

Cedar Hill Police Department 2019



Use of Force Analysis

2019 Use of Force Analysis

Use of Force Analysis for 2019

This analysis was conducted for the purpose of reviewing the Cedar Hill Police Department's Use of Force for calendar year 2019. The Cedar Hill Police Department takes its obligations seriously to provide the most effective and efficient police service with the least adverse impact on our citizens and visitors. The Cedar Hill Police Department is committed to protecting the rights of all persons and in using force only when necessary, and to the extent necessary, to achieve legal compliance. This analysis is conducted each year to comply with Texas Law Enforcement Best Practice 6.10 and attempt to identify methods for reducing the number of incidents and the inherent risks involved.

Officers are trained by the department to use only the level of force necessary to bring a person under control and complete a legal objective. Police/citizen encounters can, however, change instantly, and officers may be required to react quickly in using force to subdue a resisting subject. While officers prefer to escalate their level of force in an orderly manner in order to use the lowest level possible, the response of a subject may limit that ability and force officers to use whatever level of force is immediately available to protect themselves and the public.

Use of Force Reporting Requirements

Texas Law Enforcement Best Practice 6.03 and Cedar Hill Police Department General Order 501.00, requires a use of force report to be completed under the following circumstances:

1. When using any degree of force or physical restraint which, by the nature of its use, causes or has the likelihood to cause bodily injury, serious bodily injury, or death;
2. The officer purposely strikes with either a personal weapon or an impact weapon, uses a chemical agent, conductive energy device, or less-lethal round; applies a neck restraining hold, or points a firearm at an individual during the performance of the officer's duties, regardless of whether on or off duty;
3. When an officer causes bodily injury or a complaint of bodily injury resulting from any type of police action involving a physical confrontation;

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4. When an employee discharges a firearm for other than training or recreational purposes.

In those instances where the only level of force used was the threat of deadly force, officers are required to complete a "Threat of Force Report-Firearm" form which documents the threat.

Each individual Use of Force Report is immediately reviewed by the Officer's Supervisor, and through the Chain of Command. At the time of the incident, the Use of Force is reviewed to ensure the use was appropriate and within the guidelines of Department Policy and Law. If the officer used force inappropriately, a departmental investigation is required; and the officer may receive additional training or in some cases discipline up to and including termination from employment. This analysis is not intended to determine if an officer acted inappropriately, but to identify department wide trends that may suggest changes in policy, training, equipment or supervision.

In 2019 there were no changes in the application of the Use of Force policy. The policy was last revised 07-01-2015 and last reviewed on 08-31-2017.

Analysis

In 2019, Officers responded to 22,358 customer-initiated calls for service and initiated 14,655 Traffic Stops. These 37,013 encounters resulted in 2002 arrests, an increase of 274 arrests (14%) from 2018. Of these arrests, 88 were juveniles, an increase of 12 arrests (14%) from 2018. A total of 71 reported uses of force were recorded during 42 incidents.¹ An additional 138 Threat of Deadly Force were also documented during 66 Incidents.

Some type of force was used in one out of every 881 customer-violator contacts in 2019.

¹ Each type of force deployed by each officer involved is the method used for determining the total uses of force. During an incident different force tactics may have been deployed, but were ineffective, which resulted in single or multiple officers utilizing different force tactics during the same incident.

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- The use of physical force involved a total of 28 officers in 42 separate incidents in 2019.
- Some type of force was used against 47 individuals, of which 39 were males and 8 were females.
- Of the 47 individuals that some type of force was used against, 29 were black and 18 were white.
- The average age of the adult offenders was 32 years old.
The average age of the juvenile offenders was 15 years old.

Force

The following types of force were used to gain compliance:

Type of Force Applied	Number of Times Applied	Reported Effective First Time Applied	% of Effectiveness
Soft Empty Hand	44	27	61%
Hard Empty Hand	17	11	65%
OC Spray	0	0	N/A
Conductive Energy	3	2	67%
K-9 Deployment	6	6	100%
Impact Weapons	1	1	100%
Threat of Deadly Force	138	123	89%
Vehicle	0	0	N/A
Deadly Force	0	0	N/A

Times of Occurrence

- Use of force incidents occurred **13** times between the hours of 0600 and 1800.
- Use of force incidents occurred **29** times between the hours of 1800 and 0600.

The time frames coincide with the current 12-hour patrol shifts.

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Individual Officer Use of Force

In 108 incidents, 28 officers applied some type of force, and 50 Officers applied threat of deadly force in 2019. Several officers used force more than the average and these officer's activities and actions were reviewed by the department for appropriateness. While each individual use of force is reviewed immediately after the event to ensure the actions are compliant with department policy and law, patterns of behavior can also indicate the need for additional training or supervision. Officers can have significantly different rates in their use of force depending on the crime activity in the part of the city where they are assigned, their type of assignment, the time of day they work, stature vs suspect, and their experience level.

All but one of the officers in the department that used force during an incident were found to be compliant with department directives, and their use of force was deemed appropriate under the circumstances. The one officer found not in compliance, resigned his position with the department during the Internal Affairs Investigation.

Physical Control (soft and hard empty hand)

In 2019, 28 Cedar Hill Officers used physical force that was reported to be effective 47 times when first applied. Included in the category are all those incidents requiring only physical force to complete handcuffing or bring a resisting subject under control. If physical control was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers. 24 times, the first application of force was insufficient and further uses of force were required.

Included in this category are instances where simple uses of verbal commands were not enough or effective. It includes those instances where officers placed their hands on a subject and used more force than mere guidance or a strong grip. This category includes those instances where soft empty hand control and/or hard empty hand control were utilized to control a subject. These tactics include instances where an officer must forcibly handcuff a person, employ the use of pressure point control tactics or other soft hand techniques. This category also includes closed fist strikes, knee strikes, and other techniques utilized in hard empty hand tactics.

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OC Pepper Spray

In 2019, no Cedar Hill Officers utilized their department issued Oleoresin Capsicum (OC) spray during a use of force incident.

Oleoresin Capsicum is a chemical compound derived from various pepper plants and is mixed with a propellant that is used by many law enforcement agencies as an alternative to higher and more injury-producing levels of force. The chemical spray is usually directed at a resisting subject's face and the spray causes a burning sensation of the eyes, nose, and mouth causing the subject to close their eyes and in most cases stop any physical resistance. The burning effect will usually dissipate within 30 minutes and most often has no long-term aftereffects.

Conductive Energy Device

In 2019, 3 Police Officers used the department issued Conductive Energy Device 3 times during an arrest or other incident.

Conductive Energy Device (CED), commonly called Taser, are pistol type devices that fire two small darts that are designed to embed themselves in the skin or clothing of a resisting or combative suspect. The darts are connected to the device by small flexible wires which transmit a short 5-second-high voltage/low amperage charge through the darts. This causes a disruption of muscle activity and is accompanied by pain which most often temporarily disables the individual. There are usually no long-term side effects of the use of the device on healthy individuals.

The Cedar Hill Police Department trains their officers in the proper and appropriate use of a Taser and has policies designed to only allow its use against active aggression toward officers. It is not to be utilized in cases of passive non-compliance or as punishment of any kind. Included in the category are those incidents where the use of a Taser was the highest level of force needed to bring a subject under control. If the use of a Taser was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers.

In two instances, the use of a Taser was enough to bring the person under control. The third instance required additional use of force.

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K-9 Deployment

In 2019, the one Cedar Hill Police K-9 was utilized 83 times. These 83 deployments occurred in Cedar Hill, DeSoto, Duncanville, Lancaster, and Midlothian, Texas. Out of these 83 deployments, 58 times the canine tracked individuals and the remaining 25 times he searched for articles, areas or buildings. Out of these 83 deployments, the canine located 30 individuals. Out of these 30 individuals, the canine used force during apprehension, and his handler documented 6 K-9 uses of force.

Less-Lethal Weapons

In 2019, Cedar Hill Police Officers did not discharge a less-lethal weapon during any use of force incidents.

The department has several less-lethal munitions available that can be fired from specially designed platforms designed to inflict surprise, pain or trauma that is normally less severe than the use of deadly force. These less-lethal munitions include bean bag rounds, rubber pellets, and wooden baton rounds. Pepper ball munitions are fired from systems like paintball guns. While these rounds are designed to be less lethal than regular firearms, they are still able to cause significant injury to an individual and as such are used when time and opportunity permit.

Included in the category would have been those incidents where a less-lethal weapon was the highest level of force needed to bring a subject under control. If the use of lesser force was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers. Also included in this category would have been all those instances where other lower levels of force were used but were ineffective in resolving the issue.

Use of a Firearm

In 2019, no Cedar Hill Police Officers discharged their department issued firearms other than during qualifications.

Firearms are Deadly Force, and their use is restricted. Officers must comply with not only their intensive training but with the department's Deadly Force Policy and state law. When an officer fires their weapon in the line of duty, whether an individual is struck, a detailed investigation is conducted to determine if that use complies with both policy and law.

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Included in the category are those incidents where Firearms were the highest level of force used to bring a resisting subject under control or in a felony situation, such as a high-risk traffic stop.

In 2019, the threat of deadly force was utilized 138 times by 43 Police Officers; of these, 123 uses were effective requiring no further force. However, in 15 instances the threat of deadly force was insufficient, and officers had to revert to other actions or types of force.

Citizen and Internal Complaints Regarding the Use of Force

During 2019, the Cedar Hill Police Department received no citizen complaints regarding Unnecessary or Inappropriate Use of Force. However, Police Supervisors generated one complaint for Unnecessary Use of Force against an officer, and that officer resigned their position during the Internal Affairs Investigation.

Suspect Injuries

In 2019, 18 subjects sustained or complained of injuries as a result of force used. Four (4) complained of injury but none were observed. Eight (8) subjects reported minor abrasions or cuts. They were all seen by EMS and released into police custody. Due to their actions, six (6) subjects were apprehended by K-9 and received bite punctures. All six subjects were transported to local hospitals where they were treated and released into police custody.

Officer Injuries

In 2019, there were twelve (12) officers injured as a result of using force during an incident. Eleven (11) of the twelve officers reported Minor Injuries (bruises, abrasions, swelling). One (1) of the eleven Officers who reported a Minor Injury, also reported being exposed to blood and was decontaminated. The twelfth Officer received medical attention, for a laceration to his face at a medical facility and was later released but did require an extended leave & restricted duty.

Recommendations

The 2019 USE OF FORCE ANALYSIS did not reveal any equipment needs or recommended equipment modifications. This analysis also did not reveal any policy / procedure issues or corrections needed at this time. The 2019 analysis should be used to guide the upcoming defensive tactics training classes. The training session should revolve around refreshing the officer's

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knowledge of techniques used for certain situations, use of de-escalation techniques, and should incorporate new methods for handling different situations.

Policy and Reporting Enhancements

There were no changes made to the Use of Force General Order during 2019. The last review was on 08-31-2017 and revisions were last made on 07-01-2015.

Lieutenant T. Jeanotte #029

Date

