

Memorandum To: William A. Hogan
 Chief of Police

From: Lieutenant Sean C. Pound
 Office of Professional Standards

Date: January 31st, 2009

Subject: Analysis of Use of Force Reports 2008

A total of 136 incidents involving the use or display of force were reported by Asheville Police officers during 2008. These incidents were documented on 125 Subject Action Resistance reports and 38 Show of Force Reports, including 14 cases where a single incident was documented separately by more than one officer. Seven of the cases involved the use of force (Firearm or Chemical) against an animal. The use of force by type of application for 2008 compared to previous years is illustrated below. (See Figure 1)

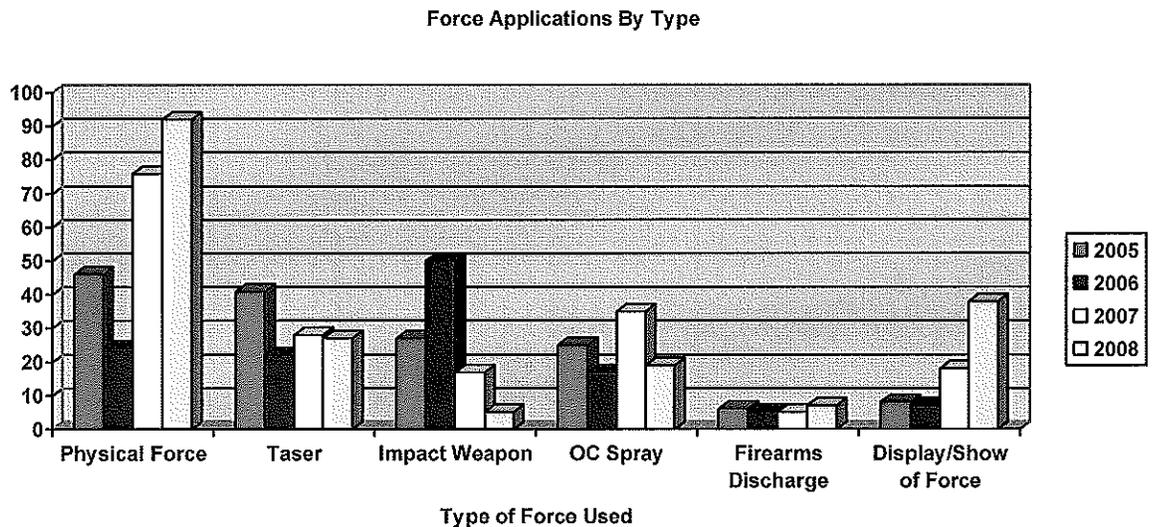


Figure 1 Note: The total number of force applications shown is greater than the total of reported incidents due to some incidents requiring varied or multiple applications of force.

There were several changes in the applications of force from 2007 to 2008. Incidents in which a display of force was used increased from 19 to 38. The number of instances in which a physical struggle was reported increased from 76 to 92. The use of impact weapons (ASP Baton) decreased from 19 cases in 2007 to 5 in 2008. Applications of OC Chemical spray were down to 19 instances from 35 applications in 2007. Officers deployed the Taser 27 times during 2008 as compared to 28 deployments in 2007. Pepperball rounds were utilized for crowd control situations in six separate incidents.

2008 Use of Force Reports By Officer

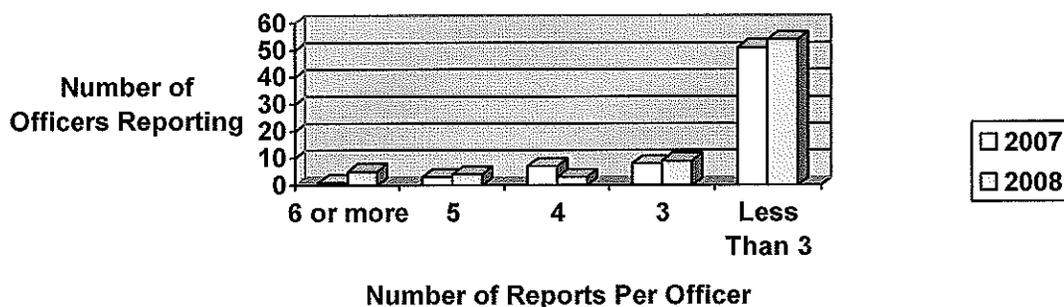


Figure 2

The number of officers completing reports increased from 70 in 2007 to 75 officers reporting use of force in 2008. The number of officers reporting four or more use of force incidents remained relatively consistent with a total of 11 officers for 2007 and 12 officers for 2008.

Use of Force/Show of Force Incidents By Month

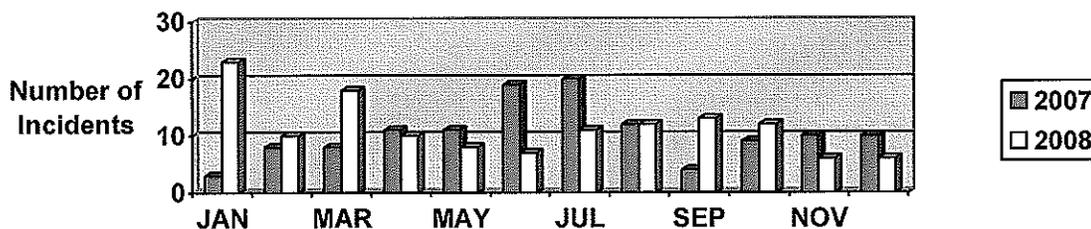


Figure 3

Figure 3 (above) illustrates the number of incidents involving use/show of force by month ranging from 23 incidents in January to 6 incidents reported in November and December. There were a significant increase in the number of incidents reported in January and March, but a reduction in the number of incidents reported during the summer months as compared to 2007.

Show of Force/Use of Force Incidents By Day of Week

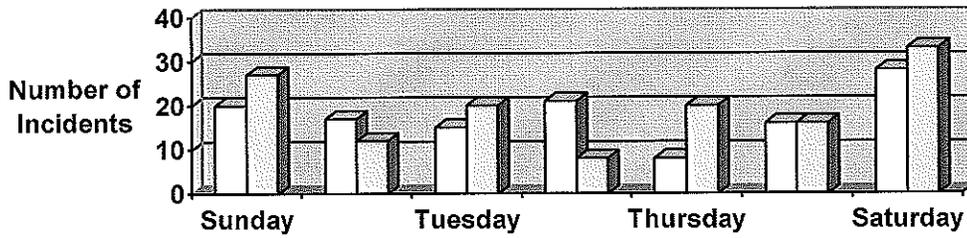


Figure 4

2008 Show of Force/Use of Force Incidents by Hour of Day

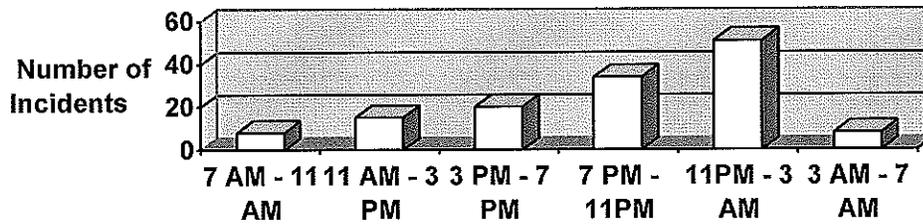


Figure 5

Figures 4 and 5 (above) illustrate the frequency of force incidents by day and time period. As in previous years, use of force incidents occurred most often on Saturdays and during the period from 11 PM to 3 AM

2008 Force Incidents by Ethnicity/Gender

Ethnicity/Gender	# of Incidents
White Male	56
White Female	5
Black Male	53
Black Female	5
Hispanic Male	1
Hispanic Female	0
Unknown/Undetermined/Crowd	3

Figure 6

(Table does not include 13 incidents of force involving crowd situations, unidentified Subjects or force used on dangerous animals)

In 2008 the Asheville Police Department received 114,007 calls for service and reported 136 incidents involving the use or display of force. Using this data, incidents involving force or show of force occur once per 838 calls for service or 0.001%. While it is recognized that each call for service does not involve face-to-face contact with citizens, there are also a significant number of direct contacts which are not documented. Such contacts include citizens approaching officers for advice, giving directions to motorists and other informal activities which are not documented in CAD. Even if direct contact occurred in only 10% of reported calls for service, the use or display of force would occur in only 0.01% of all contacts. This figure is a fraction of the average of 1.3 % reported in the 2002 U.S. Department of Justice survey for municipalities with populations under 100,000.

2008 has shown an increase in the number of incidents resulting in the display or use of force. The department has continued to place emphasis on force-related training during the course of the year. In addition to mandated training for recruits during the department's police academy, in-service training related to force issues has included:

- Review of Deadly Force Law/Policy (Annual Firearms Qual.)
- Annual Legal Update Training
- ASP Baton Recertification
- Legal Aspects of Use of Deadly Force Situations Involving Moving Vehicles
- Weapons Retention Training

All use and show of force reports submitted in 2008 received a chain-of-command review to ensure compliance with applicable policy, procedure and law. Additionally, Force Reports are reviewed by the Force/Pursuit Review Committee to ensure compliance with standards, and identify applicable training needs or policy modifications.