

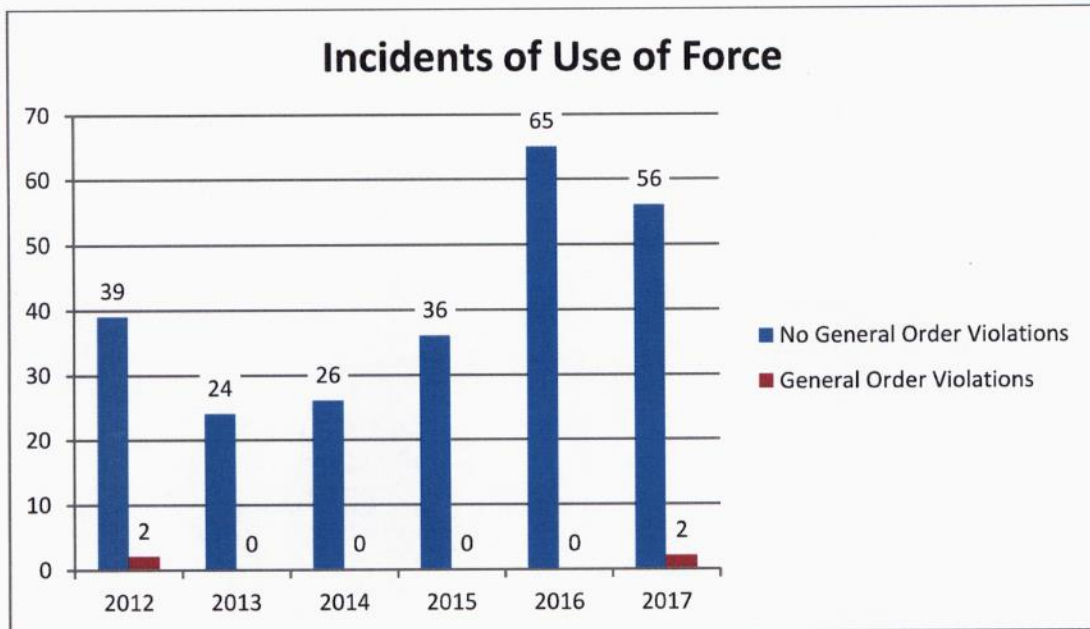
# **LEWISVILLE POLICE DEPARTMENT**



## ***Annual Use of Force Report 2017***

*Prepared by: Detective Billy Wilson / Internal Affairs*

In 2017, the Lewisville Police Department documented the “Use of Force” in 56 incidents involving 68 police officers or detention officers. This year’s total is a 13.8% decrease from 2016. The bar graph (below) shows a comparison of 2017 with the previous five years.



The Safety Review Board and Administration reviewed the incidents. The last four years had a 100% adherence rate regarding Department policies during “Use of Force” encounters. In 2017, there were two (2) instances out of fifty-six (56) “Use of Force” events where a policy violation occurred.

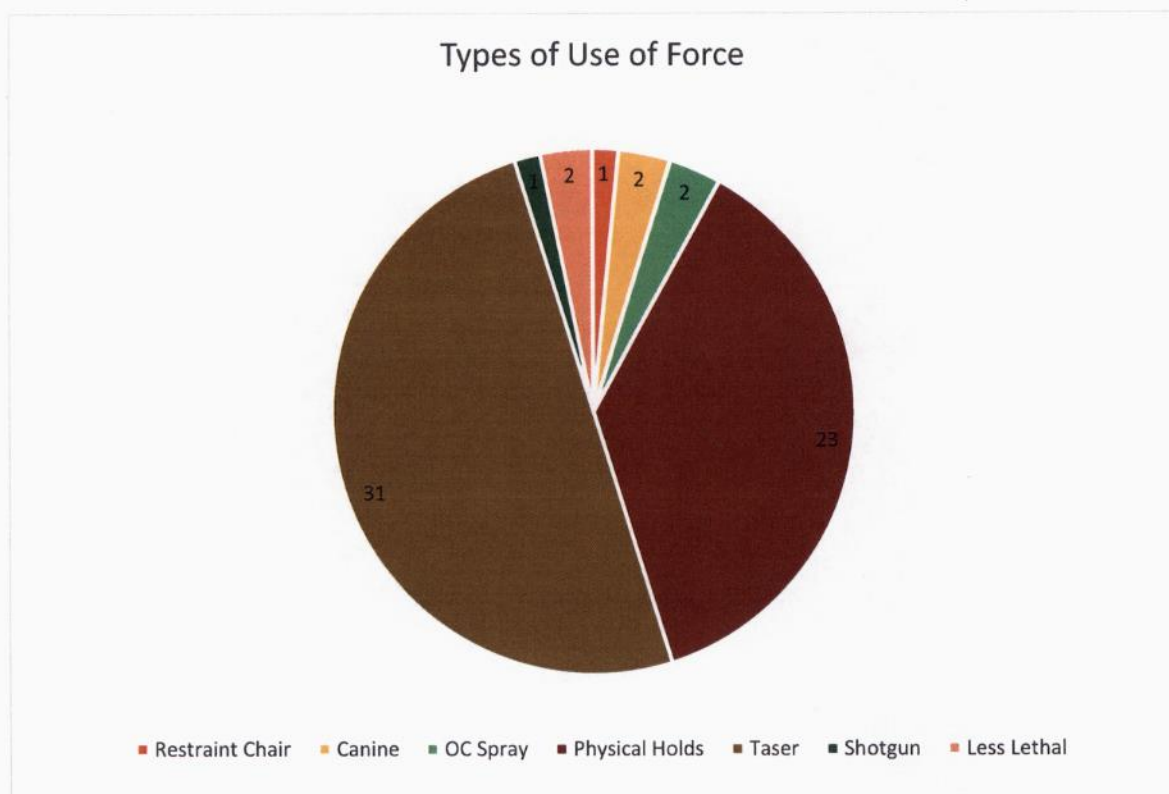
Report 17-23 – Officer Lopez was disciplined for GO 4.1.VII.C.8: *Tasers are not intended to be used on handcuffed individuals except when faced with continued violent resistance.* GO 4.1.VII.D.6: *Once a subject is incapacitated or restrained, use of the Taser is no longer justified. Tasers should not be used to gain compliance with a subject who is not actively resisting or being violent (i.e. attempting to move the subject into optimum handcuffing position by giving Taser bursts.)*

Report 17-55 – Officers Mallory and Persinger were disciplined for GO 4.1.VII.C.11: *Officers should maintain a safe distance from the suspect, between four and 21 feet. a. Additional cycles may be used if the initial cycle proves ineffective or the suspect becomes violent once more. b. Officers should move quickly to handcuff the subject, so that repeated cycles are not necessary. c. Officers should not use more than three cycles, except when faced with continued violent resistance and officer(s) are unable to control the subject.* GO 4.1.VII.D.1: *Effects of Tasers and Officer Response 1. A person that has been restrained by the use of a Taser will be examined by paramedics at the scene to determine if the suspect should be transported to a hospital.*

Both violations stemmed from the deployment of the Taser; this could suggest that additional training is needed in this area of force.

The 56 incidents were reviewed to determine what types of force the officers used.

The chart below shows what force was utilized by officers in 2017.



The deployment of the Conducted Energy Device (CED) was the highest force used at 55%. Physical holds were the next highest force used at 41%. This is a reversal of last year where physical holds led with 73% and Conducted Energy Device (CED) was 66%. In 2017, OC Spray was used twice and there were two successful K9 Bite apprehensions. The suspect in both K9 cases was treated/released at the hospital for puncture wounds and abrasions. There was only one use of lethal force in 2017, when an officer discharged a shotgun to end the suffering of horses injured in a collision on the highway.

Officers documented injuries to the suspects in 25 of the “Use of Force” incidents. All the injuries were “minor” and were either not treated or were treated and

released from the hospital. Nine officers reported a minor injury during an altercation with a suspect.

Officer J. Carlson used force more than any other officer. He utilized force seven (7) times during the year, an increase from four (4) the previous year. Officer J. Slye utilized force six (6) times during the year, an increase from two (2) the previous year. Officer C. Bannister utilized force five (5) times during the year, a decrease from six (6) the previous year. It should be noted that Officer C. Bannister is no longer employed by the City of Lewisville. There were four (4) officers who utilized force four (4) times during the year. Seven (7) officers utilized force three (3) times, twenty-five (25) officers utilized force two (2) times and, twenty-nine (29) officers utilized force once during the year.

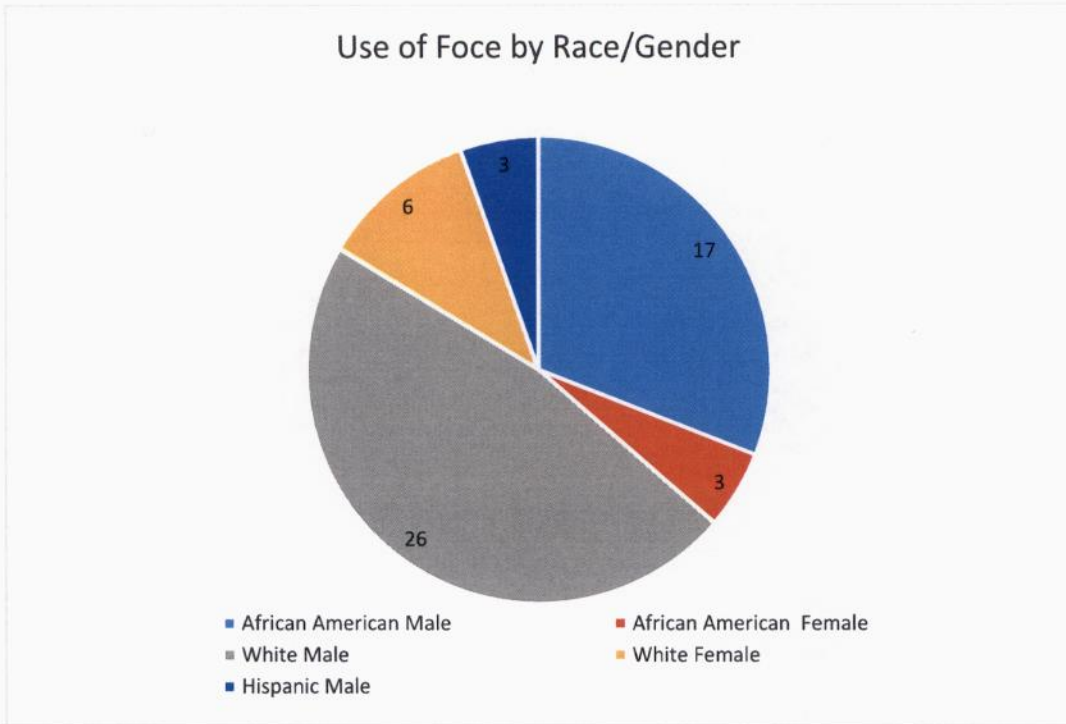
The spreadsheet below illustrates the officer and related "Use of Force" incidents.

Officer	Number of Incidents	Use of Force Report Number
C. Bannister	5	17-03, 17-06, 17-10, 17-11, 17-13
J. Barrett	3	17-23, 17-27, 17-45
D. Bartlett	1	17-34
P. Bennett	2	17-28, 17-30
D. Binion	1	17-12
R. Brininstool	2	17-01, 17-33
K. Bryson	1	17-15
J. Carlson	7	17-03, 17-06, 17-10, 17-13, 17-36, 17-47, 17-52
C. Cassels	2	17-30, 17-32
C. Clements	2	17-04, 17-25
J. Collins	3	17-17, 17-18, 17-47
J. Copley	1	17-34
A. Criswell	2	17-19, 17-40
DO DeVeyra	1	17-04
J. ell	2	17-48, 17-49
J. Fernandez	2	17-33, 17-54
C. Fishbein	1	17-31
J. Fleming	1	17-21
J. Flores	1	17-24
A. Fredrick	1	17-34
M. Gilleland	2	17-02, 17-22
S. Gordon	1	17-43
J. Hart	4	17-20, 17-26, 17-50, 17-53
J. Henninger	1	17-06
M. Hernandez	2	17-23, 17-43
C. Herring	1	17-54
G. Hopper	2	17-17, 17-18
C. James	1	17-48
R. Jones	2	17-45, 17-54
C. Letalien	1	17-25
R. Limon	3	17-19, 17-24, 17-52
L. Lopez	1	17-23
C. Loughry	2	17-08, 17-39
A. Mallory	2	17-42, 17-55
J. Martinez	1	17-03

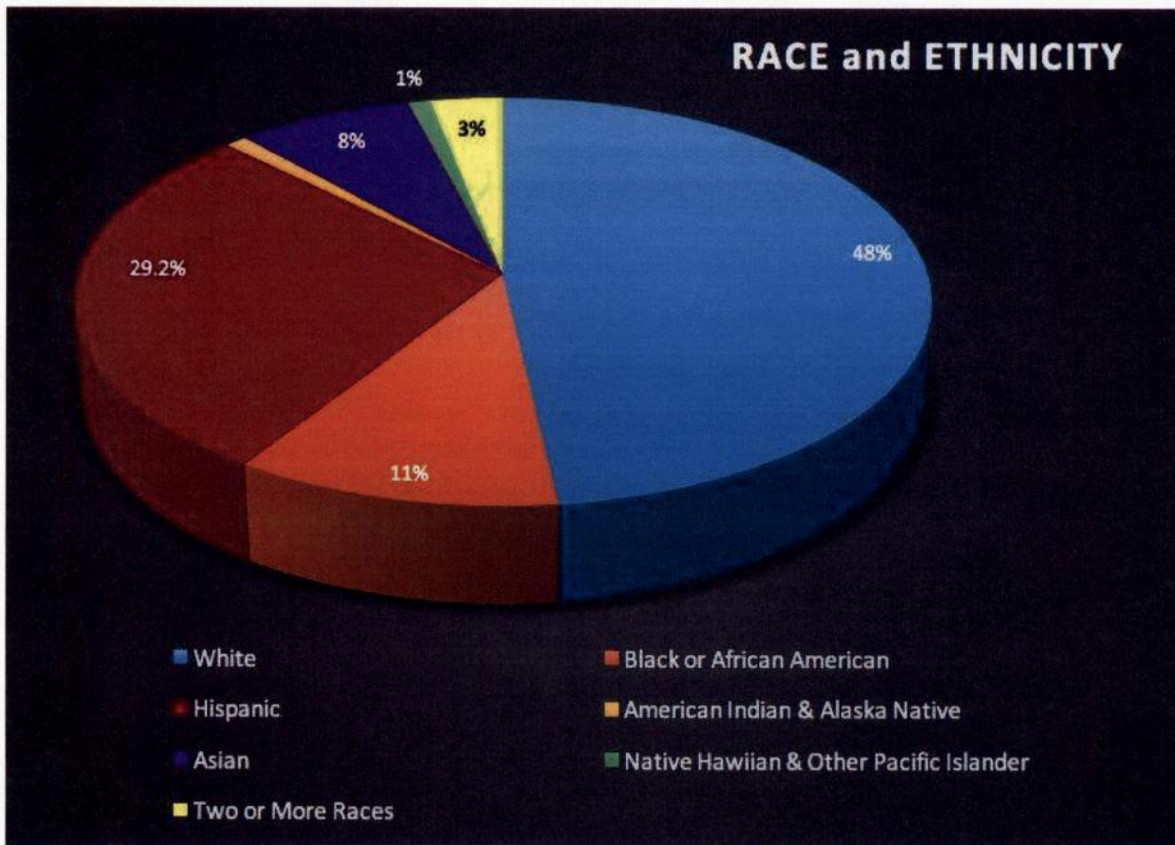
S. Menz	1	17-51
S. Michaelson	2	17-41, 17-54
M. Mitchell	2	17-14, 17-29
J. Montoya	2	17-01, 17-56
D. Nicaud	3	17-01, 17-12, 17-34
G. Nichols	1	17-14
T. O'Hare	2	17-11, 17-41
P. Oldaker	2	17-37, 17-56
J. Olvara	3	17-27, 17-37, 17-46
K. Payne	3	17-27, 17-46, 17-53
J. Persinger	1	17-55
M. Popick	2	17-09, 17-19
J. Powell	1	17-43
D. Ranspot	1	17-19
J. Reid	4	17-07, 17-20, 17-36, 17-38
J. Reyna	2	17-17, 17-18
A. Richardson	2	17-35, 17-42
J. Robey	3	17-17, 17-18, 17-44
E. Rollins	2	17-17, 17-18
M. Rosales	2	17-01, 17-14
J. Ruff	1	17-23
B. Shelton	4	17-17, 17-18, 17-31, 17-32
L. Slavens	1	17-28
J. Slye	6	17-06, 17-38, 17-39, 17-48, 17-50, 17-53
L. Smith	1	17-32
T. Stebbins	4	17-22, 17-29, 17-41, 17-46
R. Steinle	1	17-09
G. Stilwell	2	17-05, 17-28
DO Taylor	1	17-04
W. Thompson	1	17-47
K. Tice	1	17-16
D. Vernier	1	17-42
E. Villalvazo	2	17-09, 17-19

The next chart provides a breakdown of the 55 "Use of Force" reports by Race/Gender. The chart does not include the one incident involving the use of force against a horse.

Use of Force by Race/Gender



The correlation between demographics and the uses of force is consistent for most races. Caucasians make up approximately 48% of the population in the City of Lewisville and accounted for 58% of uses of force. Hispanics make up 29% of the population and accounted for 5% of the uses of force. African Americans make up 11% of the population and represented 36% of the uses of force. The chart below shows the latest demographics for the City of Lewisville.



### Use of Force Analysis for 2017

Our policy on “use of force” appears to be adequately guiding our personnel on this topic. In 2017, there was one Internal Affairs investigation for violation of GO 4.1 “Use of Force” that was sustained due to the display of a handgun. Officer C. Bannister violated GO 4.1.III.D.1: *Any police officer exhibiting a firearm will comply with these restrictions: 1. Except for maintenance or during training, police officers will not draw or exhibit firearms unless circumstances create reason to believe that it may be necessary to use the weapons in accordance with this directive.*

The department recently purchased a firearms simulator that will allow officers to utilize different levels of force as needed. We will continue to utilize realistic training to give our officers the best chance to succeed in the field.

Types of Force used:

- Thirty-One (31) – Taser
- Twenty-Three (23) – Physical Holds
- Two (2) – OC

- Two (2) – Canine
- Two (2) – Less Lethal
- One (1) – Restraint Chair
- One (1) – Shotgun (Put down injured horse)

#### Apprehensions:

- Fifty-Five (55) – The suspect was apprehended successfully in all incidents where officers reported using force. The other incident involving the use of force to end the suffering of the horse is not in this calculation.

#### Policy Violations:

- Report 17-23 – GO 4.1.VII.C.8
- Report 17-55 – GO 4.1.VII.C.11

#### Injuries:

- Nine (9) Officers – Injuries reported by officers. No other serious injuries were reported.
- Twenty-Five (25) Suspects – Injuries alleged or documented by officers while using force. Sixteen (16) injuries required transport to the hospital for minor injuries and most refused treatment on arrival.

#### Intoxication

- Thirty-Two (32) – Of the fifty-five (55) people that force was required to be used 58.18% of them were intoxicated.

### **Recommended Action Steps**

- Conduct regular briefing training that covers GO 1.5 in detail and document this training. This GO outlines the reporting requirements for documenting a “Use of Force” and continued training will aid in preventing the number of “Use of Force” incidents from being misreported.
- Conduct regular briefing training that covers GO 4.1 Use of Force.



- Conduct quarterly use of force simulator training in 2018 and document this training.
- Continue to conduct "Use of Force" Refresher training.

**Command Review:**

Any actions to be taken: I agree that we should follow all recommendations. The simulator training could be difficult, due to time constraints, but every effort should be made.



Kevin Deaver, Asst. Chief of Police

01/29/2018

Date

Any actions to be taken:

Russell  
Kerbow

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Russ Kerbow, Chief of Police

01/29/2018

Date