



NEWARK POLICE DIVISION GENERAL ORDER



**SUBJECT:
USE OF FORCE**

**GENERAL ORDER NO.
18-20**

**SUPERSEDES:
G.O. 18-20 (November 8, 2018)**

**DATED:
April 8, 2022**

This Order consists of the following numbered sections:

- I. PURPOSE**
- II. POLICY**
- III. DEFINITION OF TERMS**
- IV. USE OF FORCE STANDARDS**
- V. USE OF FORCE**
- VI. USE OF DEADLY FORCE**
- VII. USE OF FORCE LEVELS OF CONTROL**
- VIII. DE-ESCALATION TECHNIQUES**
- IX. EMOTIONALLY DISTURBED PERSON**
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I. PURPOSE

The purpose of this order is to establish Newark Police Division policy and procedures that are designed to guide Police Division members in the use of force, and to further ensure that Police Division members treat all persons with dignity and respect as they execute the duties they have been entrusted to perform. The provisions of this order shall apply to regular Police Division members, Newark Special Police Officers, Newark Auxiliary Police Officers, and Police Division members assigned to special details outside of the Police Division.

II. POLICY

The Police Division places the highest value on the sanctity of all human life. It is the policy of the Police Division that its members will in all instances attempt to exercise their responsibilities without the use of force. It is further the policy of the Police Division to de-escalate situations without using force when possible in order to decrease the likelihood that force will have to be employed. Police Division members shall de-escalate the use of force at the earliest opportunity, and will make efforts to exhaust all other reasonable means available before resorting to the use of force, as long as the member's safety or that of other persons is not compromised.

The Police Division limits the use of force by its members to those situations when it is objectively reasonable to effect an arrest or protect the safety of the Police Division member or another person. The use of force shall never be considered routine. In determining to use force the member shall be guided by the principle that the amount of force employed in any situation should be the minimum amount necessary. Any force used shall not create substantial risk of injury to bystanders. Therefore, it is imperative that members make every effort to ensure that each instance of use of force is not only legally warranted, but also rational and humane.

Police Division policy and training require that members not only follow the legal standard of using force, which was established in *Graham v. Connor*, 490 U.S. 386 (1989), but also strive to utilize the minimum amount of force necessary in order to bring about their lawful objectives. Members are reminded that a degree of force, which may have been justified earlier in an encounter, does not remain justified indefinitely. Force shall be decreased as the subject's resistance or threat decreases.

Police Division members are duty bound to prevent and or intervene when the use of force by other members or members from another law enforcement agency appears to be unreasonable and or illegal in type or amount. This policy sends a clear message that Police Division members share an obligation beyond the requirements of the law to intervene and prevent the application of unreasonable or unlawful use of force.



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This policy is not intended to limit the lawful authority of Police Division members to use objectively reasonable force or otherwise fulfill their law enforcement obligations. However, members must remain mindful that they derive their authority from the U.S. Constitution, Federal Laws, the Laws of the State of New Jersey and the community. The use of unreasonable and or illegal force undermines the legitimacy of that authority and shall not be tolerated. Members are subject to discipline, possible criminal prosecution, and or possible civil liability for violations of the law or provision of this policy.

III. DEFINITIONS

A. Active Resistance

1. Active resistance occurs when a person is uncooperative, fails to comply with directions from an officer, and instead actively attempts to avoid physical control.
2. Examples of 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.

B. Bodily Harm

1. Bodily harm means physical pain, temporary disfigurement, or impairment of physical condition.
2. An example is a subject who fell to the ground or was taken to the ground while resisting arrest and as a result he or she sustains minor scrapes and/or bruises to his knees and/or arms.

C. Constructive Authority

1. 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 the officer's authority to exert control over a subject.
2. Examples include verbal commands, gestures, warnings, and unholstering a weapon. Pointing a firearm at a subject is an example of constructive authority to be used only in appropriate circumstances.



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D. De-Escalation

1. 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.
2. An example would be using verbal persuasion to calm down a person in crisis who is threatening to do harm to the member, but who has not actually taken any affirmative steps to harm the member.

E. Deadly Force (Synonymous w/Lethal Force)

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 the course of a law enforcement training exercise, routine target practice at a firing range, a lawful animal hunt, or the humane killing of an injured animal. 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.

F. Enhanced Mechanical Force

1. Enhanced Mechanical Force is an intermediate force option between mechanical force and deadly force, generally requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the use of deadly force. Unlike deadly force, enhanced mechanical force does not require an imminent threat of death or serious bodily injury.
2. Examples include conducted energy devices and less-lethal devices and ammunition.

G. Feasible

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.



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H. Imminent Danger (Synonymous with Imminent Threat)

1. Imminent danger describes threatened actions or outcomes that may occur during an encounter without action by the Police Division member.
2. The period of time involved is dependent upon the circumstances and facts evident in each situation and is not the same in all situations. The threatened harm does not need 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.

I. Less-Lethal Force

Less-lethal force is force employed that is less likely and not intended to cause death or serious bodily harm.

J. Mechanical Force

1. 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.
2. Examples include use of an asp, baton, or other object, oleoresin capsicum (OC) spray or the physical apprehension by canines.

K. Member

A sworn employee of the Newark Police Division.

L. Neck Hold (Chokehold)

A neck hold (chokehold) is considered **deadly force**. 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.

M. Passive Resistance

1. Passive Resistance occurs when a person is non-compliant in that they fail to comply in a non-movement way with verbal or other direction from an officer.



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2. Examples include but are not limited to verbal non-compliance – such as stating, “No”, refusing to move, going limp, locking arms, or holding onto a fixed object.

N. Physical Contact

1. Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective.
2. 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.

O. Physical Force

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.
2. 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.

P. Serious Bodily Harm

Serious bodily harm 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 Policy. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).

Q. Substantial Risk

1. A substantial risk exists when an officer disregards a foreseeable likelihood that bystanders will be endangered by the use of force.
2. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by bystanders exposes those persons to a substantial risk of harm.



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IV. USE OF FORCE STANDARDS

A. General Requirements

1. Policing at times requires that a member exercise control of a violent or resisting subject to make an arrest or to protect the member, other members, or members of the community from risk of imminent harm. Clearly, not every potential violent confrontation can be de-escalated. However, members do have the ability to impact the direction and the outcome of many situations they handle, based on their decision-making and the tactics they choose to employ. The member shall consider and use de-escalation techniques where appropriate.
2. Members should continually assess every situation with the goal of bringing the situation to a safe, peaceful conclusion. This conclusion may be accomplished by using time, distance, information, isolation, teamwork, force option, coordination, and other techniques to maximize a member's advantage.

B. Objectively Reasonable Force

1. The United States Supreme Court decided in *Tennessee v. Garner*, 471 U.S. 1 (1985), that apprehension by the use of deadly force by police officers is a seizure subject to the reasonable standard under the Fourth Amendment of the United States Constitution.
2. The test and analysis that courts will use to examine whether a use of force is constitutional was set forth in *Graham v. Connor*, 490 U.S. 386 (1989) and the test has been expanded by subsequent court cases.
3. The Court concluded in *Graham* that use of force by police officers during an arrest, investigatory stop, or other seizure of a person shall be analyzed under an objective reasonableness standard.
4. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than from 20/20 hindsight. The standard of reasonableness must take into account the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.



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5. In situations where 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.
6. The standard of reasonableness in reviewing use of force is an objective one: were the officer's actions objectively reasonable given the facts and circumstances confronting him or her? The facts available to the officer at the time, along with other objective factors that may impact the reasonableness of an officer's actions, must be considered. The courts analyze the reasonableness of an officer's use of force actions by utilizing the "test of reasonableness," which consists of the following "*Graham Factors*":
 - a. "the severity of the crime at issue";
 - b. "whether the suspect poses an imminent threat to the safety of the officers or others"; and
 - c. "whether he/she is actively resisting arrest or attempting to evade arrest by flight".

C. Duty to Intervene

1. Police Division members present at the scene of a use of force incident shall ensure that the force used complies with the law and with Division policies, rules and regulations.
2. All officers who observe another officer about to use force that is illegal, excessive, or otherwise inconsistent with this Policy 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.
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. If officers observe a situation where another officer is



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attempting to intervene in an improper use of force, officers shall assist in that effort.

4. Any member who witnesses force being used unreasonably or unlawfully shall, when reasonable to do so:
 - a. verbally and or physically intervene as necessary to prevent or stop the use of unreasonable or unlawful force;
 - b. safeguard the person upon whom the force was used;
 - c. render aid (Ref. to section X – Duty to Provide Medical Aid);
 - d. notify a non-involved supervisor to respond to the scene; and
 - e. report and document the incident on authorized forms (BlueTeam, Benchmark Analytics Attorney General's Use of Force Reporting Portal, etc.) before reporting off duty on the day the officer becomes aware of the misconduct.

V. USE OF FORCE

A. General Requirements

Force may be used by a Police Division member in the following situations, recognizing that when force is used the member will use the minimal force needed to accomplish the law enforcement objective:

1. When the member reasonably believes that force is immediately necessary to make a lawful arrest and:
 - a. The member has advised the person of the reason for their arrest or reasonably believes that it is already known to the subject; or
 - b. The reason for the arrest cannot reasonably be made known to the person.
2. When a person is actively resisting arrest.
3. To prevent an escape under New Jersey statute, if it can be employed to effect an arrest for which the person is in custody:



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- a. The degree of force used shall be determined by the gravity of the offense committed, and
 - b. The force employed shall not be excessive in either type or amount.
4. If immediately necessary to prevent escape of a person who has been charged with or convicted of a crime, committed to a jail, prison or other detention facility.
5. To prevent the commission of a crime involving the threatening of bodily harm, property damage, or suicide.

B. Restrictions

The Division strictly prohibits using force that is not objectively reasonable and proportional to the threat or resistance of the subject under the circumstances. For example:

1. Members shall not use force to effect compliance with a command that is knowingly unlawful. The use of force is unreasonable when the initial arrest or detention was knowingly unlawful to the member based on information known to the member at the time of the arrest or detention.
2. The Division strictly prohibits the use of force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to a member or another person/s, or as objectively reasonable, where physical removal is necessary to overcome passive resistance.
3. Members shall not use force to overcome passive resistance, except that objectively reasonable force is permitted when necessary for the purposes of handcuffing and physically removing a passively resisting person.
4. Members shall not use force to retaliate against a person, including, but not limited to:
 - a. force used after a threat has diminished or is otherwise not reasonably necessary;
 - b. force used to punish a person or to retaliate against them for past conduct;
 - c. force used in response to disrespectful language or actions;



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- d. force used as a lesson to prevent a person from resisting or fleeing in the future; and
- e. force used 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.

VI. USE OF DEADLY FORCE

A. General Requirements

1. Police Division members are empowered to carry and use firearms in the exercise of their service to the citizens of the City of Newark. This power is based on trust, and therefore, must be balanced by a system of accountability.
2. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be positioned constitutes deadly force unless the firearm is loaded with less-lethal ammunition and fired by a law enforcement officer in the performance of the officer's official duties (NJS 2C:3-11b). Further, this policy recognizes that the use of an impact weapon may constitute deadly force.
3. For that reason, firearms, and similar less-lethal means of deadly force, and impact weapons shall be used only under the limited circumstances described in this section.
4. 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:
 - a. 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;
 - b. 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;



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- c. 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; and
 - d. officers shall not use deadly force when the use of deadly force creates a substantial risk of injury to innocent persons.
- 5. In addition to all of the requirements listed in number 4. (directly 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.
- 6. When feasible, a Police Division member must identify himself/herself as an officer and state his/her intention to shoot before using the firearm.
- 7. Police Division members may use their firearms to protect themselves or the public from animals that pose an imminent threat to the safety of the member or the public.
- 8. Police Division members may also use their firearm to destroy a sick or injured animal after obtaining authorization from a supervisor.
- 9. Police Division members shall be familiar with, and strictly adhere to: State of New Jersey Attorney General Guidelines, Division Memoranda and Orders, and the tenets of Chapter 8, of the Newark Police Division's Rules and Regulations, entitled: **FIREARMS**, including, but not limited to using, carrying, handling, caring, storing, requalifying on all Division approved firearms, ammunition, and using special weapons.

B. Restrictions

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;
- 2. to issue a warning shot;
- 3. to prevent property damage or loss;



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4. to prevent the destruction of evidence. For example, 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.

C. Un-holstering, Exhibiting, or Pointing a Firearm

Special requirements must be met before an officer may 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. At the same time, however, unnecessarily or prematurely drawing a firearm could limit an officer's options in controlling a situation, could create greater anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.

1. Police Division members shall not un-holster, exhibit, or point a firearm except under the following circumstances:
 - a. Routine maintenance of a firearm,
 - b. To secure the firearm,
 - c. During firearms training exercises, qualifications, or re-qualifications, or
 - d. Consistent with training, officers may 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. 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. These tactics are intended to give members a tactical advantage and opportunity to protect themselves or others from death or serious bodily harm prior to the threat becoming immediate, which may be too late.
 - ii. The use of these tactics shall be reported and tracked in a "Constructive Authority Report" in BlueTeam, and as a "NJOAG Show of Force" in the Benchmark Analytics Attorney General's Use of Force Reporting Portal.



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D. Motor Vehicle and Use of Deadly Force

1. While any discharge of a firearm entails risk, discharging a firearm at or from a moving vehicle entails even greater risk of death or serious bodily injury to bystanders. Public safety is jeopardized when a fleeing suspect is disabled and loses control of his or her vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, in the actions which necessitated the use of deadly force.
2. 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.
3. Police Division members shall not fire a weapon solely to disable a moving vehicle.
4. When confronting an oncoming vehicle, Police Division members shall make every effort to move out of its path, rather than discharge their firearms at the oncoming vehicle.
5. Police Division members shall not intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearm.



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VII. USE OF FORCE LEVELS OF CONTROL

A. Levels of Control Categories

1. Police Division members shall consider a subject's level of resistance when using force. When feasible, members shall use the minimum force necessary to perform their duty and not expose themselves to unreasonable risk of injury. The level of control used shall be proportional to the threat or resistance the member encounters, whether passive or active.
2. Police Division members are not limited to using equal force, but may use a higher level of force than the subject's resistance as long as it is necessary and objectively reasonable to accomplish a lawful purpose. Similarly, force shall be appropriately de-escalated as resistance decreases. When feasible, members shall allow individuals the opportunity to submit to arrest before using force.
3. The Police Division classifies use of force into three categories based on the seriousness of any injuries that are likely to or actually result from the force employed. These categories determine the Police Division's supervisory and investigative response to a use of force incident. The three categories are:
 - a. **"Low Level Force" or "Low Level Use of Force"** – any use of force that is not likely to and does not result in bodily harm or complaint of bodily harm. For example, the use of wrist or arm locks.
 - b. **"Intermediate Force" or "Intermediate Use of Force"** – any use of force that is likely to or actually does result in bodily harm or complaint of bodily harm. For example, the use of OC spray.
 - c. **"Serious Force" or "Serious Use of Force"** – any use of force that results or is likely to result in loss of consciousness; any canine bite; any strike, blow, or kick against a handcuffed or restrained subject; or any strike with a hard object to the head, neck, or throat; or neck hold resulting in serious bodily harm or death that is not investigated by the Essex County Prosecutor's Office pursuant to New Jersey Attorney General Directive 2005-06.

These three categories broadly encompass the more specific use of force **control tactics** defined in the State of New Jersey Attorney General Guidelines, which include: the *member's presence, physical contact, constructive authority, physical force, mechanical force, enhanced mechanical force, and deadly force*



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(Cross Ref. G.O. #18-22 Firearms and Other Weapons). In all instances, members should exhaust all other reasonable means before resorting to using force tactics, recognizing that members will use only force which is objectively reasonable and necessary.

VIII. DE-ESCALATION TECHNIQUES

A. Tactics and Techniques

1. De-escalation tactics and techniques are verbal and non-verbal actions used by members, when safe and without compromising law enforcement objectives, to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
2. Division members shall look for opportunities to de-escalate situations. When reasonable and based on the totality of the circumstances and where it may be accomplished without increasing the risk of harm to the member or others, members shall:
 - a. gather information about the incident;
 - b. assess the risks to the subject(s), officer(s) and general public;
 - c. assemble resources (e.g., EMS, ESU, SWAT);
 - d. communicate and coordinate a response; and
 - e. attempt to slow the momentum of the incident.
3. When feasible, members will rely on area containment; employ surveillance; wait out the subjects; summon reinforcements; or call in specialized tactical units in order to reduce the need for force and increase member and civilian safety.

B. Special Considerations

1. Members shall use all available resources and training in determining what, if any, force is appropriate based on the following factors:
 - a. Medical Condition;
 - b. Mental Impairment;



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- c. Developmental Disability;
- d. Physical Limitation;
- e. Language Barrier;
- f. Under the Influence of Drugs/Alcohol;
- g. Behavioral Crisis;
- h. Hearing, Speech, or Vision Impairment; or
- i. Any other factor that may impair the person's ability to understand or comply with the member's instructions.

Members shall consider these factors and make efforts to avoid or minimize the use of force and attempt to obtain appropriate assistance for the person.

- 2. Members are expected to recognize that their approach, such as tone and body language, to a civilian interaction may influence whether a situation escalates to the need of using force.
- 3. Supervisors will become involved as soon as practical in managing an overall response to potentially violent encounters by coordinating resources and members' tactical actions. Supervisors should possess a good knowledge of tactics and ensure that members under their supervision perform to Division standards.
- 4. The number of Police Division members on scene may increase the available force options and may increase the ability to reduce the overall force used.

IX. EMOTIONALLY DISTURBED PERSON

Police Division members responding to or encountering a subject suffering from mental illness (E.D.P.- Emotionally Disturbed Person) and in need of assistance shall be guided by Newark Police Division G.O. #08-05.

X. DUTY TO PROVIDE MEDICAL AID

Police Division members are duty bound to ensure that injured persons or those alleging injury, including complaints of pain, as a result of the use of force, receive immediate medical aid.



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Whenever a Division member observes or is made aware of the presence of an injury, including, complaints of pain, the member shall ensure that Emergency Medical Services (E.M.S.) is requested to respond. This also applies to incidents in which a member uses any weapon against a person such as, but not limited to, less-lethal ammunition, OC spray, or a conducted energy device

and contact is made with the subject with any of these weapons. Additionally, members shall render aid to the level in which they are trained until relieved by emergency medical responders.

If a person subjected to use of force exhibits signs of injury or complains of pain and refuses medical aid, the Division member shall still notify E.M.S. The member shall also document the refusal on the corresponding Police Division form (Use of Force Report/Incident Report/Arrest Report/etc.).

XI. USE OF FORCE REPORTING AND REVIEW

Police Division members shall report whenever a firearm is un-holstered or exhibited or pointed at a subject as an element of constructive authority in a "Constructive Authority" report in BlueTeam, and as a "NJOAG Show of Force" in the Benchmark Analytics Attorney General's Use of Force Reporting Portal.

Members shall also report every time they use physical force, mechanical force, enhanced mechanical force, or deadly force in a "Use of Force" report in BlueTeam, and as a "NJOAG Use of Force" in the Benchmark Analytics Attorney General's Use of Force Reporting Portal. Both reports shall be completed by the officer within 24 hours of the use of force, and preferably before the end the shift in which the force was used. 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 supervising officer within 48 hours.

Members who **witness** the use of physical, mechanical, enhanced mechanical, or deadly force shall document their observations in a Continuation Report (DP1:795).

Members are also required to immediately notify an on-duty supervisor who did not use, direct, or was otherwise involved in the use of force incident. The supervisor must then respond to the scene. If the immediate supervisor is not available any other on-duty supervisor must respond.

Use of force incidents will be referred to A-FIT Team for review and investigation pursuant to the Use of Force Reporting, Investigation, and Review General Order #18-21.

Members who fail to abide by the use of force reporting requirements shall be subject to disciplinary action.



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All requirements associated with reporting, investigating, and reviewing of use of force incidents can be found in Use of Force Reporting, Investigation, and Review General Order #18-21.

Notification of fatal and serious bodily injury law enforcement incidents shall be made in accordance with AG Directive 2019-4. The Central Communications Division shall immediately notify the Essex County Prosecutor's Office in all of the following circumstances:

1. any use of force by an officer resulting in death;
2. any use of force by an officer resulting in serious bodily injury;
3. any use of deadly force (including the discharge of a firearm) by an officer, regardless of whether such force resulted in injury;
4. the death of any civilian during an encounter with an officer; and
5. the death of any civilian while in the custody of law enforcement.

XII. TRAINING

Police Division members are required to receive and maintain Police Division in-service training and weapons certification requirements in the proper use of firearms, as per the State of New Jersey Attorney General Guidelines; as well as all relevant Division policies, rules, and regulations.

In addition, Police Division members are required to attend in-service emergency first aid training to enable them to render first aid until professional medical care providers are on the scene.

Members must complete and pass a Division-approved certification course of instruction for all mechanical, enhanced mechanical or deadly force options.

Members are required to receive annual and/or biannual recertification training, or as directed, in order to maintain their certification to utilize any of the Division-authorized use of force options.

Any member who does not complete required certifications, and/or re-certifications will be prohibited from carrying/using any Division-authorized use of force option. Similarly, if a member fails any certification/re-certification course, the member shall be prohibited from utilizing the affected force option.

Members who do not pass their **required** annual or bi-annual re-certification requirements risk suspension and or termination.



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For training and certification requirements and for all training in use of force options, please refer to the Newark Police Training Division and the State of New Jersey Attorney General Guidelines.

XIII. EFFECTS OF THIS ORDER

All previous Memorandums and Orders that are in conflict with this Order are repealed.

By Order of:

BRIAN A. O'HARA
PUBLIC SAFETY DIRECTOR

BAO/CM/LC:jg

Attachment: New Jersey Attorney General Law Enforcement Directive 2020-13 – Use of Force Policy (December 2020 Version)

c: Sharonda Morris, Deputy Police Director of Operations
Lee Douglas III, Chief of Police

Related General Orders

G.O. #67-04 Secondary Firearms

G.O. #84-01 Firearms Range

G.O. #05-03 Police Officers Carrying Firearms

G.O. #08-05 Emotionally Disturbed Persons

G.O. #94-03 Vehicle Pursuit Policy

G.O. #16-02 Officer Involved Critical Incident Management

G.O. #18-21 Use of Force Reporting, Investigation and Review

G.O. #18-22 Firearms and Other Weapons

Related Rules and Regulations

Chapters 8, 12, 15, and 18

Department of Public Safety Police Division Memoranda

DPS #16-737 Critical Incident Response Team

DPS #16-856 Ammunition Change

Attorney General Guidelines & Directives