DEPTFORD POLICE DEPARTMENT

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BY THE ORDER OF: **Chief of Police**	
SUPERSEDES ORDER #: V3C2 (01/18/2011, AS AMENDED)	

PURPOSE The purpose of this directive is to maintain procedures regarding the lawful use of force and 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.

Law enforcement 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 when officers are justified in using force, officers shall use only that degree of force that is reasonable, necessary, and proportional considering the totality of the circumstances, including the subject's mental and physical condition, the nature of the offense, and most importantly the level of resistance or threat known to the officer at the time.

This directive reinforces the responsibility of law enforcement employees to take those steps possible to prevent or stop the illegal or inappropriate use of force by other employees. Employees are encouraged to do whatever they can to interrupt the flow of events before other agency employees do something illegal and before any official actions are necessary.

Officers whose actions are consistent with the law and the provisions of this directive will be strongly supported by the law enforcement community in any subsequent review of their conduct regarding the use of force. Conversely, officers whose actions are contrary to law and the provisions of this directive may be subject to disciplinary action, up to and including criminal prosecution and/or termination.

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PROCEDURES

I. DEFINITIONS

A. Use of force options:

1. Physical force involves contact with a subject beyond that which is generally used to effect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the officer's authority, or to protect persons or property. Examples include taking a resisting subject to the ground, using wrist or arm locks, striking the subject with the hands or feet, or other similar methods of hand-to-hand confrontation, such as certain pain compliance techniques.

2. Mechanical force involves the use of a device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority. Examples include use of a tactical baton or other object, oleoresin capsicum (OC) spray, conducted energy device, less-lethal device and ammunition, or the physical apprehension by canines.

3. Deadly force is force that an officer uses with the purpose of causing, or that a reasonable officer knows, creates a substantial risk of causing death or serious bodily injury.

a. Discharging a firearm, constitutes deadly force, unless the discharge occurred during a law enforcement training exercise, routine target practice at a firing range, a lawful animal hunt, or the humane killing of an injured animal.

b. A threat to cause death or serious bodily injury by the display of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary, does not constitute deadly force.

B. Active assailant is a person who is using or imminently threatening the use of force, with or without a weapon, in an aggressive manner that poses a substantial risk of causing bodily injury to an officer or another person. A threatening assailant becomes an active assailant when the threat becomes imminent.

C. Active resistor is a person who is uncooperative, fails to comply with directions from an officer, and instead actively attempts to avoid physical control. This type of resistance includes, but is not limited to, evasive movement of the arm, flailing arms, tensing arms beneath the body to avoid handcuffing, and flight.

D. 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.

E. Bodily injury is physical pain or temporary disfigurement, or any impairment of physical condition. Bodily harm and bodily injury have the same definition for the purposes of this directive (N.J.S.A. 2C:11-1(a); N.J.S.A. 2C:3-11(e).

F. Civil disturbance is an assembly of persons engaged in or creating an immediate threat of collective violence, destruction of property, looting, or other criminal acts. Such a gathering may also be referred to as a riot.

G. Chokehold is a technique that involves applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the effect of reducing the intake of air. This includes a carotid restraint or any lateral neck restraint, where direct pressure is applied to the carotid artery restricting the flow of blood to the brain causing temporary loss of consciousness. Chokeholds, neck restraints, vascular restraints, or carotid restraints are prohibited except in extraordinary circumstances when the officer's life is in danger and deadly force is authorized.

H. Conducted energy device (CED) means any device approved by the New Jersey 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) is the confetti-like contents of a conducted energy device cartridge bearing the serial number of the cartridge deployed. (AFID is a product associated with AXON devices).

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 data saved by the 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 CED 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 CED to be ejected from the main body of the device and to contact 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 CED's ability to discharge electricity that is done as an exercise of constructive authority to convince an individual to submit to custody.

I. Constructive authority is not considered a use of force because it does not involve physical contact with the subject. Rather, constructive authority involves the use of officers' authority to exert control over a subject.

1. Examples include verbal commands, gestures, warnings, and un-holstering a weapon.

2. Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.

J. Cooperative person is a person who responds to and complies with an officer's directions.

K. Critical decision-making model is an organized way of making decisions about how an officer will act in any situation, including those that may involve potential uses of force.

L. Deadly weapon means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury, or in the manner in which it is fashioned would lead the victim reasonably to believe it to be capable of producing death or serious bodily injury (see N.J.S.A. 2C:11-1(c).

M. De-escalation refers to the action of communicating verbally or non-verbally in an attempt to reduce, stabilize, or eliminate the immediacy of a threat. De-escalation may also be used to create the time needed to position additional resources to resolve the situation with the least amount of force necessary.

N. 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.

O. 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.

P. Feasible means reasonably capable of being accomplished or carried out, given the totality of the circumstances, in a manner that maintains the safety of the public and officers

Q. Imminent danger describes threatened actions or outcomes that are immediately likely to occur during an encounter absent action by the officer. 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 the officer, but is carrying a weapon and running for cover, to gain a tactical advantage.

R. Law enforcement executive means the chief of police. In situations when the chief of police is recused from a matter, then law enforcement executive refers to the next highest-ranking officer without a conflict.

S. Law enforcement incidents are defined as:

1. Any use of force by an officer resulting in death; or

2. Any use of force by an officer resulting in serious bodily injury; or

3. Any use of deadly force (including the discharge of a firearm as defined in subsection V.A of this directive) by an officer, regardless of whether such force resulted in injury; or

4. The death of any civilian during an encounter with an officer; or

5. The death of any civilian while in the custody of law enforcement.

T. Less-lethal ammunition (also referred to as less-lethal impact projectiles) means ammunition approved by the New Jersey Attorney General that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body. The term shall also include ammunition approved by the New Jersey Attorney General which is designed to gain access to a building or structure and is used for that purpose (N.J.S.A. 2C:3-11(f)).

1. Specific less-lethal ammunition and platforms that are currently approved can be found at the New Jersey Attorney General's *Approved List of Less-Lethal Ammunition* (as amended).

2. Less-lethal ammunition may include different types such as:

a. Kinetic less-lethal flexible projectiles; or

b. Kinetic less-lethal non-flexible projectiles; or

c. Rubber balls and pellets; or

d. Baton projectiles; or

e. Pad projectiles (i.e., bean bag rounds); or

f. Drag stabilized projectiles (i.e., sock rounds); or

g. Fin-stabilized projectiles; or

h. Encapsulated projectiles.

U. Less-lethal device means any less-lethal weapon that is approved by the New Jersey Attorney General or his/her designee. The term does not include OC spray, or tactical batons.

V. Meaningful command review is a formal documented process to determine whether policy, training, equipment or disciplinary issues need to be addressed.

W. Passive resistor is a person who is non-compliant in that they fail to comply in a non-movement way with verbal or other direction from an officer.

X. Peaceful demonstration is a nonviolent assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning or spontaneous. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.

Y. 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 a police vehicle, holding the subject's arm while transporting, routinely handcuffing a subject, and maneuvering or securing a subject for a frisk. Physical contact alone does not constitute force.

Z. Positional asphyxiation is insufficient intake of oxygen as a result of body position that interferes with the subject's ability to breathe. It can occur during the process of subduing and restraining a person by placing the person in a posture that prevents or impedes the mechanism of normal breathing. If the person cannot escape from the position, death may occur very rapidly. Restraint in the prone position presents a significant risk of asphyxia, particularly when a person is handcuffed and left in a face-down position. As soon as handcuffed and restrained, a person should be raised immediately to a seated or standing position that does not impede the mechanism of normal breathing.

AA. Proportional force is the minimum amount of force, of both type (e.g., physical, mechanical, or deadly) and intensity, that is necessary to control a situation and achieve a legitimate law enforcement objective. The law permits officers to overcome unlawful force or resistance; thus, the term proportional force is not intended to mean a type and intensity of force that is exactly equal to the type and intensity of force being used by the subject. The term proportional force is intended to highlight that the level of force a law enforcement officer utilizes shall be no more than is necessary to overcome the unlawful force or resistance being confronted by the officer.

BB. Reasonable belief is an objective assessment based upon an evaluation of how a reasonable police officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the officer at the scene.

CC. 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. Serious bodily injury and serious bodily harm have the same definition the purposes of this directive. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).

DD. Strategic redeployment is repositioning by an officer to increase space and time to react to a subject. It includes gaining time to de-escalate by withdrawing from the immediate vicinity of the subject if doing so will not create a threat to the safety of the public or the officer in doing so.

EE. Tactical communication is verbal communication techniques that are designed to avoid or minimize the use of force. Such techniques include giving clear, simple instructions or directions, using active listening techniques to engage the suspect, and explaining the consequences of failure to comply with directions or instructions, including that force may be used.

FF. Tactical positioning is making advantageous uses of position, distance, and cover to reduce the risk of injury to an officer and avoid or reduce the need to use force.

GG. Threatening assailant is a person who is threatening the use of force against an officer or another person, with or without a weapon, in an aggressive manner that may cause bodily injury. Examples may include a person armed with a weapon who fails to disarm, and an unarmed person who advances on an officer or any other person in a threatening manner thereby reducing the officer's time to react, putting the officer in reasonable fear of a physical attack.

HH. Time as a tactic is a method to avoid forcing an immediate resolution to a situation if it can be safely done, including establishing a zone of safety around a person that creates an opportunity for an assessment and action, when feasible, thereby decreasing the need to resort to force.

II. CORE PRINCIPLE #1

A. *In serving the community, officers shall make every effort to preserve and protect human life and the safety of all persons. Officers shall also respect and uphold the dignity of all persons at all times in a non-discriminatory manner*.

1. A respectful and cooperative relationship with the community is essential for effective law enforcement. That relationship can be undermined when force is used unnecessarily or unequally.

2. Every officer shall respect the sanctity of human life and the dignity of every person, and act to preserve every life, whenever possible, and avoid unnecessary injury to members of the public or themselves.

3. In carrying out their duties as guardians of public safety, officers shall always treat every person equally without regard to the individual's actual or perceived race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability, nationality, familial status, or any other protected characteristic under N.J.S.A. 10:5-1 et seq.

III. CORE PRINCIPLE #2

A. *Force shall only be used as a last resort when necessary to accomplish lawful objectives that cannot reasonably be achieved through verbal commands, critical decision making, tactical deployment or de-escalation techniques. Force shall never be used as a retaliatory or punitive measure*.

B. Officers are granted the unique authority to use force for lawful purposes, including, but not limited to, the following:

1. Effectuating a lawful arrest or detention; or

2. Carrying out a lawful search; or

3. Overcoming resistance directed at the officer or others; or

4. Preventing physical harm to the officer or to another person (including intervening in a suicide or other attempt of self-inflicted injury); or

5. Protecting the officer or a third party from unlawful force; or

6. Preventing property damage or loss.

C. Officers cannot use or threaten to use force for any following reasons:

1. To punish a person or to retaliate against them for past conduct; or

2. As a lesson to prevent a person from resisting or fleeing in the future; or

3. To resolve a situation more quickly, unless delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other legitimate law enforcement objectives.

D. Officers shall exhaust all other reasonable means to gain compliance before resorting to force, if feasible. Thus, if a safe alternative would achieve law enforcement's objective, force shall not be used. Therefore, officers shall use verbal commands, critical decision making, tactical deployment and de-escalation techniques to gain voluntary compliance, when feasible. Importantly, officers shall never engage in unnecessary, overly aggressive, or otherwise improper actions that create a situation where force becomes necessary.

E. Critical decision-making and tactical deployment techniques include tactical communication and tactical positioning, such as strategic redeployment and time as a tactic. Critical decision-making and tactics require officers to do the following:

1. Begin critical assessment and planning prior to arriving at the scene; and

2. Collect available information; and

3. Assess situations, threats, and risks; and

4. Identify options for conflict resolution; and

5. Determine the best course of action; and

6. Act, review, and re-assess the situation as it evolves.

F. De-escalation is the action of communicating verbally or non-bally to reduce, stabilize, or eliminate the immediacy of a threat. De-escalation may also be used to create the time needed to allow the situation to resolve itself or to position additional resources to resolve the situation with the least amount of force necessary. Officers should employ de-escalation techniques when feasible, which include, but are not limited to, the following:

1. Communication techniques to calm an agitated subject (e.g., regulating tone and pitch, such as speaking slowly in a calm voice).

2. Techniques to promote rational decision making, such as ensuring that only one officer addresses the subject and other officers remain detached as safety permits as to not escalate the situation and splitting up individuals at the scene who are arguing.

3. Active listening techniques, such as sharing the officer's name, asking the subject their name, and exhibiting a genuine willingness to listen.

4. Slowing down the pace of the incident by taking deep breaths, slowing speech, and/or applying strategic or critical thinking.

5. Using calming gestures and facial expressions (e.g., arms extended with palms out and avoid angry expressions).

6. Practicing procedural-justice techniques, such as explaining the officer's actions and responding to questions.

7. Verbal persuasion and advisements (e.g., explaining, without threats, how the person would benefit from cooperation, and the subject's rights or what the officer wants the subject to do).

8. Avoiding the unnecessary display of weapons, including firearms, conducted energy devices, batons, or OC aerosol.

G. Generally, officers should not immediately use force when encountering noncompliance with verbal directions. Instead, and whenever feasible before using force, officers shall:

1. Provide clear instructions and warnings; and

2. Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, or language barrier (See subsection III.H below); and

3. State the consequences of refusing to comply with a mandatory directive, including that force will be used unless the person complies; and

4. Give the suspect a reasonable opportunity to comply.

H. Officers should consider an individual's mental, physical, developmental, intellectual disability, or other conditions, such as age of the suspect, that affect the person's ability to communicate or comply. This includes, when feasible, considering the following factors related to the individual:

1. Behavioral or mental health crisis.

2. Drug interaction.

3. Medical condition.

4. Mental impairment.

5. Physical limitation.

6. Developmental disability, including autism spectrum disorder.

7. Cognitive impairment or intellectual disability.

8. Hearing loss or impairment.

9. Communication disorder, including speech impairment.

10. Language barrier.

11. Visual impairment.

12. Age.

13. Other factors beyond the individual's control.

I. Whenever an officer determines that one of the above listed factors exists (subsection III.H above) and is influencing the person's failure to comply with an officer's command, when feasible, the officer shall consider whether specific techniques or resources would help resolve the situation without the need to utilize force. Techniques for responding include, but are not limited to, the following:

1. Obtaining information about the person from available sources including family members, caregivers or others who know the individual.

2. Decreasing exposure to the potential threat by moving to a safer position. This may involve creating distance, seeking cover, tactical repositioning, concealment, and/or placing barriers between an uncooperative person and the officer.

3. Slowing down the pace of the incident by the officer slowing their speech, taking deep breaths, and/or applying strategic and critical thinking.

4. Keeping the non-compliant person confined to a limited area and calling for a supervisor, back-up officers, and specially trained resources to assist in resolving the incident. These specially trained resources may include crisis intervention team-trained officers, behavioral or mental health care providers, negotiators, qualified bilingual officers, or officers equipped with less-lethal devices.

5. Using time as a de-escalation strategy, thereby creating an opportunity to calm the non-compliant person.

6. Using simplified speech and shorter verbal directions or instructions.

7. Eliminating or reducing sensory distractions (e.g., bright flashing lights, sirens, or other loud noises).

8. Any reasonable strategy that lessens the emotional anger, frustration, combativeness of a subject or others who may be present may be appropriate.

J. Importantly, officers should not default to attempting to resolve the incident immediately if slowing down the pace is viable and can be accomplished without creating an immediate threat to the public or placing officers in unreasonable danger.

IV. CORE PRINCIPLE #3

A. *Officers shall use the least amount of force that is objectively reasonable, necessary, and proportional to safely achieve the legitimate law enforcement objective under the circumstances*.

B. In situations when officers are justified in using force, officers shall use only that degree of force that is reasonable, necessary, and proportional considering the totality of the circumstances, including the subject's mental and physical condition, the nature of the offense, and most importantly the level of resistance or threat known to the officer at the time.

C. The decision to use force and the appropriate amount of force requires careful attention to the facts and circumstances of each incident. As time permits and is feasible, officers must consider the following non-exhaustive list of factors when determining whether and how much force to apply:

1. Immediacy and severity of the threat to officers or the public; and

2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time; and

3. Characteristics of the officer and subject (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects); and

4. The effects of drugs or alcohol; and

5. The individual's mental state or capacity; and

6. The proximity of weapons or dangerous improvised devices; and

7. The degree to which the subject has been effectively restrained and their ability to resist despite being restrained; and

8. The availability of other options and possible effectiveness; and

9. The seriousness of the suspected offense or reason for contact with the individual. For example, in dealing with minor offenses, such as motor vehicle or and local ordinance violations practicing procedural justice techniques, such as explaining the officer's actions and responding to questions before resorting to force, is particularly important; and

10. The officer's training and experience; and

11. The potential for injury to officers, suspects, and the public.

D. Since law enforcement encounters are never static and rapidly evolve, officers must continuously assess the effectiveness, proportionality, and necessity of their actions, including their tactical positioning, in order to decrease the likelihood of force being needed for self-protection. Officers may increase the time available to evaluate the threat by positioning an object between themselves and the subject, being aware of their surroundings, and waiting for backup, when it is available.

E. The level of resistance that officers encounter is a key factor in determining the appropriate amount of force that can be used in response. Although it is not possible to determine in advance what the appropriate level of force is for every encounter, one factor that is consistent is the amount of resistance the officer is facing at the time. The less resistance an officer faces, the less force the officer should use. Consistent with training, the following general rules apply in determining the appropriate level of force:

1. Cooperative person – when dealing with a cooperative person, officers may rely on police presence and/or verbal control techniques but should not use force.

2. Passive resistor – when dealing with a passive resistor, officers may rely on police presence, verbal control techniques, holding techniques, lifting/carrying, wrist locks and other manual pain compliance techniques. Greater force, such as strikes, punches, CEDs, or less lethal devices shall not be used.

3. Active resistor – when dealing with an active resistor, in addition to the options available for passive resistors, officers may use physical strikes with hands or feet, use OC spray, use tactical batons applied with non-impact pressure, use CEDs under limited circumstances (see subsection IV.K.2), use less lethal devices under limited circumstances (see subsection IV.L.1), and taking the person to the ground. Intentional strikes to the head or face, which are only allowed in an act of self-defense, are not permitted when dealing with an active resistor (see deadly force, subsection V.C of this directive). Police canines shall not be utilized against an active resistor.

4. Threatening assailant – in general, when dealing with a threatening assailant, officers may use all types of force options other than deadly force. This includes striking with tactical batons, using less lethal ammunition, and CEDs. Although a range of force options is generally available, the officer shall only use force that is proportional to the threat faced. Any strikes to the head or neck with a tactical baton are considered deadly force and can only be used when deadly force is allowed (subsection V.C of this directive).

5. Active assailant – in general, when dealing with an active assailant, officers have all force options available, though deadly force shall only be used as a last resort in accordance with Core Principle #4 (see deadly force, section V of this directive).

F. An individual's status evolves from a resistor to an assailant when they use force, threaten to use force, or otherwise act in an aggressive manner that increases the likelihood that they may cause physical injury to an officer or to another person. However, flight from an officer does not, on its own, qualify a person as an assailant.

1. When dealing with an individual who poses a threat to the officer, the individual could be considered either a threatening assailant or an active assailant. To determine the individual's status for appropriate officer response, the officer must assess whether the threat poses an imminent danger.

2. If the threat is imminent, then that individual is considered an active assailant and all use of force options are available with deadly force being an absolute last resort in accordance with Core Principle #4 (see deadly force, section V of this directive).

G. Officers face a dynamic environment in which interactions with individuals can escalate very quickly from one level of resistance to another. For example, a passive resistor may become an active assailant in an instant.

1. In responding to the level of resistance, the officer may use the level of force that corresponds to the level of resistance the officer is facing and need not use lesser levels of force that will not address the threat that the officer faces at the time.

2. If the individual's resistance diminishes, the officer shall immediately reduce the level of force used against the individual. If the individual stops resisting entirely, the officer must immediately cease using force.

H. Special requirements must be met before an officer can display a firearm. Unholstering or pointing a firearm are tactics that should be used with great caution. The presence of an officer's firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to force. However, at the same time unnecessarily or prematurely drawing a firearm could limit an officer's options in controlling a situation, could create greater anxiety on the part of the public, and could result in an unwarranted or accidental discharge of the firearm.

1. Consistent with training, officers can point a firearm at a person only when circumstances create a reasonable belief that it may be necessary for the officer to use deadly force.

2. When the officer no longer reasonably believes that deadly force may be necessary, the officer shall, as soon as practicable, secure or holster the firearm.

I. Pain compliance techniques may be effective in controlling a passive or active resistor. Officers can only apply pain compliance techniques on which the officer has received department approved training and only when the officer reasonably believes that the use of such a technique is necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstances including, but not limited to, the following:

1. The potential for injury to the officer(s) or others if the technique is not used; and

2. The potential risk of serious injury to the individual being controlled; and

3. Whether the pain compliance technique is effective in achieving an appropriate level of control or a different technique should be employed; and

4. The nature of the offense involved; and

5. The level of resistance of the individuals(s) involved; and

6. Whether immediate resolution is necessary; and

7. The application of any pain compliance technique shall be immediately discontinued once the officer determines that compliance has been achieved or other more appropriate alternatives can reasonably be utilized; and

8. Officers shall only use striking techniques directed at a subject's face as a means of self-defense, or in the defense of others. Striking at a subject's face using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

J. Officers must recognize the heightened risk of positional asphyxiation and compression asphyxiation during restraint and be alert to any actions that must be immediately taken to avoid or minimize the risk of asphyxiation.

1. Positional asphyxia can occur when a person is restrained, handcuffed or left unattended in any position that impedes their ability to breathe normally, particularly in a prone position. If the person cannot escape from the position, death may occur very rapidly. Thus, in the course of using force officers shall be alert to the following heightened risk factors for positional asphyxiation:

   a. Alcohol or drug intoxication; or

   b. Possible mental health episode or incident; or

   c. A substantially overweight individual; or

   d. Possible suffering of respiratory muscle fatigue (exhaustion); or

   e. Possible airway obstruction; or

   f. Unconsciousness.

2. Officers shall take the following actions to reduce the risk of positional asphyxiation:

   a. As soon as handcuffed and restrained, a person should be immediately rolled to the side and taken to an upright position that does not impede the mechanism of normal breathing. This requirement is especially important when the subject is handcuffed face down in the prone position.

b. Care should be taken not to put sustained pressure on the neck or back, as breathing can be restricted even if the person is placed in the recovery position. This includes sitting, kneeling, or standing on a person's chest, back, or neck for a prolonged period of time.

c. Officers shall continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds.

d. Whenever possible during team restraint, the on-scene supervisor or senior officer shall designate a *'Safety Officer'*, with the responsibility to monitor the health and welfare of the person during restraint.

e. The arrested person must not be transported in the prone position.

f. The arrested person should be monitored prior to, during, and at the conclusion of the transport.

3. Officers shall continually monitor the condition of the subject(s) in their custody for the following warning signs of positional asphyxiation:

a. Verbal complaints or comments of being unable to breathe properly, although be aware that a person suffering breathing difficulties may not be able to complain about their crisis.

b. Visual signs that the subject is struggling or exhibiting increased effort to breathe.

c. Gurgling/gasping sounds with foam or mucus coming from the nose or mouth.

d. Display of a heightened level of aggression during restraint, which may be a physiological response to fighting for air, such that any increased resistance during restraint of a person should be regarded with caution.

e. Sudden behavioral changes, such as going from being violent and noisy to passive, quiet, and tranquil, or alternatively, suddenly becoming more aggressive.

f. Blue discoloration of facial skin (cyanosis).

g. Swelling, redness or blood spots to the face or neck.

h. Any loss or a reduced level of consciousness.

K. Conducted energy devices – conducted energy devices (CEDs) are forms of mechanical force which can be utilized but only within the parameters outlined in this directive and this agency's directive on Weapons and Ammunition. CEDs shall not be utilized against a passive resistor. Officers shall always strive to use only that degree of force that is objectively reasonable, necessary and proportional considering the totality of the circumstances.

1. When feasible, officers should warn the person against whom a CED is directed that the officer intends to fire the weapon.

2. Officers authorized to use a CED pursuant to this directive may fire, discharge, or utilize drive stun mode of the device during an actual operation, only against:

    a. An active assailant.

    b. A threatening assailant or active resistor who 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 law enforcement force.

    c. A person who is threatening to cause death or serious bodily injury to him/herself.

    d. A fleeing suspect if clear and convincing evidence exists to believe the suspect has committed a crime in which the suspect caused or attempted to cause death or serious bodily injury.

    e. A fleeing suspect who, immediately prior to the flight, satisfies the definition of active assailant, whenever the pursuing officer reasonably believes that upon reengagement the suspect will again become an active assailant. This provision is subject to the limitations in subsection IV.K.8 (below) on the deployment of a CED against the operator of a moving vehicle.

3. Officers shall reevaluate the situation and reassess the need to use force before any second or subsequent firing or discharge or utilization of drive stun mode of the device against the same person. Any second or subsequent firing or discharge or utilization of drive stun mode of the device must be necessary and justified by the circumstances at that moment.

4. Officers shall not direct an electrical charge or current against a person who is restrained by handcuffs unless the use of physical or mechanical force is not feasible or would be ineffective prior to CED activation.

5. Consistent with training, officers may point a CED at a person only when circumstances create a reasonable belief that it may be necessary for the officer to use mechanical force. When the officer no longer reasonably believes that mechanical force may be necessary, the officer shall, as soon as practicable, secure or holster the CED.

6. Unholstering, displaying, or pointing a CED shall be considered a display of constructive authority.

7. A spark display from a CED shall be considered a display of constructive authority.

8. The following uses of CEDs are prohibited:

    a. A CED shall not be used or threatened to be used to retaliate for any past conduct or to impose punishment.

b. A CED shall not be discharged for the sole purpose of preventing a person from committing property damage.

c. A CED shall not be deployed against the operator of a moving vehicle unless the use of deadly force against the operator of the motor vehicle would be authorized.

d. Two or more CEDs shall not be discharged upon a person at the same time.

e. A single CED shall not be used simultaneously against two or more people, unless deadly force is authorized.

9. Officers should not fire a CED if there is a substantial risk that the electrode/darts will strike an innocent person, unless firing the device in such circumstances is reasonably necessary to protect the innocent person(s) from death or serious bodily injury.

10. To ensure officer safety, when feasible, at least one law enforcement officer other than the one deploying the CED should be present, be armed with lethal ammunition, and be prepared to utilize deadly force if the use of a CED for any reason fails. Deadly force would only be authorized in this situation as a last resort, if otherwise permitted by this directive.

11. During the deployment of a CED, the deploying officer shall, when feasible, continually evaluate the options selected against changing circumstances.

12. Officers trained and authorized to carry a CED shall be aware of and comply with any targeting recommendations made by the manufacturer.

13. A CED may be used in conjunction with a distraction device, non-flammable chemical agent, or less-lethal ammunition. If the individual has already received an electrical charge from a CED, officers shall, when feasible, provide the person a reasonable opportunity to submit to law enforcement authority and to comply with law enforcement commands, considering the physiological effects of the discharge, before deploying a distraction device, chemical agent, or less-lethal ammunition.

14. A CED shall not be directed against a person who is situated on an elevated surface (e.g., a 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).

15. A CED shall not be used in, on, or immediately adjacent to a body of water in which the targeted person could fall during any stage of the application of the electrical current generated or transmitted by the device. Officers shall be fully prepared to effectuate an immediate rescue of the targeted person. The purpose of this provision is to prevent drowning of the subject. Wet conditions such as puddles or rain do not preclude the use of a CED.

16. A CED shall not be used in any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or 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.

17. While officers must at all times respect the seriousness and potential lethality of a CED, an officer shall use particular care when considering whether to use a CED against an individual who is particularly vulnerable due to age (either elderly or young), developmental disability, or a known or reasonably apparent medical condition (e.g., a pregnant female).

18. In all instances when a CED is fired at or discharged upon a person, the highest-ranking supervisor at the scene shall immediately take custody of and secure the device including discharged parts (i.e., AFIDS and darts/electrodes) and secure them. If the highest-ranking supervisor at the scene discharges the CED, the next-highest-ranking or senior officer at the scene or who is immediately available shall take custody of and secure the device.

    a. The information stored on the CED concerning the use of force incident must be preserved as evidence.

    b. The supervisor (or his/her designee if the supervisor discharges the CED) shall safeguard the digital information in the device concerning the incident by placing the unit into evidence.

    c. The internal affairs supervisor or his/her designee shall download all data from the device onto the department server and backup the data to digital preservation media-such as electronic, magnetic, or optical storage media (i.e., DVD or other optical discs, USB flash memory/drive, solid-state drives, memory sticks, or other reliable technology) to preserve a record of the event as evidence.

    d. The internal affairs officer or his/her designee shall print out a copy of the related firing data and include it with the use of force report and related investigation reports.

    e. Once the data is secure on the department server and burned to digital preservation media, the event shall be erased from the device and the unit shall be placed back in service.

f. Under no circumstances shall any personnel tamper with, remove, erase or access CED recordings and associated data without the expressed permission of the Chief of Police.

L. Less-lethal devices and ammunition – are forms of mechanical force which may be utilized but only within the parameters. Authorized less-lethal devices and ammunition shall not be utilized against a passive resistor. Officers shall always strive to use only that degree of force that is objectively reasonable, necessary and proportional considering the totality of the circumstances.

1. Officers authorized to use a less-lethal device pursuant to this directive may fire or discharge the device during an actual operation, only against:

    a. An active assailant; or

    b. A threatening assailant; or

c. An active resistor who 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 law enforcement force; or

d. A person who is threatening to cause or attempting to cause death or serious bodily injury to him/herself; or

e. A fleeing suspect if clear and convincing evidence exists to believe the suspect has committed a crime in which the suspect caused or attempted to cause death or serious bodily injury.

f. A fleeing suspect who, immediately prior to the flight, satisfies the definition of active assailant, whenever the pursuing officer reasonably believes that upon reengagement the suspect will again become an active assailant. A less-lethal device shall not be deployed against the operator of a moving vehicle unless the use of deadly force against the operator of the motor vehicle is authorized.

2. Officers shall reevaluate the situation and reassess the need to use force before any second or subsequent firing or discharge of a less-lethal device against the same person. Any second or subsequent firing or discharge of a less-lethal device must be necessary and justified by the circumstances at that moment.

3. Less-lethal instruments, ammunition, or impact projectiles shall not be used at a lesser or greater distance than that specified and approved by the New Jersey Attorney General.

4. When it can be reasonably accomplished without increasing the danger to officers or others, an officer about to discharge a less-lethal device should advise other law enforcement officers at the scene prior to the discharge of the less-lethal weapon. This is to minimize the possibility that the firing of a less-lethal platform or ammunition would provoke other officers to discharge their weapons.

5. Weapons used for the deployment of less than lethal platforms or ammunition shall be dedicated exclusively for that purpose. These weapons shall be clearly marked to distinguish them from firearms intended for the use of lethal ammunition. The use of other than less-lethal ammunition in these designated weapons is prohibited unless it is immediately necessary to protect the life of a law enforcement officer or other person, and there is no other means available.

6. During the deployment of less-lethal devices or ammunition, the deploying officer and supervisor shall, when feasible, continually evaluate the options selected against changing circumstances.

7. Acceptable less-lethal impact projectiles/ammunition will be only those which are designed for single target-specific engagement from a minimum standoff distance as approved by the New Jersey Attorney General.

8. Maximum effective distance/range for deployment of specific projectiles shall not exceed the specifications approved by the New Jersey Attorney General.

9. Intentionally aiming approved less-lethal impact ammunition at the head, neck, chest, or groin shall be avoided unless deadly force is justified, necessary, and appropriate.

10. No ammunition designed to be skip-fired and/or non-target specific will be deemed to be acceptable.

11. Approved less-lethal devices or ammunition shall not be used in a crowd management situation except against specific active resistors, threatening assailants or active assailants, in strict compliance with subsection IV.M (below) of this directive.

12. Less-lethal devices or ammunition shall not be used to prevent a person from causing property damage.

13. Less-lethal device or ammunition shall not be directed against a person who is situated on an elevated surface (e.g., a 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).

M. Mechanical force:

1. NOTE: mechanical force options could be ineffective for subjects exhibiting signs of excited delirium (see definitions, section I.M of this directive) due to the subject's elevated threshold of pain. See this department's directive on *Emotionally Disturbed Persons* for instructions on dealing with someone with signs of excited delirium.

2. Tactical batons:

   a. Batons are defensive impact tools that may be used when the justification for the use of mechanical force exists in compliance with this directive.

   b. Batons shall only be used as instructed.

   c. Once resistance ceases, the use of the baton as a striking tool shall cease.

   d. Officers must exercise special care in their use and avoid striking those potentially fatal areas of the body identified during training except when deadly force is otherwise authorized.

3. Oleoresin capsicum (OC):

   a. OC is permitted in situations where the use of mechanical 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.

   b. OC must not be handled by children or unauthorized individuals.

c. Generally, OC has been found to be ineffective 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. Therefore, officers must be continually alert to the possibility that other means may be necessary to subdue a resistive or noncompliant subject or attacker.

d. OC has been found to be useful 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. OC exposure to animals may not be effective and may cause the animal to be even more aggressive.

e. 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.

f. OC shall not be used in the immediate vicinity of infants or the elderly unless necessary.

g. 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).

h. Once resistance ceases, the further application of OC shall cease.

i. 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.

N. Use of force for crowd management – the following restrictions and limitations on the use of force should be observed during peaceful demonstrations and civil disturbances. The generally applicable rules in this directive apply to both peaceful demonstrations and civil disturbances, and in all cases, weapons or other devices should be carried and deployed only by trained and authorized officers and deployed consistent with this directive.

1. Prior to using force against people in a crowd, officers shall:

a. Provide clear instructions and warnings in a manner that can be heard by persons in the crowd, such as through a bullhorn or speaker system when available.

b. State the consequences of refusing to comply with a mandatory directive unless persons comply (e.g., arrests will occur, force may be used).

c. Give a reasonable opportunity to comply.

2. Force shall not be used against crowds engaged in peaceful demonstrations. The visible presence or deployment of canines for crowd control purposes is prohibited in peaceful demonstrations. Canines may be used for explosive detection or similar security sweeps at such gatherings. Canines shall not be deployed against a crowd, except to respond to a threat of death or serious bodily injury to a member of the public or to an officer.

3. Force may be used against specific individuals in a crowd for lawful purposes in accordance with the other provisions of this directive. Restrictions apply to the use of certain types of force in a crowd as follows:

    a. OC aerosol:

        1) May be used against specific individuals who are active resistors, threatening assailants or active assailants as defined in subsection IV.E of this directive; and

        2) Shall not be used where bystanders would be unreasonably affected; and

        3) Shall not be used against passive resistors, or indiscriminately against groups of people.

    b. Conducted energy devices:

        1) May be used against specific individuals who are active resistors, threatening assailants, or active assailants as defined in subsection IV.E of this directive; and

        2) May be used only when the individual can be accurately targeted; and

        3) Shall never be fired indiscriminately into crowds.

    c. Less-lethal ammunition:

        1) May be used during civil disturbances only against specific individuals who are active resistors, threatening or active assailants; and

        2) Shall not be used during a civil disturbance against groups of individuals.

4. Force may be used against groups of people only if authorized by the incident commander (IC) and only when other means of gaining compliance with lawful directives have been attempted and shown to be ineffective or are not feasible.

5. High-volume OC delivery systems are designed for, and may be used in, civil disturbances against groups of people engaged in unlawful acts resulting in, or creating an immediate risk of, bodily injury or significant property damage.

V. CORE PRINCIPLE #4

A. *Deadly force shall only be used as an absolute last resort and in strict compliance with this directive. Other actions by officers that create a substantial risk of death or serious bodily injury must be avoided or employed only under the strictest of conditions*.

B. Deadly force is force that an officer uses with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing, death or serious bodily injury. Discharging a firearm constitutes deadly force, unless the discharge occurred during a law enforcement training exercise, routine target practice at a firing range, a lawful animal hunt, or the humane killing of injured animals.

C. Deadly force includes the following potentially lethal actions:

1. Applying a chokehold, carotid artery restraint, or similar technique that involves pressure on the neck; or

2. Sitting, kneeling, or standing on a person's chest, back, or neck for a prolonged time; or

3. Intentionally driving a vehicle at or in the direction of a person with the intent to strike the individual; or

4. Using a baton or other weapon to intentionally strike an individual in the head or neck area.

D. An officer may use deadly force only when the officer reasonably believes that such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily injury. Officers must adhere to the following:

1. As discussed in Core Principle #3, when feasible, officers shall attempt to de-escalate situations, issue verbal warnings, or use non-lethal force with the goal of resolving encounters without using deadly force.

2. Officers shall not use deadly force if a reasonably available alternative will avert or eliminate an imminent danger of death or serious bodily injury and achieve the law enforcement purpose safely.

3. When feasible, prior to using deadly force the officer shall identify themselves as a law enforcement officer and give a clear verbal warning to the suspect that the officer will use deadly force.

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4. Officers shall not use deadly force when the use of deadly force creates a substantial risk of injury to innocent persons.

E. In addition to all requirements in subsection V.D of this directive (above), an officer may only use deadly force to apprehend a fleeing suspect in the rare case when the suspect's escape would create an imminent danger of death or serious bodily injury to the officer or a member of the public if the suspect is not immediately apprehended.

F. There are specific circumstances in which the use of deadly force is prohibited. In general, officers may not discharge their weapons or use other deadly force, as outlined above, in the following manner:

1. To signal for help; or

2. To issue a warning shot; or

3. To prevent property damage or loss; or

4. To prevent the destruction of evidence (e.g., under no circumstances shall an officer use a chokehold, or any lesser contact with the neck area in order to prevent the destruction of evidence by ingestion); or

5. Against a person who poses a threat only to themselves and not to others.

G. Deadly force against individuals in a moving vehicle – strict additional requirements must be met before an officer may use deadly force against a driver or passenger of a moving vehicle. Moving vehicles create tremendous risk to officers engaged in enforcement operations, particularly officers attempting to arrest fleeing suspects. Officers must abide by the following guidelines:

1. During such operations, officers shall never intentionally position themselves in the path of a moving vehicle or a vehicle that is likely to move; and

2. Officers shall make every effort to move out of the path of a vehicle to maintain their safety; and

3. Officers shall not grab onto moving vehicles or the drivers or occupants of moving vehicles. If a vehicle begins to move while an officer is engaged with the driver or an occupant, the officer shall, if feasible, disengage from the contact with the driver or occupant to avoid being dragged, carried, or struck by the moving vehicle; and

4. While any firearm discharge entails some risk, discharging a firearm at a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an officer shall not fire at the driver or occupant of a moving vehicle, unless no other means are available at the time to avert or eliminate the danger and one of the following circumstances exists:

a. When there is imminent danger of death or serious bodily injury to the officer or another person, created by a person in the vehicle using means other than the vehicle, such as when shots are being fired from the vehicle; or

b. When the suspect is driving their vehicle toward persons other than the officer in a manner creating an imminent threat of death or serious bodily injury, such as in a terrorist attack; or

c. When the officer is being dragged or carried by the vehicle, cannot disengage from the vehicle, and is in imminent danger of death or serious bodily injury.

H. Shooting from a moving vehicle – strict additional requirements must be met before an officer may shoot <u>from</u> a moving vehicle. Every discharge of a firearm by an officer creates risk to the public and to other responding officers. Firearms discharges from moving vehicles by law enforcement officers have proven to be inaccurate and ineffective, generally creating unacceptable levels of risk. Due to these risks, officers shall not discharge a firearm from a moving vehicle except in the following extraordinarily rare circumstance:

1. When the suspect is driving a vehicle toward persons other than the officer in a manner creating an imminent threat of death or serious bodily injury, such as in a terrorist attack; and

2. No other means are available at that time to avert or eliminate the danger.

I. 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 the subject to protect the lives of injured persons requiring immediate rescue and evacuation from an area in which a subject's continued actions (i.e., active shooting) pose an imminent threat of death or serious bodily injury.

VI. CORE PRINCIPLE #5

A. *<u>Regardless of rank, title, seniority, position, or status, every officer has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with such policies, regulations, and laws, if possible, before a fellow officer uses excessive, illegal, or otherwise inappropriate force. Every officer has a duty to immediately report any improper use of force</u>*.

1. An officer's duty to intervene is rooted in the commitment to always protect public safety. Interventions that prevent improper use of force will lead to fewer civilian complaints, fewer officer disciplinary matters, higher morale, and a healthier working environment. Preventing misconduct preserves the integrity of all officers and the law enforcement profession. Intervening to prevent improper use of force can assist fellow officers by preventing them from engaging in conduct that may be illegal, inappropriate, and in violation of this directive.

2. All officers who observe another officer about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, if feasible, do whatever they can to interrupt the flow of events before the fellow officer engages in an improper use of force. Officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately.

a. If officers observe a situation when another officer is attempting to intervene in an improper use of force, officers shall assist in that effort.

b. If a supervisor observes such a violation, the supervisor must issue a direct order to stop the violation.

3. Officers shall use signaling, verbal intervention, or physical intervention, if necessary, to stop any improper use of force. It is important to note that the duty to intervene does not stop at one officer. It is the responsibility of all officers to ensure use-of-force compliance.

4. Any officer who observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive must:

a. Notify a supervisor as soon as possible; and

b. Submit an individual written report to a supervisor before reporting off duty on the day the officer becomes aware of the incident. If the supervisor is the subject of the report, officers shall report the matter to the next level of the chain of command or directly to the internal affairs supervisor in accordance with this agency's directive on *Internal Affairs*

c. Such supervisors must report this incident in accordance with this agency's directive on *Internal Affairs*.

5. Commanders, supervisors, and officers are prohibited from retaliating in any form against an officer who intercedes in or reports illegal or inappropriate uses of force or who cooperates with an investigation into a possible violation of this directive.

VII. CORE PRINCIPLE #6

A. *After any use of force, and when the environment is safe, officers shall promptly render medical assistance to any injured person consistent with the officer's training and shall promptly request emergency medical assistance for that person, if needed or requested. Officers also have a duty to monitor individuals for potential medical intervention after any officer uses force*.

B. Following any 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. The duty to render medical assistance and monitor applies to all officers on scene and continues throughout any transportation and custody of the individual.

2. Officers shall pay particular attention to persons reasonably believed to be pregnant, children, the elderly, physically frail individuals, and those experiencing a mental health or substance use crisis.

3. In any instance where deadly force is used, officers shall summon EMS and paramedics as soon as possible. While EMS and paramedics will not be permitted to 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(s) once the scene is secure.

4. Be alert for signs of potential excited delirium (see definitions, section I.M of this directive).

    a. Officers should check the subject's pulse and respiration on a continuous basis until transferred to BLS 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 assist as necessary.

5. 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 need medical aid.

6. 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 need medical aid.

7. 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 the subject flush the 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.

    g. Officers shall be on constant alert for medical problem(s) or difficulty that the exposed subject may experience. Officers shall also monitor for positional asphyxiation.

h. If the affected area(s) remain inflamed or discomfort continues beyond 45 minutes, arrangements may be made for medical treatment if necessary.

C. Subjects against whom a CED has been directed shall be transported to a medical facility for examination if any of the following circumstances exist:

1. The subject requests medical attention.

2. The subject had been rendered unconscious or unresponsive.

3. The subject, after being subjected to a discharge, does not appear to have recovered normally, as described in CED training.

4. The subject has exhibited signs of excited delirium prior to, during, or after the discharge of the CED.

5. The subject has suffered bodily injury requiring medical attention as a result of a fall, or otherwise reasonably appears to be in need of medical attention.

6. The subject was exposed to three or more discharges from a CED during the encounter.

7. The subject has been exposed to a continuous discharge lasting 15 seconds or more.

8. No one present at the scene is qualified or authorized to remove the CED darts/electrodes from the subject's person.

9. An officer trained and authorized to remove darts/electrodes has trouble in removing a dart/electrode; or

10. Any part of a CED dart/electrode has broken off and remains imbedded.

D. An officer is authorized to remove a CED dart/electrode from a subject only if the officer has received training on dart/electrode removal, provided, however, that an officer is not authorized to remove a CED dart/electrode from any part of the person's head or neck, or where the dart/electrode is in the area of the subject's genitalia, or female breast. In the absence of exigent circumstances requiring immediate action, a CED dart/electrode can only be removed from these areas by qualified medical personnel.

E. Subjects who are struck by less-lethal ammunition shall be transported to a medical facility for examination if they suffer bodily injury or request medical treatment.

F. Any person requesting and/or deemed in need of medical attention shall be transported to the nearest available emergency medical treatment center or hospital. Officers shall contact EMS to request such transportation assistance.

1. Ordinarily, officers should not transport the subject in a Deptford Police Department vehicle.

2. The extent of the injury and the treatment offered/provided shall be documented in the body of the Investigation report.

G. Under no circumstances shall agency employees sign or endorse medical authorization for any person under arrest or in custody indicating that the Township of Deptford is the responsible billing party.

H. Unless unavailable, a supervisor should respond to the scene of any use of force incident when, as the result of the application of force, officers, bystander, or the detainee/prisoner are injured, complain of injury, or complain of discomfort and require medical attention. Minimally, supervisor shall be notified. The supervisor shall:

1. Ensure that affected persons receive the necessary assistance, including medical attention.

2. Remove the officer as soon as possible from the scene of the incident when serious injury or death resulted during any confrontation.

3. When necessary, notify the appropriate support staff, e.g., Chief of Police, Gloucester County Prosecutor's Office, Gloucester County Sheriff's Office, and/or internal affairs investigator. When an injury or complaint of pain exists, officers should obtain photographic documentation to the extent possible.

VIII. CORE PRINCIPLE #7

A. *Every use of force must be reported and receive a meaningful command level review as set forth in a written department directive that includes review by the law enforcement executive. The law enforcement executive shall also conduct an annual review and analysis of the overall use of force by the department*.

B. In all instances when law enforcement force is used except when such force results in a fatality, whether on or off duty, all officers who employ such force shall complete and submit the following:

1. An electronic *Use of Force Report* (through the *DCJ reporting portal*). The reporting guide is available on DMS.

a. The officer shall complete the report before the end the shift in which the force was used, but within 24 hours.

b. If the officer who used force is unable to complete the report within 24 hours, it should be completed as soon the officer is able to do so, or by a supervisor within 24 hours.

c. If the force resulted in a fatality, only the Division of Criminal Justice or the Gloucester County Prosecutor can authorize the officer(s) to complete the electronic use of force report.

2. Any investigation report and/or supplementary report made underlying the nature of the incident; except:

a. In accordance with *New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2019-4*, 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.

b. Only the Gloucester County Prosecutor's Office or the Division of Criminal Justice can order such reports. Such officers' statements to the Gloucester County Prosecutor's Office or Division of Criminal Justice can suffice as their report of the incident.

c. 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).

C. Though not a use of force, pointing a firearm at another constitutes a seizure that must be reported as a 'show of force' in the *DCJ reporting portal*.

D. CED spark displays are considered constructive authority and must be reported as a 'show of force' in the *DCJ reporting portal*.

E. Unless a deadly force incident (see subsection VIII.B above) or part of an incident already requiring an investigation report, a written report is required:

1. In all instances whenever an officer discharges a firearm, for other than training or recreational purposes, and in all cases of an accidental or unintentional discharge of a firearm or CED:

a. The officer shall first make a verbal report to a supervisor.

b. Such reports required in this subsection shall be titled *CED/Firearm Deployment*.

c. The report shall include the date, time, and location of the incident, firearm/device serial number, cartridge serial number (CED), ammunition discharged (firearm) and a description of the circumstances surrounding the discharge.

d. 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 also complete the electronic *Use of Force Report* (through the *DCJ reporting portal*).

e. Except when the discharge results in death or serious bodily injury under investigation by the Division of Criminal Justice or the Gloucester County Prosecutor's Office, supervisors can afford the officer the opportunity to review any stored firing data on a CED when completing reports.

f. On duty personnel shall submit the written report prior to the conclusion of the shift on which the incident occurred.

g. Off duty personnel shall submit this report as soon as circumstances permit but in no event shall the time exceed more than 16 hours after the incident occurred.

h. In the event an employee who has discharged a firearm or CED is physically incapacitated or fatally injured and is incapable of submitting this report, the supervisor or his/her designee shall prepare the report.

F. The officer'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. The supervisor shall complete the use of force / show of force review before the end of the shift in which the force was used, but no later than 24 hours.

2. The supervisor 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,

3. The review shall also include an examination of all available sources of information about the incident, including any video of the incident, reports, officer or other witness statements, medical records, and records of injuries.

4. The review shall also include an analysis of whether force was used in a non-discriminatory 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.

5. The reviewing supervisor shall initiate a Guardian Tracking entry logging the use of force incident and the results of this preliminary meaningful review. The reviewing supervisors shall make a recommendation of what action, 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.

6. If a supervisor uses force, the next highest-ranking supervisor in that chain of command shall conduct the initial meaningful review.

7. If the Chief of Police uses force, the Internal Affairs supervisor shall contact the Gloucester County Prosecutor's Office, who will determine the process for the meaningful command review, which could include prosecutor's office staff.

G. The officer's division commander shall also review these incidents in the same manner as described above:

1. The division commander shall also make a recommendation of what action, 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.

2. The division commander or his/her designee shall review and annotate the early warning record, as appropriate.

H. 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 any video of the incident 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.

I. The law enforcement executive shall review each meaningful command review and approve or reject the recommendations of the supervisors who conducted the review. The law enforcement executive's decision shall be memorialized and retained in the use-of-force investigative file.

J. After the review is completed, supervisory and/or training officers should examine and analyze the use of force incident, including any BWC/MVR or other video evidence, with the officer 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 can gain insight into which tactics and decisions were effective and whether different tactics or decisions could have been used to improve the outcome.

K. The law enforcement executive or his/her designee shall also conduct an annual summary and review of all use of force incidents in this department. The review shall include, at a minimum, the following:

1. Analytical reports from the *DCJ reporting portal*; and

2. An audit of BWC/MVR and other videos on a risk-based and randomly selected basis; and

3. Any internal affairs complaints; and

4. 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.

5. Based on that thorough review, the law enforcement executive shall determine whether changes in departmental structure, policy, training, or equipment are appropriate. The law enforcement executive shall then provide a written report documenting the annual review to the Gloucester County Prosecutor.

L. 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.

M. 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.

IX. NOTIFICATION AND INVESTIGATION REQUIREMENTS

A. Immediately notify the Chief of Police and the Gloucester County Prosecutor's Office when the use of any law enforcement force results in death or serious bodily injury, or when an injury of any degree results from the use of a firearm by an employee.

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 an officer 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. Internal affairs 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 officer-in-charge 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, headlights, 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 and 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 New Jersey Attorney General's Guidelines/Directives.

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 this 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 during 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. In all instances when a CED or less-lethal device is fired at or discharged upon a person by a law enforcement officer, a higher-ranking supervisor 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, providing the law enforcement executive 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 issue a report to the Gloucester County Prosecutor's Office within 10 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), including a finding on whether the firing and all discharges complied with the *New Jersey Attorney General's Use of Force Policy* and this directive.

3. The Gloucester County Prosecutor shall review the matter for compliance with *New Jersey Attorney General's Use of Force Policy*. If the Gloucester County Prosecutor finds the firing or discharge of a CED or less-lethal device to not comply with the *New Jersey Attorney General's Use of Force Policy*, the matter shall be forwarded to the Director of the Office of Public Integrity and Accountability or their designee.

G. Any employee whose actions or use of force in an official capacity result 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.

X. TRAINING

A. All department personnel authorized to carry agency lethal and/or mechanical force 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. This issuance and documentation can be accomplished electronically.

B. Use of force training shall be semiannually. This training must reflect current standards established by statutory and case law, as well as state and county policies, directives, and guidelines.

1. The training program will include the use of force in general, the use of physical force (including pain compliance techniques), mechanical force, the use of deadly force, decision making skills, the limitations that govern the use of physical force, mechanical force, and deadly force, and all applicable aspects of agency policies.

2. All use of force training shall be documented. This training and documentation can be accomplished electronically.

C. All officers have an ongoing obligation to review the department's use of force directives and training materials, and to seek clarification any time they have questions or need guidance. This ongoing review may take place via formal supervisor-led training sessions as well as through mentoring opportunities to reinforce the content and philosophy**.**

XI. BARRICADED INDIVIDUALS

A. ***This section does not apply to active shooter or active killing incidents, which require immediate action by law enforcement officers to preserve life***.

B. For purposes of this section, the following additional terms are defined:

1. Barricaded Individual – a person who is the focus of a law enforcement intervention effort, has taken a position in a physical location, including a structure or vehicle, who does not allow immediate law enforcement access, and is refusing law enforcement orders to exit or comply.

   a. Barricaded suspect – a barricaded individual who is believed to have committed an offense and is subject to a lawful arrest.

   b. Barricaded subject – is a barricaded individual who needs medical or mental health intervention and, based on the information available, is believed to presently be a danger to self/others.

2. Crisis intervention trained officers – Law enforcement officers who have been specially trained to identify persons in mental health crisis and work with mental health professionals to coordinate with appropriate resources and obtain services for those persons. Such training includes specific techniques in communication and de-escalation, such as that provided by CIT (crisis intervention team) training.

3. Crisis negotiation team – A group of law enforcement officers who are specially selected, trained, and equipped to deal with high-risk incidents involving individuals who are refusing law enforcement orders to surrender or comply, especially individuals dealing with behavioral or mental health crises, substance abuse crises, or intellectual, cognitive, or developmental disabilities. The crisis negotiation team has primary responsibility for communicating with the barricaded individual and determines the way others, such as mental health professionals, family members, friends, or colleagues will communicate directly or indirectly with the barricaded subject.

4. Hostage situation – A barricaded individual who unlawfully restrains another unlawfully for the purposes of holding that person for a ransom, reward, shield, or as a hostage. This includes, but is not limited to, holding the individual to facilitate the commission of a crime, inflict bodily injury, terrorize the victim, or interfere with the performance of any governmental or political function. Supervisors must determine whether a hostage situation exists whenever:

    a. It is determined that another person is present in the location, but the barricaded person may not be presently aware of the presence of the other person; or

    b. A third-party is present and consents to stay or refuses to leave the area of the barricaded individual, despite the increased risk associated with remaining.

5. Incident command system (ICS) – A management system designed to enable effective and efficient domestic incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure.

6. Inner perimeter – An area encompassing the incident location that is sufficient to isolate and contain the barricaded person. Officers should establish an inner perimeter that contains the barricaded individual's access to innocent parties, prevents a hostage situation, and provides safety and security for all present. The inner perimeter should be established to permit effective communication but not limit law enforcement's response options in the event of aggressive action by the barricaded person. No one is permitted into the inner perimeter without authorization. Only those personnel who are appropriately equipped (e.g., ballistic protection, personal protective equipment, etc.) and necessary to resolve the situation should be within the inner perimeter.

7. Outer perimeter – A secure area removed from the incident location that excludes public access, is outside the crime scene or critical area defined by the inner perimeter and allows law enforcement to operate effectively.

8. Mental health professional – A person trained to deal with people with mental illnesses, substance abuse disorders, or intellectual, cognitive, or developmental disabilities that can assist law enforcement with resolution strategies that seek to minimize the use of force to resolve situations.

9. Resolution techniques – Primary police action geared toward resolving a barricaded individual situation and involving the use of minimally intrusive techniques such as negotiations, time, electronic surveillance (when legally permissible) and other techniques.

10. Resolution tactics – Secondary law enforcement action geared toward resolving a barricaded individual situation by initiating physical contact or influencing environmental factors to compel action through the use of intrusive tactics such as mechanized entry tools, chemical agents, and related munitions, less lethal munitions, breach, hold, and call-out procedures, or use of canine. Resolution tactics should be deployed consistent with subsection XI.I.8. Entry and communication tactics, such as breaking windows, controlling doors, or similar techniques necessary for the

insertion of surveillance or communications equipment into the area occupied by the barricaded individual or to establish communication with the barricaded individual shall not constitute resolution tactics and may be deployed at the discretion of the tactical commander.

11. Supervisor – A law enforcement officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other law enforcement officers.

12. Tactical team is a group of law enforcement officers who are specially selected, trained, and equipped to handle high-risk incidents, including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, act of terrorism, and other situations or activities as deemed necessary by command leadership. The Gloucester County Prosecutor's Office has designated the following tactical teams for use by agencies:

    a. Gloucester County SWAT Team – Contact the Gloucester County Emergency Communications Center.

    b. Atlantic County SWAT Team – Contact the Atlantic County Sheriff's Office Dispatch Center.

    c. NJ State Police TEAMS Unit – Contact the ROIC.

C. The primary purpose of this section is to increase the likelihood of resolving incidents without death or serious bodily injury to anyone, including third parties, barricaded individuals, and law enforcement officers, by ensuring that best practices are utilized during law enforcement responses to situations involving barricaded individuals. This section recognizes that during these encounters, responding law enforcement officers and their commanders are often forced to make difficult decisions as they endeavor to mitigate risk to all persons.

D. Officers should not default to attempting to resolve an incident immediately if slowing down the pace is viable and can be accomplished without creating an immediate threat to the public or placing officers in unreasonable danger.

E. Once officers are successful in preventing death or injury during the initial stages of an encounter, the opportunity for nonviolent resolution increases, especially when assisted by highly trained crisis negotiators.

F. Mental health professionals with appropriate education, requisite experience, and familiarity with law enforcement response procedures, can bring unique perspective, expertise in dealing with a person experiencing a mental health crisis, and input informed by access to patient information to the incident leadership team. Their input will provide additional tools and resources to maximize opportunities to successfully resolve delicate encounters with barricaded individuals.

G. Once a situation has been determined to involve a barricaded individual or a hostage situation, it is imperative that all relevant information be communicated to tactical team leaders so that appropriate resources may be dispatched. The probability of a successful outcome in such instances is exponentially increased when the responding team is properly trained and equipped.

H. Nevertheless, first responding officers still must shoulder the difficult responsibility to contain the situation and establish initial communication with the barricaded individual.

I. Initial Response to Barricaded Individuals:

1. First responding officers:

a. Initial responding officers must assess the situation, make a preliminary determination whether a barricaded individual situation exists, and begin to request appropriate resources.

b. Consistent with ICS principles, the first officer on the scene is the incident commander until relieved by higher authority.

c. Responding to a report of a barricaded individual incident alone should be avoided, when feasible, as this may limit the responding officer's potential resolution responses.

d. Officers shall immediately request the response of a supervisor to any incident that appears to involve a barricaded individual or appears to have a reasonable probability of evolving into a barricade situation.

2. Supervisory response:

a. Supervisors shall respond immediately to all requests resulting from barricaded individual incidents in accordance with subsection XI.H.1 (above).

b. Officers and supervisors shall quickly determine whether additional resources are needed and promptly call for the response of the needed resources, which may include *ARRIVE Together* teams or other mental health/crisis intervention resources.

c. Whenever the incident involves a barricaded individual or hostage situation, the supervisor shall comply with all required agency notifications and promptly contact the Gloucester County SWAT Team. This SWAT Team commander shall determine the appropriate tactical and negotiations resources, if any, to respond to the incident.

d. Notify the Chief of Police through the chain of command.

3. Assess and gather information:

a. The responding officer should consider whether the barricaded individual is attempting to cause harm to themselves or another, and whether any hostages or third parties are present.

b. Responding officers and supervisors should gather as much information as possible from available sources. This includes friends, family, and witnesses.

c. Establish communication with the barricaded individual and assess their status as soon as practicable.

d. Officers should consider the factors in Core Principle #2 (*Force as a Last Resort and Duty to De-Escalate*) when assessing the situation. In addition, officers should consider the barricaded individual's primary language and, if communication is difficult, take reasonable steps to establish communication via the person's primary language, such as utilizing bi-lingual officers, interpreters, telephonic interpretation/translation services, or community crisis response teams, if feasible and appropriate.

e. Determine whether the barricaded individual is wanted for a criminal offense. If the barricaded individual is not a wanted person, the officer should consider whether the person is experiencing a behavioral health episode caused by a mental health, substance use, or similar crisis.

4. ***Force can be used only as a last resort and deadly force only as an absolute last resort.***

5. When feasible and when no immediate threat to hostages or others is present, officers shall establish an inner perimeter, clear all third parties, and wait for appropriate resources to respond. Slowing down and using time as a tactic can help resolve the incident with minimal or no force being used.

6. Isolate and contain:

   a. First responding officers should isolate and contain the barricaded individuals and not attempt to force a resolution, unless such action is immediately necessary to prevent injury or death to hostages, other third parties, or officers. However, if clear evidence exists that the barricaded individual is currently engaged in behavior likely to cause their own imminent death or serious bodily injury, officers may take affirmative action to prevent this behavior or render medical aid.

   b. Nothing in this section is intended to discourage officers from attempting to peacefully resolve an incident during this phase using communication and negotiation tactics.

7. Family members of the barricaded individual:

   a. Whenever family members or close friends of the barricaded individual are at the scene, officers should maintain close contact with these individuals to keep them advised on the status of the situation and to utilize them as sources of information that may be useful to crisis negotiators and mental health professionals in resolving the situation.

   b. Supervisors should utilize victim-witness assistance resources from the county prosecutor's office or the State Police on scene to assist in these scenarios.

c. In some situations, community resources, such as community crisis response teams, may be helpful in communications with family members and close friends on scene. The decision to seek or deploy assistance from such community-based resources should be made by the incident commander, in consultation with the Gloucester County Prosecutor's Office to ensure that all safety and evidentiary concerns are properly addressed.

J. Ongoing Response to Barricaded Individuals:

1. Use the incident command system. This will help to ensure that appropriate resources are brought in and that all interests are represented in the decision-making process. At a minimum the ICS structure shall include:

   a. A Gloucester County SWAT Team representative (or appropriate tactical team if the Gloucester County SWAT Team is unavailable).

   b. A crisis negotiation team representative.

   c. A senior member of the Gloucester County Prosecutor's Office command staff.

   d. A mental health professional in a consulting role when available.

   e. The incident commander.

2. Non-operational components of the incident command structure, such as the Gloucester County Prosecutor's Office command staff and/or the mental health professional may participate telephonically, when appropriate. Their absence or delayed response to the scene shall not limit tactics or operations deemed appropriate by the incident commander.

3. Communication between the SWAT Team and the crisis negotiation team is critical for the effective operation of the unified command. Communication in real time will permit the incident commander to make appropriate decisions about how to successfully resolve the situation.

4. Establish incident command and designate an incident commander:

   a. The first responding officer is responsible for the incident until relieved by higher authority.

   b. A supervisor shall respond to the scene and establish incident command. The supervisor should begin to determine what resources are needed and start the process of having resources respond to the incident. Resources may include but are not limited to:

      1) The Gloucester County SWAT Team (or appropriate tactical team if the Gloucester County SWAT Team is unavailable)..

      2) Crisis negotiators.

      3) Mental health professionals.

4) *ARRIVE Together* team.

5) Specialized equipment.

5. Contact the Gloucester County SWAT Team representative (or appropriate tactical team if the Gloucester County SWAT Team is unavailable).

   a. Once an incident has been determined to involve a barricaded individual or hostage situation, the supervisor or incident commander shall contact the SWAT Team commander or his/her designee. The SWAT Team commander or his/her designee shall determine the appropriate tactical assets, if any, to respond to the incident.

   b. This section does not preclude appropriate local resources from being used pending the arrival of SWAT, but such local resources shall yield control of the incident to the SWAT commander or his/her designee upon notification that SWAT Team is on the scene and operational. The incident commander shall assist and support as requested by the SWAT Team commander.

   c. Once an incident has been determined to involve a barricaded individual or hostage situation, the SWAT Team commander shall immediately request a crisis negotiation team to respond to the incident, if crisis negotiators are not an integrated component of the tactical team response.

   d. Crisis negotiators called to respond to incidents involving barricaded individuals pursuant to this section are required to have attended a crisis negotiation course of at least 40 hours duration conducted by the Federal Bureau of Investigation, the National Tactical Officers Association, the Public Agency Training Council, or an equivalent course approved by the Gloucester County Prosecutor or New Jersey Attorney General.

   e. The Gloucester County SWAT Team (or appropriate tactical team if the Gloucester County SWAT Team is unavailable) shall conduct its tactical operations in accordance with its procedures and the New Jersey Attorney General's policy on *Use of Force*.

6. As soon as possible, contact the Gloucester County Prosecutor's Office, which shall make legal personnel available to assist with decisions and legal process for search warrants, communications data warrants, electronic surveillance applications, potential criminal charges, or any other legal matter.

7. The Gloucester County Prosecutor's Office may also assist with the identification of *ARRIVE Together* teams within the county, community crisis response teams or other community-based resources for potential utilization in tactical disengagement situations pursuant to this addendum.

8. Absent exigent circumstances, a decision to employ resolution tactics as defined in this section and/or to enter a structure or area occupied by a barricaded individual, shall be made by the incident commander, who shall be the highest ranking on-scene law enforcement supervisor.

    a. This decision shall be made after giving due consideration to all available information, including that provided by the tactical commander, crisis negotiation team leader, available mental health professionals, and alternative strategies.

    b. Unless there is an immediate threat to hostages, third parties, or officers, commanders shall consider the utility of time-as-a-tactic when considering the use of resolution tactics.

    c. In certain situations, incident commanders may consider tactical disengagement strategies as an alternative to more traditional resolution strategies. Disengagement is the tactical decision to leave, delay contact, delay custody or plan to make contact at a different time and under different circumstances. This tactic should be considered when an officer reasonably believes continued contact may result in an unreasonable risk to a person in crisis, the public or law enforcement officers.

    d. A tactical disengagement strategy may include the utilization of the ARRIVE Together program, a community crisis response team, or other community-based resources.

    e. NOTE: tactical disengagement may be utilized as a de-escalation tool, providing a means to a safer outcome, when public safety concerns have been satisfied and the risk of further contact with the barricaded individual outweighs the risks associated with tactical disengagement.

9. Preserving the life and safety of hostages is a priority in all hostage situations. Therefore, the opportunity to safely extract hostages or potential hostages must be considered in determining resolution tactics and timing. Strategic or tactical disengagement is not an option in hostage situations.

K. Integration of Mental Health Resources:

1. When feasible, an officer trained in crisis intervention should respond to incidents involving barricaded individuals and assist in deescalating the situation and recommending appropriate resources. These officers may participate in negotiations until a crisis negotiation team arrives.

2. While an in-person response to the barricaded individual incident is preferable, telephonic or virtual responses can add significant value as well. Mental health professionals can assist with negotiations by providing advice and information or, with the recommendation of the crisis negotiation team commander and approval of the incident commander, may communicate directly with the barricaded individual, if it has been determined that this may help to resolve the incident. Mental health professionals may also be able to access information about the barricaded individual that is not available to law enforcement officers but may be useful in resolving the incident.

3. When called to respond to an incident involving a barricaded individual, the SWAT and/or crisis negotiation team commanders, shall promptly notify on-call mental health professionals to assist the team in accordance with pre-established protocol. On-scene mental health professionals shall be assigned to a safe and secure area from which they are able to monitor the communications with the barricaded individual and be available to provide insight and expertise to both the crisis negotiators and command personnel. If assisting either telephonically or via a virtual connection, mental health professionals should, to the extent practicable, be provided with information about the situation and the ability to monitor communications with the barricaded individual. Command personnel should determine, in advance, the most efficient process for consulting with the mental health professionals.

L. Victim-Witness Resources:

1. Once a barricade situation has been determined to exist, victim-witness assistance resources from the Gloucester County Prosecutor's Office should be notified and available to respond in the event the resources are needed. This notification is especially important in situations when hostages and/or family members of the barricaded individual are present.

2. The decision to request a response from a victim/witness advocate shall be made by a representative of the Gloucester County Prosecutor's Office or the incident commander. As with mental health professionals, while an in-person response to the barricaded individual incident is preferable, telephonic or virtual responses can add significant value as well.

M. Training:

1. All officers shall participate in Police Training Commission online in-service course for law enforcement officers on the provisions and requirements of this section at least once every three years.