



## EXCELLENCE IN POLICING INITIATIVE

# Overview of Public Feedback on Use of Force

Members of the public were invited to submit feedback on the Attorney General's Use of Force Policy and potential revisions either by submitting comments through an online portal, or by attending one of the 21 listening sessions hosted by the County Prosecutors across the state. Below is a summary of the ideas and perspectives offered by members of the public and other commenters.

### General Feedback

**Trust and Transparency:** Some commenters described a breakdown of trust as a major overall problem with policing. There was concern that substantive changes to policies, Use of Force or otherwise, will not make a meaningful difference until trust is rebuilt between communities and their police departments.

#### Police culture

- Some commenters expressed a belief that there is an inherent culture of racism within all or many police departments.
- Some commenters believe that police unions can be a counterproductive force, based on the belief that they protect officers who have committed misconduct.
- Other commenters expressed alternate views that police departments in New Jersey are highly professional, and that incidents that happen elsewhere in the country do not necessarily reflect any deficiencies in policing in New Jersey.

#### Funding re-allocations:

- In some cases, commenters expressed support for the concept of "defunding the police."
- Other commenters specifically called for re-distributing or increasing resources for non-law enforcement intervention, for example to provide for psychiatric experts and social workers to respond to individuals in mental health crisis.

### Specific Comments on the Use of Force Policy

Various commenters identified specific aspects of the Use of Force policy that they believe should be revised.

#### *Circumstances when use of force is permitted:*

- Disallow use of force for protection of property.
- Reduce use of broad terminology, and limit use of force to circumstances when force is necessary to effectuate an arrest.
- Eliminate the provision explicitly permitting the use of deadly force against fleeing suspects under certain circumstances.
- Clarify that deadly force may only be used when all reasonable alternatives have been exhausted.
- Consider providing additional guidance in cases of threatened self-harm.

**Display of firearms:** Do not permit officers to unholster firearms merely for the purpose of "establishing control" or "discouraging resistance."

#### **Chokeholds:**

- Ban chokeholds entirely, without the current limited exception.
- Commenters also supported banning any other form of neck restraint.



## **De-escalation training:**

- Some commenters emphasized their belief that the policy must more prominently emphasize de-escalation training for all officers, particularly in the context of mental health crises.
- Some commenters also requested that the policy specify a number of hours of required use of force training per year.

## **Reporting:**

- Require all officers who witness a use of force incident to report it, not just officers who witness conduct that violates the policy.
- Commenters also suggested expanding reporting requirements to include encounters where officers unholster their weapons.

**Duty to Intervene:** Some commenters generally expressed a need to strengthen the duty to intervene if an officer witnesses a colleague’s misconduct, including strengthening of criminal penalties.

**Moving vehicles:** Some commenters called for prohibiting the use of warning shots or firing at moving vehicles.

**Sub-lethal force:** Commenters expressed support for the aspect of the UOF policy that classifies use of sub-lethal projectiles, like rubber bullets, as deadly force.

**Proportionality:** Some commenters called for specific language in the policy indicating that any use of force must be proportional to the subject’s alleged conduct.

There were also commenters who expressed the belief that the current Use of Force Policy as a whole, or particular parts of it, are sufficient, work well, and do not need to be revised.

Other commenters stated that their primary issue with the policy is not changes to the substantive provisions, but rather a belief that it is not uniformly and strictly enforced against police officers, particularly in use of force incidents involving minorities.

## **Other Specific Comments on Policing in New Jersey**

Some commenters also called for other changes to policing in New Jersey, including:

**Licensing & vetting in hiring:** Implementation of a licensing system to prevent officers who commit misconduct or are unqualified for service from moving from department to department.

**Heightened standards for law enforcement officer recruitment:**

- Psychological evaluations at the recruitment stage and on an ongoing-basis.
- Screening potential recruits for bias issues.

**Scenario-based training and CIT training:**

Expansions of CIT training and increased use of regular scenario-based training on use of force.

**Residency requirements:** Require that officers reside in the communities in which they work.

## **Diversity**

**Civil service hiring process:** Some commenters expressed concern that the civil service process results in reduced diversity among officer recruits.

**Transparency:** Some commenters called for increased transparency about police discipline in various forms, such as increased public access to use of force reports or IA files and complaints, or third-party oversight including oversight by civilian review boards.

**Data-driven analysis:** Some commenters called for the increased use of data in the oversight of law enforcement officers.

- Strengthened tracking of arrest and use of force data, particularly data on encounters with residents with protected characteristics.
- Use of data on use of force hotspots to direct oversight and discipline.

**Body-worn cameras:** Require that all law enforcement officers statewide use body-worn cameras.

**Qualified immunity:** End or modify the doctrine of qualified immunity.

**School resource officers:** Removing or modifying the presence of school resource officers in schools.

**Vehicle pursuits:** Narrow the circumstances under which officers may engage in high-speed vehicle pursuits.

