



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



March 8, 2017

TO: Deputy Chief Greg Gonzalez
FROM: Jessica Turner, Research & Planning Unit, C076
SUBJECT: 2016 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.

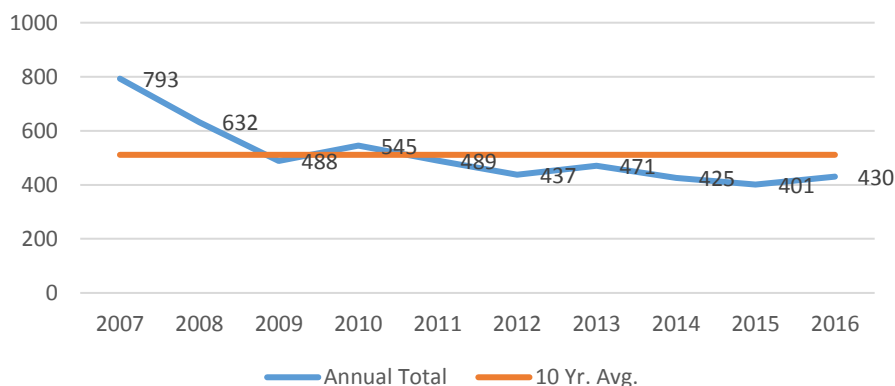
In 2016, OPD officers reported 430 Use of Force incidents. This is a 7% increase compared to 2015 and 16% below the OPD's ten-year average of 511 incidents per year (see Table 1/Chart 1). When comparing 2015 to 2016 it is important to note that the Department increased the number of its full-time sworn personnel from 818 in January of 2016 to 840 in January of 2017. It is possible that this increase is the result of more officers being on the street. Overall, however, Use of Force incidents have decreased 46% when compared to 2007 (see Table 1/Chart 1).

Table 1: Reported Use of Force Comparison: 2007-2016

Type of Force	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	10 Yr Avg.
Discharge of Firearm	74	79	69	62	53	60	55	39	44	57	59
K-9 Apprehension	10	1	2	7	1	6	13	12	22	17	9
Use of Baton	15	4	9	3	6	4	5	6	2	2	6
Use of Bodily Force	477	420	313	366	341	284	314	287	253	251	331
Use of Chemical Agent	39	39	23	24	29	20	19	20	14	18	25
Use of Pepper Ball	36	14	10	5	11	3	3	7	2	9	10
Use of ECD	142	75	62	78	48	60	62	54	64	76	72
TOTAL	793	632	488	545	489	437	471	425	401	430	511

*67 "other" (i.e. lesser) use of force incidents in 2016 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 2016, the total number of Discharge of Firearm incidents increased by 30% when compared to 2015 (see Chart 2). When examined by category the number of incidents involving persons and animals both increased (see Chart 3).

Chart 2: Discharge of Firearm

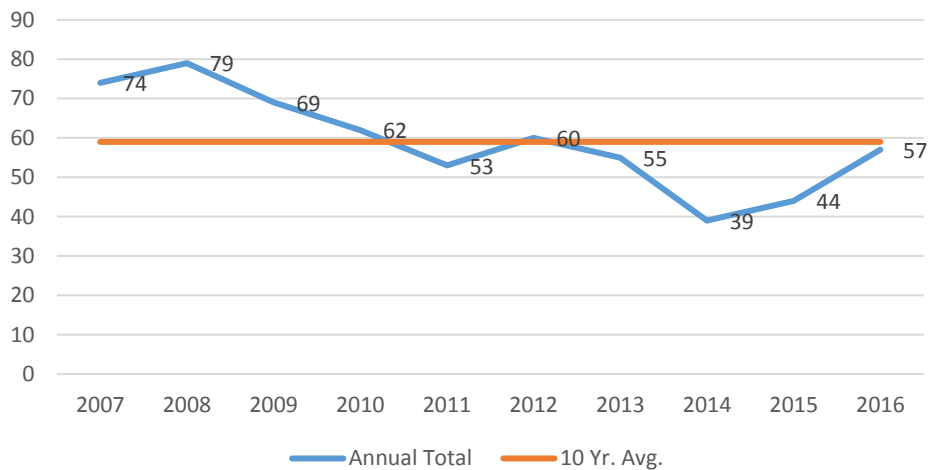
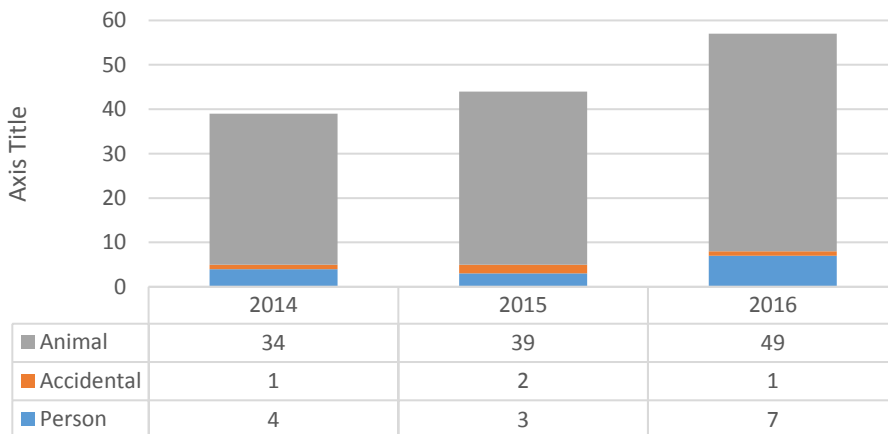


Chart 3: Discharge of Firearm by Type (2014-2016)



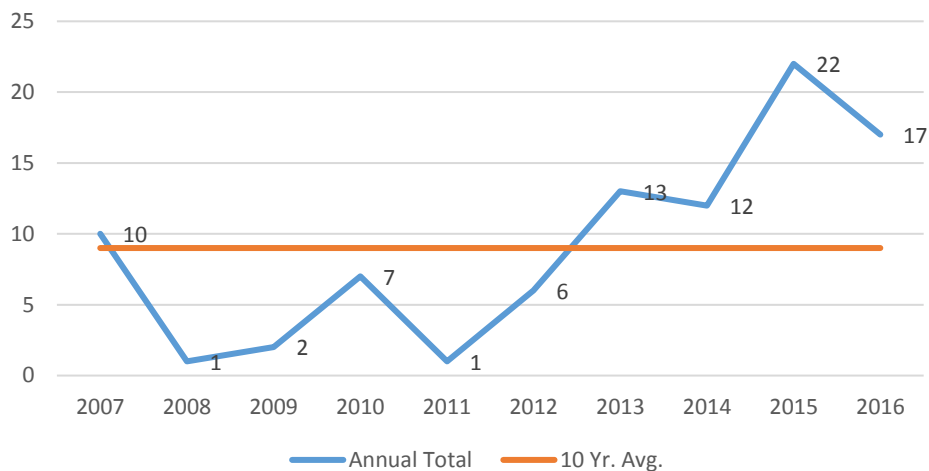
Analysis/Recommendations: In 2016 The OPD saw an increase in the number of Discharge of Firearm incidents. In particular, the number of incidents involving persons increased from 3 in 2015 to 7 in 2016. In 2016 the number of assaults on OPD officers increased by 16% when compared to 2015. In addition, the OPD also increased the number of sworn officers in 2016. The combination of more officers on the street as well as an increase in incidents in which the use of a firearm may have been required is likely the reason for the increase in these incidents.

The SRB has carefully reviewed each incident that occurred for policy compliance and trends that might require additional training. While the SRB did not identify any consistent trends between these incidents, the Department takes all increases in the Discharge of Firearms incidents seriously and will continue to carefully monitor these incidents in the future. The OPD continues to focus on providing high-quality firearms training to officers. In addition to the required firearms qualification shoots and the annual review of the Department's Response to Resistance (Use of Force) policies, the OPD provided additional Low-Light Point Shoot and Counter-Ambush Tactics training to officers in 2016. The SRB does not have any recommendations for policy changes, training, or equipment upgrades at this time.

Canine Apprehension

The Canine Unit is responsible for assisting Uniformed Patrol and Criminal Investigation 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 2016 Canine Apprehensions decreased by 23% when compared to 2015 (see Chart 4). While the number of Canine Apprehensions decreased in 2016 it was still nearly double the ten-year average of nine incidents per year.

Chart 4: Canine Apprehension

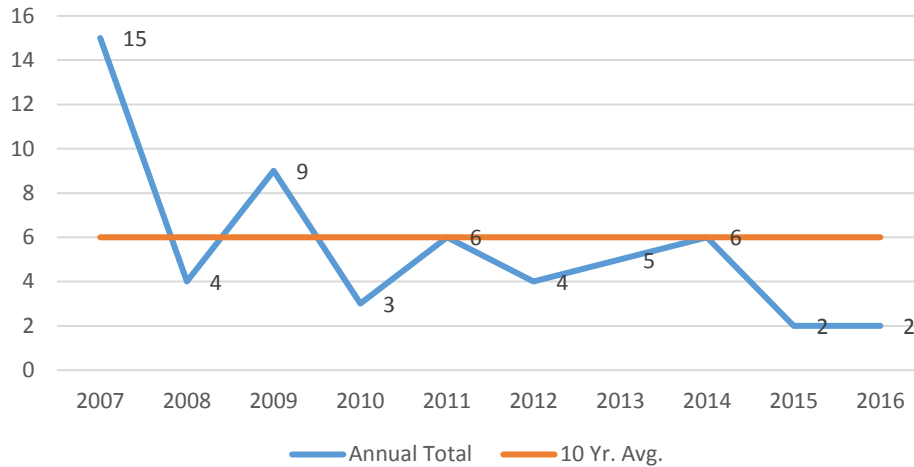


Analysis/Recommendations: The Canine Unit is used for both interdiction and patrol operations. Prior to 2015 the Canine Unit was utilized primarily for interdiction duties. In 2015, however, the Canine Unit was increasingly used in patrol operations which resulted in a significant rise in the number of Canine Apprehensions. This trend continued in 2016 with a focus on utilizing the Canine Unit to reduce crime in neighborhoods resulting in a greater number of Canine Apprehensions than in years past. Consequently, while the number of apprehensions in 2016 was nearly double the ten-year average, the number of incidents did decrease by five incidents when compared to 2015. While the Department takes all Canine Apprehensions seriously it anticipates that the increased focus on patrol operations will continue to result in a higher number of Canine Apprehensions than in years past. All Canine Apprehensions will continue to be carefully examined for policy compliance. The SRB does not have any recommendations for policy changes, training, or equipment upgrades 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 2016 there were two incidents which is consistent with 2015 and well below the ten-year average of six incidents a year (see Chart 5).

Chart 5: Baton



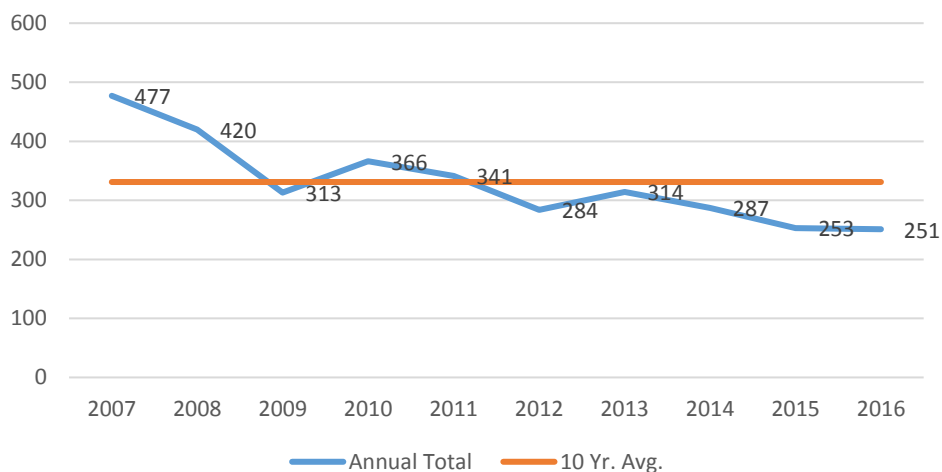
Analysis/Recommendations: In 2016 baton incidents remained at a ten-year low of only two incidents throughout the year. The OPD will continue to emphasize high quality use of force training for officers and to carefully review all incidents of baton use for policy compliance. The SRB does not have any recommendations for policy changes, 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 251 Use of Bodily Force incidents reported in 2016 which is nearly consistent with 2015 and 24% below the ten-year average of 331 incidents per year.

In 2014, the OPD began collecting data on “Other” uses of bodily force that were not previously collected (92 in 2014, 72 in 2015, and 67 in 2016). 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 6 below.

Chart 6: Bodily Force



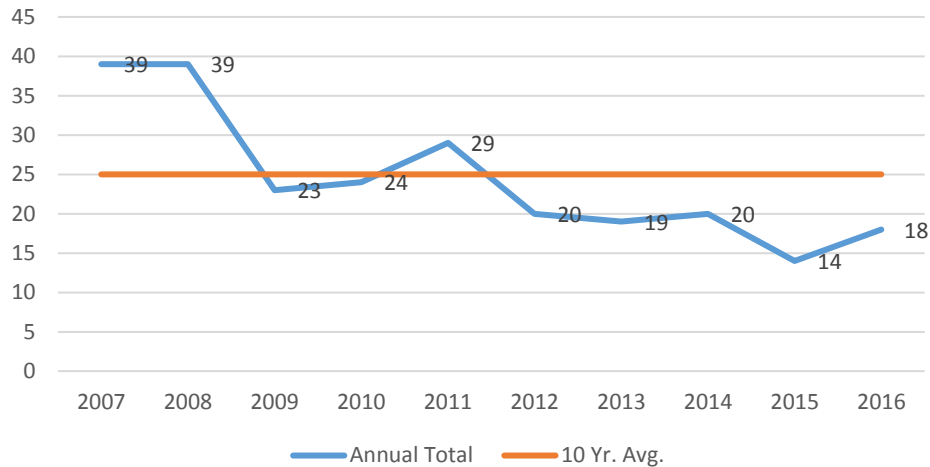
Analysis/Recommendations: Despite the increase in staffing, the use of Bodily Force has consistently declined since 2013 and remains below the ten-year average of 331 incidents per year. The OPD continues to emphasize high quality use of force training for officers and to carefully review all incidents of Bodily Force.

The SRB does not have any recommendations for policy changes, training, or equipment upgrades 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 2016 Use of Chemical Agent incidents saw a slight increase of four incidents when compared to 2015 and was still 28% below the ten-year average of 25 incidents per year (see Chart 7 below).

Chart 7: Chemical Agent

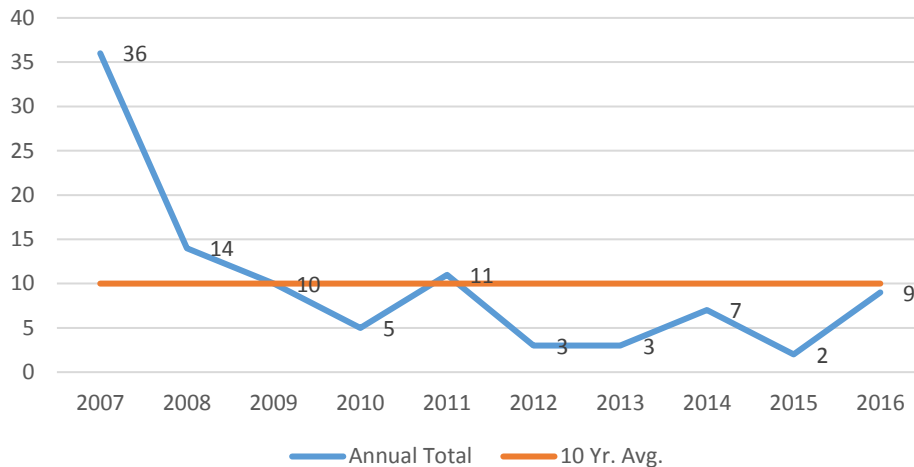


Analysis/Recommendations: While the OPD saw a small increase in the number of Chemical Agent incidents in 2016, the number of 18 incidents was still well below the ten-year average of 25 incidents per year. In addition, the OPD anticipated seeing an increase in some use of force incidents due to the increase in staffing in 2016. The OPD will continue to carefully review all incidents of Chemical Agent use and provide high quality use of force training for officers. The SRB does not have any recommendations for policy changes, training, or equipment upgrades 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 2016 there were nine incidents in which the Pepper Ball weapon system was used. In six of these incidents the Pepper Ball weapon system was used to disperse chemical agent. Subjects were struck in only three incidents throughout the year. The total of nine incidents is in line with the ten-year average of ten incidents per year (see Chart 8).

Chart 8: Pepperball

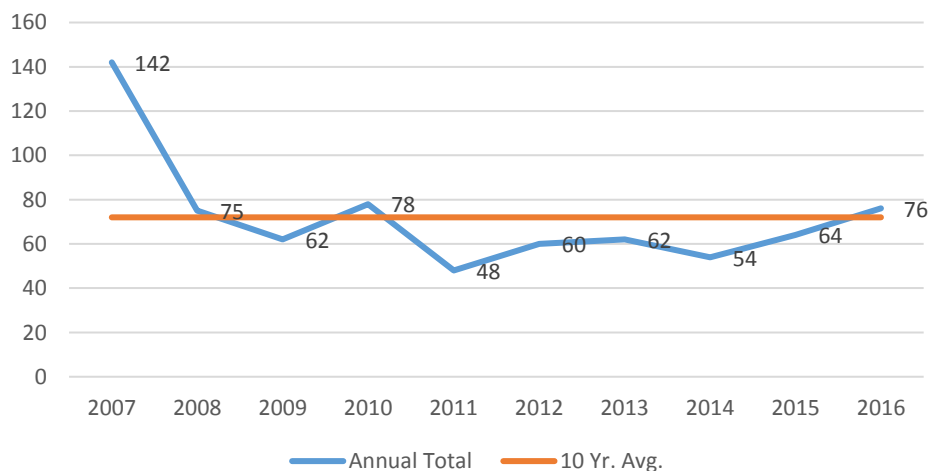


Analysis/Recommendations: In 2016 the OPD saw an increase in the use of the Pepper Ball weapon system. This increase was a reflection of an increase in protests and other events in which large crowds were present that required the use of this weapon system. The OPD broke down the use of the Pepper Ball weapon system to identify the manner in which it was used in these scenarios. In the majority of the scenarios the system was used only to disperse chemical agent while subjects were struck in only three incidents throughout the year. Consequently, while the use of the Pepper Ball increased the OPD consistently used it in the least aggressive manner possible. The OPD will continue to carefully review all instances of the use of the Pepper Ball weapon system and to emphasize high-quality use of force training. The SRB does not have any recommendations for policy changes, training, or equipment upgrades at this time.

Use of Electronic Control Device (ECD)

Officers may use Electronic Control Devices (ECDs) when interacting with Actively Resistive 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 2016 there were 76 incidents in which an ECD was used which is a 19% increase when compared to 2015 and slightly above the ten-year average of 72 incidents per year (see Chart 9 below).

Chart 9: ECD



Analysis/Recommendations: In 2016 the OPD saw a 19% increase in the use of ECD's when compared to 2015. However, in 2016 the OPD increased the number of ECD's on the street for use from 84 in 2015 to 141 in 2016. This increase, in conjunction with the increase in staffing, likely resulted in the rise in the number of ECD incidents in 2016. The OPD will continue to carefully review all ECD incidents and to carefully monitor any continued increase in their use. The SRB does not have any recommendations for policy changes, training, or equipment upgrades at this time.