

Annual Review of Use of Force & Vehicle Pursuit Incidents

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

County*

Salem

Law Enforcement Agency *

Elmer Borough Police Department

Date of Report *

3/5/2024

Year of Data Covered in this Report*

2023

Check the box below to confirm*

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

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Use of Force Annual Review: Written Report

Section One: BWC/Video Audit

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

Section One: BWC/Video Audit*

This agency currently conducts random reviews of BWC/MVR recordings on a quarterly basis. Reviews are conducted by supervisors and administrators. Reviews are also conducted by internal affairs when notable issues are present. Random reviews are normally selected from traffic stop contacts as these types of contacts are the most frequent contacts that our Officers have with members of the public. Random quarterly review forms are then provided to the Salem County Prosecutor's Office for documentational purposes.

Furthermore, all recordings pertaining to motor vehicle pursuits, use of force incidents, as well as arrests are reviewed by supervisors and administrators. Reviews are also conducted by internal affairs when notable issues are present. Documentation of motor vehicle pursuits, use of force incidents, as well as internal affairs complaints are provided to the Salem County Prosecutor's Office for review.

Section Two: Internal Affairs Complaints

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

Section Two: Internal Affairs Complaints *

Zero internal affairs complaints were filed in calendar year 2023 with regards to use of force incidents. Therefore, no complaints are actively being investigated, nor are there any pending investigations related to same. However, if a use of force incident took place which resulted in a complaint being filed, said force would first be investigated by the Salem County Prosecutor's Office to determine if any criminal action was present on part of the Officer. The force incident would additionally be investigated by the agency to verify that the force used was in compliance with departmental policy, as well as the Attorney General's Office guidelines.

Section Three: Meaningful Review of Individual Uses of Force

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

Section Three: Meaningful Review of Individual Uses of Force*

This agency currently conducts a meaningful review of each and every use of force incident. This review is conducted by a supervisor and/or administrator. Additional review is conducted by internal affairs in instances warranted. Additionally, if it is determined that any Officer used force not consistent with Attorney General's guidelines, the incident in question would be turned over to the Salem County Prosecutor's Office for further review and/or investigation.

Section Four: Non-Discriminatory Application of Force

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

Section Four: Non-Discriminatory Application of Force*

It was concluded by this agency that the (I) use of force incident that took place during calendar year 2023 was in fact consistent with departmental policy, County Policy, as well as Attorney General's Office policy. It was concluded that the force used was in fact applied in a non-discriminatory manner based on the race, gender, physical size, and ethnicity of the Officer, as well as the offender being one in the same, coupled with the consistency of the demographic population in which the Officer served. Force used was also applied at the lowest level to achieve the legitimate law enforcement objective during the incident. No incidents of discriminatory force were used during calendar year 2023.

Section Five: Overall Review of Use of Force

Please utilize as much space as needed to conduct a thorough review of your agency's use of force during the preceding calendar year. Your review should evaluate whether force was used in compliance with the Attorney General's Use of Force Policy and your agency's policy. Even if the use of force itself was compliant with those policies, your review should include any recommendations for training, equipment, or room for improvement (e.g., additional de-escalation efforts could have been made).

Section Five: Overall Review of Use of Force*

It was concluded by this agency that the (1) use of force incident that took place during calendar year 2023 was in fact consistent with departmental policy, County Policy, as well as Attorney General's Office policy. It was concluded that the force used was in fact applied in a non-discriminatory manner based on the race, gender, physical size, and ethnicity of the Officer, as well as the offender being one in the same, coupled with the consistency of the demographic population in which the Officer served. It should be noted that neither the Officer, or the offender were injured as a result of the force incident. Force used was also applied at the lowest level to achieve the legitimate law enforcement objective during the incident. No incidents of discriminatory force were used during calendar year 2023.

Furthermore, additional trainings have been scheduled for Officers to receive more in-depth training when dealing with the increasing calls for service volume related to psychiatric condition interactions with members of the public. This agency is in the process of having all Officers receive additional CIT (crisis intervention training) for the purpose of being better prepared to resolve crisis situations without using force during interactions with members of the public. Special attention should be given to the fact that force incidents have decreased over the past (3) years by Officers of this agency due to the increasing scenario-based training opportunities that our Officers are provided with.

Section Six: Further Action

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

Section Six: Further Action *

This agency has taken, and will continue to take additional steps to improve training related to use of force. This agency will incorporate additional practical application trainings/exercises in the near future to ensure that all sworn Officers have a full understanding of the use of force continuum as it relates to applying same in their duties. This agency will furthermore attempt to have all sworn Officers training in CIT (crisis intervention training) in an effort to further minimize use of force incidents in the future.

Vehicle Pursuit Annual Review: Written Report

Section One: BWC/Video Audit

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

Section One: BWC/Video Audit *

This agency currently conducts random reviews of BWC/MVR recordings on a quarterly basis. This agency also conducts reviews of BWC/MVR recordings related to a motor vehicle pursuit after each incident. Reviews are conducted by supervisors and administrators. Reviews are also conducted by internal affairs when notable issues are present. Random reviews are normally selected from traffic stop contacts as these types of contacts are the most frequent contacts that our Officers have with members of the public. Random quarterly review forms are then provided to the Salem County Prosecutor's Office for documentational purposes.

Furthermore, all recordings pertaining to motor vehicle pursuits are reviewed by supervisors and administrators. Reviews are also conducted by internal affairs when notable issues are present. Documentation of motor vehicle pursuits are provided to the Salem County Prosecutor's Office for review.

Section Two: Internal Affairs Complaints

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

Section Two: Internal Affairs Complaints*

Zero internal affairs complaints were filed in calendar year 2023 with regards to motor vehicle pursuit incidents. Therefore, no complaints are actively being investigated, nor are there any pending investigations related to same. However, if a motor vehicle pursuit incident took place which resulted in a complaint being filed, said pursuit would first be investigated by the Salem County Prosecutor's Office to determine if any criminal action was present on part of the Officer. The pursuit incident would additionally be investigated by the agency to verify that the pursuit criteria was in compliance with departmental policy, County Policy, as well as the Attorney General's Office guidelines.

Section Three: Meaningful Review of Individual Pursuits

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

Section Three: Meaningful Review of Individual Pursuits*

This agency currently conducts a meaningful review of each and every motor vehicle pursuit incident. This review is conducted by a supervisor and/or administrator. Additional review is conducted by internal affairs in instances warranted. Additionally, if it is determined that any Officer engaged in a motor vehicle pursuit not consistent with Attorney General's guidelines, the incident in question would be turned over to the Salem County Prosecutor's Office for further review and/or investigation.

Section Four: Analysis of Non-Compliant Reports

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

Section Four: Analysis of Non-Compliant Reports *

Zero motor vehicle pursuits were conducted in calendar year 2023. Therefore, no motor vehicle pursuit incidents are actively being investigated, nor are there any pending investigations related to same. However, if a motor vehicle pursuit incident took place which was determined not to be in compliance with the Attorney General's Office guidelines, said pursuit would first be investigated by the Salem County Prosecutor's Office to determine if any criminal action was present on part of the Officer. The non-compliant pursuit would also be referred to the Office of Public Integrity and Accountability. The pursuit incident would additionally be investigated by the agency to verify that the pursuit incident was in compliance with departmental policy, County Policy, as well as the Attorney General's Office guidelines.

Section Five: Non-Discriminatory Pursuits

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

Section Five: Non-Discriminatory Pursuits*

Zero motor vehicle pursuits were conducted during calendar year 2023 for review.

Therefore, no determination was taken to verify if a pursuit was conducted in a discriminatory, or non-discriminatory manner. However, if any pursuits were initiated within the Borough limits, it is likely that the demographics of citizens that reside in the Borough are in line with the demographics of the Officers which serve them.

Section Six: Overall Review of Vehicle Pursuit Analysis

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

Section Six: Overall Review of Vehicle Pursuit Analysis*

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Zero motor vehicle pursuits were conducted during calendar year 2023 for review. Therefore, no determination was taken to verify if any pursuit was in compliance with departmental policy, County policy, or the Attorney General's Office guidelines. Furthermore, this agency's sworn Officers are fully aware of what steps should be taken to reduce the possibility of engaging in any motor vehicle pursuit. Also, this agency's sworn Officers are fully aware of what criteria dictates whether a vehicle pursuit has been conducted or not.

Section Seven: Further Action

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

Section Seven: Further Action*

This agency has, and will implement additional use of force training, as well as motor vehicle pursuit training to ensure that it's sworn Officers maintain the highest level of respect for the sanctity of human life. Additional agency training opportunities will be provided to our Officers so that they will gain a more thorough understanding of the lawful and appropriate usage of the lowest level of force, as well as proper initiation of vehicle pursuits, when warranted, while performing their legitimate law enforcement duties. Additionally, Officers have and will always be encouraged to seek out additional training opportunities through credible resources which comply with the Attorney General's Office guidelines.