

# Annual Review of Use of Force & Vehicle Pursuit Incidents

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

\* Indicates required field

**County\***

Morris

**Law Enforcement Agency \***

Netcong Borough

**Date of Report \***

2/27/2024

**Year of Data Covered in this Report\***

2023

**Check the box below to confirm\***

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

## Contact Information

**Your Name\***

Russ Van Houten

**Phone Number (Please enter a valid telephone number)\***

(973) 347-0516

**Email (example@example.com) \***

rvanhouten@netcong.org

**Email Address for Submission to Prosecutor's Office\***

mcpoannualreports@co.morris.nj.us

## **Use of Force Annual Review: Written Report**

### **Section One: BWC/Video Audit**

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

#### Section One: BWC/Video Audit\*

Supervisors conduct random formal reviews of selected recordings at the rate of at least one segment per subordinate per calendar month to assess officer performance as well as to identify video/audio that may be appropriate for training purposes. The reviews are documented on a Supervisory Review of Digital Video/Audio Recording Forms.

## Section Two: Internal Affairs Complaints

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

### **Section Two: Internal Affairs Complaints \***

Our department did not receive any Internal Affairs Complaints regarding Use of Force incidents in 2023, and none were initiated by the agency.

## Section Three: Meaningful Review of Individual Uses of Force

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

### **Section Three: Meaningful Review of Individual Uses of Force\***

Every Use of Force incident must receive a meaningful command level review in accordance with our written department policy. The officer's sergeant shall review these reports for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment or discipline. The lieutenant shall also review these incidents in the same manner as described above. The Chief of Police shall review each meaningful command review and approve or reject the recommendations of the supervisors who conducted the review. The Chief of Police's decision shall be memorialized and retained in the use-of-force investigative file.

## Section Four: Non-Discriminatory Application of Force

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

### **Section Four: Non-Discriminatory Application of Force\***

In 2023 we had one incident in which force was used to stop an individual from assaulting another person. An executive-level review was conducted and did not reveal any discernable pattern, practice, or trend regarding the use of force with respect to the subject's race, ethnicity, gender, or any other protected characteristics. The level and type of force used was warranted and appropriate to ensure the safety of others during the incident.

## Section Five: Overall Review of Use of Force

*Please utilize as much space as needed to conduct a thorough review of your agency's use of force during the preceding calendar year. Your review should evaluate whether force was used in compliance with the Attorney General's Use of Force Policy and your agency's policy. Even if overall use of force was compliant with those policies, your review should include any recommendations for training, equipment, or room for improvement (e.g., additional de-escalation efforts could have been made). Your review must address trends in the number of total force incidents, number and severity of injuries, and levels of force increasing or decreasing over the past three (3) years.*

### Section Five: Overall Review of Use of Force\*

The following is a review of Use of Force incidents during the year of 2023. Our agency handled a total of 9,001 incidents, with 4,553 citizen contacts. During these contacts, we had one incident in which force was used to stop an individual from assaulting another person. After reviewing the incident, I determined that the officer's use of force was appropriate, reasonable, and necessary to ensure the safety of others during the incident. A multi-level review was conducted after the incident and found that the force used was reasonable and justified at all levels. In 2023 and 2022 there was one Use of Force incident compared to five Use of Force incidents in 2021. No subjects or officers were injured during these Use of Force incidents. Upon review of the information above, as well as random reviews of BWC footage, I found officers displaying calm demeanors and employing de-escalation techniques. There were several incidents in which force could have resulted and would have been justified that was avoided due to officers' actions. This leads me to the following conclusion. I find no cause to change department structure, policy, training, or equipment. I also found no indication of discrimination or bias as a factor in the force being used by officers employed by this agency.

## Section Six: Further Action

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

### **Section Six: Further Action \***

Our department continues to offer training in the handling of Use of Force issues and incidents. Officers receive mandatory Use of Force training semi-annually along with their firearms qualifications. Officers are also provided with hands-on instruction on the use of OC Spray techniques. Training has also been developed to include instruction on how to utilize less lethal force when making arrests in the field and the implementation of conflict resolution techniques, especially when dealing with those with mental issues. This includes annual refresher training of all personnel, training of all sworn personnel on de-escalation, and ICAT and ABLE training for personnel. Additionally, our agency has conducted active shooter training with the Federal Bureau of Investigation Uniform Division at our local school. The drill involved multiple scenarios and involved the use of simunition weapons.

## **Vehicle Pursuit Annual Review: Written Report**

### **Section One: BWC/Video Audit**

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

### **Section One: BWC/Video Audit \***

Supervisors conduct random formal reviews of selected recordings at the rate of at least one segment per subordinate per calendar month to assess officer performance as well as to identify video/audio that may be appropriate for training purposes. The reviews are documented on a Supervisory Review of Digital Video/Audio Recording Forms.

## Section Two: Internal Affairs Complaints

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

### **Section Two: Internal Affairs Complaints\***

Our department did not receive any Internal Affairs Complaints regarding vehicle pursuits incidents in 2023, and none were initiated by the agency.

### **Section Three: Meaningful Review of Individual Pursuits**

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

#### **Section Three: Meaningful Review of Individual Pursuits\***

Every vehicular pursuit incident must receive a meaningful command level review in accordance with our written department policy. The officer's sergeant shall review these reports for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment or discipline. The lieutenant shall also review these incidents in the same manner as described above. The Chief of Police shall review each meaningful command review and approve or reject the recommendations of the supervisors who conducted the review. The Chief of Police's decision shall be memorialized and retained in the use-of-force investigative file

## Section Four: Analysis of Non-Compliant Reports

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

### **Section Four: Analysis of Non-Compliant Reports \***

The meaningful review identified that the vehicular pursuit violated the AG Use of Force policy, Vehicular Pursuit Addendum B. Specifically, by pursuing a vehicle containing multiple suspects who were suspected of committing burglary to a commercial building. During the pursuit the officer did not have his body worn camera activated and had minimal radio contact with dispatch and the on-duty supervisor. The Netcong Police Department addressed the non-compliance through non-punitive measures to include issuing a performance notice and provided remedial training for those issues identified during the meaningful review. The review of this non-compliant pursuit was referred to the County Prosecutor in compliance with section 12.1(e) of the Attorney General's Vehicular Pursuit Policy.

## Section Five: Non-Discriminatory Pursuits

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

### Section Five: Non-Discriminatory Pursuits\*

In 2023 we had one Vehicle Pursuit. An executive-level review was conducted and did not reveal any discernable pattern, practice, or trend regarding the pursuit with respect to the subject's race, ethnicity, gender, or any other protected characteristics. The pursuit was initiated at the request of another agency during the course of a commercial burglary in which suspects fled the scene in their vehicle.

## Section Six: Overall Review of Vehicle Pursuit Analysis

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

### Section Six: Overall Review of Vehicle Pursuit Analysis\*

The Netcong Police Department was involved in one vehicular pursuit in 2023. An active burglary in progress was dispatched to the neighboring jurisdiction Roxbury PD. Our officer responded directly to the scene and upon arrival observed a vehicle fleeing the parking lot with multiple suspects inside. The OIC for Roxbury PD called out over the radio to stop the car leaving the scene. Our officer then attempted to stop the vehicle on Rt. 46 utilizing his emergency lights and sirens. The pursuit which only lasted 4 minutes (approximately 2 miles) reached a top speed of 60 mph on the local state highway. During the pursuit there was minimal to no radio contact with our officer, dispatch, and his supervisor. During the pursuit our officer lost sight of the vehicle at which time another jurisdiction took over as primary. The pursuit ended with the suspect vehicle crashing into a utility pole which occurred out of our officer's vision. All occupants of the suspect vehicle fled the scene on foot. There were no reports of injuries from the officer or suspects and no civilian traffic was involved.

The meaningful review identified that the vehicular pursuit violated the AG Use of Force policy, Vehicular Pursuit Addendum B. Specifically, by pursuing a vehicle containing multiple suspects who were suspected of committing burglary to a commercial building. During the pursuit the officer did not have his body worn camera activated and had minimal radio contact with dispatch and the on-duty supervisor. The Netcong Police Department addressed the non-compliance through non-punitive measures to include issuing a performance notice and provided remedial training for those issues identified during the meaningful review. The review of this non-compliant pursuit was referred to the County Prosecutor in compliance with section 12.1(e) of the Attorney General's Vehicular Pursuit Policy.

## Section Seven: Further Action

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

### **Section Seven: Further Action\***

Our department continues to offer training in the handling of vehicle pursuits. Officers receive mandatory vehicle pursuit training semi-annually. Over the past three years the Netcong Borough Police Department had one vehicle pursuit involving one officer. Pursuits in our jurisdiction are very rare. To maintain and strengthen the officer's knowledge of pursuit guidelines and tactics the department will implement additional training in this area. In addition to the mandatory training, Sergeants will review vehicle pursuit guidelines quarterly with their squads.