Annual Review of Use of Force & Vehicle Pursuit Incidents

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

County*
Middlesex

Law Enforcement Agency *
Middlesex Borough Police Department

Date of Report *
3/25/2024

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.

Contact Information

Your Name and Title*
Lt. Thomas Falk, Administration Division Commander

Phone Number (*Please enter a valid telephone number)**
732-356-1900 x 340

Email (example@example.com) *
tfalk@middlesexpd.com

Email Address for Submission to Prosecutor's Office*
directivereporting@co.middlesex.nj.us

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*

On a quarterly basis each shift supervisor will randomly review a minimum of 2 recordings per officer to assist in periodic assessment of officer performance, to determine whether BWC equipment is fully and properly used, and to identify material that may be appropriate for training. Recordings of officers assigned to a "power shift" will be reviewed by the supervisor who is responsible for supervising the officer for a majority of the shift. Supervisors may conduct additional reviews at their discretion for follow up purposes. If upon review of the video there is a supervisory, training, operational and/or any other issue that needs to be addressed, the supervisor shall verify and address the issue immediately. The Patrol Commander / Deputy Commander shall review a minimum of at least 4 incidents per quarter which were previously reviewed by each supervisor on a rotational basis to ensure compliance with policy. The Patrol Commander / Deputy Commander will then direct and oversee the appropriate and timely resolution of any issues that need further attention or correction. The Patrol Commander will, by way of memorandum, notify the Chief of Police that this review and any necessary follow up has been conducted. The memorandum shall be submitted no later than 20 days after the quarter ends.

When reviewing Use of Force Incidents, ALL available BWC, MVR, and available surveillance and security video will be reviewed by the involved officer(s) immediate supervisor and also by the Administration Division Lieutenant, for involved Officers, or the Patrol Captain, for involved Sergeants. This review is an integral part of the meaningful review.

Section Two: Internal Affairs Complaints

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

Section Two: Internal Affairs Complaints *

No Internal Affairs complaints were received that alleged unauthorized, improper, excessive, or any other Uses of Force by any officers of the Middlesex Borough Police Department during calendar year 2023.

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 following review process was used for all Uses of Force for calendar year 2023. Every Use of Force must undergo the following procedures for a meaningful command level review pursuant to this policy as follows: The meaningful command level review of the incident shall be undertaken by at least two levels of supervisors. These levels may include the immediate supervisor, internal affairs, training officers or command staff. At least one reviewer must be two levels or more above the officer who used force. The 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 shall include an analysis of whether force was used in a nondiscriminatory 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 reviewing supervisors shall make a recommendation of what action, if any, should be undertaken, including commendation of the officer, policy changes, remedial training, administrative action, disciplinary action or, if appropriate, referral for criminal prosecution. The Chief of Police, or designee, shall review each use of force investigation and approve or reject the recommendations of the supervisors who conducted the review. The decision of the Chief of Police, or that of the designee, shall be memorialized and retained in the Use of Force investigative file. After the review is completed, supervisory and/or training officers should examine and analyze the Use of Force incident, including any body-worn or other video evidence, with the officer as a training tool. This examination should analyze the circumstances that led to the Use of Force as well as the force that was used, so that the officer can gain insight into which tactics and decisions were effective and whether different tactics or decisions could have been used to improve the outcome.

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*

The force used in incidents during calendar year 2023 was not applied in a discriminatory manner based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic. This conclusion is based on the comparison of the demographics in Middlesex Borough and the demographic data provided through the Use of Force portal. Middlesex Borough's reported demographic diversity includes 57.1% white non-Hispanic, 9.13% white Hispanic, 11.1% other Hispanic, 7.29% Asian non-Hispanic, 5.99% multiracial Hispanic, 4.7% Black or African American non-Hispanic, 2.16% American Indian & Alaskan Native Hispanic, 1.09% Black or African American Hispanic, and 1.23% multiracial non-Hispanic. Seven Use of Force incidents made up 0.024% percent of 25,000+ calls for service.

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*

Each Use of Force incident was given a meaningful review by two or more levels of supervision. As a result of these reviews, it was found that the structure, policy, training, and equipment of our police department meets or exceeds the standards set forth by policy. It was also found that all uses of force were proper and reasonable, and did not violate department, County, or Attorney General Policy, directive or guideline. One subject sustained injury as a result of the officers' force and was evaluated by medical personnel after the deployment of a CED. Lastly, these meaningful reviews revealed no indications that the force used was done so in a discriminatory fashion as described in Section Four of this report. Use of Force incidents decreased over the past three (3) years: 2021 – 22 incidents, 2022 – 18 incidents, and 2023 – 13 incidents. Reported injuries decreased from 2022 – 4, to 2023 – 2, and was equal to the reported injuries in 2021 – 2. Continued practice of de-escalation techniques through use of the VirTra training simulator located at the Middlesex County Police Training Center will continue to enhance our officer's responses and practice of various techniques, including critical decision making, tactical communications, tactical positioning, time as a tactic, and overall improved verbal communications. It is imperative that our officers continue this training as well as refresher training in Integrating Communication Assessment and Tactics (ICAT) and Active Bystandership for Law Enforcement (ABLE).

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 Middlesex Borough Police Department will continue to train all of its personnel through biannual policy review, review of Use of Force incident response, and biannual VirTra training. The department has continued its expansion of less-lethal Use of Force options, including the purchase and training of additional CEDs and authorized users. Officers who are trained on with CED, currently 22 of 26 patrol officers and detectives, receive refresher training on an annual basis. Officers are also provided hands-on instruction on the use of OC Spray and Baton techniques annually. Training has also been developed to include instruction on how to utilize less lethal force when making arrests in the field and the implementation of conflict resolution techniques, especially when dealing with those with psychological, physical, or other impairment issues.

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 *

On a quarterly basis each shift supervisor will randomly review a minimum of 2 recordings per officer to assist in periodic assessment of officer performance, to determine whether BWC equipment is fully and properly used, and to identify material that may be appropriate for training. Recordings of officers assigned to a "power shift" will be reviewed by the supervisor who is responsible for supervising the officer for a majority of the shift. Supervisors may conduct additional reviews at their discretion for follow up purposes. If upon review of the video there is a supervisory, training, operational and/or any other issue that needs to be addressed, the supervisor shall verify and address the issue immediately. The Patrol Commander / Deputy Commander shall review a minimum of at least 4 incidents per quarter which were previously reviewed by each supervisor on a rotational basis to ensure compliance with policy. The Patrol Commander / Deputy Commander will then direct and oversee the appropriate and timely resolution of any issues that need further attention or correction. The Patrol Commander will, by way of memorandum, notify the Chief of Police that this review and any necessary follow up has been conducted. The memorandum shall be submitted no later than 20 days after the quarter ends.

There were no Vehicular Pursuits conducted by the Middlesex Borough Police Department in calendar year 2023.

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*

No Internal Affairs complaints were received that were related to police vehicular pursuits. No police vehicular pursuits were conducted by of the Middlesex Borough Police Department during calendar year 2023.

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*

No police vehicular pursuits were conducted by of the Middlesex Borough Police Department during calendar year 2023. Had any pursuits been conducted, they would have been subject to a meaningful review as follows: The meaningful command level review of all police vehicular pursuits shall be undertaken by at least two levels of supervisors. These levels may include the immediate supervisor, internal affairs, training officers or command staff. At least one reviewer must be two levels or more above the officer(s) who conducted the police vehicular pursuit. The review shall include an examination of all available sources of information about the police vehicular pursuit, including any video of the incident, reports, officer or other witness statements, medical records and records of injuries. The review shall include an analysis of whether the police vehicular pursuit was conducted in accordance with Attorney General Policy and departmental procedures and was conducted in a nondiscriminatory 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 reviewing supervisors shall make a recommendation of what action, if any, should be undertaken, including commendation of the officer, policy changes, remedial training, administrative action, disciplinary action or, if appropriate, referral for criminal prosecution. The Chief of Police, or designee, shall review each police vehicular pursuit and approve or reject the recommendations of the supervisors who conducted the review. The decision of the Chief of Police, or that of the designee, shall be memorialized and retained in the police vehicular pursuit investigative file. After the review is completed, supervisory and/or training officers should examine and analyze the police vehicular pursuit incident, including any body-worn camera, mobile-video recording or other video evidence, with the officer as a training tool. This examination should analyze the circumstances that led to the police vehicular pursuit as well as the actions that were taken, so that the officer(s) can gain insight into which tactics and decisions were effective and whether different tactics or decisions could have been used to improve the outcome.

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 *

No police vehicular pursuits were conducted by of the Middlesex Borough Police Department during calendar year 2023. Therefore, no police vehicular pursuits were conducted that were not in compliance with the Attorney General's Vehicular Pursuit Policy or agency policy or procedure.

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*

No police vehicular pursuits were conducted by of the Middlesex Borough Police Department during calendar year 2023. Therefore, no police vehicular pursuits were conducted in a discriminatory manner based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

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*

No police vehicular pursuits were conducted by of the Middlesex Borough Police Department during calendar year 2023. Therefore, no police vehicular pursuits were conducted that were not in compliance with the Attorney General's Vehicular Pursuit Policy or agency policy or procedure. Our continual policy review by supervisors and officers shall continue to ensure that any police vehicular pursuits that are conducted in the future will be done so in a non-discriminatory manner and in compliance with the Attorney General's Vehicular Pursuit Policy or agency policy or procedure.

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*

The Middlesex Borough Police Department will continue to review policy and procedures to ensure we are in compliance with the Attorney General's Policy, county directives, and law enforcement best practices. We will continue annual review of the policy with all sworn personnel and ensure adherence to policy through our review process of body-worn and mobile video recordings, driving practices, radio transmissions and reporting requirements.

Use of Force Annual Trend Report - Incidents

PDF snapshot report as prepared by Benchmark Analytics on 03-25-2024

Start Year: **2021**

End Year: **2023**

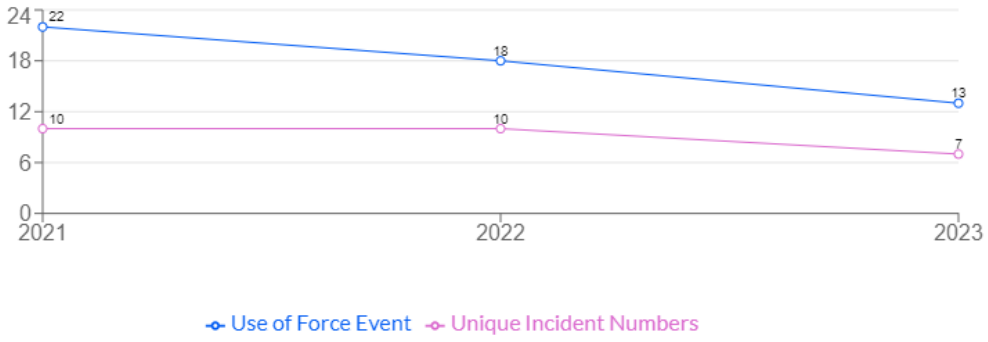
Trend Interval: **Years**

Use of Force Reports and Incidents

Use of Force Reports in 2023: **13**

Distinct Case/Incident Numbers in 2023: **7**

Use of Force Reports and Incidents over Time



Officer Engagement, Response and Injuries

Each officer report is counted.

Initial Reason for Incident

Each report listing reason for incident is counted.

Reason for Force Incidents in 2023

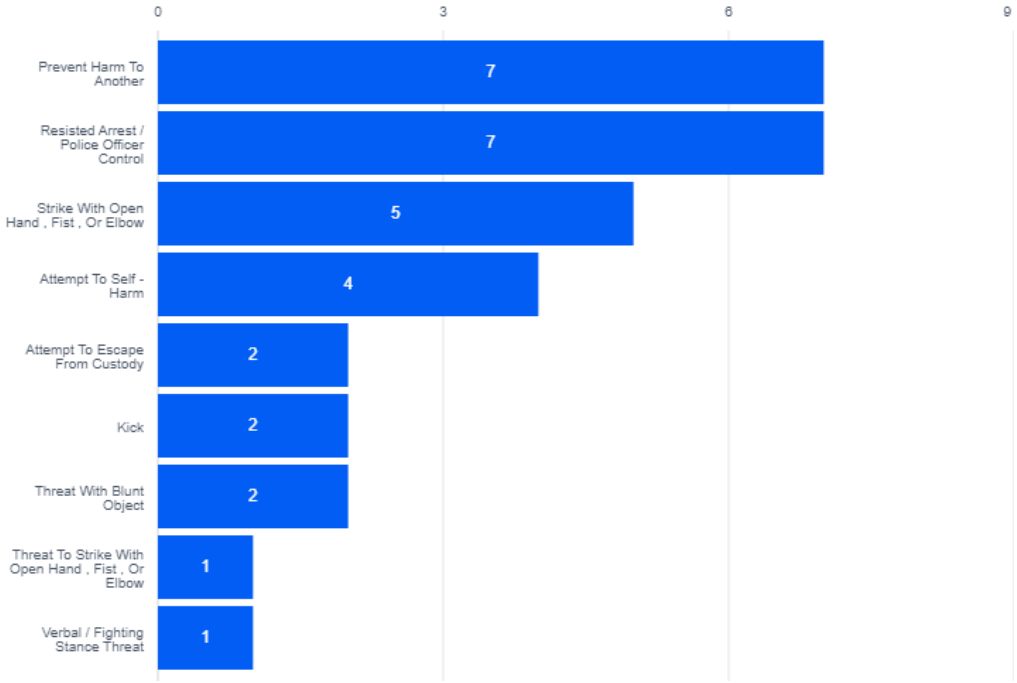
Reason for Force Incidents over Time

Reason for Incident	2021	2022	2023
Domestic	7	2	2
MV/Traffic Stop	6	0	2
Potential Mental Health Incident	6	14	5
Disturbance (drinking, fighting, disorderly)	5	0	2
Medical Emergency	4	1	2
Welfare Check	2	4	2
Assault	1	2	0
Other	1	0	0
Subject with other weapon	0	3	0

Subject Actions Leading to Force

The below depicts the count of subject actions by report. A single subject may engage in multiple actions that led to force.

Subject Actions Leading to Force in 2023

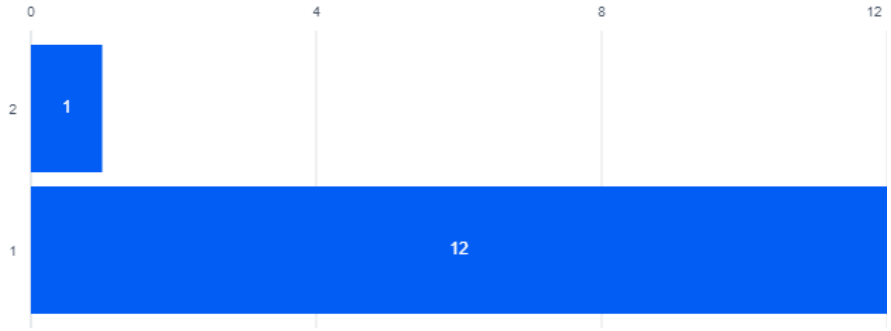


Subject Actions Leading to Force over Time

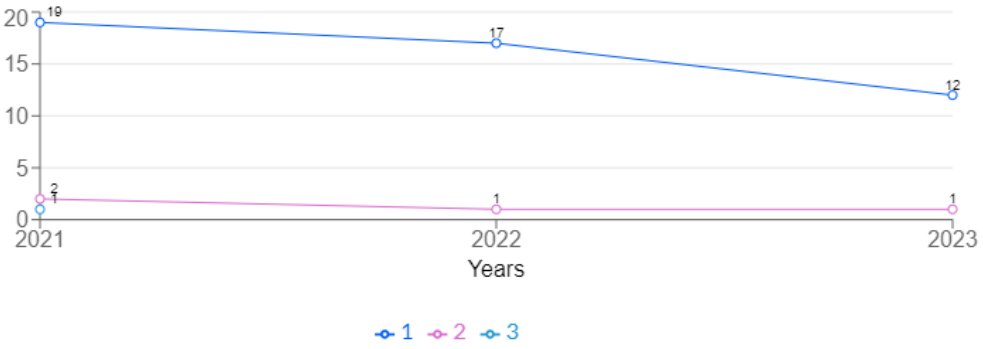
Subject Actions	2021	2022	2023
Resisted arrest/police officer control	14	12	7
Attack with Hands,fists,legs	6	0	0
Biting	4	2	0
Threat with Hands,fists,legs	4	0	0
Attempt to escape from Custody	3	0	2
Other Threat	3	0	0
Prevent harm to another	3	9	7
Spitting	2	3	0
Verbal/Fighting stance Threat	2	0	1
Attempt to self-harm	0	12	4
Kick	0	3	2
Push or shove	0	1	0
Strike with open hand, fist, or elbow	0	2	5
Threat with Edge Weapon	0	3	0
Threat to Strike with open hand, fist, or elbow	0	0	1
Threat with Blunt object	0	0	2

Number of Force Actions per Officer Report

Number of Force Actions per Report in 2023



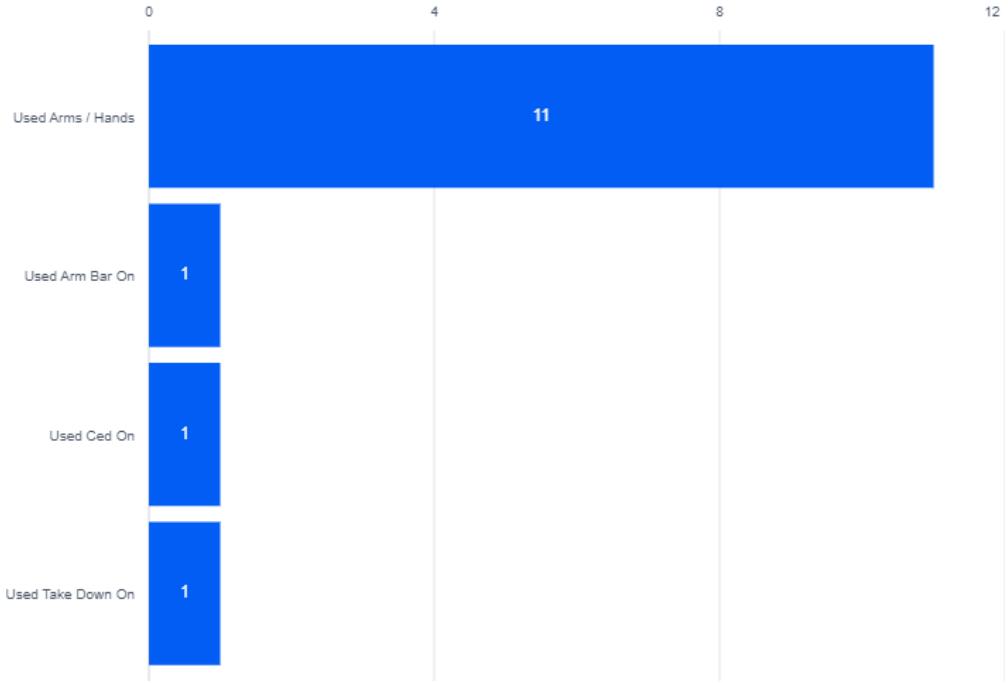
Number of Force Actions per Report over Time



Reports of Officer Force Applied

The below depicts the count of officer force by report. An officer may utilize multiple types of force in a single event.

Force Applied in 2023



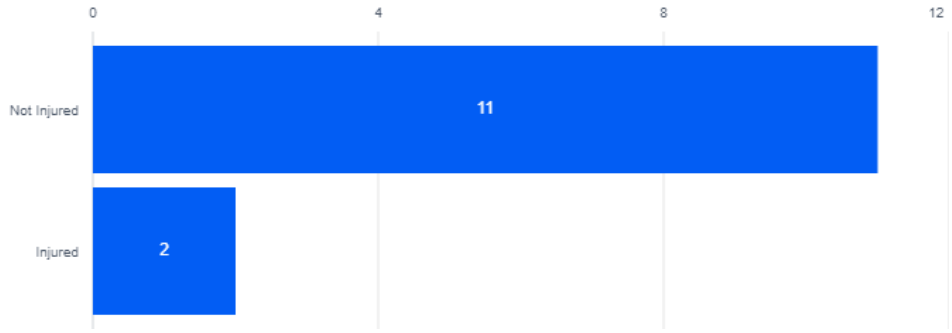
Trends in Force Applied over Time

Force Applied	2021	2022	2023
Other	11	0	0
Used arms	6	0	0
Used arm bar on	4	1	1
Used arms/hands	2	16	11
Used take down on	2	2	1
Used pressure points on	1	0	0
Used CED on	0	0	1

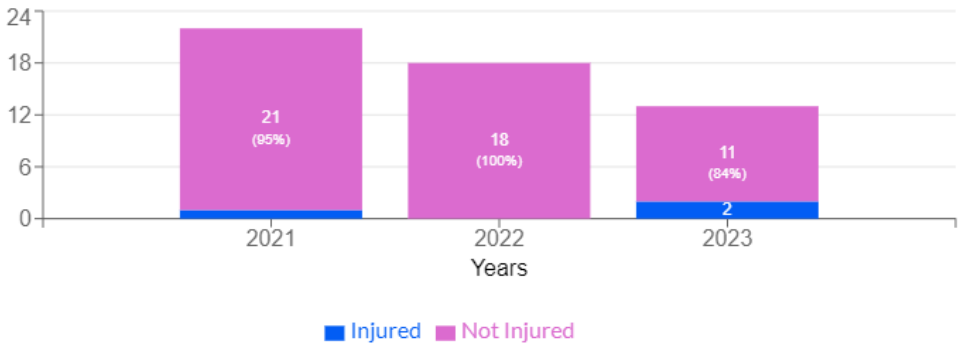
Reports of Officer Injuries

Each report listing an officer injured is counted.

Officer Injuries in 2023

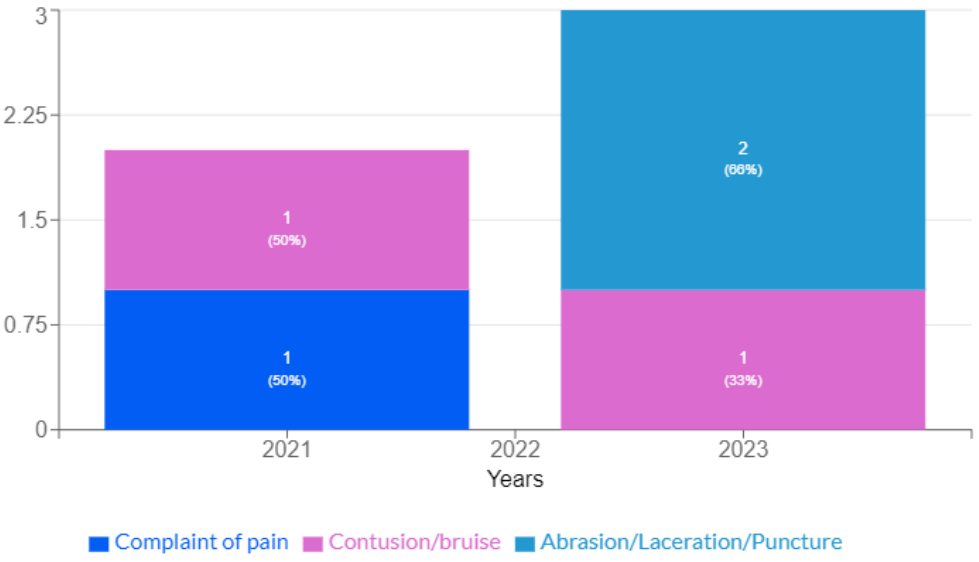


Officer Injuries over Time



Officer Injury Types in 2023

Officer Injury Types over Time

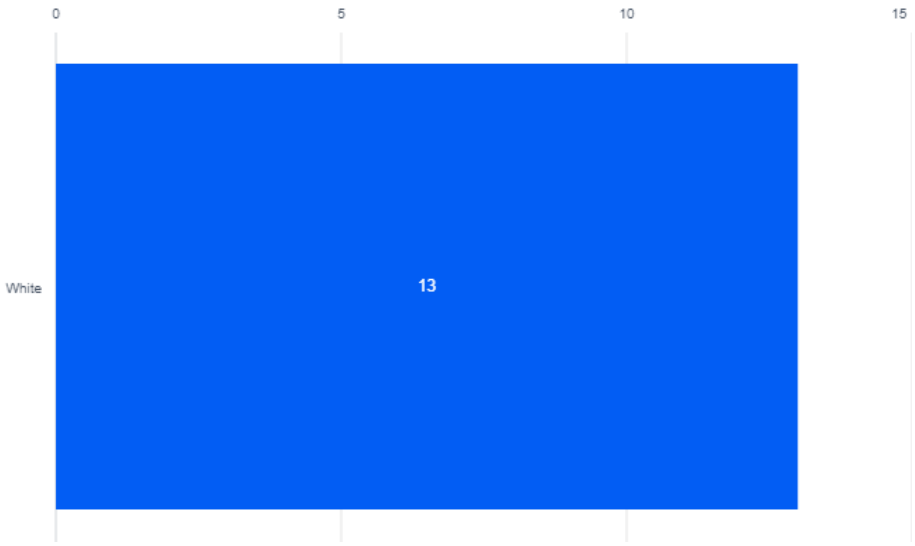


Subject Demographics, Conditions, and Outcomes

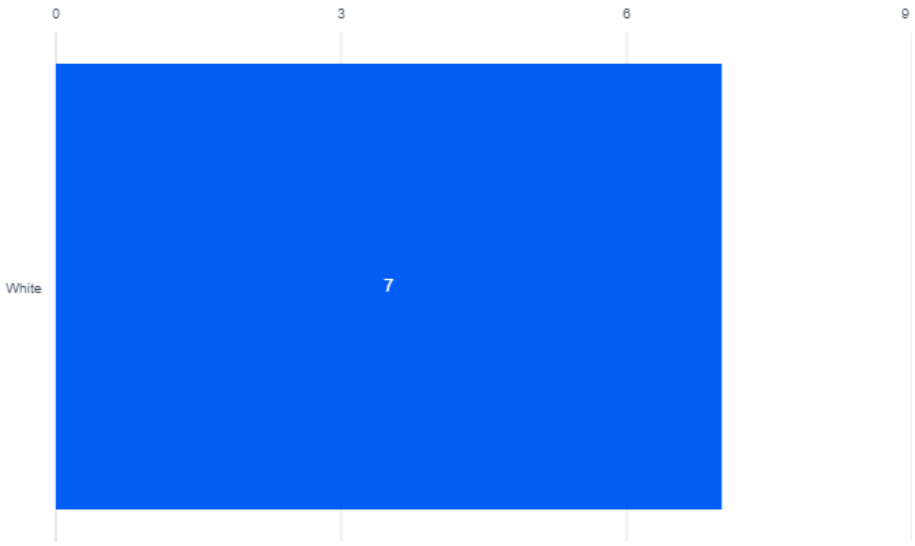
Force Reports and Incidents by Subject Race

Charts display report and unique incident counts separately. In 2022, Hispanic/ Latino was moved from 'Subject Race' to 'Subject Ethnicity'.

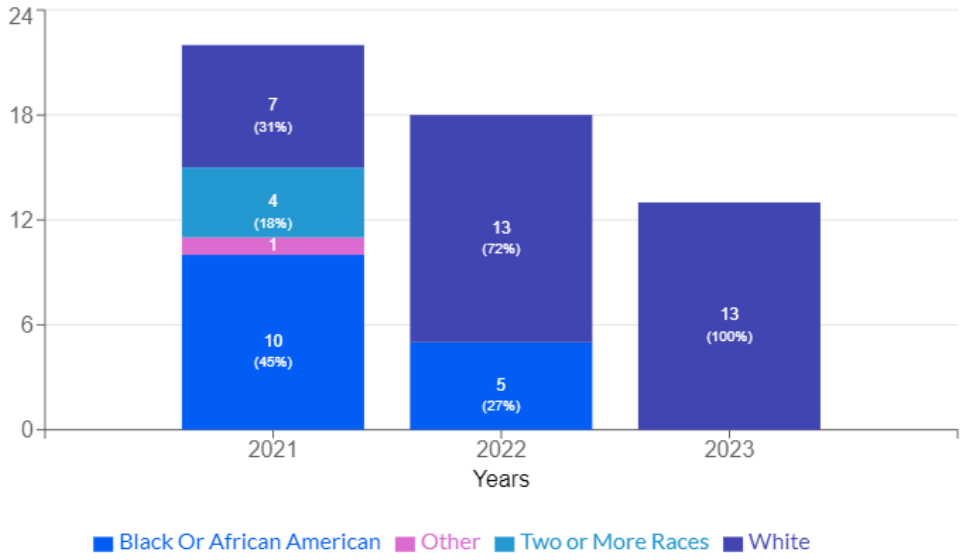
Reports of Subject Race in 2023



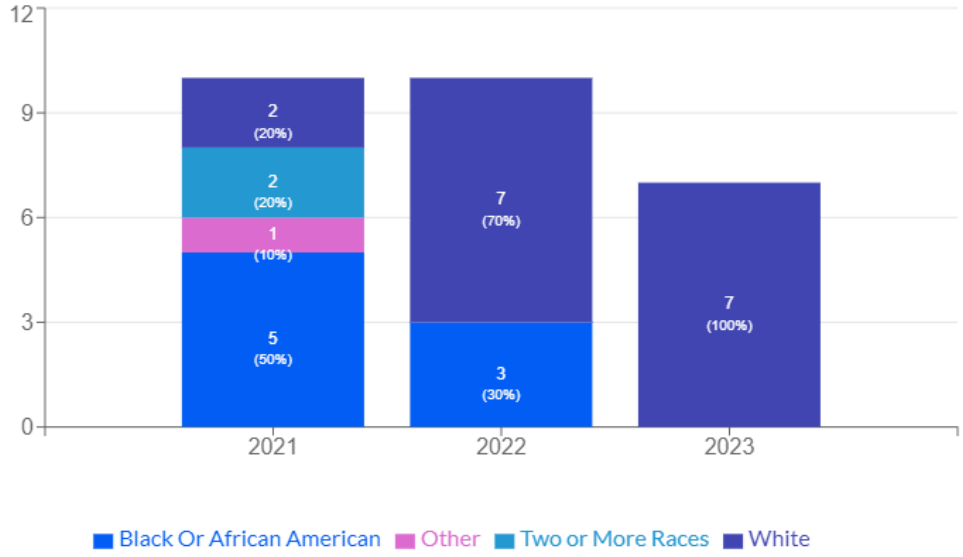
Number of Unique Incidents Listing Each Subject Race in 2023



Reports of Subject Race over Time



Incidents Listing Each Subject Race over Time

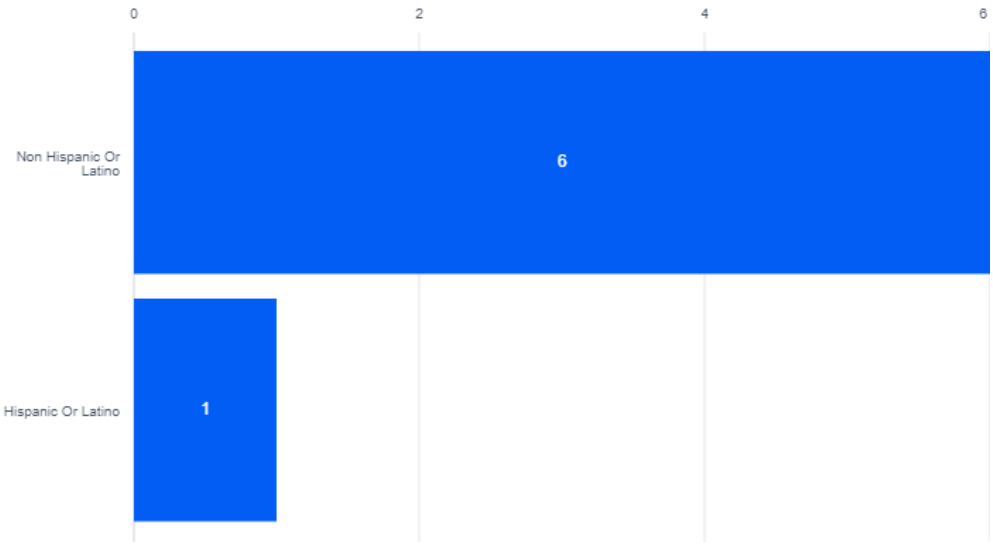


Force Reports and Incidents by Subject Ethnicity

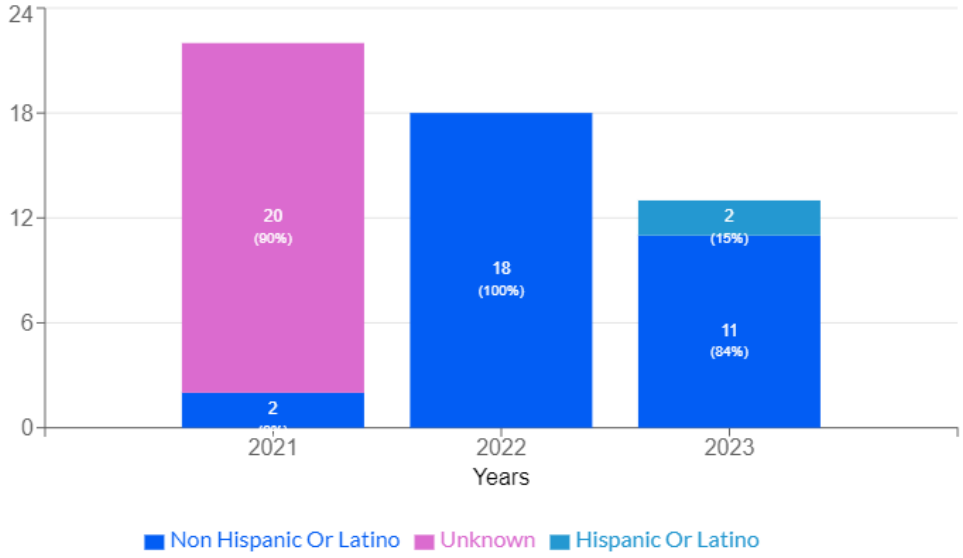
Charts display report and unique incident counts separately. Starting in 2022, Hispanic/Latino was moved from 'Subject Race' to 'Subject Ethnicity'.

Reports of Subject Ethnicity in 2023

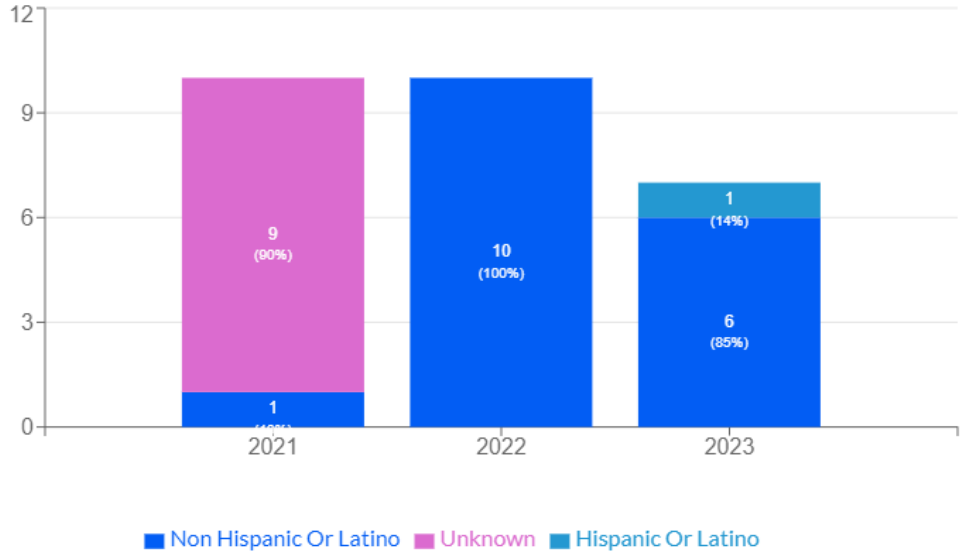
Number of Unique Incidents Listing Each Subject Ethnicity in 2023



Reports of Subject Ethnicity over Time



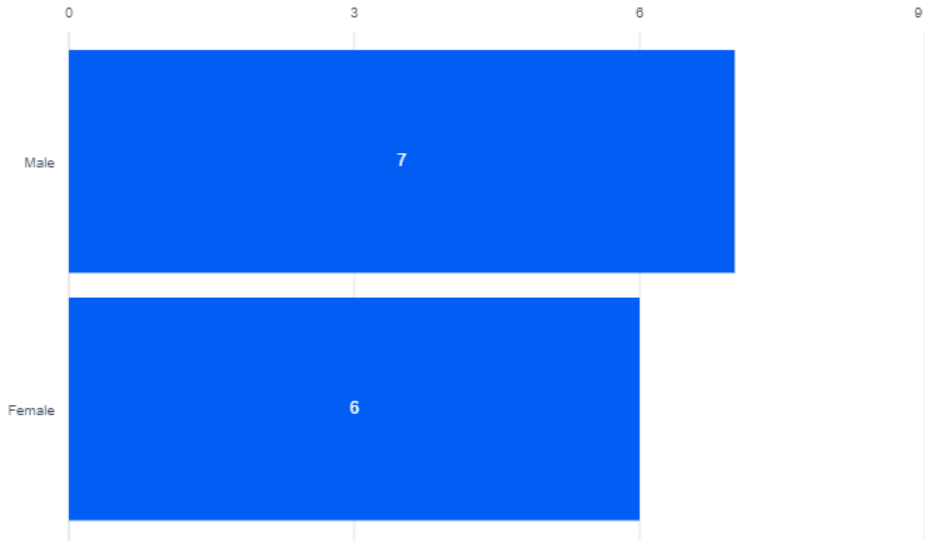
Incidents Listing Each Subject Ethnicity over Time



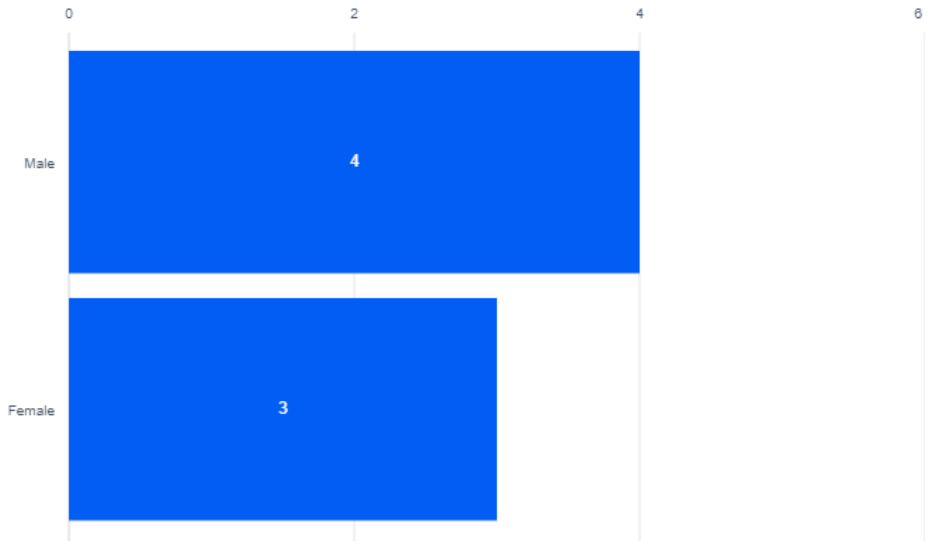
Force Incidents by Subject Gender

Each incident listing a subject's gender is counted.

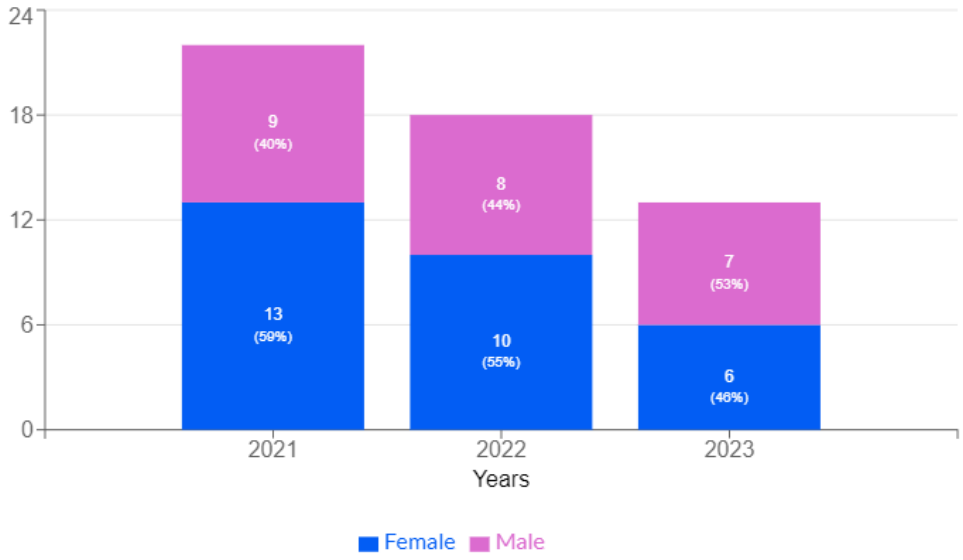
Reports of Subject Gender in 2023



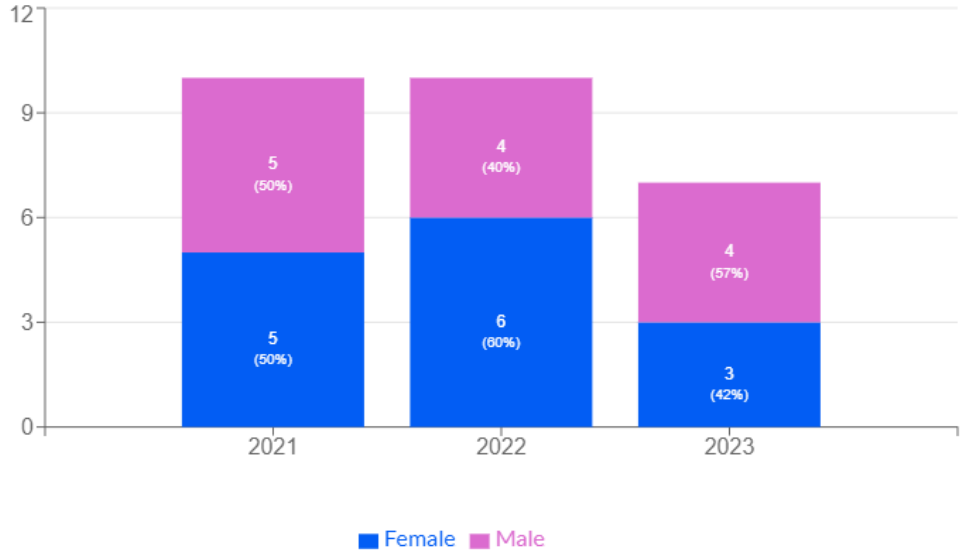
Number of Unique Incidents Listing Each Subject Gender in 2023



Reports of Subject Gender over Time



Incidents Listing Each Subject Gender over Time

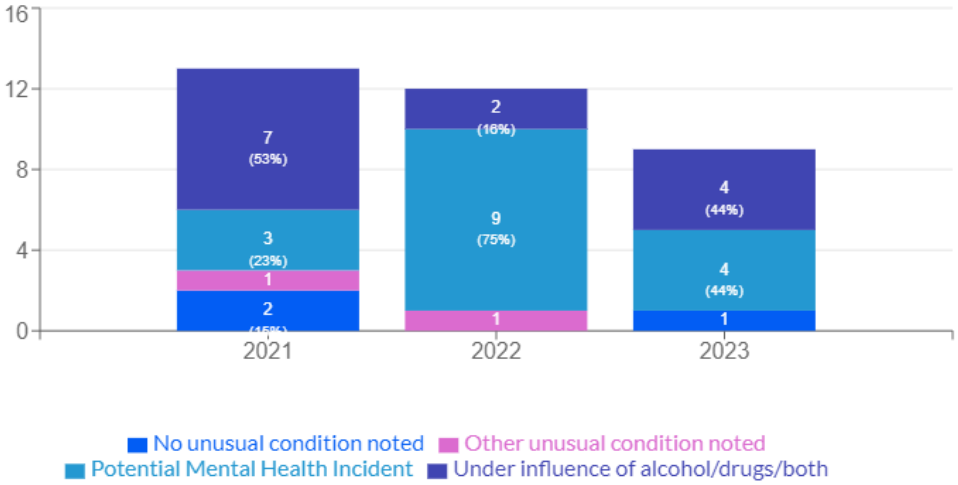


Force Incidents by Subject Condition

Each incident listing a subject's condition is counted.

Incidents by Subject Condition in 2023

Incidents by Subject Condition over Time

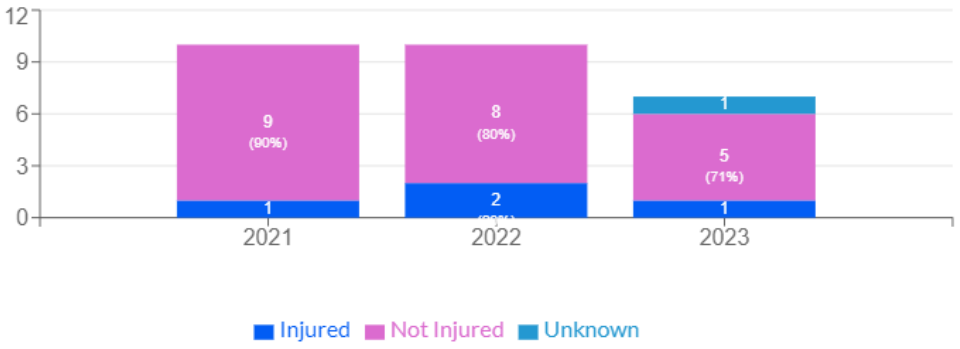


Force Incidents with Subject Injuries

Each incident listing a subject injured is counted. Multiple injured subjects within an incident are only counted once.

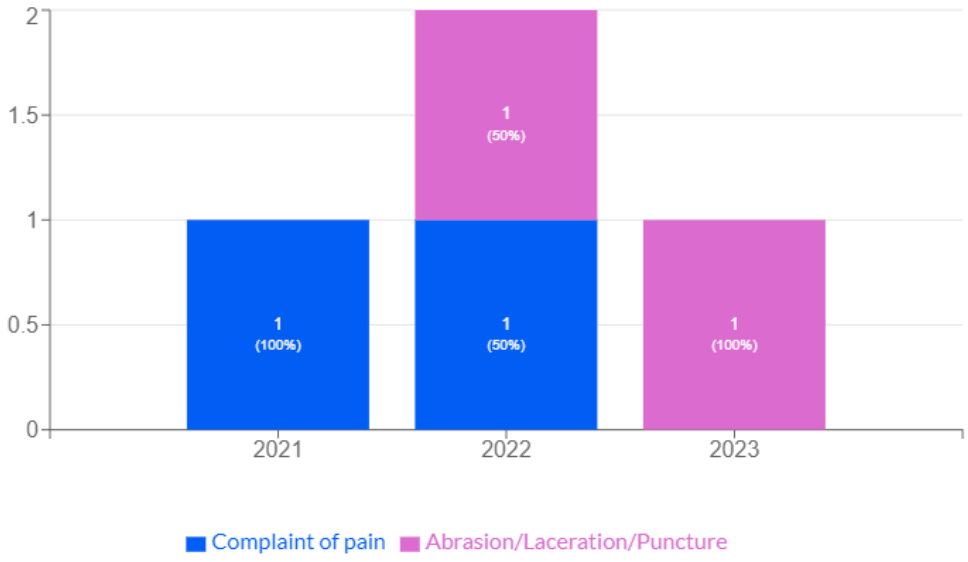
Incidents by Subject Injuries in 2023

Incidents by Subject Injuries over Time



Incidents by Subject Injury Types in 2023

Incidents by Subject Injury Types over Time



Incidents with Subject Reported as Arrested

Each use of force incident is counted.

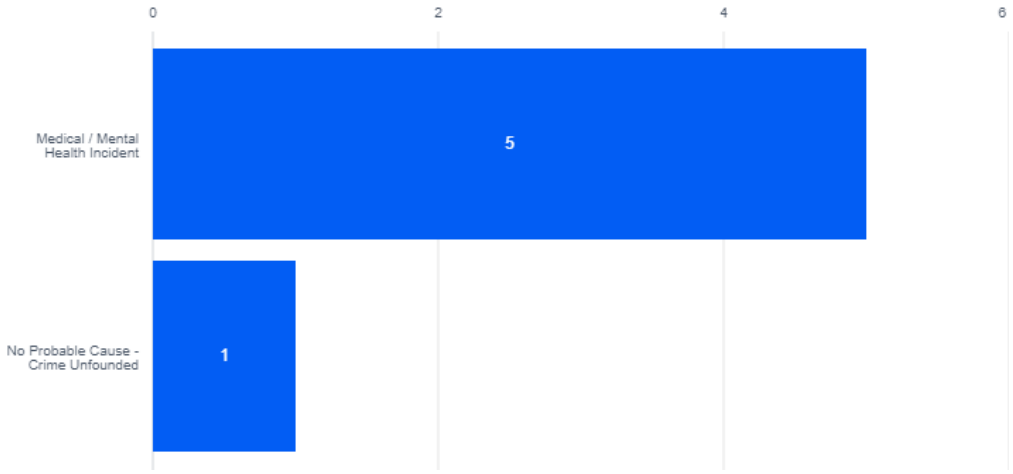
Incidents by Subject Arrest in 2023

Incidents by Subject Arrested over Time

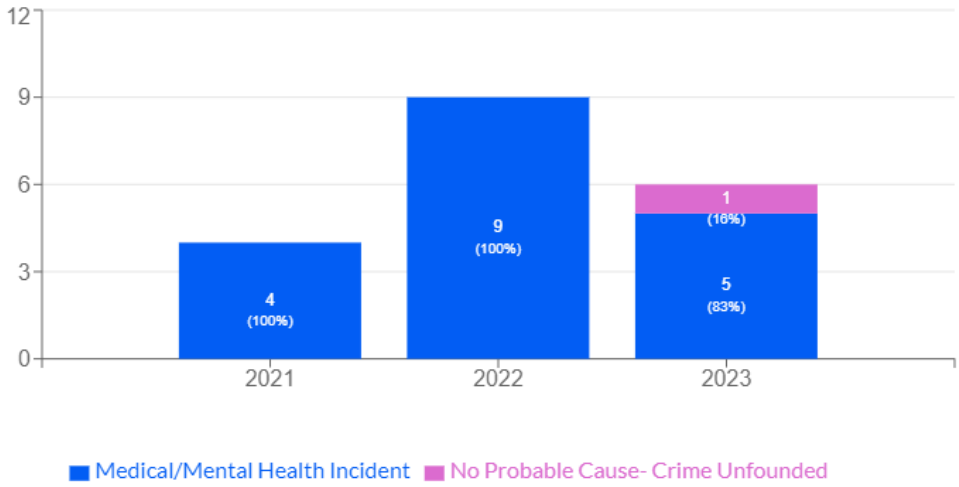
Reasons for Subjects Not Being Arrested Following Use of Force

Each reported incident is counted.

Incidents by Reasons for Subjects Not Being Arrested in 2023



Incidents by Reasons for Subjects Not Being Arrested over Time



Vehicle Pursuit Annual Trend Report - Incidents

PDF snapshot report as prepared by Benchmark Analytics on 03-25-2024

Start Year:

End Year: **2023**

Trend Interval: **Years**

Vehicle Pursuit Reports and Incidents

Vehicle Pursuit Reports in 2023: **0**

Distinct Case/Incident Numbers: **0**

Vehicle Pursuit Reports and Incidents over Time

No chart data available

Information included in this summary is based on INCIDENTS of Vehicle Pursuits unless otherwise noted. A single incident may involve one or more officers and thus, one or more reports. Within a single report, there can be multiple subjects.

Officer Engagement and Response

Information included in this summary is based on INCIDENTS of Vehicle Pursuits unless otherwise noted. A single incident may involve one or more officers and thus, one or more reports. Within a single report, there can be multiple subjects.

Vehicle Pursuit Incident Reasons

Each report listing a particular pursuit reason counted. Reports listing multiple reasons would be represented in each force type.

Vehicle Pursuit Reason by Incident in 2023

No chart data available

Trends in Vehicle Pursuit Reason by Incident over Time

Vehicle Pursuit Reason	2022	2023

Vehicle Pursuit Results by Incident

INCIDENT listing a vehicle pursuit result is counted.

Vehicle Pursuit Results by Incident in 2023

No chart data available

Vehicle Pursuit Results over Time

No chart data available

Vehicle Pursuit Distance Travelled

Each report of distance is counted.

Pursuit Distance in 2023

No chart data available

Pursuit Distance over Time

No chart data available

Reports of Vehicle Pursuit Duration

Each report listing vehicle pursuit duration is counted.

Pursuit Duration in 2023

No chart data available

Pursuit Duration over Time

No chart data available

Reports of Maximum Speed

Each report of maximum speed is counted.

Maximum Speed in 2023

No chart data available

Maximum Speed over Time

No chart data available

Pursued Driver Demographics

Both report and incident counts are provided.

Pursued Driver Race

Charts display report and unique incident counts separately.

Reports of Pursued Driver Race in 2023

No chart data available

Incident Pursued Driver Race in 2023

No chart data available

Reports of Pursued Driver Race over Time

No chart data available

Incident Pursued Driver Race over Time

No chart data available

Pursued Driver Ethnicity

Charts display report and unique incident counts separately.

Reports of Pursued Driver Ethnicity in 2023

No chart data available

Pursued Driver Ethnicity by Incident in 2023

No chart data available

Pursued Driver Ethnicity over Time

No chart data available

Pursued Driver Ethnicity over Time

No chart data available

Pursued Driver Gender

Charts display report and unique incident counts separately.

Reports of Pursued Driver Gender in 2023

No chart data available

Incident Pursued Driver Gender in 2023

No chart data available

Reports of Pursued Driver Gender over Time

No chart data available

Incident Pursued Driver Gender over Time

No chart data available

Vehicle Pursuit Outcomes

This category counts unique vehicle pursuit incidents. Within each incident, there may be more than one injury or crash.

Vehicle Pursuit Incidents with Injuries

Vehicle Pursuit Incidents with Injuries in 2023

No chart data available

Vehicle Pursuit Incidents with Injuries over Time

No chart data available

Vehicle Pursuit Incidents with Crashes

Vehicle Pursuits with Crashes 2023

No chart data available

Vehicle Pursuits with Crashes Over Time

No chart data available