

# CAMDEN COUNTY POLICE DEPARTMENT



**VOLUME: 3**

**CHAPTER: 2**

**# OF PAGES: 18**

**SUBJECT: USE OF FORCE**

**EFFECTIVE DATE:**

**January 28, 2013**

**ACCREDITATION STANDARDS:**

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**BY THE ORDER OF:**

**Asst. Chief Orlando Cuevas**

**SUPERSEDES ORDER #:**

**PURPOSE** The purpose of this directive is to continue this departments compliance with guidelines promulgated by the New Jersey Attorney General, Camden County Prosecutor, and existing statutory and case law.

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

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

Sound judgment and the appropriate exercise of discretion will always be the foundation of police officer decision-making in the broad range of possible use of force situations. This directive is intended to provide the best guidance and direction possible to officers when called upon to confront and address the most difficult of situations. Personnel 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.

## PROCEDURES

### I. Definitions

- A. **Constructive Authority** does not involve actual physical contact with a subject, but involves the use of the officer's 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.
- B. **Physical Contact** involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective.
1. Examples include, guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.
- C. **Physical Force** involves contact with a subject beyond that which is generally utilized to affect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the officer's authority, or to protect persons or property.
1. Examples include, wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.
- D. **Mechanical Force** involves the use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority.
1. Examples include the use of a baton, other object other than a firearm, canine physical contact with a subject, or chemical or natural agent spray/exposure such as Oleoresin Capsicum (OC), Mace, gas, etc.
- E. **Enhanced Mechanical Force** Is an intermediate force option between mechanical force and deadly force requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the use of deadly force. Enhanced mechanical force is applied using less-lethal ammunition and/or a conducted energy device.
- F. **Conducted Energy Device** means any device approved by the Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.
- G. **Fire** means to cause the darts/electrodes of a conducted energy device to be ejected from the main body of the device and to come into contact with a person for the purpose of transmitting an electrical charge or current against the person.
- H. **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.

- I. **Drive Stun Mode** means to discharge a conducted energy device where the main body of the device is in direct contact with the person against whom the charge or current is transmitted.
- J. **Spark Display** means a non-contact demonstration of a conducted energy device's ability to discharge electricity that is done as an exercise of constructive authority to convince an individual to submit to custody.
- K. **Stun Gun** means any weapon or other device, which emits an electrical charge or current intended to temporarily or permanently disable a person.
- L. **Deadly Force** is force which an officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production 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.
- M. **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.
- N. **Law Enforcement Officer/Officer** is any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by the Camden County Police Department and is authorized to carry a firearm under N.J.S.A. 2C: 39-6.
- O. **Employee** is any employee of the Camden County Police Department, full or part time, sworn and non-sworn.
- P. **Imminent Danger** describes threatened actions or outcomes that may 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.
- Q. **Substantial Risk:** Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when an officer disregards a foreseeable likelihood that innocent persons will be endangered. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by innocent persons exposes those persons to a substantial risk of harm.
- R. **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.

## **II. Authorization and Limitations**

### **A. Use of Force**

1. Officers may use physical force or mechanical force in the performance of their duties when they reasonably believe it is immediately necessary at the time:
  - a. To overcome resistance directed at the officer or others;
  - b. To protect the officer, or a third party, from unlawful force; or
  - c. To prevent another from committing suicide or inflicting serious bodily harm upon oneself, or;
  - d. To protect property; or
  - e. To prevent the escape of an arrested person from custody, or;
  - f. To affect other law enforcement objectives.
2. Once all resistance or physical force being used to resist or prevent officers from carrying out their duties has ceased, use of further force on the officer's part shall cease.
3. When the officer reasonably believes that less lethal force is immediately necessary, the officer should assess the totality of the circumstances and apply the minimum force necessary to overcome resistance when an individual is using or threatening to use force unlawfully, and bring the situation under control in the safest manner possible.

### **B. Use of Less Lethal Weapons**

1. Baton
  - a. Batons are defensive tools that may be used when the justification for the use of mechanical force exists.
  - b. Once resistance ceases, the use of a baton as a less lethal weapon shall cease.
  - c. Batons shall only be used as instructed. Batons shall not be used to deliberately strike another with a degree of force intended to cause serious bodily injury or death unless the use of deadly force is justified.
  - d. Due to their potential as deadly force, officers must exercise special care in their use and avoid striking those potentially fatal areas of the body identified during training.
2. Oleoresin Capsicum (OC) Spray
  - a. OC is permitted in less lethal force 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. Keep out of reach of children.
- c. OC has been found to be generally effective in controlling persons who are under the influence of alcohol and/or narcotics, persons highly agitated or motivated and those who are mentally unbalanced. The effects of OC vary with different types of individuals. 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 effective against aggressive animal attack and may also work well against attacking dogs. Caution must be used when repelling dogs trained to attack and/or those who are extremely motivated. OC exposure to humans may not be effective and may cause the subject 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. Once resistance ceases, the further application of OC shall cease.
- g. Noncompliance with an officer's verbal commands may be considered justification for deployment where force is otherwise authorized.
- h. OC shall not be used in the immediate vicinity of infants or the elderly unless necessary.
- 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,
- j. 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).

### **C. Use of Deadly Force**

- 1. Officers may use deadly force when the officer(s) reasonably believe such action is immediately necessary to protect themselves against the imminent danger of death or serious bodily injury.
- 2. Officers may use deadly force when the officer(s) reasonably believe such action is immediately necessary to protect another against imminent danger of death or serious bodily harm, except that deadly force is not justifiable if:
  - a. The officer(s) can otherwise secure the complete safety of the person; or

- b. It appears to the officer(s) that the person he or she seeks to protect has unlawfully, with the purpose of causing death or serious bodily harm, provoked the use of deadly force against himself or herself in the same encounter.
3. The use of deadly force to prevent the commission of a crime, affect an arrest, or prevent an escape from custody or police detention, is only authorized if the officer(s) reasonably believe it is immediately necessary for self-defense or the defense of others as defined under Subsection II C (1) and (2) above.
4. If feasible, officers should identify themselves and state their intention to shoot before using a firearm.

**D. Restrictions on the Use of Deadly Force**

1. Officers are under no obligation to retreat or desist when resistance is encountered or threatened. However, an officer shall not resort to the use of deadly force if an officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the law enforcement purpose at no increased risk to the officer or another person.
2. Officers shall not use deadly force to subdue persons whose actions are only destructive to property.
3. Deadly force shall not be used against persons whose conduct is injurious only to them.
4. Officers shall not discharge a weapon as a signal for help or as a warning.
5. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons. The safety of innocent people is jeopardized when a fleeing suspect is disabled and loses control of their vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, in the actions that necessitated the use of deadly force. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, officers shall not fire from a moving vehicle or at the driver or occupant of a moving vehicle unless the officer reasonably believes:
  - a. There exists an imminent danger of death or serious bodily harm to the officer or another person; and
  - b. No other means are available at that time to avert or eliminate the danger.
6. Officers shall not fire a weapon solely to disable moving vehicles.
7. Officers shall normally not fire a weapon into buildings, doors, windows, or other openings when the person being fired upon is not clearly visible.

8. Destroying an animal is justified only in the following circumstances:
  - a. Officers may use a firearm to destroy an animal where the animal poses a imminent threat of significant bodily harm to human life; or
  - b. Officers may use a firearm to destroy an animal that is so badly injured that humanity requires its relief from further suffering and the animal shelter has been notified and either cannot or is unable to respond. If the injured animal is domesticated, personnel make every reasonable effort to notify an owner. The firearm discharge shall create no substantial risk to personnel or third parties and must be approved by a supervisor.
    - 1) Officers shall be mindful that some animals have insufficient body mass to prevent a bullet from passing completely through their bodies. Therefore, officers must be cognizant of surrounding conditions, such as the composition of the material behind or below the animal, and nearby persons or structures that could be affected by a ricochet or deflection.
    - 2) When there is suspicion that the animal may be rabid, the point of aim should be the front shoulder area and not the head.
    - 3) Personnel shall not touch an animal without first protecting themselves from blood borne pathogens.
    - 4) Personnel shall protect any area contaminated with animal body fluids for cleansing by animal control personnel.

### **III. Conducted Energy Devices**

- A. All use of a conducted energy device must be in compliance with the [New Jersey Attorney General's Supplemental Policy on Conducted Energy Devices](#).
- B. Only the Taser X2 Conducted Energy Device, purchased and issued by the Camden County Police Department, is authorized.
- C. The Chief of Police shall determine the number of officers who are authorized to carry and use a conducted energy device.
  1. Officers shall not carry or use a conducted energy device during an actual operation unless they have been expressly authorized in writing by the Chief of Police, considering their experience and demonstrated judgment.
  2. Officers shall not carry or use a conducted energy device during an actual operation unless they have successfully completed a training course approved by the Police Training Commission in the proper use and deployment of conducted energy devices.
  3. The Supervising Weapons Instructor shall ensure that all officers authorized to carry or use a conducted energy device remain qualified by Police Training Commission-approved qualification and re-qualification procedures.

4. The Chief of Police may at any time limit, suspend, or revoke the authority of an officer to carry or use a conducted energy device, including for identified deficiencies in training, qualifications, or demonstrated judgement.
  5. Officers authorized to carry and use a conducted energy device pursuant to this policy shall be exempt from criminal liability under NJSA. 2C: 39-3(h) for knowing possession of a stun gun provided by their law enforcement agency.
- D. No officer shall be authorized to carry or use a conducted energy device during an actual operation until having completed a training course and qualification procedure approved by the New Jersey Police Training Commission in the proper use and deployment of conducted energy devices. The training program shall include a component on how to interact with an emotionally disturbed person, how to recognize mental illness, and techniques to de-escalate a psychiatric crisis to prevent injury or death.
1. Personnel participating in a training course approved by the PTC shall during such training be exempt from criminal liability under NJSA 2C: 39-3(h) for knowing possession of a stun gun.
  2. All officers authorized to carry and use a conducted energy device shall qualify, and thereafter re-qualify semi-annually, in a training course and qualification procedure approved by the PTC.
- E. Conducted energy devices with malfunctioning recording units **shall not** be deployed. Malfunctioning conducted energy devices shall be placed out of service, stored in the weapons safe, and turned over to the Supervising Weapons Instructor for repairs.
- F. Conducted energy devices assigned for service shall be stored in the weapon safe in the Operations Equipment Room. Devices may be assigned to authorized users with approval of the RTTOIC Commander and the Taser sign in/out log shall be maintained in the RTTOIC.
- G. Conducted Energy Devices that are not designated for service shall be stored in the Firearms Vault.
- H. One of the key distinctions between the standard for using deadly force and the standard for using enhanced mechanical force is that the threat of death or serious bodily injury does not have to be imminent or immediate in order to use enhanced mechanical force.
- I. Officers authorized to use a conducted energy device may fire and/or discharge the device during an actual operation only where:
1. The officer believes such force is reasonably necessary to prevent the person against whom the device is targeted from causing death or serious bodily injury to him/herself, an officer, or any other person; or
  2. The officer believes such force is reasonably necessary to prevent the immediate flight of an individual whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily injury; and

- a. The individual will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ law enforcement force to prevent the individual from causing death or serious bodily injury to him/herself or any other person.
3. Officers shall not direct an electrical charge or current against a person who has already received an electrical charge from a conducted energy device unless the person, despite the initial discharge, continues to pose a threat of causing death or serious bodily injury to him/herself, an officer, or any other person. The person shall be given a reasonable opportunity to submit to law enforcement authority and to comply with law enforcement commands before being subjected to a second or subsequent discharge, unless the person's conduct after the initial discharge creates a risk of death or serious bodily injury that is so immediate that any delay in applying a second or subsequent discharge would likely result in death or serious bodily injury. In the event that a second or subsequent discharge is authorized and necessary, the officer shall, when feasible, point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying any such second or subsequent discharge.
  - a. Personnel should deploy one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider the potential risks from exposure to the CED for longer than 15 seconds (whether due to multiple applications or continuous cycling). Any subsequent applications must be independently justifiable, and the risks weighed against other force options.
4. Officers shall not direct an electrical charge or current against a person who is restrained by handcuffs unless:
  - a. The officer reasonably believes based on the suspect's conduct while handcuffed that such force is immediately necessary to protect the officer, the suspect, or another person from imminent danger of death or serious bodily injury; and
  - b. The use of physical or mechanical force (e.g., a baton or pepper spray) is not immediately available to be employed, has been tried and failed to stop the imminent threat of death or serious bodily injury, reasonably appears to be unlikely to stop the imminent threat if tried, or would be too dangerous to the officer or an innocent person to employ.
5. In the event that a conducted energy device is discharged against a person who is restrained by handcuffs, the officer shall point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying the discharge.
6. Officers shall not use a conducted energy device in drive stun mode unless the officer reasonably believes based on the suspect's conduct that discharging the device in drive stun mode is immediately necessary to

protect the officer, the suspect, or another person from imminent danger of death or serious bodily injury.

7. Officers shall not be required to exhaust the option of using a conducted energy device before using lethal ammunition in any circumstance where deadly force would be justified and authorized pursuant to this order.
- J. The following uses are prohibited:
1. A conducted energy device shall not be used, or threatened to be used, to retaliate for any past conduct or to impose punishment.
  2. A conducted energy device shall not be fired or discharged against a person who is exhibiting only passive resistance to an officer's command to move from or to a place, to get onto the ground, or to exit a vehicle.
  3. A conducted energy device shall not be fired or discharged to prevent a person from committing property damage.
  4. A conducted energy device shall not be fired or discharged against the operator of a moving vehicle.
  5. Two or more conducted energy devices shall not be discharged upon a person at the same time.
- K. An officer issued a conducted energy device shall determine and record on the Taser Log, prior to field deployment, that the device, including the video recording function, is functional.
- L. When feasible, the officer should warn the person against whom the conducted energy device is directed that he/she intends to fire the weapon. If a second or subsequent discharge is authorized by this policy, the officer, when feasible, should warn the person that he/she intends to discharge the device again. It shall not be necessary for an officer to warn the person of the impending firing/discharge of the device, or to provide the person with an opportunity to submit to law enforcement authority before firing/discharging the device, if the person's conduct is creating a risk of death or serious bodily injury that is so immediate that any delay in firing/ discharging the device would likely result in death or serious bodily injury (e.g., where the person is actively engaged in committing an aggravated assault, or is actively engaged in an attempt to commit suicide or an act of self mutilation).
- M. Officers shall not unholster a conducted energy device during an actual operation unless he/she reasonably believes that it may be necessary for him/her to use the conducted energy device. An officer shall not exhibit a conducted energy device to a person or conduct a spark display during an actual operation unless the officer reasonably believes that display of the device and/ or a demonstration of its ability to discharge electricity as an exercise of constructive authority would help to establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety. An officer may also unholster and/ or exhibit a conducted energy device or conduct a spark display if another officer on the scene has unholstered and/or exhibited a firearm in accordance with this policy.

- N. An officer may, through verbal commands, threaten to use a conducted energy device, so long as the officer's purpose is limited to creating an apprehension that the device will be used if necessary.
- O. An officer should not fire a conducted energy device 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 being killed or seriously injured by the person against whom the conducted energy device is targeted.
- P. To ensure officer safety, when feasible, at least one law enforcement officer other than the one deploying the conducted energy device should be present, and be armed with lethal ammunition, and be prepared to deploy deadly force in the event that the use of a conducted energy device for any reason fails to incapacitate the suspect and prevent him or her from causing death or serious bodily injury to the officer equipped with the device, or any other person.
- Q. During the deployment of a conducted energy device, the deploying officer shall, when feasible, continually evaluate the options selected against changing circumstances.
- R. Officers trained and authorized to carry a conducted energy device should be aware of the targeting and probe trajectory recommendations made by the manufacturer and provided during certification training.
- S. A conducted energy device may be used in conjunction with a distraction device, water-based chemical agent, or less-lethal ammunition. If the individual has already received an electrical charge from a conducted energy device, officers should, 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.
- T. A conducted energy device 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).
- U. A conducted energy device 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.
- V. A conducted energy device shall not be used in any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material or gas 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.
- W. While officers must at all times respect the seriousness and potential lethality of a conducted energy device, an officer should use particular care when considering whether to use a conducted energy device against a individual who is particularly vulnerable due to age (either elderly or young) or due to a known or reasonably apparent medical condition (e.g., a pregnant female).
- X. In all instances when a conducted energy device is fired or discharged, the officer who employed such force shall complete:

1. Any reports made necessary by the nature of the underlying incident; and
  2. A Use of Force Report; and
  3. A Special Report; and
  4. A Conducted Energy Device Deployment Review Report; and
  5. A Police Use of Deadly Force - Attorney General Notification Report.
- Y. When an Officer unholsters and exhibits a conducted energy device and/or conducts a spark display, but does not fire or discharge a CED or otherwise employ actual force against a subject, a Use of Force Report is not required, but the action shall be documented in the Incident Report made necessary by the underlying event and a Special report.
- Z. In all instances when a conducted energy device is fired at or discharged upon a person, the Internal Affairs Unit shall be notified and respond to investigate the circumstances and outcome of the device's use.
1. The responding supervisor shall take custody of and secure the conducted energy device. The supervisor shall safeguard the device until it can be turned over to the Internal Affairs Unit or Supervising Weapons Instructor.
  2. The internal digital recording systems of these devices shall be maintained and the data contained therein cannot be tampered with, and cannot be accessed or erased except by authorized supervisors. After the information is safeguarded, the device may be returned to service. The information stored in the device concerning the use of force incident (*e.g.*, data concerning the time the weapon was fired, the time of all electrical discharges, and video recordings of the firing of the weapon and all electrical discharges) shall be preserved and forwarded to the evidence function, and documented in the report of the incident.
  3. Evidence from the discharge incident, including cartridges, darts, AFIDS tags, must be collected by personnel trained in collection of this type of evidence.
  4. Other evidence associated with the incident including photos of injuries may be collected by Crime Scene Investigation staff.
  5. The Internal Affairs Unit Commander shall report on the incident to the Chief of Police, providing the Chief of Police information on all relevant circumstances, deployment, and outcome, including whether the deployment avoided injury to an officer and avoided the need to use deadly force. Upon receipt, the Chief of Police shall issue a finding on whether the firing and all discharges complied with the Attorney General's Supplemental Policy on Conducted Energy Devices.
  6. The Chief of Police shall forward the report to the County Prosecutor within 3 business days of the firing/discharge, unless the County Prosecutor grants the Chief of Police request for a reasonable extension of time within which to forward the report for good cause shown.

#### **IV. Exhibiting a Firearm**

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

#### **V. After Action Requirements**

- A. Following the use of force, officers shall immediately evaluate the need for medical attention or treatment for the person upon whom the force was used and provide first aid to the extent of their training except where the application of first aid will expose the officer, other personnel, or the injured person to immediate danger.
- B. Any person requesting and/or deemed in need of medical attention shall be transported to the nearest available emergency medical treatment center or hospital. The extent of the injury and the treatment offered/provided shall be documented in the body of the investigative report.
  - 1. Under no circumstances shall department personnel sign or endorse any medical authorization for any person under arrest or in custody. Persons shall use their own medical insurance or the medical facility/hospital shall seek remuneration from the appropriate indigent care funds.
- C. Subjects against whom a conducted energy device 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, as described in CED training, 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 combined or 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 in the removal or an Emergency Medical Technician trained and authorized to remove darts/electrodes experiences difficulty in removing a dart/electrode; or
  10. Any part of a CED dart/electrode has broken off and remains imbedded.
- D. A CED dart/electrode may only be removed by an officer trained in the removal of CED dart/electrodes, Emergency Medical Technician (EMT), or other qualified medical personnel.
- E. In addition to providing the appropriate medical aid, officers shall also:
1. Promptly notify their supervisor of the incident.
  2. Attempt to locate and identify all witnesses.
  3. Monitor the subject receiving a CED application regularly while in police custody.
  4. Notify any medical personnel, officers taking custody, or County Jail staff that the subject received a CED.
- F. The attending supervisor shall promptly respond to the scene of any incident where force had been used **and** as the result of the application of force, an officer, bystander, or detainee/prisoner is injured, complains of injury, and/or requires medical attention. The supervisor shall also:
1. Ensure that affected persons receive the necessary assistance, including medical attention;
  2. If the employee was injured during the incident, he/she shall be immediately treated by a licensed physician or medical facility.
  3. The employee shall be removed from the scene of the incident as soon as practicable where serious injury or death resulted during the incident.
- G. The field supervisor shall immediately respond to all police firearm discharges other than target practice and/or qualifications.
- H. Any employee whose action(s) or use of force in an official capacity results in death or serious bodily injury to any person shall be promptly removed from line-duty assignment(s) pending an administrative review.

1. The administrative review shall normally be conducted by the employee's commanding officer or designee and shall determine whether policy, training, equipment or disciplinary issues should be addressed.
2. In some instances, the Chief of Police may assign the administrative review to another unit/person at their discretion.
3. Employees should be afforded the appropriate level of critical incident stress debriefing or counseling consistent with department directives.
4. The Chief of Police may cause the employee to undergo a psychiatric/psychological evaluation and/or counseling by a mental health professional.

## **VI. Arrests Requiring the Use of Force**

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

## **VII. Notification and Investigation Requirements**

- A. The Office of Professional Standards and the Camden County Prosecutor's Office shall be immediately notified when the use of physical, mechanical, or deadly force results in death or serious bodily injury, or when an injury of any degree results from the use of a firearm by an employee.
  1. This notification shall occur before any investigation of the incident is undertaken other than to secure the scene and to render medical assistance as required.
  2. The Prosecutor's Office will normally conduct the subsequent investigation into the use of force. The Prosecutor's Office shall also be responsible for the necessary notifications to the Division of Criminal Justice. DCJ may supersede the investigation where there may be a conflict or if the matter is better handled at the State level.
  3. The Internal Affairs Unit shall conduct a bifurcated investigation; but, any administrative investigation is secondary to the Prosecutor's criminal investigation.

4. If the Division of Criminal Justice becomes the lead-investigating agency, a shooting response team consisting of DCJ investigators and members of the New Jersey State Police Major Crimes Unit shall normally conduct the investigation.
  5. When a Prosecutor's detective or investigator, Assistant Prosecutor, or the Prosecutor is involved in the use of force incident, DCJ will be the lead investigating agency.
  6. When a State investigator, Deputy Attorney General, or Assistant Attorney General, or any other law enforcement officer employed by a State or Federal agency is involved in a use of force incident, the Camden County Prosecutor's Office will generally conduct the subsequent investigation unless otherwise directed by the Attorney General.
  7. When a member of the New Jersey State Police or a member of any agency supervised by the New Jersey State Police is involved in a use of force incident, DCJ is normally the lead investigating agency, but DCJ may refer the case to the Prosecutor's Office.
- B. The Division of Criminal Justice, Operations Bureau must be notified within twenty-four (24) hours of any force used by an officer that involves death or serious bodily injury, or when an injury of any degree results from the use of a firearm by an employee.
  - C. All firearms discharges shall be immediately reported to the C2, Camden County Prosecutor's Office. This requirement extends to accidental discharges in all on duty and off duty incidents, but does not extend to training and/or qualification discharges.
  - D. All use of force incidents not resulting in death or serious bodily injury or any injury caused by the use of a firearm shall be reported through the appropriate departmental chain of command.

## **VIII. Reporting Requirements**

- A. In all instances when physical, mechanical or deadly force is used, whether on or off duty, all personnel who employ such force shall complete and submit the following:
  1. Use of Force Report; and
  2. Any investigation report and/or supplementary report made underlying the nature of the incident.
    - a. Any employee who submits a Use of Force report shall indicate, in writing within their case narrative report, that they have completed a Use of Force Report.
  3. A Conducted Energy Device Deployment Review Report (when used).
  4. A Police Use of Deadly Force – Attorney General Notification Report (when applicable).

- B. In all instances where constructive authority results in the pointing of a firearm at another person, the facts and circumstances shall be reported on the investigation report or supplementary report made necessary by the nature of the precipitating field incident.
- C. A written report is also required:
  - 1. In all instances whenever an employee discharges a firearm, for other than training or recreational purposes (on or off duty);
    - a. Employees shall first make a verbal report to the C2 commander immediately, or as soon as practicable.
  - 2. In all instances where an employee takes an official action that results in, or is alleged to have resulted in death or injury to another person.
- D. The approving supervisor shall review the Use of Force report for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment, or discipline. Recommendations to modify policy; apply remedial training beyond what can be performed by the supervisor; change weapons, equipment, or tactics; or apply discipline shall be thoroughly documented and forwarded through the chain of command.
- E. The Use of Force report shall be forwarded through the appropriate chain of command to Internal Affairs.
- F. All Use of Force incidents will be reviewed by Internal Affairs to determine whether:
  - 1. Departmental rules, policy or procedures were adhered to;
  - 2. The relevant directive was clearly understandable and effective to cover the situation;
  - 3. Department equipment is adequate;
  - 4. Department training is currently adequate.
- G. All findings of violations of directives or training inadequacies shall be reported through the chain of command for resolution and/or discipline.
  - 1. An annual summary report of use of force incidents will be published and made available to the public upon request.
- H. All Use of Force incident reports shall be retained as required by the appropriate schedule of the New Jersey Department of Archives and Internal Affairs.
- I. The Internal Affairs Commander or designee shall be responsible for completing the annual Use of Force Summary Report in a manner prescribed by the Camden County Prosecutor.

## **IX. Training**

- A. All department personnel authorized to carry department lethal and less lethal weapons shall be issued copies of, and be instructed in, this Use of Force directive

prior to being authorized to carry a weapon. The issuance and instruction shall be documented and forwarded to the Training Unit. This issuance and instruction may be accomplished electronically.

- B. Use of Force training shall be conducted biannually concurrent with or in close proximity to weapons requalification. This training must reflect current standards established by statutory and case law, as well as State, County and departmental policy, directives, and guidelines. The training program will include the use of force in general, the use of physical and mechanical force, the use of deadly force, decision making skills; the limitations that govern the use of force and deadly force; and all applicable aspects of departmental directives.
- C. All Use of Force training shall be documented each time it is conducted listing all personnel being trained. This training may be accomplished electronically.
- D. All personnel who are or might be assigned to duties that require the application of less lethal force shall be adequately trained by a weapons instructor(s) and shall demonstrate proficiency in the use of authorized less lethal weapons and approved control and restraint techniques prior to being authorized to carry and use such less lethal weapons or control and restraint techniques.
  - 1. Training in the use of chemical or natural agents such as Oleoresin Capsicum (OC), Mace, gas, etc shall include procedures for the treatment of persons exposed to such chemical/natural agents.
  - 2. Training in chemical/natural agents or baton shall include safe handling and storage procedures.