
	The College of New Jersey Office of Campus Police Services		
CAMPUS POLICE DIRECTIVES		Effective Date: March 26, 2018	Number: TBD
		Rescind/Amend/Replaces:	
Title: Use of Force			
Related Documents: Body Worn Cameras (BWCs)		CALEA Ref:	
Applicability/Special Instructions: All Police Personnel			

I. Purpose: The purpose of this policy is to provide members of The College of New Jersey Police Department with guidelines on the use of deadly and non-deadly force.

A. The College of New Jersey Police Department recognizes and respects the value of human life. Investing police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

B. Therefore, it is the policy of The College of New Jersey Police Department, that police officers shall use only that force necessary to bring an incident under control, while protecting the lives of the officer and others, as outlined within the Attorney General Use of Force policy herein.

II. Preface

The provisions of this revised policy are a product of the collective efforts and judgment of the New Jersey Use of Force Advisory Committee. Throughout the deliberation process, each member of the committee worked conscientiously to reach a consensus in this area of critical importance to law enforcement officers and the citizens of this state. The New Jersey Use of Force Advisory Committee realized that the law alone could not achieve the goal of properly guiding the use of force by the police. The letter of the law needed to be supplemented with clear policy guidance designed to prepare officers to react appropriately when confronted with a use of force situation.

III. Policy

Sworn 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 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 policy. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. The use of force should never be considered routine. In determining to use force, the law enforcement officer shall be guided by the principle that the degree of force employed in any situation should be only that reasonably necessary. Law enforcement officers should exhaust all other reasonable means before resorting to the use of force. It is the policy of the State of New Jersey that law enforcement officers will use only that force which is objectively reasonable and necessary.

This policy reinforces the responsibility of law enforcement officers to take those steps possible to prevent or stop the illegal or inappropriate use of force by other officers. Every law enforcement officer is expected and required to take appropriate action in any situation where that officer is clearly convinced that another officer is using force in violation of state law.

Law enforcement officers are obligated to report all situations in which force is used illegally by anyone. This policy sends a clear message to law enforcement officers that they share an obligation beyond the requirements of the law. Officers are encouraged to do whatever they can to interrupt the flow of events before a fellow officer does something illegal and before any official action is necessary. Law enforcement 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.

Deciding whether to utilize force when authorized in the conduct of official responsibilities is among the most critical decisions made by law enforcement officers. It is a decision which can be irrevocable. It is a decision which must be made quickly and under difficult, often unpredictable and unique circumstances. 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. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this policy is intended to provide the best guidance and direction possible to police officers throughout this state when called upon to confront and address the most difficult of situations. Law enforcement officers whose actions are consistent with the law and the provisions of this policy will be strongly supported by the law enforcement community in any subsequent review of their conduct regarding the use of force.

Definitions

A. Constructive Authority

1. Constructive authority does not involve actual physical contact with the subject, but involves the use of the law enforcement officer's authority to exert control over a subject.
2. Examples include verbal commands, gestures, warnings, and unholstering a weapon.
3. Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.

B. 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, handcuffing a subject and maneuvering or securing a subject for a frisk.

C. Physical Force

1. 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 law enforcement officer's authority, or to protect persons or property.
2. 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

1. 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 law enforcement officer's authority.
2. Examples include the use of a baton or other object, canine physical contact with a subject, or chemical or natural agent spraying.

E. **Deadly Force**

1. Deadly force is force which a law enforcement officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm.

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 constitutes deadly force.

3. 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.

F. **Reasonable Belief**

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

G. **Imminent Danger**

1. Imminent danger describes threatened actions or outcomes that may occur during an encounter absent action by the law enforcement 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.

2. 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 law enforcement officer, but is carrying a weapon and running for cover.

H. **Substantial Risk**

1. Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when a law enforcement officer disregards a foreseeable likelihood that innocent persons will be endangered.

2. 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.

I. **Law Enforcement Officer:** 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 a public safety agency and is authorized to carry a firearm under *N.J.S.A. 2C:39-6*.

IV. Authorization and Limitations

A. **Use of Force:** Personnel shall only use the level of force necessary to accomplish their lawful objective

1. A law enforcement officer may use physical force or mechanical force when the officer reasonably believes it is immediately necessary at the time:

a. to overcome resistance directed at the officer or others; *or*

b. to protect the officer, or a third party, from unlawful force;

or

c. to protect property;

d. to affect other lawful objectives, such as to make an arrest.

B. **Use of Deadly Force**

1. A law enforcement officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.

2. A law enforcement officer may use deadly force to prevent the escape of a fleeing suspect

a. 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 harm;

and

b. who will pose an imminent danger of death or serious bodily harm should the escape succeed; and

c. when the use of deadly force presents no substantial risk of injury to innocent persons.

3. If feasible, a law enforcement officer should identify himself/herself and state his/her intention to shoot before using a firearm.

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

1. A law enforcement officer is under no obligation to retreat or desist when resistance is encountered or threatened. However, a law enforcement officer shall not resort to the use of deadly force if the 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. A law enforcement officer 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 themselves.
4. Under current state statutes the discharge of any projectile from a firearm is considered to be deadly force, including less lethal means such as bean bag ammunition or rubber bullets. For that reason, these and similar less lethal means of deadly force can only be used when an officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.
5. A law enforcement officer shall not discharge a weapon as a signal for help or as a warning shot.
6. 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 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.

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.
- c. A law enforcement officer shall not fire a weapon solely to disable moving vehicles.

D. Exhibiting a Firearm: A law enforcement officer 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 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 safety.

V. Training Requirements

Every law enforcement agency is required to conduct and document semi-annual training for all officers on the lawful and appropriate use of force and deadly force. This training must be designed to reflect current standards established by statutory and case law, as well as statewide, county and individual agency policy. It should include but not necessarily be limited to the use of force in general, the use of physical and mechanical force, the use of deadly force, and the limitations that govern the use of force and deadly force.

VI. Use of Force Reports

In all instances when physical, mechanical or deadly force is used, each officer who has employed such force shall complete:

1. Any reports made necessary by the nature of the underlying incident; *and*
2. Use of Force Report.
 - a. If more than one officer used force during the incident, it will count as one incident for reporting purposes. Each officer who used force will be added as an *Involved Officer* and his/her individual use of force will be documented.
3. The Use of Force Report and Investigation Report will be reviewed by the Operations Lieutenant to ensure that the officer's actions were in compliance with the department's use of force policy. The Use of Force Report and Investigation Report will be forwarded to the Records Bureau. The Operations Lieutenant will be responsible for reviewing all use of force incidents to determine whether there is policy, training, weapon/equipment, or discipline issues that need to be addressed. The Operations Lieutenant will be responsible for the preparation and submission of an annual Use of Force report to the Mercer County Prosecutor's Office.

VI. Notifications and Reporting

- A. Immediate Notifications

1. The College of New Jersey Police Department will **immediately** notify the Division of Criminal Justice and the Mercer County Prosecutor when any use of force, by a law enforcement officer, results in death or serious bodily injury to a person, or where deadly force is employed with no injury, or where any injury to a person results from the use of a firearm by a law enforcement officer.

2. Where undisputed facts indicate that the use of force was justifiable under law, a grand jury investigation / or review will not be required, subject to review by the Division of Criminal Justice, with a final decision being made by the Attorney General. In all other circumstances the matter will be presented to the Grand Jury.

B. Reporting

1. For all situations involving the use of physical, mechanical or deadly force, The College of New Jersey Police Department shall report at least annually to the county prosecutor in a manner established by the prosecutor.

C. An officer using reportable force shall:

1. Obtain immediate medical assistance for subjects who have sustained injuries, or who complain of pain.

2. Promptly notify his or her supervisor.

3. Document the use of force in its entirety in an investigation report.

4. Complete a "Use of Force Incident Report".

VII. Weapons:

A. Deadly Weapons:

1. While on and off-duty, officers shall carry only weapons and ammunition authorized by the department.

2. Authorized weapons are those with which the officer has qualified and received departmental training on proper and safe usage, and are registered and comply with departmental specifications.

3. Officers shall not be permitted to carry any weapon with which he / she has not been able to qualify during the most recent qualification period.

4. The department shall schedule regular training and qualification sessions for duty, off-duty and specialized weapons.

5. The authority to carry and use otherwise prohibited firearms and weapons by qualified sworn members of The College of New Jersey Police Department is granted by NJS 2C:39-6a.(10)

B. Firearms Storage:

1. Police Headquarters: Officers shall not leave their weapon(s) in unsecured areas where civilians, arrested persons, or others, may have access to it. This includes unlocked desk drawers, locker room (except when secured in a locked locker), desk tops, or any other area where a person may have access.

2. Police Vehicles: Weapon(s) that are stored in police vehicles shall be secured and in a safe condition at all times when not needed for immediate use. The official duty shotgun will be secured in its locking device (if the vehicle has no locking device then it shall be locked in the vehicle's trunk), in a safe condition. A safe condition for the official duty shotgun is the tube magazine loaded to the capacity with the chamber empty and safety engaged in the "safe" position.

3. Home Storage: When weapons are stored at an officer's home and there is a reasonable likelihood that a minor can gain access to the weapon, the officer shall:

- a. Store the firearm in a securely locked box or container; or
- b. Store the firearm in a location that a reasonable person would believe to be secure; or
- c. Secure the firearm with a trigger lock and/or field strip the weapon rendering it inoperable.

C. Non-Deadly Weapons:

1. Officers shall not carry or use a non-deadly weapon not authorized by the department.

2. Officers shall not carry or use an authorized non-deadly weapon unless the officer has qualified with that weapon.

3. The following non-deadly weapons are authorized by this department;

- a. Monadnock Batons
- b. Department issued oleoresin capsicum spray

VIII. Administrative Assignment as Result of Death or Serious Bodily Injury

- A. Anytime an officer uses any level of force which results in death or serious bodily harm, as defined by N.J.S.A. 2C:3-11, that officer will immediately be assigned plain clothes administrative duties or placed on administrative leave pending a complete investigation and review of the incident. This is not and should not be considered a disciplinary action. It is an attempt to provide the officer with a less stressful work environment while he/she deals with the trauma created by having used this level of force.
 - 1. Officers who have been placed on administrative duties or on administrative leave these circumstances will not be authorized to carry weapons until such time as there has been a preliminary review of the incident and a preliminary psychological evaluation. Preliminary evaluations should be completed within 96 hours of the incident.
 - 2. Officers shall be available at all times for official interviews and statements regarding the investigation.
 - a. A session with a psychologist, as chosen by the Chief Law Enforcement Officer, will be mandatory for all officers involved in deadly force incidents which results in death or serious bodily injury. This session will be scheduled as soon as is reasonably possible and appropriate.
 - b. The department will also arrange for a debriefing with a Critical Incident Stress Team.
- C. The officer will not be reassigned to his/her normal duties until so directed by the Chief of Police based upon the recommendation of the psychologist and the results of the investigation.

IX. Authorization for Access to BWC Recordings Related to Use-of-Force Investigations and Training.

- A. The assistant prosecutor or deputy attorney general overseeing a police use-of force investigation pursuant to Attorney General Law Enforcement Directive No. 2006-5, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation.
- B. To ensure the integrity of investigations of police-involved shootings and other use-of-force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this policy, no civilian or law enforcement witness, including the principal(s)

of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the express prior approval of the assistant prosecutor, or deputy attorney general, or their designee.

- C. After obtaining authorization from the assistant prosecutor, or deputy attorney general, or designee, investigators shall be given access to view a BWC recording of the incident to assist with investigating complaints or supervisors may use BWC video to identify training opportunities with express approval of the Chief of police.



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