



OFFICE OF THE CITY CLERK
NEWARK, NEW JERSEY 07102

KENNETH LOUIS
CITY CLERK
KATHLEEN MARCHETTI
DEPUTY CITY CLERK

October 18, 2016

Mr. Samuel Sinyangwe
c/o Muckrock.com
25778-26676573@requests.muckrock.com

RE: Open Public Records Application MED-16-0061

Dear Mr. Sinyangwe:

The Office of the City Clerk, OPRA Division, is in receipt of an Open Public Records Act request filed by you through a third-party information request aggregator instead of the City of Newark's OPRA form. Your request consists of the following:

- Copy of all current policies maintained by the Police Department regarding use of force.

Please be advised that the Office of Public Safety, Police Department, Legal Affairs Unit has completed its search for responsive documents and has provided the following in response to your request:

- ❖ Revision of General Order 63-02 Use of Force by Police Officers – 13-0087

I trust this completes your request. If you wish to discuss your request further, you may contact the Office of the City Clerk at 973 424-4116 or 4117. Thank you in advance for your patience as we process your request.

Very truly yours

City Clerk

KL/amg



NEWARK POLICE DEPARTMENT
DIRECTOR'S
MEMORANDUM



TO:	ALL COMMANDS	DATE:	3/4/13
FROM:	SAMUEL A. DEMAIO POLICE DIRECTOR	NUMBER:	13-0087
		TICKLER:	13-0141
SUBJECT:	<u>REVISION OF GENERAL ORDER 63-02</u> <u>RE: USE OF FORCE BY POLICE OFFICERS</u>	FILE REF:	PTL 1-3 x PUB 4-1

General Order 63-02 – USE OF FORCE BY POLICE OFFICERS has been revised to include a Use of Force Review Board.

It is the policy of the Newark Police Department to limit the use of force by its members to those situations where it is clearly necessary. The purpose of the Use of Force Review Board is for the identification of issues associated with levels of force which are necessary as to those which are applied. It shall be the responsibility of the Review Board to ensure the members of the Newark Police Department are compliant in the Use of Force and to offer the necessary discipline, including training where applicable.

The criteria and responsibilities for the review board are delineated in Section VIII, of the revised General Order.

1. The Use of Force Review Board shall consist of the following Department Members:
 - a. Police Director or designee
 - b. Chief of Police or designee
 - c. Operations Bureau Deputy Chiefs
 - d. Commanding Officer of the Office of Professional Standards (Chairperson)
 - e. Commanding Officers of all Precincts
 - f. Commanding Officer of the Training Section
2. The Use of Force Review Board shall meet the second Tuesday of every month in the Office of the Police Director at 11:00 hours. In the event that a member is on vacation, sick or out of town, replacement personnel must be designated to represent and advance notice shall be given.
3. The Commanding Officer of the Command whose personnel engaged in the use of force incident shall ensure all reports are executed and forwarded to the Training Section on the next business day.

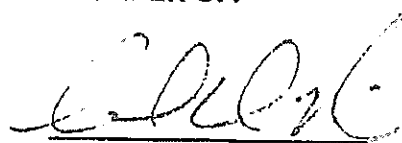
4. The Commanding Officer of the Training Section is responsible for ensuring all review board members receive the use of force packages by the first Tuesday of every month.
5. The Commanding Officer of the Office of Professional Standards (Chairperson) shall provide a monthly summary report to the Police Director by 1100 hours on the Tuesday after the review.
6. The Use of Force report (DP1:2000) has been revised to include more details of the incident and an area has been added to be utilized by the Review Board (Box G).
7. The Use of Force Supplemental report (DP1:2064) has been eliminated. Supervisors shall ensure all prisoner injuries are thoroughly documented in the incident report (DP1:802). A Continuation Report (DP1:795) shall be completed by every Officer who guards the prisoner in the hospital.

For further details of the Use of Force Review Board, refer to General Order No. 63-02 – USE OF FORCE BY POLICE OFFICERS, Section VIII.

The first Use of Force Review Board meeting will commence on April 9, 2013 at 1100 hours in the Office of the Police Director. The Use of Force incidents for the month of March 2013 will be reviewed.

The Operations Bureau Deputy Chiefs, Office of Professional Standards Commander, Precinct Commanders and the Training Section Commander shall sign a copy of this memorandum and return it to the Office of the Police Director no later than March 8, 2013. A signed copy of this memorandum indicates receipt and compliance.

BY ORDER OF:



SAMUEL A. DEMAIO
POLICE DIRECTOR

SDM:mm

C: Sheilah A. Coley, Chief of Police
Tracy S. Glover, Deputy Chief-OPD
Domingos Saldida, Deputy Chief-COP
Kerry Dos Santos, Captain-COP



NEWARK POLICE DEPARTMENT GENERAL ORDER



SUBJECT: Use of Force by Police Officers		GENERAL ORDER NO. 63-2
SUPERCEDES: G.O. 63-2 (Revised September 6, 2011)	DATED: March 4, 2013	SECTION CODE: K-1

I. Purpose

The Newark Police Department places its highest value on the life and safety of its officers and the public. Therefore, the purpose of this Order is to establish Department Policy and Procedures which are designed to ensure that this value guides police officers in the use of force, including lethal force, by Department members.

II. Policy

It is the policy of the Newark Police Department to limit the use of force by its members to those situations where it is clearly necessary. All officers are charged with the responsibility of using **minimum** force necessary to affect a lawful arrest. The use of force by police personnel is always subject to review by competent authority and every officer shall be held fully accountable for the excessive, unwarranted or unreasonable use of force.

At the scene of a police incident, many members of the Department may be present and some members may not be directly involved in taking police actions. However, this **does not** relieve any member of the Department, who may be present, of the obligation to ensure that the requirements of the law and Department regulations are complied with. **Members of the Department are required to maintain control or intervene if the use of force against a subject becomes excessive.**

Therefore, it is imperative that every effort be made to ensure that use of force is not only legally warranted, but also rational and humane. Special obligations of restraint are imposed upon officers in situations involving minors, intoxicated persons and persons suffering from mental illness. **In all cases, officers must be prepared to justify the degree of force used and are subject to disciplinary action if the force used was imprudent and/or excessive in either type or amount.**

Above all, this Department values the safety of its employees and the public. Police officers shall use firearms with a high degree of restraint. Officers' use of firearms, therefore, shall never be considered routine and is permissible only in defense of life or to prevent serious bodily injury to the officer or others-and then-only after all alternative means have been exhausted.



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III. 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 subject to the ground, using wrist locks or arm locks, striking with hands or feet or other similar methods of hand-to-hand confrontation.



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

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 to 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 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.



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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 under N.J.S.A. 2C:39-6.

IV. Authority

Police Officers have special legal authority to use force and deadly force in certain situations subject to limitations. Notwithstanding this authorization, they are under a duty to employ extraordinary care in the handling of firearms and other deadly weapons. It is essential that each officer exercise sound judgment and act reasonably under all circumstances where any force is applied. Officers should use force only when necessary and to the extent necessary, and use only that amount of force which is reasonable in relation to the harm an officer seeks to prevent.

- A. N.J.S.A. 2C:3-7, authorizes the use of force by law enforcement officers under the following circumstances:
1. When it is reasonably believed that force is immediately necessary to affect a lawful arrest, N.J.S.A. 2C:3-7a.
 2. When it is reasonably believed that such force is immediately necessary to prevent another from committing suicide, inflicting serious bodily injury upon themselves, committing or consummating the commission of a crime involving or threatening bodily harm, damage to or loss of property, N.J.S.A. 2C:3-7c.
 3. To prevent the escape of an arrested person from custody is justifiable when the force could have been employed to affect the arrest under which the person is in custody, N.J.S.A. 2C:3-7c.



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- B. In all of the above referenced instances N.J.S.A. 2C:3-7b, which governs limitations on the use of force, applies and will be observed.

Note: A great deal of confusion has resulted when it is lawful and proper to employ deadly (lethal force) because of the fact that N.J.S.A. 2C:3-7, which spells out when law enforcement officers may use deadly force in the course of their duties, is inconsistent with the United States Supreme Court opinion in *Tennessee v. Garner*, 471 U.S. 1 (1985). *Garner* limits the use of deadly force to prevent the escape of a fleeing felon to those situations where the officer has probable cause to believe the suspect poses a significant threat of death or serious bodily injury to the officers or others. To the extent that N.J.S.A. 2C:3-7 permits an officer to employ deadly force, when an escaping felon does not pose an imminent risk of death or serious bodily injury, the statute is not to be followed. The Attorney General has issued Guidelines concerning the use of deadly force which shall be followed.

C. Lethal Force

Lethal force is defined as force that is likely to cause death or serious bodily harm. For the purpose of this Order, lethal force is synonymous with deadly force.

1. Police Officers in the City of Newark have been empowered to carry and use firearms in the exercise of their service to the citizens of this City. This power is based on trust, and therefore, must be balanced by a system of accountability. Even though all officers must be prepared to use their firearms when necessary, the utmost restraint must be exercised in their use. Therefore, it is the policy of the Newark Police Department to restrict the use of firearms by police personnel to clearly define and limited circumstances.
2. Lethal force may be used 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 injury.



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3. Lethal force may be used 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 escape succeed; and
 - c. When the use of deadly force presents no substantial risk of injury to innocent persons.
4. If feasible, a law enforcement officer should identify himself/herself and state his/her intention to shoot before using the firearm.
5. Police officers may use their firearms to protect themselves or the public from vicious animals. They may also use their firearm to destroy a sick or injured animal after obtaining authorization from a supervisor.

Only where the undisputed facts indicate that the use of lethal force was justifiable under the law, a grand jury investigation and/or review will not be required, subject to review by the Division of Criminal Justice, except when the law enforcement officer is employed by a state or federal agency the final decision will be made by the Attorney General. In all other circumstances, the matter must be presented to a grand jury.

D. Restrictions on the Use of Lethal 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.



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4. Under current state statutes, the discharge of any projectile from a firearm is considered to be deadly force, including less than 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 even greater risk of death or serious bodily 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.
 - a. 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 unless the officer reasonably believes:
 - 1) there exists an imminent danger of death or serious bodily harm to the officer or another person:

And
 - 2) No other means are available at that time to avert or eliminate the danger.
 - b. A law enforcement officer shall not fire a weapon solely to disable a moving vehicle.
 - c. Police officers shall not discharge their weapons at a moving vehicle unless it is absolutely necessary to do so to protect against an imminent threat to the life of the officer or others.



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- d. Police officers when confronting an oncoming vehicle shall make every effort to move out of its path, rather than discharge their firearms at the oncoming vehicle.
- e. Police officers shall not intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms.
- f. Police officers shall not discharge their firearms at a fleeing vehicle (a vehicle moving in the direction away from the officers) or its driver.

E. Exhibiting a Firearm

- 1. A law enforcement officer shall not unholster or exhibit a firearm except under the following circumstances:
 - a. For maintenance of the firearm
 - b. To secure the firearm
 - c. During training exercises, practice or qualification with the firearm
 - d. When circumstances create a reasonable belief that the display of a firearm, as an element of constructive authority, will help establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety.

F. Non Lethal Force

Is defined as a force that is not likely to cause death or serious bodily harm and can be physical or non-physical. The subject's threat or resistance level determines the necessary amount of force the officer uses. In no instance shall a police officer use a force greater than the minimum amount needed to achieve an authorized objective.

- 1. Non Lethal Force may be used by a police officer:
 - a. If there is a reasonable belief that such force is immediately necessary to make a lawful arrest and;
 - b. The purpose of the arrest is made known to the person being arrested by the officer or the officer reasonably believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested.



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2. Against any person resisting arrest.
3. Non lethal force may be used to prevent an escape:
 - a. If it could be employed to affect an arrest for which the person is in custody.
 - b. The degree of force used shall be determined by the gravity of the offense committed.
 - c. The force employed shall not be excessive in either type or amount.
 - d. If immediately necessary to prevent escape of a person committed to a jail, prison or other detention facility, who has been charged with or convicted of a crime.
4. Non-lethal force may be used to prevent the commission of a crime involving the threatening of bodily harm, property damage, or suicide.
5. Use of force in self protection (2C:3-4)
 - a. Force may be used in self-defense if an officer reasonably believes that said force is immediately necessary to protect against the use of unlawful force by another person, on the present occasion.
6. Force may be used to protect a third person if an officer reasonably believes that said force is necessary to protect that person against injury on the present occasion.
7. Officers shall determine the appropriateness and degree of force on the basis of the facts and the gravity of the offense committed, as they reasonably appear to the officer at the time of the occurrence.
8. In no instance shall a police officer use a greater force than the minimum amount needed to achieve an authorized objective.
9. Any force used shall not create substantial risk of injury to innocent persons.



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V. Use of Force Continuum

Society permits a law enforcement officer to accomplish the officer's sworn duties to uphold the law. To properly evaluate the officer's use of force, it is important to be able to identify the level of force used against the officer and the level of force used by the officer. Generally, force is categorized according to the levels of escalation described below.

The escalation of force indicates the officer may use a higher level of force than the suspect is using in order to accomplish his or her objective. Deadly force may only be used under limited conditions. Such conditions involve substantial risk of death or serious bodily harm to the officer or third party.

A. Newark Police Department Continuum of Force Categories:

1. Police Officers should use the lowest levels of force necessary to perform his or her duty and not expose themselves to unreasonable risk of injury. These levels or thresholds are listed below in ascending order:
 - a. **Officers Presence** - The presence of the officer alone brings the situation under control.
 - b. **Verbal Commands** - Commands and warnings directing a person to act or to refrain from doing an act.
 - c. **Controls and Restraints** - Guiding a suspect who is compliant into a patrol unit, holding prisoners arm while transporting, handcuffing suspect or prisoner, or maneuvering/securing suspect for frisk.
 - d. **Physical Tactics** - Includes use of wrist and arm locks, takedowns, and other physical maneuvers.
 - e. **Mechanical Force** - Individual protective devices (IPD's) (Pepper spray, PR-24) to be used to obtain compliance from a subject who is being arrested.
 - f. **Lethal Force/Firearms** - Lethal or deadly force can involve more than the use of a firearm. It can be any object that is capable of causing death or serious bodily harm. The manner in which an object is utilized determines whether it becomes deadly force.

Note: The Use of Force associated with each of these thresholds shall be assessed on an individual basis. The actions of an



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actor can accelerate the threshold. An example of this would be an actor armed with a knife that disregards verbal commands and charges the officer, creating an immediate threat to life and thus justifying the use of lethal force by the officer.

VI. Reporting Responsibilities

- A. All instances of use of force by police officers shall be clearly documented in the Incident Report (DP1: 802). The officer shall cross reference all assigned numbers (CC#, CA#, IOP#, CAP#, Event#) in the Incident Report. In addition, the Use of Force Report (DP1: 2000) shall be completed in instances when the following types of force are used:
1. **Chemical Agents** – When an individual protective device (IPD's) (pepper spray) is used to obtain compliance.
 2. **Tactics and/or Weapons** – When physical force, and/or department issued weapons are used including PR24, wrist and arm locks, or take down tactics are used to gain compliance.
 3. **Lethal Force/Firearms** – When lethal force is used in any situation.
- B. Completion and Processing of The Use of Force Report (DP1:2000 rev 3/2011):
1. A Use of Force Report (DP1:2000) shall be completed by the Field Supervisor for every officer who actively engages in the use of force. Example: One suspect is arrested and three (3) officers must use force, a report shall be completed for each of the three (3) officers utilizing the same Use of Force number.
 2. The Field Supervisor shall make a determination whether or not the tenets of the Use of Force Order were followed by the officers engaged in the use of force incident in all circumstances except a firearms discharge (Firearm discharges shall be investigated by the Office of Professional Standards.)
 - a. If the Field Supervisor determines the tenets of General Order 63-2 Use of Force were followed then he/she must indicate the same in the appropriate box on the Use of Force Report (DP1:2000).



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- b. If the Field Supervisor determines that the tenets of General Order 63-2 Use of Force were not followed then he/she must contact the Office of Professional Standards. Upon the relay of the pertinent information, the Office of Professional Standards investigator must determine if an I.O.P. report should be completed by the Field Supervisor and subsequently investigated by the Office of Professional Standards or an immediate response and investigation is warranted by the O.P.S. investigator.
3. Each report shall be assigned a Use of Force number. When more than one Officer is involved in a Use of Force incident, the same Use of Force number shall be utilized for all Officers involved. The Field Supervisor must obtain a Use of Force number from the Communications Division Supervisor.
4. The Use of Force Report shall be forwarded to Communications Division via facsimile by the Field Supervisor.
5. Communications Division shall maintain a separate logbook specifically for use of force numbers. This log shall include the following information.
 - a. Location of Incident
 - b. Date of Incident
 - c. Time of Incident
 - d. Names of officers involved
 - e. Central Complaint Number
 - f. Event Number
 - g. Central Arrest Number, if applicable
 - h. Complaint of Personnel number, if applicable
6. If an arrest has been made, a photo copy of the Arrest Report (DPI:800) and Incident Report (DPI: 802) shall accompany the Use of Force Report.
7. If no arrest has been made, a photo copy of the Incident Report (DPI: 802) shall accompany the Use of Force Report.
8. Upon completion of the "Use of Force" report, the Field Supervisor shall submit the original Use of Force Report along with police officer's copies of the Arrest Report and or Incident Report to the Desk Supervisor for review. Upon review and approval, the Commander must forward the Use of Force Report and copies of the Incident Report and, if applicable the Arrest Report to:



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- a. The Office of Professional Standards (Facsimile #973-424-0163)
AND
 - b. The Training Section (Facsimile #973-733-4869).
9. Each Command shall ensure that a complete and accurate Use of Force Report is maintained in a filing system. The Use of Force Reports shall be filed in sequential order according to the Use of Force Number and by each month of the year. A copy of the Incident Report and, if applicable the Arrest Report shall also be placed in the file.
 10. The Office of Professional Standards shall enter the data from the Use of Force Report into IAPro.
 11. The Office of Professional Standards, when investigating a use of force incident where there is a discharge of firearm by Newark Police personnel, must submit a Firearms Discharge Report (DPI:1757) along with the Preliminary Investigation.
 12. The Office of Professional Standards shall include in their monthly report a summary of all Use of Force and Firearm Discharges that occurred during the prior month.
 13. Communications Division shall include in their monthly report the total number of Use of Force numbers issued, the number of officers involved, and the number of suspects involved. In addition, this report shall include the Use of Force number, Incident Central Complaint number, date of incident and Command.
 - a. The Communications Division Use of Force Monthly report shall be forwarded to the Office of the Chief of Police by the first Tuesday of every month. The report shall include a copy of every Use of Force report for the previous month.
 14. All assaults against police officers will continue to be documented on the Police Assaulted Form (DPI:1634), in addition to the new Use of Force Form (DPI: 2000).



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C. Reporting and Notifications of Use of Force.

1. The Communications Division must immediately contact, before any investigation of the incident is undertaken, other than to secure the scene or render medical assistance, the Essex County Prosecutor's Office when any of the following occur: (Regardless if the law enforcement member was from the Newark Police Department or another agency, in compliance with the Attorney General Directive 2006-05)
 - a. Any use of force by a law enforcement officer involving death or serious bodily injury to a person;
 - b. Where deadly force is employed by a law enforcement officer with no injury;
 - c. Where any injury to a person is a result from the use of a firearm by a law enforcement officer.
2. The Communications Division must make immediate notification to the Office of Professional Standards when a Newark Officer is involved.

VII. Outside Law Enforcement Agencies

There may be occasions where outside law enforcement agencies enter the City of Newark and discharge their firearms. Upon the revelation of these circumstances, the Newark Police Department must fully investigate the incident. The following procedure must be adhered to upon learning of such an event:

- A. Communications must ensure that the highest ranking field supervisor is notified and responds to the location to confirm the incident.
- B. In the event that Newark Officers and officers from an outside agency have discharged their firearms, the highest ranking supervisor shall request via Communications Division notification and response by:
 - a. The Office of Professional Standards,
 - b. The Essex County Prosecutor's Office, the outside agency's internal affairs.



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- C. Upon confirmation that officers from an outside agency were involved in a firearm discharge, the Office of Professional Standards must be notified and respond to the scene. The Office of Professional Standards shall offer their assistance to the investigative representatives of the outside agency; however, the outside agency does have the right to decline any assistance. Upon conclusion of the investigation, the Field Supervisor must submit a DPI 1001 subject titled "Outside Agency Contact-Firearm Discharge by Outside Agency " explaining the incident.
- D. The incident must be included in the "Unusual" report of the Communications Division.

VIII.

Use of Force Review Board

- A. All Use of Force Reports, including firearms discharges, shall be reviewed by a Use of Force Review Board. The Review Board shall consist of the following Department members:
 - 1. Police Director or designee
 - 2. Chief of Police or designee
 - 3. Operations Bureau Deputy Chiefs
 - 4. Commanding Officer of the Office of Professional Standards (Chairperson)
 - 5. Commanding Officers of all Precincts
 - 6. Commanding Officer of the Training Section
- B. The Review Board will meet on the second Tuesday of each month in the Office of the Police Director at 1100 hours. In the event that members are on vacation, sick or out of town, replacement personnel must be designated to represent each of the aforementioned Board entities. Advance notice shall be given.
- C. The Commanding Officer of the Command whose personnel engaged in the use of force incident shall ensure that all reports are executed. Copies of all reports related to the use of force incident shall be forwarded to the Training Section by the next business day after the use of force incident.
- D. The Commander of the Training Section shall ensure to supply the Review Board with all pertinent reports (i.e., Incident, Continuation, Use of Force Report and Photographs) no later than the first Tuesday of the month. The Review Board member shall review the necessary reports and be prepared to discuss compliance of the use of force incident during the Review Board meeting.



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- E. The Training Section shall ensure to collate all reports and index them in a manila folder (six copies are needed). They shall be delivered and signed for by the board members by the first Tuesday of the month.
- F. The Commanding Officer of the Office of Professional Standards shall be the Chairperson for the Use of Force Review Board. It is the responsibility of the Chairperson to provide a summary report to the Police Director. The summary report shall be due to the Police Director by 1100 hours on the Tuesday after the review date and shall include the following:
1. Summary of each Use of Force Report reviewed
 2. Summary of any procedures violated
 3. Corrective action recommendations
 4. Any incident that was directed to the Office of Professional Standards for further investigation
- G. The Review Board has the right to override the initial findings of the Field Supervisor.

BY ORDER OF:

SAMUEL A. DEMAIIO
POLICE DIRECTOR

SDM:mmm

Attachment: Use of Force Report - DP1:2000 (Revised 3/2013)



NEWARK POLICE DEPARTMENT USE OF FORCE REPORT



A USE OF FORCE REPORT IS REQUIRED WHENEVER PHYSICAL FORCE BEYOND THAT WHICH IS GENERALLY USED TO AFFECT AN ARREST OR OBJECTIVE IS USED. ISSUE ONLY ONE (1) USE OF FORCE NUMBER PER INCIDENT (CC#). FOR MULTIPLE OFFICERS USE SUFFIX A, B, C, ETC... USE ADDITIONAL FORMS IF MORE SUSPECTS WERE INVOLVED.

A. INCIDENT INFORMATION		EVENT #: _____	CC#: _____	UOF #: _____
DATE: _____	DAY: _____	TIME: _____		
LOCATION: _____		SECTOR: _____		

B. OFFICER INFORMATION							
NAME (LAST, FIRST)		ID	SEX	AGE	RACE	COMMAND	ASSIGNMENT
ON DUTY <input type="checkbox"/>	WEARING UNIFORM <input type="checkbox"/>	WEARING ARMOR <input type="checkbox"/>	BACK-UP NEEDED <input type="checkbox"/>	INJURED <input type="checkbox"/>	TREATED AT HOSP <input type="checkbox"/>	KILLED <input type="checkbox"/>	

C. TYPE OF CALL			
<input type="checkbox"/> - CRIME IN PROGRESS	<input type="checkbox"/> - SUSPICIOUS PERSON	<input type="checkbox"/> - DOMESTIC INCIDENT	<input type="checkbox"/> - MOTOR VEHICLE STOP
<input type="checkbox"/> - OTHER (SPECIFY): _____			

D. SUSPECT #1 - (LIST ONLY THE PERSON WHO WAS THE SUBJECT OF THE USE OF FORCE BY THE OFFICER LISTED IN SECTION B)							
NAME (LAST, FIRST)		SEX	RACE	AGE	INJURED <input type="checkbox"/>	TREATED AT HOSP <input type="checkbox"/>	KILLED <input type="checkbox"/>
UNUSUAL MENTAL/PHYSICAL STATE OF THIS SUSPECT:							
<input type="checkbox"/> - UNDER INFLUENCE OF ALCOHOL		<input type="checkbox"/> - UNDER INFLUENCE OF DRUGS		<input type="checkbox"/> - MENTAL CONDITION			
<input type="checkbox"/> - OTHER: _____							
<input type="checkbox"/> - SUSPECT ARRESTED (LIST CHARGES): _____							
SUSPECT'S ACTION(S) (CHECK ALL THAT APPLY)				TYPE OF FORCE USED (CHECK ALL THAT APPLY)			INEFFECTIVE
<input type="checkbox"/> - RESISTED OFFICER CONTROL				<input type="checkbox"/> - COMPLIANCE HOLD/RESTRAINED			<input type="checkbox"/>
<input type="checkbox"/> - PHYSICAL THREAT/ATTACK				<input type="checkbox"/> - HANDS/FISTS			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH BLUNT/OBJECT				<input type="checkbox"/> - KICKS/FEET			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH KNIFE/CUTTING OBJECT				<input type="checkbox"/> - CHEMICAL/NATURAL AGENT			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH MOTOR VEHICLE				<input type="checkbox"/> - BATON/OTHER OBJECT			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH FIREARM				<input type="checkbox"/> - CANINE			<input type="checkbox"/>
<input type="checkbox"/> - OTHER TYPE OF THREAT/ATTACK				<input type="checkbox"/> - OTHER (SPECIFY): _____			<input type="checkbox"/>
				<input type="checkbox"/> - FIREARM DISCHARGE		<input type="checkbox"/> - INTENTIONAL	<input type="checkbox"/> - ACCIDENTAL
				# OF SHOTS FIRED: _____		# OF HITS: _____	

E. SUSPECT #2 - (LIST ONLY THE PERSON WHO WAS THE SUBJECT OF THE USE OF FORCE BY THE OFFICER LISTED IN SECTION B)							
NAME (LAST, FIRST)		SEX	RACE	AGE	INJURED <input type="checkbox"/>	TREATED AT HOSP <input type="checkbox"/>	KILLED <input type="checkbox"/>
UNUSUAL MENTAL/PHYSICAL STATE OF THIS SUSPECT:							
<input type="checkbox"/> - UNDER INFLUENCE OF ALCOHOL		<input type="checkbox"/> - UNDER INFLUENCE OF DRUGS		<input type="checkbox"/> - MENTAL CONDITION			
<input type="checkbox"/> - OTHER: _____							
<input type="checkbox"/> - SUSPECT ARRESTED (LIST CHARGES): _____							
SUSPECT'S ACTION(S) (CHECK ALL THAT APPLY)				TYPE OF FORCE USED (CHECK ALL THAT APPLY)			INEFFECTIVE
<input type="checkbox"/> - RESISTED OFFICER CONTROL				<input type="checkbox"/> - COMPLIANCE HOLD/RESTRAINED			<input type="checkbox"/>
<input type="checkbox"/> - PHYSICAL THREAT/ATTACK				<input type="checkbox"/> - HANDS/FISTS			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH BLUNT/OBJECT				<input type="checkbox"/> - KICKS/FEET			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH KNIFE/CUTTING OBJECT				<input type="checkbox"/> - CHEMICAL/NATURAL AGENT			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH MOTOR VEHICLE				<input type="checkbox"/> - BATON/OTHER OBJECT			<input type="checkbox"/>
<input type="checkbox"/> - THREAT/ATTACK WITH FIREARM				<input type="checkbox"/> - CANINE			<input type="checkbox"/>
<input type="checkbox"/> - OTHER TYPE OF THREAT/ATTACK				<input type="checkbox"/> - OTHER (SPECIFY): _____			<input type="checkbox"/>
				<input type="checkbox"/> - FIREARM DISCHARGE		<input type="checkbox"/> - INTENTIONAL	<input type="checkbox"/> - ACCIDENTAL
				# OF SHOTS FIRED: _____		# OF HITS: _____	

F. SUPERVISOR INFORMATION				
NAME (LAST, FIRST, MI)	ID#	COMMAND	SIGNATURE	IOP DRAWN <input type="checkbox"/>

G. USE OF FORCE COMMITTEE REVIEW				
DATE OF REVIEW	CHAIRPERSON'S SIGNATURE	ID#	COMPLIANT WITH POLICY <input type="checkbox"/> - YES <input type="checkbox"/> - NO	FORWARD TO OFS FOR INVESTIGATION <input type="checkbox"/>