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2023 SOUTH HACKENSACK POLICE DEPARTMENT 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")

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*

Tour Commanders periodically and randomly review non-evidential BWC events in an effort to ensure that the BWC equipment is operating properly and to assess officers' performance and adherence to policies, procedures, and established professional standards. This agency's BWC administrator will periodically and randomly review non-evidential BWC events of the Tour Commanders.

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 *

During the calendar year 2023 there were no Internal Affairs Complaints filed by civilians or initiated by this agency related to the Use of Force.

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*

The Tour Commander of each squad reviews Use of Force Reports for accuracy and completeness through the DCJ reporting portal. Each review shall include an examination of all available sources of information about the incident, including any video of the incident, reports, officer or other witness statements, medical records, and records of injuries. The review also includes an analysis of whether force was used in a non-discriminatory fashion to ensure officers are treating every person equally without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic. The tour commander upon completion of its review will make a recommendation of what action, if any, should be undertaken, including commendation of the officer, policy changes, remedial training, equipment changes, administrative action, disciplinary action or, if appropriate, referral for criminal prosecution. If the tour commander uses force, the next highest-ranking supervisor in that chain of command shall conduct the review. The internal affairs supervisor shall also review these incidents in the same manner as described above. The internal affairs supervisor shall initiate an early warning record, as appropriate. The Chief of Police shall review each meaningful command review and approve or reject the recommendations of the supervisors who conducted the 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*

During the review of each Use of Force incident a conclusion on whether the use of force was applied in a non – discriminatory or discriminatory manner is based on available BWC footage of officers on scene and/or involved, circumstances regarding the encounter, charges if any exist prior to the encounter, the actions that led to the use of force and the de-escalation methods or tactics utilized before the use of force was applied. In the 2 incidents which involved the use of force in 2023, 1 incident involved 2 Department members and the other a single Department member. The subject's race and gender for the use of force incidents involved 2 males, 1 being Black or African American and the other being White. The review of both incidents found that the force applied was in a non-discriminatory manner.

Section Five: Overall Review of Use of Force

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

Section Five: Overall Review of Use of Force*

After review of the Annual Trend Report, the Use of Force reports generated remained at a total of 3 matching the amount in 2022 and again down 2 from the 2021 total. During the calendar year 2023 as in 2022 although 3 Use of Force reports were generated the incidents involving Use of Force were actually 2 due to the fact of more than 1 responding Officers involvement to the same incident. The use of force applied in 2023 was that of the use of hands, arms and the takedown of the subject, the same methods used in 2022. There has been no use of force incidents involving any other type of use of force applied since 2021 when the use of a CED was necessary. The Use of Force incidents for 2023 involved 1 male white and 1 male black subject. During the calendar year 2023 the 2 Use of Force incidents resulted in the responding Officers suffering no injuries while the subjects suffered either abrasions or had a complaint of pain. In both of the incidents for calendar year 2023 the subject was an active resistor who resisted arrest and Police Officer control by totally disregarding the Officers de-escalation techniques such as speaking slowly and calmly, listening to the subject, attempting to persuade the subject and providing a warning. In both incidents an arrest was made. In 1 incident the subject had pending charges out of another jurisdiction prior to the encounter and in the other, charges were related to the subjects' actions during the encounter. The South Hackensack Police Department had a total of 183 arrests during the calendar year 2023 which calculates to slightly over 1% of the time the Use of Force was necessary. In regard to days of the week and hours of the day that the incidents occurred, the weekends tend to be the days of the week when most of the incidents have taken place, however I don't believe that the totals amount to any significant trend. Hours of the day vary and again do not amount to any alarming significant trend. In every Use of Force incident over the past 3 years there has been no Internal Affairs complaints filed against any of the Officers involved that the force used was excessive.

Agency Statistics

Currently, the South Hackensack Police Department employs 20 Sworn Full Time Police Officers. I have served as the Chief of Police since August 2022. Our department currently is structured in the following Table of Organization: 1 Captain, 2 Detective Sergeants, 2 Sergeants, 2 Detectives and 12 Patrol Officers. The Patrol Schedule utilizes the Pitman type format with 4 Squads commanded by 2 Sergeants and 2 Senior Patrol Officers. During the calendar year 2023 our department responded to approximately 11,500 various calls for service. During the calls for service there were 2 Use of Force incidents which calculates to our officers utilizing force on approximately .017% of those calls.

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 *

The Officers of this agency utilize the force necessary in each incident that they are involved, which over the past 3 years has been predominately physical force rather than enhanced mechanical or mechanical force. The Officers of this agency continue to exhaust de-escalation techniques prior to the use of force in all incidents which resulted in the extremely low percentage of use of force reports/incidents per call volume. The Officers of this agency will continue to educate themselves on de-escalation techniques and use the Use of Force only when those techniques have been exhausted.

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 *

Tour Commanders periodically and randomly review non-evidential BWC events in an effort to ensure that the BWC equipment is operating properly and to assess officers' performance and adherence to policies, procedures, and established professional standards. BWC administrator will periodically and randomly review non-evidential BWC events of the Tour Commanders.

Section Two: Internal Affairs Complaints

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

Section Two: Internal Affairs Complaints*

During the calendar year 2023 there were no Internal Affairs Complaints filed by civilians or initiated by this agency related Vehicular Pursuits.

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*

All Vehicular Pursuits shall be subjected to a preliminary meaningful review by the Tour Commander of that shift. The review shall include an examination of all available sources of information about the incident, including any BWC or other video of the incident, recordings of 9-1-1 calls and police radio transmissions, reports, officer or other witness statements, medical records, or records of injuries. Upon completion of the preliminary review the Tour Commander shall make a recommendation of what action, if any, should be undertaken, including policy changes, remedial training, disciplinary action, administrative action, or, if appropriate, referral for criminal prosecution. If a ranking officer (i.e., Tour Commander, Sergeant, Captain) is involved in a pursuit, the next highest-ranking officer in that chain of command shall conduct the preliminary meaningful review. If the Chief of Police is involved in a pursuit, the Internal Affairs Supervisor shall notify the Bergen County Prosecutor's Office, who will determine the process for the meaningful command level review of the incident, which may include staff from the prosecutor's office. The Internal Affairs Supervisor shall conduct a secondary meaningful command review of the incident as explained above. Upon completion the Internal Affairs Supervisor shall make an additional recommendation of what action, if any, should be undertaken, including policy changes, remedial training, disciplinary action, administrative action, or, if appropriate, referral for criminal prosecution. The Internal Affairs Supervisor shall initiate the necessary early warning record with the results of the meaningful review. In accordance with Bergen County Prosecutor's Directive 2022-4, the internal affairs supervisor shall submit a report to the Chief of Police containing the following information: 1. Location where the pursuit began. 2. Date and time of the pursuit initiation. 3. Location, date, and time of pursuit termination. 4. Highest speed achieved, weather conditions, road surface conditions and description of the pursuit area. 5. Reasons for initiating the and/or terminating the pursuit. 6. Consequences of the pursuit (e.g., collisions, property damage, injuries and/or fatalities, etc.). 7. Whether or not the violator was apprehended. 8. The offense(s) with which the violator was charged. 9. A finding of whether the pursuing officer(s) acted in compliance with New Jersey Attorney General Guidelines and this SOP. 10. All related BWC recordings shall be maintained as evidence or with the appropriate case file. D. The Chief of Police shall also determine, in writing, whether the pursuit complied with the New Jersey Attorney General Guidelines and this SOP.

Section Four: Analysis of Non-Compliant Reports

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

Section Four: Analysis of Non-Compliant Reports *

During the Calendar Year 2023 there were no pursuits that were determined not to be in compliance with the Attorney General's or this agency's' Vehicular Pursuit policies.

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*

After review of the Vehicular Pursuits in 2023 it was concluded that the 2 pursuits were not conducted in a discriminatory manner. This conclusion was based on factors such as whether the criteria to initiate the pursuit followed AG and Department SOP guidelines and policies, BWC video, police radio transmissions, Officer statements and reports. The review found that the pursuits were based solely upon the violator's actions and operation of the vehicle, or the violator had engaged or conspired to commit or attempt to commit one of the crimes listed for the authorization to initiate a pursuit under AG guidelines.

Section Six: Overall Review of Vehicle Pursuit Analysis

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

Section Six: Overall Review of Vehicle Pursuit Analysis*

Our agency initiated 2 Vehicle Pursuits during the calendar year 2023. After reviewing said pursuits the following is a description of the events associated with each.

Incident 1 involved 1 Officer operating a marked patrol vehicle equipped with emergency lights and sirens on 07/20/2023, initiated at approximately 0115 hours. The Officer became involved on Green Street in the area of address 262 in our jurisdiction. The pursuit was initiated when the Officer involved attempted to stop a confirmed hit for a stolen vehicle out of the City of Newark (2C:20-7) which was also traveling on Green Street in front of him. The pursuit was monitored and approved by the Tour Commander on that date and time. The vehicular pursuit, which at conclusion turned into a foot pursuit of the violator, concluded at 10 Main Street in the City of Hackensack, a bordering jurisdiction, at approximately 0155 hours. No other agencies were involved in the pursuit. Outside agencies assisted only with the apprehension of the violator after the foot pursuit. Conditions at the time of the incident were a clear, dry day with well-lit roadways and no pedestrian traffic in a combination residential/commercial area. The length of the incident in total was approximately 40 minutes and traveled an approximate distance of 2 miles. The top speed reached during the pursuit was approximately 60 mph. The pursuit concluded with the vehicle striking a street sign and then a fence where it came to rest. The violator was arrested and charged with multiple Title 39 and 2C violations after a foot pursuit ensued when the vehicle came to rest. The meaningful review determined that the Attorney General and Agency Vehicular Pursuit policies were compliant.

Incident 2 involved 1 Officer on 08/31/2023 at approximately 0845 hours operating an unmarked vehicle equipped with emergency lights and sirens. The Officer became involved on Route 17 North in the Township of Maywood while in route to the Bergen County Law and Public Safety Institute. The pursuit was initiated after the Officer observed the fleeing vehicle in front of him utilizing the shoulder as a lane of travel and swerving in and out of traffic on a 2-lane highway at a high rate of speed. The Officer also observed several vehicles take evasive maneuvers to avoid being struck posing an imminent threat to the safety of other motorists. Conditions at the time of the incident were a clear dry day with medium traffic and no pedestrian traffic. There were no other agencies involved in the pursuit. The length of time of the incident was approximately 3 minutes and traveled a distance of approximately 1.8 miles. The pursuit was terminated by the Officer involved after the fleeing vehicle took a route that led to a residential neighborhood with homes on both sides of the roadway. Due to this fact the Officer terminated the pursuit believing that the danger to the general public and himself outweighed the necessity for immediate apprehension. No apprehension of the violator was made in this incident. The meaningful review determined that the Attorney General and Agency Vehicular Pursuit policies were Compliant. Officers of this agency who operate unmarked vehicles are reminded and trained that they shall immediately relinquish primary status upon participation of a marked vehicle.

Agency Statistics

Of the 11,500 various calls for service this agency responded to in 2023 approximately 1,600 were motor vehicle stops, 2 of which led to Vehicular Pursuits which calculates to our Officers involvement in a Vehicle Pursuit .125% of the time.

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*

Mandatory pursuit training is a key learning tool for this agency. Officers of this agency are continuously reminded that any Officer of this agency has the statutory authority to stop any person suspected of having committed any criminal offense or traffic violation but that the officer must determine whether to pursue that violator by continuing to attempt to stop the violator utilizing pursuit driving follows the guidelines defined in the Attorney General's and this Agency's policies.