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RESEARCH FORUM

Paterson Police Department Agency Review and Assessment



POLICE EXECUTIVE
RESEARCH FORUM

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Executive Summary

In May 2020, the City of Paterson, New Jersey commissioned the Police Executive Research Forum (PERF) to perform an organizational assessment of the Paterson Police Department (PPD). Specifically, PERF was asked to review five core areas of the PPD, document its findings and make recommendations for improvement related to each area. The five areas reviewed were:

- The department's organizational structure and management systems;
- Accountability measures;
- Use-of-force policies, procedures, training, and tactics;
- Community relations; and
- Transparency.

To conduct this assessment, PERF reviewed department policies and training regarding use of force as well as PPD use-of-force report data. PERF also conducted on-site interviews with representatives of the department at all ranks.

PERF observed a number of challenges, including:

- A severe lack of resources resulting from the City's budget situation;
- Sworn officers performing work that could be more effectively and efficiently performed by civilians;
- Units and officers being given responsibility for multiple unrelated tasks;
- Extremely poor facilities at PPD headquarters; and
- A need for short- and long-term organizational plans, with clear goals and objectives.

This report presents PERF's recommendations, based on its organizational review of PPD.

This report is designed to serve as a blueprint for continued improvements on use of force and other issues.

Major themes that PERF identified as part of its review are discussed below.

Data on use of force by Paterson officers

PERF reviewed data on use of force by Paterson officers from January 2018 through December 2020, as available from handwritten and electronic use-of-force reporting forms. This data was not ideal because officers' handwriting on the paper forms was often difficult to read or interpret. But the findings provide a baseline for initial analysis. Findings include:

- Reported use-of-Force incidents increased from 212 in 2018 to 264 in 2019, but then dropped sharply to 126 incidents in 2020.
- In 50% of the reported incidents, only one officer used force. In 32% of the incidents, two officers used force. In the remaining 18% of incidents, three or more officers used force.
- Some officers use force far more often than others. Among the 246 officers who reported using force in 2018, 2019, or 2020, 70% were involved in 1 to 5 separate use-of-force incidents. 20% were involved in 6 to 10 incidents, and 7% were involved in 11 to 15 incidents. This does not necessarily mean that individual officers are acting inappropriately. For example, officers who

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work patrol on night shifts in a busy area are likely to use force more often than officers on a day shift in a slower area.

- Among the known subjects on whom force was used, 57% were Black, and 34% were Hispanic, while 7% were white.
- 30% of the known subjects on whom force was used were reported to be intoxicated.
- The most common types of force used were compliance holds (used in 66% of the incidents); hands and/or fists (used in 55% of incidents); and chemical spray (used in 13% of incidents). PPD has limited numbers of Electronic Control Weapons, and PERF saw no reports indicating ECW use.

PERF recommends that PPD provide additional training on how to properly record data in use-of-force reports, to improve the accuracy and comprehensiveness of the data. PPD transitioned to the electronic use-of-force form at the request of the New Jersey Attorney General's Office in 2020, which will help to improve data collection.

PERF also recommends that PPD monitor and examine trends on racial and ethnic disparities in use-of-force cases, to determine the extent to which disparities reflect bias or may be explained by the nature of the incidents, whether arrests were made, and other factors.

PERF also did not see any indications that supervisors conduct comprehensive reviews of use-of-force reports and incidents. PERF recommends that supervisors respond to all reportable use-of-force incidents, and to incidents where it is anticipated that force may be used, to conduct initial investigations. Supervisors should receive training on how to conduct an initial investigation, and PPD should require that all uses of force, including pointing of a firearm or Electronic Control Weapon, be documented and reviewed by the officer's chain of command up to the level of deputy chief.

Sergeants should look at each incident in its entirety, not only at the moment force was used, in order to determine whether opportunities were missed to de-escalate the incident or resolve it without use of force.

In addition, PPD should ensure that all use-of-force reports are reviewed by training staff, so that opportunities for training can be identified.

Use-of-force policies can be improved.

In December 2020, the New Jersey Office of the Attorney General published revised use-of-force guidelines for New Jersey law enforcement agencies.¹ The AG's guidelines emphasize seven core principles:

- The Sanctity of Human Life and Serving the Community

¹ <https://www.nj.gov/oag/force/docs/UOF-2020-1221-Use-of-Force-Policy.pdf>

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- Force as a Last Resort and Duty to De-Escalate
- Duty to Use Only Objectively Reasonable, Necessary, and Proportional Force
- Duty to Use Deadly Force Only as an Absolute Last Resort and Duty to Avoid Actions Which Create a Substantial Risk of Death or Serious Bodily Injury
- Duty to Intervene and Report
- Duty to Render Medical Assistance
- Duty to Report and Review Uses of Force

The Attorney General's principles and guidelines closely mirror policy documents that PERF has developed since 2015, particularly *Guiding Principles on the Use of Force*,² and *ICAT: Integrating Communications, Assessment, and Tactics*.³

Current use-of-force policies in Paterson generally reflect awareness of many of these concepts. However, in a number of cases cited below, Paterson's policies and its definitions of these terms can be strengthened.

De-escalation and Proportionality

PPD's use-of-force policy should emphasize proportionality, the use of distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics. PPD should also add a definition of "de-escalation" to its policy.

These terms and their importance are explained in detail in a PERF report, [Guiding Principles on Use of Force](#).

Electronic Control Weapons

While PPD has only deployed a small number of Electronic Control Weapons (ECWs) to officers, PERF recommends that it [update its policies related to ECWs](#) to reflect best practices. PPD should replace all references to "conducted energy device" in its policies with the more descriptive and appropriate term, "Electronic Control Weapon (ECW)," in order to clarify that ECWs are in fact weapons that carry a risk of harming persons.

PPD should also revise deployment procedures, forbid the use of the drive stun mode, forbid the targeting of sensitive areas and use against high-risk individuals (pregnant women, elderly persons, young children), prohibit use against subjects in physical control of a moving vehicle, and require that supervisors respond to the scene when an ECW is deployed.

These changes to policy and practice are explained in detail in PERF's report, [2011 Electronic Control Weapon Guidelines](#).⁴

² <http://www.policeforum.org/assets/guidingprinciples1.pdf>

³ <http://www.policeforum.org/assets/icattrainingguide.pdf>

⁴ [https://www.policeforum.org/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf](https://www.policeforum.org/assets/docs/Free%20Online%20Documents/Use%20of%20Force/electronic%20control%20weapon%20guidelines%202011.pdf)

Training of officers can be improved.

PERF recommends investing in more in-person training.

In January 2021, the New Jersey Attorney General's Office announced that it would require all law enforcement agencies in the state to complete Integrating Communications, Assessment, and Tactics (ICAT) training, a program that was developed by PERF.

PERF will provide ICAT training to PPD following the submission of this report to the department.

A key part of this training is teaching officers to use a Critical Decision-Making Model (CDM),⁵ which is a tool for expanding the range of options that police officers consider as they respond to any situation, including situations that may involve a use of force. By using the CDM, officers in many situations may be able to resolve an incident without using force, or they may make a better choice about the minimum type of force that is most likely to be effective.

PERF also recommends that PPD enhance its tactical, pursuit and firearms training to include in-person and simulation-based experiences.

Field Training (FTO)

PPD should strengthen its field training program for new recruits and ensure that its Field Training Officers receive yearly training specific to their function, to ensure that they understand their important roles and responsibilities.

In-Service and Supervisor Training

The Office of Professional Standards and training staff should collaborate to identify departmental training needs to mitigate risks, reduce officer injuries, and reduce the need for discipline. The FTO program should be formalized and strengthened.

One area identified by PPD is the need for skills-based, in-service driver training.

PPD should also adopt additional training and educational programs for supervisors, managers, and executives. PPD should develop and implement first-line supervisor training designed to build skills related to day-to-day management functions and leadership, and should enroll supervisors in national leadership training institutes.

⁵ "ICAT Module 2: The Critical Decision-Making Model." Police Executive Research Forum <https://www.policeforum.org/icat-module-2>

Organizational changes can make PPD more effective and efficient.

Strategic Plan and Organizational Chart

PERF recommends creating several core, internal documents that will support organizational clarity to personnel and the public regarding the department's hierarchy, mission, and focus.

PPD should create an annual strategic work plan to guide its organizational mission and focus.

In order to ensure that the work plan is being implemented, the PPD should create and implement a performance management system such as CompStat, to ensure that each Division and Unit is actively engaged in delivering results that are aligned with PPD's organizational priorities.

In addition, PPD would benefit from a one-page organizational chart that clearly delineates the structure and position allocation for each unit. The organizational chart should use clear and consistent terminology and have uniform names for units, so that officers and the public understand the hierarchy and how each unit and function is situated within the department.

Civilianization

PERF observed that a significant number of sworn personnel are performing functions that could be performed by civilians, including data entry. PERF recommends that PPD create a plan to adjust the composition and alignment of sworn and civilian personnel throughout the department.

PPD should complete a job/task analysis for certain positions within the organization to determine:

- if it requires the authority of a sworn officer, or could be performed by a civilian,
- if it is duplicated within the department,
- if it should be consolidated or aligned differently to promote efficiency and effectiveness, or
- if it could be outsourced.

Civilianizing positions can reduce costs, improve expertise, and result in having more sworn officers in operational roles.

In addition, PPD should create a position for a full-time Director of Human Resources who is responsible for managing the performance review system, recruitment, hiring, promotions, and other personnel functions.

Span of Control, Workload and Scheduling

PERF recommends that PPD conduct a staffing and workload analysis for both the Patrol and Investigative Divisions. While conducting these studies is beyond the scope of PERF's engagement, PERF has provided PPD with resources and methods to perform these analyses, in-house, on page 22 of the report.

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- The workload analysis for Patrol should evaluate response times to 911 calls, analyze use of officers' time, and assess beat integrity and community policing efforts. PPD should acquire and use staffing analytics software to model and periodically rebalance the patrol workload.
- The workload analysis for the Investigations Division should assess caseloads, lengths of time cases are active, and outcomes resulting from investigations.

PERF's review also suggests that Extra Duty assignments may have a significant impact on scheduling and workload. Therefore, we recommend that PPD conduct an analysis of extra duty policies and practices and impact to organizational workload.

Investments in fleet, technology, and facilities are needed.

Fleet

PPD's fleet is old and experiencing ongoing maintenance challenges. PERF recommends that PPD conduct a fleet analysis to determine the optimal fleet size based on staffing and operational needs, as well as maintenance needs. It should also conduct a cost analysis of fleet maintenance and develop criteria for decommissioning vehicles. It should develop a vehicle replacement plan and capital budget based on results from fleet and cost analysis. The City should also consider citywide consolidation of vehicle purchases and vehicle maintenance.

Technology

PPD relies on a number of paper-based systems. In order to increase efficiency, PPD should ensure that its CAD and RMS systems are automated and compatible with each other, to reduce redundancy in data entry while providing data reports that support operations and crime analysis.

Due to the large volume of paper records, PPD should acquire an optical scanning platform to convert those documents into searchable records. This will facilitate records retrieval, investigations, identification of patterns across multiple cases, and efficiently handling of Open Public Records Act (OPRA) requests and court orders for PPD records.

PPD should also streamline prisoner processing protocols and technologies to reduce time-on-task for intake personnel and arresting officers.

Facilities

Problems with the Public Safety Complex have been documented over the years. There have been numerous employee grievances, and it has been cited by the NJ Department of Labor and Workforce Development for having more than 20 work-safety violations. Reports documenting the building's issues were published in 2006, 2011 and 2018. This has a significant negative impact on morale.

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PERF recommends that PPD and the City of Paterson work together to develop short-term and long-term capital plans for the Public Safety Complex. Short-term plans should focus on building improvements required for the health and safety of the employees in the building. Long term-plans should include capital budget planning; land identification and acquisition; bonding; architectural plans; and construction of a new building.

Improvements can be made in the Office of Professional Standards.

The Office of Professional Standards has taken great strides to reduce its case backlog and improve investigations. PERF recommends the following additional actions:

Complaints

PPD should create an electronic version of its complaint form that can be completed and submitted online via PPD's website. It should also translate the complaint form into Arabic and other languages, and remove the warning about making false complaints. PPD would also benefit from establishing, managing, and tracking complaint investigation completion goals.

Civilianization

Internal affairs detectives spend a significant amount of time entering data into the IA Pro database. PERF recommends that PPD hire civilian employees to perform this data entry in order to free up time for detectives to conduct investigative work.

Meaningful Review Board

PPD should require the Meaningful Review Board to review all serious uses of force; lethal force; less-lethal force with a tool; injury; complaint of injury; all in-custody deaths; and any other critical police incident as directed by the chief of police.

The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy.

Incidents should also be reviewed in a larger, department-wide context, in addition to the specific incident in which force was used, in order to identify opportunities that may have been missed for de-escalating the incident. A representative from Training should sit on the Meaningful Review Board to identify any training or tactical issues. Currently, no one from Training serves on the Meaningful Review Board.

PPD should also require that a tactical debriefing occur no later than 72 hours after a use of force that results in serious injuries or deaths, an officer-involved shooting, or in-custody death, to identify potential issues in training, policy and/or equipment without having to wait until the completion of the official investigation. As part of this review, the training supervisor should be allowed access to the scene of a shooting after all investigative measures have been completed to inform the debriefing of the Meaningful Review Board.

Communication and Transparency

Currently, detectives have very limited contact with complainants and officers under investigation, beyond the investigative process itself. Neither complainants nor officers receive regular case updates. OPS should provide regular case status updates to employees and complainants, so that they are informed of the status and progress of their case.

PPD should also create a dedicated webpage for OPS that provides information about the complaint process, including how to file a complaint, the investigative process, adjudication, discipline and appeals. Conduct rules, Meaningful Review Board data and reports, annual use of force reports, and data about internal and supervisory investigations should be posted on this page and the PPD website to expand public access to this information.

Office of Professional Standards

PPD should consider moving the Office of Professional Standards' office to an off-site location. An off-site facility can be less intimidating for complainants than police headquarters. Furthermore, for officers involved in an investigation, the off-site location will ensure a higher level of privacy and will help protect the integrity of the investigation.

PPD can do more to build trust and improve its relationship with residents.

While PPD has developed strong relationships with faith and community leaders, PERF recommends the following actions to improve community relations, communications, and transparency:

Community Policing

PPD should conduct a community survey to assess community satisfaction with police services. It should create a department-wide community policing plan that includes goals, objectives, structure, and roles and responsibilities of varying units. This plan should be a written, strategic plan that is accessible to both community and police personnel.

PPD should also develop training for all officers and supervisors that reflects and furthers the goals of the community policing plan, and should create mechanisms to continuously evaluate how effectively it is meeting the goals set out in the plan.

Internal Communications

PPD should use additional means to communicate new policies, procedures and training within the department. It should create a formal system to allow feedback during the policy-making process, and should solicit input from internal subject matter experts and individuals in the department who will be significantly impacted by the policy.

External Communications

Currently, Paterson's Police Director is responsible for all PPD external communications. PERF recommends that PPD hire a dedicated, civilian communications professional to support the Public Safety Director's current external communications. This professional should support the development of an overall communications strategy, update and manage the PPD website, manage social media accounts and content, and field media inquiries. This professional should also assess the PPD's social media presence, determine which social media outlets it should use, and develop a social media plan and program designed to further PPD's goals and objectives.

Update Website

PERF also recommends that PPD update and expand its website. The website should include full descriptions of its services and support to the community and should contain information that helps the public understand its operations, organizational structure, processes, training, and data. PPD should make its policies, general orders, internal affairs statistics, annual report, and other information available on the department website for public review.

Another step that PPD leaders could take to promote internal transparency is to share the findings and recommendations of this report with PPD members.

Throughout the review process, PERF found members of the Paterson Police Department to be dedicated to their agency and their community. They expressed a strong desire to improve their performance, serve the community, and be the best at what they do.

PERF will continue to be available to the City of Paterson and the PPD to provide advice and guidance as the City begins the process of implementing PERF's recommendations.

Introduction

In May 2020, the City of Paterson, New Jersey commissioned the Police Executive Research Forum (PERF) to conduct an organizational assessment of the Paterson Police Department (PPD). Specifically, PERF was asked to review the manner in which police services are delivered; PPD's organizational structure and management systems; accountability measures; use-of-force policies, procedures, training, and tactics; community relations; and transparency.

The purpose of the review was not to investigate any specific incident or officers, but rather to focus on broad issues and trends through the review of policies, procedures, training, and the "culture" within PPD. PERF's review included an analysis of PPD's policies and training related to use of force, on-site interviews with department personnel of all ranks, and a review of officer-generated reports related to use of force.

During the review process, PPD personnel demonstrated a strong commitment to their community and an openness to recommendations for improvements and new types of training for officers that would help them serve their community. The intention of PERF's recommendations is to provide additional tools and guidance needed to best serve the community of Paterson.

PERF's organizational review and review of PPD's use-of-force policies, practices, and training is based on the expertise PERF has developed in conducting scores of similar reviews for other city and county law enforcement agencies, PERF's extensive research on use-of-force policies, and a review of policies in law enforcement agencies that have entered into consent decrees with the United States Department of Justice over use-of-force issues.⁶

About the City of Paterson and the Paterson Police Department

The City of Paterson, NJ, covering a land area of 8.5 square miles, is the county seat and largest city in Passaic County, and is home to 159,732 residents.⁷ According to 2020 Census data, the racial composition of Paterson is:

- 30.3% White
- 26.1% Black or African American
- 0.1% American Indian and Alaska Native
- 4.6% Asian
- 3.8% Two or more races
- 8.5% White, not Hispanic or Latino
- 60.8% Hispanic or Latino.

⁶ PERF conducted extensive research on the DOJ consent decree process, summarized in our 2013 report, "[Civil Rights Investigations of Local Police: Lessons Learned.](#)"

⁷ "Paterson, New Jersey." United States Census Bureau.
<https://www.census.gov/quickfacts/fact/table/patersoncitynewjersey,US/POP010220>

Introduction

Paterson is believed to have the second largest Arab-American community by percentage, after Dearborn, Michigan. In 2015 Paterson's Arab-American population was estimated to be around 20,000, mainly of Palestinian, Syrian or Jordanian descent.

The Paterson Police Department (PPD) employs approximately 419 sworn and 60 civilian employees.⁸ The demographic breakdown of sworn officers at the PPD is as follows:

- 85% Men
- 15% Women
- 32% White
- 13% Black or African American
- 48% Hispanic or Latino
- 8% White, not Hispanic or Latino

Department Organization

PPD is comprised of an Operations Division, an Investigations Division, and an Administrative Division, all of which report to the Chief. Historically, there were three Deputy Chiefs, one heading each of the three Divisions. However, at this time there are only two Deputy Chiefs, one overseeing the Operations Division and one supervising both the Investigations and Administrative Divisions.

- The Operations Division includes Patrol, Tactical Operations and Community Policing.
- The Investigations Division includes Criminal Investigations, Special Investigations and Narcotics.
- The Administrative Division includes Records, Property, City Hall Security, Communications, Technology, Training, and Court and Confinement.
- In addition, there is a separate Office of Professional Standards, which reports directly to the Chief.

All departmental functions, including Patrol, are operated centrally out of the Paterson Police Headquarters Building.

Project Scope and Methodology

PERF's review focused on five key areas:

- Organizational structure and management;
- Use-of-force policies, procedures, and training;
- Accountability measures and systems, including the process for investigating complaints filed by community members and officers;
- Community relations; and
- Transparency.

To assess these key areas, PERF used the following methodology:

⁸ Paterson Police Department Personnel Report, October 2020.

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Onsite and Telephone Interviews: PERF staff members conducted a site visit to Paterson in September 2020 to conduct interviews with stakeholders in the department and community. During this trip, PERF spoke with the Mayor, Business Administrator, Public Safety Director, Chief, executive staff, commanders, lieutenants, sergeants, detectives, civilian employees, and union representatives. Additionally, PERF met with Internal Affairs Division and Training Division staff members. Due to the COVID-19 pandemic, PERF staffers were unable to participate in ride-alongs. Following the onsite interviews, PERF maintained communication with PPD for follow-up questions. Several community members and local activists were interviewed by telephone before and after the site visit.

Use-of-Force Policy Review and Analysis: PERF reviewed and analyzed PPD's policies, procedures, and other documents related to the department's use of force.

Use-of-Force Investigations and Documentation Review: PERF reviewed use-of-force reporting and review process.

Office of Professional Standard Division Review: PERF staff conducted a site visit to PPD and had an extensive interview with staff members of the Office of Professional Standards Division to thoroughly discuss the process of receiving, investigating, and classifying complaints filed by community members and officers. Follow-up conversations were conducted by phone and email.

Training Review: PERF interviewed PPD's training staff during its site visit and reviewed training curricula and scenario-based exercises that relate to use of force.

This report presents the findings from PERF's review and provides recommendations for how PPD can improve its organizational structure and management; use-of-force policies, practices and training; accountability measures; community relations efforts; and transparency. PERF's recommendations are based on current research and reflect progressive policing practices that have been adopted in other police agencies.

SECTION I. ORGANIZATION AND MANAGEMENT

PERF conducted an organizational assessment of the Paterson Police Department (PPD). As part of this assessment, PERF examined the following:

- PPD's organizational structure and alignment to support goals and objectives;
- Span of control, workload, and scheduling; and
- Organizational efficiency and resource allocation.

Organizational Structure and Alignment

The PPD is a New Jersey-accredited, full-service police organization consisting of 479 sworn and civilian employees who serve the City of Paterson. There are 419 authorized sworn and 60 civilian positions. There are also 111 civilian crossing guard positions in the PPD budget who do not perform police-related duties. The administration and operations of the PPD in part are regulated by the New Jersey Attorney General, and are also affected by a collective bargaining agreement with the Police Benevolent Association ("PBA")⁹.

Leadership Structure

PPD is organized in a similar manner to other police agencies across the country, and to cities that employ a public safety director or commissioner who oversees the uniformed chief of police. The Paterson Chief of Police reports to the Public Safety Director. The Public Safety Director is responsible for overall policy, and the Chief is responsible for day-to-day operations. Until recently, the PPD had three Deputy Chiefs (Operations, Investigations and Administrative). Currently, there are two Deputy Chiefs, one for Operations and one for Investigations and Administration.

Office of the Chief

The Office of Professional Standards and certain administrative functions (finance, extra-duty assignments, and fleet) report to the Office of the Chief. The Office of Professional Standards (OPS) is led by a captain and has been allocated 13 sworn positions. It is responsible for Internal Affairs investigations and recommending discipline, as well as Inspections, Court Liaison, and Recruitment.

Administrative Services is led by a captain and is allocated 75 sworn and civilian positions. It is responsible for support functions, including Records, Property and Evidence, City Hall Security, Training, Policy and Planning, Technology, and Court and Confinement. At this time, PPD does not have a Deputy Chief for Administration, and some administrative services report to the Office of the Chief and others to the Deputy for Investigations. This reporting arrangement is atypical. In most departments of similar

⁹ Non-ranking sworn employees are members of the PBA, and supervisors at the rank of sergeant and above belonging to the Supervisory Officer Association of the PBA.

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size, administrative and support services report to a Deputy Chief or similar rank and are not managed by directly by the Chief.

The Chief's Office is allocated 17 sworn and civilian personnel and manages Logistics and Fleet Management, Accounting, Budget Management, and Extra Duty (Overtime).

In Paterson, fleet management is decentralized to individual agencies, with some specialty vehicle support between Fire and Public Works. PPD manages its own fleet parts ordering and repair operations, and outsources collision repairs, with a staff of 10 mechanics supporting 265 vehicles. It is unusual for fleet management to report to the Office of the Chief.

Operations

Operations consists of the Patrol Division and Special Operations Division, and is allocated 246 sworn and civilian positions.

The Patrol Division operates on an 11.25-hour, four-on/four-off rotational workday schedule, and each rotational group is divided into two day squads and one night squad, placing the majority of staffing throughout the day and evening, when workload is heaviest. Patrol is allocated 180 sworn officers, with 90 allocations per rotational group. Patrol is responsible for responding to 911 calls for service. In 2019, there were more than 114,000 calls for service.¹⁰

The Special Operations Division is allocated 65 sworn and civilian positions, with an additional 111 civilian part-time positions for school crossing guards. Special Operations includes a full-time Emergency Response Team (ERT), the Community Collaboration Unit, and the Traffic and Special Events Unit. The ERT operates on the same four days on, four days off schedule as Patrol, with two rotational groups, led by a lieutenant and broken into day and night squads. Each squad is allocated one sergeant and four officers. The ERT responds to all high-risk calls for service and executes entries on high-risk warrants. The Community Collaboration Unit (CCU) consists of a lieutenant and two squads, each allocated one sergeant and five officers. This unit performs the primary community policing functions of the PPD, engaging community members about quality-of-life problems, community meetings, crime prevention measures, and recruitment. Led by a lieutenant, the Traffic and Special Events Unit is responsible for traffic enforcement, special events, and school crossing guards. The Traffic Unit is comprised of two platoons on four days on and four days off rotations, each with day and night squads, and each with one sergeant and 5 officers. The lieutenant also oversees the operations of special event staffing and security, and the Crossing Guard Unit.

Investigations

The Investigations Bureau is comprised of the Criminal Investigation, Special Investigation, and Narcotics¹¹ Investigation Divisions and is allocated 124 sworn and civilian positions. Most units operate on an eight-hour, five days per week work schedule, with day and evening shifts for coverage across 17

¹⁰ This data was provided to PERF by PPD and reflects reactive calls for service. Not self-initiated activity.

¹¹ The Vice Unit is in the Narcotics Division.

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hours. Criminal Investigations is allocated 50 sworn detectives and five civilian positions and includes the Major Crimes Division, Juvenile Division, Crime Scene Investigation and Federal Partnerships. The Major Crimes Division is responsible for investigating homicides and sexual assaults. It is divided into five squads, with four squads addressing homicides and one squad managing sexual assaults and human trafficking investigations, which are conducted in coordination with the local prosecutor's office. The Juvenile Division investigates crimes against juveniles and supports investigations involving them. Crime Scene Investigations is staffed with one lieutenant, one sergeant and four detectives, and is responsible for the collection of all evidence associated with crimes throughout the city. The Partnerships Unit supports federal Task Force Officer (TFO) partnerships, including FBI Joint Terrorism Task Force and U.S. Marshals Service¹² partnerships.

Special Investigations is led by a captain and is allocated 44 sworn positions. It consists of the Ceasefire Unit, Neighborhood Stabilization, Warrant Unit, and Partnerships. The Ceasefire Unit is comprised of one lieutenant managing two squads of detectives, each incorporating one sergeant and five detectives. Its functions include the investigation of all nonfatal shootings. The Ceasefire Unit also coordinates the multiagency and community partnerships that focus on reducing serious offender recidivism through a defined notification and community support process. Special Investigations' Task Force Officer (TFO) partnerships focus on short- and long-term gang investigations, federal prosecutions of firearms offenders, and intelligence gathering, and include TFOs assigned to the FBI, ATF, HSI (Homeland Security Investigations) and New Jersey State Regional Operations & Intelligence Center (ROIC). All recovered firearms and projectiles are sent to the state laboratory for testing and inclusion in the federal Integrated Ballistics Identification System (IBIS).

Neighborhood Stabilization is referred to internally as the Street Crimes Unit, and is comprised of one lieutenant managing two squads of detectives, each incorporating one sergeant and nine detectives.

Narcotics and Task Force Assignments

The Narcotics Division is led by a captain and is allocated 25 sworn positions. It is subdivided into Narcotics and Vice Enforcement, Alcohol and Beverage Commission (ABC) Enforcement, and Outside Agency On-Loan Program. The Narcotics and Vice function is divided among two squads (A&B), each led by one lieutenant, one sergeant, and seven detectives. Squad A is allocated an additional detective for evidence collection, while Squad B utilizes one of its seven detectives as an alternate evidence custodian. The ABC Enforcement function is staffed with one sergeant, who reviews all ABC applications and addresses related violation issues. The Outside Agency On-Loan Program provides two Task Force Officers to DEA and one to the New Jersey Opioid Task Force managed by the New Jersey State Police.

Planning

The PPD currently does not have an annual strategic work plan to delineate goals and priorities for the department. It also does not have a multi-year capital plan. Its current organizational chart is eight

¹² The Marshal's Service TFO is currently vacant due to staffing priorities within the PPD.

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pages long and not publicly available. While that level of detail is needed for some purposes, a simpler, one-page version of the organizational chart would also be useful, especially for sharing externally.

Creating these documents and sharing them internally and externally would promote a shared vision and goals for the department, and would increase transparency and accountability.

Recommendation: *Create an annual strategic work plan to guide PPD's organizational mission and focus.*

A clear plan with goals and performance metrics will provide a roadmap to address the most critical needs of the department, the city, and the community. It will drive the alignment of resources to the plan's priorities and provide justification for potential new investments in personnel and equipment. The creation of goals and performance metrics also will build a culture of internal focus and accountability while building public confidence in the PPD.

The Charlotte-Mecklenburg Police Department is an example of a department that created a straightforward, one-page document articulating its strategic direction, goals and measurements of success.¹³ Additionally, the International Association of Chiefs of Police (IACP) has created a best practices guide for smaller police departments that wish to create a strategic plan.¹⁴

Recommendation: *Create and implement a performance management review system such as CompStat to ensure that each Division and Unit in the PPD is actively engaged in delivering results aligned with organizational priorities.*

Performance management systems can be used to evaluate crime reduction initiatives, community policing activities, the quality of investigations, the response to citizen complaints, recruitment practices, field training, and other priorities. Reviews can be held weekly, monthly, or quarterly, depending on the Unit and the goals. The performance management system should be tied to performance expectations, and reporting metrics for each Unit and Division should be clearly defined. The Port St. Lucie, FL Police Department is an example of an effective performance management system model.¹⁵ Additionally, a PERF publication, *COMPSTAT: Its Origins, Evolution, and Future in Law Enforcement Agencies*, provides a roadmap for creating a performance-based management system.¹⁶

Recommendation: *Clarify organizational structure and priorities through a dated, single-page organizational flow chart and position allocation document, and publicize it to employees and the public.*

PPD should provide public access to its organizational chart through the PPD website. Organizational charts help the organization and the public understand how work is assigned within an organization and how priority tasks are given resources. Many departments have

¹³ https://charlottenc.gov/CMPD/Pages/Resources/CMPD-Strategic_Direction.aspx

¹⁴ <https://www.theiacp.org/sites/default/files/2018-08/BP-StrategicPlanning.pdf>

¹⁵ <https://cops.usdoj.gov/RIC/Publications/cops-w0613-pub.pdf>

¹⁶ <https://bia.ojp.gov/sites/g/files/xyckuh186/files/Publications/PERF-Compstat.pdf>

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organizational charts, including Los Angeles and Cedar Rapids, that demonstrate two different models to consider.¹⁷ Additionally, publicizing these documents to the public and employees helps promote transparency and accountability throughout the organization. Update the chart when organizational changes are made.

Recommendation: Use *clear and consistent names for units on the organizational chart.*

The current organizational chart uses a number of different terms to identify units, including squad, platoon, unit, and division. Some divisions report to divisions. The lack of consistency in terms creates potential confusion regarding superior and subordinate unit relationships. While a variety of naming conventions exist, use of consistent labels such as unit, section, division, and bureau in a hierarchy are useful to clarify how each unit and function is situated within the organization. Both the Los Angeles and Cedar Rapids organizational charts referenced above provide examples of consistent use of terms in an organizational chart.

Based on PERF's interviews and a review of tasks assigned to specific units, it appears that many units are performing work outside the typical scope of their unit. For example, the Office of Professional Standards (OPS) is responsible for processing and conducting background checks on all new recruits. This is a duty is usually assigned to a human resources or personnel department within the police department. In some cities, hiring and background checks are centralized and conducted by the citywide human resources agency. During the pandemic, OPS also was responsible for contact tracing within the department.

PPD also uses sworn officers to perform many administrative functions that could be performed by civilian employees or outsourced. Examples include data entry, finance and budgeting, human resources and hiring, prisoner processing, information technology, and security camera installation and maintenance. Opportunities may also exist to consolidate positions with similar functions to improve efficiency.

Recommendation: PPD should create a plan to *adjust the composition and alignment*¹⁸ *of sworn and civilian personnel throughout the PPD to improve efficiency and effectiveness.*

PPD should complete a job/task analysis, as described in this report, for certain positions within the organization to determine if it requires the authority of a sworn officer, it is duplicated within the department, if it should be consolidated or aligned differently to promote efficiency and effectiveness, if it could be performed by a civilian, or if it could be outsourced. Similar studies have been done by police departments in Los Angeles, Berkeley and Houston.¹⁹

¹⁷ See http://lapd-assets.lapdonline.org/assets/pdf/org_chart_dp12_2020_1119720.pdf and https://www.cedar-rapids.org/local_government/departments_g_-_v/police/organizational_chart.php.

¹⁸ The term "alignment" refers to the positioning and arrangement of personnel and units in relation to one another and the organization of duties and systems so that they match or fit well together to meet the needs of the organization.

¹⁹ See <https://lacontroller.org/wp-content/uploads/2019/05/FindingsAndRecsMoreOfficerWorkLessOfficeWork.pdf>;

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Recommendation: *Evaluate support positions such as data entry, finance, personnel, prisoner processing and information technology for opportunities to civilianize.*

Civilianizing positions can reduce cost, improve expertise and result in more sworn officers in operational roles.

Human Resources and Performance Evaluation

There is no formal human resources department or director at PPD.

The performance management system was described as ineffective. The system is supposed to be administered annually, but there have been years where no annual performance appraisals were conducted. The system was described as a basic series of performance indicators that are not tied to organizational goals and objectives. Supervisors mark “satisfactory” or “unsatisfactory” for each indicator, and brief comments are noted for unsatisfactory ratings. The performance management system does not affect compensation, assignments, or promotions. The PPD’s collective bargaining agreement with the PBA and the New Jersey Civil Service Commission govern hiring, promotion, and compensation rules and processes within the PPD.

Civil Service

Candidates for sworn positions at PPD are required to apply through the State of New Jersey and take a civil service exam. Similarly, all promotions are determined by rankings from a State civil service test. Since both processes are controlled by the state, PPD is severely limited in its ability to impact them.

Diversity

Overall, the PPD is a diverse department, with the following composition of sworn employees:

- 85% Men
- 15% Women
- 32% White
- 13% Black or African America
- 48% Hispanic or Latino
- 8% White, not Hispanic or Latino

However, this level of diversity is not seen at the supervisor level. Currently, white men make up only 31% of the department, but hold 64% of supervisory positions (rank of sergeant and above). Women constitute 15% of department, but hold only 8% of supervisory positions. Hispanic officers make up 48% of the department, but only 23% serve in supervisory positions. Since promotions are governed by the State of New Jersey’s Civil Service System, it is challenging to impact this issue at the local level. There

https://www.houstontx.gov/police/department_reports/operational_staffing/Staffing-Recommendations-for-the-HPD-Final.pdf; and

https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/PoliceStaffingFinalRpt.pdf

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are tests and a ranked list for each supervisory and command rank. The PPD must make promotions from these ranked lists, with the ability to skip up to three candidates for promotion. In practice, skipping is rare.

Recommendation: Create a position for a full-time Director of Human Resources who is responsible for managing the performance review system, recruitment, hiring, promotions, and other personnel functions.²⁰ Alternatively, the City of Paterson should consider hiring a dedicated PPD Human Resources Specialist to manage these functions.

Recommendation: Create a more robust performance review system that uses a scale of one to five for each factor assessed and incorporates qualitative feedback.

PERF partnered with the COPS Office to create a guidebook on creating performance management systems that includes examples of systems developed in Denver and Minneapolis.²¹ In order for the performance review system to be used to impact assignment selection, promotions and pay raises would require broader negotiation and support with the PBA and the State of New Jersey.

Recommendation: PPD should encourage the State of New Jersey to review its promotional exam and its impact on diversity statewide to determine if any changes should be made.

While PPD is a diverse department, it lacks diversity at the supervisory levels. Since all promotions are governed by a state civil service system, the only way to impact diversity at supervisory levels would involve changes to the state system. Therefore, the State of New Jersey would need to assess its promotion exam and its impact on diversity statewide to determine what, if any adjustments should be made.

Union Relations

PERF interviewed PPD union leaders during the site visit. Both unions stated that the need for additional staff training is a top priority. Union leaders also supported the creation of a more robust and improved field training officer (FTO) program. Other main concerns included the need for additional manpower and improved facilities.

PPD management expressed some concerns about the current union contract and the negotiation process. It was reported that “Section 10: Maintenance of Standards” and “Section 39: No Waiver” have

²⁰ The Baltimore City Police Department has a civilian director of human resources and a strong job description for this position which can be found at <https://humanresources.baltimorecity.gov/sites/default/files/Baltimore%20Police%20Department%20Director%20of%20Human%20Resources.pdf>.

²¹ *Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook* (2015) <https://www.nationalpublicsafetypartnership.org/clearinghouse/Content/ResourceDocuments/Implementing%20a%20Comprehensive%20Performance%20Management%20Approach%20in%20Community%20Policing%20Organizations.pdf>

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been interpreted to mean that all past practices within the department are precedent-setting and allowed moving forward, and that any rules not enforced in the past cannot newly be enforced. This appears to be a very broad interpretation of fairly standard boilerplate language that is used in collective bargaining agreements in many other cities. This interpretation limits the authority of PPD management to make needed changes. PPD should consider litigating this issue to resolve it and clarify the authority of management to make necessary changes.

It was also reported that PPD has not had a management representative at the bargaining table when the City is negotiating new police union contracts.

Recommendation: *The City of Paterson should include a PPD management representative in future negotiations of police union contracts so that the City can be well informed of the impact and implications of proposed terms on management's ability to make changes and departmental operations.*

Span of Control, Workload and Scheduling

In police organizations, the span of control, distribution of workload, and scheduling of officers have a significant impact on the overall performance of the organization.

Span of Control

Generally, spans of control are pyramid shaped, and expand successively from higher to lower ranks. In policing, a supervisor/subordinate ratio between 1:5 and 1:8 is considered ideal, particularly at the first-line operational level. (In other words, each supervisor should have authority over 5 to 8 subordinates.) Smaller spans of control may be justifiable in more specialized functions.²²

PPD identified workload as a factor that causes stress for supervisors. A span-of-control review suggests that some changes could be made to address this concern.

The PPD organizational chart reflects a very wide range of spans of control throughout the organization. In some instances, the supervisor to subordinate ratio is 1:0 or 1:1, while in other instances, it is 1:14.

The fact that a number of sworn officers in supervisory roles are performing tasks that might otherwise be performed by skilled civilians likely contributes to the wide variation in spans of control across the department. PERF recommends that PPD conduct a job task analysis, as described below, and consider civilianization of certain functions to more efficiently distribute supervisory workload across the organization.

The current reporting relationships and spans are as follows:

²² The frontline supervisor to officer ratio should be between 1:5 and 1:7 in smaller police agencies. See *Law Enforcement Best Practices, Lessons Learned from the Field*. U.S. Department of Justice, COPS Office. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

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<u>Position</u>	<u># Supervised</u>	<u>Subordinate Positions/Counts</u>
<u>Executive Command</u>		
Public Safety Director	(1)	1 Assistant Public Safety Director
Assistant Public Safety Director	(2)	1 Chief of Police; 1 Administrative Assistant
Chief of Police	(7)	3 Deputy Chiefs; 3 Captains; 1 Administrative Assistant
Deputy Chief – Patrol	(5)	5 Captains (No Administrative Assistant)
Deputy Chief – Investigations	(3)	3 Captains (No Administrative Assistant)
Deputy Chief – Vacant	(0)	0 reporting personnel or functions
<u>Mid-level Command/Supervision</u>		
Chief's Office		
Captain	(2)	1 Lieutenant; 1 Sergeant
Lieutenant	(1)	1 Sergeant
Sergeant	(10)	10 Civilians
Professional Standards		
Captain	(3)	2 Lieutenants; 1 Detective
Lieutenant (x2)	(2)	1 Sergeant each
Sergeant (x2)	(7)	3 and 4 Detectives, respectively
Administrative Services		
Captain	(7)	5 Lieutenants; 2 Sergeants
Lieutenant (x3)	(3)	1 Sergeant each
Lieutenant	(3)	3 Sergeants (Shifts 1,2,3 for Court and Confinement)
Lieutenant	(7)	5 Detectives; 2 Civilians
Sergeant	(12)	1 Detective; 11 Civilians
Sergeant	(2)	2 Officers
Patrol Day		
Captain (x2)	(8)	4 Lieutenants each
Lieutenant (x8)	(14)	1-2 Sergeants each
Patrol Night		
Captain (x2)	(4)	2 Lieutenants each
Lieutenant (x4)	(10)	2-3 Sergeants each
Special Operations		
Captain	(4)	4 Lieutenants
Lieutenant (x3)	(6)	2 Sergeants each
Lieutenant	(8)	4 Sergeants; 3 Officers (Class 1); 1 Civilian
Criminal Investigations		
Captain	(6)	4 Lieutenants; 2 Detectives
Lieutenant (x4)	(8)	1-3 Sergeants each
Special Investigations		
Captain	(6)	2 Lieutenants; 1 Sergeant; 3 Detectives
Lieutenant (x2)	(4)	2 Sergeants each
Sergeant	(5)	5 Detectives
Narcotics/Vice Investigations		
Captain	(6)	2 Lieutenants; 2 Sergeants; 3 Detectives
Lieutenant (x2)	(2)	1 Sergeant each
Sergeant	(0)	No subordinates (Alcohol Beverage Commission)

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Recommendation: *Conduct a comprehensive analysis through which unit functions and alignments are assessed and positions suited for civilianization are identified.*

PPD should evaluate and adjust span of control to ensure efficiency, effectiveness, and appropriate numbers of supervisory, managerial and executive positions. Reduce and redistribute supervisory, managerial and executive-level positions with appropriate spans of control. Similar evaluations have been done in Los Angeles, Berkeley and Houston as discussed above.²³ The methodology used to complete a staffing analysis and realignment are detailed in the reports that appear in these studies.

Workload and Staffing

Almost all employees interviewed stated that their workload was excessive and that more officers were needed. The PPD has 419 sworn positions allocated.

It was reported that the Patrol Division is understaffed, and that patrol officers are reactively responding to one call after another, with no time for proactive or community policing in between calls.

One officer reported that arrest processing times at peak hours can be as long as three hours.

PERF recommends that PPD conduct a workload and deployment analysis to determine how many patrol officers are needed. PERF has provided the Director's office with guidance on how to conduct a workload and deployment study. Because these studies can be costly, PERF also shared a report from the United States Department of Justice, Office of Community Oriented Policing Services²⁴ that provides additional specific guidance. PERF believes PPD has experienced personnel who would be able to conduct the study in-house using the COPS Office guide, saving the department the expense of an external study.

It was also reported that there is a lack of beat integrity because patrol officers routinely respond to 911 calls outside their assigned post. Lack of beat integrity can delay response and reduce officers' familiarity in the community. Strong community policing strategies promote beat integrity, and often extend beat integrity beyond patrol units to investigative and support units.

²³ See <https://lacontroller.org/wp-content/uploads/2019/05/FindingsAndRecsMoreOfficerWorkLessOfficeWork.pdf>;

https://www.houstontx.gov/police/departments/reports/operational_staffing/Staffing-Recommendations-for-the-HPD-Final.pdf; and

https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/PoliceStaffingFinalRpt.pdf

²⁴ Wilson, Jeremy M. and Alexander Weiss. 2014. *A Performance-Based Approach to Police Staffing and Allocation*. Washington, DC: Office of Community Oriented Policing Services.

<https://cops.usdoj.gov/RIC/Publications/cops-p247-pub.pdf>

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Schedules

There are two main schedules used in the PPD. The Operations Division, which includes Patrol and more than half of the sworn force, operates on a 4 days on/4 days off, 11.25-hour workday schedule. Most of the Investigations Division works a 5 days on/2 days off, 8-hour workday schedule. The detectives working the 5 and 2 schedule expressed some dissatisfaction with their schedule, compared to their counterparts.

In Patrol, an 11.25-hour workday is unusual in the policing profession. Eight-and twelve-hour shifts with added roll-call time are more typical, and are considered the most efficient use of manpower.

Paterson Police Director Jerry Speziale conducted a schedule study while serving as Sheriff of Passaic County. Deputies participating in that study favored 12-hour shifts. Some research raises concerns about the effects of fatigue and quality of life for first responders working 12-hour shifts²⁵. Many organizations have caps on the total time that officers may work in a 24-hour period or in a pay period, including secondary employment, because research has found that working long hours can affect productivity and judgement.

A staffing and workload analysis of Patrol will provide PPD with a clear picture of how officer time is used, including responding to 911 calls, follow-up investigations, administrative and court-related time, and availability for proactivity. Based upon target goals for response times and percent of time available for proactive policing work, a staffing and workload analysis will help the PPD implement more efficient practices and properly size its Patrol Division to meet its identified response goals.

Recommendation: PPD should conduct a comprehensive staffing and workload analysis for the Patrol Division.

The analysis should evaluate response times to 911 calls, use of officers' time, and how staffing affects beat integrity and community policing efforts. The COPS Office Publication "A Performance-Based Approach to Police Staffing and Allocation," discussed above, will assist the department in conducting this study. The Baltimore Police Department recently completed a comprehensive staffing study²⁶.

Recommendation: PPD should acquire and use staffing analytics software to model and periodically rebalance staffing to workloads.

Software is available that models different staffing and scheduling options and assists with rebalancing staffing to workload as conditions change. Examples of this type of software include the Police Allocation Manual, Managing Patrol Performance and Ops Force Deploy. Staffing

²⁵Amendola, Karen L. and David Weisburd, Edwin E. Hamilton, Greg Jones, and Meghan Slipka, 2011. *The Shift Length Experiment: What We Know About 8-, 10-, and 12-hour Shifts*. Washington DC: Police Foundation.

https://www.policefoundation.org/wp-content/uploads/2015/06/ShiftLengthExperiment_0.pdf

²⁶ <https://www.baltimorepolice.org/resources-and-reports/staffing-study>

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software can help the PPD to visualize the impact of different staffing options and make decisions as to how to best align its patrol resources²⁷.

Recommendation: PPD should improve the processes, protocols and technologies related to arrest processing.

The current intake and processing procedures can result in long out-of-service times for officers. PPD should streamline this process in order to minimize the out-of-service time for arresting officers and detectives. Currently, officers are handwriting reports and are required to complete arrest paperwork at headquarters. This can be time consuming and cumbersome. PERF recommends improving computers, reducing redundancy in software applications, and training officers to use the new technology. PERF worked with the Chicago Police Department to update computers and improve its software which reduced intake and processing times by 50%.²⁸ Performance should be routinely evaluated and reported.

Recommendation: Consider creating alternative responses to calls for service to reduce officer workload and improve community satisfaction.

Online and telephone reporting for minor offenses and incidents, such as theft and vehicle accidents without injuries, has been implemented successfully in a number of cities. The City of Paterson could also consider creating a call center outside of PPD that handles non-emergency calls and is staffed by civilians or outsourced. For example, the Tucson (AZ) Police Department utilizes Community Service Officers (CSOs) for low-risk calls where no suspect is present, such as theft, breaking and entering, and motor vehicle collisions. **If PPD is interested in learning more about the Tucson model, PERF will facilitate a peer-to-peer learning session.**²⁹

Recommendation: PPD should conduct a comprehensive staffing and workload analysis for the Investigations Division.

PERF can advise PPD personnel about how to conduct an analysis of caseload and criminal investigations as part of this engagement.³⁰

PPD personnel can examine the division of labor between the patrol and investigative functions to determine the extent to which the department's investigative resources are being used to maximize effectiveness. Additionally, case management issues, especially those related to major incidents, should be identified and examined in view of expectations about investigative effort. This would include assessments of investigative policies including case-screening

²⁷ <https://www.coronasolutions.com/>

²⁸ <http://directives.chicagopolice.org/directives/data/a7a57bf0-12ccc275-59f12-ccc2-dea861a74ddd856c.html>;
<https://www.innovations.harvard.edu/citizen-and-law-enforcement-analysis-and-reporting-clear>

²⁹ City of Tucson, "Community Service Officer Recruitment."
<https://www.jobapscloud.com/Tucson/sup/bulpreview.asp?R1=1906&R2=6305&R3=001>

³⁰ PERF has conducted staffing studies in many law enforcement agencies including the Austin, TX PD, Fayetteville, NC PD, Fort Worth, TX PD, and Sparks, NV PD. PERF will share staffing reports and processes with PPD for better understanding and awareness of this recommendation.

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approaches; types of cases “worked” by case type; and other policies that have an impact on the workload of investigative personnel and how time is allocated. This review should include:

- Determining the elapsed time between initial crime reports, assignment of a case to an investigator, and actual working of that case by the investigator;
- Documenting current caseload and case status by case type;
- Assessing the extent to which cases with “leads” can be worked with a relatively high likelihood of solvability given existing investigative staffing commitments and case management approaches; and
- Assessing the time needed to meet policy preferences regarding the treatment of families and juveniles as victims, witnesses, suspects, and arrestees.

Extra Duty

“Extra Duty” enables officers to perform security roles for private employers while using the authority and equipment of the PPD. PPD manages and coordinates assignments and opportunities for its officers, as well as payment.

In New Jersey, police officers are able to work secondary assignments with the authority of police officers only if they are compensated through their county or municipality. Many police organizations operate Extra Duty or Overtime Units to manage and monitor this work³¹. These units in a law enforcement agency typically receive extra-duty requests from the private employers, and assign the work to officers.

Common challenges include excessive use of on-duty time, coordinating off-duty schedules, “double-dipping” (being paid for extra duty while on-duty for the local government), working excessive hours beyond policy restrictions, preferential treatment of employees, and corruption. Managing secondary employment or Extra Duty requires a significant level of oversight in order to avoid these issues.

Some PPD officers reported problems with receiving timely payment for extra duty, and some expressed concerns about the implementation of the State’s escrow requirement which dictates that payments for ex-duty go into a designated escrow account and that officers working extra duty can only be paid out of this account.

No PPD officers interviewed by PERF expressed concerns about the fairness of distribution of extra duty assignments, and it appears that are sufficient opportunities for those who seek assignments. In fact, some supervisors expressed concern about the significant availability of Extra Duty and indicated that it might be detrimental to departmental performance. It was also reported that any changes to the secondary employment system would require negotiation with the PBA.

Recommendation: PPD should review and update its extra duty policy to align with New Jersey State Association of Chiefs of Police (NJSACOP) model policy on Extra Duty, with a focus on the model policy’s section titled “Limitations,” which limits total number of hours worked and

³¹ Bayley, David H. and Robert E. Worden. 1998. *Police Overtime: An Examination of Key Issues*. Washington DC: National Institute of Justice. <https://www.ojp.gov/pdffiles/167572.pdf>

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mandates rest periods between shifts, and assess the impact of Extra Duty assignments on departmental staffing and operations.

Operational Efficiency and Resource Allocation

The City of Paterson and PPD have limited resources, and all expenditures that are not included in the authorized annual budget, must be reviewed and approved by the City and State. PERF focused on three main areas when assessing operational efficiency and resources: Fleet, Technology, and Facilities. Fleet management and maintenance are essential to providing police services. Technology can be used to increase efficiency and effectiveness – saving time and money, and reducing crime. Regarding facilities, PPD conducts all of its operations out of one main facility, which has infrastructure and maintenance challenges that impact officer morale, effectiveness and wellness.

Fleet

PPD has 219 vehicles. More than half of the fleet is over eight years old, and 48 vehicles are at least 15 years old. The most recent fleet purchases of 39 vehicles occurred in 2017, 2019 and 2020. In 2018, PPD purchased 19 motorcycles to support the traffic division. While the total staff to fleet ratio is 2.2 to 1, many of the vehicles are very old and unserviceable. It was reported that the detective-to-car ratio is 5:1, and at times there are too many patrol officers for available vehicles. The Street Crimes Unit is unable to deploy in a 2-person configuration because of the lack of available cars. Often, this unit only has one car available to it for use.

It was reported that the collision rate for PPD vehicles is high, although specific data was not available. There have been no reported efforts to analyze collision data and adopt training and operational standards that may reduce collisions, while improving serviceability and longevity.

The City of Paterson has traditionally had decentralized fleet acquisition and service functions. Therefore, the PPD has its own motor pool and services its own vehicles. The Fire Department and the Department of Public Works currently have their own fleet maintenance units, but are working to combine them into one operation. It was reported that the Fire Department's has a strong fleet management function that could potentially operate a combined citywide fleet management function. It was also reported that most vehicle purchases have been supported by PPD's asset forfeiture fund, and that there has not been capital budget planning and forecasting to support vehicle acquisition.

Recommendation: *Conduct a fleet analysis to determine the optimal fleet size, based on staffing and operational needs, as well as maintenance needs.*

Recommendation: *Consider citywide consolidation of vehicle purchases and maintenance.*

Some jurisdictions, like Baltimore City, have a centralized entity responsible for overall fleet management, including purchases and maintenance. Some have a centralized motor pool responsible for all vehicle maintenance. These models can result in significant cost savings and improved service. It was reported that the Fire Department has a strong fleet maintenance function and could operate a citywide fleet management function. PPD could also consider and investigate outsourcing some or all fleet services and parts ordering.

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Recommendation: Conduct a cost analysis of fleet maintenance.

Once a vehicle has reached a certain age, the ongoing maintenance costs exceed the value of the vehicle. Baltimore City recently performed a cost analysis and found that it was more cost-effective to purchase new vehicles than retain them past eight years, and that the optimal average fleet age should be four years. The same analysis found that planned vehicle replacement purchases were more cost effective than leasing or renting vehicles to meet departmental needs. PERF will share this analysis and methods used if PPD is interested in conducting a cost analysis. PPD may also consider looking into fleet management software, such as AssetWorks, which could support fleet management and procurement planning.

Recommendation: Develop criteria for decommissioning fleet vehicles.

The criteria should include driver safety, vehicle age, vehicle condition, and the projected costs of keeping the vehicle in service.

Recommendation: Develop a vehicle replacement plan and capital budget based on results from fleet and cost analysis.

Recommendation: Establish fleet performance metrics and track performance and costs.

While PPD mechanics are working hard, there are no performance metrics or reporting on the Motor Pool's efforts.

Technology

PPD relies primarily on paper-based processes. Currently, recordkeeping and prisoner processing occurs through a records system that has limited data automation. Offense and arrest processing occur through separate systems requiring redundant data entry. Many reports are handwritten, requiring civilian staff to manually enter offense information into a database. Some paper-based reports for minor offenses are maintained in file cabinets and are not entered into a searchable database. Additionally, access to city owned cameras, license plate recognition systems (LPRS)³², analytics, and other technologies is limited.

Recommendation: Ensure that CAD and RMS systems support workload analyses, case management, and crime analysis needs.

CAD and RMS should both be automated and able to communicate to reduce redundancy in data-entry, and should be capable of reporting data needed to conduct business, perform crime-related analyses, and manage the operations of the organization.

³² A license plate recognition system takes pictures of automobiles and license plates, typically to run against a database of stolen/wanted automobiles.

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Recommendation: Streamline prisoner processing protocols and technologies to reduce time-on-task for intake personnel and arresting officers.

For example, data including names, locations, and times should automatically populate from one software application to another for improved efficiency and to eliminate redundancy.

Recommendation: Broaden access to investigative informational resources throughout the PPD.

Investigative informational data warehouses such as LexisNexis and CLEAR provide invaluable support to investigations. Cell phone access, tracking, and mapping technologies are also critically important to successful case investigations in a digital age. PPD should expand access, training, and use of these technologies.

Recommendation: Acquire an optical scanning platform to enhance data collection, analysis, and access to records.

Optical scanning can convert most handwritten documents into searchable records to facilitate record retrieval, investigations, identification of patterns across multiple cases, and efficiently filling Open Public Records Act (OPRA) requests and court orders for PPD records. There are numerous off-the-shelf vendors and software applications that can provide this technology including Adobe Acrobat Pro DC³³.

Facilities

The PPD headquarters building is in poor condition. PERF staff toured the headquarters building and observed a number of challenges. The building's HVAC system does not function properly and does not provide adequate heat or cooling. Two elevators are boarded up and permanently out of service. PERF observed numerous leaks in the building and windows taped shut. There is significant water damage and mold in the basement from flooding during Hurricane Sandy of 2012, which has resulted in the condemnation and inoperability of the women's locker room and basement range facility. There is currently no functional women's locker room at the PPD.

Most of the carpeting, light fixtures, paint, and furniture at PPD headquarters are old and worn. Many desks are 25 years old, some office areas lack telephones, and witness interview rooms are in poor condition. Many employees report painting their own spaces and buying their own office furniture. The Street Crimes Unit is located in a very small space that does not have enough desks, telephones, or space for its detectives.

Problems with the Public Safety Complex have been documented over the years. There have been numerous employee grievances, and the facility has been cited by the NJ Department of Labor and Workforce Development for having more than 20 work-safety violations. Reports documenting the

³³ https://acrobat.adobe.com/us/en/acrobat/complete-pdf-solution.html?ttid=annual-pro&mv=search&ef_id=Ci0KCQjws-OEBhCkARIsAPhOKIZla5NUbMGPlrf7xP75HvqoGjxMp7_qlgCEAT5SmR-qJT0xmICUTpEaAujUEALw_wcB:G:s&s_kwcid=AL!3085!3!486391824913!e!!g!!adobe%20acrobat%20pro%20dc&gclid=Ci0KCQjws-OEBhCkARIsAPhOKIZla5NUbMGPlrf7xP75HvqoGjxMp7_qlgCEAT5SmR-qJT0xmICUTpEaAujUEALw_wcB#tt

SECTION I. ORGANIZATION AND MANAGEMENT

building's issues were published in 2006, 2011 and 2018. Two of the reports were authored by private engineering firms. The vast majority of the observations in these reports have not yet been remedied or adequately addressed.

Key recommendations include the immediate replacement of all windows, repair/replacement of the HVAC system, and mold remediation. The reports also recommend demolition and replacement of the building due to structural issues. It has been documented that several first-floor wall panels on the southwest side of the building appear to be moving away from the rest of the structure, and significant gaps can be seen between these panels and the structure. According to the engineering reports, without a supporting steel framework, panel failure could result in a complete and catastrophic loss of the building.

While the City spent \$200,000 in 2012 to repair flood damage and remediate mold in the range and women's locker room in the basement, it did not repair the electrical pumping system. Unfortunately, the entire area flooded again and created new environmental hazards that have not been remediated, leaving the basement facilities unsuitable for use.

Recommendation: PPD and the City of Paterson should develop a short-term capital plan to improve the Public Safety Complex.

Short term plans should focus on building improvements required for the health and safety of the employees in the building. Creating suitable work areas for officers and a locker room for women should be high priority.

Recommendation: PPD and the City of Paterson should consider making a long-term plan to construct a new Police Headquarters.

Long-term planning would include capital budget planning; land identification and acquisition; bonding; architectural planning; and construction.

SECTION II. USE-OF-FORCE POLICY and DATA REVIEW

The PERF team reviewed the Paterson Police Department's (PPD) policies related to use of force for thoroughness and compliance with nationally recognized progressive policing practices. We also examined whether PPD's policies are sufficient to give officers a clear understanding of the rules, expectations, and guidelines regarding use of force.

This section presents recommendations for how PPD can continue to improve its use-of-force policies, as well as specific recommendations for strengthening language in current policies.

Recommendations on policies are presented below in sequential order based on the order they are referenced in policy, and not in order of priority. It is important that any changes to PPD's use-of-force policy be reflected in any related policies (such as PPD's Weapons and Ammunition SOP).

In December 2020, the New Jersey Office of the Attorney General published revised use-of-force guidelines for New Jersey law enforcement agencies.³⁴ It emphasizes seven core principles:

- The Sanctity of Human Life and Serving the Community
- Force as a Last Resort and Duty to De-Escalate
- Duty to Use Only Objectively Reasonable, Necessary, and Proportional Force
- Duty to Use Deadly Force Only as an Absolute Last Resort and Duty to Avoid Actions Which Create a Substantial Risk of Death or Serious Bodily Injury
- Duty to Intervene and Report
- Duty to Render Medical Assistance
- Duty to Report and Review Uses of Force

As detailed in the sidebar below, these seven core principles and other guidance from the Attorney General's Office closely mirror policy and training documents that PERF has been developing since 2015: Guiding Principles on the Use of Force, and ICAT: Integrating Communications, Assessment, and Tactics.

The New Jersey Office of the Attorney General has also mandated ICAT training for all law enforcement personnel in the State of New Jersey.

Current use-of-force policies in Paterson generally reflect awareness of many of these concepts specified by the Attorney General's Office and PERF. However, in a number of cases, Paterson's policies and its definitions of these terms can be strengthened. In this section of the report, PERF provides specific recommendations on each of these issues.

Following is information about PERF's work on use of force since 2015, which was the basis of PERF's recommendations to PPD's current use-of-force policy.

³⁴ <https://www.nj.gov/oag/force/docs/UOF-2020-1221-Use-of-Force-Policy.pdf>

PERF's Analysis of Use-of-Force Issues Nationally

PERF's review of PPD's use-of-force policies, training, and practices took place in the context of a national debate about police use of force that has been going on for more than five years. PERF has conducted national and regional conferences in which many hundreds of police executives and other experts developed strategies for reducing police use of force in many types of situations. Through this work, PERF has produced guiding principles for police agencies to use in revising their policies, practices, and training on use of force, as well as specific policy recommendations and training programs.

Much of this work focuses on incidents involving persons who are unarmed, or are armed with weapons other than firearms, and who are behaving erratically or dangerously because of a mental health crisis, drug addiction, disability, or other condition. When police encounter a suspect brandishing a firearm, officers' options for de-escalating the situation generally are limited. But when there is no firearm, officers often have a wider array of options for slowing the situation down, using communication skills and defensive tactics to buy time for building trust and defusing the situation without use of force.

PERF has issued the following reports detailing these principles and recommendations:

- *Suicide by Cop: Protocol and Training Guide* (2019)³⁵
- *ICAT: Integrating Communications, Assessment, and Tactics* (2016)³⁶
- *Guiding Principles on Use of Force* (2016)³⁷
- *Re-Engineering Training on Police Use of Force* (2015)³⁸
- *Defining Moments for Police Chiefs* (2015)³⁹

PERF's "Guiding Principles" report is the core document of this work, providing 30 recommendations, including the following:

- The sanctity of human life should be at the heart of everything an agency does.
- Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements of the U.S. Supreme Court's ruling in *Graham v. Connor*.
- Police use of force must meet the test of proportionality.
- Adopt de-escalation as formal agency policy.
- The Critical Decision-Making Model provides a new way to approach critical incidents.
- Duty to intervene: Officers need to prevent other officers from using excessive force.
- Respect the sanctity of life by promptly rendering first aid.
- Shooting at vehicles must be prohibited.
- Prohibit use of deadly force against individuals who pose a danger only to themselves.
- Use Distance, Cover, and Time to replace outdated concepts such as the "21-foot rule" and "drawing a line in the sand."

³⁵ <https://www.policeforum.org/suicidebycop>

³⁶ <http://www.policeforum.org/assets/icattrainingguide.pdf>

³⁷ <https://www.policeforum.org/assets/guidingprinciples1.pdf>

³⁸ <https://www.policeforum.org/assets/reengineeringtraining1.pdf>

³⁹ <https://www.policeforum.org/assets/definingmoments.pdf>

SECTION II. USE-OF-FORCE POLICY and DATA REVIEW

- Provide a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.
- Scenario-based training should be used often in policing, and it should be challenging and realistic.

PERF's training program, *ICAT: Integrating Communications, Assessment, and Tactics*, provides officers with the tools, skills, and options they need to implement the Guiding Principles, and to safely defuse a range of critical incidents.

PERF's most recent report, *Suicide by Cop: Protocol and Training Guide*, provides specific guidance for safely defusing incidents in which a subject wishes to die by suicide at the hands of a police officer.

Many of PERF's Guiding Principles have been adopted in departments across the country, and many departments have given ICAT training to their officers.

Policy

PERF reviewed PPD's "Standard Operating Procedure, Volume 3, Chapter 2: Use of Force." This section outlines the department's philosophy on use of force. The current language is strong, making reference to the sanctity of human life and requiring the duty to intervene when an officer witnesses another officer using force in violation of state law and departmental policy. This section can be strengthened by emphasizing proportionality, the use of distance and cover, and other tactics designed to "slow down" situations that do not pose an immediate threat, such as calling for supervisors and other resources to help de-escalate and resolve a situation when possible.

Recommendation: PPD's use-of-force policy should emphasize proportionality, the use of distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics.⁴⁰

*For example, the Camden County, New Jersey Police Department's use-of-force policy states that "when force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances... Some of the factors that officers should consider when determining how much force to use include... whether further de-escalation techniques are feasible, ... the time available to an officer to make a decision, and whether additional time could be gained through tactical means..."*⁴¹

Definitions

PPD's current policy does not include definitions for several key terms, including less-lethal force and proportionality. PERF recommends that PPD incorporate these concepts into its policy.

⁴⁰ PERF, *Guiding Principles on Use of Force*, pp. 54-65.

<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

⁴¹Camden Police Department. 2013. "Use of Force." January 28, 2013.

<https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5d5c89c2e3bc4c000192f311/1566345667504/CCPD+UOF+Policy+%288.21.19%29+%28FINAL%29.pdf>

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Recommendation: PPD should replace the current term (and subsequent references to) “deadly force” with “lethal force,” and should add a definition for “less-lethal” force for the department’s non-projectile impact weapons, OC spray, Electronic Control Weapons and other less-lethal force options.

The term “less lethal” reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies.

Recommendation: PPD should enhance its definition of “de-escalation” in this section to provide more guidance to officers.

The definition should emphasize proportionality, the use of distance and cover, tactical repositioning, “slowing down” situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics.⁴² For example, the Seattle Police Department utilizes the following definition of de-escalation: “taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.”⁴³

Recommendation: PPD should add a definition of “proportionality” to this policy.

As explained in PERF’s report on Guiding Principles on Use of Force, the definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2) considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers’ actions.

The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should stop and consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.

Authorization and Limitations

Subsection B. of this section states that “Due to the potential for unintended serious injury or death, the use of chokeholds and other similar neck/vascular restraint techniques are not authorized unless deadly force is authorized (see subsection II.E of this SOP).” PPD should remove this language from policy, replacing it with a complete prohibition of the use of these techniques.

⁴² See PERF, *Guiding Principles on Use of Force*, pp. 38-40.
<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

⁴³ Seattle Police Department. 2019. “Use of Force Definitions.” *Seattle Police Department Manual*, September 15, 2019. <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>

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Recommendation: PPD should remove language authorizing the use of chokeholds and neck/vascular restraint techniques in this section, replacing it with a complete prohibition of the use of these techniques.

PPD should consider adopting a version of the New York Police Department's policy prohibiting chokeholds which states:

"Members of the service SHALL NOT: a. Use a chokehold b. Use any level of force to punish, retaliate or coerce a subject to make statements c. Use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault d. Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs e. Transport a subject facedown f. Use force to prevent a subject from swallowing alleged controlled substance or other substance, once a subject has placed suspected controlled substance in his or her mouth, or forcibly attempt to remove substance from subject's mouth or other body cavity. **NOTE Any violations of the above force prohibitions may be reviewed on a case-by-case basis by the Use of Force Review Board to determine whether, under the circumstance, the actions were reasonable and justified. The review may find that, under exigent or exceptional circumstances, the use of the prohibited action may have been justified and within guidelines.**"

Restrictions on the Use of Deadly Force

Current policy states that officers "shall not fire from a moving vehicle or at the driver or occupant of a moving vehicle unless they reasonably believe: a. There exists an imminent danger or death or serious bodily harm to themselves or another person; and b. No other means are available at that time to avert or eliminate the danger." Language furthers states that "officers shall not fire a weapon solely to disable moving vehicles."

This section should be simplified to state that shooting at vehicles is prohibited with two exceptions, as stated below.

Recommendation: PPD should strengthen the language in this section to state, "Shooting at or from a moving vehicle is prohibited, unless someone inside the vehicle is using or threatening lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism."

This policy change should also be reflected in training.

Electronic Control Weapons

In PPD's SOP, Electronic Control Weapons (ECWs) are referred to as "Conducted Energy Devices (CEDs)." A new term should be used in policy, one that makes it clear that use of the weapon carries a risk of

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harm. In 2011, PERF worked with U.S. Department of Justice to create guidelines on the use of ECWs.⁴⁴ That report recommended use of the term Electronic Control Weapons (ECWs) to reflect the reality that these tools are less-lethal weapons that are meant to help control persons who are actively resisting authority or acting aggressively.

Recommendation: PPD should replace all references to “conducted energy device” in this and any related policies with the more descriptive and appropriate term, “Electronic Control Weapon (ECW),” in order to clarify that ECWs are in fact weapons that carry a risk of harming persons.

Current practice at PPD is for officers to keep ECWs in a weak-side holster. This practice is sound, and should be reflected in policy.

Recommendation: PPD should add language to policy to require that officers keep ECWs in a weak-side holster.

Due to the risk of injury associated with ECWs, PPD’s policy regarding their use should be precise and in line with best practices. Currently, the policy does not include considerations regarding the total length of time subjects are exposed to ECWs. The After Action Requirements section of PPD’s policy requires that subjects be transported to a medical facility for examination if they were exposed to three or more ECW discharges in an encounter or a continuous discharge lasting 15 seconds or more, but policy needs to be more explicit with regard to ECW use on scene.

Recommendation: PPD should revise deployment procedures to state, “Personnel should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent application should be independently justifiable, and the higher risk should be weighed against other force options.”

Drive Stun Mode

Current policy states that “Officers shall not use a CED in drive stun mode unless the officer reasonably believes based on the suspect’s conduct that discharging the device in drive stun mode is immediately necessary to protect the officer, the suspect, or another person from imminent danger of death or serious bodily injury.

1. The use of drive stun mode may be utilized in the event of a single-probe impact or clothing disconnect.
2. Drive stun location should be applied away from probe impact sites. This tactic should not be applied to a subject’s head, neck, or groin if possible.”

PPD should strengthen this language by forbidding the use of the drive stun mode as a pain compliance technique.

⁴⁴ Police Executive Research Forum. 2011. “2011 Electronic Control Weapon Guidelines.” https://perf.memberclicks.net/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf

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Recommendation: PPD policy should forbid the use of the drive stun mode (where the ECW is applied directly against the subject without firing darts) as a pain compliance technique.

The drive stun mode should be used only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.

PPD's language prohibiting drive stun applications against sensitive areas is sound. PPD should include these prohibitions to all uses of the ECW, not just drive stun. This overall prohibition should be included in Subsection H, which discusses prohibited uses of the ECW.

Recommendation: PPD policy should forbid the targeting of sensitive areas (head, neck, or groin) regardless of what manner the ECW is being deployed.

ECW Prohibitions

Current policy states that "A CED shall not be fired or discharged against the operator of a moving vehicle unless the use of deadly force against the operator would be authorized." PPD can simplify this section by including the PERF/COPS Office language, which also covers other vehicle types.

Recommendation: PPD policy should state ECWs should not be used against subjects in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters).

Current language in policy states that "While officers must at all times respect the seriousness and potential lethality of a CED, officers should use particular care when considering whether to use a CED against an individual who is particularly vulnerable due to age (either elderly or young) or due to a known or reasonably apparent medical condition (e.g., a pregnant female).

Policy can be strengthened by providing more guidance. PPD should adopt PERF's language below and incorporate it into Section H, where PPD discusses other prohibitions and considerations.

Recommendation: PPD policy should state ECWs should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons. Personnel should evaluate whether the use of the ECW is reasonable, based upon all circumstances, including the subject's age and physical condition.

In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others. This section should be moved to Subsection H, which contains guidance on prohibited uses of the ECW.

After Action Requirements

Section V, subsection A2 of current PPD policy provides clear guidance on medical actions to take whenever force is used. This language provides clear guidance for officers on what to be aware of, such as slurred speech, and the subject's awareness of time, place, and location.

PPD can build upon this language by adding language to this subsection (following subsection A) to ensure that subjects under an officer's control are positioned in a way so that their breathing is not obstructed (positional asphyxia). For example, the Camden County (NJ) Police Department's use-of-force policy states, "After gaining control of a person, officers should position the person in a manner to allow

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the person to breathe unobstructed. Officers should not sit, kneel, or stand on a person's chest or back. Whenever feasible, officers should not force the person to lie on his or her stomach."

PPD trains its officers on positional asphyxia, and this should also be reflected in policy.

Recommendation: PPD should add language to this section to ensure that subjects under an officer's control are positioned in a way so that their breathing is not obstructed (positional asphyxia).

Page 18, After Action Requirements, Section C can be simplified to say that whenever an individual is subjected to electrical current with an ECW, officers should either call an EMT or take the person to a hospital. Current policy language has 11 circumstances in which it is required that a subject be taken for a medical examination including the subject requests medical attention and the subject was rendered unconscious or unresponsive. Additionally, when possible, emergency medical personnel should be notified when officers respond to a call for service in which they anticipate that an ECW may be deployed.

Recommendation: PPD policy should state that all subjects who have been exposed to ECW application should receive a medical evaluation by emergency medical responders in the field or at a medical facility.

Subjects who have been exposed to prolonged application (i.e., more than 15 seconds) should be transported to an emergency department for evaluation. Personnel conducting the medical evaluation should be made aware that the suspect has experienced ECW activation, so they can better evaluate the need for further medical treatment.

Recommendation: PPD policy should state that when possible, emergency medical personnel should be notified when officers respond to calls for service in which they anticipate an ECW application may be used against a subject.

Section E of current policy states that "unless unavailable, the road sergeant should respond to the scene of any use of force where, as the result of the application of force, officers, a bystander, or the detainee/prisoner are injured, complain of injury or discomfort and require medical attention." Policy can be strengthened by requiring that supervisors respond to the scene of all reportable uses of force (with the exception of pointing a firearm or ECW) to conduct the initial investigation, and if possible, to respond to the scene before force is used. Supervisors should receive training on how to conduct this initial investigation. Supervisors should be taught to review each incident holistically, and not just at the moment force was used.

Recommendation: PPD should add language to this section to require that supervisors respond to the scene of ALL reportable uses of force to conduct the initial investigation.

Supervisors should also be dispatched to all incidents where it is anticipated that force might be used. Supervisors should receive training on how to conduct this initial investigation. Supervisors should be taught to review each incident holistically, including what happened before force was used, and not just at the moment force was used.

Notification and Investigation Requirements

PPD should add language to the beginning of this section stating that supervisors are to immediately respond to any scene: where a weapon (including a firearm, edged weapon, rock, or other improvised weapon) is reported; where a person experiencing a mental health crisis is reported; or where a

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dispatcher or other member of the department believes there is *potential* for significant use of force. These criteria will help to ensure that supervisors are given early notice of potential uses of force, rather than waiting until a use of force occurs and the officer's attention is necessarily on handling the incident rather than notifying a supervisor. PERF recommends that supervisors be required to respond to such scenes as a matter of course.

Recommendation: PPD should add language to policy stating that supervisors are to immediately respond to any scene: where a weapon (including a firearm, edged weapon, rock, or other improvised weapon) is reported; where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is potential for significant use of force.

Reporting Requirements

Section A. Current policy language is satisfactory, requiring the relevant reporting "in all instances when physical, mechanical, enhanced mechanical, or deadly force is used." However, it is not clear in Section F. how high the use-of-force review goes within the officer's chain of command. PERF recommends that the use-of-force review should go to the deputy chief in the involved officer's chain of command. PPD's reporting requirements comport to state reporting requirements, but PPD should ensure that uses of force are reviewed by the department's chain of command.

Recommendation: PPD should require that the review of an officer's use of force go through the officer's chain of command up to the level of deputy chief.

A requirement should be added that documentation is required whenever a firearm or ECW is pointed at an individual as a threat of force. Such instances do not have to be included in the department's use-of-force report, but should at least be captured in an incident narrative.

Recommendation: The pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force should be documented in incident reports.

PPD should ensure that all use-of-force reports are forwarded to the training unit for review, so that opportunities for training can be identified. The training unit can then utilize relevant scenarios from the review of actual incidents to inform officer training on use of force.

Recommendation: PPD should ensure that all use-of-force reports are reviewed by training staff so that opportunities for training can be identified.

The training unit can then utilize relevant scenarios from the review of actual incidents to inform officer training on use of force.

Weapons and Ammunition

Standard Operating Procedure Volume 3, Chapter 3 contains the department's guidelines regarding weapons, ammunition, and weapons training.

PERF found this policy to be satisfactory and contained several strong elements, such as a prohibition on using weapons-mounted lights as flashlights. However, PPD should consider reviewing this policy to identify opportunities to streamline it. Specifically, PERF found areas of overlap between PPD's use-of-force policy and its weapons and ammunition policy. PPD should review policy to ensure that language

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relevant to maintenance and training is contained in its weapons and ammunition policy, while language governing the use of force is moved to the department's use-of-force policy.

For example, page 12 of PPD's weapons and ammunition policy contains a discussion of OC spray. Much of this language governs the practical use of OC spray (e.g., considering wind direction, applying a one-second burst, etc.) and should be contained in PPD's use-of-force policy.

Recommendation: PPD should review its Weapons and Ammunition policy to identify opportunities to streamline it.

Specifically, PPD should move language governing the use and operation of force tools to its use-of-force policy, while keeping language relevant to maintenance and training in its Weapons and Ammunition policy.

All Hazards Plan

Standard Operating Procedure Volume 4, Chapter 2 establishes PPD's guidelines for personnel when responding to critical incidents.

PERF found PPD's All Hazards Plan to be comprehensive and thorough. No changes are recommended to this policy.

Emotionally Disturbed Persons

Standard Operating Procedure Volume 3, Chapter 21 provides guidance for officers in recognizing and dealing with persons with mental illness or emotional disturbances.

Overall, PERF found PPD's policy to be strong, with many positive elements. Only two changes to policy are recommended.

Current policy contains a definition of de-escalation, which can be expanded upon. PPD should replace the definition of de-escalation in this policy with PERF's recommended definition as discussed above in our review of PPD's use-of-force policy. In addition to providing additional guidance to officers, this will ensure a uniform definition in each policy.

Recommendation: PPD should replace its definition of de-escalation in its Emotionally Disturbed Persons Policy and replace it with PERF's recommended definition, as discussed in the use-of-force policy review section of this report. (See pp. 36-37.)

References to chokeholds and vascular restraints are made in "Section IV, Encounters with Emotionally Disturbed Persons" and "Section VII, Involuntary Commitment.": PERF's review of PPD's use-of-force policy recommends updating PPD policy regarding the use of chokeholds and vascular restraints. This policy should be updated to be consistent with the recommendation made on page 37.

Recommendation: PPD should update policy on chokeholds and vascular restraints, as PERF recommends the prohibition of these techniques (refer to PERF's review of PPD's use-of-force policy on page 37).

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Review of Use of Force Data

As part of PERF’s overall review of the Paterson Police Department, PERF reviewed use-of-force data from January 2018 through December 2020. PPD’s use-of-force data included both handwritten and electronically entered use-of-force reporting forms. PPD transitioned to the electronic form at the request of the State Attorney General’s Office in March 2020 as part of a statewide pilot related to use-of-force reporting.

Background

Officers are required to complete a form after they use force on a subject. The forms include fields for subject race, gender, intoxication status, force used, subject resistance, etc.

The forms presented several challenges for accurate and meaningful analysis:

- Officers’ handwriting was often difficult to read and interpret.
- In most cases, it was impossible to distinguish between a variable which was “unknown,” “not applicable,” or simply mistakenly left blank.
- The team had to make reasonable assumptions regarding likely duplicate forms or multiple scans of a form.

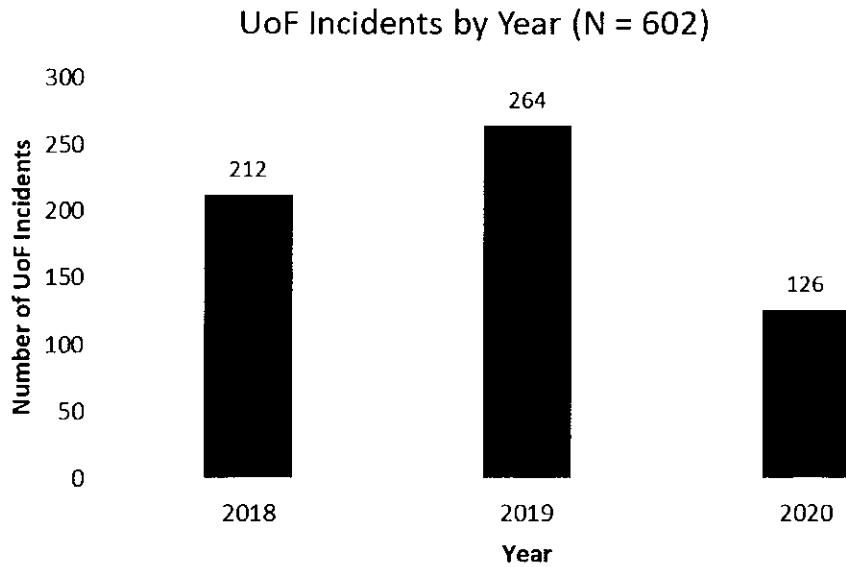
Furthermore, there are significant differences in the checkboxes on the electronic form and the paper form. Thus, the PERF team had to “translate” those options to their apparent paper-form checkbox equivalents. For example, the electronic form has “takedown” as a force option, whereas the paper form does not. It was common practice for officers to select “other force” on the paper form when they performed a takedown, so PERF recorded those incidents accordingly.

Use of Force Incidents by Year

There were 602 use-of-force incidents reported between 2018 and 2020 (see Figure 1 below). Between 2018 and 2019, the number of use-of-force incidents increased by 24.5%, from 212 to 264 incidents. In 2020, use-of-force incidents decreased by 52.3%, to 126 incidents.

Figure 1

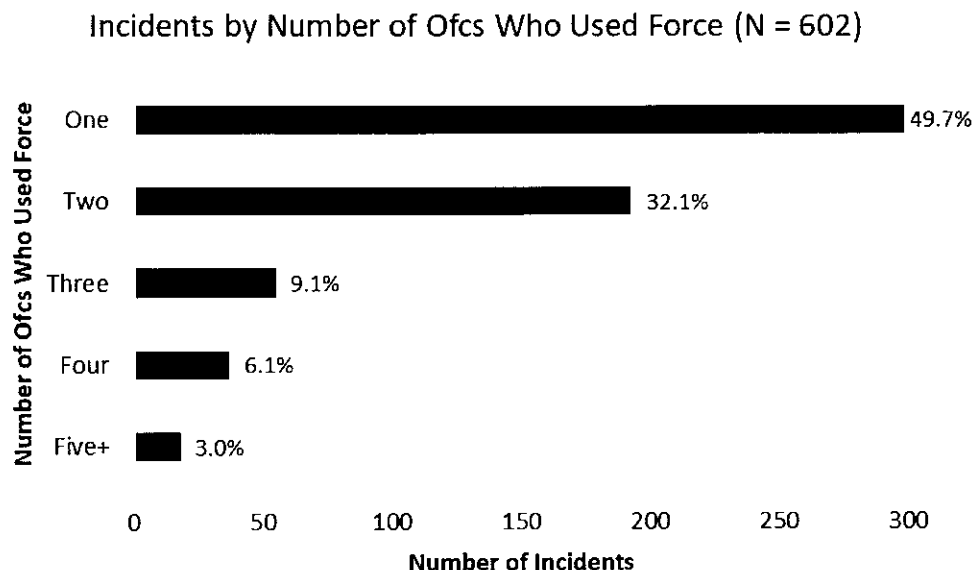
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Number of Officers Reporting Force, 2018-2020

The team identified 246 officers who reported using force at least once between 2018 and 2020 (refer to Figure 2 below). In nearly half of the 602 use-of-force *incidents*, there was only one officer present who used force. In approximately one third of the incidents, there were two officers present who used force. In about one tenth (9.1%) of incidents, three officers used force. In 6.1% of incidents, four officers used force. In the remaining 3.0% of incidents, five or more officers used force.

Figure 2



In reviewing the specific officers who were involved in use-of-force incidents, we found that some were involved in more incidents than others over the three-year period. Of the 246 officers who could be identified⁴⁵:

- 173 (70.3%) officers were involved in 1-5 incidents
- 48 (19.5%) officers were involved in 6-10 incidents
- 18 (7.3%) officers were involved in 11-15 incidents
- 6 (2.8%) officers were involved in 16 or more incidents

This indicates that a relatively small number of officers were involved in a disproportionate number of incidents, which is supported by previous research⁴⁶. Officers who use force more often than their peers are not necessarily acting inappropriately, as a variety of factors can influence the frequency with which officers use force. For example, an officer who works patrol in a busy area at night will probably use force more frequently than an officer who works the day shift in a slower area.

At the same time, there may be officers whose use of force is inappropriate. PPD’s Early Intervention System, as described later in this report, may serve to identify officers who exhibit troubling or improper behavior, but an Early Intervention System is not the only mechanism for detecting potentially problematic behavior. It is important to analyze use-of-force statistics carefully to determine whether

⁴⁵ We were unable to identify the involved officer for seven of the 1,121 use-of-force reports (0.6%), in most cases because the officer’s handwriting was not legible.

⁴⁶ Use of Force By Police: Overview of National and Local Data Series." NIJ (1999). <https://www.ncjrs.gov/pdffiles1/nij/176330-1.pdf>

SECTION II. USE-OF-FORCE POLICY and DATA REVIEW

certain officers may be using force inappropriately, and to ensure a thorough review process for all uses of force.

Recommendation: PPD should review use-of-force data on a quarterly basis to examine trends and patterns, including officers who are frequently involved in uses of force.

PPD should not rely solely on its early warning software system report to identify potential problem officers and practices. PPD should look at those officers who use force more often to ensure there are no issues that need to be addressed.

Subject Characteristics

Gender

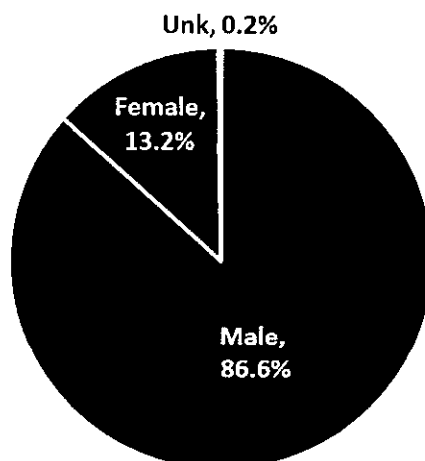
PERF identified 514 subjects on whom force was used, whose identities (names) could be established by PERF ("known subjects"). A significant number of subjects' names were redacted by PPD due to the subject's status as a juvenile or a person in crisis who was not ultimately charged with a crime. In addition, some subjects' identities were unknown, usually because they were a part of a crowd that was dispersed by police using force (often pepper spray). For these reasons, these types of subjects were excluded from this analysis.

In the following data, each known subject was counted once per incident in which they had force used against them. A person who had force used against them in two separate incidents would be counted twice.

Across the three-year period, we found that 86.6% of known subjects were male, 13.2% were female, and 0.2% were unknown.

Figure 3

Gender of Known Subjects (N = 514)



SECTION II. USE-OF-FORCE POLICY and DATA REVIEW

Subject Race

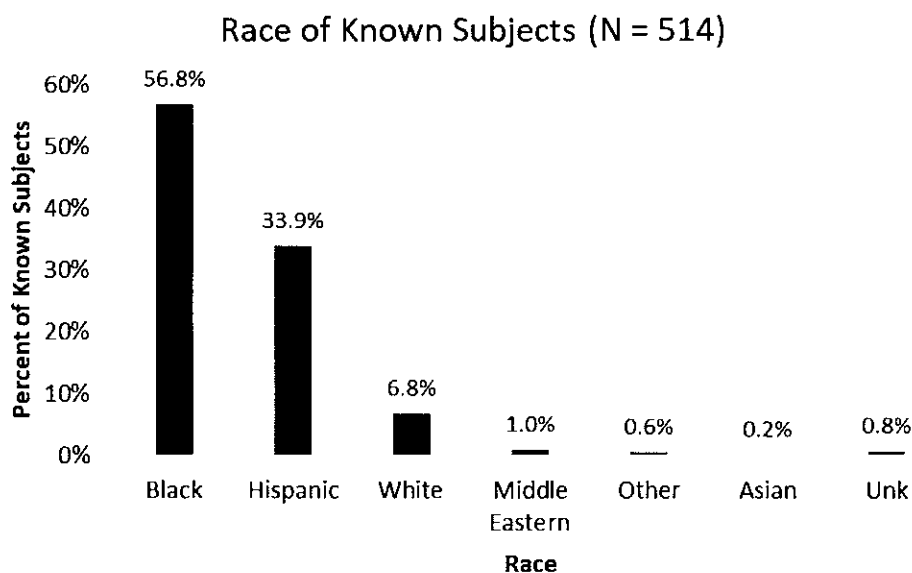
Figure 4 displays the racial breakdown of known subjects on whom force was used. Between 2018 and 2020, 56.8% of known subjects were Black, 33.9% were Hispanic, 6.8% were white, 1.0% were Middle Eastern, 0.6% were of another race, and 0.2% were Asian. Race was unknown for 0.8% of known subjects.

Further research is needed to better understand the impact of subject race on the likelihood of being subjected to use of force in Paterson. This analysis would need to consider potential alternative explanations for racial/ethnic disparities.⁴⁷ For example, previous research on use-of-force decision-making has examined variables such as type of offense, the presence of a weapon, and subject resistance, among other factors.⁴⁸ Collecting data on additional officer, situational, and subject characteristics would allow for a more comprehensive analysis to identify factors that may influence the use of force.

Recommendation: *PPD should further examine the racial and ethnic disparity of use-of-force cases to determine the context and other factors (nature of crime, calls for service, arrests, etc.) to better understand this trend in the data.*

PPD should monitor these trends on a regular basis.

Figure 4



⁴⁷ See for example, Fridell, Lorie A. (2004). *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*. https://www.policeforum.org/assets/docs/Free_Online_Documents/Racially-Biased_Policing/by%20the%20numbers%20-%20a%20guide%20for%20analyzing%20race%20data%20from%20vehicle%20stops%202004.pdf

⁴⁸ Bolger, P.C. *Just Following Orders: A Meta-Analysis of the Correlates of American Police Officer Use of Force Decisions*. *American Journal of Criminal Justice*, 40, 466–492 (2015). <https://doi.org/10.1007/s12103-014-9278-y>

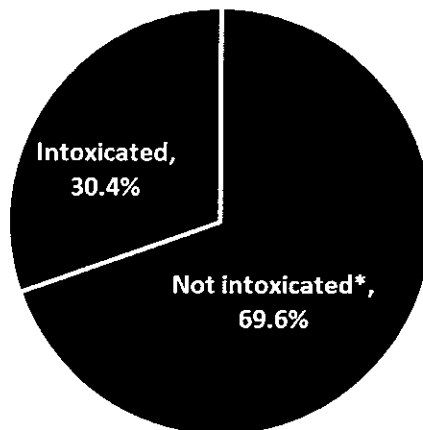
Use of Force on Intoxicated Subjects

Figure 5 shows the intoxication (drugs and/or alcohol) status of persons whose identity could be determined in use-of-force reporting forms. Nearly one-third (30.4%) of known subjects were reported to be intoxicated. The remaining 69.6% of subjects were not intoxicated or their intoxication status was not known.

For reasons described previously, on this question it was nearly impossible to distinguish between “unknown,” “not applicable,” or a field which was mistakenly left blank. The paper form, which constituted the majority of reports reviewed, has a field titled “Intoxicated?” with no instructions or clarification provided to officers. The electronic form has a single checkbox for whether a subject was “under [the] influence of alcohol/drugs/both.”

Figure 5

Intoxication Status of Known Subjects (N = 514)



Type of Force Used on Known Subjects

Figure 6 displays the number of known subjects by force option used (More than one force option can be used against a subject, so percentages total to more than 100.)

The most frequently applied force options on subjects were compliance holds (65.8%), and the officers’ use of hands and/or fists (55.1%).

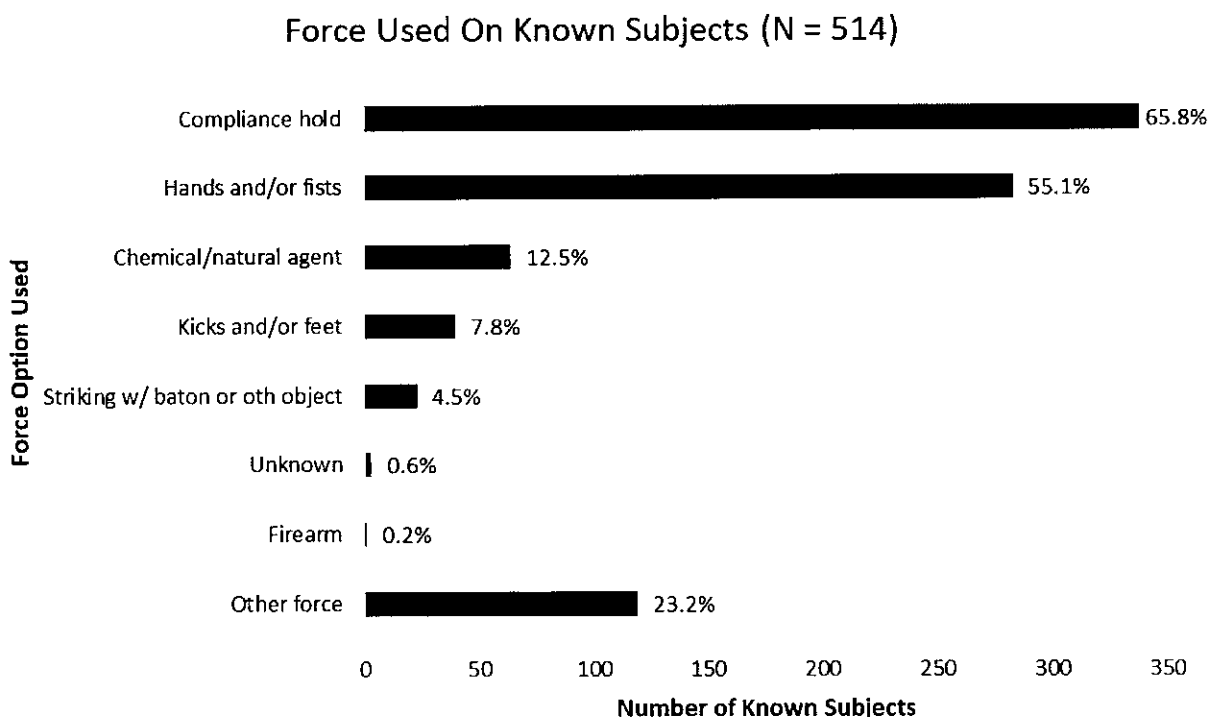
Nearly one quarter (23.2%) of subjects had “other force” used against them. This was not a category created by the PERF team; there is a checkbox on the paper form for “Other force (Explain)” with a small space for a handwritten explanation. The “other” category includes, but is not limited to, elbow strikes, takedowns, leg sweeps, being held down, knee strikes, pushes, and pulls.

SECTION II. USE-OF-FORCE POLICY and DATA REVIEW

Chemical/natural agent (e.g. pepper spray) was used against 12.5% of subjects. Kicks and/or feet were used against 7.8% of subjects. Few (4.5%) subjects were struck with a baton or other object, and 0.2% of subjects were shot (at)⁴⁹. The force options used against 0.6% of subjects was unknown.

The paper reports, which make up most reports reviewed, contain limited information regarding suspect and officer injuries. Specifically, they only say whether the officer and/or the subject was or was not injured, and whether the officer and/or subject went to a hospital. The form did not cover the extent of injuries, or whether or not the injury was due to the use of force. In addition to physical injuries sustained as a result of force, a subject who was subjected to a use of force may be admitted to a hospital due to alcohol intoxication or as part of a mental health hold.

Figure 6



General Observations and Recommendations

PERF made the following observations:

- The types of force used most often by PPD are compliance holds and hand strike techniques.
- PPD has limited Electronic Control Weapons (ECW), and PERF saw no reported ECW use.

⁴⁹ In discussions with PPD, we learned that this data may not accurately capture officer-involved shooting data.

SECTION II. USE-OF-FORCE POLICY and DATA REVIEW

- PPD uses chemical spray more frequently than many departments; PERF usually sees little if any chemical spray use by officers. However, this is likely due to the fact that PPD issues very few Electronic Control Weapons, which are the preferred less-lethal weapon of officers.
- Approximately 30% of known subjects were under the influence of drugs and/or alcohol. This is similar to what PERF has seen in other agencies' data.
- PPD need to closely monitor race and ethnicity data and ensure that officers are trained on reporting criteria, so this data can be captured consistently and accurately.
- A small proportion of officers reported using force more often than most. PERF has observed this in other agencies as well. As recommended on pages 43-44, PPD should carefully monitor this data.

PERF has identified several opportunities for improvement based on its overall review of use-of-force reports provided by PPD. Many recommendations may be found in Section II, Use of Force Policy and Related Policy Review. Additional recommendations are as follows:

Recommendation: PPD must provide additional training to all officers on how to properly complete the new electronic use-of-force reporting form.

This will improve data accuracy and enhance data analysis.

Recommendation: PPD should ensure that it is collecting accurate information about the behavioral health of suspects on its use of force forms.

PPD should ensure that it is collecting accurate information about the behavioral health of suspects, including issues such as substance abuse, on its use of force forms. This was occasionally reported in the use of force forms PERF reviewed, but was not consistent. One option for PPD is to create a field in its online use of force reporting form called "In Behavioral Crisis?" to capture information where a behavioral crisis is suspected, but cannot be definitively determined on scene (for example, a suspect acting erratically who may be under the influence of PCP as opposed to a behavioral health issue, but cannot be determined).

Supervisor Review of Reports

In virtually all use-of-force incident reports reviewed by PERF, aside from the supervisor's signature for approval of the report, there is no indication that the approving supervisor conducted any comprehensive review of the incident.

Recommendation: As previously discussed in the After Action Requirement subsection, page 38, PPD should ensure that supervisors respond to the scene of ALL reportable uses of force to conduct an initial investigation.

Supervisors should also be dispatched to all incidents where it is anticipated that force might be used. Supervisors should receive training on how to conduct this initial investigation. Sergeants should make use of the Critical Decision-Making Model (described in Section II) to guide their review. And sergeants should look at each incident in its entirety, and not just at the moment force was used.

SECTION II. USE-OF-FORCE POLICY and DATA REVIEW

The review of an officer's use of force should go beyond the sergeant's level, as discussed earlier in this section. This review should go through the officer's chain of command up to the level of deputy chief.

SECTION III. TRAINING

PPD currently has two full-time personnel assigned to the Training function. PPD does not have its own training facility or a dedicated training budget. PPD once had its own training facility and range, but it now contracts with nearby Bergen County to provide space and training for new recruits, in-service training, and firearms qualification. Additional training is offered online through Power DMS, by the state or other agencies. Since PPD does not have a training budget, most additional training that the department uses is free.

PPD meets the state's minimum requirements for in-service training, which includes two training days per year covering firearms qualifications, domestic violence, vehicle pursuits, use of force, and time in a FATS firearms training simulator.

Field training for new recruits takes place over four weeks, and includes four tours of four days each, equaling a total of 16 days of field training. Training for field training officers is offered through a PowerPoint on Power DMS. Field training officers are required to complete a daily observation report for each trainee.

PERF reviewed various training materials provided by PPD, including training on use of force and use-of-force tools. Most trainings were provided in a PowerPoint format. PERF found PPD's training materials to be satisfactory overall.

In January 2021, the New Jersey Attorney General's Office announced that it would require all law enforcement agencies in the state to complete Integrating Communications, Assessment, and Tactics (ICAT) training developed by PERF. PERF's review of PPD's training materials found that elements of ICAT have already been incorporated, but the ICAT program has never been presented in its entirety. PERF can arrange for a virtual meeting with PPD's training staff to discuss the core principles of ICAT upon approval of this report to learn how to fully integrate ICAT concepts into the department's training materials, and to be ahead of the state's mandate.

PERF's Integrating Communications, Assessment, and Tactics (ICAT) Training Guide

To help law enforcement agencies implement PERF's 30 Guiding Principles on Use of Force⁵⁰, PERF developed *ICAT: Integrating Communications, Assessment, and Tactics*,⁵¹ a training guide that represents a new way of thinking about use-of-force training for American police officers. ICAT takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and puts them together in an integrated approach to training.

The New Jersey Attorney General's Office has mandated that all police in New Jersey receive ICAT Training. PERF will provide a one-day introductory training on ICAT to PPD trainers and command staff as soon as possible at a mutually agreed upon time.

⁵⁰ Police Executive Research Forum (2016). *Guiding Principles on Use of Force*. <https://www.policeforum.org/assets/guidingprinciples1.pdf>

⁵¹ Police Executive Research Forum (2016). *ICAT: Integrating Communications, Assessment, and Tactics. Training Guide for Defusing Critical Incidents*. <http://www.policeforum.org/assets/icattrainingguide.pdf>

SECTION III. TRAINING

ICAT is designed to increase officer safety and public safety by providing officers with more tools, skills, and options for handling critical incidents, especially those involving subjects who are in crisis but who are not armed with firearms. The cornerstones of ICAT include slowing incidents down in order to avoid reaching a point where there is a need to use lethal force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional, and legal harm.

The ICAT Training Guide is comprised of the following topics:

- Introduction to ICAT
- Critical Decision-Making Model
- Crisis Recognition and Response
- Tactical Communications
- Operational Safety Tactics
- Integration and Practice
- Suicide by Cop.

The ICAT Training Guide includes model lesson plans, scenario-based training exercises, PowerPoint presentations, case study videos of use-of-force incidents, and other resources. The Training Guide was developed with the help of a working group of more than 60 professionals representing law enforcement agencies and other organizations from across the country. A panel of 10 policing experts reviewed a draft of the Training Guide, and the training was pilot-tested in seven sites throughout the country.

Feedback from the expert review and pilot sites was incorporated into a final report,⁵² and in 2016, PERF held a national meeting on how to implement ICAT Training. This meeting, held in New Orleans, was attended by more than 400 individuals representing more than 160 police agencies. To date, more than 500 law enforcement agencies have attended ICAT training meetings.

Recommendation: PPD should strengthen its *field training program* for new recruits.

PPD does not have a formal field officer training program. PERF was informed that in some cases, field training in the PPD lasts only one month and that field training officers do not receive specific training to be FTOs. Ideally, officers should spend three to four months in field training. During that time, new officers should spend time with, and be evaluated by, several different Field Training Officers (FTOs). At the end of that process, the officer's original FTO should evaluate the recruit by shadowing them, dressed in plainclothes.

Best practice field training programs include the San Jose Model⁵³ and the Reno Patrol Training Officer program.⁵⁴

⁵² Ibid.

⁵³ <https://www.sjpd.org/about-us/organization/bureau-of-field-operations/field-training-program>

⁵⁴ <https://www.renopa.com/PTO>

SECTION III. TRAINING

Recommendation: *PPD should ensure that its FTOs receive yearly training, specific to their function, to ensure that they understand their roles and responsibilities.*

Recommendation: *PPD should enhance its tactical, pursuit, firearms and de-escalation training to include in-person and simulation-based experiences.*

In both recruit and in-service training programs, agencies should provide use-of-force training that utilizes realistic and challenging scenarios that officers are likely to encounter in the field. Scenarios should be based on real-life situations and encounters that officers in the agency have recently faced. Scenarios should go beyond the traditional “shoot-don’t shoot” decision-making, and instead provide for a variety of possible outcomes, including some in which communication, de-escalation, and use of less-lethal options are the best choices. Scenario-based training focused on decision-making should be integrated with officers’ regular requalification on their firearms and less-lethal equipment.⁵⁵

Recommendation: *PPD should arrange for PERF to conduct a virtual meeting with PPD’s training staff to discuss the core principles of ICAT upon approval of this report, to learn how to fully integrate ICAT concepts into the department’s training materials and become familiar with ICAT prior to state-mandated training.*

Recommendation: *PPD should provide in-service driver training to all employees who operate City vehicles.*

PPD reported a high collision rate and a need for additional behind-the-wheel training for officers. Skills-based, in-service programs should be provided to officers.

Recommendation: *PPD should create a formal mechanism to ensure that the Office of Professional Standards and training staff collaborate to identify departmental training needs to mitigate risk, reduce officer injuries, and prevent the need for discipline.*

Recommendation: *PPD should adopt additional training for supervisors, managers, and executives.*

PPD should develop and implement first-line supervisor training designed to build skills related to day-to-day management functions and leadership. As an example, the Dolan Consulting Group⁵⁶ and the IACP offers an in-person First Line Leadership Training.⁵⁷ Additionally, PPD should investigate and enroll supervisors in national leadership training institutes. There are numerous national programs to support up-and-coming police leaders from across the country. These programs provide a national perspective and peer network that support professional growth of supervisors and managers. Examples include PERF’s Senior Management Institute for Police, the Harvard Kennedy School’s Public Leadership Credential, the Southern Police Institute, Northwestern University’s Center for Public Safety, FBI-LEEDA, the FBI National Academy, and the North Carolina State University Administrative Officers Management Program.

⁵⁵ Ibid

⁵⁶ <https://www.dolanconsultinggroup.com/event/street-sergeant-evidence-based-first-line-supervision-training/>

⁵⁷ <https://www.theiacp.org/First-Line-Leadership>

SECTION III. TRAINING

Recommendation: PPD should identify and prioritize training needs yearly and develop an annual training budget to support these needs.

SECTION IV. OFFICE OF PROFESSIONAL STANDARDS REVIEW

PERF's review also included an assessment of the operations of PPD's Office of Professional Standards Division (OPS) and the complaint process. **PERF was not asked to conduct a review of individual complaints or provided access to complaints and investigative files as part of this project.** OPS manages internal investigations of possible employee misconduct, sick leave abuse, background investigations for employee hiring, staff inspections, Open Public Records Act (OPRA) public records, and Giglio/Brady requests for personnel records. OPS also has managed the PPD's COVID-19 response.

In addition to receiving and investigating complaints of employee misconduct, OPS also recommends and implements discipline, participates in the Meaningful Review Board (which reviews use-of-force cases and other matters such as traffic accidents), and coordinates the PPD response to requests for hearings and appeals to an independent hearing officer, who is attached to the New Jersey Civil Service Commission. The division is allocated 12 sworn detectives.⁵⁸

PPD's handling of internal affairs investigations has been a matter of concern following the filing of federal criminal charges against two Paterson officers for allegedly assaulting a man in December 2020 and lying about it.⁵⁹ On April 27, 2021, New Jersey Attorney General Gurbir Grewal and Passaic County Prosecutor Camelia Valdes announced that the county prosecutor's office was taking over responsibility for the PPD's Internal Affairs Division, which investigates allegations of police misconduct.⁶⁰

Process of Submitting a Complaint

PERF assessed PPD's complaint process, from the submission of a complaint through final disposition.

Public Complaints

Paterson community members can submit a complaint about the Police Department in person, by phone, or via email. The complaint form is available in English and Spanish. However, at the time of our review, the PPD website did not provide an option to submit a complaint online. And the PPD website does not appear to provide a great deal of information regarding how residents may submit a complaint.

Under guidance of the COPS Office report, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, agencies should provide an electronic version of the

⁵⁸ At the time of this report, 11 positions were filled.

⁵⁹ "Passaic County prosecutor promises full review of Paterson police internal affairs." *NorthJersey.com*, April 30, 2021. <https://www.northjersey.com/story/news/paterson-press/2021/04/30/paterson-nj-police-passaic-county-prosecutor-review-internal-affairs/4895072001/>

⁶⁰ "Passaic County Prosecutor Assumes Oversight of Paterson Police Department's Internal Affairs Division." *Insider NJ*, April 27, 2021. <https://www.insidernj.com/press-release/passaic-county-prosecutor-assumes-oversight-paterson-police-departments-internal-affairs-division/>

SECTION IV. OFFICE OF PROFESSIONAL STANDARDS REVIEW

complaint form on the department website that can be filled out electronically.⁶¹ In addition, the complaint process should accommodate all languages spoken by a substantial proportion of residents in the region.

Recommendation: PPD should create an electronic version of the complaint form that can be completed and submitted online via the department website.

This will make complaint submission more easily accessible to the community, and will allow for more efficient intake of complaints. A link to the complaint form should be displayed on the PPD homepage and the OPS page, to make it more visible to the public. An example can be found at <https://www.annapolis.gov/901/Make-a-Complaint> .

PPD currently does not have a dedicated webpage for OPS. The PPD website does not provide information about how to file a complaint or information about the complaint process. PPD's conduct rules are not available on its website.

PPD should continue to explore ways to promote transparency regarding its policies and practices. In order to embrace a culture of transparency, PPD should make its policies and other department information available online so the public can access this information. Many departments post their policies and general orders on their website. The Baltimore Police Department's website provides a good example of putting existing policies and new draft policies online⁶². Brookline, MA has a dedicated webpage for internal affairs with a number of resources⁶³. The New York City Police Department recently published a searchable database of all officer disciplinary complaints and outcomes.

Recommendation: PPD should make its policies, general orders, internal affairs statistics, and other information available on the department website for public review.

Recommendation: PPD should create a dedicated webpage for OPS that provides information about the complaint process, including how to file a complaint, the investigative process, adjudication, discipline, and appeals.

Rules of conduct for officers, annual reports, and data about internal and supervisory investigations should be posted on this page.

Internal Complaints

Complaints also can be made by members of the department. The complainant brings the complaint to the supervisor of the subject of the complaint. In these cases, the Division Commander and OPS are notified.

⁶¹ Community Oriented Policing Services (COPS). "Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice." <https://cops.usdoj.gov/RIC/Publications/cops-p164-pub.pdf>

⁶² Baltimore Police Department. "Transparency, Active Policies." <https://www.baltimorepolice.org/transparency/policies>

⁶³ Brookline, MA Police Department. "Civilian Complaint Form." <https://www.brooklinepolice.com/FormCenter/Comments-Commendations-Complaints-6/Citizen-Complaint-55>

SECTION IV. OFFICE OF PROFESSIONAL STANDARDS REVIEW

Complaint Form

PPD's complaint form is generally in line with COPS Office guidelines. However, PERF identified some areas for improvement in the complaint form.

The form states: "it is unlawful to provide information in this matter which you do not believe to be true."

Warnings that making a false complaint is a criminal violation can be perceived as an impediment to the complaint process. Such warnings may discourage individuals who are hesitant about making a complaint. Some potential complainants may interpret the warning as a suggestion that complaints are not welcome.

It is important to remove barriers that may discourage individuals from making a complaint. Therefore, unless it is required by law, complaint forms should not include language that implies a threat of potential prosecution for filing a false complaint.⁶⁴ PERF recommends removing this language from PPD's complaint form, if permissible by state law.

Recommendation: PPD should remove the warning about making a false complaint from its complaint materials.

Additionally, this warning should not be given to individuals making complaints in person or over the phone.

PPD's complaint form is available in English and Spanish. Paterson has a large and diverse immigrant community, with a significant Muslim population. PPD may wish to consider translating its complaint form into Arabic and other languages commonly spoken in Paterson.

Recommendation: PPD should consider translating its complaint form into Arabic and other languages spoken by significant numbers of Paterson residents.

Complaint Investigations

Currently, the PPD investigates as complaints all violations of its conduct rules. Investigations take one of two paths: by the chain of command, or by the Office of Professional Standards (OPS). Prior to 2018, workload and staffing issues impacted OPS' ability to investigate all complaints in a timely fashion.

Complaints that do not involve misconduct but may constitute a performance deficiency are handled by the employee's supervisor and may result in counseling and retraining. Repeated performance deficiencies may be considered for minor disciplinary action, commonly involving a verbal or written reprimand. All command recommendations must be approved by OPS prior to an employee being notified and action taken.

⁶⁴ *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*. (Washington, D.C.: DOJ Office of Community Oriented Policing Services): p. 17. <http://ric-zai-inc.com/Publications/cops-p164-pub.pdf>

SECTION IV. OFFICE OF PROFESSIONAL STANDARDS REVIEW

Misconduct investigations are considered administrative or criminal in nature. Administrative investigations generally involve alleged violations of PPD rules and regulations only, and are handled by OPS. **Criminal investigations and serious uses of force are referred to and managed by the Passaic County Prosecutor's Office. OPS is responsible for administrative investigations related to complaints alleging potential criminal activity and coordinates its investigations with the Prosecutor's Office.**

Recently, the Passaic County Prosecutor's Office announced that it would be taking responsibility for full oversight of OPS and investigation of all complaints regarding use of force and potential criminal activity.

OPS uses IPro⁶⁵ to record and track all complaints. IPro is a software tool capable of documenting internal investigations, use of force incidents, and vehicle pursuits. It also has capabilities to provide early intervention alerts. PPD is participating in a pilot project with the New Jersey Attorney General's Office through which all complaints are entered into IPro and the Attorney General's Office can review the information in real time. OPS uses IPro as an early warning system and responds to automated alerts produced by the system by notifying supervisors and recommending training or other actions to address concerns.

Internal Affairs Investigations Process Outlined

OPS detectives conduct investigations and recommend dispositions and, in cases where the allegations are found to be sustained, discipline to the Chief of Police. The investigation and disposition processes are similar for supervisory-level investigations, with their recommended disposition and any discipline referred to OPS for concurrence. For minor supervisory-level complaints, OPS decisions on disposition and discipline are binding, meaning that OPS may disagree with and overrule the division chain-of-command. PERF was told that there is a perception among PPD employees that some disciplinary recommendations made by OPS are downgraded by the Office of the Chief.

Complaint investigations are assigned case numbers by OPS, prior to assignment. The investigation documentation process is predominantly paper-based, with written statements and other documents and evidence gathered and filed until detectives or division supervisors have completed cases. After an investigation is complete, OPS will enter data about the investigation into IA Pro internal investigation software. This software also alerts "early warnings" of employee incident frequency that merits additional review and, perhaps some type of intervention. All IA Pro data entry is performed by OPS detectives.

Complainants and employees both receive notification of the disposition. If an employee is disciplined, the complainant will be told only that an allegation was sustained and that an employee received discipline. While OPS strives to conclude investigations and dispositions in a timely fashion, some investigations take extended periods of time. There is no formal communication to a complainant about the status of the investigation until its conclusion.

Discipline is categorized as minor and major. Minor discipline ranges from a reprimand to a suspension of five or fewer working days. Major discipline includes multiple minor disciplinary suspensions within one calendar year, a suspension of more than five working days, demotion, or termination. All discipline

⁶⁵ <https://www.iapro.com/>

SECTION IV. OFFICE OF PROFESSIONAL STANDARDS REVIEW

is administered in accordance with New Jersey Attorney General Guidelines and case law, and minor discipline must also comport with the PPD's collective bargaining agreement with the PBA.

Discipline is expected to be progressive in nature and to follow New Jersey Attorney General Guidelines. The progression begins with verbal, peer and in-service training/retraining, counseling, and oral and written reprimands. Serious misconduct or repeated misconduct incidents may be corrected with major discipline. An employee may appeal major discipline through the New Jersey Civil Service Commission, which will appoint a hearing officer to review and render a binding decision. Appeals of the hearing officer decision are heard in New Jersey Superior Court.

Recommendation: PPD should hire civilian employees to perform data entry into the IA Pro database.

Currently, sworn detectives are required to enter data in all required fields of the IA Pro database. This work could be performed by civilian employees, which would free up time for detectives to conduct investigative work.

Recommendation: PPD should establish, manage, and measure complaint investigation completion goals.

By establishing, actively managing, and tracking case investigation times, OPS can better serve the PPD and the community.

Recommendation: PPD should provide regular case status updates to employees and complainants.

Many organizations confirm receipt of the complaint, provide updates at predetermined intervals, and provide case disposition information to the public. Providing updates ensures that both the complainant and employee know that the complaint is being investigated and taken seriously.

Command Investigations and Meaningful Review Board

As mentioned previously, PPD conducts supervisory-level investigations into uses of force, pursuits, employee duty-related collisions, and on-duty injuries. OPS and division personnel convene to review and render findings when the investigations are completed, reviewed, and disposition recommendations are made. OPS may or may not concur, and will present findings and disposition recommendations to the Chief of Police, who renders a final disposition.

Recommendation: PPD should track and publish Meaningful Review Board data and reports on the PPD website to allow public access and examination of data and trends within the PPD.

For example, the Baltimore Police Department (BPD) has a dedicated section on its website titled "Transparency."⁶⁶ BPD reports on use of force, consent decree reforms, misconduct investigations are all included.

⁶⁶ Baltimore Police Department. "Transparency, Active Policies."
<https://www.baltimorepolice.org/transparency/policies>

Meaningful Review Board

PPD has a Meaningful Review Board tasked with the review of use-of-force cases (along with other matters such as traffic accidents). PERF staff observed a Meaningful Review Board meeting as part of a site visit. PERF believes that the Meaningful Review Board does a good job of reviewing use-of-force incidents overall, but believes that PPD can greatly strengthen the quality and thoroughness of its administrative reviews by revamping the Meaningful Review board to have a specific emphasis on holistically reviewing all serious uses of force by PPD members.⁶⁷

The Meaningful Review Board should be tasked with a review/investigation of the following force incidents:

- All serious uses of force (including canine bites)
- Lethal force
- Less-lethal force with a tool
- Serious injury to suspect
- Complaint of injury
- All in-custody deaths
- Any other critical police incident as directed by the chief of police.

In its case review, the Meaningful Review Board should look at entire use-of-force incidents holistically, not just the exact moment force was used, in order to determine whether there were missed opportunities to de-escalate the incident or otherwise prevent it from reaching the point where the use of force was necessary.

Recommendation: PPD should mandate that the Meaningful Review Board is responsible for reviewing: all serious uses of force; lethal force; less-lethal force with a tool; injury; complaint of injury; all in-custody deaths; and any other critical police incident as directed by the chief of police.

The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy. Incidents should be reviewed holistically, not just at the moment force was used. A representative from Training should serve on the Meaningful Review Board to identify any training or tactical issues; currently, no one from Training is on the Meaningful Review Board.

While the Passaic County Prosecutor's Office Major Crimes Unit is the entity required to investigate uses of force that result in serious injuries or deaths, the Meaningful Review Board also should conduct a tactical debriefing within 72 hours of the incident. The purpose of this review is not to supplant the prosecutor's office's review, but rather to identify critical issues with policy, training, and equipment.

Recommendation: PPD should require that a tactical debriefing occur no later than 72 hours after a use of force that results in serious injuries or deaths, an officer-involved shooting, or in-

⁶⁷ One example of such a policy is Baltimore Police Department's Policy 724—Performance Review Board, available at <https://www.baltimorepolice.org/724-performance-review-board>

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custody death, in order to identify potential issues in training, policy and/or equipment without having to wait until the completion of the official shooting investigation.

As part of this review, the training supervisor should be allowed access to the scene after all investigative measures have been completed, to inform the debriefing of the Meaningful Review Board.

Early Intervention System (EIS)

Over the past 25 years, the use of an Early Intervention System (EIS),⁶⁸ especially for large and medium-size police agencies, has emerged as a widespread practice in police personnel management.⁶⁹ The underlying concept of an EIS is that serious incidents of police officer misconduct often do not erupt unexpectedly. Rather, such significant events are often preceded by a number of minor past incidents or concerning patterns of behavior. An EIS is designed to help agencies identify these potential areas of concern and address them through training, counseling, or other non-punitive measures before serious misconduct occurs.

As noted earlier in this report, an Early Intervention System can help to flag officers who are using force more often than other officers in similar assignments, or who are using force more often than they did in the past. (See page 43.) But the ultimate goal of an EIS is to identify officers who may be experiencing stress or exhibiting troubling behavior before it reaches the level of misconduct.

How an EIS Works

An EIS generally consists of four components:⁷⁰

- **Performance metrics or variables** that are related to incidents and behaviors, and that could be potential indicators of future misconduct or performance problems. Examples include citizen complaints against the officer, uses of force, lawsuits against the officer, the officer's performance evaluations, supervisory actions against the officer, excessive sick leave, etc. Some agencies' EIS systems track as few as a half-dozen indicators, while other agencies may track 20 or more data points.
- The **threshold levels for these variables** to identify, or flag, officers with possible performance concerns. When a threshold is met, an alert is "triggered" in the system and the officer's supervisor is notified. For example, if "complaints against an officer" is a variable included in the

⁶⁸In the early stages of these systems' development, they were commonly referred to as Early Warning Systems (EWS). The use of the word "warning" connoted to many officers a punitive, disciplinary potential to these systems, which was counterproductive if the goal is to prevent problems from occurring. Thus, the word "Intervention" came into use as a replacement. Some entities refer to these as Early Identification and Intervention Systems. This report will use Early Intervention Systems (EIS) as the generic term.

⁶⁹ Samuel Walker (2005). *The New World of Police Accountability*. Thousand Oaks, CA: SAGE Publications, Inc.

⁷⁰ The John F. Finn Institute for Public Safety, Inc. (2015). *Features of Contemporary Early Intervention Systems: The State of the Art*. IACP 2015 Conference, Chicago, IL.

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EIS, then NCPD must determine how many complaints must be filed, and in what time period, in order for the EIS alert to be triggered.

- The **intervention** that the officer's supervisor will use to address the performance problems. Interventions are designed to be non-punitive and to help modify the officer's patterns of behavior, and they may include options such as additional training, counseling, or a change of assignment.
- **Follow-up monitoring** of the officer after the intervention is implemented.

Based on interviews with PPD personnel, the team learned that PPD's utilizes an EIS, but its use is solely limited to use of force. PPD should consider expanding the use of its EIS to track and monitor potentially problematic trends, including officers who are frequently the subject of complaints.

Recommendation: PPD should expand the use of its EIS to track and monitor information beyond officer use of force, to include officers who are frequently the subject of complaints, along with abuse of sick leave, tardiness, and other potentially problematic trends such as a high number of disorderly conduct or assault on police officer arrests. PERF recommends adopting and implementing New Jersey Attorney General Law Enforcement Directive No.2018-3 which enumerates specific performance indicators and alert triggers.

Analysis of Complaints Filed with Professional Standards

As part of our review of PPD, PERF reviewed complaints filed to Professional Standards for the years 2018-2020. According to OPS, the Passaic County Prosecutor's Office is responsible for investigating all allegations of serious force and criminal activity by a PPD officer. Therefore, OPS referred all of these complaints to the Prosecutor's Office which would investigate and then either charge the case or send a Remand Letter to the PPD stating that it was not taking action. PERF reviewed several remand letters received from the Prosecutor's Office regarding alleged criminal activity. These letters contained minimal information, stating that their office conducted a thorough review and found that there was not sufficient evidence to move forward with a criminal prosecution.

2018

In 2018, Professional Standards received a total of 258 complaints. Of these:

- 4 were submitted anonymously
- 179 were citizen complaints
- 75 were agency (internal to PPD) complaints

Of the complaints received in 2018, 76% (195) were for Demeanor or Other Rule Violation, 12% (32) were for Excessive Force, 8% (21) were for Other Criminal Violation, and less than 1% were for Differential Treatment.

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Demeanor complaints involve complaints such as rudeness. Other Rule Violations consist of issues such as policy violations, failure to write a report when required to, tardiness, etc. and are generally minor in nature.

In 2018, Professional Standards completed investigations and disposed of 228 complaints. The data does not provide information as to how many of the case dispositions are for complaints filed in 2018. Some of the dispositions may relate to complaints filed in prior years. Complaint dispositions for 2018 are:

- 53 sustained
- 40 exonerated
- 57 not sustained
- 41 unfounded
- 14 administratively closed

Sustained complaints included 2 other criminal violation and 51 demeanor or other rule violations.

2019

In 2019, Professional Standards received a total of 160 complaints, 98 less than in 2018. Of the 160 complaints in 2019:

- 3 were submitted anonymously
- 115 were citizen complaints
- 42 were agency (internal to PPD) complaints

Of the complaints received in 2019, 65% (104) were for Demeanor or Other Rule Violation, 16% (25) were for Excessive Force, 13% (20) were for Other Criminal Violation, and 2% (3) were for Differential Treatment.

In 2019, Professional Standards completed investigations and disposed of 124 complaints. The data does not provide information as to how many of the case dispositions are for complaints filed in 2019. Some of the dispositions may relate to complaints filed in prior years. Complaint dispositions for 2019 are:

- 21 sustained
- 28 exonerated
- 48 not sustained
- 13 unfounded
- 14 administratively closed

Sustained complaints included 1 other criminal violation and 20 other rule violations.

2020

In 2020, Professional Standards received a total of 141 complaints, 19 less than in 2019 and continuing the downward trend from 2018. Of the 141 complaints in 2020:

- 0 were submitted anonymously

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- 50 were citizen complaints
- 91 were agency (internal to PPD) complaints

Of the complaints received in 2020, 61% (86) were for Demeanor or Other Rule Violation, 11% (16) were for Excessive Force, 25% (35) were for Other Criminal Violation, and 1% (2) was for Differential Treatment.

In 2020, Professional Standards completed investigations and disposed of 125 complaints. Sixteen cases remained pending as of January 11, 2021. Complaint dispositions for 2020 are:

- 23 sustained
- 36 exonerated
- 40 not sustained
- 10 unfounded
- 16 administratively closed

Sustained complaints included 1 excessive force, 2 other criminal violation and 20 other rule violations.

Three-Year Trends

Overall, the total number of complaints decreased by 45%, from 258 complaints in 2018 to 141 in 2020. While the *percentage* of excessive force complaints fluctuated by percentage from 2018 to 2020, the actual *number* of complaints decreased each year, from 32 in 2018 to 25 in 2019 to 16 in 2020.

The number of complaints for differential treatment (accusations of being treated differently based on characteristics such as race, gender and ethnicity) were minimal for all three years.

Complaint Dispositions

In 2018 and 2019, the total number of complaints filed each year does not match up with the number of complaint dispositions. In 2018 and 2019, a total of 418 complaints were filed and there were a total of 352 complaint dispositions. In 2020, the total number of complaints filed (141) are accounted for in the disposition data with 125 complaint dispositions and 16 pending. **In February 2019 PPD assigned a new captain to the OPS who has been aggressive in investigating and closing complaints against officers. The data, reinforced by interviews with current OPS staff, demonstrates PPD's effort to investigate all complaints and improve accountability processes.**

Of the 97 sustained complaints over the three-year period, 91 (94%) were for demeanor or other rule violations. This is not surprising as demeanor and other rule violations constitute 83% of all complaints filed. Over the three-year period, there were 73 excessive force complaints. Only one of these complaints was sustained in 2020.

PERF also assessed whether proper classifications of cases were being used within PPD and whether the definitions of case dispositions are in line with progressive practices of similar law enforcement agencies. PERF's intent in this review was not to assess the quality of the investigations, but rather to determine if best practices in terminology and processes are used by the OPS.

Dispositions include the following categories and definitions:

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Sustained: A preponderance of the evidence shows that an employee violated agency rules, regulations, protocols, standard operating procedures, directives, or training.

Not Sustained: Based upon the preponderance of evidence standard, there is insufficient evidence to decide whether the alleged misconduct occurred.

Exonerated: A preponderance of the evidence shows that the alleged conduct did occur, but the conduct did not violate rules, regulations, standard operating procedures, directives, or training.

Unfounded: A preponderance of the evidence shows that the alleged misconduct did not occur.

Administratively Closed: In some cases, the complaint or investigation is closed prior to reaching a disposition.

PERF reviewed PPD's disposition classifications to determine whether they meet the standard set by the Department of Justice's Office of Community Oriented Policing Services (COPS Office). The COPS Office recommends having at least four basic resolution categories for internal complaints: sustained/founded, not sustained/not resolved, exonerated, or unfounded.⁷¹ Additional categories are encouraged for outcomes that may not fit into the four basic categories.

PERF's review found that PPD's classifications are in line with professional standards set by the COPS Office, but recommends that it discontinue its use of Administratively Closed and replace it with more descriptive terms.

Recommendation: *PPD should discontinue to use of the disposition of "Administratively Closed" and replace it with other dispositions, such as "Duplicate Investigation," "Resigned During Investigation," and "Resigned In Lieu of Termination."*

"Administratively Closed" does not provide clear information as to why a complaint was closed. Adding other categories will provide clearer case outcomes.

Recommendation: *PPD should publicly report outcomes of internal affairs complaints, including outcomes for cases referred to the Prosecutor's Office, on an annual basis.*

Additional Recommendations for the Office of Professional Standards

The PERF team identified additional recommendations concerning the Office of Professional Standards, outside of the complaint process:

Physical Location of the Office of Professional Standards

Currently, OPS is located at PPD headquarters. This location may present problems in terms of the ease of making complaints, and with the confidentiality of investigations. Since all PPD officers work out of the headquarters building, officers could attempt to discuss their cases with OPS staff, potentially

⁷¹ *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*. (Washington, D.C.: DOJ Office of Community Oriented Policing Services); pg. 50 <http://ric-zai-inc.com/Publications/cops-p164-pub.pdf>

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compromising the integrity of the investigation. Additionally, the location may compromise the confidentiality of complainants and the integrity of cases.

PERF recommends that PPD explore options to move OPS outside of headquarters. Best practices suggest that if possible, complaints should be processed at facilities accessible to the public, and agencies should arrange for other local government offices or another location outside of police facilities to accept complaints.⁷² The Springfield and Baltimore Police are examples of departments that have their internal affairs functions off-site.

Recommendation: PPD should move the Office of Professional Standards' office to an off-site location.

An off-site facility, such as a mixed-use office building or another city property, can be less intimidating for complainants than police headquarters. Furthermore, for officers involved in an investigation, the off-site location will ensure a higher level of privacy and will help protect the integrity of the investigation. This is a best practice recommended by the U.S. Department of Justice.⁷³

⁷²*Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice.* (Washington, D.C.: DOJ Office of Community Oriented Policing Services): pg. 15 <http://ric-zai-inc.com/Publications/cops-p164-pub.pdf>

⁷³ Ibid.

SECTION V. COMMUNITY RELATIONS

Community Policing Division

PPD has a dedicated Community Policing Division that has 29 officers. It provides programs for city youths, such as Halloween events, as well as for adults, such as a Valentine's Day dance for seniors. The division's officers attend a range of community events and serve as liaisons between Paterson residents and the Police Department. Other events include career days at schools, neighborhood association and community meetings, and anti-crime dinners and events.

The Community Policing Division has a significant focus on delivering youth service programs. The State of New Jersey provides grant funding to PPD to offer prevention programming to 200 at-risk youths, including those at risk of joining gangs or dropping out of school.

Community Relations

PPD reports having strong ties with the community and community leaders. PERF was able to speak to members of the clergy and verify that there is a strong relationship with PPD leaders and the faith community. PERF also spoke to several community activists who identified areas for improvement. There was concern expressed regarding the low number of sustained excessive use of force complaints filed over a several year period, and reports that some people are afraid to file complaints because of a fear of retaliation.

Some community activists connected to the Black Lives Matter movement reported that the death of Jameek Lowery in 2019⁷⁴ and an investigation into the use of community policing funds for police overtime⁷⁵ have heightened community distrust. There is also a perception that the City had not delivered on the "Tools of Trust," an initiative promising the purchase of body-worn cameras for police and the creation of a residents' advisory board.⁷⁶ A city ordinance to create a citizen review board with investigative and subpoena powers was proposed in fall 2019, but that ordinance has not yet been approved by the Paterson City Council.⁷⁷

⁷⁴ "Jameek Lowery's death accidental, not police use of force, state medical examiner rules." Joe Malinconico, northjersey.com, Aug. 12, 2019. <https://www.northjersey.com/story/news/passaic/paterson/2019/08/12/jameek-lowery-paterson-nj-death-accidental-not-police-use-force/1991061001/>

⁷⁵ "Paterson: How a program for troubled teens spiked police overtime." Joe Malinconico, Paterson Press. Nov. 12, 2018. <https://www.northjersey.com/story/news/paterson-press/2018/11/12/paterson-how-program-troubled-teens-spiked-police-overtime/1930432002/>

⁷⁶ "Jameek Lowery case: Paterson mayor unveils 'tools for trust'." Joe Malinconico, Paterson Press. Jan 27, 2019. <https://www.northjersey.com/story/news/paterson-press/2019/01/17/jameek-lowery-case-paterson-nj-mayor-andre-sayegh-police-trust-community-relations/2604547002/>

⁷⁷ "After 7 rogue cops plead guilty in corruption probe, Paterson mulls review board." Joe Malinconico, Paterson Press, October 3, 2019. <https://www.northjersey.com/story/news/paterson-press/2019/10/03/paterson-nj-unveils-plan-citizen-board-review-police-conduct/3843336002/>

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Crime victim advocates also stated that training on trauma and a stronger multi-disciplinary mental health response to certain calls would be beneficial.

PPD should consider engaging a trusted and skilled community based organization to assist it in soliciting community input. This organization could be tasked with conducting a community survey, holding focus groups and facilitating town hall meetings to obtain community input. In Baltimore, the National Police Foundation partnered with local community groups to obtain community input. In Atlanta, the City engaged a trusted, local non-profit with extensive experience in convening and facilitating community meetings and obtaining community input. This input should be the basis for developing a community policing plan.

Recommendation: PPD should consider engaging a trusted and skilled community based organization to assist it in soliciting community input.

PPD should consider conducting a comprehensive community survey, in order to obtain a more complete assessment of community perceptions of PPD. Community surveys provide important feedback to police organizations, helping them to adjust strategies, better serve their communities, and improve relationships to make their communities safer. Such surveys are best designed and administered in partnership with a university or market research company. Sample surveys can be found at <https://www.theiacp.org/resources/sample-community-surveys>.

Recommendation: PPD should conduct a comprehensive community survey to assess community satisfaction with various aspects of police service, including crime reduction, concerns about crime, patrol response and visibility, investigations, and trust and confidence.

Successful policing requires strong community relationships, particularly with minority and vulnerable and disenfranchised populations. Officers and detectives in all divisions of the PPD need greater cooperation from the public to solve crimes more effectively. Currently, PPD relies on its Community Policing Division to establish community relationships. PERF recommends that PPD develop an organizational strategy for building trust and community relationships at all levels of the department.

Recommendation: PPD should create a department-wide community policing plan that includes goals, objectives, structure, and roles and responsibilities of varying units within the PPD. It should be a written, strategic plan accessible to both community and police personnel. PPD should solicit and obtain community input to inform the development of the plan.

Baltimore and San Francisco have recently developed comprehensive community policing plans⁷⁸. Baltimore's plan was reviewed and approved by its Consent Decree Monitoring Team. As part of the development of Baltimore's plan, the National Police Foundation (NPF) completed a series of focus groups and interviews to gather input from Baltimore Police Department (BPD) staff and Baltimore community members on community policing and engagement in the City, to assist in the creation of the community policing plan. These community engagement efforts are

⁷⁸ Baltimore's plan can be found at <https://www.baltimorepolice.org/bpd-community-policing-plan> and San Francisco's plan is at <https://www.sanfranciscopolice.org/your-sfpd/policies/community-policing-strategic-plan>.

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detailed in the National Police Foundation's report, *Baltimore Community Input to the Baltimore Police Department Community Policing Plan*⁷⁹.

Recommendation: PPD should develop training for all officers and supervisors that reflects and furthers the goals of the community policing plan, and should create mechanisms to continuously evaluate how effectively it is fulfilling its roles and responsibilities set out in the plan.

The Office of Community Oriented Policing has a number of training curricula available for officers, supervisors and commanders designed to improve and expand community policing skills and understanding.⁸⁰ Increasing external transparency is another way that that PPD can improve police-community relationships. PERF will make recommendations regarding increased internal and external transparency in the next section.

⁷⁹ <https://www.policefoundation.org/publication/baltimore-community-input-to-the-baltimore-police-department-community-policing-plan/>

⁸⁰ "COPS Training." <https://copstrainingportal.org/in-person/>

SECTION VI. TRANSPARENCY

It is important for police departments to have a commitment to transparency in how they go about their daily work, how they set goals and priorities, and how they strive to fulfill their mission. This includes being transparent “externally” with the community they serve, as well as “internal” transparency within the organization. Transparency fosters trust within the community, and it helps to improve morale among officers when they are treated fairly and can see how decisions are made and operations are managed.

Internal Transparency

PPD relies heavily on PowerDMS to communicate new policies, procedures, and training to officers and other employees. Transparency is especially important during times of change, because making changes can be a difficult process. Strong communication about the reasons for new policies and procedures helps to build support and prevent misunderstandings. PPD leaders can share information about changes and new training through videos and roll calls. Involving officers in the policy-making process and assigning roles to first-line supervisors in explaining policy changes also help to address officers’ concerns about changes in the department.

Recommendation: PPD should use additional means such as videos and roll call trainings to communicate new policies, procedures and training.

Involving officers in the policy-making process is important in promoting internal transparency about the direction the department is moving. PERF recommends that PPD create a system that allows officers to provide feedback on proposed changes in policy or practices. In this way, proposals can be refined and potential problems can sometimes be ironed out before a change takes effect. And after a new policy is enacted, members of the department should be encouraged to continue to provide feedback about the policy’s operational impacts. The full effect of changes may not be known until it has been in effect for some time.

To encourage feedback, PPD should consider using PowerDMS in the policy review process, because officers are already familiar with the software. The system that PPD chooses should be formalized so that each policy change goes through the same process.

Recommendation: PPD should create a formal system to allow feedback during the policy-making process.

This system should allow for input from internal subject matter experts and by individuals within the department who will be significantly impacted by the policy. Once a policy has been implemented, feedback should be solicited from the field on how the policy impacts daily operations. PPD should consider allowing feedback via PowerDMS and should ensure that each policy goes through the same process.

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External Transparency

As discussed above, sharing information with the public in a timely and transparent way improves community trust and confidence in a police department. PPD does not have a civilian communications professional or a dedicated communications function. There is no comprehensive communications strategy to disseminate PPD's messages about its priorities and work to the public. It appears that the Public Safety Director has taken on the role of managing and responding to media requests and managing the department's social media content.

PPD has a website that appears to have been created in 2014, and a presence on Facebook and Twitter. The PPD website contains basic information about PPD, including its history, leadership, and recruitment information. The website does not include annual reports, policies, internal affairs information, or statistics. Enhanced communication, facilitated by social media engagement, can lead to greater community cooperation in partnerships to prevent crime.

Recommendation: *The PPD should update and expand its website.*

PPD's website should include full descriptions of its services and support to the community. The website also can promote community policing initiatives, celebrate successful partnerships, and share information that helps the public understand police operations, PPD's organizational structure, processes, training, and data on crime and other topics. This should include PPD's policies, annual reports, and use of force and internal affairs statistics. A good example is the Fairfax Police Department website: <https://www.fairfaxcounty.gov/police/fairfax-county-police-department>.

Recommendation: *PPD should provide a direct link on its website's homepage to its citizen complaint form (and officer compliment form).*

This form should be available for download as well as online completion, and should be in English, Spanish, and other languages commonly spoken in Paterson (such as Arabic).

Recommendation: *The PPD should hire a dedicated civilian communications professional to support the Public Safety Director's external communications.*

The communications professional should support development of an overall communications strategy, update and manage the PPD website, manage social media accounts and content, and field media inquiries. Atlanta, Baltimore, Chicago and Fairfax County are all examples of department's with a dedicated civilian communications function.

Recommendation: *The communications professional should assess the PPD's social media presence, determine which social media outlets it should use, and develop a social media plan and program designed to further PPD's goals and objectives.*

Social media can help advance the goals of community policing by fostering relationships between officers and community members, disseminating information, and engaging citizens. In 2019, the Urban Institute published a Social Media Guidebook for Law Enforcement Agencies

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that describes how to create a successful social media program.⁸¹ This may be a useful resource for the PPD.

PPD currently does not make its policies available online through its website. PERF recommends that PPD make its policies publicly accessible, as a key element of community transparency.

Recommendation: PPD should make its policies and procedures publicly available and create a link to its policies and procedures on its webpage.

PPD does not release an annual report or use-of-force statistics. The Office of Professional Standards publishes an annual report, but this information is not provided on the PPD website and it is not accessible to the public. PERF recommends that PPD prepare and release an annual report and include its annual use-of-force statistics.

Recommendation: PPD should release an annual report that includes data on the department's use of force on an annual basis.

This report should present the public with detailed information on the trends identified in use of force for that year. The report should be comprehensive and should detail trends in use of force as well as information on complaint dispositions. The Forth Worth Police Department puts out a report containing this type of information each year.⁸²

Continuing to collect data on use of force is a priority for PPD. In fact, PPD is currently participating in a pilot project with the New Jersey Attorney General's Office to provide real time information on use of force investigations. Use-of-force data collection benefits the PPD internally, and it can benefit agencies nationally.

PPD should consider participating in the FBI's National Use-of-Force database, which began data collection on January 1, 2019.⁸³ The FBI's use-of-force data collection efforts are supported by major policing organizations, including PERF, the Major Cities Chiefs Association (MCCA), the National Sheriffs' Association (NSA), the Major County Sheriffs of America, the International Association of Chiefs of Police (IACP), the Association of State Criminal Investigative Agencies, the National Organization of Black Law Enforcement Executives (NOBLE), and the Association of State Uniform Crime Reporting Programs.

Recommendation: PPD should be prepared to participate and submit data to the FBI's National Use-of-Force database as soon as possible.

Data collection began on January 1, 2019.

⁸¹ Social Media Guidebook for Law Enforcement Agencies: Strategies for Effective Community Engagement. Urban Institute. https://www.urban.org/sites/default/files/publication/99786/social_media_guidebook_for_law_enforcement_agencies_0.pdf

⁸² <https://police.forthworthtexas.gov/Public/use-of-force-report>

⁸³ More information on the FBI's National Use of Force Database can be found at <https://www.fbi.gov/services/cjis/ucr/use-of-force>

CONCLUSION

The City of Paterson has faced severe economic challenges for years, and nowhere is this more evident than at Police headquarters. Three reports dating back 15 years have documented hazardous conditions in the building. The Police Department's fleet and technology systems also are generally antiquated. The lack of funding for the Police Department and other city government agencies is a reflection of the city's overall financial problems.

In light of these issues, the City of Paterson and its Police Department deserve a great deal of credit for commissioning the study detailed in this report. City officials have demonstrated a "can-do," optimistic approach aimed at doing everything they can to provide up-to-date police services.

In this report, PERF has identified many issues that need to be addressed, and has provided recommendations for help PPD improve the quality of policing, in spite of resource limitations.

- **Use-of-force data and reporting:** PERF's review of officers' use-of-force reports from 2018 to 2020 raises a number of questions, but the data are too limited to provide answers. PERF recommends a number of changes to get sergeants more involved not only in reviewing uses of force, but also responding to all incidents involving a use of force, as well as incidents that may be expected to involve a possible use of force. These and other recommended changes will help to improve the quality of PPD's use-of-force data, so the department can answer questions about whether some officers may rely too often on use of force, as opposed to using de-escalation and other strategies, and whether racial and ethnic disparities in use of force are a result of bias, or have other causes.

- **Attorney General's guidance and PERF training on use of force:** In December 2020, the New Jersey Office of the Attorney General issued new use-of force guidelines for police agencies statewide. These guidelines, based on concepts such as the sanctity of human life, de-escalation strategies, use of force only in proportion to the nature of the incident and potential threats involved, creating a duty to intervene, and strong requirements for reporting uses of force, are very similar to policy guidance and training protocols that PERF has been developing since 2015.

Most of PPD's use-of-force policies are generally consistent with the principles developed by PERF and the Attorney General's Office. This report includes a number of recommended changes to bring PPD's policies more fully in line with these best practices.

Similarly, the Attorney General's Office announced in January 2021 that it will require all law enforcement agencies in the state to complete PERF's training program known as ICAT – Integrating Communications, Assessment, and Tactics. ICAT is designed to teach officers how to analyze and peacefully resolve a wide range of incidents, using critical thinking principles and de-escalation strategies.

PERF will deploy a lead trainer to provide an introduction to ICAT training to work with PPD leadership to ensure that all PPD officers obtain the tools, skills, and options they need to successfully and safely defuse critical incidents. This training will be scheduled at a mutually agreed upon time as soon as possible.

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- **Other training programs:** In addition to ICAT training, PERF recommends that PPD strengthen its field training program for new recruits; use of simulation training on tactics, pursuits, and firearms; driver training; and training for supervisors, managers, and executives.
- **Office of Professional Standards:** PPD's Internal Affairs Division was in the news in April when state and county officials announced that the county prosecutor's office was taking over responsibility for PPD's IAD. PERF was asked to review OPS's operations and practices, such as how community members file complaints, the complaint process, efficiency of complaint investigations, the role and scope of the Meaningful Review Board, and the use of PPD's Early Intervention System. **PERF was not asked to conduct a review of individual complaints or provided access to complaints and investigative files as part of this project.**
- **Organizational changes:** PERF recommends a number of changes in PPD's organization and operations that will make the department more efficient and effective, which is especially important in light of the financial constraints on the city's government. For example, a number of sworn police officers are performing functions that could be handled by professional civilian employees. PERF also recommends a workload analysis that could help balance the work performed by members of the department more evenly. Changes in technology and fleet maintenance can also result in more efficient use of available funding.

PERF also recommends that the City of Paterson and PPD work together to develop short-term and long-term plans to improve conditions at Police Headquarters. In the short term, the existing building should be repaired to provide suitable working space for employees and a locker room for women. The City should also create a plan and identify funding to build a new Headquarters Building.

PERF is grateful to have had the opportunity to provide Paterson with recommendations for making improvements in many of these areas. PERF will continue to be available to the City of Paterson and the PPD to provide advice and guidance as the City begins the process of implementing PERF's recommendations.

The Executive Summary of this report summarizes PERF's most important points, and the text of the report provides a greater level of detail.

The Appendix on the next page lists all of the recommendations in the order they appear in the text.

APPENDIX: List of Recommendations

Following are the recommendations included in the report.

Organization and Management

Planning

PERF reviewed the organizational structure and alignment of PPD and make the following recommendations related to its organization, management, and alignment.

Recommendation: *Create an annual strategic work plan to guide PPD's organizational mission and focus.*

Recommendation: *Create and implement a performance management system such as CompStat to ensure that each Division and Unit in the PPD is actively engaged in delivering results aligned with organizational priorities. Performance management systems can be used to evaluate efforts to reduce crime, community policing efforts, investigative effectiveness, complaint investigations, recruitment, field training, and other priorities. Reviews can be held weekly, monthly or quarterly depending on the Unit and the goals. The performance management system should be tied to performance expectations and reporting metrics for each Unit and Division should be clearly defined.*

Recommendation: *Clarify organizational structure and priorities through a dated, single page organizational flow chart and position allocation document and publicize it to employees and the public. PPD should provide public access to its organizational chart through the PPD website. Organizational charts help the organization and the public understand how work is aligned within an organization and how priorities are resourced. Additionally, publicizing these documents to the public and employees helps promote transparency and accountability throughout the organization.*

Recommendation: *Use clear and consistent naming conventions for units on the organizational chart. The current organizational chart uses a number of different terms to identify units including squad, platoon, unit, and division. While a variety of naming conventions exist, use of consistent labels such as unit, section, division, and bureau in a hierarchy are useful to clarify how each unit and function is situated within the organization.*

Recommendation: *PPD should create a plan to adjust the composition and alignment of sworn and civilian personnel throughout the PPD to improve efficiency and effectiveness. PPD should complete a job/task analysis for certain positions within the organization to determine if it requires the authority of a sworn officer, if it is duplicated within the department, if it should be consolidated or aligned differently to promote efficiency and effectiveness, if it could be performed by a civilian or if it could be outsourced.*

Recommendation: *Evaluate support positions such as data entry, finance, personnel, prisoner processing and information technology for opportunities to civilianize. Civilianizing positions can reduce cost, improve expertise and result in more sworn officers in operational roles.*

Human Resources and Performance Evaluation

Recommendation: *Create a position for a full time Director of Human Resources who is responsible for managing the performance review system, recruitment, hiring, promotions and other personnel functions. Alternatively, the City of Paterson should consider hiring a dedicated PPD Human Resources Specialist to manage these functions.*

Recommendation: *Create a more robust performance review system that uses a scale of one to five for each factor assessed and incorporates qualitative feedback. In order for the performance review system to be used to impact assignment selection, promotions and pay raises would require broader negotiation and support with the PBA and the State of New Jersey.*

Recommendation: *PPD should encourage the State of New Jersey to review its promotional exam and its impact on diversity statewide to determine if any changes should be made.*

Union Relations

Recommendation: *The City of Paterson should include a PPD management representative in future negotiations of police union contracts.*

Span of Control, Workload and Scheduling

Recommendation: *Conduct a comprehensive analysis through which unit functions and alignments are assessed and positions suited for civilianization are identified. PPD should evaluate and adjust span of control to ensure efficiency, effectiveness, and appropriate numbers of supervisory, managerial and executive positions. Reduce and redistribute supervisory, managerial and executive-level positions with appropriate spans of control.*

Recommendation: *PPD should conduct a comprehensive staffing and workload analysis for the Patrol Division. It should evaluate response times, analyze use of officer time, and assess beat integrity and community policing efforts.*

Recommendation: *PPD should acquire and use staffing analytics software to model and periodically rebalance staffing to workload. Software is available that models different staffing and scheduling options and assists with rebalancing staffing to workload as conditions change. Staffing software can help the PPD visual the impact of different staffing options and make decisions as to how to best align its patrol resources.*

Recommendation: *Improve the processes, protocols and technologies related to arrest processing to create efficiencies for arresting officers. The current intake and processing procedures can result in long out-of-service times for officers. PPD should streamline this process in order to minimize the out-of-service time for arresting officers and detectives. Performance should be routinely evaluated and reported.*

Recommendation: *Consider creating alternative responses to service requests from the public to reduce officer workload and improve community satisfaction. Online and telephone reporting for minor offenses including theft and vehicle accidents has been implemented successful in a number*

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of cities. The City of Paterson could also consider creating a call center outside of PPD that handles non-emergency calls and is staffed by civilians or outsourced.

Recommendation: *PPD should conduct a comprehensive staffing and workload analysis for the Investigations Division. It should assess caseloads, lengths of time cases are active, and outcomes resulting from investigations. Management issues including supervision, scheduling, and the availability of investigators to work on cases should also be considered.*

Recommendation: *PPD should review and update its Extra Duty policy to align with the New Jersey State Association of Chiefs of Police (NJSACOP) model policy, including its Limitations Section, and assess the impact of Extra Duty assignments on departmental staffing.*

Operational Efficiency and Resource Allocation

Recommendation: *Conduct a fleet analysis to determine the optimal fleet size based on staffing and operational needs as well as maintenance needs.*

Recommendation: *Consider citywide consolidation of vehicle purchases and vehicle maintenance. Some jurisdictions have a centralized entity responsible for overall fleet management including both vehicle purchases and maintenance. Some have a centralized motor pool responsible for all vehicle maintenance. These models can result in significant cost savings and improved service. PPD could also consider outsourcing some or all of fleet services and parts ordering.*

Recommendation: *Conduct a cost analysis of fleet maintenance. Once a vehicle has reached a certain age, the ongoing maintenance costs exceed the value of the vehicle. One city that performed a cost analysis found that it was more cost effective to purchase new vehicles than retain them past eight years and that the optimal average fleet age should be 4 years. The same analysis found that planned vehicle replacement purchases were more cost effective than leasing or renting vehicles to meet departmental needs.*

Recommendation: *Develop criteria for decommissioning fleet vehicles. The criteria should include driver safety, vehicle age, vehicle condition and cost of keeping vehicle in service.*

Recommendation: *Develop a vehicle replacement plan and capital budget based on results from fleet and cost analysis.*

Recommendation: *Establish fleet performance metrics and track performance and costs. While PPD mechanics are working hard, there are no performance metrics or reporting on the Motor Pool's efforts.*

Technology

Recommendation: *Ensure that CAD and RMS systems support workload analyses, case management, and crime analysis needs. CAD and RMS should both be automated and communicate to reduce redundancy in data entry, and report data necessary to conduct business and crime related analyses to better manage the operations of the organization.*

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Recommendation: *Streamline prisoner processing protocols and technologies to reduce time-on-task for intake personnel and arresting officers.*

Recommendation: *Broaden access to investigative informational resources throughout the PPD. Investigative informational data warehouses such as LexisNexis and CLEAR provide invaluable support to investigations. Cell phone access, tracking and mapping technologies are also critically important to successful case investigations in a digital age. Expand access, training and use of these technologies.*

Recommendation: *Acquire an optical scanning platform to enhance data collection, analysis and access to records. Optical scanning can convert most handwritten documents into searchable records to facilitate record retrieval, investigations, identification of patterns across multiple cases, and efficiently filling Open Public Records Act (OPRA) requests and Court Orders for PPD records.*

Facilities

Recommendation: *PPD and the City of Paterson should develop a short-term capital plan for the Public Safety Complex that focuses on building improvements required for the health and safety of the employees in the building.*

Recommendation: *PPD and the City of Paterson should consider making a long term plan to construct a new Police Headquarters. Long term planning would include capital budget planning; land identification and acquisition; bonding; architectural plans and construction.*

Use of Force Policy Review

The PERF team reviewed the Paterson Police Department's (PPD) policies related to use of force for thoroughness and compliance with nationally recognized progressive policing practices.

Recommendation: *PPD's use-of-force policy should emphasize proportionality, the use of distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics.⁸⁴*

For example, the Camden County, New Jersey Police Department's use-of-force policy states that "when force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances... Some of the factors that officers should consider when determining how much force to use include...whether further de-escalation techniques are feasible, ... the time available to an officer to make a decision, and whether additional time could be gained through tactical means..."⁸⁵

⁸⁴ PERF, *Guiding Principles on Use of Force*, pp. 54-65.

<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

⁸⁵Camden Police Department. 2013. "Use of Force." January 28, 2013.

<https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5d5c89c2e3bc4c000192f311/1566345667504/CCPD+UOF+Policy+%288.21.19%29+%28FINAL%29.pdf>

Recommendation: PPD should replace the current term (and subsequent references to) “deadly force” with “lethal force,” and should add a definition for “less-lethal” force for the department’s non-projectile impact weapons, OC spray, Electronic Control Weapons and other less-lethal force options. The term “less lethal” reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies.

Recommendation: PPD should **enhance its definition of “de-escalation” to provide more guidance to officers.** The definition should emphasize proportionality, the use of distance and cover, tactical repositioning, “slowing down” situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics.⁸⁶ For example, the Seattle Police Department utilizes the following definition of de-escalation: “taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.”⁸⁷

Recommendation: Recommendation: PPD should add a definition of “Proportionality” to this policy. As explained in PERF’s report on Guiding Principles on Use of Force, the definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2) considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers’ actions. The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should stop and consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.

Recommendation: PPD should remove language authorizing the use of chokeholds and neck/vascular restraint techniques in this section, replacing it with a complete prohibition of the use of these techniques. PERF recommends the prohibition of any type of neck restraint, due to the limited occasions in which it is necessary, and the extensive training and skill required to perform it safely and effectively. Due to the potential safety concerns associated with the use of these techniques, many agencies have forbidden its use.⁸⁸ For example, following the death of Eric Garner, the NYPD trained all officers in new defensive tactics techniques avoiding the head

⁸⁶ See PERF, *Guiding Principles on Use of Force*, pp. 38-40.
<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

⁸⁷ Seattle Police Department. 2019. “Use of Force Definitions.” *Seattle Police Department Manual*, September 15, 2019. <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>

⁸⁸ Kevah Waddell and National Journal. (2014). “Why Many Large Police Department Tolerate Their Officers Using Neck Holds,” *The Atlantic*, <https://www.theatlantic.com/politics/archive/2014/12/why-many-large-police-departments-tolerate-their-officers-using-neck-holds/458079/>

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and neck. PPD should also remove references to these techniques in Section II Authorization and Limitations, subsection B.

Recommendation: PPD should remove language authorizing the use of chokeholds and neck/vascular restraint techniques in this section, replacing it with a complete prohibition of the use of these techniques.

Recommendation: PPD should strengthen the language in this section to state, "Shooting at or from a moving vehicle is prohibited, unless someone inside the vehicle is using or threatening lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism." This policy change should also be reflected in training.

Recommendation: PPD should replace all references to "conducted energy device" in this and any related policies with the more descriptive and appropriate term, "Electronic Control Weapon (ECW)," in order to clarify that ECWs are in fact weapons that carry a risk of harming persons.

Recommendation: PPD should add language to policy to require that officers keep ECWs in a weak-side holster.

Recommendation: PPD should revise deployment procedures to state, "Personnel should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent application should be independently justifiable, and the higher risk should be weighed against other force options."

Recommendation: PPD policy should forbid the use of the drive stun mode (where the ECW is applied directly against the subject without firing darts) as a pain compliance technique. The drive stun mode should be used only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.

Recommendation: PPD policy should forbid the targeting of sensitive areas (head, neck, or groin) regardless of what manner the ECW is being deployed.

Recommendation: PPD policy should state that ECWs should not be used against subjects in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters).

Recommendation: PPD policy should state that ECWs should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons. Personnel should evaluate whether the use of the ECW is reasonable, based upon all circumstances, including the subject's age and physical condition. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others. This section should be moved to Subsection H, which contains guidance on prohibited uses of the ECW.

Recommendation: PPD should add language to ensure that subjects under an officer's control are positioned in a way so that their breathing is not obstructed (positional asphyxia).

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Recommendation: *All subjects who have been exposed to ECW application should receive a medical evaluation by emergency medical responders in the field or at a medical facility. Subjects who have been exposed to prolonged application (i.e., more than 15 seconds) should be transported to an emergency department for evaluation. Personnel conducting the medical evaluation should be made aware that the suspect has experienced ECW activation, so they can better evaluate the need for further medical treatment.*

Recommendation: *When possible, emergency medical personnel should be notified when officers respond to calls for service in which they anticipate an ECW application may be used against a subject.*

Recommendation: *PPD should add language to this section to require that supervisors respond to the scene of ALL reportable uses of force to conduct the initial investigation. Supervisors should also be dispatched to all incidents where it is anticipated that force might be used. Supervisors should receive training on how to conduct this initial investigation.*

Recommendation: *PPD should add language to policy stating that supervisors are to immediately respond to any scene: where a weapon (including a firearm, edged weapon, rock, or other improvised weapon) is reported; where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is potential for significant use of force.*

Recommendation: *PPD should require that the review of an officer's use of force go through the officer's chain of command up to the level of deputy chief.*

Recommendation: *The pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force should be documented in incident reports.*

Recommendation: *PPD should ensure that all use of force reports are reviewed by training staff so that opportunities for training can be identified. The training unit can then utilize relevant scenarios from the review of actual incidents to inform officer training on use of force.*

Recommendation: *PPD should review its Weapons and Ammunition policy to identify opportunities to streamline it.*

Recommendation: *PPD should replace its definition of de-escalation in its Emotionally Disturbed Persons Policy and replace it with PERF's recommended definition, as discussed in the use-of-force policy review section of this report.*

Recommendation: *PPD should update policy to remove references to chokeholds and vascular restraints, as PERF recommends the prohibition of these techniques entirely (refer to PERF's review of PPD's use-of-force policy above).*

Recommendation: *PPD should review use of force data on a quarterly basis to examine trends and patterns including officers who are frequently involved in uses of force.*

Recommendation: *PPD should compare the distribution of race and ethnicity of persons in use-of-force cases to the racial/ethnic distributions found in other types of police-subject interactions (calls for service, arrests, etc.). PPD should monitor these trends on a regular basis.*

Recommendation: *PPD must provide additional training to all officers on how to properly complete the new electronic use-of-force reporting form. This will improve data accuracy and enhance data analysis.*

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Recommendation: PPD should ensure that it is collecting accurate information about the behavioral health of suspects on its use of force forms.

PPD should ensure that it is collecting accurate information about the behavioral health of suspects on its use of force forms. This was occasionally reported in the use of force forms PERF reviewed, but was not consistent. One option for PPD is to create a field in its online use of force reporting form called "In Behavioral Crisis?" to capture information where a behavioral crisis is suspected, but cannot be definitively determined on scene (for example, a suspect acting erratically who may be under the influence of PCP as opposed to a behavioral health issue, but cannot be determined).

Recommendation: PPD should ensure that supervisors respond to the scene of ALL reportable uses of force to conduct an initial investigation.

Training

PERF reviewed PPD's current training infrastructure and offerings to identify areas for improvement.

Recommendation: PPD should strengthen its field training program for new recruits. Best practice field training programs include the San Jose Model⁸⁹ and the Reno Patrol Training Officer program.⁹⁰ On site, PERF was informed that in some cases, field training only lasted one month. Ideally, officers should spend three to four months in field training, with that time spent with, and being evaluated by, several different Field Training Officers (FTOs). In the end, the original FTO should evaluate the recruit by shadowing them dressed in plain clothes.

Recommendation: PPD should ensure that its FTOs receive yearly training specific to their function to ensure that they understand their roles and responsibilities.

Recommendation: PPD should enhance its tactical, pursuit, firearms and de-escalation training to include in-person and simulation-based experiences.

Recommendation: PPD should arrange for PERF to conduct a virtual meeting with PPD's training staff to discuss the core principles of ICAT upon approval of this report to learn how to fully integrate ICAT concepts into the department's training materials and be ahead of the state's mandate.

Recommendation: PPD should provide in-service driver training to all employees who operate City vehicles. PPD reported a high collision rate and a need for additional behind the wheel training for officers. Skills-based, in-service programs should be provided to officers.

Recommendation: PPD should create a formal mechanism to ensure that the Office of Professional Standards and training staff collaborate to identify departmental training needs to mitigate risk, reduce officer injuries, and prevent the need for discipline.

⁸⁹ <https://www.sjpd.org/about-us/organization/bureau-of-field-operations/field-training-program>

⁹⁰ <https://www.renopa.com/PTO>

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Recommendation: *PPD should adopt additional training for supervisors, managers and executives. PPD should develop and implement first-line supervisor training designed to build skills related to day-to-day management functions and leadership. Additionally, PPD should investigate and enroll supervisors in national leadership training institutes. There are numerous national programs to support and coming police leaders from across the country. These programs provide a national perspective and peer network that support professional growth of supervisors and managers. Examples include PERF Senior Management Institute for Police, Harvard-Kennedy Public Leadership Credential, Southern Police Institute, Northwestern University Center for Public Safety, Southern Police Institute, FBI LEEDA, FBI National Academy, and North Carolina State University Administrative Officers Management Program.*

Recommendation: *Identify and prioritize training needs and develop an annual training budget to support these needs.*

Office of Professional Standards Division Review

PERF also assessed PPD's Office of Professional Standards Division (OPS) to identify any areas of improvement.

Recommendation: *PPD should create an electronic version of the complaint form that can be completed and submitted online via the department website. This will make complaint submission more easily accessible to the community, and will allow for more efficient intake of complaints. A link to the complaint form should be displayed on the PPD homepage and the OPS page so it can be visible to the public.*

Recommendation: *PPD should make its policies, general orders, internal affairs statistics, and other information available on the department website for public review.*

Recommendation: *PPD should create a dedicated webpage for OPS that provides information about the complaint process including how to file a complaint, the investigative process, adjudication, discipline and appeals. Conduct rules, annual reports and data about internal and supervisory investigations should be posted on this page.*

Recommendation: *PPD should remove the warning about making a false complaint from its complaint materials. Additionally, this warning should not be given to individuals making complaints in person or over the phone.*

Recommendation: *PPD should consider translating its complaint form into Arabic and other additional languages.*

Recommendation: *Hire civilian employees to perform data entry into the IA Pro database. Currently, sworn detectives are required to data enter all required fields into the IA Pro database. This work could be performed by civilian employees, which would free up time for detectives to conduct investigative work.*

Recommendation: *Establish, manage and measure complaint investigation completion goals. By establishing, actively managing, and tracking case investigation times, OPS can better serve the PPD and the community.*

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Recommendation: *Provide regular case status updates to employees and complainants. Many organizations confirm receipt of the complaint, provide updates at predetermined intervals and provide case disposition information to the public. Providing updates ensures that both the complainant and employee know that the complaint is being investigated and taken seriously.*

Recommendation: *Track and publish Meaningful Review Board data and reports on the PPD website to enhance public access and examination of the data and trends within the PPD.*

Recommendation: *PPD should mandate that the Meaningful Review Board is responsible for reviewing: all serious uses of force; lethal force; less-lethal force with a tool; injury; complaint of injury; all in-custody deaths; and any other critical police incident as directed by the chief of police. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy. Incidents should be reviewed holistically, not just the exact moment force was used. A representative from Training should sit on the Meaningful Review Board to identify any training or tactical issues; currently, no one from Training is on the Meaningful Review Board.*

Recommendation: *PPD should require that a tactical debriefing occur no later than 72 hours after a use of force that results in serious injuries or deaths, an officer-involved shooting or in-custody death, to identify potential issues in training, policy and/or equipment without having to wait until the completion of the official shooting investigation. As part of this review, the training supervisor should be allowed access to the scene after all investigative measures have been completed to inform the debriefing of the Meaningful Review Board.*

Recommendation: *PPD should expand the use of its EIS to track and monitor information beyond officer use of force, to include officers who are frequently the subject of complaints, along with abuse of sick leave, tardiness, and other potentially problematic trends such as a high number of disorderly conduct or assault on police officer arrests. PERF recommends adopting and implementing New Jersey Attorney General Law Enforcement Directive No.2018-3 which enumerates specific performance indicators and alert triggers.*

Recommendation: *Discontinue to use of the disposition of “Administratively Closed” and replace it with other dispositions, such as ‘Duplicate Investigation,’ ‘Resigned During Investigation’ and ‘Resigned In Lieu Of Termination’. “Administratively Closed” does not provide clear information as to why a complaint was closed. Adding the duplicate investigation and resignation options would provide clearer case outcomes.*

Recommendation: *PPD should publicly report outcomes of internal affairs complaints, including outcomes for cases referred to the Prosecutor’s Office, on an annual basis.*

Recommendation: *PPD should move the Office of Professional Standards’ office to an off-site location. An off-site facility, such as a mixed-use office building or another city property, can be less intimidating for complainants than police headquarters. Furthermore, for officers involved in an investigation, the off-site location will ensure a higher level of privacy and will help protect the integrity of the investigation.*

Community Relations

PERF's review included PPD's Community Policing Unit and recommendations as to how PPD can build trust and improve its relationship with residents.

Recommendation: *PPD should consider engaging a trusted and skilled community based organization to assist it in soliciting community input.*

Recommendation: *PPD should conduct a comprehensive community survey to assess community satisfaction with varying aspects of police service, including those associated with crime and fear, patrol response and visibility, follow-up investigations, and trust and confidence.*

Recommendation: *PPD should create a department-wide community policing plan that includes goals, objectives, structure, and roles and responsibilities of varying units within the PPD. It should be a written, strategic plan accessible to both community and police personnel. PPD should solicit and include community input in the plan.*

Recommendation: *PPD should develop training for all personnel that reflects and furthers the goals of the community policing plan and should create mechanisms to continuously evaluate how effectively it is fulfilling its roles and responsibilities set out in the plan.*

Transparency

During the course of PERF's review, it assessed areas in which PPD could improve transparency and accountability within the department.

Recommendation: *PPD should use additional means to communicate new policies, procedures and training.*

Recommendation: *PPD should create a formal system to allow feedback during the policy making process. This system should allow for input from internal subject matter experts and by individuals within the department who will be significantly impacted by the policy. Once the policy has been implemented, feedback should be solicited from the field on how the policy impacts daily operations. PPD should consider allowing feedback via PowerDMS and should ensure that each policy goes through the same process.*

Recommendation: *The PPD should update and expand its website. PPD's website should include full descriptions of its services and support to the community, celebrate successes and partnerships, and contain information that helps the public understand its operations, organizational structure, processes, training and data.*

Recommendation: *PPD should provide a direct link on its website's homepage to its citizen complaint form (and officer compliment form).*

Recommendation: *The PPD should hire a dedicated civilian communications professional to support the Public Safety Director's external communications, supporting the development of an overall communications strategy, updating and managing the PPD website, managing social media outlets and content and fielding media inquiries.*

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Recommendation: *The communications professional should assess the PPD's social media presence, determine which social media outlets it should use and develop a social media plan and program designed to further PPD's goals and objectives.*

Recommendation: *PPD should make its policies and procedures publicly available and create a link to its policies and procedures on its webpage to make them accessible to the public.*

Recommendation: *PPD should release an annual report that includes data on the department's use of force on an annual basis. This report should present the public with detailed information on the trends identified in use of force for that year.*

Recommendation: *PPD should be prepared to participate and submit data to the FBI's National Use-of-Force database as soon as possible. Data collection began on January 1, 2019.*