondiscriminatory fashion to ensure officers are treating every person equally without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic shall also be completed. In addition, the "Use of Force Written Review Form", issued by Morris County Prosecutor's Office is completed and filed with the incident records.

Reviewers promptly address any issues as they may pertain to policy changes, training, equipment, or discipline/performance. Recommendation(s) of what action(s), if any, should be undertaken, including commendation of the officer, policy changes, remedial training, equipment changes, administrative action, disciplinary action or, if appropriate, referral for criminal prosecution shall be thoroughly documented and communicated up through the chain of command. In addition, the Administrative Lieutenant in charge of the Internal Affairs Unit is required to initiate an early warning record, if appropriate and/or warranted.

The Command Level One Review is conducted by the involved officer's immediate supervisor within 24 hours of the incident. The Command Level Two Review is conducted by either the Patrol Lieutenant or the Administrative Lieutenant in charge of Internal Affairs Unit. If a supervisor is involved in a use of force incident, the Command Level One and Command Level Two reviews are conducted by the Patrol Lieutenant and the Administrative Lieutenant in charge of the Internal Affairs Unit, respectively. If a Lieutenant is involved in a use of force incident, the Command Level One and Command Level Two reviews are conducted by another Lieutenant and the Chief of Police, respectively. If the Chief of Police is involved in a use of force incident, the Command Level One and Command Level Two reviews are conducted by Patrol Lieutenant and the Administrative Lieutenant in charge of the Internal Affairs Unit, respectively.

The Chief of Police conducts an Executive Level Review of the Command Level One Review and Command Level Two Review utilizing the Morris County Prosecutor's Office "Use of Force Written Review Form". The Chief of Police may approve or reject the recommendations of the supervisors who conducted the command level reviews.

After the Executive Level Review is completed, supervisory and/or training officers may examine and analyze the use of force incident(s), including any BWC/MVR or other video evidence, with the officer(s) as a training tool. This examination should analyze the circumstances that led to the use of force as well as the force that was used, so that the officer(s) can gain insight into which tactics and decisions were effective and whether different tactics or decisions could have been used to improve the outcome.

Furthermore, the Chief of Police conducts an annual review of all uses of force. The process includes, at a minimum, a review of the following: analytical reports from the Benchmark Reporting Portal, risk-based and randomly selected BWC/MVR videos, internal affairs complaints, and an analysis of the uses of force to ensure that force is being applied without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic. Based on this thorough

review, the Chief of Police determines whether changes in departmental structure, policy, training, or equipment are appropriate. The Chief of Police provides a written report documenting the annual review to the New Jersey Attorney General's Office and the Morris County Prosecutor's Office.

If this agency cannot satisfy any of the preceding review processes due to organizational structure and/or personnel limitations, the Chief of Police shall contact the Morris County Prosecutor's Office Professional Standards Unit for guidance.

Section Four: Non-Discriminatory Application of Force

Your review must include an explanation of how you concluded whether force was applied in a non-discriminatory manner based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic. Your analysis should include a review of your community's demographics and demographic data from the Use of Force portal. If you conclude that any use of force was applied in a discriminatory manner, please explain what steps you have taken and will take to address this conclusion.

Section Four: Non-Discriminatory Application of Force*

All uses of force were initiated only after attempts to gain voluntary compliance through verbal commands had failed. In addition, race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation or any other protected characteristic was ***not*** found to be a factor in these incidents involving the use of force. This conclusion is supported by department report records, BWC/MVR files and data sourced from the Benchmark Reporting Portal.

Section Five: Overall Review of Use of Force

Please utilize as much space as needed to conduct a thorough review of your agency's use of force during the preceding calendar year. Your review should evaluate whether force was used in compliance with the Attorney General's Use of Force Policy and your agency's policy. Even if the use of force itself was compliant with those policies, your review should include any recommendations for training, equipment, or room for improvement (e.g., additional de-escalation efforts could have been made).

Section Five: Overall Review of Use of Force*

2023 Overview

During 2023, Chester Police Department officers were involved in a total of 33,200 incidents, recorded six Use of Force reports during three incidents, and received zero complaints of excessive force. After subtracting those incidents wherein officer-to-person contact was not likely to occur, the remaining incidents likely to result in officer-to-person contact totaled 16,182 incidents. Using this adjusted total, the percentage of incidents involving the use of force equals .0003%.

2023 Use of Force Incidents

During a domestic violence investigation (Case# 2023-23966) on September 30, 2023, an intoxicated Caucasian male subject was arrested for spitting at an officer (NJSA 2C:12-13) and criminal mischief (NJSA 2C:17-3A(1)). While taking the subject into custody, the subject resisted the control officers and as such officers used approved arm/hand locks, take down tactics and OC spray to gain control and compliance. As a result, one officer sustained minor injuries, was treated on scene by local BLS and released. The arrestee was treated on scene by local EMS for OC spray exposure.

During a traffic enforcement stop (Case# 2023-24751) on October 8, 2023, an intoxicated Hispanic male assaulted two officers while being taken into custody for driving while intoxicated. The officers used approved takedown tactics to gain control and compliance. Both officers sustained minor injuries, were treated on scene by local EMS and released. The arrestee was not injured.

During a shoplifting investigation (Case# 2023-29545) on November 24, 2023, a Hispanic attempted to flee the scene, leading to a brief foot pursuit by a single officer. While being taken into custody, the subject resisted the control of an officer and as such, the officer used approved takedown tactics to gain control and compliance over the subject. The officer and arrestee sustained minor contusions and abrasions due to contact with a concrete sidewalk, were treated at the scene by local EMS and released.

In conclusion, this review included a review of analytical reports from the Benchmark Reporting Portal, a review of Body Worn Camera (BWC), Mobile Video Recorder (MVR) files, Records Management System (RMS) files and analysis of whether the uses of force were based on any discriminatory factors. Based on the review of these incidents, force was only employed after verbal commands were ignored by the subjects. In furtherance, the level(s) of force used by officers was found to be justified, reasonable and in accordance with established guidelines. While there is nothing to suggest that any changes to our departmental structure, policies, training, or equipment are required or appropriate, officers continue to be encouraged to use de-escalation tactics to gain compliance and to only use force as a last resort when de-escalation efforts have otherwise failed. In addition, officers are encouraged to attend department sponsored Jujitsu training when available.

2020-2023 Review

Between January 1, 2020, and December 31, 2023, Chester Police Department officers were involved in a total of 134,073 incidents, with 31,992 of those incidents likely to result in officer-to-person contact. During this period officers were involved in nine use of force incidents, recorded 17 Use of Force reports, and received zero complaints of excessive force. Using the 31,992 incidents wherein officer-to-person contact was likely, the percentage of incidents involving the use of force equals .0002%.

In review of these incidents, force was found to have been used against two Caucasian females, three Caucasian

males, four Hispanic males, with five subjects being under the influence of alcohol or drugs. Physical Force, specifically approved takedowns and arm bar tactics was used against eight subjects, and a combination of Physical Force and Mechanical Force, specifically OC spray, was used against one subject. Force was used against five subjects who were resisting arrest, three subjects to prevent harm to another person and one subject attempting to harm themselves. During these encounters, six officers and three subjects sustained minor injuries, the most notable being abrasions from ground contact, all of which were treated and released on scene by local EMS. One subject sustained a minor injury, with a chief complaint of pain, was treated and transported to a local hospital by local EMS.

In conclusion, based on the review of these incidents, force was only employed after verbal commands were ignored by the subjects and de-escalation tactics failed to gain compliance. In furtherance, the level(s) of force used by officers was found to be justified, reasonable and in accordance with established guidelines. For the years 2020-2022, the need to use force was limited to two times a year, with 2023 experiencing a 150% increase with the need to use force having occurred three times.

Section Six: Further Action

Please explain what further action your agency has taken, or will take, to implement any changes in departmental structure, policy, training, or equipment you have deemed appropriate. These actions can include department-wide changes, or changes applicable to specific officers or divisions.

Section Six: Further Action *

To enhance officers' skills, reduce injuries to both officers and citizens, and improve overall performance, this agency has entered into an agreement with a local Jujitsu training provider. Officers' attendance in these training seminars is currently voluntarily but officers are strongly encouraged to attend. In addition, this agency has begun utilizing Guardian Tracking to help track officer training with respect to use of force, identify training deficiencies, track officer performance evaluations, etc.

Vehicle Pursuit Annual Review: Written Report

Section One: BWC/Video Audit

Your review must include a brief description of your agency's random and risk-based audit process (e.g., how videos are selected, who reviews the videos, etc.). If your agency did not conduct a risk-based and/or random BWC/video audit in 2023, please indicate how you plan to remedy that in 2024.

Section One: BWC/Video Audit *

Frontline supervisors conduct monthly reviews of at least three randomly selected recordings per officer under their command. Reviews are conducted to assess officer performance, adherence to established department policies and procedures, and state and county prosecutor guidelines. In addition, supervisors flag any videos requiring follow-up with an officer or that may be appropriate for training.

The Patrol Lieutenant conducts monthly reviews of at least three randomly selected recordings per supervisor assigned to the Division. These reviews are conducted in the same manner as those conducted by frontline supervisors.

Section Two: Internal Affairs Complaints

Your analysis must include a review of internal affairs complaints related to vehicle pursuit incidents and must include the following: 1. number of IA complaints filed; 2. number filed by civilians; 3. number initiated by the agency; 4. numbers sustained; and 5. number still pending.

Section Two: Internal Affairs Complaints*

A review of vehicle pursuit reports and internal affairs records identified that zero internal affairs complaints related to vehicle pursuits were filed by civilians and/or members of this agency.

Section Three: Meaningful Review of Individual Pursuits

Section 12.1 of the Attorney General's Vehicular Pursuit Policy requires that every vehicle pursuit must undergo a meaningful command level review. Your annual review should include a brief description of your agency's meaningful review policy. If your agency was not able to conduct a meaningful review of each use of force incident, please explain why you were unable to do so and please indicate how you plan to do so going forward.

Section Three: Meaningful Review of Individual Pursuits*

In all instances wherein an officer is involved in a motor vehicle pursuit, the incident shall undergo a 2-level meaningful review process, specifically known as the Command Level One Review and the Command Level Two Review. This review process includes a review of all reports filed through the Benchmark Reporting Portal, an examination of all available sources of information about the incident, including any BWC/MVR videos, telephone and/or cell phone recordings, available public/private surveillance videos, department reports, officer or other witness statements, medical records, and records of injuries. In addition, vehicle pursuits are analyzed to ensure compliance with current New Jersey Attorney General Guidelines and that the pursuits were conducted in a nondiscriminatory fashion to ensure officers are treating every person equally without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic shall also be completed.

Reviewers promptly address any issues as they may pertain to policy changes, training, equipment, or discipline/performance. Recommendation(s) of what action(s), if any, should be undertaken, including commendation of the officer, policy changes, remedial training, equipment changes, administrative action, disciplinary action or, if appropriate, referral for criminal prosecution shall be thoroughly documented and communicated up through the chain of command. In addition, the Administrative Lieutenant in charge of the Internal Affairs Unit is required to initiate an early warning record, if appropriate and/or warranted.

The Command Level One Review is conducted by the involved officer's immediate supervisor within 24 hours of the incident. The Command Level Two Review is conducted by either the Patrol Lieutenant or the Administrative Lieutenant in charge of the Internal Affairs Unit. If a supervisor is involved in a vehicle pursuit, the Command Level One and Command Level Two reviews are conducted by the Patrol Lieutenant and the Administrative Lieutenant in charge of the Internal Affairs Unit, respectively. If a Lieutenant is involved in a vehicle pursuit, the Command Level One and Command Level Two reviews are conducted by another Lieutenant and the Chief of Police, respectively. If the Chief of Police is involved in a vehicle pursuit, the Command Level One and Command Level Two reviews are conducted by the Patrol Lieutenant and the Administrative Lieutenant in charge of the Internal Affairs Unit, respectively.

The Chief of Police conducts an annual review of all vehicle pursuits. The process includes, at a minimum, a review of the following: analytical reports from the Benchmark Reporting Portal, risk-based and randomly selected BWC/MVR videos, internal affairs complaints, and an analysis to ensure that vehicle pursuits are being conducted without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic. Based on this thorough review, the Chief of Police shall determine whether changes in departmental structure, policy, training, or equipment are appropriate. The Chief of Police provides a written report documenting the annual review to the New Jersey Attorney General's Office and the Morris County Prosecutor's Office.

If this agency cannot satisfy any of the preceding review processes due to organizational structure and/or personnel limitations, the Chief of Police shall contact the Morris County Prosecutor's Office Professional Standards Unit for guidance.

Section Four: Analysis of Non-Compliant Reports

Your review must include an analysis of all pursuits determined to not be in compliance with the Attorney General's Vehicular Pursuit Policy, or agency policy, and the steps taken to address the non-compliance. Please indicate whether all non-compliant pursuits were referred to the Office of Public Integrity and Accountability or the County Prosecutor in compliance with Section 12.1(e) of the Attorney General's Vehicular Pursuit Policy.

Section Four: Analysis of Non-Compliant Reports *

Based upon this review, none of the pursuits involving members of the Chester Police Department were found to have been conducted in violation of the New Jersey Attorney General's Vehicular Pursuit Policy.

Section Five: Non-Discriminatory Pursuits

Your review must include an explanation of how you concluded whether vehicular pursuits were conducted in a non-discriminatory manner based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic. Your analysis should include a review of your community's demographics and demographic data from the Use of Force portal. If you conclude that any pursuit was conducted in a discriminatory manner, please explain what steps you have taken and will take to address this conclusion.

Section Five: Non-Discriminatory Pursuits*

All motor vehicle pursuits were initiated only after attempts to gain voluntary compliance through the use of emergency overhead lights and audible sirens were disregarded by the vehicle drivers and the officers were authorized to initiate a pursuit in accordance with Attorney General's Vehicular Pursuit Policy. In addition, race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation or any other protected characteristic was not found to be a factor in these incidents involving the use of force. This conclusion is supported by department report records, BWC/MVR files and data sourced from the Benchmark Reporting Portal.

Section Six: Overall Review of Vehicle Pursuit Analysis

Please utilize as much space as needed to conduct a thorough review of your agency's vehicle pursuit incidents during the preceding calendar year. Your review should include but is not limited to: the reason the pursuit was initiated; the number of officers who engaged in pursuits; whether supervisors approved or terminated pursuits; role of any outside agencies; length of pursuits by time and distance; top speeds reached; nature of any injuries, crashes, or property damage; reason for termination (if terminated), and the outcome of pursuits. Your review should evaluate whether pursuits were compliant with the Attorney General's Vehicular Pursuit Policy and your agency's policy. Even if pursuits were compliant with those policies, your review should include any recommendations for training, equipment, or room for improvement.

Section Six: Overall Review of Vehicle Pursuit Analysis*

2023 Overview

During 2023, Chester Police Department officers conducted 4,081 traffic enforcement stops, issued 1,359 summonses, and were involved in two motor vehicle pursuits stemming from two incidents involving crimes of the third degree. Using this data, the percentage of motor vehicle enforcement stops to motor vehicle pursuits equals .0004%. All motor vehicle pursuits incidents in 2023 resulted in three recorded reports during two separate incidents.

2023 Vehicle Pursuit Incidents

On 1/08/2023 three male subjects forcibly entered the attached garage of an occupied residence in Chester Township (Case# 2023-00546). While within the garage, one of the subjects attempted to breach the door separating the garage from the interior of the house. Upon being unsuccessful in locating keys for the vehicles parked inside the garage and being unable to breach the interior garage door, the subjects fled the scene in a black SUV. The first arriving officer to the area was the uniformed on-duty shift supervisor, operating a marked police vehicle. The supervisor observed an SUV matching the suspect vehicle description leaving the area via Route 24 and identified it as a Jeep Cherokee. After making a right turn onto Rt. 24, the vehicle continued eastbound towards Mendham Township and was observed to be traveling at a high rate of speed. The officer proceeded eastbound on Rt. 24, activated his emergency lights and audible siren to affect a traffic stop of the vehicle; however, the suspect vehicle continued to travel at a high rate of speed towards Mendham Township. Upon entering Mendham Township, and shortly thereafter Mendham Borough, with the vehicle showing no signs of stopping, the officer terminated the pursuit at 0309-hours. The officer advised Dispatch of the vehicle's information and last known direction of travel, which was broadcast over MIRS and SPEN.

In review of this incident, this pursuit was initiated at 0307-hours by a single officer following an attempted residential burglary. Traffic was light, the roadway was dry, and the weather was clear. The duration of the pursuit was approximately 2 minutes, the distance covered was approximately 3.2 miles, and the officer's top speed momentarily reached 107 MPH. The pursuit was terminated at 0309-hours since the suspect vehicle showed no signs of stopping.

On 6/7/2023 a uniformed on-duty supervisor, operating a marked police vehicle, was parked at the PNC Bank on US Highway 206 observing passing traffic. While observing traffic Dispatch broadcasted a stolen vehicle alert out of the Washington Township (Morris) (Case# 2023-30258), involving a stolen black BMW sedan (W72 PEB- NJ). In addition, a grey Audi sedan was witnessed leaving the area with the BMW. Moments later, the officer observed both vehicles traveling south on US Highway 206. The officer entered traffic and proceeded south to verify if the vehicles were the same vehicles wanted out of Washington Township. The officer was able to observe the license plate on the BWM and confirmed the vehicle to be stolen. Upon activating his emergency lights and audible siren, both vehicles rapidly accelerated and continued south on the highway. The officer initiated a pursuit and upon passing the intersection of Old Chester Road, was joined by another marked police vehicle. In the area of milepost 85.3 the suspect vehicles came upon heavy southbound bumper to bumper commuter traffic. Both suspect vehicles crossed over the double yellow line and continued to travel south in the northbound lanes, against the flow of traffic. At 0817-hours the pursuit was terminated

for public safety reasons. Dispatch was advised of both vehicles' last known locations and directions of travel, which was broadcast over MIRS and SPEN.

In review of this incident, this pursuit was initiated at 0815-hours by a single officer after observing a confirmed stolen vehicle, valued at greater than \$75,000. The officer was joined by another Chester Police Department officer shortly after the pursuit was initiated. Traffic was moderate, the roadway was dry, and the weather was clear. The duration of the pursuit was approximately 2 minutes, the distance covered was approximately 1.1 miles, and the primary and secondary officers' top speed momentarily reached 108 MPH. The pursuit was terminated at 0817-hours after the two suspect vehicles were observed to cross over the double yellow line and pass stopped vehicles against the flow of traffic.

The review of these pursuits consisted of a review of analytical reports from the Benchmark Reporting Portal, a review of Body Worn Camera (BWC), Mobile Video Recorder (MVR) files, Records Management System (RMS) files and an analysis of whether the pursuit was based on any discriminatory factors. During the review of both incidents, the decision to initiate the pursuits was found to be justified, as the both incidents involved third degree crimes, specifically N.J.S.A. 2C:18-2 (Burglary) and N.J.S.A. 2C:20-2a (Theft of a Motor Vehicle). Furthermore, both pursuits were short in duration, the weather was clear, the roadway surface conditions were dry, traffic was light, no pedestrians were present, and the officers exercised due caution and circumspection, while following all established guidelines.

Section Seven: Further Action

Please explain what further action your agency has taken, or will take, to implement any changes in departmental structure, policy, training, or equipment you have deemed appropriate. These actions can include department-wide changes, or changes applicable to specific officers.

Section Seven: Further Action*

This agency shall continue to review incidents involving the pursuit of motor vehicles and shall make changes to structure, policy, training, or equipment as needed or appropriate. As a standard, officers of this agency are expected to weigh the need to apprehend a suspect against the risks such actions may pose to the public and always formulate their decisions with the public's safety and best interests in mind.