

Behrens, Ryan (OPD)

From: Behrens, Ryan (OPD)
Sent: Monday, April 08, 2013 11:03 AM
To: Gonzalez, D/C Greg (OPD)
Cc: Kelly, Capt Diana (OPD); Stone, Suzanne (OPD); Preston, Marlena (OPD)
Subject: Annual Use of Force Analysis
Attachments: Use of Force Analysis (2012).pdf

D/C Gonzalez – Please find attached the 2012 Use of Force Analysis.

Thanks to Suzanne and Marlena for their help.

Ryan

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INTER-OFFICE COMMUNICATION

POLICE DEPARTMENT

“To Serve and Protect”

8 April 2013

TO: Deputy Chief Greg Gonzalez
FROM: Ryan Behrens, Research & Planning, C958
SUBJECT: 2012 Annual Use of Force Analysis – CALEA Standard 1.3.13

OVERALL USE OF FORCE

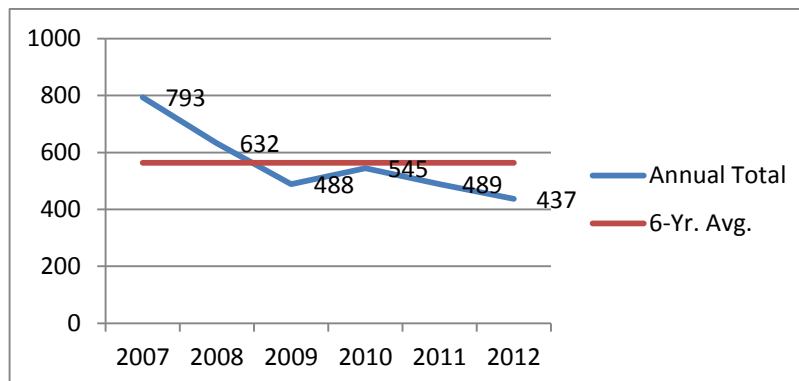
Omaha police officers are obligated by agency directive and local law to use only the amount of force necessary to achieve lawful objectives. Due to the serious nature of force incidents, the Omaha Police Department (OPD) utilizes a standard Use of Force reporting system that allows command staff to review and analyze Use of Force incidents. Command officers draw on this reporting system to identify trends, improve training and employee safety, and provide timely information to the public.

In 2012, OPD officers were involved in 437 Use of Force incidents. This is a six-year low which is 22.5 percent below the six-year average of 564 incidents, and 44.9 percent below the six-year high of 793 in 2007 (see Table 1). Overall Use of Force Incidents have steadily decreased since 2007. (see Chart 1).

Table 1: Reported Use of Force Comparison: 2007-2012

	2007	2008	2009	2010	2011	2012	6-yr avg.
Discharge of Firearm	74	79	69	62	53	60	66.17
K-9 Apprehension	10	1	2	7	1	6	4.5
Use of Baton	15	4	9	3	6	4	6.83
Use of Bodily Force	477	420	313	366	341	284	366.83
Use of Mace	39	39	23	24	29	20	29
Use of Pepperball	36	14	10	5	11	3	13.17
Use of Taser	142	75	62	78	48	60	77.5
TOTAL	793	632	488	545	489	437	564

Chart 1: Use of Force (2007-2012)



USE OF FORCE – INDIVIDUAL CATEGORIES

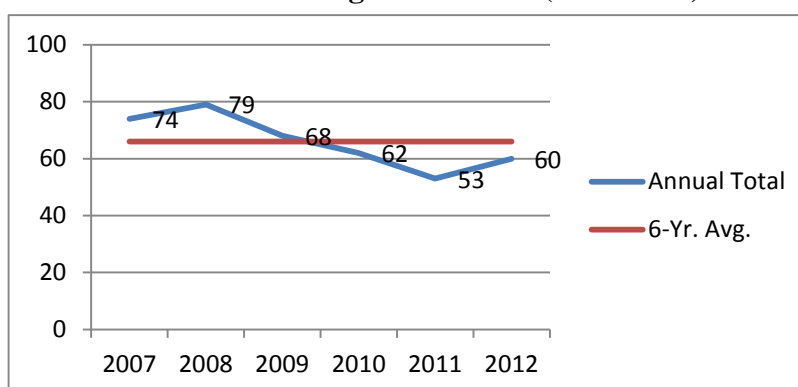
Discharge of Firearm

OPD officers may use deadly force only when they reasonably believe the action is in defense of human life, or to safely and humanely put down a gravely injured animal. Policy prohibits officers from firing warning shots. Any officer involved in a Discharge of Firearm incident is subject to a thorough investigation in which the incident is reviewed by the Safety Review Committee (SRC) for policy compliance and possible safety and/or training issues. The SRC submits recommendations to the chief of police, who either accepts or rejects the recommendations. In 2012, there were 67 officers involved in 60 Discharge of Firearm incidents. These incidents fell into four categories including: (1) deer, (2) dog, (3) person/vehicle, and (4) accidental (see Table 2). The 60 incidents in 2012 were nine percent below the six-year average of 66 incidents per year. Although Discharge of Firearm incidents increased by seven from the previous year, the number of incidents in 2012 was 24.1 percent below the six-year high of 79 incidents in 2008 (see Chart 2).

Table 2: Discharge of Firearm – 2011 vs. 2012

	2011	2012
Deer		
Incidents	33	38
Officers Involved	33	39
Dog		
Incidents	10	12
Officers Involved	13	15
Person/Vehicle		
Incidents	8	6
Officers Involved	11	9
Horse		
Incidents	1	0
Officers Involved	1	0
Accidental		
Incidents	1	4
Officers Involved	1	4
Total		
Incidents	53	60
Officers Involved	59	67

Chart 2: Discharge of Firearm (2007-2012)

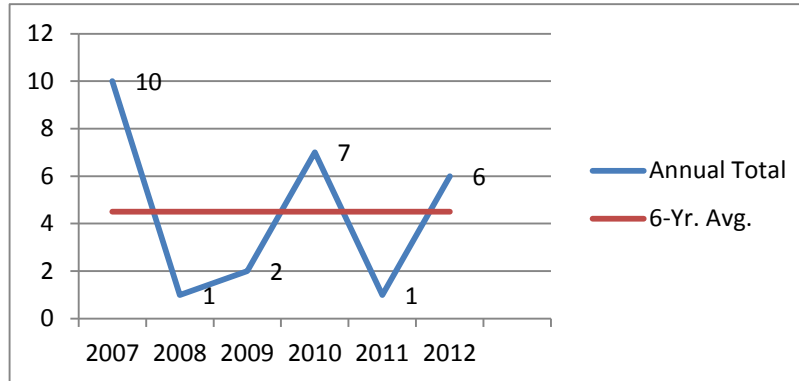


Recommendations: Discharge of Firearm incidents have generally declined since 2008, with annual decreases of 14 percent (2009), nine percent (2010), and five percent (2011). The total of 60 incidents in 2012 was up seven incidents (13 percent) from the previous year. Despite the increase, the 2012 total is six incidents below the six-year average of 66 incidents. Furthermore, 63.3 percent of all 2012 incidents involved officers discharging firearms to humanely put down injured deer. Due to the annual increase of seven incidents, plus the high number of accidental discharges (four), it is recommended that officers receive some form of firearms safety refresher training.

K-9 Apprehension

OPD K-9s are primarily used to search for and locate controlled substances and persons; however, it is sometimes necessary to use K-9s to apprehend suspects in situations when officer safety is at risk. Using a K-9 to apprehend a suspect is an option K-9 handlers use only when necessary; therefore, K-9 Apprehensions occur infrequently. Annual K-9 Apprehensions during the last six years have varied between a low of one in 2008 and 2011, and a high of 10 in 2007. The 2012 total of six K-9 Apprehensions is 1.5 incidents above the six-year average of 4.5 incidents (see Chart 3).

Chart 3: K-9 Apprehension (2007-2012)

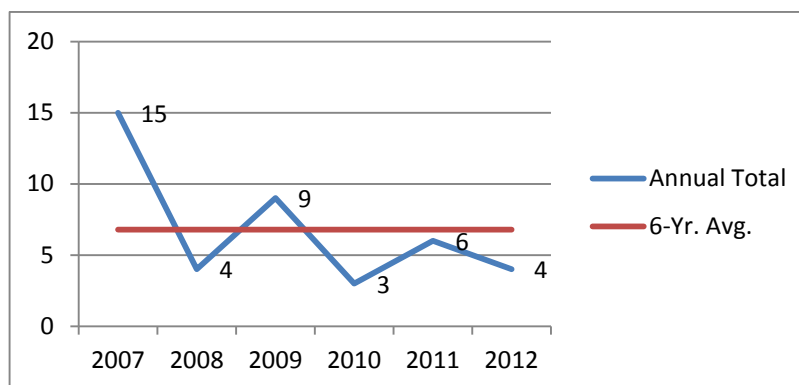


Recommendations: K-9 Apprehensions increased from one in 2011 to six in 2012. While the number of incidents is too low to be statistically significant, it should be noted that the number of incidents in 2012 is higher than the six-year average. Due to the low number of K-9 Apprehensions, there are no recommended changes in practice or policy at this time.

Use of Baton

OPD officers who choose to carry a baton are allowed to use it as a primary impact weapon to protect themselves or others from potential or actual bodily harm. Officers who carry batons are authorized to use the weapon to subdue a subject who refuses to comply with verbal commands, and who has displayed – through words or actions – behavior indicating the subject will resist arrest or assault the officer. Use of Baton by officers four occasions in 2012, which is 2.8 incidents below the six-year average of 6.8 incidents (see Chart 4).

Chart 4: Use of Baton (2007-2012)



Use of Baton (continued)

Recommendations: Use of Baton by OPD officers is a rare occurrence. With a six-year average of only 6.8 incidents per year, and only four incidents in 2012, it is impossible to gauge the significance of any yearly fluctuations. What is clear is that there have been no major findings of wrongdoing in the few instances where Use of Baton occurred; therefore, there are no recommended changes to department policy or training.

Use of Bodily Force

Use of Bodily Force includes force without a weapon. Use of Bodily Force often includes several types of force during a single incident. For instance, an officer may use a double-leg sweep and LVNR/ULNR during the same incident. Therefore, Use of Bodily Force by type of force always outnumbers Use of Bodily Force by incident. Officers averaged 366.8 Use of Bodily Force incidents during the six-year period from 2007 to 2012, and incidents decreased by 40.5 percent from 2007 to 2012 – from 477 incidents in 2007 to 284 incidents in 2012 (see Chart 4). Included in these 284 Use of Bodily Force incidents in 2012 were 477 different Use of Bodily Force types (see Table 3).

Chart 4: Use of Bodily Force Trend by Incident (2007-2012)

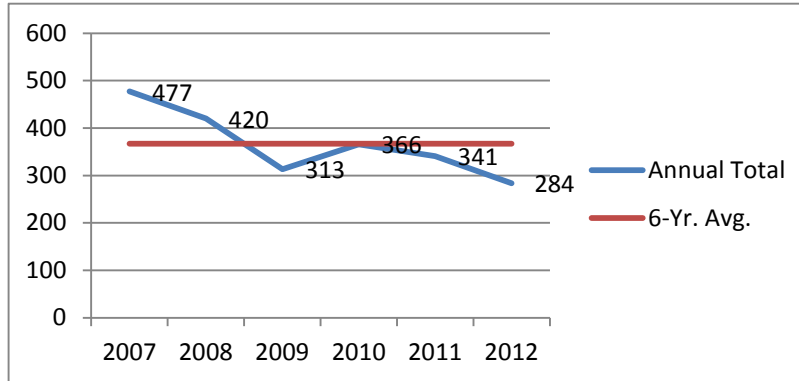


Table 3: Use of Bodily Force by Type – 2011 vs. 2012

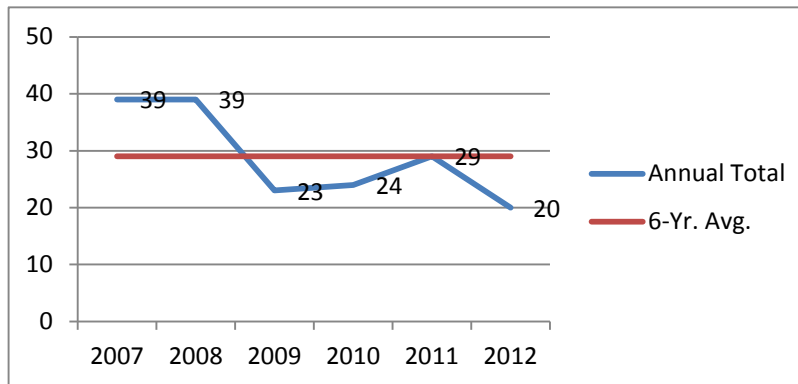
Force Type	2011	2012
Brachial Stun	48	21
Double Leg Sweep	17	11
Hand Strike	114	86
Hard Empty Hand Control	45	N/A
Joint Lock	15	N/A
Knee Strike	107	79
Leg Strike	26	7
LVNR / ULNR	58	50
Pressure Point	10	21
Single Leg Sweep	71	56
Soft Empty Hand Control	181	N/A
Takedown	165	146
TOTAL	857	477

Recommendations: Use of Bodily Force incidents accounted for 65.9 percent of all Use of Force incidents in 2012. The total number of Use of Bodily Force incidents in 2012 was far below the number of such incidents in any other year during the six-year period. While the substantial decrease is a positive sign, the frequency of Use of Bodily Force incidents inherent to policing in a city of more than 400,000 residents requires officers to continually train on bodily force techniques and policies. It is recommended that officers continue to receive mandatory annual in-service training in bodily force techniques and policies.

Use of Mace

Officers may use chemical agents when empty hand control techniques are ineffective or inappropriate. Deployment of chemical agents should include the use of verbal commands before, during and after use, when tactically feasible. Officers averaged 29 Use of Mace incidents between 2007 and 2012; including 20 Use of Mace incidents in 2012 (see Chart 5).

Chart 5: Use of Mace Trend (2007-2012)

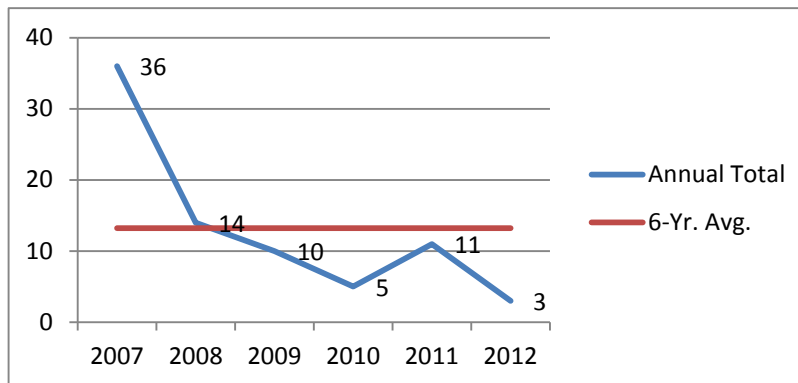


Recommendations: Officers are using mace less frequently in recent years. After a 41 percent reduction in the Use of Mace between 2008 and 2009, and a slight increase between 2009 and 2011, incidents dropped to their lowest level in the six-year period during 2012. No changes to OPD policy or training are recommended at this time.

Use of Pepperball

Officers certified in Use of Pepperball are allowed to use the pepperball weapon system as an intermediate weapon. Pepperball is used to deescalate potentially dangerous situations when lesser force options would likely be ineffective to establish control, and where deadly force is not appropriate. Prior to deploying the pepperball weapon system, officers must take into account the safety of innocent bystanders, other officers, and the suspect. Officers averaged 13.2 annual Use of Pepperball incidents during the six-year period, and Use of Pepperball incidents in 2012 were the lowest in the six-year period (see Chart 6).

Chart 6: Use of Pepperball Trend (2007-2012)

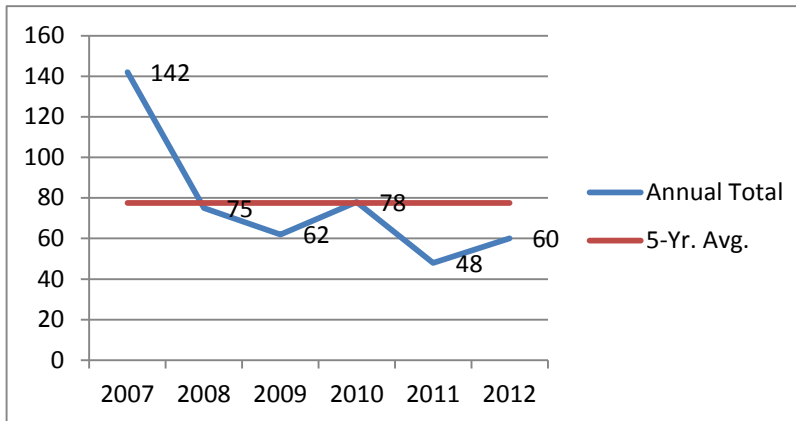


Recommendations: Omaha police officers have deployed the pepperball weapon system fewer than 15 times annually since 2008. This is less than half as often as the system was used in 2007. There are no recommendations for policy or training. It is recommended that officers continue to be judicious in their use of pepperball.

Use of Taser

Officers may use electronic control devices (Tasers) to control a potentially dangerous or violent subject when the subject – through words or actions – communicates that he/she may soon resist, oppose or attempt to flee from an officer making a lawful arrest or detention. A Taser may also be used if a person poses a risk to him/herself. Only certified officers may carry the Taser. Over the past six years, officers have significantly reduced Use of Taser incidents. While Use of Taser increased by 25 percent in 2012, incidents are still down by 57.7 percent from 2007 (see Chart 7).

Chart 7: Use of Taser Trend (2007-2012)



Recommendations: *The OPD experienced a 25 percent increase in Use of Taser from 2011 to 2012. This came after a significant reduction in Use of Taser incidents in recent years – a reduction likely due to a combination of three factors: (1) fewer officers carrying Tasers; (2) revised department policy regarding use of Tasers; and (3) enhanced Use of Force training for active officers over the last six years. Although the 2012 total is still 22.6 percent below the six-year average, it is wise to note the recent increase and continue providing quality annual Use of Force training to all officers.*