

2021

**Use of Force
and
Pursuit**

Use of Force Policy

The Millburn Police Department shall comply with the guidelines promulgated by the New Jersey Attorney General, Essex County Prosecutor and existing statutory and case law

Use Force Policy

- The authority to use force is grounded in the responsibility of every sworn law enforcement officer to comply with:
 1. The laws of the State of New Jersey
 2. The New Jersey Attorney General's Use of Force Guideline
 3. Applicable Millburn Police Department Directives

Use of Force Policy

- The use of force should never be considered routine
- The Guiding Principle when deciding if force is necessary: the degree of force employed in any situation by an officer should be only that which is reasonably necessary
- Officers should exhaust all other means before resorting to the use of force

Use of Force Policy

- Officer(s) can only use reasonable force to accomplish a legitimate law enforcement objective
- No precise prescription for application of force exists
- All of the events transpiring during the officer's interaction with the subject can be considered in evaluating reasonableness of the force used

Use of Force Policy

- An officer is required to take appropriate action when the officer is clearly convinced that another officer is using excessive force
- An officer has an obligation to prevent other officers from doing the wrong thing

Definitions

Constructive Authority

- Does not involve actual physical contact with a subject
- Involves the use of officer's authority to exert control over a subject

 **Examples:** verbal commands, gestures, warnings, unholstering weapon, pointing weapon at a subject

Physical Contact

- Involves routine or procedural contact with a subject
- The contact is necessary to effectively accomplish a legitimate law enforcement objective

 **Examples:** guiding subject into vehicle, holding subject's arm while transporting, handcuffing, maneuvering or securing subject for a frisk

Physical Force

- Involves contact with a subject beyond that which is generally used to effect an arrest or other law enforcement objective
- Employed when it is necessary to overcome a subject's physical resistance to the exertion of the officer's authority or to protect persons or property

 **Examples:** wrestling a resisting subject to the ground, wrist or arm locks, striking with hands or feet, or similar methods of hand to hand confrontation

Mechanical Force

- Involves the use of some device or substance, other than a firearm
- The use of the device or substance is to overcome subject's resistance to the exertion of the officer's authority

 **Examples:** use of baton or other object, canine physical contact with a subject, chemical spraying

Deadly Force

- Is force which an officer uses with the purpose of causing or which officer knows to create a substantial risk of causing death or serious bodily harm
- Purposely firing a firearm at or in direction of another person, vehicle, building or structure in which another person is believed to be

Deadly Force

- The production of a weapon to create an apprehension that deadly force will be used if necessary does not constitute deadly force
- The production of a weapon for this purpose is **CONSTRUCTIVE AUTHORITY**

Reasonable Belief

Reasonable belief is an objective assessment based upon and evaluation of how:

- A reasonable officer with comparable training & experience would react or draw inferences from the facts & circumstances known by officer at the scene

Reasonable Belief

- Is the cornerstone for appropriate use of force
- Officers are often forced to make split-second decisions
- The circumstances involved in your decision making may be tense, unpredictable, rapidly evolving

Reasonable Belief

- Reasonable belief can change as circumstances change
 - “A passing risk to a police officer is not an ongoing license to kill an otherwise unthreatening suspect.”
 - Federal Appeals Court ruling

Imminent Danger

- Describes threatened actions or outcomes that may occur during an encounter absent action by the 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

Imminent Danger

 **Example:** Imminent danger may be present even if a subject is not at that instant pointing a weapon at the officer, but is carrying a weapon and running

Substantial Risk

- A substantial risk exists when an officer disregards a foreseeable likelihood that innocent persons will be endangered
- A substantial risk any time a firearm is discharged

 **Example:** Firing weapon into confined space (room, vehicle, etc.) occupied by innocent persons

Serious Bodily Injury

Serious bodily injury means bodily injury which creates a substantial risk of:

- Death
- Serious, permanent disfigurement
- Protracted loss or impairment of the function of any bodily member or organ

The Use of Force

- The use of force depends on totality of the circumstances
- An officer may utilize a reasonable force option to accomplish the law enforcement objective

When feasible an officer should:

- Identify themselves
- State the purpose of their actions
- Officers need not do so if it would increase the danger to the officer(s)

The Use of Force

In deciding on the use of force officer needs to consider what the subject is doing. Is the subject presenting the officer with:

- Verbal resistance
- Passive physical resistance
- Active physical resistance
- Armed resistance

The Use of Force

Factors to consider when resorting to the use of force:

- Ability
- Opportunity
- Jeopardy

Ability

- Does the subject have physical capacity to cause injury to an officer or another person?
- Is the subject armed with a weapon?
- Does the subject present an imminent threat to officer or another?

Opportunity

- Does the subject have the opportunity to use his ability to injure or kill an officer(s) or another person?

Jeopardy

- Does the combination of the subject's ability and opportunity provide the officer with a reasonable objective belief that the officer or another person is in imminent physical danger?

Escalation - De-Escalation

- An officer may increase or decrease use of force to accomplish a legitimate law enforcement objective
- An officer is not required to desist because suspect resists
- But, once suspect submits the officer must stop using force

Authorizations and Limitations

Use of Less Lethal Force

Officers may use physical or mechanical force in the performance of their duties when they reasonably believe that the use of force is immediately necessary in the following situations:

Use of Less Lethal Force

- Protect themselves or others against the use of unlawful force and the officer's immediate intervention is required
- To prevent another from committing suicide or inflicting serious bodily harm upon oneself
- Effect other lawful objectives
- To prevent the commission or consummation of a crime involving the threat of bodily harm, damage or loss of property, or breach of peace

Use of Less Lethal Force

- To prevent the escape of an arrested person from custody
- To affect the lawful arrest of any person for an offense or crime under the laws of the State of New Jersey. The use of less lethal force to affect an arrest however is not justifiable unless:
 - The arrest is lawful and the officers make known the purpose of the arrest or reasonably believe that their identity and purpose are otherwise known by or

Use of Less Lethal Force

- cannot reasonably be made known to the person to be arrested, and;
- When the arrest is made under a warrant and the warrant is valid or reasonably believed by the officer to be valid

Use of Less Lethal Force

Before using physical or mechanical force, an officer should where feasible ask person to desist unless:

- The request would be useless
- It would be dangerous to make request
- Substantial harm would be done to property

Use of Less Lethal Force

Once all resistance or physical force being used to resist or prevent officers from carrying out their duties has ceased, the use of force on the officers' part shall cease

Use of Less Lethal Force

When an officer reasonably believes that less lethal force is immediately necessary, the officer should assess the totality of the circumstances and apply the minimum force necessary to overcome resistance when an individual is using or threatening to use force unlawfully, and bring the situation under control in the safest manner possible

Use of Less Lethal Weapons

- Impact weapons/batons
 - May be used when justification for the use of less lethal force exists
 - Once resistance ceases the use of the baton as a less lethal weapon shall cease
 - Batons will only be utilized by those authorized to employ them. They will be used as instructed and in accordance with all applicable directives

Use of Less Lethal Weapons

- OC Spray
 - May be used when the justification for less lethal force exists
 - Once resistance ceases the use of OC spray as a less lethal weapon shall cease
 - OC spray shall be used as instructed and in accordance with all applicable directives

Use of Deadly Force

Officers may use deadly force:

- When the officer(s) reasonably believes such action is immediately necessary
- To protect the officer or another person
- From imminent threat of death or serious bodily harm

The Use of Deadly Force

- Deadly force is not justified solely to protect property
- An officer shall not use deadly force to subdue persons whose actions are only destructive to property

Deadly Force to Prevent Escape

- Officers may use deadly force to prevent the escape of a fleeing suspect:
- Whom the officer has probable cause to believe has committed an offense that the subject caused or attempted to cause death or serious bodily harm, and
- Who will pose an imminent danger of death or serious bodily harm should escape succeed, and

Deadly Force to Prevent Escape

- The use of deadly force presents no substantial risk of injury to innocent persons
- If feasible, officers should identify themselves and state intention to shoot before using a firearm

Restrictions on Use of Deadly Force

- Officers are under no obligation to retreat or desist when resistance is encountered or threatened.
- An officer shall not resort to the use of deadly force if the officer reasonably believes that an alternative is available

Restrictions on Use of Deadly Force

An alternative to use of deadly force will

- Avert or eliminate the imminent danger of death or serious bodily harm, and
- Achieve the law enforcement purpose at no increased risk to officer or another person

Restrictions on Use of Deadly Force

- Officers are not required to do anything which will increase the danger to the officer or anyone else
- Alternatives include: taking cover, use of voice commands

Restrictions on Use of Deadly Force

- An officer shall not use deadly force to subdue persons whose actions are only destructive to property
- Deadly force shall not be used against persons whose conduct is injurious only to themselves

Restrictions on Use of Deadly Force

- Under current state statutes the discharge of any projectile from a firearm is considered deadly force, including less lethal ammunition such as bean bag rounds and rubber bullets
- Less lethal means of deadly force can only be used when an officer reasonably believes that such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm

Restrictions on Use of Deadly Force

- The NJ Attorney General has authorized specific less lethal munitions such as bean bags and rubber bullets. These devices are not authorized for use by the Millburn Police Department.
- The NJ Attorney General has authorized Conducted Energy Devices (Tasers). These devices are not authorized for use by the Millburn Police Department.

Restrictions on Use of Deadly Force

- An officer shall not discharge a weapon as a signal for help or as warning shot
- An officer can be held responsible for any bullet the officer has fired

Restrictions on Use of Deadly Force

- Any discharge of a firearm entails some risk
- Discharging a firearm at or from a moving vehicle entails 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 vehicle

Restrictions on Use of Deadly Force

- There is also a substantial risk of harm to occupants of suspect vehicle who may not be involved, or be involved to a lesser extent, in the actions that necessitated the use of deadly force
- Firearms are not effective in bringing moving vehicles to a rapid halt

Restrictions on Use of Deadly Force

- Officers shall not fire from a moving vehicle or at the driver or occupant of a moving vehicle unless the officer reasonably believes:
- There exists an imminent danger of death or serious bodily harm to the officer or another person, and
- No other means are available to avert or eliminate the danger

Restrictions on Use of Deadly Force

- An officer shall not fire a weapon solely to disable moving vehicles
- An officer shall normally not fire a weapon into buildings, doors, windows, or other openings when the person being fired upon is not clearly visible

Shooting at Moving Vehicle

- First priority of an officer should be to move out of the way of an oncoming vehicle
- An officer should not intentionally place himself in the path of an oncoming vehicle or attempt to disable the vehicle by shooting at it

Exhibiting a Firearm

Officers shall not unholster or exhibit a firearm except under any of the following circumstances:

- Maintenance of the firearm
- To secure the firearm
- During training exercises, practice or qualification
- When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm

Exhibiting a Firearm

- When circumstances create a reasonable belief that the display of a firearm as an element of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety
- When ordered by a supervisor or other lawful authority

Exhibiting a firearm

Exhibiting a firearm should not be a routine practice and you should consider:

- What is suspect doing? (aggressive/passive)
- Is the suspect complying with your commands?
- Do you have a backup officer?
- If I have to holster my weapon how will suspect perceive this?
- Proximity to suspect - is my weapon within his reach?

Exhibiting a Firearm

- A firearm is not to be used as a “club”
- Using it as such increases the risk of:
 - The danger of having the firearm taken from an officer
 - An unintentional discharge
 - An “Unreasonable” injury to the officer or suspect

After Action Requirements

- Following the use of force officers shall immediately evaluate the need for medical attention or treatment for the person upon whom the force was used and provide first aid, except where providing first aid will expose the officer to immediate danger

After Action Requirements

- In any instance where deadly force is used officers shall summon EMS and paramedics as soon as possible (They can be staged if the area is not tactically secure)

After Action Requirements

- In instances where a baton was used the subject will be monitored for changes in condition and EMS summoned as necessary
- In instances where a OC spray was used the subject will be decontaminated and monitored for changes in condition and EMS summoned as necessary

After Action Requirements

- Any person requesting medical treatment will be transported to the nearest hospital
 - The injury and treatment provided and/or offered be documented
 - Under no circumstance will an officer sign or endorse any medical authorization

After Action Requirements

- An attempt will be made to locate and identify witnesses
- A supervisor will be notified of use of force incidents
- A supervisor will respond to all incidents use of force incidents resulting in an injury and ensure:
 - That all affected persons receive any necessary assistance including medical assistance

After Action Requirements

- An employee involved in a use of force incident that results in death or serious bodily injury shall:
 - Be removed from line service pending an administrative review

Arrests Requiring the Use of Force

- Whenever a person being arrested resists the officer's actions and force is used one of the following charges shall be made against the subject
 - NJSA 2C:29-2a Disorderly Person
 - NJSA 2C:29-2a (1) or (2)

Notification and Investigation Requirements

The Chief of Police and the Essex County Prosecutors Office shall be immediately notified in all cases when any use of force results in death or serious injury or when an injury of any degree is the result of the use of a firearm by an officer

Notification and Investigation Requirements

All use of force incidents not involving death or serious injury or any injury resulting from the use of a firearm shall be reported to the Chief of Police by the end of the next business day

Reporting Requirements

When physical, mechanical or deadly force is used, an officer must complete:

- A Use of Force Report
- Any incident or supplementary reports necessary by nature of underlying incident;

Reporting Requirements

In all instances where constructive force results in an officer pointing a firearm at another person the facts and circumstances shall be documented on an incident report and a MPD Weapons Report shall be completed

Reporting Requirements

A written report will also be completed when:

- An employee discharges a firearm, on or off duty, other than for training or recreational purposes. Employees shall first make an immediate verbal notification to the watch supervisor
- In all instances where an employee takes official action that results in or is alleged to have resulted in death or serious bodily injury to another person

Reporting Requirements

- Any discharge of a firearm requires the completion of an Essex County Prosecutor's Office Firearm Discharge Reporting Form in addition to any other required reports

Use of Force Reports

- Internal Affairs may review all use of force incidents
- All findings of violations of directives or training inadequacies shall be reported to the Chief of Police

**VEHICLE PURSUIT
and
FORCIBLE STOPPING**

Vehicle Pursuit and Forcible Stopping Policy

The Millburn Police Department shall utilize procedures that are consistent with those provided by the New Jersey Attorney General's Guidelines and Essex County Prosecutor's Office Directives

Definitions

- **Attempt to close distance**

- Is an action by law enforcement officers to close the gap between the law enforcement vehicle and the violator's vehicle
- The use of audio and visual emergency equipment has not yet been employed at this phase

- **Authorized tire deflation device**

- Is a device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle

Definitions

- **Avenue(s) of Escape**

- Is a gap in a roadblock that requires the violator to decrease the vehicle's speed to permit them to bypass the roadblock

- **Baiting**

- Is a willful attempt to entice or lure a police officer to engage in a pursuit

Definitions

- **Blocking Vehicle**

- Is a motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock

- **Boxing In**

- Is the surrounding of a violator's moving vehicle with moving pursuit vehicles that are then slowed to a stop along with the violator's vehicle

Definitions

- **Divided Highway**

- Is a road that includes a physical median between traffic traveling in opposite directions

- **Heading Off**

- Is an attempt to terminate a pursuit by pulling ahead of or towards a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop

Definitions

- **Street Paralleling**

- Is driving a police vehicle on a street parallel to a street on which the pursuit is occurring

- **Vehicle Paralleling**

- Is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion

Definitions

- **Pursuit Driving**

- Is an active attempt by law enforcement officers, operating a motor vehicle and utilizing simultaneously all emergency equipment, to apprehend one or more occupants of another moving motor vehicle when the driver of the fleeing vehicle is aware, or should be aware of that attempt, and is purposely, knowingly or recklessly resisting apprehension by maintaining or increasing their speed, ignoring the officer, or attempting to elude the officer, while driving at speeds in excess of the legal speed limit

Definitions

- **Primary Unit**

- Is the police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect)

- **Secondary Unit**

- Is any police vehicle that becomes involved as a backup to the primary unit and follows the primary at a safe distance

Definitions

- **Roadblock**

- Is a restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a violator

Definitions

- **Standard of Care**

- NJSA 39:4-91 sets forth the standards of right of way for emergency vehicles that reads in part
 - “This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others”

Definitions

- **Vehicle Contact Action (ramming)**
 - Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle

Definitions

- **Violator**

- Is any person who a law enforcement officer reasonably believes:
 - Has committed a crime of the first or second degree or an enumerated crime
 - Poses an immediate threat to the safety of the public or other police officers

Deciding Whether to Pursue

- A police officer has the statutory authority to stop any person suspected of committing a criminal offense or traffic violation
- The officer initiates the stop however the violator initiates the pursuit
- The officers decision to pursue should be undertaken with an awareness of the degree of risk of death or serious bodily injury to which the officer may subject themselves or others

Deciding Whether to Pursue

- The officer must weigh the need for immediate apprehension against the risk created by the pursuit

Authorization to Pursue

- A police officer may only pursue:
 - When an officer reasonably believes that the violator has committed an offense of the first or second degree; or
 - Has committed any crime/offense listed below:
 - a) Death by auto 2C:11-5
 - b) Aggravated assault 2C:12-1b
 - c) Criminal restraint 2C:13-2
 - d) Aggravated Criminal Sexual Contact 2C:14-3a
 - e) Arson 2C:17-1b

Authorization to Pursue

- f) Burglary 2C:18-2
 - g) Vehicle theft 2C:20-2
 - h) Theft by extortion 2C: 20-5
 - i) Escape 2C:29-5
 - j) Manufacturing, distributing, or dispensing CDS 2C:35-5b;
or
- When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers

Authorization to Pursue

- 2nd eluding does not provide the automatic authority to pursue
- Other authorizing criteria must exist in order to pursue for 2nd eluding
- Unmarked vehicles shall not participate in a pursuit unless they are equipped with emergency lights and siren
- An unmarked vehicle shall immediately relinquish primary unit status upon participation of a marked vehicle

Authorization to Pursue

- Non pursuit rated SUV's and vans may participate in a pursuit however:
 - Due to their high roll over potential extreme caution will be exercised when cornering or reacting to the pursued vehicle's evasive maneuvers
 - A non pursuit rated SUV or van shall immediately relinquish primary unit status upon participation of a marked vehicle

Authorization to Pursue

- Motorcycles, bicycles, truck chassis vehicles and vehicles towing trailers shall not participate in a motor vehicle pursuit

Authorization to Pursue

- Once the authorization requirements are satisfied a pursuit should not be automatically undertaken
- Officers and supervisors must still consider the following factors
 - Likelihood of a successful apprehension
 - Is the violator known to the police to the point where a later apprehension is possible
 - Degree of risk created by the pursuit in relation to:
 - a) Volume, type, speed and direction of vehicular traffic

Authorization to Pursue

- b) Nature of the area: residential, commercial, school zone, open highway, etc.
 - c) Population density and volume of pedestrian traffic
 - d) Environmental factors such as weather or darkness
 - e) Road conditions: poor repair, construction, extreme curves, snow, ice, etc.
- Police officer skills relative to:
- a) Driving skills
 - b) Familiarity with the roads
 - c) Condition of the police vehicle

Terminating the Pursuit

- Pursuing officers shall terminate a pursuit when:
 - Instructed to do so by a supervisor
 - The danger to the officer or the public outweighs the necessity for the immediate apprehension of the violator
 - The violator's identity has been established to the point where an apprehension can be made at a later time and there is no serious immediate threat to the safety of the public or other police officers

Terminating the Pursuit

- The pursued vehicle's location is no longer known or the distance between the officer's and violator's vehicles is so great that further pursuit is futile
- There is any person injured during the pursuit requiring medical care and there are no police or medical personnel able to render immediate assistance
- There is a clear, present and unreasonable danger to the police officer or the public

Terminating the Pursuit

- Advised of any unanticipated condition, event or circumstance that substantially increases the risk to public safety inherent to the pursuit
- The pursuing officer loses the ability to communicate via two way radio

Role of the Pursuing Officer

- The decision to participate in and/or continue a pursuit requires weighing the need for the immediate apprehension of the violator against the degree of risk the pursuit exposes the officer and others to
- Prior to initiating a stop an officer shall, when possible and safe, close the distance between the police and violator vehicle in order to diminish the likelihood of a pursuit

Role of the Pursuing Officer

- Personnel are advised that while attempting to close the distance and prior to the initiation of a pursuit and the activation of lights/siren, they are subject to all motor vehicle laws governing the right of way (e.g. NJSA 39:4-91 and 92)
- Upon commencement of a pursuit the officer shall immediately, regardless of time of day, activate their emergency lights, siren and headlights

Role of the Pursuing Officer

- If equipped, take down lights should not be activated during the pursuit
- Once the pursuit has begun, the primary unit must notify H Q, identify themselves, and provide as much information as known:
 - Reason for the pursuit **and**
 - Direction of travel, designation and location of the roadway **and**
 - Identification of the violator's vehicle **and**

Role of the Pursuing Officer

- Year, make, model, color, registration and other identifying characteristics of the violator's vehicle *and*
- Number and description of occupants *and*
- The speed of the violator's vehicle *and*
- Other information that may be helpful in resolving or terminating the pursuit

Role of the Pursuing Officer

- Failing to provide any of the previous information shall cause an supervisor to terminate the pursuit
- The primary unit shall be responsible for:
 - The immediate radio transmission at the start of the pursuit
 - The determination of pursuit actions
 - The decision to abandon or terminate the pursuit until relieved of this responsibility by a supervisor

Role of the Pursuing Officer

- The secondary unit shall report by radio as soon as possible that it has joined the pursuit
 - Additional units are generally prohibited from joining the pursuit without a supervisor's permission but, these units shall remain alert to the pursuit's progress and location
 - Secondary units shall maintain radio discipline and refrain from making unnecessary radio transmissions

Role of the Pursuing Officer

- The decision to permit secondary units to participate in the pursuit should be based on:
 - The number of persons in the pursued vehicle
 - The crime for which the vehicle is wanted
 - Whether the actors are armed or considered dangerous

Role of the Pursuing Officer

- If the primary unit is unable to proceed with the pursuit or maintain radio communications the secondary unit may assume the duties of the primary unit and request another unit as a secondary unit
- Losing sight of the fleeing vehicle will cause the pursuit to be terminated

Role of the Pursuing Officer

- If it becomes necessary to pursue on foot the officer(s) shall:
 - Notify H Q that a foot pursuit has commenced
 - Give the direction of flight
 - Consider taking a flashlight
 - Turn off the patrol vehicle, take the keys, and lock it if possible
 - Update H Q with their location and status

Role of the Pursuing Officer

- Be aware that you may be lured into a trap or ambush
- Approach all darkened areas and blind corners with utmost caution
- If radio contact is lost or your portable becomes disabled, return to the police vehicle

Role of the Pursuing Officer

- It may become necessary for the secondary unit to assume the responsibility of radio communications during a pursuit to enable the primary unit to concentrate on the pursuit
- Seatbelts must be utilized at all times while the police vehicle is in a pursuit

Pursuit Restrictions

- No pursuit shall be conducted:
 - In a direction opposite the flow of traffic on a divided highway
 - When there is an individual in the police vehicle who is not a police officer
- No more than two police vehicles shall be actively involved in the pursuit unless directed by a supervisor

Pursuit Restrictions

- Pursuing officers shall not attempt to overtake or pass a violator's moving vehicle
- When approaching an intersection controlled by traffic signals or signs or at any other location where there may be a substantially increased likelihood of a collision the operator of any pursuing vehicle shall prior to entering the intersection:

Pursuit Restrictions

- Reduce their speed
- Control their vehicle so as to avoid a collision with another vehicle, pedestrian or fixed object
- Observe the way is clear before cautiously proceeding into the intersection
- At all other times, including an attempt to close the distance prior to the initiation of a pursuit, all applicable laws regarding the right of way at intersections and other locations shall be observed

Pursuit Restrictions

- Officers shall not engage in vehicle paralleling
- There shall be no street paralleling unless the pursuit passes through a patrol's assigned area
- A patrol unit that is street paralleling shall not interfere with the pursuit and shall stop all pursuit related activity at the boundary of its assigned area
- No weapon shall be fired at or from a moving vehicle

Pursuit Restrictions

- There shall be no vehicle contact action except as a last resort to prevent imminent death or serious bodily injury to any person where deadly force would be otherwise justified
- Under no circumstances shall a civilian vehicle be commandeered to engage in or continue a pursuit

Forcible Stopping and Roadblocks

- Boxing in or heading off of a violator's vehicle is permitted only under extraordinary circumstances
- These tactics increase the risks inherent to the pursuit and shall only be employed:
 - At low speeds; **and**
 - With the approval of a supervisor; **or**
 - In response to an imminent threat to the safety of the public or a police officer

Forcible Stopping and Roadblocks

- Prior to boxing in or heading off a pursued vehicle, the officer initiating the action shall notify all other units involved in the pursuit
- Involved vehicles shall be maneuvered in such a manner as to minimize vehicle contact action and the danger to other vehicles and pedestrians
- Upon stopping and approaching the suspect vehicle officers should not stand in front of or behind the suspect vehicle

Forcible Stopping and Roadblocks

- Officers should:
 - Avoid standing between any stopped vehicle and fixed objects
 - Avoid standing in other officers line of fire
 - Order the occupants to show their hands
 - Order the driver to turn off the vehicle and toss the keys out
 - Approach with extreme caution
 - Maintain weapon discipline

Forcible Stopping and Roadblocks

- Order the driver and passenger(s) to exit the vehicle one at a time and lie face down, arms extended, palms up
- Once handcuffed place the subjects in a seated position to avoid positional asphyxia
- Provide medical care when necessary

Forcible Stopping and Roadblocks

- Roadblocks may only be employed as a last resort in circumstances where deadly force would otherwise be justified and there is definite knowledge that the person or person(s) being pursued are wanted for a crime of the 1st or 2nd and:
 - The roadblock will likely result in the apprehension of a suspect who poses an immediate risk to life or property
 - A less obtrusive means is not feasible or appropriate

Forcible Stopping and Roadblocks

- The decision to establish a roadblock must come from the supervisor
- No roadblock shall be established until all pursuing law enforcement vehicles are made aware of the roadblock, its location and have acknowledged this awareness

Forcible Stopping and Roadblocks

- Once a roadblock is established and a vehicle or barricade is placed in the roadway the following must apply:
 - Roadblocks should be established on streets or highways most likely to be used as a avenue of escape
 - The safety of others must remain a paramount consideration
 - At least two officers must man the roadblock

Forcible Stopping and Roadblocks

- All available emergency warning lights must be utilized
- There must be adequate distance to see the roadblock
- There must be an avenue of escape
- There must be no one in or near the blocking vehicle(s)

Forcible Stopping and Roadblocks

- EMS and the fire department shall be notified as soon as possible that a roadblock has been set up and they should be staged nearby
- When practicable:
 - Detour traffic and pedestrians from the area
 - Avoid standing between the roadblock and any fixed objects
 - Avoid standing in other officers line of fire

Forcible Stopping and Roadblocks

- Supervisors are responsible for minimizing hazards to police and other emergency personnel as well as ensuring citizen safety to the extent possible during any forcible stopping or roadblock scenario
- Supervisors must submit written report, separate from the pursuit report, justifying the need for forcible stopping or roadblocks

Authorized Tire Deflation Devices

- The use of spike strips or other tire deflation devices during a pursuit is prohibited
- Supervisors may authorize the use of these devices as a containment tool
- Only personnel trained in their use are authorized to deploy them

Authorized Tire Deflation Devices

- Training for these devices shall be conducted annually in accordance with:
 - The manufacturer's training manual
 - New Jersey Attorney General's Guidelines
 - Essex County Prosecutor's Directives

Supervisor Responsibilities

- Upon being notified or becoming aware of a pursuit the supervisor shall take immediate control and provide directions to the pursuing units
- The primary consideration of the supervisor is to acknowledge and authorize a pursuit to continue
- The supervisor should decide as quickly as possible if the pursuit should continue

Supervisor Responsibilities

- The supervisor shall only allow the pursuit to continue if:
 - There is reasonable belief that the violator has committed a crime of the 1st or 2nd degree or one of the enumerated offenses
 - There is reasonable belief that the violator poses and immediate threat to the safety of any person

Supervisor Responsibilities

- The supervisor shall order a pursuit terminated if at any time they conclude:
 - The danger to the pursuing officers or the public outweighs the necessity for an immediate apprehension of the violator
 - The violator's identity is known to the point that a later apprehension may be accomplished and there is no immediate continuing threat to public safety

Supervisor Responsibilities

- All pursuing units are required to acknowledge that they have received the order to terminate the pursuit
- The supervisor is responsible for ensuring that all personnel adhere to the Pursuit and Forcible Stopping Guidelines Directive Vol 3 Chapt 16 at all times

Supervisor Responsibilities

- Supervisors shall ensure that communications personnel:
 - Verify that the registration number of the vehicle being pursued, when provided, is immediately checked through NCIC for any wants or holds
 - Contact the jurisdiction where the vehicle is registered to determine if the vehicle had recently been reported stolen or has any wants or holds

Communications Personnel

- Upon notification of a pursuit in progress communications personnel shall:
 - Immediately advise the supervisor of the essential information regarding the pursuit
 - Keep the supervisor appraised of the duration of the pursuit and its progress
 - All radio channels shall be kept open for pursuit related transmissions
 - Receive and record all incoming pursuit information

Communications Personnel

- Control all radio communications
- Keep the air clear of non emergency traffic
- Obtain criminal and vehicle checks of the pursued vehicle and any suspects
- Notify neighboring jurisdictions, when practicable, when a pursuit may extend into their locality
- Ensure the necessary data entries are made
- Acknowledge all transmissions from field units

Communications Personnel

- Rebroadcast pertinent radio transmissions to field units if necessary
- Perform other duties as directed or required

Other Police Units

- Other police units not participating in the pursuit:
 - Maintain radio discipline
 - Not involve themselves in the pursuit but remain reasonably close to the pursuit route to be in a position to render assistance when necessary

Reinstating Pursuits

- Reinstating a previously terminated pursuit shall only be undertaken with the authorization criteria for *originally* initiating a pursuit
- An order to terminate a pursuit is normally final however a pursuit may be reinstated if the situation changes drastically

Reinstating Pursuits

- Examples where a pursuit may be reinstated include:
 - Shots fired
 - A serious injury was sustained
- A supervisor must provide specific authorization to an officer to reinstate any pursuit

Inter/Intra Jurisdictional Pursuits

- Timely notification shall be provided to any jurisdiction that a pursuit enters or may soon enter
- At a minimum the following information must be provided:
 - Description of the violator's vehicle
 - Location and direction of the pursuit
 - Reason for the pursuit

Inter/Intra Jurisdictional Pursuits

- Notifying a jurisdiction of a pursuit is not a request for them to join the pursuit
- Any request for assistance must be specifically made
- The primary unit shall notify communications any time they pass a jurisdictional boundary
- Communications will immediately notify each jurisdiction that the pursuit enters

Inter/Intra Jurisdictional Pursuits

- The supervisor shall maintain control of and follow the pursuit into other jurisdictions
- The supervisor shall not relinquish control over any MPD units to another agency
- Supervisors should be aware that other jurisdictions may have a stricter pursuit policy
- Back up support may not be authorized by other jurisdictions

Inter/Intra Jurisdictional Pursuits

- If an outside agency announces it intends to use tire deflation decides the supervisor should reassess MPD's role in the pursuit and:
 - Permit the continuation of the pursuit only under extreme circumstances; or
 - Relinquish control of the pursuit to another agency; or
 - Terminate the pursuit

Inter/Intra Jurisdictional Pursuits

- A notification from another agency that they have a pursuit that is going to enter Millburn is not a request for Millburn units to become involved in the pursuit
- Communications should broadcast the pursuit information to all patrol units
- The supervisor shall direct patrol units to position themselves close to the pursuit route in order to render assistance if needed

Inter/Intra Jurisdictional Pursuits

- The outside agency may relinquish control of the pursuit to members of this agency
- The supervisor shall determine if the pursuit meets Millburn's pursuit authorization requirements and either allow the pursuit to continue or order its termination
- Assisting another agency in a foot pursuit following any crash or abandonment by the violator's will be authorized at the discretion of the supervisor

Inter/Intra Jurisdictional Pursuits

- Pursuits into other states require the expressed permission of the supervisor

Reporting Requirements

- All officers who operate agency vehicles in a pursuit, including forcible stops are required to complete a:
 - Incident report
 - Pursuit Incident Report
- The supervisor shall ensure that these reports are completed prior to end of the officer's shift
- Any delay must be approved by the supervisor

Reporting Requirements

- The supervisor shall review all reports
- The Internal Affairs Supervisor shall prepare the annual Vehicular Pursuit Summary Report for the Essex County Prosecutor

Pursuit Review

- All pursuit and forcible stopping incidents are subject to administrative review
- If an agency vehicle collides with another vehicle or any other object during the course of a pursuit, the Internal Affairs Unit shall conduct an investigation

FIREARMS SAFETY

Firearms Safety Rules and Guidelines

- Treat all weapons as though they are loaded at all times
- Never point a firearm at anyone or anything unless its use is indicated under the provisions of the Use of Force Directive Vol 3 Chapt 2
- Keep your finger off the trigger until you are ready to shoot
- Firearms should never be left unsecured either at home or work

Firearms Safety Rules and Guidelines

- Firearms should be secured with:
 - A trigger lock
 - A barrel lock or similar device
 - In a locked safe or similar receptacle
- When handling a firearm, point it in a safe direction and check to see if it is loaded
- If loaded make it safe
- Unless being worn firearms should be secured during transportation

Firearms Safety Rules and Guidelines

- Unless being worn firearms should be secured during transportation in a gun case or similar receptacle with the ammunition stored separately
- Never holster a firearm with the hammer cocked, if equipped, unless it is specifically meant to be carried that way

Firearms Safety Rules and Guidelines

- Generally, officers should not chase someone with a firearm in their hand
- Officers should never attempt to handcuff or search someone while holding a firearm
- Never use your firearm as a club or tool
- Transferring a firearm to another person is governed by NJSA 2C:39-9

Firearms Safety Rules and Guidelines

- When handing a firearm to another person you should make sure the firearm is unloaded and that:
 - The slide is locked to the rear; or
 - The cylinder is open
- Firearms should be handed to another person butt first

Sympathetic Contraction

- Sympathetic contraction is when the muscles of one limb are exerting a force and the opposite limb can be involuntarily activated and exert a force
- Never hold a firearm in one hand and anything else in the other

Startle Reaction

- Some noises can elicit a startle response
- If an officers finger is on the trigger and he/she is startled an unintentional discharge can occur

REFLEX FIRE

- Known as “sympathetic fire” or “contagious shooting” this refers to the phenomenon in which multiple officers will start shooting once one officer has opened fire, even if no real threat is present
- He/she shoots, and you shoot, and the assumption is he/she has a good reason for shooting.

REFLEX FIRE

- An officer will often empty a magazine and sometimes reload his/her weapon.
- Officers will often explain their actions as
- “ When another officer started shooting, I just reflexively started shooting too.”, “I fired because the others were doing so.”, or “Cops were being shot at so I shot too.”

REFLEX FIRE

- Experts say this reaction is a response to sudden fear and often the shooters will not know why they are firing
- Even 50 shots can be squeezed off in a matter of seconds
- In the end the officers were often shooting to the echo of their own gunfire.

REFLEX FIRE

- All officers are reminded that reflex firing is not a justification for shooting
- Each officer must show that his/her firing was justifiable and reasonable and in compliance with New Jersey Attorney General Guidelines and MPD Directives
- You are responsible for every round that leaves your weapon!

Duty Weapons

- Officers shall notify their supervisor if they are on medication that can adversely affect their ability to use or handle a firearm
- Only department issued handguns and magazines will be used as a duty sidearm
- Weapons will be kept clean at all times

Duty Weapons

- Magazines will be loaded to capacity and a round will be chambered while on duty
- There may be exceptions to this requirement i.e.:
 - Transporting a prisoner in an ambulance
 - Dropping a prisoner at a detention facility

Glock TRIGGER SYSTEM



- The “Safe Action” system is a partly tensioned firing pin lock, which is moved further back by the trigger bar when the trigger is pulled. When the trigger is pulled, 3 safety features are automatically deactivated one after another. When the trigger is released, all three safety features re-engage and the GLOCK pistol is automatically secured again.



- Shotguns are to be carried in the patrol vehicle with:
 - Locked in the rack
 - With the safety on
 - Without rounds in the chamber
 - With four rounds in the tube and additional rounds in the butt stock carried (if equipped)

Weapon Clearing Systems

- Two weapons clearing systems are installed at H Q:
 - In the sally port
 - Outside the basement gun cleaning room
- Weapons are not to be cleared anywhere at H Q other than one of the weapons clearing systems

Weapons clearing system:

Gun cleaning room

Used for **HANDGUNS** of all
calibers



Weapons clearing system:

Sally port

Used for **HANDGUNS** (of all calibers), **RIFLES** (5.56 and 7.62), **AND SHOTGUNS** (pellet and slug)



FIREARMS CLEARING PROCEDURE

1. INSERT MUZZLE

**KEEP FINGERS AWAY
FROM TRIGGER !**



2. REMOVE MAGAZINE

3. PULL THE SLIDE TO THE REAR
TO EJECT THE CARTRIDGE
SIMULTANEOUSLY, LOCK
THE SLIDE OPEN



4. VISUALLY & MANUALLY
INSPECT THE CHAMBER
& MAGAZINE WELL TO
INSURE THAT THEY ARE
EMPTY

- If you have questions about the Use of Force or Pursuit:
 - Review the appropriate Directives
 - Consult with your supervisor

- If you have questions about Firearms Safety:
 - Review the appropriate Directives
 - Consult with a Firearms Instructor