



## State of New Jersey

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**TO:** All Law Enforcement Chief Executives and County Prosecutors

**FROM:** Gurbir S. Grewal, Attorney General

**DATE:** December 21, 2020

**SUBJECT: Review of Use of Canines by New Jersey Law Enforcement**

Today, I issued Directive 2020-13, which revises the Attorney General's Use of Force Policy for law enforcement officers. These revisions are part of the Excellence in Policing Initiative and are intended to ensure that New Jersey law enforcement continues to maintain the highest standards of professionalism in the nation. In revising the Use of Force Policy, we consulted closely with law enforcement leaders throughout the state. In addition, as effective policing requires establishing and maintaining a mutually respectful and cooperative relationship between law enforcement and the community it serves, we also solicited broad and candid input from the community. Numerous individuals, community groups and advocacy organizations throughout the state expressed concerns with aspects of the prior policy and provided their input as we developed the Use of Force Policy.

One aspect of the prior policy that prompted particularly impassioned feedback was the allowance for officers to use canines to threaten to bite or bite members of the public in law enforcement encounters. Black clergy, law enforcement officers and associations, including the New Jersey Chapter of the National Organization of Black Law Enforcement Executives (NOBLE), the New Jersey chapter of the NAACP, as well as the American Civil Liberties Union of New Jersey (ACLU-NJ), advocated strongly for prohibiting police use of dogs to intimidate people or to subdue people by biting them. They accurately pointed out that the use of dogs against people of color has a long and horrific history, from "slave dogs" during the Civil War to the use of dogs by police against peaceful civil rights protestors in the 1960s. They also noted that the psychological and physical injuries that occur from dog bites are severe,<sup>1</sup> and have a particularly

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<sup>1</sup> Trained police canines bite with a force much greater than an average dog bite. According to one study, police canines bite with force between 450 to 800 pounds per square inch (psi), and in some cases up to 1200 psi, which is



strong negative effect on the relationship between communities of color and law enforcement. And they correctly observed that the use of barking and biting dogs seems to run counter to the revised Use of Force Policy's emphasis on de-escalation and using force only as a last resort, in the least amount necessary.

On the other hand, others in law enforcement, especially those who currently use canine units in a patrol setting, argue that canines provide a valuable tool, which, if properly used, enhance public and officer safety in myriad ways.

The Use of Force Policy incorporates some new limits on the use of canines. It prohibits their use against those who are resisting arrest but do not pose a threat to an officer or others. It also prohibits the visible presence of canines for crowd control purposes at peaceful demonstrations<sup>2</sup> and prohibits the deployment of canines against a crowd, except to respond to a threat of death or serious bodily injury to a member of the public or to an officer.

However, before I can make an informed determination as to whether broader limits on the use of police canines are warranted, we need additional reliable information about the current use of canine units. Information such as the following: how many canine units exist; what is the nature and quality of the training they receive; under what circumstances are canine units deployed; what alternatives to their use exist; do canines provide unique safety protections in certain situations; and how often and under what circumstances do canines bite members of the public.

I am, therefore, asking the Office of Public Integrity and Accountability (OPIA) to gather information—including from the Use of Force Portal, community members and law enforcement—and make recommendations to me regarding when and under what circumstances, if at all, canines should be permitted to be used by law enforcement in encounters with the public. I ask that this review be undertaken immediately and that the Director of OPIA present findings and recommendations no later than March 31, 2021.

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enough to crush bone. See *The Police Canine Bite: Force, Injury and Liability Report*, Center for Research in Criminology, Indiana University, at 5 (Nov. 2008).

<sup>2</sup> The Use of Force Policy does not prohibit the use of canines at demonstrations or rallies for explosive detection or similar security sweeps at such gatherings.