

# Investigation of the City of Trenton and the Trenton Police Department



United States Department of Justice  
Civil Rights Division  
and  
United States Attorney's Office  
District of New Jersey

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# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>BACKGROUND .....</b>	<b>3</b>
A.    Trenton City Government and the Trenton Police Department .....	3
B.    Recent Events .....	4
<b>INVESTIGATION .....</b>	<b>5</b>
<b>FINDINGS .....</b>	<b>6</b>
A.    TPD Uses Excessive Force in Violation of the Fourth Amendment .....	6
1.    TPD Officers Rapidly Escalate Verbal Encounters, Leading to Unreasonable Force .....	7
2.    TPD Officers Use Unreasonable Forms of Physical Force .....	8
3.    TPD Officers Use Pepper Spray Unreasonably .....	10
4.    TPD’s Weak Oversight Contributes to its Use of Excessive Force ..	11
B.    TPD Conducts Warrantless Stops, Searches, and Arrests in Violation of the Fourth Amendment .....	15
1.    TPD Officers Conduct Unconstitutional Pedestrian Stops, Searches, and Arrests .....	16
2.    TPD Officers Unconstitutionally Prolong Traffic Stops, Leading to Unlawful Arrests.....	18
3.    The Pattern or Practice of Unlawful Stops, Searches, and Arrests Results from TPD’s Failure to Properly Document and Record Encounters .....	21
<b>CONTRIBUTING CAUSES OF VIOLATIONS .....</b>	<b>24</b>
A.    TPD’s Accountability System Allows Officer Misconduct to Go Unaddressed .....	24
1.    TPD Allows Officers to Commit Misconduct.....	24
2.    TPD Ignores Officer Misconduct in Plain Sight .....	27
3.    TPD Discourages Complaints and Disrespects People Who File Them.....	28
4.    TPD Undermines Accountability by Misclassifying Complaints and Maintaining Incomplete Records .....	31

B. TPD Has Failed to Provide Crucial Training and Policy Guidance to Its Officers ..... 33

C. TPD Does Not Have Systems to Ensure Effective Supervision ..... 34

D. TPD Does Not Have Systems to Assess the Impact of Its Enforcement Activities..... 36

**CONCLUSION ..... 37**

**RECOMMENDED REMEDIAL MEASURES ..... 38**

## EXECUTIVE SUMMARY

On a May afternoon in 2022, a Black woman sat in her parked car on a Trenton street and spoke to her friend, a Black man who was standing in the street, through the car window. Three Trenton Police Department (TPD) officers assigned to a unit that focused on drug and gun crimes noticed the man reaching into his satchel and concluded that the woman was buying drugs. The officers drove the wrong way down the one-way street toward the parked car. The man ran off and two of the officers chased him. One officer stayed behind, opened the car door, and grabbed the woman by the wrist. As the woman asked, “What is going on? Why are you arresting me?”, the officer handcuffed her and pulled her by the handcuffs. The woman protested that the officer was hurting her. “Get the fuck out of the car or you’re going to get pepper sprayed,” the officer said. The police found no drugs after searching the woman and her car. The other officers returned to find the woman handcuffed in the back of the police car, and they asked the arresting officer why he arrested her. “I don’t know,” the officer replied.

Similar scenes have played out repeatedly on Trenton’s streets. With inadequate supervision and little training on the legal rules and well-accepted police procedures that should constrain their conduct, Trenton police officers engage in a pattern or practice of violating those rules.

On October 17, 2023, the Civil Rights Division of the Department of Justice and the U.S. Attorney’s Office for the District of New Jersey opened a pattern or practice investigation into the City of Trenton and the Trenton Police Department.

### FINDINGS

The Department of Justice has reasonable cause to believe that the City of Trenton and the Trenton Police Department engage in a pattern or practice of misconduct that deprives people of their rights under the Fourth Amendment:

- TPD uses excessive force, including using unreasonable forms of physical force and pepper spray.
- TPD unlawfully stops, searches, and arrests people during pedestrian and traffic stops.

We conducted dozens of interviews and reviewed TPD’s data on its enforcement activities, its use of force, and its investigations into officer misconduct, along with hundreds of incidents. We find that Trenton police officers, particularly those in specialized enforcement units, conduct illegal pedestrian stops and searches, and unlawfully prolong traffic stops. They arrest people without a legal basis. They are quick

to escalate situations through their aggressive tactics and refusal to answer people's legitimate questions. Officers use unreasonable force against people who are not threatening them, including spraying them with pepper spray.

Trenton has paid out more than \$7 million since 2021 to resolve lawsuits stemming from accusations of officer misconduct. Some Trentonians have lost faith in their police department due to these continued failures. Members of the public have told us they avoid any interaction with the police because they fear the police will violate their rights or will make a bad situation worse. This makes the community less safe and is a direct consequence of TPD's pattern or practice of constitutional violations.

After we opened our investigation, TPD disbanded two street enforcement units. We found that these units had engaged in constitutional violations, but disbanding the units was not sufficient to end TPD's pattern or practice of unconstitutional policing. The violations we found were not limited to the street enforcement units. Additionally, TPD reassigned many of the officers to patrol and some others to a new enforcement unit, where they continue to have daily opportunities to violate the Constitution. Addressing the pattern or practice of violations we identified requires reforms that go beyond restructuring units.

The City and TPD have cooperated fully in our investigation, and both City and TPD officials have acknowledged that there are problems with policing in Trenton and have already begun making changes. While TPD's policies generally follow standards set by the New Jersey attorney general, we found that officers do not adhere to these mandatory requirements. Reform will require ensuring that TPD has procedures to enforce these standards and measure compliance.

We look forward to continuing to work collaboratively with the City and the police department to help officers protect the public while respecting people's rights.

## BACKGROUND

Trenton faces profound challenges. Once one of the country's most populous cities, Trenton in past decades experienced a loss of manufacturing jobs that left urban blight and high rates of unemployment in its wake. Trenton now has a population of approximately 89,620. Blacks make up 45.5% of the population, Hispanics 38.7%, and whites 13.3%. Trenton is one of New Jersey's poorest cities. Its poverty rate is roughly double the poverty rate for New Jersey, and the City's rates of homeownership and high school graduation are well below those for New Jersey and Mercer County, where Trenton is the county seat. Nearly half of the City's children live in poverty, and more than half of Trenton households are headed by one parent.

Trenton's status as a state capital poses additional challenges. A Harvard study found that "Trenton is uniquely disadvantaged among state capitals, as well as among peer cities in New Jersey."<sup>1</sup> Cities in New Jersey rely heavily on property taxes, but Trenton cannot tax properties owned by the state and county. As a result, Trenton forgoes between \$13.6 and \$42.4 million each year in property tax revenue. And the City forgoes an additional \$26.8 million in annual parking revenues because thousands of state employees park in state-owned parking lots. This forgone revenue of up to \$69 million is almost as much as Trenton's entire budget for public safety, which was \$73.8 million in 2024.

### A. Trenton City Government and the Trenton Police Department

An elected mayor and seven-person city council govern Trenton. Trenton's current mayor, Reed Gusciora, was elected in 2018 and reelected in 2022. Mayor Gusciora nominated Steve Wilson to serve as the interim director of TPD in June 2021. Director Wilson had served as a TPD officer in various capacities for 26 years before retiring as a lieutenant in 2020. The city council confirmed Wilson as the permanent police director in November 2021.

Since 2010, the New Jersey Department of Community Affairs (DCA), a state agency with authority over some aspects of local government, has exercised fiscal and operational oversight over Trenton. DCA made this arrangement a condition of state financial aid for the City. This structure gives DCA's fiscal monitor authority to oversee the operations of Trenton's municipal agencies, including TPD.

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<sup>1</sup> Tom Ellington et al., *Economic Value and Costs of Capital Cities: The Trenton Case Study*, Harvard Kennedy School of Government, HKS Working Paper No. RWP21-002, Feb. 2021, at 13, available at <https://www.hks.harvard.edu/publications/economic-value-and-costs-capital-cities-trenton-case-study>, archived at <https://perma.cc/BX53-H5DG>.

TPD has approximately 350 personnel, including about 260 sworn officers, split into four bureaus: patrol, criminal investigation, inspectional services, and administrative services. TPD officers respond to 911 calls but also engage in proactive policing—enforcement when officers choose which people to stop, cite, or arrest. TPD’s proactive enforcement units have had different names over the years. During our review period, they were known as the Street Crimes Unit and the Violent Crimes Unit. The Street Crimes Unit had a mandate to go after street-level drug crimes, while the Violent Crimes Unit focused on gun charges and more serious drug offenses. A Street Crimes Unit supervisor explained to us that his officers would drive around “hot spots” in Trenton and pull cars over for minor offenses, such as city ordinance violations. Officers in both units would “jump out” on people to make pedestrian stops. Although neither practice, by itself, violates the Fourth Amendment, we find that those practices resulted in unlawful stops, searches, arrests, and uses of force.

## **B. Recent Events**

Around midnight on February 12, 2022, officers in TPD’s Street Crimes Unit drove up to a parked car, where a young Black man named Jajuan Henderson was sitting in the driver’s seat. Henderson attempted to drive away from the officers after they refused to tell him why they approached him, but an officer shot Henderson four times, leaving him paralyzed from the chest down. After we opened this investigation, TPD disbanded both the Violent Crimes Unit and the Street Crimes Unit. TPD informed us of plans to retrain those officers on the constitutional standards regarding stops, searches, and arrests.

But these changes are not sufficient to remedy the pattern or practice of constitutional violations we found. TPD reassigned many of the officers from the disbanded units to patrol, meaning that they continue to interact with members of the public. And TPD created yet another proactive unit, the Crime Suppression Unit, staffed with multiple officers from the disbanded units. Additionally, the violations we observed were not confined to the disbanded units, and stem from the underlying failures in accountability, policies, training, and supervision that we identify in this report.

TPD instituted other changes during our investigation, such as participating in the ARRIVE Together program. This initiative of the New Jersey attorney general aims to pair mental health service providers with officers responding to 911 calls that involve people experiencing mental health emergencies. Currently, TPD participates in the ARRIVE Together program two days a week, during business hours only. TPD also now requires sergeants outside officers’ chain of command to review every use of force report. And TPD has begun to improve training, including on-the-job training for new officers.

## INVESTIGATION

The Department of Justice opened this investigation on October 17, 2023. We conducted the investigation under 34 U.S.C. § 12601, which prohibits law enforcement agencies from engaging in a “pattern or practice” of conduct that deprives people of rights protected by the Constitution or federal laws. If the Department of Justice has reasonable cause to believe that a law enforcement agency engages in a prohibited pattern or practice, we may bring a lawsuit seeking court-ordered changes. Our investigation here focused on two issues under the Fourth Amendment: (1) whether TPD officers use unreasonable force; and (2) whether TPD officers conduct unlawful stops, searches, and arrests. We also sought to identify the causes of legal violations, and we analyzed how TPD trains, supervises, and disciplines officers.

The investigative team included career attorneys, investigators, and paralegals from the Special Litigation Section of the Civil Rights Division and the United States Attorney’s Office for the District of New Jersey. The team also included expert consultants, including former police chiefs from across the country, with experience in evaluating uses of force, stops, searches, and arrests, in addition to statistical data.

We focused our review on TPD’s enforcement activities from 2018 through 2023. We reviewed thousands of documents, including policies and training materials; internal affairs files; written reports describing stops, searches, arrests, and uses of force; news articles; and court filings. We also reviewed body-worn camera videos of incidents when they were available.

We conducted numerous site visits to TPD during our investigation where DOJ investigators and expert consultants spoke to TPD leadership and joined officers on ride-alongs. We visited TPD’s internal affairs unit and interviewed patrol officers, detectives, and officers from specialized units, including the Street Crimes Unit and the Violent Crimes Unit.

We interviewed TPD officers individually and in focus groups. Many TPD officers expressed appreciation for the City of Trenton and its residents as well as a desire to improve TPD’s relationship with the community. We thank TPD officers for speaking candidly about their successes and the challenges they face. We also heard from over a hundred community members, including many people with direct experience with TPD. We talked with police union representatives as well as county and state agency employees who work closely with Trenton and TPD. We also met with prosecutors, criminal defense lawyers, civil rights lawyers, faith leaders, service providers, and advocacy organizations. We are grateful to all who shared their experiences and perspectives with us.



## FINDINGS

We have reasonable cause to believe that TPD and the City engage in a pattern or practice of conduct that violates the Constitution. First, TPD uses excessive force, often escalating encounters when facing little resistance or threat. TPD's excessive force includes both physical force and pepper spray. Second, TPD conducts pedestrian and traffic stops and searches without legal justification, unlawfully prolongs traffic stops, and makes unlawful arrests. These violations were especially prevalent in the Street Crimes Unit and the Violent Crimes Unit, but constitutional violations extended across the department.

### **A. TPD Uses Excessive Force in Violation of the Fourth Amendment**

We evaluated TPD's force practices with the understanding that officers often face challenging circumstances that threaten their safety or the safety of others and must make quick decisions about how to respond. Officers may need to use force to protect civilians and themselves. We make our conclusions not based on 20/20 hindsight but based on what a reasonable officer would do in the moment.

A police officer's use of unreasonable force violates the Fourth Amendment. Courts ask whether officers' force was objectively reasonable in light of the facts and circumstances they confronted, without regard to their intent or motivation.<sup>2</sup> Courts look at the crime officers suspected someone committed, whether the suspect posed an immediate threat to the safety of officers or others, and whether the suspect actively resisted arrest or attempted to flee. Courts look at all relevant facts and circumstances leading up to the use of force to decide whether force was reasonable.<sup>3</sup>

The office of the New Jersey attorney general, which sets policy for all law enforcement agencies in the state, has issued a use of force policy governing police officer conduct statewide. These rules carry the force of law. To comply with these rules, TPD models its use of force policy on the attorney general's. TPD requires officers to enter force reports in an electronic system that the attorney general's office maintains. We reviewed TPD's internal files and public data from the attorney general's office.

From March 2, 2020, to December 31, 2023, TPD officers reported using force in 815 incidents. Officers reported incidents involving physical force 744 times, OC spray

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<sup>2</sup> *Graham v. Connor*, 490 U.S. 386, 397 (1989).

<sup>3</sup> *Rivas v. City of Passaic*, 365 F.3d 181, 198 (3d Cir. 2004) (in assessing constitutionality, considering "all of the relevant facts and circumstances leading up to the time that the officers allegedly used excessive force").

(commonly known as pepper spray) 120 times, and a firearm once. Sometimes officers used multiple types of force in one incident. We reviewed a random sample of these 815 incidents.

TPD officers frequently use force that violates the Fourth Amendment. TPD officers rapidly escalate everyday interactions, resorting to unreasonable force without giving people a chance to comply with orders. TPD officers use unreasonable physical force where they face little or no threat or resistance. And TPD officers use pepper spray unreasonably. Officers spray people who pose no threat but merely challenge officers' authority—which, on its own, is not grounds for the use of force.

### **1. TPD Officers Rapidly Escalate Verbal Encounters, Leading to Unreasonable Force**

TPD officers frequently and unnecessarily escalate verbal encounters, rapidly resorting to using excessive force despite no threat of harm to themselves or others. This practice violates the Fourth Amendment, causes serious injuries, and breaks down trust between TPD and the residents of Trenton.

For example, a man died after TPD officers escalated an argument to the point of throwing him to the ground and pepper spraying him, even though the man posed no threat. TPD officers went to arrest a young man in connection with an earlier domestic incident. The man's 64-year-old father, who was not involved in the domestic incident, met the officers outside his front door and told them he would not let them into his house without a warrant. While waiting for a supervisor to arrive, one of the officers continued to escalate the conversation, taunting the father and son—saying the son was talking like he was “retarded” and asking if the father was “crazy” and “need[ed] to go to psych.” After the father turned the doorknob of the front door, officers threw him across his front porch and against the railing, and slammed him face down on the porch steps. While officers handcuffed him, another officer pepper-sprayed him in the face. The officer who escalated the encounter inaccurately reported that the father physically presented a “threat/attack” to the officer. He also claimed that he grabbed the father because he feared that a dog inside would come out—a factor that no other officer mentioned and that video footage discredited. The father died at the hospital 18 days later from respiratory failure.

**“Put your fucking hands behind your back. . . . I’m gonna fucking spray you, bitch.”**

*A TPD officer, responding to a man’s question about why the officer was handcuffing him.*

An officer escalated a conversation in another incident to the point of tackling and pepper-spraying a man who had complied with the officer’s orders.

Although the man agreed to walk away from an argument with his girlfriend, and though the officer had already concluded

there was no crime, the officer tried to handcuff the man. The man asked why the officer would need to handcuff him and stepped toward the officer. Rather than trying to de-escalate the conversation, the officer forced the man to the ground face down, yelled, “Put your fucking hands behind your back,” and threatened, “I’m gonna fucking spray you, bitch.” Seconds later, the officer pepper-sprayed him in the face before arresting him. There was no reasonable indication of a crime or threat.

This pattern of unconstitutional policing risks the safety of civilians and officers and undermines community trust. We appreciate that TPD officers began participating in de-escalation training in 2021 that was required by the New Jersey attorney general, but officers still fail to integrate de-escalation techniques into encounters, leading to unreasonable force.

## **2. TPD Officers Use Unreasonable Forms of Physical Force**

TPD officers frequently grab, tackle, and punch people who show little resistance to orders or pose no threat. Even when they do meet some resistance, TPD officers often resort to dangerous forms of physical force that are unreasonable based on the threat. This use of unreasonable physical force is unlawful and can cause serious harm, including physical injuries and long-lasting trauma.

In one incident, officers from the Violent Crimes Unit chased a sixteen-year-old boy because he matched the description of a suspect reported to have a gun and ran when police pulled up next to him. One officer grabbed the teen by his neck and slammed him into the hood of a car as he cried in pain. The boy was unarmed. The boy’s teacher approached and tried to explain that the boy ran because he was scared of the police. The officer who grabbed the boy’s neck responded that the police are out to help people, not hurt them. “That’s not how a Black man sees it,” the teacher explained. “I’m sorry that’s not how a Black man sees things,” the officer retorted—“That’s how an intelligent man would see it.” The boy’s mother told a Justice Department investigator that she had to transfer her son to a different school after the incident because he was too scared of police officers to return to the neighborhood.



*A TPD officer who suspected the 16-year-old boy had a gun grabbed the teenager by the neck and slammed him into the hood of a car. The teenager was unarmed.*

In another incident, an officer beat a woman in the head with a police radio over a dozen times at a soup kitchen. The officer had told the woman she was not allowed at the building and had to leave. The officer claimed that the woman hit first and that the officer “inadvertently” hit back in self-defense. Even if this were true, it did not justify the officer repeatedly striking the unarmed woman’s head—a form of deadly force under TPD’s policy. The officer stopped only when staff and other clients pulled the officer and the woman apart. The beating left a three-inch gash on the woman’s scalp and a bruise above her eye. TPD found the officer acted appropriately.

We also saw incidents where TPD officers applied unreasonable physical force to people experiencing behavioral health crises. In one incident, TPD officers’ force when responding to a call about a “mental person” proved deadly. The officers found a man running around a hospital parking lot with his shirt off. Though the man was unarmed and posed no threat to the officers or others, the officers pepper-sprayed him and tackled him to the ground. After handcuffing him, they held him face down as they

waited for a transport van, pushing his face into mulch, while he cried over and over for help and yelled that they were crushing his skull. The officers continued to push his head into the mulch, pin his arms and legs, and take turns holding a knee on his back while he cried repeatedly, “I can’t breathe” and “I’m gonna die.” After more than four minutes of this, the man got quiet and still. Officers still held him down for another minute. Finally, an officer asked whether the man had a pulse, and officers called for medical help. Doctors later pronounced the man dead.

### **3. TPD Officers Use Pepper Spray Unreasonably**

The use of OC spray, or pepper spray, violates the Fourth Amendment when officers spray people who pose no threat. When used appropriately, OC spray is an option when lethal force is not justified, and helps officers gain compliance by incapacitating people for about 30 minutes, typically without permanent injury. TPD officers, however, frequently turn to OC spray when people challenge, criticize, or insult the police, even when they pose no immediate threat.

In one incident, an officer learned that a driver involved in a car accident had an expired registration and suspended license. The driver was upset to learn that her car would be towed, argued that she did not want to leave her car, and bumped the officer with the car door while the car was parked. Without warning, the officer pepper-sprayed the woman as she sat inside her car and her seven-year-old child watched just outside the car, also at risk of exposure to the spray. Rather than helping the officer gain control, the spray had the opposite effect as the woman wailed in pain and refused to get out of the car. The officer then pulled her by her pant legs, bringing the woman’s pants down and exposing her buttocks for over three minutes. When a family member asked how she could file a complaint against the officer, the officer replied that she could file a complaint, but said, “[I]t’s going nowhere.”

TPD officers also pepper-spray people who criticize or insult the police. In most instances, criticism and insults are protected speech under the First Amendment.<sup>4</sup> In one case, a TPD officer in the Violent Crimes Unit got out of a police car, walked up to a man on the sidewalk, and doused him with pepper-spray because the man had made provocative remarks and hand gestures toward the officer. After spraying the man five times, which was captured by other officers’ body-worn cameras, the officer activated his body-worn camera and yelled, “You want to make a threat at me? I’m locking you

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<sup>4</sup> *City of Houston v. Hill*, 482 U.S. 451, 461 (1987) (“The First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.”).



*A TPD officer pepper-sprayed a man five times after the man made provocative remarks and hand gestures directed at the officer.*

the fuck up.” In another case, a man yelled at an officer that he would call a lawyer after witnessing how the officer responded to a car accident. The officer responded by pepper-spraying the man, causing him to fall to the ground in pain.

After using OC spray, TPD officers often prolong pain unnecessarily by delaying decontamination. Officers sometimes help people flush their eyes on scene, but in many instances, officers fail to provide help until they reached the police station. We saw cases in which people waited in pain—often until after they were processed and in a holding cell—to be decontaminated. At the same time, officers often brush aside people’s complaints that they struggle to breathe after being exposed to OC spray. TPD does not use other less-lethal weapons like tasers, so OC spray is the main tool at TPD officers’ disposal outside of physical force. But TPD lacks consistent practices to provide aid after using OC spray, causing unnecessary suffering.

#### **4. TPD’s Weak Oversight Contributes to its Use of Excessive Force**

Weak oversight reinforces TPD’s pattern of excessive force. TPD supervisors ratify virtually all uses of force without providing meaningful feedback to officers. And TPD

fails to track uses of force effectively, making it impossible for TPD to identify or correct problematic trends. As a result, although we identified numerous incidents where TPD officers used excessive force, we found no case in which a supervisor indicated a use of force was not justified. This is consistent with what we heard from senior leaders: that TPD has no use of force problem.

We identified supervision deficiencies throughout the department, as discussed below on page 34, and found that TPD’s inadequate supervision reinforces the pattern of excessive force in particular. Under the New Jersey attorney general’s guidelines, direct supervisors must scrutinize officers’ use of force reports before officers submit the reports to the attorney general’s office. But TPD supervisors overwhelmingly sign off on force reports without meaningfully reviewing them. Typically, the only evidence of review we saw was a signature on paper forms or digital sign-off on electronic forms

**An officer told us he never had a supervisor talk to him about how he might have handled a situation better.**

indicating the report was “complete.” Even when supervisors include more, the additional approving language is conclusory and boilerplate, using phrases like “Use of Force report reviewed and I

concur with the level of force used as it relates to this incident,” “Defendant resisted arrest,” or “BWC reviewed,” without explanation or analysis. Moreover, we saw no evidence that supervisors regularly review all available information about force incidents or ask officers about their decisions to use force. A sergeant told us that supervisors are “not encouraged” to discuss with officers how they might have handled an incident differently. Officers confirmed they rarely receive verbal feedback about how to minimize the use of force. One officer told us that he never had a supervisor talk to him about how he might have handled a situation better.

As a result, supervisors routinely excuse uses of force despite red flags that warrant a closer look. For example, in a case discussed above, in which a Violent Crimes Unit officer pepper-sprayed a man five times in response to the man’s provocative remarks and gestures, the officer reported that he sprayed because he “believ[ed] the threat of [the man] was still imminent.” But he provided no facts to support this belief, and footage showed that the unarmed man posed no threat.

In another case, officers initially used reasonable force to arrest a man with an active warrant. Once the man was already on the ground, however, an officer stomped on his hand three times, kneeled on his head, and kicked him in the shoulder. Each of these uses of force was excessive. Yet, three levels of TPD supervisors found the officer’s

conduct justified, omitting any reference to the stomps, the knee on the man's neck, or the kick.



*A TPD officer kneeled on the man's head, in addition to stomping on his hand three times and kicking him in the shoulder.*

Supervisors also frequently failed to identify violations of body-worn camera policy, with some officers repeatedly failing to activate their cameras during force incidents as required, or deactivating too early, without being held accountable.

Record keeping problems also cause TPD to miss opportunities to track use of force trends and improve force practices based on data. TPD's internal affairs unit is responsible for keeping records on all uses of force. But we found many use of force reports missing from TPD's records. In addition, manual data entry results in many inaccuracies in use of force records, from records incorrectly identifying the officer's unit to failing to document injuries consistently.

\* \* \*

TPD's unconstitutional practices deeply impact the Trenton community. A mother told us that her teenage son was experiencing suicidal thoughts after TPD officers tackled him while he was riding his bike—because he was riding on the sidewalk without a reflector. A man who experienced physical force by TPD officers despite committing no crime said he would now think twice about calling the police for help. He told us he felt



helpless and small as TPD officers threw him against a car, and thought, “Protect yourself. Just shut up. But more than that, this isn’t right.”

## B. TPD Conducts Warrantless Stops, Searches, and Arrests in Violation of the Fourth Amendment

We have reasonable cause to believe that TPD engages in a pattern or practice of stopping, searching, and arresting people without reasonable suspicion or probable cause. We provide examples of this pattern or practice below. Although not everything officers did in these encounters individually violated the Fourth Amendment, by the end of each encounter, we concluded that a Fourth Amendment violation occurred.<sup>5</sup> These Fourth Amendment violations impact pedestrians, drivers, and passengers throughout Trenton.

The Fourth Amendment protects people from unreasonable searches and seizures. To stop someone, an officer must have reasonable suspicion that the person is engaged in criminal activity.<sup>6</sup> Police stops are typically brief, as officers may not detain someone for longer than is necessary to complete the purpose of the stop.<sup>7</sup> To frisk someone, officers must have reasonable suspicion that the person is armed and dangerous. To search a person, car, or home, officers generally need probable cause to believe they will find evidence of a crime. Similarly, to arrest someone, an officer must have probable cause to believe that the person committed a crime.

TPD officers engaged in a pattern or practice of disregarding these constitutional requirements. In a random sample of incidents we reviewed, TPD officers frequently stopped and searched pedestrians and unlawfully prolonged traffic stops without any legal basis, often leading to unlawful searches and arrests.

**“Let’s work. Let’s pull some cars over. Let’s bring some stats in.”**

*A Violent Crimes Unit officer, describing his colleagues’ attitude toward enforcement.*

Constitutional violations were especially prevalent in incidents involving the Street Crimes Unit and the Violent Crimes Unit. Officers from these units reported to us that TPD supervisors pushed them to make as

many stops and arrests as possible. A Violent Crimes Unit detective told us that he felt “pressure to come in with an arrest.” TPD is “very focused on stats,” he told us; if his unit was “not producing stats,” it “felt like you’re not doing anything.” Another Violent

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<sup>5</sup> We describe a traffic stop where this occurred on page 18 of this report. For instance, while the Fourth Amendment permits officers to order someone out of a car during a lawful traffic stop, the Fourth Amendment does not permit officers to prolong the traffic stop to conduct a search of the car unless the officers have additional reasonable suspicion or probable cause. *Rodriguez v. United States*, 575 U.S. 348, 354-56 (2015).

<sup>6</sup> *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968).

<sup>7</sup> *Rodriguez*, 575 U.S. at 354.

Crimes Unit detective described the attitude of his colleagues this way: “Let’s work. Let’s pull some cars over. Let’s bring some stats in.”

Supervisors in these stats-driven units told us they preferred aggressive officers. A supervisor in the now-disbanded Violent Crimes Unit told us that conditions in Trenton required a “paramilitary” style of policing. Another supervisor expressed a preference for aggressive officers who make multiple car stops and arrests during a shift. At the same time, supervisors have not provided adequate oversight or supervision. As a result, as one former TPD police director told us, officers take “shortcuts” and “sometimes disregard[ ] aspects of the Fourth Amendment.”

### **1. TPD Officers Conduct Unconstitutional Pedestrian Stops, Searches, and Arrests**

TPD officers stop and search pedestrians without reasonable suspicion or probable cause, particularly officers in the Street Crimes Unit and the Violent Crimes Unit, who jumped out on people simply walking down public sidewalks. In one encounter, officers



*TPD officers stopped a man and one of the officers frisked him, merely because they said they saw him adjust his waistband.*

from the Street Crimes Unit stopped and searched a man merely because they said they saw him adjust his waistband; they offered no other justification, and none appears

from the recordings of this encounter. TPD officers jumped out on the man as he was walking on a public sidewalk and talking on his cell phone. The officers ordered the man to stop and put his hands up, which he did. Officers frisked his waistband and pockets while asking, “What were you adjusting here? Nothing crazy?” The man replied, “Nah. Yeah, I was on the phone, bro.” The officers found no weapons or drugs. Although adjusting a waistband in some cases may justify a stop when combined with other evidence of criminal activity, the Fourth Amendment generally prohibits officers from stopping someone for merely walking down a public street while adjusting their clothes.

Similarly, TPD officers responding to a call about a burglary stopped two pedestrians without any legal justification. A witness identified the burglars as a Puerto Rican man and a Black woman but provided no other description. Despite looking for a Puerto Rican man and a Black woman, TPD officers stopped and searched another interracial pair—a Black man and a white woman—who happened to be a few blocks away. As an officer searched the white woman, she asked, “What did I do?” The officer replied, “You match the description of someone [who] attempted a burglary,” even though the woman was not the same race as the female suspect. TPD officers lacked any legal basis to stop and search the pair.

In another example, officers in the Violent Crimes Unit stopped and searched a woman who was merely walking down a public sidewalk. In violation of the New Jersey attorney general’s guidelines and TPD policy, none of the four officers documented the encounter in a report, and none of them activated their body-worn cameras. Nearby surveillance video, however, showed the woman, who is white, walking home from a corner store. The four officers drove next to the woman in an SUV. One officer jumped out of the backseat of the SUV, stopped the woman, and searched her pockets. Three other officers surrounded the woman, searching her again and questioning her about why she was in the area. According to the woman, who was later interviewed by prosecutors, one of the officers asked, “Did you go purchase drugs?” The woman replied that she lived in the neighborhood and went to the store to get cigarettes. When she asked why the officers stopped her, one of them replied, according to the woman, “White girl in a bad neighborhood.” The officers then released her. Without the county-operated surveillance cameras, there would be no record of this unconstitutional stop and search. Although the Violent Crimes Unit is now disbanded, many of the officers involved in this encounter remain employed by TPD.

We also found instances where TPD officers unlawfully arrest pedestrians. For example, in one incident, officers in the Violent Crimes Unit followed a young Black man after seeing him outside the back of a store in black clothing at 10 AM. The officers followed the man, grabbed him, and placed him under arrest. After the arrest, one of the officers said to the other, “I don’t know what he had.” The officer added, “Maybe he

didn't have anything. I don't know what he was doing." Without any objectively reasonable basis to suspect the young man committed a crime, the officers should not even have stopped him, much less arrested him. Officers also arrested five more Black men for filming the young man's arrest from across the street, even though the men did not interfere with officers during the arrest. Filming police officers like this during the course of their duties is protected by the First Amendment.<sup>8</sup>

## **2. TPD Officers Unconstitutionally Prolong Traffic Stops, Leading to Unlawful Arrests**

The Fourth Amendment prohibits officers from detaining someone longer than necessary to complete the purpose of the stop and attend to related safety concerns. Officers can prolong a traffic stop to search a car or take other investigative steps only if they have a legitimate reason to think that the person is armed or concealing evidence of a crime.

TPD officers, especially those in the Violent Crimes Unit and Street Crimes Unit, violate the constitutional limits for traffic stops. We observed TPD officers stop cars for traffic violations, remove the people inside—sometimes dragging them out without ordering them to exit or giving them time to comply—and search the cars based on a mere hunch that they may find evidence of a crime or a weapon. Those searches violate the Fourth Amendment.

Some of the searches involved TPD officers calling for a police dog to sniff around a car for drugs. Officers often called for a dog because a driver appeared “nervous” and did not consent to having their car searched. But nervousness alone is at best a weak basis for suspicion and refusing consent cannot justify prolonging a traffic stop.

One traffic stop illustrates TPD's practice. Two officers stopped a car for failing to maintain a lane and for having improperly tinted windows. An officer ordered the driver to come to the back of his car, where officers questioned him. One officer asked for consent to search the car because the driver “seemed very nervous.” The driver explained he was nervous “because y'all cops.” The driver initially agreed to the search, but after officers told him that he could withdraw his consent, he did so before the officers could start the search. In response, the officers called for a drug-sniffing dog, which arrived roughly 45 minutes later. The dog gave an alert on the driver's side of the

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<sup>8</sup> *Fields v. Philadelphia*, 862 F.3d 353, 359 (3d Cir. 2017) (“[R]ecording police activity in public falls squarely within the First Amendment right of access to information.”)



*TPD officers illegally prolonged a traffic stop for tinted windows and failing to maintain a traffic lane.*

car. Officers had the car towed to TPD headquarters, got a search warrant, and searched the car. They found no drugs or other evidence of a crime. The officers explained in their report that they had a dog sniff the car because the driver appeared nervous and denied consent to the search. Neither of those facts justified the officers' actions.

The man subjected to this unlawful stop told a Justice Department investigator about how the incident affected him. "I'm scared to have any interaction with the police," he said. "I feel like if they pull me over at nighttime, they would try to kill me." He added, "When they pulled me over, I was scared. I've seen what they did to George Floyd." The man concluded, "The only thing I did wrong was be Black."

**"The only thing I did wrong was be Black."**

*A man subjected to an unlawful stop.*

Similarly, in another traffic stop, TPD officers in the Street Crimes Unit stopped a white man and Hispanic woman for cutting through a parking lot and allegedly failing to signal. Instead of simply issuing a ticket, the officers ordered the man out of the car and frisked him, then quizzed the couple about whether they knew each other's names and where they were coming from. When the woman said that they had been visiting their grandkids and the man said they had been getting ice cream (answers that were not necessarily inconsistent), an officer claimed their stories "aren't matching" and called for a police dog to sniff for drugs. After detaining the couple for almost half an hour, the

police found no drugs. The officers had no basis to frisk the man for weapons or to extend the traffic stop to search for drugs.

In one encounter where TPD officers stopped a car for a traffic violation, officers illegally prolonged the stop to unlawfully search the car. The officer refused to tell the driver the reason he was stopped. The officer then reached into the car's interior, opened the car door using the interior door handle, and forcibly removed the driver while saying, "Step out of the fucking car." Several officers then surrounded the man while other officers searched the car without the man's consent. The man protested, saying, "This is illegal search and seizure." He was right. Because the only basis for the stop was a traffic violation, and because the driver did nothing to suggest he had a weapon in the car or anything illegal, the officers had no justification under the Fourth Amendment to prolong the traffic stop and conduct the search.



*TPD officers made a man stand with his hands on his head as they illegally prolonged the traffic stop and searched the car.*

TPD officers' constitutional violations during traffic stops sometimes lead to unlawful arrests. For example, TPD officers stopped two Black men because their car matched a description of a stolen car. After speaking to the owner of the car, the officers confirmed the driver's account that the car was not stolen, but the officers did not release the men and instead left them handcuffed in a police car. Then one of the officers turned off his body-worn camera. Surveillance video captured what happened next. The officer took his partner's arm and turned him away from the car. With his partner looking the other direction, the officer searched the car without a legal basis. After the officer found a gun under the driver's seat, the officers arrested both men. County prosecutors dismissed the charges.

### **3. The Pattern or Practice of Unlawful Stops, Searches, and Arrests Results from TPD’s Failure to Properly Document and Record Encounters**

Police supervisors and leaders use officers’ reports and body-worn camera videos to evaluate encounters with members of the public and ensure that officers follow the Constitution. Under TPD policy and the New Jersey attorney general’s guidelines, officers must document their stops, searches, and arrests in reports and record these interactions with their body-worn cameras.<sup>9</sup> TPD policy requires supervisors to approve every report detailing a stop, search, or arrest. But in many of the stops, searches, and arrests we reviewed, TPD officers failed to properly record or document the incidents. TPD officers admitted in interviews that they will not always document pedestrian and motor vehicle stops. As a result, many stops and searches escape any meaningful review by supervisors. Without documentation of a stop or search, supervisors cannot ensure that officers abide by TPD policy, New Jersey law, and the Fourth Amendment.

Even when TPD officers document their stops and searches, many officers rely on suspicions that are legally inadequate to justify their actions. Yet supervisors approved reports of constitutionally deficient stops, searches, and arrests—in fact, supervisors approved every problematic report we reviewed in this investigation.

TPD officers also use boilerplate language that lacks a connection to the specific individual stopped, searched, or arrested. Officers repeatedly invoke the terms “high crime area” or “high violent crime area,” followed by general statements about crime in Trenton, as a justification for making stops. The generalities in these reports failed to establish that officers had reasonable suspicion or probable cause to believe that someone committed or was about to commit a crime. They suggest, in fact, that TPD officers seem to view nearly all of Trenton as a “high crime area”—which is exactly what a high-ranking TPD official told us. Even if someone is in a high crime area, mere presence in such an area by itself cannot justify a stop, search, or arrest.

Officers also risk undermining criminal prosecutions with their faulty reports. One recently retired TPD officer told us that officers will write things in their reports just to say there is reasonable suspicion or probable cause, even if it is inaccurate. Local prosecutors told us they have had to dismiss criminal charges because of concerns

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<sup>9</sup> TPD’s written policy for documenting warrantless stops, searches, and arrests is consistent with body-worn camera guidelines from the New Jersey attorney general and New Jersey law. See OFFICE OF THE ATTORNEY GENERAL, STATE OF NEW JERSEY, ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2022-1, UPDATE TO BODY WORN CAMERA POLICY, at 11-12 (Jan. 19, 2022), available at <https://www.nj.gov/oag/dcj/agguide/directives/ag-Directive-2022-1.pdf>, archived at <https://perma.cc/GP49-G5N4>; N.J. STAT. ANN. § 40A:14-118.5c(1).



about the accuracy of officers' incident reports. And a federal court observed in a 2020 criminal case that TPD officers' "approach to documenting th[e] investigation was careless and at times, purposely false."<sup>10</sup> The court stated that the officers' "haphazard documentation" was "not merely 'typos' or 'errors,'" and "caution[ed] that such 'mistakes' in other circumstances may jeopardize future investigations and prosecutions."<sup>11</sup>

In addition to significant problems with documenting incidents in police reports, we found that many TPD officers fail to activate body-worn cameras during stops and searches, even though activation is required by state law and TPD policy. In fact, the majority of stops in our random sample did not have body-worn camera video associated with them. And in many of the stops where there was no body-worn camera video, officers still wrote "BWC Activated" in their reports. A supervisor responsible for overseeing misconduct investigations described the failure to activate body-worn cameras as "a chronic problem" within the department.

**"I just feel like nobody's overseeing them or really monitoring their stops or their body cam or making them take accountability for their actions, just as much as they expect us to take accountability for our actions."**

*A Black woman who was unlawfully stopped by TPD officers.*

A Black woman who was unlawfully stopped by TPD officers told us, "I just feel like nobody's overseeing them or really monitoring their stops or their body cam or making them take accountability for their actions, just as much as they expect us to take accountability for our actions." Our investigation confirmed the woman's concerns. TPD's systems

for holding officers accountable for unlawful stops, searches, and arrests are deficient, and thus contributed to the constitutional violations we found in this investigation.

\* \* \*

TPD's unlawful stops, searches, and arrests are more than just inconveniences. As the Supreme Court recognized more than half a century ago, being frisked by a police officer "is a serious intrusion upon the sanctity of the person, which may inflict great indignity and arouse strong resentment, and it is not to be undertaken lightly."<sup>12</sup> Indeed, Trentonians reported to us that they did not trust TPD and were less likely to call and report crime because of their interactions with verbally and physically abusive TPD officers during what should have been routine traffic stops. TPD's unconstitutional

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<sup>10</sup> *United States v. Wimbush*, No. 19-CR-134 (FLW), 2020 WL 1873020, at \*7 n.13 (D.N.J. Apr. 15, 2020)

<sup>11</sup> *Id.*

<sup>12</sup> *Terry*, 392 U.S. at 17.

conduct has undercut its effectiveness as a law enforcement organization and public safety overall.

## CONTRIBUTING CAUSES OF VIOLATIONS

### A. TPD's Accountability System Allows Officer Misconduct to Go Unaddressed

To police themselves effectively, police departments must have accountability systems that identify and respond appropriately when officers violate department policy or the law. At TPD, the internal affairs (IA) unit is responsible for investigating complaints against officers, but TPD's IA unit has proven inadequate to the task of investigating alleged misconduct fairly. As with other areas of law enforcement, the New Jersey attorney general sets standards for IA investigations.<sup>13</sup> These guidelines carry the force of law. As the guidelines explain, “[a]gencies that fail to make the internal affairs function a priority can lose the respect and support of the community.”<sup>14</sup> TPD has violated both the New Jersey attorney general's mandatory standards and community trust by maintaining an IA unit that falls far short of what the guidelines require.

#### 1. TPD Allows Officers to Commit Misconduct

IA investigators do not conduct fair and thorough investigations when members of the public file complaints alleging misconduct by TPD officers. In the investigations that IA investigators closed from 2018 through 2023, they did not

**In the investigations that IA closed from 2018 through 2023, IA did not sustain a single allegation that TPD officers used excessive force or made an illegal stop or arrest.**

sustain a single allegation that TPD officers used excessive force or made an illegal stop or arrest. During the same time period, IA investigators found that a TPD officer conducted only one illegal search—the officer received “verbal counseling.” We found numerous examples of complaints filed during that period where video showed that officers violated the Constitution, but IA investigators found no misconduct.

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<sup>13</sup> The guidelines are called the Internal Affairs Policies and Procedures, and were revised most recently in November 2022. See OFFICE OF THE ATTORNEY GENERAL, STATE OF NEW JERSEY, INTERNAL AFFAIRS POLICIES AND PROCEDURES (Nov. 2022), available at [https://www.nj.gov/oag/iapp/docs/IAPP\\_November-2022.pdf](https://www.nj.gov/oag/iapp/docs/IAPP_November-2022.pdf), archived at <https://perma.cc/HA3X-M2GB> (The attorney general's guideline “carries the force of law . . . . For county and municipal law enforcement agencies, cooperation in internal affairs matters begins with strict adherence to the Attorney General's policy requirements.”).

<sup>14</sup> *Id.* at § 1.0.11.

For example, a young Hispanic man filed a complaint alleging that TPD officers in the Violent Crimes Unit had illegally searched him when they stopped him. Although the stop was just for driving with illegally tinted windows, body-worn camera video showed



*A TPD officer pushed a man into the back of a car after illegally frisking him during a traffic stop for tinted windows.*

that a TPD officer questioned the young man about where he was coming from and where he worked, then ordered him out of his car. While this initial interaction did not violate the Constitution, the TPD officer then unlawfully escalated this exchange. Despite having no reason to believe the man was armed and dangerous, the officer frisked him. When the man protested that the officer was touching the man's groin during the illegal frisk,<sup>15</sup> the officer pushed him into the back of the car and shouted, "Stop fucking with me!" When the man tried to call his mother, the officer made fun of him, saying, "You're twenty years old and you're still calling your mom?" Invoking racist stereotypes, the officer continued, "He's new in the 'hood, so he's gotta earn the street

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<sup>15</sup> See *Arizona v. Johnson*, 555 U.S. 323, 327 (2009) ("To justify a patdown of the driver or a passenger during a traffic stop, the police must harbor reasonable suspicion that the person subjected to the frisk is armed and dangerous.") (ellipsis in original omitted).

respect from the homies on the corner. That's why he wanna act tough." Without conducting any interviews, the IA investigator found that the officer did nothing wrong.

The man told a Justice Department investigator that the interaction has stayed with him.

**"You saw the body camera and you thought that was appropriate? It's really insane."**

*A Hispanic man who filed a complaint after TPD officers illegally frisked him.*

"Man, it was degrading," he said.

"I'm a grown adult and they're making fun of me because I'm asking for someone to be there to witness how they're treating me."

Getting a letter from IA notifying him

that investigators found the officers' actions proper "really hurt me even more," he told us. "You saw the body camera and you thought that was appropriate? It's really insane."

An IA investigator ignored an officer's admission that he had retaliated against a pastor because her son talked back to them—a violation of the First Amendment. The interaction started when officers ticketed the pastor for stopping her church van in the street next to a parked car. The woman's adult son began yelling at the officers, telling them to "catch the killers out here" instead of "harassing" his mother. The man's statements criticizing the officers were protected by the First Amendment.<sup>16</sup> But as the man, who is Black, yelled at them, the officers returned to their police cruiser and began printing out more tickets. "Yeah, run your mouth, son. This is what you get," one officer said to his partner. The additional two tickets, for delaying traffic and obstructing a street, increased the fine by \$110. The officer left no doubt that he intended to retaliate against the pastor for her son's protected speech. "Mr. Smart Mouth over there just got you two more tickets," he told the pastor as he handed her the tickets. Even though the body-worn camera video proved that the officer had engaged in unconstitutional retaliation, the IA unit let the mother and son's complaints sit unresolved for two years before designating them as "administratively closed."

Officer misconduct cost the City more than \$7 million in civil settlements since 2021. Yet, TPD does not require IA investigators to review incidents when people file lawsuits alleging that TPD officers have engaged in misconduct. When IA does open investigations related to police misconduct lawsuits, investigators often avoid reviewing officers' problematic conduct in the underlying incident. For example, after a man died when TPD officers held him face down for over four minutes, an incident we described on page 10, his survivors filed a civil rights lawsuit. The New Jersey attorney general's office notified TPD that a grand jury had declined to indict the officers involved in the incident. The attorney general's office reminded TPD that even though the criminal case was terminated, TPD was required to review the incident and evaluate whether any

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<sup>16</sup> *Hill*, 482 U.S. at 461.

discipline was warranted. The IA investigator determined that one of the officers had failed to activate his body-worn camera, but did not review whether anyone used excessive force. Even after Trenton paid \$1.9 million to settle the lawsuit, the IA unit still did not open an investigation to review the officers' conduct.

## 2. TPD Ignores Officer Misconduct in Plain Sight

TPD investigators further undermine accountability by turning a blind eye toward potential misconduct they discover in the course of their investigations. The New Jersey attorney general's guidelines require IA investigators to examine collateral issues in any complaint investigation. When investigating an allegation of excessive force, for example, the guidelines direct IA investigators to also consider whether the officer should have been making the arrest at all, and vice versa. We reviewed multiple incidents in which members of the public filed complaints about officer conduct during police stops, and IA investigators limited their review to the narrow issue described in the complaint, rather than reviewing the stop as a whole. As a result of this limited review, IA investigators overlook constitutional violations.

For example, after the encounter in which an officer grabbed a teenager by the neck, discussed on page 8, the teen's mother filed a complaint alleging that police had stopped her

**"It was just left alone."**

*A mother who never heard from TPD after filing a complaint about how officers treated her son.*

son for no reason. The IA investigator reviewing this incident focused narrowly on the officers' legal justification to stop the teen, and did not flag that an officer held him by the neck, inaccurately characterized his use of force as having "grabbed [the teenager] around his chest and shoulder area," and made the racist implication that "a Black man" is not intelligent. Without conducting any interviews, the investigator found that the officers had done nothing wrong. He never contacted the teenager's mother, even neglecting to notify her about the outcome of the investigation. "It was just left alone," the mother told a Justice Department investigator.

In another incident, a Black man filed a complaint alleging that TPD officers "jumped out" at him and stole his driver's license. Body-worn camera video of the incident showed that TPD officers made five men stand for several minutes with their hands against a wall, as the officers ran the men's names. In his report, an officer justified the stop by saying the men were "loitering." But merely loitering is not a crime in New Jersey, and the officers nowhere said they believed the men were loitering with intent to



*TPD officers stopped a group of men for “loitering,” even though merely loitering is not a crime in New Jersey. When one of the men filed a complaint, the IA investigator never considered whether the detention of this group was illegal.*

buy or sell drugs, which is a crime in New Jersey. The IA investigator nonetheless ignored the very real possibility that this was an illegal detention. The man said in his complaint, “I will be looking forward to giving you guys (IA) a full testimoney [sic],” but he never got a chance—the investigator never contacted him.

### **3. TPD Discourages Complaints and Disrespects People Who File Them**

TPD’s approach to engaging with people who complain about police misconduct demonstrates disregard for members of the public.

In the vast majority of investigations we reviewed, investigators did not conduct key interviews, including never interviewing the complainant. A supervisor in TPD’s IA unit blamed community members for the lack of interviews, saying, “We don’t get too much

cooperation.” But in some files we reviewed, investigators did not even try to contact the complainant. It is common for IA investigators to attempt to contact members of the public about interviews solely by sending them letters, often months after receiving a complaint. We reviewed multiple files in which the postal service returned IA investigators’ letters to complainants as undeliverable, but IA investigators recorded no additional attempts to reach the complainants.

One man who filed a complaint alleging that police had used excessive force while arresting him at a homeless shelter provided an address as required on his complaint form, but he wrote that “it’s best to text or email.” He explained, “There is no guarantee that I will receive the mail” through the shelter where he was staying. The IA investigator nonetheless attempted to contact him only by sending a letter, which was returned to TPD as undeliverable.

We reviewed files in which IA investigators used unanswered letters as an excuse to close investigations. For example, an IA investigator closed an investigation even though he had surveillance video supporting a Black man’s claim that officers in the Violent Crimes Unit used excessive force and searched his car illegally. The IA investigator obtained surveillance video from a parking lot that corroborated the man’s story—it showed an officer running up on the man as he leaned into a car window, then slamming him into the car and frisking him, and another officer searching his car, which was parked in the same lot. The officers’ report did not provide legal justification for their actions. Ignoring this evidence indicating that the man’s claim was accurate, the IA investigator closed the case “[d]ue to lack of cooperation from the complainant.” The man told us that he moved soon after filing the complaint, but that IA could have easily reached him by phone. “I did my part and did what I needed to do, and nothing was done,” he said. “It put a bitter taste in my mouth about law enforcement,” he told us.

**“I did my part and did what I needed to do, and nothing was done. . . . It put a bitter taste in my mouth about law enforcement.”**

*A Black man who never heard from TPD after filing a complaint.*

When we asked an IA supervisor why investigators used mail as their preferred method for scheduling interviews, the supervisor claimed that this was required by the New Jersey attorney general’s guidelines. This is incorrect. The guidelines require IA investigators to interview complainants, but do not dictate a method for contacting them, and certainly do not limit investigators to sending letters.



**“How are you going to say you investigated, but you didn’t speak to the victim?”**

*A Hispanic man who filed a complaint after TPD officers illegally frisked him.*

TPD’s failure to interview complainants leaves community members who file complaints feeling ignored and disrespected. The young man who filed a complaint alleging that officers had illegally searched him during a traffic stop

for tinted windows received no communication from TPD other than a letter informing him that investigators had determined the officers’ actions were lawful and reasonable. “[I]t told me that they never really investigated,” he said to a Justice Department investigator. “How are you going to say you investigated, but you didn’t speak to the victim?”

IA’s procedures also set up needless barriers to people who wish to file complaints. The New Jersey attorney general’s guidelines provide that complaints should be accepted by any law enforcement officer, and that complainants should never be told to return at a later time to file their report. But IA has required people who complain to police during their interactions to go to the IA office to file a complaint.

TPD also requires people who submit complaints in person to sign a form that includes the following warning: “It is unlawful to provide information in this matter, which you do not believe to be true. An individual who files a false police report will be subject to both criminal penalties and possible civil action.”<sup>17</sup> The New Jersey attorney general’s guidelines prohibit such warnings. Additionally, when IA investigators conduct recorded interviews of members of the public, they require the complainants to sign forms stating that they swear or affirm that their “testimony” is “the truth and nothing but the truth.” The New Jersey attorney general prohibits this practice as well.

It is unlawful to provide information in this matter, which you do not believe to be true. An individual who files a false police report will be subject to both criminal penalties and possible civil action.

*TPD’s form for complaints submitted in person includes this warning; the New Jersey attorney general’s guidelines prohibit such statements.*

TPD’s practices risk intimidating people who may fear being charged with a crime if a police officer’s story conflicts with theirs. In one case, IA investigators had received a Black man’s complaint form alleging that a TPD officer had pushed him and yelled obscenities at him in an incident at the municipal court. But the investigators still

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<sup>17</sup> TPD has made the standard complaint form provided by the New Jersey attorney general available on its website. This form does not include the prohibited warning. But TPD continues to use the prohibited language on forms for complaints submitted in person.

required the man to return to IA to provide a recorded interview and sign the form swearing or affirming his statement was true. At the outset of the interview, the man asked the investigators to give him a copy of his original complaint form. The investigators refused, and the man angrily ended the interview. “They were trying to get me to do another statement,” the man explained to a Justice Department investigator. “I felt like they were trying to trip me up . . . and say I wasn’t consistent.” The investigators cited the man’s “lack of cooperation” as a reason for closing the investigation without reaching a finding.

#### **4. TPD Undermines Accountability by Misclassifying Complaints and Maintaining Incomplete Records**

TPD’s haphazard record keeping for officer misconduct contributes to its systemic failure to hold officers accountable. When complaints involve multiple officers or multiple allegations, TPD often fails to enter each officer and allegation into IAPro, the software that the IA unit uses to store data on its investigations. TPD investigators also frequently misclassify complaints. In many of these misclassified investigations, TPD failed to record in IAPro that community members had accused TPD officers of excessive force and of illegal searches, seizures, and arrests. For example, a man filed a complaint alleging that undercover officers in the Violent Crimes Unit ordered him out of his car and conducted a warrantless search of the vehicle after they observed him give a dollar to a panhandler and they erroneously suspected him of buying drugs. TPD downgraded the seriousness of this complaint, classifying the man’s allegation as “demeanor.” This misclassification of rule violations inhibits TPD’s ability to track trends in IA cases involving use of force, and stops, searches, and arrests.

TPD investigators also misclassify complaints by overusing the “other rule violation” category for complaints. As a result, TPD’s records in IAPro do not accurately reflect the number of serious rule violations against officers. “Other rule violation” is by far the most common category for complaints that TPD IA investigates; from 2019 through 2023, IA investigators used this classification for almost half of the allegations it received. This general category is appropriate only when a more specific category, such as “excessive force” or “illegal search,” does not apply. Yet investigators often classify complaints that clearly belong in more specific categories as “other rule violation.”

TPD's Classification of Misconduct Allegations, 2019 – 2023		
Allegation	Number	Percent
<b>Other Rule Violation</b>	<b>562</b>	<b>46.9</b>
Crime	132	11.0
Missing/Unknown	105	8.8
Demeanor	98	8.2
Improper Arrest	91	7.6
Improper Search	91	7.6
Excessive Force	74	6.2
Differential Treatment	23	1.9
Domestic Violence	12	1.0
Improper Entry	7	0.6
Insubordination	1	0.1
Serious Rule Infraction	1	0.1
Unfit for Duty	1	0.1
<b>Total</b>	<b>1,198</b>	<b>100</b>

Source: TPD IAPro

Sometimes, the “other rule violation” category masks allegations of serious misconduct. For example:

- A county prosecutor alerted TPD that a judge had found two TPD officers’ sworn testimony about force they used after a traffic stop contained “critical inconsistencies” and that their version of events was “puzzling.” The TPD investigator listed this allegation of a serious rule violation as “other rule violation.”
- A Black man filed a complaint alleging that after he called 911 for help resolving a dispute with a business owner, a TPD officer grabbed him, threw him against a wall, and arrested him without justification. TPD investigators labelled these allegations of excessive force and improper arrest as “other rule violation.”
- A TPD lieutenant notified IA that an officer had “**flatly lied**” to his supervisor about his unauthorized use of a TPD car (emphasis in original). In referring the matter to IA, the lieutenant wrote, “[I]t appears [the officer] knowingly and purposely disobeyed a direct order which has been given repeatedly, and made false statements to a supervisor to facilitate his offense.” IA classified these serious allegations as “other rule violation,” rather than as insubordination and a serious rule infraction.

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The New Jersey attorney general directs law enforcement leaders to use complaints from members of the public to increase their awareness “of both actual or potential problems and the community’s perceptions and

**“You have these resources to help change things. And then when we tell you what’s going on, nothing gets done.”**

*A Black woman who filed a complaint after a TPD officer searched her car during a stop for tinted windows.*

attitudes about police practices[.]” TPD’s failure to do so, and to properly investigate allegations that officers have committed constitutional violations, has eroded community trust. A Black woman who filed a complaint after a Violent Crimes Unit officer stopped her for tinted windows and searched her car summed up her experience this way: “You have these resources to help change things. And then when we tell you all what’s going on, nothing gets done.”

## **B. TPD Has Failed to Provide Crucial Training and Policy Guidance to Its Officers**

Deficiencies in TPD’s training and policies have contributed to the pattern of constitutional violations. Annual in-person training is almost non-existent for TPD patrol officers. The only mandatory annual in-person training on use of force occurs during officers’ firearms test.<sup>18</sup> During a 1.5-hour break in the test, the TPD training unit sergeant delivers updates on topics including use of force, domestic violence, vehicle pursuits, and OC spray. In 2024, there was no classroom at the firing range where the firearms testing took place, so officers stood around two tables for this instruction. The sergeant had no notes, lesson plan, or visual aids for his presentation.

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<sup>18</sup> Since 2021, TPD officers have participated in two trainings required by the New Jersey attorney general: “Integrating Communications, Assessment, and Tactics,” which emphasizes tactical planning and de-escalation; and Active Bystandership for Law Enforcement, which emphasizes peer intervention. These one-time trainings, while helpful supplements, are not substitutes for an annual in-service training program.

TPD delivers almost all other mandatory in-service training for patrol officers online.<sup>19</sup> It uses the software application PowerDMS for these e-trainings—an approach a lieutenant described to us as “the death of training.” Officers and supervisors expressed

**Delivering training through an online platform was “the death of training.”**

*A TPD lieutenant.*

wide dissatisfaction with TPD’s reliance on online trainings. In e-trainings, officers will click through a slide deck, which may include videos, and then take tests that

consist of true/false and multiple-choice questions. When prosecutors send legal updates through PowerDMS, officers can click and sign the training as complete without reading it. “You just want to sign it so it doesn’t turn red,” an officer explained to us. TPD’s lack of a comprehensive in-person training program covering appropriate use of force and the law governing stops and searches has contributed to the constitutional violations we identify in this report.

TPD has also failed to provide its officers adequate policy guidance on how to navigate their jobs. The department has no policies on key topics, such as conducting traffic stops, protecting First Amendment rights, and prohibiting discriminatory policing. In other areas, TPD has relied exclusively on the New Jersey attorney general’s state-wide standards, without adapting them to Trenton. TPD has not updated its policy on internal affairs investigations since 2012, although the attorney general has issued at least three revisions to its guidelines since then. TPD did not issue its own use of force policy until 2023. This lack of clear direction from command has contributed to TPD officers’ pattern or practice of committing constitutional violations in these areas.

### **C. TPD Does Not Have Systems to Ensure Effective Supervision**

Earlier in this report, we identified supervision failures that contribute to TPD’s pattern or practice of excessive force and unlawful stops, searches, and arrests.<sup>20</sup> We found that deficient supervision is pervasive at TPD.<sup>21</sup>

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<sup>19</sup> According to agency records, TPD delivered no in-person training in 2022. In 2023, in addition to the updates during firearms qualifications, TPD delivered an in-person class on officer wellness and pre-shift roll call briefings on body-worn cameras, domestic violence incident report writing, and a use of force refresher.

<sup>20</sup> See pages 11-13 and 21-22.

<sup>21</sup> Officers and supervisors repeatedly told us that sergeants are too inexperienced to provide effective supervision. But TPD records show that all of the current sergeants, including acting sergeants, have been at the agency for at least eight years. This suggests that lack of experience is not a primary cause for deficiencies in supervision.

For example, TPD does not have a standardized process for regularly evaluating each employee's work through performance reviews. Instead, this appears to be left up to individual supervisors. While a captain reported to us that he regularly conducts evaluations for his team, a lieutenant said that he has received "two or three" performance evaluations while at TPD, and none while he was a patrol officer. Since TPD does not require performance evaluations, it may have no record of performance issues with a particular employee. This impairs TPD's ability to make informed decisions on transfers and promotions, and to defend those decisions.

Similarly, TPD has not ensured that supervisors provide adequate oversight in the field. As a result, some supervisors do not consistently observe officers on scene, limiting on-the-job training and direct supervision. A sergeant told us that in two years in this role, he has not corrected anything his officers have done in the field. An officer reported to us that sergeants will come to a scene upon request, but that he communicates with them primarily over the radio. This lack of on-scene supervision extends to proactive units. When we asked one sergeant in the Street Crimes Unit how often he went into the field with his officers, he simply replied, "I have done it."

As a result, problematic conduct is allowed to continue. For example, we saw numerous incidents where officers questioned people in custody without informing them of their right to remain silent or to call an attorney, as required by *Miranda v. Arizona*.<sup>22</sup> We saw officers questioning people about the facts of a suspected crime after people were handcuffed, in the back of a police car, or being processed at the police station, without providing the required warnings. Under these circumstances, people in custody may make potentially incriminating statements, resulting in possible constitutional violations. We saw no evidence that supervisors correct these issues, even when they were clearly visible on video footage.

**"You dirty as shit, boy. You dirty as shit. You and your whole family dirty as hell, boy. Living like animals here. Fucking disgusting."**

*A TPD officer, speaking to a Black man.*

We also saw little evidence that supervisors held officers accountable for using insulting and demeaning language toward members of the public, which we found in almost half of the force incidents we reviewed. For

example, while the Violent Crimes Unit executed a search warrant at a house while a family with a toddler sat and waited, an officer said to the father, a Black man, "You dirty

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<sup>22</sup> Under *Miranda v. Arizona*, officers who question people in custody must first inform people of their right to remain silent, to consult an attorney, to have an attorney present during questioning, and to have an attorney appointed if they cannot afford one. 384 U.S. 436, 467-68 (1966).

as shit, boy. You dirty as shit. You and your whole family dirty as hell, boy. Living like animals here. Fucking disgusting.” Another said, “I feel bad for your daughter. Look at you. You’re a fucking coward.” Neither had activated his body-worn camera, though other officers’ cameras captured the insults. In another case, when a man expressed anxiety about officers frisking him intrusively, a Violent Crimes Unit officer replied, “I’m not putting a finger in your fucking ass, you fucking faggot.” Supervisors raised no concerns about the officers’ conduct.

TPD also is inconsistent in its interventions when officers show potentially problematic patterns. The New Jersey attorney general requires police departments to track certain performance indicators, such as misconduct complaints filed against an officer and uses of force. Under these tracking systems, called Early Warning Systems (EWS), departments must develop remedial plans for officers who trigger three alerts within a year.

Some supervisors’ reports on EWS remedial plans reflected a lack of meaningful interventions. While some EWS reports indicated that the supervisor had taken time to ride with the flagged officer and give feedback, others were cursory or contained boilerplate. And TPD does not have a process for intervening more meaningfully with officers who continue to trigger EWS alerts, year after year. We found multiple examples of officers who had repeatedly triggered EWS alerts for force, but were appointed to serve as Field Training Officers, making them responsible for mentoring new officers in their first weeks on the street.

#### **D. TPD Does Not Have Systems to Assess the Impact of Its Enforcement Activities**

Throughout our investigation, members of the public, community leaders, and police officers expressed concern to us that TPD’s unlawful practices fall more heavily on Black and Hispanic people than white people. Because of limitations in the data TPD maintains, the agency is not readily able to assess its enforcement activities for evidence of racial bias. For example, when TPD officers ticket people for low-level violations, the agency has no way to assess whether it is disproportionately targeting non-white people for this enforcement, because it does not maintain data on TPD’s citations. The municipal prosecutor’s office does not maintain aggregate data on its cases, so it is unable to help TPD assess patterns in its citations, including whether certain types of citations are often dismissed by courts or rejected by prosecutors. Additionally, TPD’s stop and arrest forms do not require officers to note a person’s ethnicity, so officers classify Hispanic people based on their skin tone, which typically results in them being categorized as white. These gaps leave TPD unable to assess the impact of its enforcement activities and make any changes that may be required by law.

Below, we recommend changes to TPD's data-collection reporting that would allow TPD to respond appropriately to these assessments.

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## **CONCLUSION**

The Department of Justice has reasonable cause to believe that Trenton and TPD engage in a pattern or practice of conduct that deprives people of their rights under the Constitution. TPD uses unreasonable force and makes unlawful stops, searches, and arrests. These unlawful practices harm the public and undermine public safety. City and TPD leadership have been candid in recognizing the need for reform and have begun making needed changes. We offer proposed remedial measures as a foundation for what we anticipate will be a productive conversation with the City, TPD, and the public about the future of policing in Trenton.



## RECOMMENDED REMEDIAL MEASURES

We commend the City and TPD for the steps they have taken to improve the agency and for not awaiting the outcome of this investigation to take those steps. But they must do more to address the legal violations and the causes of those violations identified in this report. The recommended remedial measures below provide a framework for changes that the City and TPD must make to improve public safety, increase public trust, and comply with the Fourth Amendment.

### Use of Force

- 1. Improve Use of Force Policies and Review Procedures to Prevent the Use of Excessive Force.** Revise TPD policies to address all aspects of use of force. Require officers to use de-escalation techniques and consider less-intrusive alternatives before using force whenever doing so is objectively reasonable. Implement systems to ensure TPD conducts and documents timely and thorough reviews of each use of force. Ensure TPD evaluates the quality of supervisors' force reviews. Implement procedures for supervisors to provide feedback to officers on use of force.
- 2. Improve Use of Force Training.** Provide clear, practical training to officers on when it is appropriate to use different force options. Ensure training includes clear guidance on how to implement de-escalation techniques. Ensure training emphasizes in-person, scenario-based instruction. Ensure training emphasizes scenarios TPD officers frequently encounter. Provide frequent training updates. Ensure officers have sufficient training resources.
- 3. Enhance Force-Related Accountability Mechanisms.** Require TPD to identify policy or legal violations, including body-worn camera policy violations, during force reviews. Ensure internal reviews of force are objective and thorough, and that TPD evaluates officers' compliance with TPD policy regardless of whether officers face criminal charges. Ensure force investigations include facts from multiple sources, including subjects of force and witnesses, whenever possible. Take appropriate corrective or disciplinary action when officers violate force policies. Ensure early warning systems effectively account for use of force.
- 4. Improve Data Collection and Assessment of Force.** Assess data to identify force trends. Develop policies, training, and recommendations to reduce the use of force. Ensure supervisors and command staff have the tools to effectively review force records and data.

- 5. Develop Force Policies Appropriate for the Diverse Communities Served by TPD.** Ensure policies, review processes, and training recognize and are tailored to the unique characteristics and vulnerabilities of the diverse communities served by TPD, including youth, people with behavioral health needs, people with limited English-language proficiency, and unhoused people, among others. Expand use of behavioral health co-responder programs, such as the ARRIVE program. Partner with community groups to the greatest extent possible.

### **Stops, Searches, and Arrests**

- 6. Provide Policy Guidance on Stops, Searches, and Arrests.** Issue policies that give clear guidance to officers on performing constitutional stops, searches, and arrests.
- 7. Improve Training on the Law of Stops, Searches, and Arrests.** Require that officers, including supervisors, are routinely trained on how to conduct lawful stops, searches, and arrests under the Fourth Amendment, and that they are made aware of recent court decisions setting forth the legal standards for reasonable suspicion and probable cause.
- 8. Improve Documentation of Stops, Searches, and Arrests.** Create and implement policies to require officers to specify the basis for reasonable suspicion or probable cause in written reports. Require officers to explain the basis of their decisions with enough specificity to permit supervisors to evaluate the legality of their actions.
- 9. Record All Stops, Searches, and Arrests on Body-Worn Cameras.** Ensure through policies, training, supervision, and accountability systems that officers record all stops, searches, and arrests, in their entirety, on their body-worn cameras. Consistently discipline officers who fail to activate their body-worn cameras when required.
- 10. Improve Supervision of Stops, Searches, and Arrests.** Require supervisors to review written reports and related body-worn camera footage of stops, searches, and arrests to evaluate the legality of officers' actions. Ensure that supervisors promptly report potentially unlawful stops, searches, and arrests to TPD's IA unit. Address documentation and supervision failures related to stops, searches, and arrests through appropriate corrective action, including discipline.
- 11. Implement Diversity, De-escalation, and Cultural Competency Training.** Require officers to attend regular in-person diversity, de-escalation, and cultural competency training.

## Accountability

- 12. Identify, Address, and Document All Allegations Raised in Misconduct Complaints.** Ensure each allegation of misconduct is documented and classified appropriately, and that all allegations are comprehensively reviewed and resolved with appropriate documentation explaining decision-making. Hold supervisors accountable, through appropriate discipline, for failing to report or address misconduct.
- 13. Require Officers to Report Misconduct.** Where officers do not report known misconduct, ensure they are held accountable, through appropriate discipline. Ensure protections against retaliation for officers who report the misconduct of other officers.
- 14. Facilitate Access to the Complaint Process for Members of the Public.** Expressly prohibit all forms of discouragement, intimidation, coercion, or retaliation against any person who makes a complaint. Ensure that when any officer encounters a person who wants to make a complaint, the officer enables the person to submit the complaint in a manner that is appropriate and not burdensome to the person. This may include giving the person the option to complete a written complaint form at the scene, speak to a supervisor, or speak to the IA intake coordinator over the phone. Provide training to all officers on the appropriate procedures and rationale for facilitating civilian complaints.
- 15. Improve Procedures for Investigation Interviews.** Require IA investigators to attempt interviews of people who submit complaints of misconduct. Ensure IA investigators use all reasonable means to contact complainants. Ensure IA investigators make clear complainants have a choice about whether to agree to an interview, and that complaints will be investigated thoroughly, irrespective of what they choose. Ensure IA investigators offer complainants in-person or telephone interviews, do not require oaths or attestations from complainants who give statements. Record all interviews, unless the complainant objects.
- 16. Keep Complainants Informed About the Status of Investigations.** Maintain regular contact with complainants while investigations are in progress. When notifying complainants of the outcome of an investigation, provide specific information about which allegations, if any, were sustained, and disclose any discipline that TPD imposed.
- 17. Improve Quality of Data.** Improve the quality of data TPD maintains on its IA investigations, including through a quality assurance process to confirm each

allegation against each officer is entered separately, along with the outcome and any discipline imposed.

## **Policies**

- 18. Provide Policy Guidance in Critical Areas.** Review TPD's current policies to identify gaps in policy guidance. When state standards govern, issue agency-specific policies consistent with those standards.
- 19. Develop a Centralized Policy Development Process.** Create a process for developing and updating policies consistent with legal requirements, community engagement principles, and sound leadership. Ensure staff members responsible for these tasks have resources to be successful, including training and adequate staffing.

## **Training**

- 20. Develop a Comprehensive Training Plan.** Ensure all officers are regularly trained on constitutional policing, de-escalation tactics, procedural justice, intervening to prevent violations of law or policy, and how to respond to people in crisis.
- 21. Improve and Expand Training Department-Wide.** Use qualified instructors, employ best practices in adult learning, and include outside experts and community-based instructors. Increase annual in-service requirements to ensure officers receive adequate training on constitutional policing. Involve training officials in after-action evaluations of force incidents.
- 22. Improve Training for Supervisors.** Train supervisors to promote effective and constitutional police practices by leading subordinates, monitoring and assessing their performance, evaluating written reports, investigating uses of force, building community partnerships, and de-escalating conflicts.

## **Supervision**

- 23. Require Consistent Activation, De-Activation, and Review of Body-Worn Cameras.** Require officers to consistently activate body-worn cameras to document interactions with the public. Require supervisors to review footage to monitor officer performance and ensure compliance with TPD policies.
- 24. Provide Clear Expectations to Supervisors.** Require supervisors to conduct regular performance reviews of their subordinates. Ensure that supervisors,

including in any proactive units, are providing on-scene supervision to their officers.

- 25. Enhance Early Warning System.** Ensure supervisors take appropriate action when they receive alerts about a subordinate. Document supervisors' decision-making on whether to undertake a preventative intervention. Employ effective, tailored interventions. Institute a system for progressive interventions when officers repeatedly trigger EWS alerts.
- 26. Improve Data Collection and Assessment.** Improve the quality of data TPD maintains and create systems that allow the agency to readily assess its enforcement activities for evidence of racial bias.