

Millville cop tops in the use of force Force - South Jersey Times (NJ) - December 28, 2018 - page 001

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On a Sunday evening in February, Joseph Dixon threw a woman to the ground.

Dixon, an officer with the Millville Police Department, had just finished administering a sobriety test on 50-year-old Audra Capps. She had been pulled over while driving home, city records show, and Dixon told Capps she was under arrest. (She would later plead guilty to driving under the influence and resisting arrest.)

Capps is 5 feet, 4 inches tall and weighs less than 100 pounds, and initially allowed Dixon to take her hands. Then she took a step away. Looking up at Dixon, who stood about a full head taller, she began to back up, according to footage captured by a dashboard camera.

Dixon wrapped his left arm around her neck, lifted her off the ground, swung her over his hip and slammed her into the asphalt.

The pain was beyond anything Capps had felt, she said later in an interview. Worse than a broken ankle and worse than childbirth.

"I can't breathe," she repeated at least four times, according to the video. "I need to go the hospital ... you just broke my rib."

Medical reports later confirmed several broken ribs.

Dixon did not take her to the hospital, and he said on the use-of-force report he filed on the incident that she was not injured. He reported that he simply restrained her.

Police force is sometimes necessary, often painful and rarely pretty.

But what neither Capps nor Dixon knew at that time — what nobody in the state of New Jersey knew — is that during his first three-plus years as a police officer, Dixon reported using force more often than any other cop in the state.

The Force Report, a 16-month investigation by NJ Advance Media for The Star-Ledger, points to Dixon and a small number of other officers across the state as extreme outliers, those who use force far more than their peers.

A high number of uses of force does not necessarily indicate wrongdoing, and numbers can fluctuate based on location or assignment. But experts say outliers who used force at five, 10 or, in Dixon's case, more than 18 times the statewide average merit significant attention.

"That's insane," said Jon Shane, a professor at John Jay College of Criminal Justice in New York and a former Newark police officer, when asked about Dixon's numbers. "It's such a small place that there's no way he could have slipped through the cracks."

"It's not possible that they didn't notice the way he was behaving."

Wayne Fisher, another former Newark cop and a police expert with Rutgers University's Center on Policing, said the amount of injured people Dixon reported was especially striking.

"It's clear by the numbers that you just told me that this warrants greater scrutiny," he said.

Dixon, 27, did not respond to requests for an interview. The police chief in Millville, Jody Farabella, called him "an example of a fine officer" who has never been the subject of a substantiated excessive force complaint. Farabella declined to say how many excessive force complaints in total had been filed against Dixon.

Of the 39 excessive force complaints filed against all Millville officers from 2012 through 2016, not one was sustained, according to the Cumberland County Prosecutor's Office.

"He's in the worst areas," Farabella said, referring to Dixon's duty assignment, "so he's gonna see more than a regular patrolman."

But no matter how you slice it, Dixon stands out in a city of under 30,000 people.

He used force 58 times during his first four years after completing his academy training, averaging more than one incident a month. In contrast, the more than 17,000 New Jersey officers who reported using force over a similar period averaged less than one incident a year.

He accounted for one-tenth of his entire department's use of force, and none of the other 70-plus officers came close to his share. The Millville officer with the second-most uses of force, Jeffrey Profitt, reported 36 incidents in five years, or 7.2 per year, roughly half as often as Dixon. Profitt recently was indicted on charges of brutally beating five suspects and falsifying records. He has pleaded not guilty.

Dixon also reported more injured subjects than all but one other officer in the state, despite the fact that he was active for only four of the five years covered by The Force Report. He also reported being injured himself more than almost any other cop.

A LOCAL GUY

Dixon has roots in the city he patrols. He graduated from Millville Senior High School in 2009, where he was classmates with a local baseball prodigy and future American League Most Valuable Player, Mike Trout. In his senior year yearbook, Dixon wrote that he hoped to become a state trooper.

NJ Advance Media reached out to more than a dozen of Dixon's friends and classmates. Of the few that responded, none was willing to speak on the record.

Dixon, who is white, joined a predominantly white department in the predominantly white city. A photo of his swearing-in hangs near the police station entrance. Twenty-two at the time, he is tall and slim, his right hand raised near a shaved head.

Millville packs a wide range of demographics into 42 square miles. To the east of East Broad Street, which cuts horizontally across the city, are four-bedroom homes on sprawling lawns. To the west, lots shrink, weeds burst from sidewalks and home values plummet to less than \$50,000.

The poorer part of the street is where Dixon and other officers have been called frequently, and several residents described regular harassment from cops.

The police often made little distinction between dangerous criminals and jaywalkers, said residents who spoke with NJ Advance Media. Male officers performed invasive searches on female subjects, they said, and complaints were not taken seriously by the department.

"I know Dixon, but he's not the only one," said Christina Hooper, standing on a Broad Street porch.

Last year, a passerby filmed a Millville officer repeatedly punching a man in the head. Although the story was covered by local media, those reports did not identify the officer.

City records show it was Dixon.

He and another cop had stopped Barry Cottman, 34, for allegedly jaywalking. In an investigation report, Dixon wrote that Cottman had walked diagonally across the street, "failing to use 90-degree turns as required by state law." When Cottman wouldn't give his name, Dixon tried to place him under arrest and said Cottman repeatedly pushed away.

Dixon wrestled Cottman to the ground, the investigation report said.

"I then delivered two closed fist strikes to the face of Cottman in order to gain compliance," Dixon wrote.

Cottman's arm later hit Dixon's leg, according to the report, so Dixon struck twice more as Cottman kept his hands tucked under his body. Photos taken the next morning in an emergency room showed Cottman's right eye still swollen, and a line of stitches along his upper lip.

Cottman was ticketed for jaywalking and charged with disorderly conduct, resisting arrest, aggravated assault on a police officer and two counts of obstruction. One of the obstruction charges and the assault charge have been dismissed, court records show. The rest are pending.

An attorney for Cottman, Justin Loughry, questioned whether jaywalking was a justification for such a violent encounter.

"He's saying that Barry is squirming underneath him," Loughry said. "So does that give you an excuse to start pummeling his head?"

Loughry said he was awaiting the outcome of the criminal trial before potentially filing an excessive force lawsuit.

Cottman's mother said she filed an excessive force complaint against Dixon, but that the department told her he was justified in his actions.

In the case of Audra Capps, the woman Dixon threw to the ground, she recently notified the city she plans to file a lawsuit.

The city has faced others in recent years. In 2015, it agreed to pay \$40,000 to settle claims that a Millville officer pointed his gun at a 13-year-old boy after telling him not to ride a dirt bike in the woods. In 2010, the city agreed to pay \$100,000 to a woman who said she was beaten after being stopped while riding her bicycle.

The city did not admit wrongdoing in either case.

It's difficult to assess how much scrutiny officers in any department receive because few, if any, internal records are public.

Millville doesn't use body cameras, and although a supervisor is supposed to review every incident in which force is used, five of Dixon's use-of-force forms were missing a supervisor signature. On another, Dixon signed it himself. Farabella said he did not know why that would have happened.

RACIAL DISPARITIES

Most people Dixon used force against were black or Hispanic, according to his forms. The same is true of the department as a whole. While black people account for about a fifth of the adjusted population and made up almost half of all arrests, they accounted for more than half of all uses of force.

Compare that to white people, who account for 63 percent of the population and made up more than half of all arrests, but only accounted for a little more than a quarter of all uses of force.

Put another way, a black person arrested in Millville was more than twice as likely to face police force than someone who was white.

Farabella said the department did not discriminate.

"The hot spots, that's where the officers focus," Farabella said. "If the demographics are more black or more white in those areas, I mean, the officer can't pick and choose what call he goes on."

Having to react to calls as they come in makes it difficult to build relationships around town, said Rick Morales, a former Millville cop. That makes a hard job even harder.

"All they're doing is just going from call to call to call," Morales said. "That's the problem."

Residents and officials described a department that is young and short-staffed. At a neighborhood

watch meeting earlier this year, concerned citizens questioned officers about ways to make the city safer. Sgt. Daniel Ayars was asked if more training would help recently hired cops.

"We're such a young police department," Ayars told the group, not speaking specifically about use of force. "These guys have gotten training out of the police academy and they continue to get training — they just don't have the experience."

Near the beginning of the Great Recession, Millville had 83 full-time officers. In 2016, the most recent year available from the State Police, that number had slid to 74 even though the city's population had remained relatively constant.

"Years ago, there was a pool of applicants," Farabella said. Now? "There's puddles of applicants."

Shrinking budgets also made hiring difficult, he said.

Furthermore, even though officers are working in a small city, they're still facing big problems. In 2017, Millville's violent crime rate ranked among the top 25 highest in New Jersey, according to statistics released by the Federal Bureau of Investigation.

Jonathan Merki, a local pastor who volunteers as a department chaplain, said he had seen a lot of good work done by a lot of officers.

"By and large, I'm impressed," Merki said.

HIGH HONORS

On a Saturday morning in April, Dixon slammed on his brakes in the middle of Holly Berry Lane.

He stepped outside his vehicle, gun drawn. In front of him was a stopped SUV that several cops had chased south from Winslow Township. Inside was a man named **Jose Pietri**, wanted on suspicion of murdering a man and wounding the mother of his two young children.

Dixon lifted his left hand off his gun to push a young girl fleeing the scene to safety. He lifted his hand again to motion downward as Pietri stepped outside.

Pietri didn't lay down but, based on video taken from a dashboard camera, faced forward and appeared to lift at least one arm.

Dixon fired 14 shots in about six seconds. Pietri's chest jerked, as if struck by a baseball bat, and then he slid to the ground, his back briefly propped up by the driver-side door. Dixon kept firing as asphalt burst upward around Pietri's body.

On his use-of-force report, Dixon said that Pietri had fired at a police officer. Pietri was pronounced dead later that day.

The shooting initiated an automatic review overseen by the county prosecutor. That investigation remains open.

Farabella nominated Dixon for a Public Safety Officer Medal of Valor. If he wins, Dixon likely will meet the president of the United States.

NJ Advance Media reporters Disha Raychaudhuri, Rebecca Everett, Erin Petenko, Craig McCarthy and Carla Astudillo contributed to this report.

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