



INTER-OFFICE COMMUNICATION

POLICE DEPARTMENT

“To Serve and Protect”

March 12, 2015

TO: Deputy Chief Greg Gonzalez
FROM: Jessica Turner and Liddie Daniels, Research and Planning Unit
SUBJECT: 2014 Annual Use of Force Analysis – CALEA Standard 1.3.13

OVERALL USE OF FORCE

Per Omaha Police Department (OPD) policy and procedures, Omaha police officers are allowed to use only the amount of force that is objectively reasonable to take a subject into custody or otherwise bring an incident under control while protecting the safety of the officer and others. Any officer involved in a Use of Force incident is subject to a thorough investigation in which the incident is reviewed by the Safety Review Board (SRB) for policy compliance and to identify possible safety and/or training issues. The SRB submits recommendations to the Chief of Police, who either accepts or rejects the recommendations. In addition to this review, the Officer Involved Investigations Team (OIIT) is responsible for conducting a criminal investigation of all OPD Use of Force incidents that result in serious injury or death (on or off-duty). The OIIT also conducts investigations into all in-custody deaths and incidents in which officers discharge their firearm in the line of duty (excluding accidental discharges and incidents involving animals).

In 2014, OPD officers reported 425 Use of Force incidents. This is a 10% decrease compared to 2013. The total number of Use of Force incidents remained well below the OPD’s eight-year average of 535 incidents per year (see Table 1). Overall, Use of Force incidents have decreased significantly (46%) since 2007 (see Chart 1).

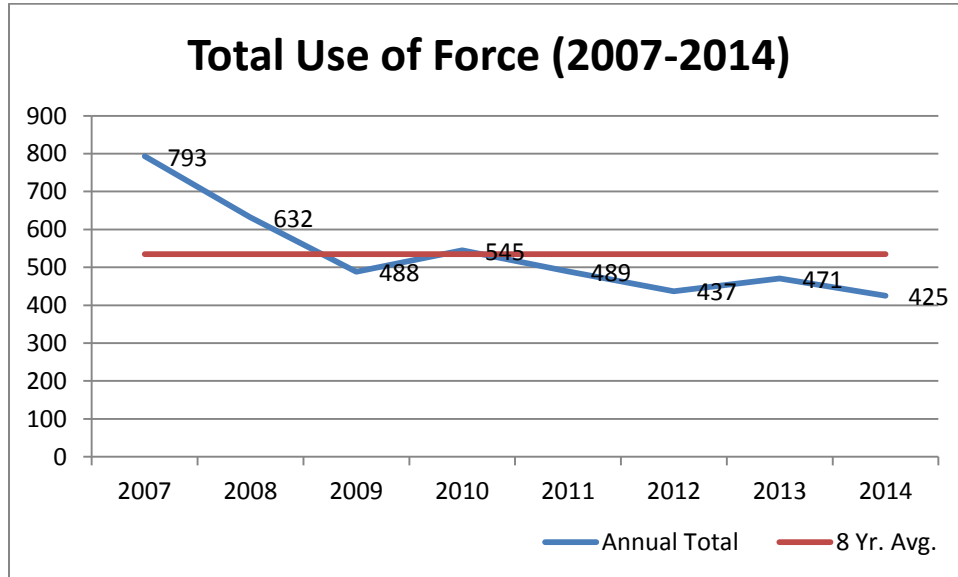
It is important to note that changes in the OPD’s methods of Use of Force reporting occurred in 2014. Specifically, in 2014, the OPD discontinued the use of the BlueTeam Reporting System and returned to the use of the Chief’s Report Form to report Use of Force incidents. The OPD also began documenting a new category, “other” in order to document lesser types of Bodily Use of Force in 2014; there were 92 “other” incidents in 2014. The 2014 Use of Force data should be compared to the 2013 data keeping these changes in mind.

Table 1: Reported Use of Force Comparison: 2007-2014

Type of Force	2007	2008	2009	2010	2011	2012	2013	2014	8-yr avg.
Discharge of Firearm	74	79	69	62	53	60	55	39	61
Canine Apprehension	10	1	2	7	1	6	13	12	7
Use of Baton	15	4	9	3	6	4	5	6	7
Use of Bodily Force	477	420	313	366	341	284	314	287*	350
Use of Chemical Agent	39	39	23	24	29	20	19	20	27
Use of Pepperball	36	14	10	5	11	3	3	7	11
Use of Electronic Control Device	142	75	62	78	48	60	62	54	73
TOTAL	793	632	488	545	489	437	471	425	535

*92 “other” (i.e. lesser use of force incidents in 2014 (not tallied in previous years’ data)

Chart 1: Total Use of Force



USE OF FORCE – INDIVIDUAL CATEGORIES

Discharge of Firearm

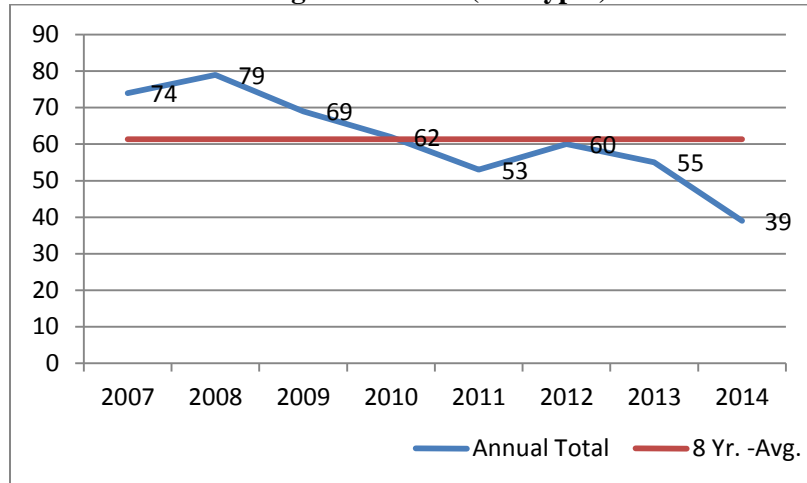
OPD officers may use a firearm in order to defend themselves or others from the imminent threat of death or serious bodily injury; call for assistance when no other means is available; or to kill a dangerous or badly injured animal. Policy prohibits officers from firing warning shots. Discharge of Firearm incidents fall into one of four categories including: (1) discharge at animal, (2) accidental discharge, (3) persons struck, and (4) persons not struck (see Table 2). Any officer involved in a Discharge of Firearm incident is subject to a thorough investigation by the OPD Safety Review Board and may be subject to investigation by the Officer Involved Investigations Team (OIIT) as described in this analysis.

In 2014, Discharge of Firearm incidents decreased by 29% when compared to 2013. Additionally, the 2014 annual total of 39 Discharge of Firearm incidents is 36% below the eight-year average of 61 incidents per year (see Table 2 and Chart 2). 87% of all Discharge of Firearm incidents in 2014 involved officers discharging firearms to put down either dangerous or injured animals. It is worth noting that the number of these incidents decreased by 29% in 2014 when compared to 2013.

Table 2: Discharge of Firearm by Type – 2013 vs. 2014

Incident Type	2013	2014
Discharged at Animal	48	34
Accidental Discharge	1	1
Persons (Struck)	5	3
Persons (Not Struck)	1	1
Total	55	39

Chart 2: Discharge of Firearm (All Types): 2007-2014

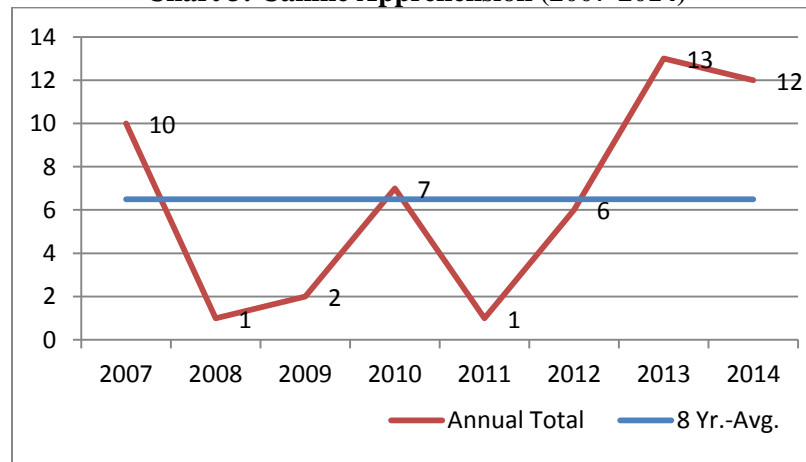


Recommendations: Discharge of Firearm incidents have declined 51% from an eight-year high of 79 incidents in 2008 to only 39 incidents in 2014. Additionally, in 2014, Discharge of Firearm incidents declined 29% when compared to 2013. It is recommended that officers continue to receive high quality firearms and use of force training. There are no recommended changes in policy, training, or equipment upgrades at this time.

Canine Apprehension

The Canine Unit is responsible for assisting Uniformed Patrol and Criminal Investigative officers with searches and investigative needs. It is the responsibility of the canine handler to evaluate each situation and determine if, in fact, the use of the police service dog is feasible. While canine apprehension incidents increased in 2012 and 2013, they remained relatively stable in 2014 (see Chart 3).

Chart 3: Canine Apprehension (2007-2014)



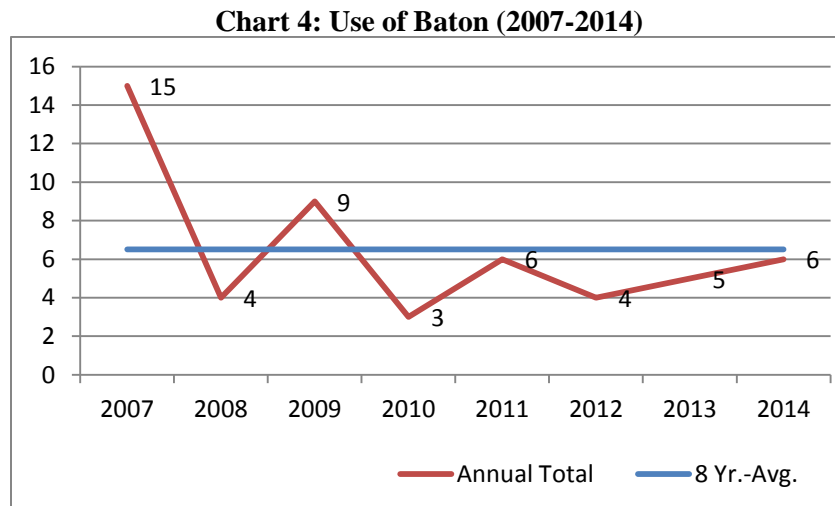
Recommendations: The significant increase in canine apprehensions since 2012 was attributed to the following factors:

- A more experienced Canine Unit resulting in increased coverage and response to calls for police service dogs.
- Assignment of the most experienced dog teams to areas with higher criminal/gang activity resulting in a higher number of apprehensions.
- Continued training emphasis on perimeter containment that has resulted in officers better containing subjects thereby allowing officers to call for canine assistance.

Overall, the increase in canine apprehensions since 2012 can be attributed to the increased effectiveness of the Canine Unit and continued high-quality training. Consequently, no changes to policy, training, or equipment are recommended at this time.

Use of Baton

OPD officers may choose to carry an OPD authorized baton upon receiving training in appropriate techniques for use. The baton is the approved police impact weapon and may be used by officers to protect themselves or others from potential or actual bodily harm. When utilizing the baton, officers must be able to articulate that the use of lesser means of force was not appropriate or would likely have been ineffective. There were 6 Use of Baton incidents in 2014, which is slightly below the OPD eight-year average of 7 incidents per year (see Chart 4).



Recommendations: OPD officers have employed the use of a baton fewer than seven times annually since 2010. With an eight-year average of only 7 incidents per year and only 6 incidents reported in 2014, it is difficult to gauge the significance of the slight increase of baton use in 2014. However, it is wise to note the gradual increase in its use since 2012 and continue providing quality annual Use of Force training to all officers. No policy, training, or equipment upgrades are recommended at this time.

Use of Bodily Force

Use of Bodily Force includes weaponless force and may involve several types of such force during a single incident. For instance, an officer may use a double-leg sweep and LVNR/ULNR during the same incident. The total annual Use of Bodily Force incidents counts each use of bodily force reported. There were 287 Uses of Bodily Force reported in 2014 which is a decrease of 9% when compared to 2013.

In 2014, the OPD began collecting data on two new Bodily Use of Force categories not previously collected - "Other" and "Other Strength Technique." These two categories were combined into a single "Other" category for purposes of this analysis. The two new categories were added as an attempt to document less serious Bodily Use of Force incidents that do not fall neatly into another category, however these types of incident may not always constitute a use of force in the general sense of the term. For example, such incidents might involve crossing a subject's legs over one another in order to maintain control of the subject. Overall, there were 92 of these lesser, "other" uses of bodily force in 2014. Because the "other" incidents are not traditional uses of Bodily Force, these were not included in the Use of Bodily Force totals.

Chart 5: Use of Bodily Force (2007-2014)

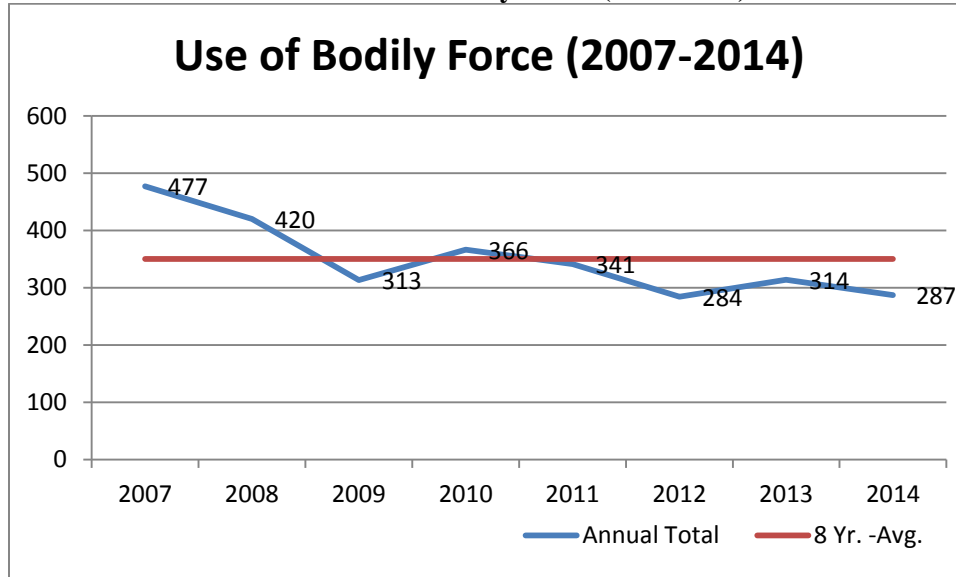


Table 3: Use of Bodily Force by Type – 2013 vs. 2014

Force Type	2013	2014
Brachial Stun	9	5
Double Leg Sweep	3	4
Elbow Strike	4	5
Hand Strike	57	50
Improvised Imp. Weapon	2	3
Knee Strike	35	45
Leg Strike	10	7
Lift and Dump	5	9
LVNR-Evidence Recovery	2	2
LVNR/ULNR	27	26
Pressure Point	11	11
Single Leg Sweep	25	23
Tackle	28	16
Takedown	96	81
Other	N/A	92*
Total	314	287*

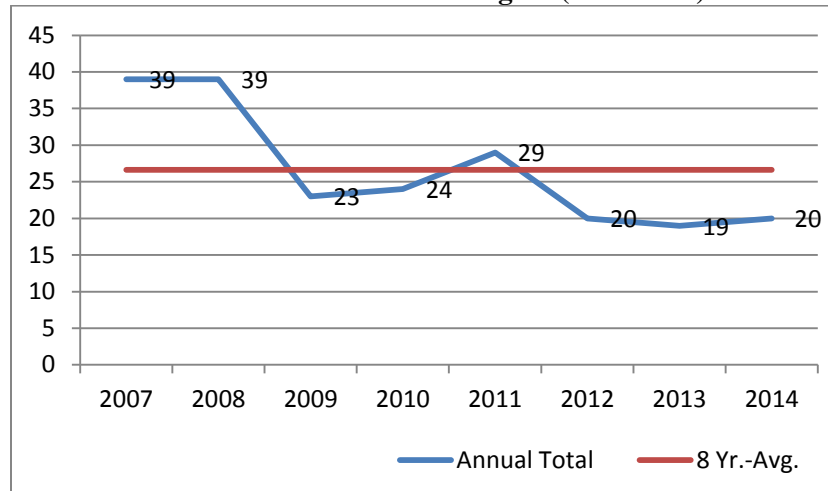
*Total does not include the 92 “other,” lesser uses of bodily force in 2014

Recommendations: Use of Bodily Force incidents (excluding “other,” lesser use of bodily force incidents”) accounted for 68% of all Use of Force incidents recorded in 2014. The frequency of bodily force incidents as well as the ambiguity of many of these events means that this total is more likely to be significantly impacted by changes in reporting policies and systems. It is recommended that the OPD continue to monitor the Use of Bodily Force in upcoming years for trends and that OPD officers continue to receive mandatory annual in-service training in force techniques and policies.

Use of Chemical Agent

The use of a Chemical Agent is intended to prevent injury to the officer and the subject by avoiding active resistance from the subject. Chemical Agent may be used when other officer response techniques are ineffective or inappropriate. Deployment of Chemical Agent should include the use of verbal commands before, during and after use, when tactically feasible. In 2014, there were 20 Use of Chemical Agent incidents, which is approximately 26% below the eight-year average of 27 incidents per year (see Chart 6).

Chart 6: Use of Chemical Agent (2007-2014)

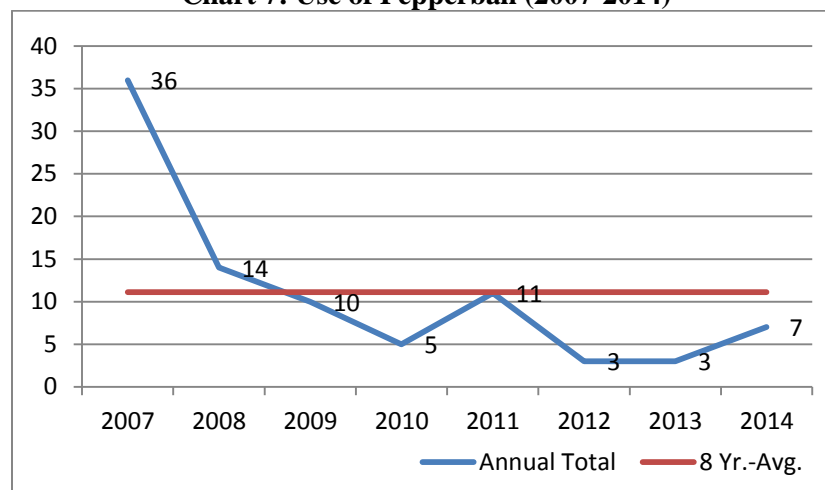


Recommendations: In 2014 the number of Use of Chemical Agent incidents remained stable when compared to 2013 and remained well below the eight-year average of 27 incidents per year. Additionally, Use of Chemical Agent incidents have decreased by 49% overall since 2007. There are no recommendations for policy, training, or equipment upgrades at this time.

Use of Pepperball

Officers who are certified in the use of the Pepperball weapon system are allowed to use the system when interacting with Actively Resistant or higher subjects. The officer must be able to articulate that the use of lesser officer response techniques was not appropriate or would likely have been ineffective. The purpose of utilizing the Pepperball weapon system is to create a psychological and physiological stunning effect (i.e., pain compliance) in order to temporarily disable the subject without intent to cause serious bodily injury or inflict deadly force. Prior to deploying the Pepperball weapon system, officers must take into account the safety of innocent bystanders, other officers, and the subject. While there was a small increase in the number of Use of Pepperball incidents in 2014, the total of seven incidents remains well below the OPD eight-year average of 11 incidents per year (see Chart 7).

Chart 7: Use of Pepperball (2007-2014)

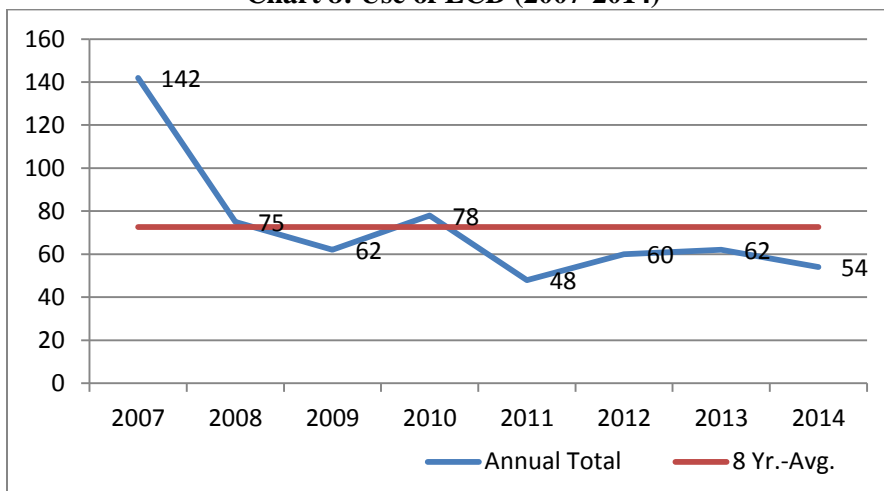


Recommendations: Despite a slight increase in 2014, the use of the Pepperball weapon system by OPD officers remains a rare occurrence. In fact, it has been used fewer than 12 times annually since 2009. It is recommended that officers continue to receive quality annual Use of Force training. There are no recommendations for policy, training, or equipment changes or upgrades at this time.

Use of Electronic Control Device (ECD)

Officers may use Electronic Control Devices (ECDs) when interacting with Actively Resistant or higher subjects. An ECD may also be used if a subject poses a risk to self, such as a self-inflicted injury or suicide attempt. Only trained and certified officers may carry an ECD. Deployment of an ECD should include the use of verbal commands before, during and after use, when tactically feasible. In 2014, Use of ECD incidents decreased 13% when compared to 2013 (54 and 62 incidents, respectively) and remained well below the OPD eight-year average of 73 incidents per year (see Chart 8).

Chart 8: Use of ECD (2007-2014)



Recommendations: The OPD recorded a 13% decrease in Use of ECD incidents in 2014 when compared to 2013. In addition, the 2014 total of 54 incidents is 26% below the OPD eight-year average of 73 incidents per year. It is recommended that officers continue to receive annual Use of Force and ECD training. No policy, training, or equipment changes or upgrades are recommended at this time.