



**INTER-OFFICE COMMUNICATION
POLICE DEPARTMENT
"To Serve and Protect"**



February 10, 2016

TO: Deputy Chief Greg Gonzalez
FROM: Jessica Turner, Research & Planning Unit, C076
SUBJECT: 2015 Annual Use of Force Analysis – CALEA Standard 1.3.13

OVERALL USE OF FORCE

It is the policy of the Omaha Police Department (OPD) that OPD officers will use only that amount of force which 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) or other incidents as directed by the Chief of Police.

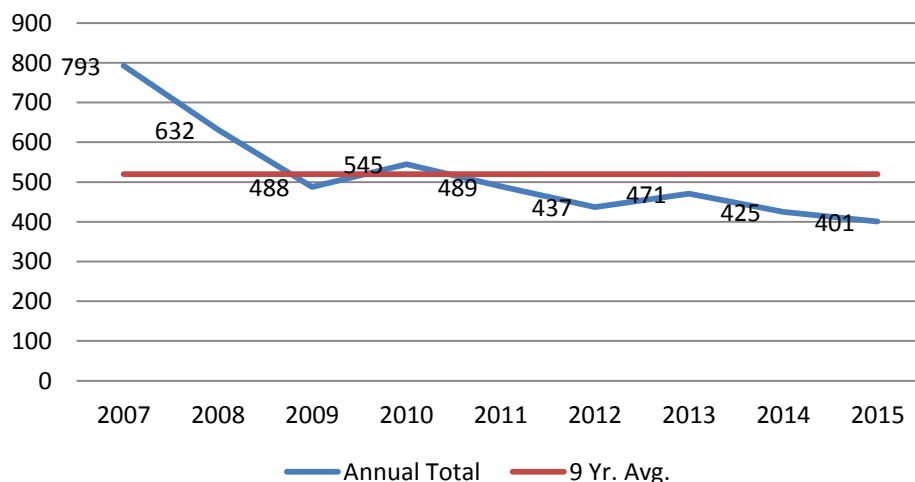
In 2015, OPD officers reported 401 Use of Force incidents. This is a 6% decrease compared to 2014 and 23% below the OPD's nine-year average of 520 incidents per year (see Table 1/Chart 1). Overall, Use of Force incidents have decreased 49% when compared to 2007 (see Table 1/Chart 1).

Table 1: Reported Use of Force Comparison: 2007-2015

Type of Force	2007	2008	2009	2010	2011	2012	2013	2014	2015	9-yr avg.
Discharge of Firearm	74	79	69	62	53	60	55	39	44	59
K-9 Apprehension	10	1	2	7	1	6	13	12	22	8
Use of Baton	15	4	9	3	6	4	5	6	2	6
Use of Bodily Force	477	420	313	366	341	284	314	287*	253*	339
Use of Chemical Agent	39	39	23	24	29	20	19	20	14	25
Use of Pepper Ball	36	14	10	5	11	3	3	7	2	10
Use of ECD	142	75	62	78	48	60	62	54	64	72
TOTAL	793	632	488	545	489	437	471	425	401	520

*72 "other" (i.e. lesser) use of force incidents in 2015 not calculated as part of this total

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 what is reasonably believed to be 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 three categories: (1) Animal, (2) Accidental, (3) and Person (see Chart 3). Any officer involved in a Discharge of Firearm incident is subject to a thorough investigation by the SRB and may be subject to investigation by the Officer Involved Investigations Team (OIIT) as described in this analysis.

In 2015, the total number of Discharge of Firearm incidents increased by 13% when compared to 2014 (see Chart 2). However, when examined by category, the number of “Animal” and “Accidental” Use of Firearms incidents increased while the number of incidents involving persons decreased (see Chart 3).

Chart 2: Discharge of Firearm (All Types): 2007-2015

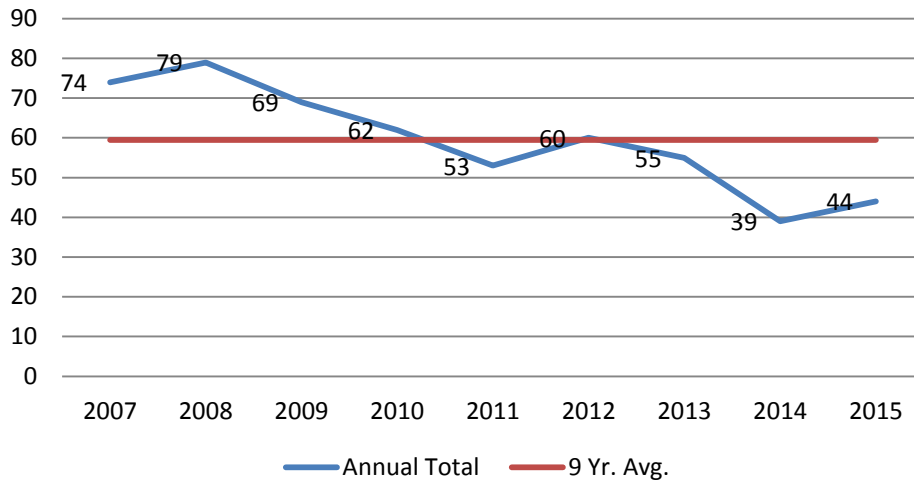
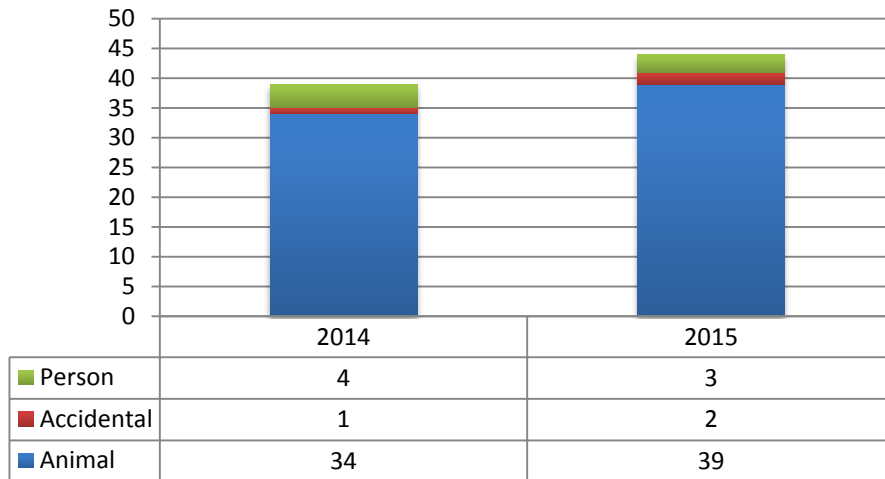


Chart 3: Discharge of Firearm by Type (2014 vs. 2015)

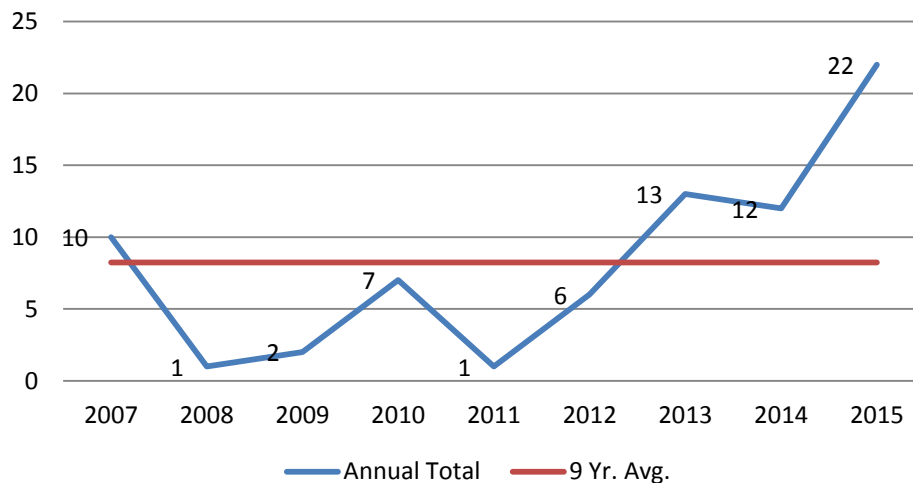


Analysis/Recommendations: While the number of Discharge of Firearms incidents increased slightly in 2015, it was still 25% below the nine-year average of 59 incidents a year. Additionally, this increase is attributable to an increase in the number of accidental incidents and those involving animals. The number of incidents involving persons remained low and actually decreased by one incident when compared to 2014. In 2015, the Force – Use of Force policy was thoroughly reviewed and updated to further clarify the instances in which the use of deadly force and firearms is warranted. Due to the recent policy revision and the low number of incidents involving persons, the SRB does not have recommendations for further policy changes, 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 the use of the police service dog is feasible. In 2015 Canine Apprehensions increased by 83% when compared to 2014. Additionally, the number of Canine Apprehensions in 2015 was nearly quadruple the number of Canine Apprehensions in 2012 and nearly three times the nine-year average of eight incidents per year.

Chart 4: Canine Apprehension: 2007-2015



Analysis/Recommendations: Due to the significant increase in the number of Canine Apprehensions in 2015, the Canine Unit conducted an analysis of the data and identified the following reasons for this increase:

- In 2015, the Canine Unit saw a 57% increase in the number of patrol dog searches/deployments and a 30% increase in the number of radio calls taken. While the Canine Unit was still utilized for interdiction purposes, the significant increase in its use for patrol operations in neighborhoods significantly increased the likelihood of situations in which apprehensions might occur.
- In 2015, three of the officers' canines performed significantly better when locating suspects due to their maturity.

The Canine Unit also noted the following:

- In 2014 and 2015 there were no complaints made by suspects to Internal Affairs regarding the improper use of canines.
- All 22 canine apprehensions were documented, investigated and reviewed by the SRB and no violations of policy or excessive use of force was noted.

Based on the analysis above, the OPD SRB determined that while increasing the use of the Canine Unit for patrol functions increases the likelihood and actual numbers of Canine Apprehensions, the benefit of utilizing the Canine Unit to reduce crime in neighborhoods outweighs this risk. However, due to the significant increase in the number of Canine Apprehensions each incident will continue to be carefully examined for policy compliance and the number of Canine Apprehensions will be carefully monitored in the future. The SRB does not have any additional training or equipment recommendations.

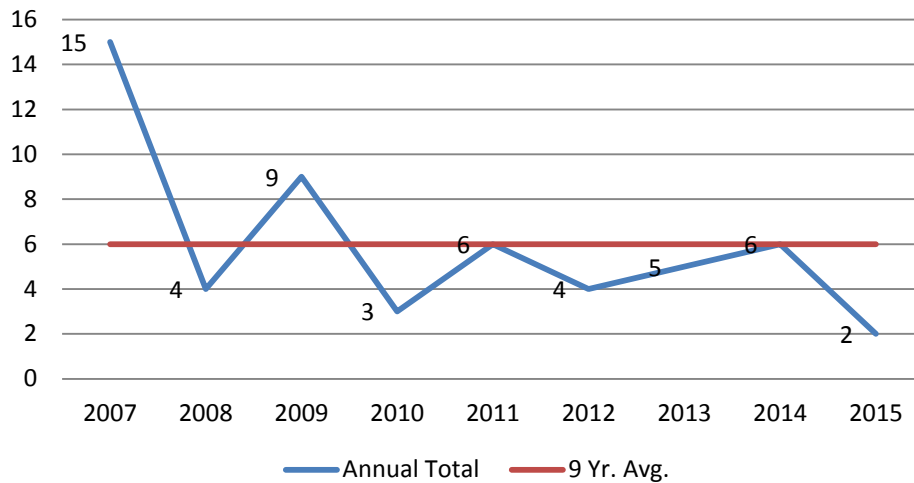
In 2016 the OPD conducted a thorough review/update of the Canine Unit policy. Due to the recent policy review the SRB does not have any suggested policy changes at this time.

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. In 2015 there were two incidents of baton use which is a 67% decrease when compared to 2014 as well as the nine-year average. This also represents a decrease of 87% when compared to 2007 (see Chart 6).

Chart 6: Use of Baton: 2007-2015



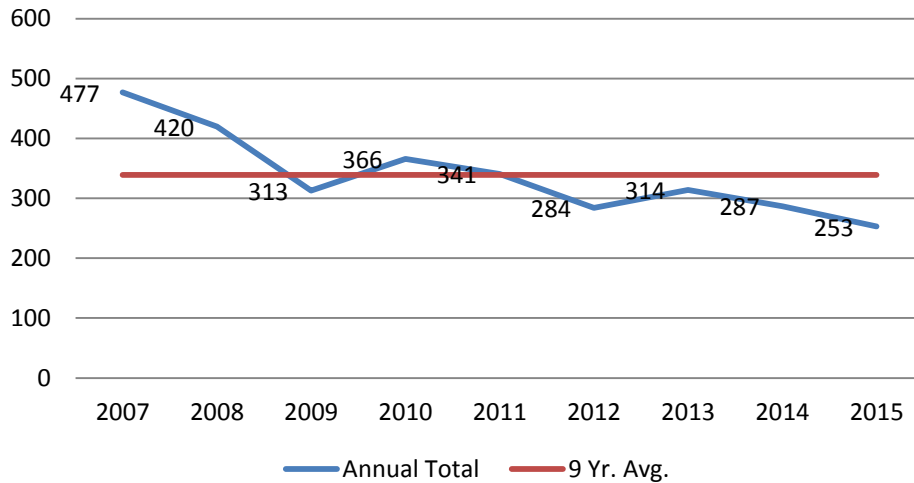
Analysis/Recommendations: The use of batons remained rare in 2015 with only two incidents reported for the entire year. In 2015 the OPD conducted a thorough review of its Force - Special Techniques and Less-Lethal Weapons policy that includes procedures and policies for the use of batons. Due to the very low usage of batons and the recent policy review the SRB does not have any suggested recommendations for policy, training, or equipment upgrades 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 during the same incident. The total annual Use of Bodily Force incidents counts each use of bodily force reported. There were 253 Use of Bodily Force incidents reported in 2015 which is a decrease of 12% when compared to 2014 and 25% below the nine-year average of 339 incidents per year.

In 2014, the OPD began collecting data on “Other” uses of bodily force that were not previously collected (92 in 2014 and 72 in 2015). This category documents less serious Bodily Use of Force incidents such as crossing a subject’s legs over one another in order to maintain control of the subject. Due to the minor nature of these incidents, they were not counted into the total Bodily Use of Force incidents in Chart 7 below.

Chart 7: Use of Bodily Force: 2007-2015

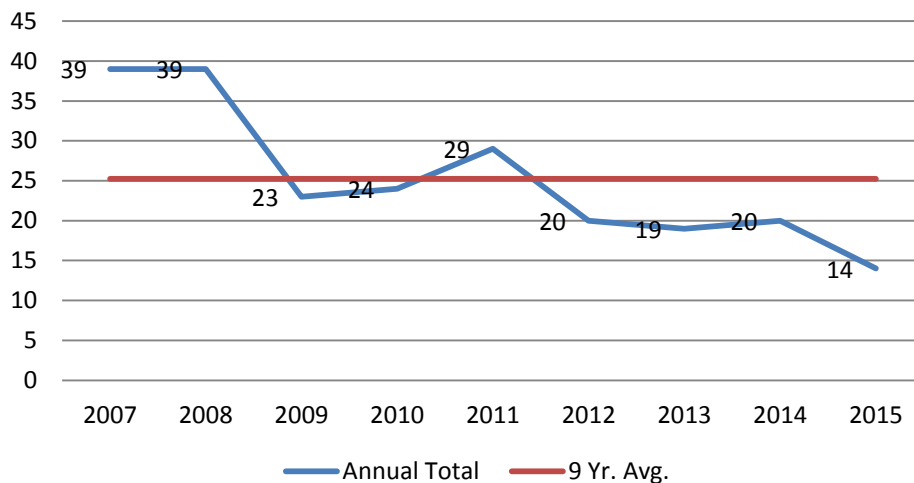


Analysis/Recommendations: Use of Bodily Force incidents continued to decline in 2015 and remained well below the nine-year average. In 2015, the OPD conducted a thorough review of the Force – Special Techniques and Less-Lethal Weapons policy that includes policies and procedures on the use of bodily force techniques. Due to the steady decline in Use of Bodily Force incidents and the recent policy review the SRB does not have any policy, training, or equipment recommendations at this time.

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 Agents may be used when other officer response techniques are ineffective or inappropriate. Deployment of Chemical Agents should include the use of verbal commands before, during and after use, when tactically feasible. In 2015 Use of Chemical Agent incidents declined by 30% compared to 2014 and also fell 44% below the nine-year average of 25 incidents per year (see Chart 8 below).

Chart 8: Use of Chemical Agent: 2007-2015

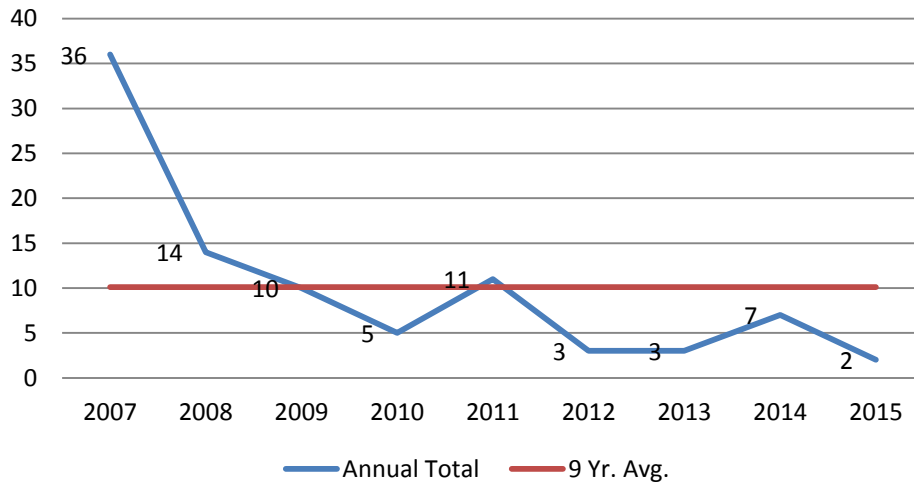


Analysis/Recommendations: In 2015, the Department experienced the lowest number of Use of Chemical Agent incidents in nine years. Additionally, in 2015 the OPD conducted a thorough review of the Force – Special Techniques and Less-Lethal Weapons policy that includes policies and procedures on the use of Chemical Agent. Due to the low number of Use of Chemical Agent incidents and the recent policy review, the SRB does not have any training, equipment, or policy recommendations at this time.

Use of Pepper Ball

Officers who are certified in the use of the Pepper Ball 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 Pepper Ball 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 Pepper Ball weapon system, officers must take into account the safety of innocent bystanders, other officers, and the subject. In 2015 there were only two incidents in which the Pepper Ball weapon system was used. This is a 71% decrease when compared to 2014 and is well below the nine-year average of 10 incidents per year.

Chart 9: Use of Pepper Ball: 2007-2015

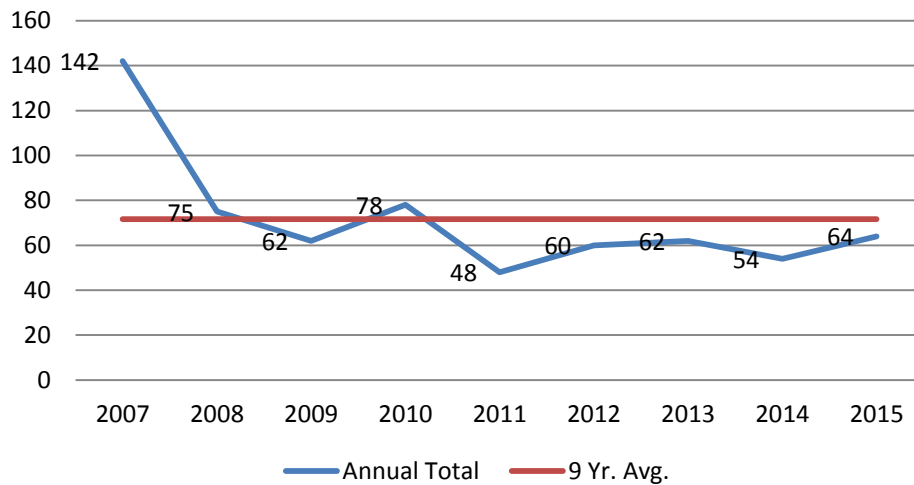


Analysis/Recommendations: The use of the Pepper Ball weapon system in 2015 was a rare occurrence with only two incidents for the entire year. In 2015, the OPD also conducted a thorough review of the Force – Special Techniques and Less-Lethal Weapons policy that includes policies and procedures on the use of the Pepper Ball weapon system. Due to its consistently low use and the recent policy review the SRB has no training, equipment, or policy recommendations 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 2015 there were 64 incidents in which an ECD was used which is a 19% increase when compared to 2014. However, the number of incidents in 2015 was still 11% below the nine-year average of 72 incidents per year (see Chart 10 below).

Chart 10: Use of ECD: 2007-2015



Analysis/Recommendations: Although there was an increase in the Use of ECD incidents in 2015 the number of incidents did remain below the nine-year average. In 2015, the OPD also conducted a thorough review of the Force – Special Techniques and Less-Lethal Weapons policy that includes policies and procedures on the use of ECDs. Due to the recent policy review the SRB has no policy, training, or equipment recommendations at this time. However, the SRB will continue to closely monitor ECD usage in the future.