



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



March 30, 2018

**TO:** Deputy Chief Greg Gonzalez  
**FROM:** Kristen Lynam, Research & Planning Unit, D086  
**SUBJECT:** 2017 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 any safety and/or training issues. The SRB Deputy Chief makes the final decision on use of force incidents, with the exception of egregious instances that are referred to the Internal Affairs Unit for investigation. In addition to this review, the Officer Involved Investigations Team (OIIT) is responsible for conducting investigations, including any criminal investigations, 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.

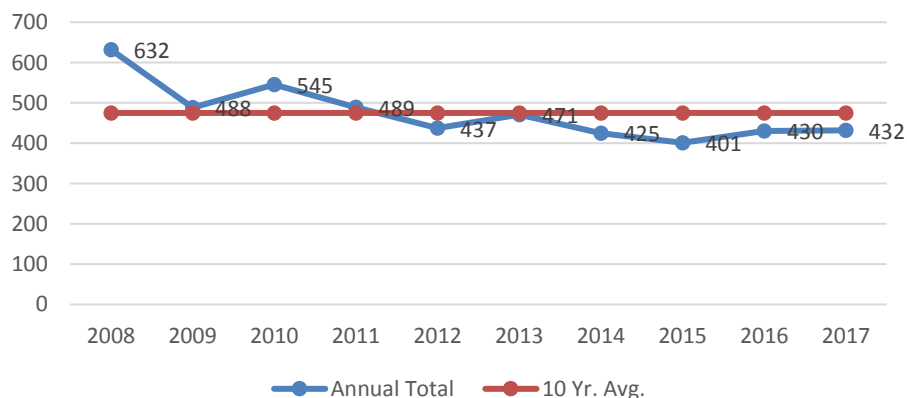
In 2017, OPD reported 432 Use of Force incidents. This is a .5% increase compared to 2016 and 9% below the OPD's ten-year average of 475 incidents per year (see Table 1/Chart 1). Overall, Use of Force incidents decreased over 31% in 2017 when compared to 2008 (see Table 1/Chart 1).

**Table 1: Reported Use of Force Comparison: 2008-2017**

Type of Force	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Firearm Discharge	79	69	62	53	60	55	39	44	57	43	561
K-9 Apprehension	1	2	7	1	6	13	12	22	17	36	117
Use of Baton	4	9	3	6	4	5	6	2	2	2	43
Use of Bodily Force	420	313	366	341	284	314	287	253	251	234	3063
Use of Chemical Agent	39	23	24	29	20	19	20	14	18	13	219
Use of PepperBall	14	10	5	11	3	3	7	2	9	29	93
Use of ECD	75	62	78	48	60	62	54	64	76	75	654
<b>TOTAL</b>	<b>632</b>	<b>488</b>	<b>545</b>	<b>489</b>	<b>437</b>	<b>471</b>	<b>425</b>	<b>401</b>	<b>430</b>	<b>432</b>	<b>4750</b>

\*59 "other" (i.e. lesser) use of force incidents in 2017 not calculated as part of this total

Chart 1: Total Use of Force



## USE OF FORCE – INDIVIDUAL CATEGORIES

### Firearm Discharge

OPD officers may use a firearm in the performance of their duties 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. Firearm discharge incidents fall into one of three categories: (1) Animal, (2) Accidental, (3) and Person (see Chart 3). Firearm discharge incidents are 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 2017, the total number of firearm discharge incidents decreased by 25% when compared to 2016 (see Chart 2). When examined by category the number of incidents involving persons and animals both decreased from 2016 to 2017 (see Chart 3).

Chart 2: Firearm Discharge

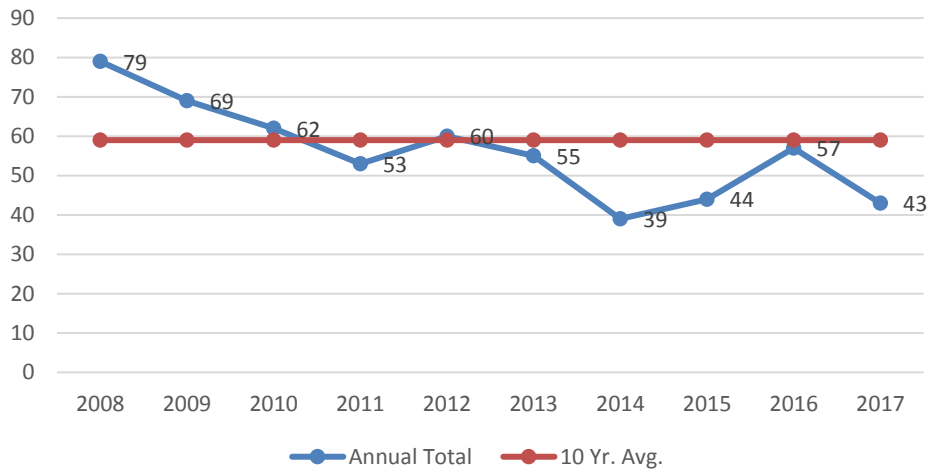
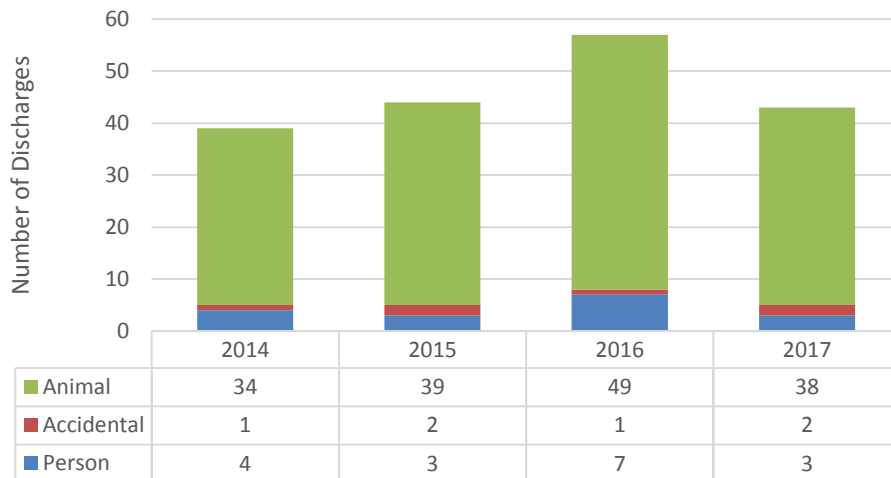


Chart 3: Firearm Discharge by Type (2014-2017)



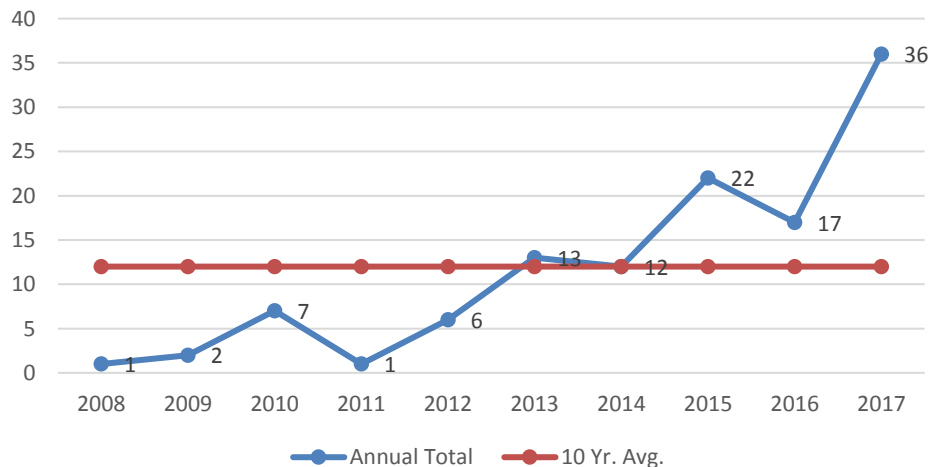
**Analysis/Recommendations:** In 2017, OPD saw a decrease in the number of firearm discharge incidents. In particular, the number of incidents involving persons decreased from 7 in 2016 to only 3 in 2017. Violent crime in Omaha has been steadily decreasing over the last decade, which is likely to have led to fewer instances requiring this level of force. In 2017, OPD also certified 5 new adjunct operators for the Virtra V-300 firearms training simulator, which translates to more instructors being available to facilitate on-shift training. This increases the number of officers exposed to this decision-based training tool. The combination of violent crime rates dropping and increased training availability are likely related to the decrease in these types of incidents.

The SRB has carefully reviewed each incident that occurred for policy compliance and trends that require additional training. While the SRB did not identify any consistent trends between these incidents, the Department takes all firearm discharge 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 Counter-Ambush Tactics for Patrol Training in 2016 and Tactical Firearms and Defensive Tactics Training for Female Police Officers in 2017. Feedback regarding both trainings was very positive. There are no recommended policy changes at this time however, there are recommendations related to equipment and training. The Training Unit installed an upgrade to the current Virtra Firearms Simulator. This upgrade added two large screens to the system and provides the OPD with the capability to add countless training scenarios, including training scenarios filmed at locations of OPD's selection. In order to fully utilize the features provided with the Virtra enhancement and provide the most effective firearms training for OPD officers, it is recommended command consider dedicating additional personnel/resources and training hours to managing Virtra programming and training. This would allow additional locations in Omaha, including soft targets such as churches and schools, to be added as Virtra training scenario settings, and thus utilize the system to provide the most realistic training possible.

### Canine Apprehension

The Canine Unit is responsible for assisting Uniformed Patrol and Criminal Investigation officers with searches and investigative needs. Since the 2015 Supreme Court ruling that police can't extend traffic stops to wait for drug-sniffing dogs to inspect vehicles, the Canine Unit is being deployed earlier to assist officers in situations that may require narcotics detection. It is the responsibility of the canine handlers to evaluate each situation and determine if the use of the police service dog is feasible. In 2017 canine apprehensions increased by 112% when compared to 2016 (see Chart 4). The number of canine apprehensions increased in 2017, and in fact was triple the ten-year average of twelve incidents per year.

Chart 4: Canine Apprehensions



**Analysis/Recommendations:** Since 2015 the Canine Unit has been used for both interdiction and patrol operations. Prior to 2015 the Canine Unit was utilized primarily for interdiction duties. Radio calls for canine units increased 5% to 2,875 in 2017, from 2,739 in 2016. In addition to the Canine Unit's use in patrol operations increasing each year, 3 new police service dogs were trained and entered service in 2016. As the new dogs gained experience in 2017, the Canine Unit became more effective at locating and apprehending suspects which contributed to the significant rise in the number of canine apprehensions.

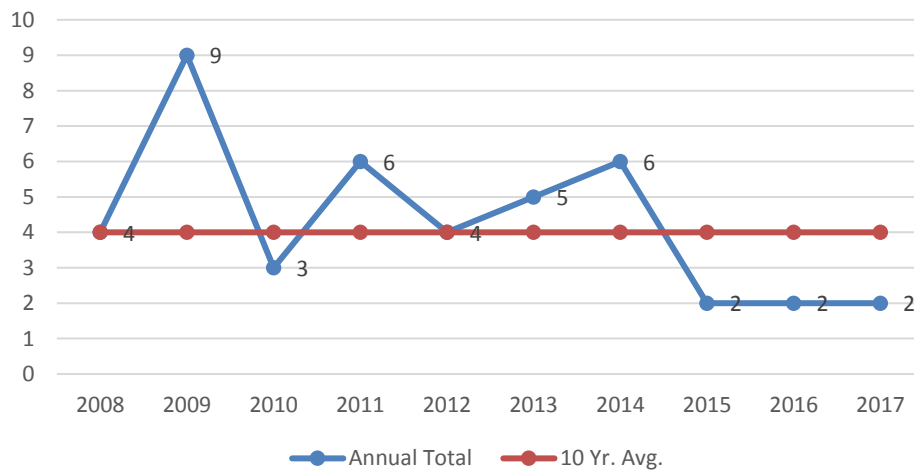
While the Department takes all canine apprehension incidents seriously, it anticipates that the increased focus on patrol operations and growing effectiveness of the police service dogs could continue to result in a higher number of canine apprehensions than in years past. All canine apprehensions will continue to be carefully examined for policy compliance by the SRB. The SRB recommends evaluating the existing Canine Unit policy,

current training program, and examining best practices to ensure canines are being utilized appropriately for apprehensions. The SRB does not have any recommendations for equipment upgrades at this time.

### Use of Baton

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 inappropriate or would likely have been ineffective. In 2017 there were two incidents in which a baton was used, which is consistent with 2015 and 2016 and is half of the ten-year average of four incidents a year (see Chart 5).

Chart 5: Baton



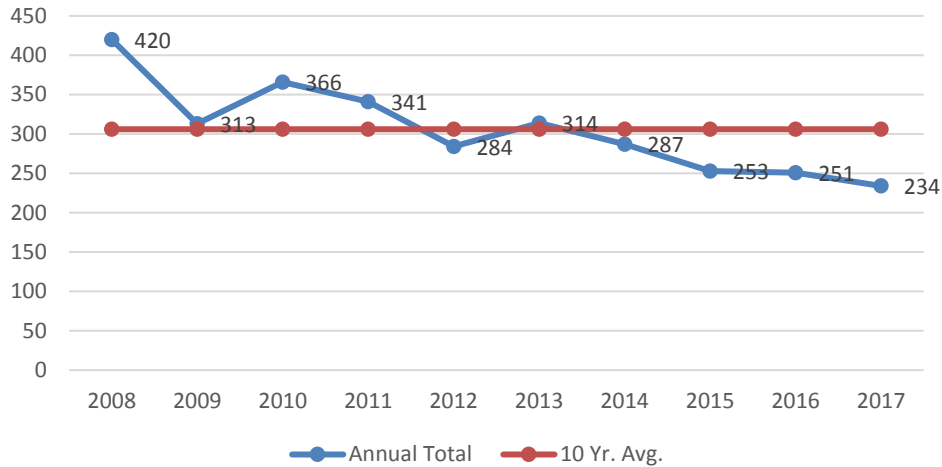
**Analysis/Recommendations:** In 2017 baton incidents remained at a ten-year low with only two incidents throughout the year. The OPD included baton as a topic covered during the 2017 in-service training. The OPD will continue to emphasize high quality use of force training for officers and to carefully review all incidents of baton use for policy compliance via the SRB. 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 Carotid Restraint Control Hold (CRCH) during the same incident. The total annual use of bodily force incidents includes each separate use of bodily force act that was reported. There were 234 use of bodily force incidents reported in 2017, a decrease of 7% from 2016 (251 in that year). This number is 24% below the ten-year average of 306 incidents per year.

In 2014, the OPD began collecting data on “Other” uses of bodily force that were not previously tallied (92 in 2014, 72 in 2015, 67 in 2016, and 59 in 2017). This category documents less serious bodily use of force acts 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 acts, these are not included in the total number of bodily use of force incidents shown in Chart 6 below.

Chart 6: Bodily Force

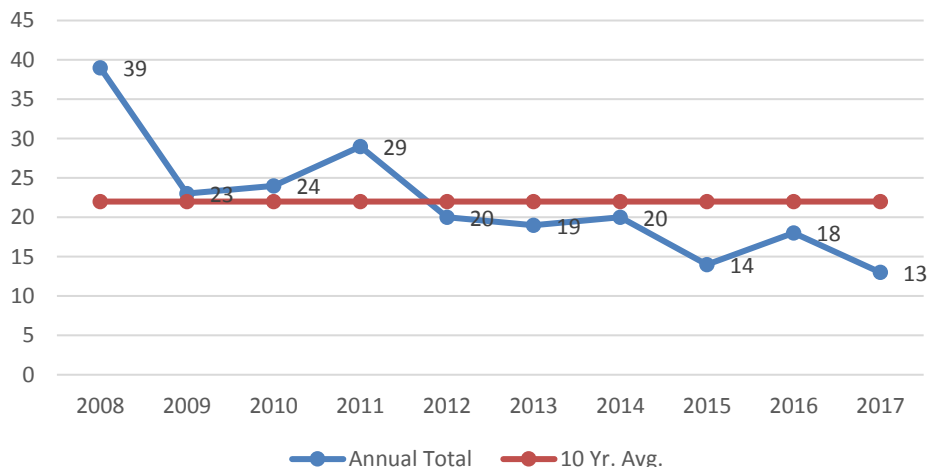


**Analysis/Recommendations:** Despite increases in staffing, the use of bodily force has consistently declined since 2013 and remains below the ten-year average of 306 incidents per year. In 2017 the OPD provided training to all officers to transition from using the Lateral Vascular Neck Restraint (LVNR) to the Carotid Restraint Control Hold (CRCH) due to the risk of unintended consequences that can occur if the LVNR control technique is applied incorrectly. This was an important development for the year in that the new technique helps further enhance officers’ ability to safely control incidents that require Use of Force. The OPD continues to emphasize high quality use of force training for officers and to carefully review all incidents of bodily force. There are no recommended policy or equipment changes at this time; however, it is recommended that the SRB continue to closely monitor overall use of the new CRCH technique following the agency-wide training that took place throughout 2017.

**Use of a 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 2017 use of a chemical agent incidents saw a decrease of five incidents when compared to 2016. The total number of incidents was 41% below the ten-year average of 22 incidents per year (see Chart 7 below).

Chart 7: Chemical Agent



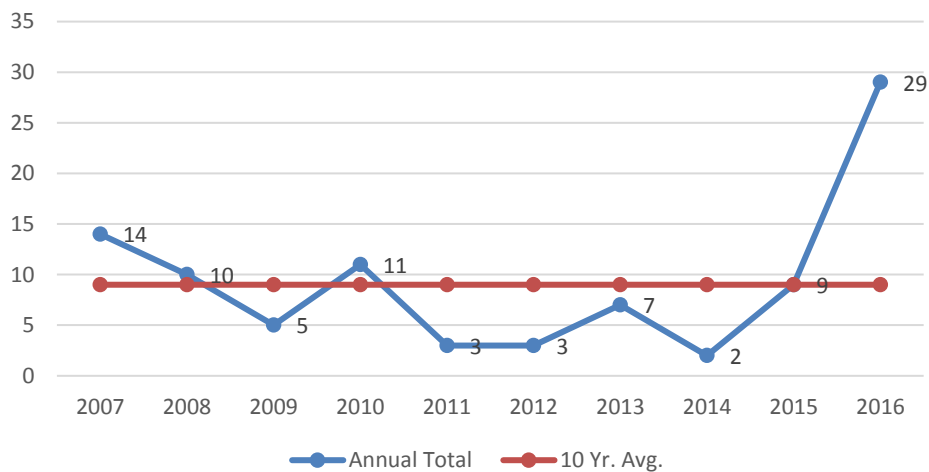
**Analysis/Recommendations:** The OPD saw a decrease in the number of chemical agent incidents in 2017, from 18 the previous year to 13 in 2017 and continues to be well below the ten-year average of 22 incidents

per year. This was in spite of the OPD anticipating an increase in some Use of Force incidents due to the increased number of patrol officers in 2017. 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 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. In 2017 there were 29 incidents in which the PepperBall weapon system was used; this is significantly higher than the ten-year average of 9 incidents per year (see Chart 8).

Chart 8: PepperBall

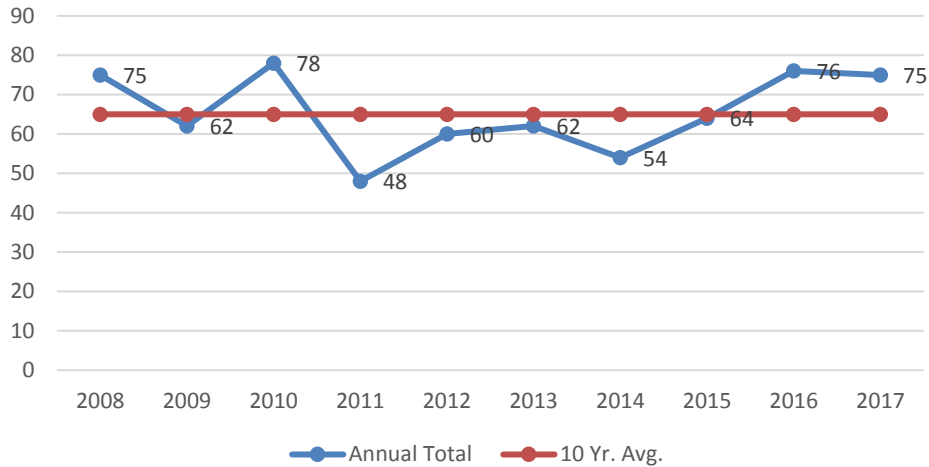


**Analysis/Recommendations:** In 2017 the OPD saw an increase in the use of the PepperBall weapon system. This increase is most likely a result of the introduction of new PepperBall launchers, as well as, more secure carrying cases and slings; the previous launchers had speed loaders that were in a constant state of disrepair. The OPD continues to have a strong presence at numerous protests and other events each year that involve large crowds which can require the use of this weapon system. Consequently, while the use of the PepperBall 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 via the SRB 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 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 2017 there were 75 incidents in which an ECD was used, this is consistent with the number of uses in 2016 and was 15% higher than the ten-year average of 65 incidents per year (see Chart 9 below).

Chart 9: ECD



**Analysis/Recommendations:** In 2017 the OPD saw a slight decrease in the use of ECD's when compared to 2016. The OPD continues to utilize ECD's as a less-lethal option in incidents requiring Use of Force. Many officers have requested ECD certification, so in 2017 a Taser Conducted Electrical Weapon New User Course was offered. The New User Course was in addition to all current ECD certified sworn officers being required to complete a Taser course with a written test and deployment exercise. In 2017 a highly publicized in-custody death occurred in which the coroner determined the subject expired from Excited Delirium. The OPD investigation revealed one of the officers involved grossly violated existing OPD ECD policy and training during the incident and that officer (and others involved) have since been terminated from the Department. It is critical the OPD maintain its high level of ECD training and continue to conduct Use of Force policy reviews each year. Additional ECD training was subsequently provided in 2017 to reinforce to officers ECD and overall Use of Force guidelines and best practices. The OPD will continue to carefully review all ECD incidents via the SRB and to carefully monitor any continued increase in their use and make policy recommendations, as needed. It is recommended that another ECD new-users training be conducted again in 2018 and additional ECD units should be purchased, as there are still officers requesting to be certified.