

USE OF FORCE

Frequently Asked Questions

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Are the police officers in the Franklin Police Department being trained to de-escalate altercations by using peaceful conflict resolution strategies?

- All of our officers have completed training that includes De-escalation, Special Needs/Mental Health De-escalation and Cultural Diversity. De-escalation training involves officers utilizing words and less lethal force for the majority of situations.

Are the police officers in the Franklin Police Department forbidden from using carotid restraints (chokeholds, strangleholds, etc.) and hog-tying methods? Furthermore, are they forbidden from transporting civilians in uncomfortable positions, such as face down in a vehicle?

- Carotid restraint techniques or 'hog-tying' methods are not methods officers are trained or authorized to perform.
- As per Attorney General Guidelines, New Jersey law enforcement officers are not permitted to perform chokeholds, carotid artery neck restraints, or similar tactics on any individual, except in the very limited situations when deadly force is necessary to address an imminent threat to life. Our state's police academies have long instructed recruits on the dangers of "positional asphyxiation," a form of asphyxia that prevents suspects from breathing adequately, including by kneeling or otherwise placing weight on a subject's neck. Police Training Commission Defensive Tactics Manual § 5.3.2 (2009). Because these tactics create a substantial risk of death or serious bodily harm, officers who cause a subject's death or injury while performing them face potential criminal liability.
- We properly transport all subjects in compliance with the motor vehicle safety restraints.

Are the police officers in the Franklin Police Department required to intervene if they witness another officer using excessive force? Will officers be reprimanded if they fail to intervene?

- In New Jersey, an officer failing to intervene if they witness another officer using excessive force is considered a criminal violation, Official Misconduct, which has a mandatory five (5) year prison sentence.

Are the police officers in the Franklin Police Department forbidden from shooting at moving vehicles?

- NJ Attorney General Guidelines restrict law enforcement officers from shooting at moving vehicles, except in extenuating circumstances, i.e. a vehicle driving directly at an officer or citizen whose life is in immediate danger.

Is there a clear and enforced use-of-force continuum that details what weapons and force are acceptable in a wide variety of civilian-police interactions?

- Our police officers train in use of force techniques, internal affairs reporting as required by the New Jersey Attorney General Directives and Guidelines; and is committed to the New Jersey Attorney General's Excellence in Policing Initiative. This initiative reinforces law enforcement Professionalism, Accountability and Transparency. Keep in mind that this training is mandated

by the Attorney General's Office for law enforcement agencies throughout New Jersey. For more information, please visit the following website: (www.nj.gov/oag/excellence).

Are the officers in the Franklin Police Department required to exhaust every other possible option before using excessive force?

- Officers are trained and expected to make sound judgment and exercise appropriate use of force. When an officer has to use force, they are trained to utilize reasonable force when necessary to protect citizens and themselves. Officers are instructed and trained to always utilize the minimal use of force, ranging from verbal commands, gestures, warnings, chemical or natural agent spraying and hand-to-hand methods. All use of force incidents are reviewed by supervisors and Internal Affairs.

Are the officers in the Franklin Police Department required to give a verbal warning to civilians before drawing their weapon or using excessive force?

- Verbal warnings are always an officer's first option prior to drawing a weapon or using force. However, each case may be handled on a case by case basis; and rely upon the officer's or citizen's level immediate danger of serious bodily injury or death.

Are the officers in the Franklin Police Department required to report each time they threaten to or use force on civilians?

- In all instances when physical, mechanical or deadly force is used, each officer who has employed such force must complete a report and required forms.

Are the officers in the Franklin Police Department thoroughly vetted to ensure that they do not have a history with abuse, racism, xenophobia, homophobia/ transphobia, or discrimination?

- In regards to background checks, thorough background checks are completed. Professional, personal and independent references are sought. Applicants are psychologically evaluated for 5 plus hours by licensed independent psychologist for all the concerns noted in the above question.

Are the officers in the Franklin Police Department trained to perform and seek necessary medical action after using excessive force?

- Medical attention is always required when any type of injury or pain is reported or observed during any encounter or following a use of force incident.

Is there an early intervention system enforced to correct officers who use excessive force? Additionally, how many complaints does an officer have to receive before they are reprimanded? Before they are terminated? More than three complaints are unacceptable.

- We utilize a trigger-based early warning system for types of incidents officers' are involved or encounter. This early warning system helps us monitor our officer's behavior and allows us to evaluate each officer for any potential issues. This system tracks the type of incidents officers are involved; and requires supervisors to monitor and re-assess each officer. If necessary, officers receive the necessary re-training, assistance and/or required discipline. We work with our Human Resources Director to make final determinations on discipline and/or terminations.
- There are no minimum requirements for the number of complaints before an officer is reprimanded, disciplined or terminated. Depending upon the violation, the officer may be disciplined after one (1) sustained violation of any of the department's policies and/or procedures.

What can I do, as a concerned citizen?

- Franklin Police Department is in the process of coordinating various community policing activities and programs. It is important to stay connected to the community, either by attending meetings, viewing the updates on our website and/or social media sources. Please get involved!