

Annual Review of Use of Force & Vehicle Pursuit Incidents

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

* Indicates required field

County*

Union

Law Enforcement Agency *

Kenilworth PD

Date of Report *

2/28/2024

Year of Data Covered in this Report*

2023

Check the box below to confirm*

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

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Use of Force Annual Review: Written Report

Section One: BWC/Video Audit

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

Section One: BWC/Video Audit*

Kenilworth PD has a standing order in our BWC policy that patrol Lieutenants must pick and review at random a minimum of two (2) BWC to watch and review for each squad they supervise every month. Patrol Lt's are also obligated to review with their squads any high risk incidents that occur in each squad, example; Domestic incidents, pursuits, Uses of Force/arrests. Patrol Lt's are mandated to do debriefings with each squad after these incidents to see what was done well and what can be done better.

Section Two: Internal Affairs Complaints

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

Section Two: Internal Affairs Complaints *

Kenilworth PD did not have any Internal Affairs complaints in 2023 related to Use of Force incidents

Section Three: Meaningful Review of Individual Uses of Force

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

Section Three: Meaningful Review of Individual Uses of Force*

Kenilworth PD department policy of uses of force mandates that every use of force shall have a meaningful review by the patrol Lt within 24 hours of the incident. The meaningful review will cover whether force used was necessary and appropriate and whether all applicable departmental rules/regulations and policies/procedures were adhered to. The meaningful review will also review any department equipment used was adequate or additional equipment or training is necessary. The patrol Lt will also make a Guardian tracking entry at this time and then pass the meaningful review off to the Captain or Chief for additional review.

Section Four: Non-Discriminatory Application of Force

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

Section Four: Non-Discriminatory Application of Force*

In reviewing the use of force reports for Kenilworth PD for the year 2023, I determined that we had four (4) incidents of uses of force with a total of nine (9) uses of force reports filed. Of the four incidents, three were incidents where the PD was called to the scene and only one was self-initiated. In the three incidents where minority offenders were involved our review showed that in two of the three incidents the offenders were actively involved in assaulting/threatening behavior when officers arrived on the scene. The first incident involved a suspect with a handgun who fled from a robbery scene in a stolen vehicle and crashed and the other involved a drunken patron at a local bar who was behind the bar assaulting the female bartender upon officers arrival. The third use of force involving a minority involved a Sgt. stopping an individual who matched the description of a burglary suspect and was later apprehended. My review of the departments uses of force conclude that my officers did a tremendous job of using a proportional amount of force even when they were justified in going higher on the use of force continuum. My belief is that our continued focus on community base policing and involvement with our local youth and faith based communities are huge factors in my officers treating everyone with decency, empathy and compassion. Part of our defensive tactics training also involves de-escalation training and focusing on using force as a last resort. All these factors combine to help our officers on focusing on using force only when absolutely necessary.

Section Five: Overall Review of Use of Force

Please utilize as much space as needed to conduct a thorough review of your agency's use of force during the preceding calendar year. Your review should evaluate whether force was used in compliance with the Attorney General's Use of Force Policy and your agency's policy. Even if overall use of force was compliant with those policies, your review should include any recommendations for training, equipment, or room for improvement (e.g., additional de-escalation efforts could have been made). Your review must address trends in the number of total force incidents, number and severity of injuries, and levels of force increasing or decreasing over the past three (3) years.

Section Five: Overall Review of Use of Force*

As I explained above, I believe that every use of force from 2023 was in accordance with KPD policies and procedures and the NJ Attorney General Guidelines. I plan to continue with mandatory defensive tactics training 3-4 each year where we focus not just on DT but on what is and what is not acceptable in use of force situation. I believe that officers will perform just as they do in training so that officers will be more comfortable the more DT training they have. I also believe that the Jiu Jitsu based training makes officer LESS likely to resort to force because they are better trained and more confident in their abilities to handle a situation so it actually slows them down even more. I feel that going forward consistent training in de-escalation tactics and a focus on community policing with empathy and compassion are the pillars of good police work and what keeps our use of force numbers lower than almost every community surrounding us. From every metric that I looked at KPD has lower use of force numbers than similar communities in Union County, including Cranford, Roselle Park, Clark, Westfield, Fanwood and Scotch Plains. I attribute this to extensive training, consistent reinforcement of our core values and a commitment to being involved in the community before incidents happen.

Section Six: Further Action

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

Section Six: Further Action *

I believe that going forward the use of BWC footage is a tremendous tool to help in our training and getting our officers to understand what we are trying to achieve. De-briefing every major incident has been an awesome training tool for our officers to see objectively how different situations can be handled in different manners. Our focus is always on what we can do better next time, because we always stress that there is always a next time. Having officers talk through a job whether it was their own or another officer has been instrumental in having our officers better prepared for their jobs.

Vehicle Pursuit Annual Review: Written Report

Section One: BWC/Video Audit

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

Section One: BWC/Video Audit *

Kenilworth PD has a standing order in our BWC policy that patrol Lieutenants must pick and review at random a minimum of two (2) BWC to watch and review for each squad they supervise every month. Patrol Lt's are also obligated to review with their squads any high risk incidents that occur in each squad, example; Domestic incidents, pursuits, Uses of Force/arrests. Patrol Lt's are mandated to do debriefings with each squad after every pursuit to see what was done well and what can be done better.

Section Two: Internal Affairs Complaints

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

Section Two: Internal Affairs Complaints*

Kenilworth PD had two IA complaints based off pursuits in 2023. Both were department generated and not civilian based. Both IA's were sustained and are now closed. One was for an officer not terminating a pursuit contemporaneously upon being given that order by his sergeant and the other was for improper tactics before the pursuit began. Both officers received minor discipline and remediated training.

Section Three: Meaningful Review of Individual Pursuits

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

Section Three: Meaningful Review of Individual Pursuits*

Kenilworth PD department policy of uses of force mandates that every use of force shall have a meaningful review by the patrol Lt within 24 hours of the incident. The meaningful review will cover whether the pursuit was initiated for an appropriate reason and whether all applicable departmental rules/regulations and policies/procedures were adhered to. The meaningful review will also review any department equipment used was adequate or additional equipment or training is necessary. The patrol Lt will also make a Guardian tracking entry at this time and then pass the meaningful review off to the Captain or Chief for additional review.

Section Four: Analysis of Non-Compliant Reports

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

Section Four: Analysis of Non-Compliant Reports *

All Kenilworth PD pursuits for 2023 were found to be in compliance with the Attorney General's guidelines and all applicable KPD policies and procedures.

Section Five: Non-Discriminatory Pursuits

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

Section Five: Non-Discriminatory Pursuits*

My review of the pursuit annual trend report has established that KPD engaged in 21 vehicle pursuits in 2023. Virtually all of the pursuits were initiated due to FLOCK cameras hits that alerted our officers to vehicles that were stole, wanted etc. Because almost all the pursuits were due to FLOCK hits, it is safe to say that race, nationality, ethnicity etc did not play a role in deciding whether or not to pursue. Our FLOCK policy is for the dispatcher to confirm the hit is valid and then flood the area with officers. Officers that encounter the vehicle still have to decide whether to engage the vehicle due to the conditions and other contributing factors. Once the appropriate decision to pursue is granted by a supervisor our officers may pursue the vehicle until it leaves the borough at which time the pursuit is terminated unless extenuating circumstances exist. At no time is the driver's race, ethnicity, nationality etc taken into account as a factor in deciding whether to pursue.

Section Six: Overall Review of Vehicle Pursuit Analysis

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

Section Six: Overall Review of Vehicle Pursuit Analysis*

Kenilworth PD engaged in 21 motor vehicle pursuits in 2023. A majority of the pursuits (17) were for the vehicles being stolen only, the other four were for aggravated assault (3) and burglary (1). Our analysis concludes that most of the time stolen vehicles enter Kenilworth they are looking to commit other crimes such as MV burglaries, catalytic thefts, burglaries etc. In every case a pursuit was initiated the officer gave an appropriate reason for the pursuit and the supervisor approved it over the air. In 17 of the 21 pursuits the offender either escaped (3) or the pursuit was terminated (14). In the other 4 instances the suspect vehicle crashed and the suspect(s) were apprehended. Pursuits were generally terminated because the suspects left town. Unless there are extenuating circumstances supervisors are advised to terminate any pursuits that leave town for stolen only.

Section Seven: Further Action

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

Section Seven: Further Action*

Kenilworth PD officers are generally well trained and experienced in dealing with pursuits. Pursuits have increased dramatically in the last several years due to the lack of fear among criminals of any kind of repercussions in the form of jail or penalties. Because of this even our junior officers have all become experienced in pursuits and do an excellent job. Our Lt's review every single pursuit both with the squad it occurred with and the other squads and debrief the job from start to finish. Officers are given input into what was done well and what could have been better. The debriefing of car cam footage has been an invaluable training instrument and has contributed greatly to excellent communication across different squads and better training and tactics.