PURPOSE

The purpose of this General Order is to provide officers with specific guidelines in the use of deadly and non-deadly force. Officers have a special legal authority to use force and deadly force in certain situations subject to limitations. Notwithstanding this authorization, members are under a duty to employ extraordinary care in the handling of firearms and other deadly and non-deadly weapons. The foregoing guidelines are consistent with the directives of the New Jersey Attorney General concerning the use of force, including deadly force.

BACKGROUND

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.

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. Officers should exhaust all other reasonable means before resorting to the use of force.

This policy reinforces the responsibility of officers to take those steps possible to prevent or stop the illegal or inappropriate use of force by other officers. Every 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. Officers are obligated to report situations in which force is used illegally by anyone. 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.

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 that must be made quickly and under difficult, and often unpredictable 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. Officers whose actions are consistent with the law and the provisions of this policy will be strongly supported by this department, and the law enforcement community, in any subsequent review of their conduct regarding the use of force.
POLICY

It is the policy of the Jersey City Police Department that officers use only that force which is objectively reasonable and necessary to effectively bring an incident under control, while protecting the lives of the officers and others.

DEFINITIONS

Constructive Authority – includes:

a) 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.

b) Examples include verbal commands, gestures, warnings, and unholstering a weapon.

c) Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.

Deadly Force - includes any of the following:

a) Force used by a law enforcement officer with the purpose of causing, or which the officer knows will create a substantial risk of causing, death or serious bodily harm; or

b) 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.

Note: 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.

Imminent Danger - 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. 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.

Impact Weapon – The Department authorized defensive impact weapon is either the side-handle baton or a straight baton, each measuring 24 – 26 inches in length and 1¼ in thickness.

Mechanical Force - 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. Examples include the use of the baton or other object, canine physical contact with a subject, or chemical or natural agent spraying.
Physical Contact - Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective. Examples include guiding a subject into a police vehicle, holding the subject’s arm while transporting, handcuffing, or securing a subject for a frisk.

Physical Force - Physical force involves contact with a subject beyond that which is generally utilized to effect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject’s physical resistance, or to protect persons or property. Examples include wrestling a resisting subject to the ground, using wrist locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.

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.

Substantial Risk - 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. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by innocent persons exposes those persons to a substantial risk.

Unlawful Force - Unlawful force means force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort.

PROCEDURE

1. THE USE OF FORCE CONTINUUM

Escalation of the Use of Force: An officer, in the performance of his/her official duties and in full compliance with his/her training and existing guidelines and laws, may elevate the level of force he/she is using against another person only when it is necessary to overcome resistance and accomplish a lawful objective. The level of force applied shall be reasonable based upon the circumstances of the situation. All officers shall evaluate the prevailing circumstances and conditions during an incident and shall choose such alternatives that he/she reasonably expect will not result in injury/death to the officer and to innocent bystanders.

1.1 USE OF FORCE CONTINUUM: The use of force continuum (Attachment A) is similar to a progressive set of steps in which an officer would ideally take one step at a time. He/she would start at the level which requires the least amount of force necessary, and ascend to the next level if the initial level applied had failed. If the subsequent level of force applied also fails, the officer is to move to the next step of the continuum, and so on.

It is important to recognize that when an officer confronts a situation, the need to start at, or elevate to, a certain level on the continuum varies based upon the
circumstances presented. The need to apply anything other than verbal commands may be negated due to voluntary compliance. The need to elevate to the next level may not be necessary, as the level employed was sufficient to overcome the resistance. Similarly, the circumstances presented to an officer may dictate the skipping of any number of intermediate steps and immediately may necessitate jumping to a higher step in order to effectively and safely protect him/her self and/or others.

1.1.1 The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to, the following:

a. The nature of the offense.

b. The behavior of the subject against whom force is to be used.

c. Actions by third parties who may be present.

d. Physical odds against the officer.

e. The feasibility or availability of alternative actions.

1.2 AVAILABLE LEVELS OF FORCE: Below are the steps listed in ascending order, starting with the step requiring the least amount of force and progressing to the step requiring the greatest level of force.

1.2.1 Officer Presence - Although not a “use of force”, the mere presence of a uniformed officer, or the production of a police badge and identification by a plainclothes officer, may be sufficient to stop an unlawful activity from taking place, or, may stop an unlawful activity while it is occurring. Officers should be keenly aware of the effect of their presence at the scene of an incident and shall present themselves in a professional manner in order to gain compliance without necessitating the use of force.

1.2.2 Verbal Commands - Verbal commands, when practical, should precede every level of force needed.

1.2.3 Show of Non-Deadly Force - The officer may utilize a “show” of available force options. If the officer resorts to a show of force (production of the OC Canister, or Impact Weapon), verbal commands shall be clearly reiterated in conjunction with the show of non-deadly force.

1.2.4 Physical Control “Empty Hands” Techniques - Where necessary, officers may employ physical control “empty hands” techniques for which they have been trained to use. It is recognized that there may be occasions in which minimal levels of physical force may need to be
interjected, such as when handcuffing a reluctant prisoner. Physical strength or hand control is the level of force normally required to overcome passive or defensive resistance that is not intended as an act of overt aggression toward the officer when an individual refuses to comply with verbal instructions.

1.2.5 Hand Held Aerosol Restraint (O/C Spray) - An authorized, and less than lethal alternative in the use of force continuum, is the application of the organic agent, Oleoresin Capsicum (O/C). This department approved defensive weapon is to be used by a qualified officer to defend himself/herself, or others, from the threat of bodily or serious bodily injury. Officers shall apply O/C Spray based upon their training and in accordance with agency policy.

1.2.6 Defensive Impact Weapon - A department authorized defensive impact weapon may be utilized as a less than lethal alternative in the use of force continuum. This department approved defensive weapon is to be used by an officer to defend himself/herself, or others, from the threat of bodily or serious bodily injury. Officers shall utilize the weapon based upon their training and in accordance with agency policy. Strikes or jabs to non-lethal areas of the body, wrist drags, arm-locks, or take down and control holds may be utilized.

1.2.7 Threat of Deadly Force - The threat of deadly force is used when an officer finds it necessary to present his/her service weapon for the purpose of warning a suspect who threatens to pose serious physical injury or death to the officer or another. This level of force is short of discharging the weapon, and the presentation of the weapon does not actually constitute deadly force. The display of a firearm is never to be used unless the situation is such that the member feels this type of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety; or the action is necessary to prevent serious physical injury; or as a prelude to the use of justified deadly force.

1.2.8 Deadly Force - The last option in the use of force continuum is the use of deadly force and is only authorized in accordance with the guidelines in department rules and regulations and this policy.

2. USE OF FORCE

2.1 JUSTIFICATION IN THE USE OF PHYSICAL OR MECHANICAL FORCE: Under certain circumstances, an officer may use physical force or mechanical force against another when the officer reasonably believes it is immediately necessary at the time:

2.1.1 To overcome resistance directed at the officer or others; or
2.1.2 To protect the officer, or a third party, from unlawful force; or
2.1.3 To protect property; or
2.1.4 To prevent another from committing suicide or inflicting serious bodily harm upon him/herself; or
2.1.5 To effect other lawful objectives, such as to make an arrest, or
2.1.6 When "emotionally disturbed" persons are resisting efforts to be subdued for purposes of protecting them from bodily injury.
2.1.7 Effect a lawful arrest for any offense or crime under the laws in which an officer has been empowered to enforce and the suspect refuses to submit to the arrest and resists the officer's efforts. The use of force to effect an arrest is justifiable under the following circumstances:

2.1.7.1 Officers must make known the purpose of the arrest or reasonably believe that their identity and purpose are otherwise known by the individual to be arrested, or because of extenuating circumstances cannot reasonably be made known to the person to be arrested.

2.1.7.2 When the arrest is made under a warrant, the warrant is valid or reasonably believed by the officer to be valid, and the individual to be arrested physically resists arrest, attempts to cause injury or harm to an officer, threatens to use physical force, attempts to escape, or takes any other action which is for the purpose of preventing the officer from making a lawful warrant arrest; or

2.1.7.3 When an individual who the officer is about to arrest for any offense or crime offers physical resistance, attempts to cause injury or harm to an officer, threatens to use any physical force, attempts to escape, takes any other action which is for the purpose of preventing an officer effecting a lawful arrest; and

2.1.7.4 The extent of force used by an officer effecting a lawful arrest should only be that level of force necessary to overcome any resistance or force being used by the actor against the officer or in avoidance of the actor's arrest.

2.2 LIMITATIONS IN THE USE OF PHYSICAL OR MECHANICAL FORCE:
An officer is justified in the use of force only when and to the extent necessary to achieve lawful objectives, and only such force that is reasonable in relation to the harm that the officer seeks to prevent. Police officers while acting under the color of their official duties are not obliged to desist from making a lawful
arrest because resistance may be encountered or threatened. They may not only stand their ground, but may also press forward to achieve a lawful objective, overcoming force with force. However, once all resistance or physical force being used to resist or prevent an officer(s) from carrying out his/her duties has ceased, use of any further force on the part of the officer(s) shall immediately cease.

3. USE OF DEADLY FORCE

3.1 JUSTIFICATION IN THE USE OF DEADLY FORCE:

3.1.1 An 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.

3.1.2 An officer may use deadly force to prevent the escape of a fleeing suspect ONLY when:

3.1.2.1 The officer has probable cause to believe the suspect has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; AND

3.1.2.2 The suspect will pose an imminent danger of death or serious bodily harm should the escape succeed; AND

3.1.2.3 When the use of force presents no substantial risk of injury to innocent persons.

3.1.3 If feasible, an officer should identify himself/herself and state his/her intention to shoot before using a firearm. (Example: "Police, don’t move!")

3.2 Restrictions On The Use of Deadly Force

3.2.1 An officer is 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 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.

3.2.2 An officer shall not use deadly force to subdue persons whose actions are only destructive to property.

3.2.3 Deadly force shall not be used against persons whose conduct is injurious only to themselves.
3.2.4 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, those 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.

3.2.5 An officer shall not discharge a weapon as a signal for help or as a warning shot.

3.2.6 Discharging weapons from or at moving vehicles, or at the driver or occupant of a moving vehicle is prohibited unless the officer reasonably believes:

3.2.6.1 There exists an imminent danger of death or serious bodily harm to the officer or another person; AND

3.2.6.2 No other means are available at that time to avert or eliminate the danger.

3.2.7 An officer shall not fire a weapon solely to disable moving vehicles.

*Note:* 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.

3.3 An officer shall not unholster or exhibit a firearm except under any of the following circumstances:

3.3.1 For maintenance of the firearm;

3.3.2 To secure the firearm;

3.3.3 During training exercises, practice or qualification with the firearm;

3.3.4 When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm;

3.3.5 When circumstances create a reasonable belief that display of a firearm as an element of constructive authority helps establish or maintain control in a situation where the suspect threatens to pose serious physical injury or death to the officer or another and in an effort to discourage resistance and ensure officer safety.
3.4 OTHER PROHIBITIONS: Firing into buildings, doors, windows, or other openings when the person lawfully fired upon is not clearly visible is not authorized.

4. TRAINING REQUIREMENTS

4.1 As part of the department's semiannual firearms training program, each officer shall receive in-service training on the department's use of physical, mechanical and deadly force policy. The in-service training shall be documented. The training shall be designed to reflect current standards established by statutory and case law, as well as statewide, county and department policy.

4.2 All officers shall be issued copies of the department policy related to the use of physical, mechanical and deadly force. Any time the policy changes, a copy of the revised policy will be reissued to each officer and may include additional training when necessary. The additional training shall also be documented.

5. USE OF FORCE REPORTS

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

5.1.1 Any reports made necessary by the nature of the underlying incident; AND

5.1.2 Use of Force Report (Attachment B)

6. NOTIFICATIONS AND REPORTING

6.1 Immediate Notifications

6.1.1 The Department shall immediately notify the county prosecutor when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm.

7. REPORTING

7.1 Reporting Procedures

7.1.1 County prosecutors shall within 24 hours report to the Division of Criminal Justice all situations where the use of deadly force by a law enforcement officer results in death or serious bodily injury, or in situations where any injury results from the use of a firearm by a law enforcement officer.

7.1.2 For all situations involving the use of physical, mechanical or deadly
force, county and municipal law enforcement agencies shall report at least annually to the county prosecutor in a manner established by the prosecutor.

7.1.3 For all situations involving the use of physical, mechanical or deadly force, state law enforcement agencies shall report at least annually to the Division of Criminal Justice in a manner established by the Director of the Division of Criminal Justice.

8. AFTER ACTION REQUIREMENTS - USE OF FORCE

8.1 PROVIDING APPROPRIATE MEDICAL AID: After any level of force is used, the officer shall immediately evaluate the need for medical attention or treatment for the person upon whom the force was used and arrange for such treatment when that person has visible signs of injury or manifests the signs of injury, or that person complains of injury or discomfort and requests medical attention. Officers will provide first aid for which they have been trained to provide, except where the situation is such that the application of first aid would expose the officer to immediate danger.

8.2 Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance to the nearest available emergency medical treatment center or hospital. All medical treatment received by the detainee shall be noted in the officer's police report.

8.3 OTHER ACTIONS

8.3.1 In addition to providing appropriate medical aid, officers shall also perform the following activities in reference to the use of force.

8.3.1.1 NOTIFYING THE SUPERVISOR: The officer shall promptly notify his/her immediate supervisor of the incident.

8.3.1.2 LOCATING WITNESSES: The officer shall attempt to locate and identify all witnesses.

9. SUPERVISOR'S RESPONSIBILITIES

9.1 The Patrol Supervisor shall immediately respond to the scene of any incident where the use of deadly force was applied, and or as the result of the application of force, an officer is injured, or a prisoner has a visible injury, or complains of injury or discomfort and requests medical attention. The Supervisor shall then:

9.1.1 Ensure that officer(s) receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented.
9.1.2 Ensure that the need for medical treatment for the prisoner is properly evaluated and provided.

9.1.3 Immediately notify the Officer-in-Charge (Deputy Chief or Captain) and forward copies of all reports to the Officer-in-Charge.

9.1.3 Determine if a Detective or Internal Affairs should respond to the scene and the level of investigative services to be utilized (i.e., BCI, etc.)

10. ARRESTS INVOLVING THE USE OF FORCE

10.1 CHARGING POLICY. It will be the policy of this department that whenever a person being arrested resists the action and force must be used by the arresting and/or assisting officers to effect the arrest, one of the following charges (whichever is applicable) shall be made against the subject. This charge will be in addition to the charges that instituted the arrest:

10.1.1 NJS 2C:29-2.a – Resisting Arrest; eluding officer

   a. A person is guilty of a disorderly persons offense if he purposely prevents a law enforcement officer from effecting a lawful arrest.

10.1.2 NJS 2C:29-2.a (1) or (2) - Resisting Arrest; eluding officer

   a. A person is guilty of a fourth degree crime if he:

      1) Uses or threatens to use, physical force or violence against the law enforcement officer or another; or

      2) Uses any other means to create a substantial risk of causing physical injury to the public servant or another.

11. REASSIGNMENT OF OFFICER FROM DUTY

11.1 Any officer whose actions or use of force results in serious physical injury or death of another person shall be removed from line-of-duty assignment pending administrative review of the incident.

All members of the department will take cognizance of the above and will comply with same. Each superior officer shall be responsible for directing the effective implementation of this order.

BY ORDER OF

[Signature]
RONALD BUONOCCORE
CHIEF OF POLICE
It is important to recognize that when an officer confronts a situation, the need to start, or elevate to, a certain level on the Use of Force Continuum varies based upon the circumstances presented. The need to apply anything other than verbal commands may be negated due to voluntary compliance. The need to elevate to the next level may not be necessary, as the level employed was sufficient to overcome the resistance. Similarly, the circumstances presented to an officer may dictate the skipping of any number of intermediate steps and immediately may necessitate jumping to a higher step in order to effectively and safely protect him/herself and/or others.
### Incident Information

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th>Time</th>
<th>Day of Week</th>
<th>Location</th>
<th>File Number</th>
</tr>
</thead>
</table>

| Type of Incident       |      |      |             |          |             |
|                        |      |      |             |          |             |
| Crime in progress      |      |      |             |          |             |
| Domestic               |      |      |             |          |             |
| Other Dispute          |      |      |             |          |             |
| Suspicious Person      |      |      |             |          |             |
| Traffic Stop           |      |      |             |          |             |
| Other (specify)        |      |      |             |          |             |

### Officer Information

<table>
<thead>
<tr>
<th>Name (Last, First, Middle)</th>
<th>Badge #</th>
<th>Sex</th>
<th>Race</th>
<th>Age</th>
<th>Injured</th>
<th>Killed</th>
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</thead>
<tbody>
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<table>
<thead>
<tr>
<th>Rank</th>
<th>Duty Assignment</th>
<th>Years of Service</th>
<th>On-Duty</th>
<th>Uniform</th>
<th>Y/N</th>
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</table>

### Subject 1

- **Name (Last, First, Middle)**
- **Sex**
- **Race**
- **Age**
- **Weapon**
- **Injured**
- **Killed**

**Under the Influence**

**Other unusual condition (specify)**

**Arrested**

**Charges**

**Officer’s use of force toward this subject (check all that apply)**

- Compliance hold
- Firearms Discharge
- Hands
- Intentional
- Feet
- Accidental
- Chemical/Natural agent
- Strikewith baton or other object
- Number of shots fired
- Canine
- Number of hits
- Other (specify)

### Subject 2

- **Name (Last, First, Middle)**
- **Sex**
- **Race**
- **Age**
- **Weapon**
- **Injured**
- **Killed**

**Under the influence**

**Other unusual condition (specify)**

**Arrested**

**Charges**

**Officer’s use of force toward this subject (check all that apply)**

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- Intentional
- Feet
- Accidental
- Chemical/Natural agent
- Strikewith baton or other object
- Number of shots fired
- Canine
- Number of hits
- Other (specify)

> If this officer used force against more than two subjects in this incident, attach additional Use of Force Reports.

**Signature:**

**Date:**

**Print Supervisor Name:**

**Supervisor Signature:**

---

"Attachment B"
**INSTRUCTIONS FOR USE OF FORCE REPORT**

**PLEASE READ CAREFULLY**

<table>
<thead>
<tr>
<th>A. INCIDENT INFORMATION</th>
<th>B. SUSPECT(S) INFORMATION</th>
<th>C. LEVEL OF SUSPECT RESISTANCE</th>
<th>D. TYPE OF FORCE USED</th>
<th>E. OFFICER INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>This section requests information on the incident that involved police use of force. Please provide the date and time of the force incident. For &quot;Day of Week,&quot; use the standard three letter abbreviation (Sunday=Sun, Monday=Mon, etc.). For location, use the street address. Check off &quot;Type of Person&quot; ONLY if an unusual condition in the person is present.</td>
<td>This section requests information on the suspects involved in the use of force incident. Information should be filled out only for those suspects that were the recipients of police use of force. If the suspect escaped, indicate &quot;UNKNOWN&quot; for name. For weapon, please circle &quot;Y&quot; if any weapon was found on the suspect. For injury and hospital, circle &quot;Y&quot; only if suspect's injuries were result of police use of force.</td>
<td>This section requests information on the level of resistance used by the suspect. Check off every level of resistance that the suspect used. For example, if suspect threatened officer with both motor vehicle and firearm, both blocks would be checked. Use the first column marked &quot;Suspect # 1&quot; if only one suspect is involved.</td>
<td>This section requests information on the level of force you used in the incident. Check off all levels of force you used against the suspect. If you utilized a type of force not included on the form, please check &quot;Other Force&quot; and specify your action in the space provided.</td>
<td>This section requests information from you. For injury and hospital information, circle &quot;Y&quot; only for injuries you received during the force incident. For &quot;Police Officer Assignment,&quot; indicate the type of unit you were assigned to on the day of the incident, and, if applicable, the sector or beat you were assigned to.</td>
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Enhanced Mechanical Force - 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 uses of deadly force (e.g., conducted energy devices and less-lethal ammunition).

Physical Contact - Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective. Examples include guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing, or securing a subject for a frisk.

Physical Force - Physical force involves contact with a subject beyond that which is generally utilized to effect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance, or to protect persons or property. Examples include wrestling a resisting subject to the ground, using wrist locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.

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.

Substantial Risk - 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. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by innocent persons exposes those persons to a substantial risk.

Unlawful Force - Unlawful force means force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort.

PROCEDURE

1. THE USE OF FORCE CONTINUUM

Escalation of the Use of Force: An officer, in the performance of his/her official duties and in full compliance with his/her training and existing guidelines and laws, may elevate the level of force he/she is using against another person only when it is necessary to overcome resistance and accomplish a lawful objective. The level of force applied shall be reasonable based upon the circumstances of the situation. All officers shall evaluate the prevailing circumstances and conditions during an incident and shall choose such alternatives that he/she reasonably expect will not result in injury/death to the officer and to innocent bystanders.

1.1 USE OF FORCE CONTINUUM: The use of force continuum (Attachment A) is similar to a progressive set of steps in which an officer would ideally take one step at a time. He/she would start at the level which requires the least amount of force necessary, and ascend to the next level if the initial level applied had failed. If the subsequent level of force applied also fails, the officer is to move to the next step of the continuum, and so on.

It is important to recognize that when an officer confronts a situation, the need to
start at, or elevate to, a certain level on the continuum varies based upon the circumstances presented. The need to apply anything other than verbal commands may be negated due to voluntary compliance. The need to elevate to the next level may not be necessary, as the level employed was sufficient to overcome the resistance. Similarly, the circumstances presented to an officer may dictate the skipping of any number of intermediate steps and immediately may necessitate jumping to a higher step in order to effectively and safely protect him/her self and/or others.

1.1.1 The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to, the following:

a. The nature of the offense.
b. The behavior of the subject against whom force is to be used.
c. Actions by third parties who may be present.
d. Physical odds against the officer.
e. The feasibility or availability of alternative actions.

1.2 AVAILABLE LEVELS OF FORCE: Below are the steps listed in ascending order, starting with the step requiring the least amount of force and progressing to the step requiring the greatest level of force.

1.2.1 Officer Presence - Although not a "use of force", the mere presence of a uniformed officer, or the production of a police badge and identification by a plainclothes officer, may be sufficient to stop an unlawful activity from taking place, or, may stop an unlawful activity while it is occurring. Officers should be keenly aware of the effect of their presence at the scene of an incident and shall present themselves in a professional manner in order to gain compliance without necessitating the use of force.

1.2.2 Verbal Commands - Verbal commands, when practical, should precede every level of force needed.

1.2.3 Show of Non-Deadly Force - The officer may utilize a "show" of available force options. If the officer resorts to a show of force (production of the 0/C Canister, or Impact Weapon), verbal commands shall be clearly reiterated in conjunction with the show of non-deadly force.

1.2.4 Physical Control "Empty Hands" Techniques - Where necessary, officers may employ physical control "empty hands" techniques for which they have been trained to use. It is recognized that there may be occasions in which minimal levels of physical force may need to be interjected, such as when handcuffing a reluctant prisoner. Physical strength or hand control is the level of force normally required to overcome passive or defensive resistance that is not intended as an act of overt aggression toward the officer when an individual refuses to comply with verbal instructions.
1.2.5 Hand Held Aerosol Restraint (0/C Spray) - An authorized, and less than lethal alternative in the use of force continuum, is the application of the organic agent, Oleoresin Capsicum (0/C). This department approved defensive weapon is to be used by a qualified officer to defend himself/herself, or others, from the threat of bodily or serious bodily injury. Officers shall apply 0/C Spray based upon their training and in accordance with agency policy.

1.2.6 Defensive Impact Weapon - A department authorized defensive impact weapon may be utilized as a less than lethal alternative in the use of force continuum. This department approved defensive weapon is to be used by an officer to defend himself/herself, or others, from the threat of bodily or serious bodily injury. Officers shall utilize the weapon based upon their training and in accordance with agency policy. Strikes or jabs to non-lethal areas of the body, wrist drags, arm-locks, or take down and control holds may be utilized.

1.2.7 Threat of Deadly Force - The threat of deadly force is used when an officer finds it necessary to present his/her service weapon for the purpose of warning a suspect who threatens to pose serious physical injury or death to the officer or another. This level of force is short of discharging the weapon, and the presentation of the weapon does not actually constitute deadly force. The display of a firearm is never to be used unless the situation is such that the member feels this type of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety; or the action is necessary to prevent serious physical injury; or as a prelude to the use of justified deadly force.

1.2.8 Conducted Energy Device (CED) (Taser) – Any device approved by the New Jersey Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.

1.2.9 Deadly force - The last option in the use of force continuum is the use of deadly force and is only authorized in accordance with the guidelines in department rules and regulations and this policy.

2. USE OF FORCE

2.1 JUSTIFICATION IN THE USE OF PHYSICAL OR MECHANICAL FORCE:
Under certain circumstances, an officer may use physical force or mechanical force against another when the officer reasonably believes it is immediately necessary at the time:

2.1.1 To overcome resistance directed at the officer or others; or

2.1.2 To protect the officer, or a third party, from unlawful force; or

2.1.3 To protect property; or
2.1.4 To prevent another from committing suicide or inflicting serious bodily harm upon him/herself; or

2.1.5 To effect other lawful objectives, such as to make an arrest, or

2.1.6 When "emotionally disturbed" persons are resisting efforts to be subdued for purposes of protecting them from bodily injury.

2.1.7 Effect a lawful arrest for any offense or crime under the laws in which an officer has been empowered to enforce and the suspect refuses to submit to the arrest and resists the officer's efforts. The use of force to effect an arrest is justifiable under the following circumstances:

2.1.7.1 Officers must make known the purpose of the arrest or reasonably believe that their identity and purpose are otherwise known by the individual to be arrested, or because of extenuating circumstances cannot reasonably be made known to the person to be arrested.

2.1.7.2 When the arrest is made under a warrant, the warrant is valid or reasonably believed by the officer to be valid, and the individual to be arrested physically resists arrest, attempts to cause injury or harm to an officer, threatens to use physical force, attempts to escape, or takes any other action which is for the purpose of preventing the officer from making a lawful warrant arrest; or

2.1.7.3 When an individual who the officer is about to arrest for any offense or crime offers physical resistance, attempts to cause injury or harm to an officer, threatens to use any physical force, attempts to escape, takes any other action which is for the purpose of preventing an officer effecting a lawful arrest; and

2.1.7.4 The extent of force used by an officer effecting a lawful arrest should only be that level of force necessary to overcome any resistance or force being used by the actor against the officer or in avoidance of the actor's arrest.

2.2 LIMITATIONS IN THE USE OF PHYSICAL OR MECHANICAL FORCE:

An officer is justified in the use of force only when and to the extent necessary to achieve lawful objectives, and only such force that is reasonable in relation to the harm that the officer seeks to prevent. Police officers while acting under the color of their official duties are not obliged to desist from making a lawful arrest because resistance may be encountered or threatened. They may not only stand their ground, but may also press forward to achieve a lawful objective, overcoming force with force. However, once all resistance or physical force being used to resist or prevent an officer(s) from carrying out his/her duties has ceased, use of any further force on the part of the officer(s) shall immediately cease.
3. USE OF DEADLY FORCE

3.1 JUSTIFICATION IN THE USE OF DEADLY FORCE:

3.1.1 An 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.

3.1.2 An officer may use deadly force to prevent the escape of a fleeing suspect ONLY when:

3.1.2.1 The officer has probable cause to believe the suspect has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; AND

3.1.2.2 The suspect will pose an imminent danger of death or serious bodily harm should the escape succeed; AND

3.1.2.3 When the use of force presents no substantial risk of injury to innocent persons.

3.1.3 If feasible, an officer should identify himself/herself and state his/her intention to shoot before using a firearm. (Example: "Police, don't move!")

3.2 Restrictions On The Use of Deadly Force

3.2.1 An officer is 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 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.

3.2.2 An officer shall not use deadly force to subdue persons whose actions are only destructive to property.

3.2.3 Deadly force shall not be used against persons whose conduct is injurious only to themselves.

3.2.4 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, those 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.

3.2.5 An officer shall not discharge a weapon as a signal for help or as a warning shot.

3.2.6 Discharging weapons from or at moving vehicles, or at the driver or occupant of a moving vehicle is prohibited unless the officer reasonably
believes:

3.2.6.1 There exists an imminent danger of death or serious bodily harm to the officer or another person; AND

3.2.6.2 No other means are available at that time to avert or eliminate the danger.

3.2.7 An officer shall not fire a weapon solely to disable moving vehicles.

Note: 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.

3.3 An officer shall not unholster or exhibit a firearm except under any of the following circumstances:

3.3.1 For maintenance of the firearm;

3.3.2 To secure the firearm;

3.3.3 During training exercises, practice or qualification with the firearm;

3.3.4 When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm;

3.3.5 When circumstances create a reasonable belief that display of a firearm as an element of constructive authority helps establish or maintain control in a situation where the suspect threatens to pose serious physical injury or death to the officer or another and in an effort to discourage resistance and ensure officer safety.

3.4 OTHER PROHIBITIONS: Firing into buildings, doors, windows, or other openings when the person lawfully fired upon is not clearly visible is not authorized.

4. TRAINING REQUIREMENTS

4.1 As part of the department's semiannual firearms training program, each officer shall receive in-service training on the department's use of physical, mechanical and deadly force policy. The in-service training shall be documented. The training shall be designed to reflect current standards established by statutory and case law, as well as statewide, county and department policy.

4.2 All officers shall be issued copies of the department policy related to the use of physical, mechanical and deadly force. Any time the policy changes, a copy of the revised policy will be reissued to each officer and may include additional training when necessary. The additional training shall also be documented.
5. USE OF FORCE REPORTS

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

5.1.1 Any reports made necessary by the nature of the underlying incident; AND
5.1.2 Use of Force Report (Attachment B)

6. NOTIFICATIONS AND REPORTING

6.1 Immediate Notifications

6.1.1 The Department shall immediately notify the county prosecutor when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm.

7. REPORTING

7.1 Reporting Procedures

7.1.1 County prosecutors shall within 24 hours report to the Division of Criminal Justice all situations where the use of deadly force by a law enforcement officer results in death or serious bodily injury, or in situations where any injury results from the use of a firearm by a law enforcement officer.

7.1.2 For all situations involving the use of physical, mechanical or deadly force, county and municipal law enforcement agencies shall report at least annually to the county prosecutor in a manner established by the prosecutor.

7.1.3 For all situations involving the use of physical, mechanical or deadly force, state law enforcement agencies shall report at least annually to the Division of Criminal Justice in a manner established by the Director of the Division of Criminal Justice.

8. AFTER ACTION REQUIREMENTS - USE OF FORCE

8.1 PROVIDING APPROPRIATE MEDICAL AID: After any level of force is used, the officer shall immediately evaluate the need for medical attention or treatment for the person upon whom the force was used and arrange for such treatment when that person has visible signs of injury or manifests the signs of injury; or, that person complains of injury or discomfort and requests medical attention. Officers will provide first aid for which they have been trained to provide, except where the situation is such that the application of first aid would expose the officer to immediate danger.

8.2 Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance to the nearest available emergency medical treatment center or hospital. All medical treatment received by the detainee shall be noted in the officer's police report.
8.3  OTHER ACTIONS

8.3.1 In addition to providing appropriate medical aid, officers shall also perform the following activities in reference to the use of force.

8.3.1.1 NOTIFYING THE SUPERVISOR: The officer shall promptly notify his/her immediate supervisor of the incident.

8.3.1.2 LOCATING WITNESSES: The officer shall attempt to locate and identify all witnesses.

9.  SUPERVISOR'S RESPONSIBILITIES

9.1 The Patrol Supervisor shall immediately respond to the scene of any incident where the use of deadly force was applied, and or as the result of the application of force, an officer is injured, or a prisoner has a visible injury, or complains of injury or discomfort and requests medical attention. The Supervisor shall then:

9.1.1 Ensure that officer(s) receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented.

9.1.2 Ensure that the need for medical treatment for the prisoner is properly evaluated and provided.

9.1.3 Immediately notify the Officer-in-Charge (Deputy Chief or Captain) and forward copies of all reports to the Officer-in-Charge.

9.1.3 Determine if a Detective or Internal Affairs should respond to the scene and the level of investigative services to be utilized (i.e., BCI, etc.)

10.  ARRESTS INVOLVING THE USE OF FORCE

10.1 CHARGING POLICY. It will be the policy of this department that whenever a person being arrested resists the action and force must be used by the arresting and/or assisting officers to effect the arrest, one of the following charges (whichever is applicable) shall be made against the subject. This charge will be in addition to the charges that instituted the arrest:

10.1.1 NJS 2C:29-2.a — Resisting Arrest; eluding officer

   a. A person is guilty of a disorderly persons offense if he purposely prevents a law enforcement officer from effecting a lawful arrest.

10.1.2 NJS 2C:29-2.a (1) or (2) - Resisting Arrest; eluding officer

   a. A person is guilty of a fourth degree crime if he:

   1) Uses or threatens to use, physical force or violence against the law enforcement officer or another; or

   2) Uses any other means to create a substantial risk of causing physical
injury to the public servant or another,

11. REASSIGNMENT OF OFFICER FROM DUTY

11.1 Any officer whose actions or use of force results in serious physical injury or death of another person shall be removed from line-of-duty assignment pending administrative review of the incident.

All members of the department will take cognizance of the above and will comply with same. Each superior officer shall be responsible for directing the effective implementation of this order.

BY ORDER OF:

PHILIP ZACCHIE
CHIEF OF POLICE