

# Henderson Police Department

2018



*"Blessed are the peacemakers, for they shall  
Be called the children of God."*  
Matthew 5:9

# **Department**

# **Use of Force**

# **Analysis**

## **2018**

This analysis was conducted for the purpose of reviewing the Henderson Police Department's Use of Force for calendar year 2018. The Henderson Police Department takes its obligations seriously to provide the most effective and efficient police service with the least adverse impact on our citizens. The Henderson Police Department is committed to protecting the rights of all persons by using force only when necessary, to the extent necessary, and to achieve legal objectives. This analysis is conducted each year to comply with Texas Law Enforcement Best Practice 6.10, and to 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. 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 and reaction 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 Henderson Police Department General Order 6.1 VI (A) & (B), requires a written report be completed anytime an officer uses force. This report includes any use of physical force (other than the routine use of handcuffs or use of a firm grip

to direct movements of a subject) including but not limited to any impact, electrical, or chemical weapons, or a firearm being displayed or discharged.

Each individual Use of Force Report is immediately reviewed by the Officer's Supervisor, then through the chain of command to the Chief of Police. 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. The officer may receive additional training, or in some cases discipline up to termination from employment. This analysis is not intended to determine if an officer acted inappropriately, but to identify department wide trends that may suggest needed or necessary changes in policy, training, equipment, or supervision.

Use of Force Reports are filed yearly and the data is collected manually from the reports. The Henderson Police Department does not have a computer aided system in place to enter data on each Use of Force reported.

This will be the 3rd year an analysis is completed for the Henderson Police Department.

## **Use of Force Comparison 2018**

There were a total of 32 reported uses of force this year. There were a total of 10,458 citizen contacts this year (calls for service, arrests, citations, field interviews, and other contacts) which creates an index of only one use of force for every 326 citizen contacts.

	<b>2017</b>	<b>2018</b>	<b>Difference</b>
Physical Control	20	<b>19</b>	-1
OC Pepper Spray	1	<b>1</b>	0
Impact Weapon/Baton	0	<b>1</b>	+1
Non/Less Lethal Weapon	0	<b>0</b>	0
Conducted Electrical Weapon (CEW)	0	<b>1</b>	+1
Firearm	4	<b>10</b>	+6
<b>Total</b>	25	<b>32</b>	+7

## **Individual Officer Use of Force**

The average officer used force only 1 time in 2018. A number of officers used force more than the average, and these officer's actions were reviewed by the department for appropriateness. While each individual use of force is reviewed immediately after the event to ensure it is in compliance 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 and their experience level.

Officers that had a higher number of use of force incidents were mainly assigned to the 7pm – 7am shifts. All Uses of Force were justified due to the circumstances surrounding the incidents.

One violation of policy or state law was recorded in reports required by department policy after having been reviewed through the chain of command up to the Chief of Police.

## **Physical Control**

Physical control is any physical control or contact used by Officers to control a subject or subjects during a call for service or self-initiated contact. This includes but is not limited to joint manipulation, strikes, tackles, S.P.E.A.R System (Spontaneous Protection Enabling Accelerated Response) and the LVNR System (Lateral Vascular Neck Restraint). This also includes the use of handcuffs to control an irate subject during an investigation outside the normal use of handcuffs during an arrest. 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.

In 2018, Henderson Police Officers used physical control [19](#) times during incidents they were assigned to deal with.

On 11-30-18, Officers attempted to apprehend a suspect. Physical force was used when the initiating officer attempted several joint manipulations without effect. The suspect was safely apprehended with verbal communication when the second officer arrived. This particular incident displayed a need for discipline and for further training on the initiating officer. The subject detained claimed pain to her right elbow, but refused treatment.

On 11-17-18, an officer attempted to apprehend a suspect for the charge of Public Intoxication. An LVNR was used and, once on the ground, officers were able to secure the suspect without injury.

On 10-21-18, officers were attempting to detain a suspect for an alleged intoxication offense. When the suspect resisted, officers used joint manipulation to force handcuffs on the suspect. The suspect was not injured.

On 10-21-18, officers were attempting to detain a suspect for an alleged intoxication offense. The suspect refused to cooperate in getting out of the vehicle, and was forced by officers. Officers then used joint manipulation to secure the suspect. Although there was no claim of injury, due to the suspect claiming to be pregnant, she was medically cleared by a physician before transport.

On 09-30-18, officers were attempting to arrest a suspect for the violation of Driving While Intoxicated. When the suspect pulled away from officers, he was forced to the ground and secured without injury.

On 09-23-18, officers were escorting a subject for an Emergency Detention without a Warrant to the hospital for an evaluation. The subject became combative and struck the officer in the face causing a minor injury. Officers were able to force the subject to the ground and secure him without injury.

On 09-16-18, an officer was off-duty when a vehicle pursuit stopped directly at the officer and an on-duty deputy. The officer pointed his firearm at the suspect until the deputy secured her in handcuffs. Once secure, the officer cleared the scene.

On 08-27-18, an officer was attempting to detain a combative subject while in an emergency room at the hospital for an evaluation. The suspect resisted, and officers had to force her arms in handcuffs. The subject was injured before arriving at the hospital, but was treated while there.

On 08-26-18, officers were attempting to arrest a subject for the offense of Assault family violence. The suspect refused to comply with officers, was forced to the ground, and then forced in handcuffs. The suspect claimed injury to his shoulder, was treated at the emergency room, and cleared.

On 08-25-18, officers were attempting to arrest a subject for the offense of Public Intoxication. The suspect resisted and attempted to flee. The suspect was placed in an LVNR and placed in handcuffs without injury.

On 08-22-18, officers were attempting to arrest a subject for the offense of Public Intoxication. The suspect resisted and joint manipulation was used to handcuff the suspect. She then had to be forced into the patrol car. No injury reported.

On 08-16-18, officers were attempting to detain a subject for an Emergency Detention without a Warrant to have the subject evaluated at the hospital. The subject resisted officer's efforts to be placed in handcuffs. An officer used an LVNR to gain compliance of the subject. No injury reported.

On 08-15-18, officers had a suspect in handcuffs to be transported to the hospital for an Emergency Detention without a Warrant (for evaluation). The subject refused to walk for officers and was consequently carried to the patrol car. No injury reported.

On 07-29-18, officers were at the hospital in reference to a subject there for an evaluation becoming physically violent. The hospital was attempting to give the subject an injection and officers helped to restrain the subject. No injury reported.

On 05-11-18, officers responded to a residence in reference to a subject wanting to commit suicide. When officers attempted to secure the subject, they used joint manipulation to have the subject drop the knife and be secured in handcuffs. No injury reported.

On 05-03-18, officers responded to a call of a subject attempting suicide. During the course of the investigation, it was determined an offense occurred and the subject was not trying suicide. When trying to secure the suspect in handcuffs, he backed away and was forced to the ground. He was placed in handcuffs without injury.

On 02-23-18, officers were trying to arrest a subject for the offense of Criminal Trespass. The suspect pulled away from officers and then actively resisted. An officer then used an LVNR to subdue the suspect and place him on the ground where he was placed in handcuffs without injury.

On 02-22-18, an officer was attempting to keep a subject from walking into the roadway and had to physically restrain him from doing so. The subject resisted and was forced to the ground where with the assistance of a passer-by was restrained in handcuffs until another officer arrived to assist. No injury reported.

On 01-01-18, officers attempted to detain a suspect for a criminal mischief in progress. The subject became violent and refused officers commands. He was consequently forced to the ground and secured in handcuffs without injury.

## **OC Pepper Spray**

In 2018, Henderson Police Officers used department issued Oleoresin Capsicum (OC) spray chemical agent \_1\_ times during an arrest or other incident.

Oleoresin Capsicum is a chemical compound derived from various pepper plants and is mixed with a propellant used by many law enforcement agencies as a less-lethal alternative to higher and more injury producing levels of force. The chemical spray is usually directed at a resisting subject's face. The spray immediately causes a burning of the eyes, nose, and mouth causing the subject to close their eyes. In most cases, use of the spray stops any physical resistance. The burning will usually dissipate within 30 minutes, and ordinarily has no long term after effects.

Included in this category are incidents where OC Spray was the highest level of force needed to complete handcuffing or bring a resisting subject under control. If the use of OC Spray 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 1 instances this year, OC Spray was sufficient to bring the person under control. In 0 instances, OC Spray was insufficient and a higher level of force was required.

On 03-19-18, an officer was directing traffic at a road blocked by a tree. The suspect disregarded officer's directions at the location almost causing a crash. When the suspect stopped the vehicle, he refused to comply with orders to get out of the vehicle. The suspect then actively resisted and was sprayed with a short burst of OC to the face. The suspect was then forced on the ground where he was secured in handcuffs. During the investigation, it was determined the suspect was not in his right mind and detained for an evaluation at the hospital where he was decontaminated.

Also included in this category are all those instances where simple use of or issuance of verbal commands was not sufficient or effective and may include other instances where other lower levels of force were used but were ineffective in resolving the issue.

### **Impact Weapons / Baton**

In 2018, Henderson Police Officers used department issued some form of impact weapon 1 time during an arrest or other incident.

Impact weapons include the use of the department issued ASP Baton, the use of a closed fist or any other implement that was used to deliver a strike to a person.

The department issues and trains officers in the use of the ASP collapsible baton. Training is provided to instruct officers in the proper placement of strikes that will temporarily stun an opponent allowing the officer time to complete handcuffing. Batons tactics training provided by the department avoids the use of any strikes directed at the head of an individual. If an officer does not have the time or opportunity to deploy the ASP or other less-lethal options, officers may have to defend themselves with their bare hands. If closed fist strikes were required then those instances are reported in this category.

Included in the category are those incidents where an impact weapon was the highest level of force needed to complete handcuffing or bring a resisting subject under control. If the use of an impact weapon 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 1 instance this year, an impact weapon was sufficient to bring the person under control. In 0 instances, the use of an impact weapon was insufficient and another level of force was required.

Also included in this category are all those instances where simple use of or issuance of verbal commands was not sufficient or effective and may include other instances where other lower levels of force were used but were ineffective in resolving the issue.

On 08-03-18, officers were attempting to arrest a suspect for the offense of Criminal Trespass. Officers had to force the suspect out of a vehicle, and once on the ground, the suspect pulled her arms under her body. An officer used his ASP baton as leverage to pull her arms out to be secured in handcuffs. No injury reported.

## **Non/Less Lethal Weapon**

In 2018, Henderson Police Officers used a department issued less-lethal weapon 0 times during an arrest or other incident.

The department has a number of less lethal munitions available that can be fired from specially designed firearms that are intended to inflict surprise, pain or trauma that is less severe than the use of deadly force. These less lethal munitions include bean bag rounds, rubber pellets, wooden baton rounds, as well as pepper-ball munitions fired from guns similar to paintball guns. While these rounds are designed to be less lethal than regular firearms, they are still able to cause significant damage to an individual, and as such are used only as a last resort when time and opportunity permit.

Included in the category are those incidents where a non/less lethal weapon was the highest level of force needed to bring a subject under control. If the use of OC Spray 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 0 instances this year, non/less lethal munitions were sufficient to bring the person under control. In 0 instances, non/less lethal munitions were insufficient and a different level of force was required.

Also included in this category are all those instances where other lower levels of force were used but were ineffective in resolving the issue.

## **Conducted Electrical Weapon**

In 2018, Henderson Police Officers used department issued Conducted Electrical Weapon 1 time during an arrest or other incident.

Conducted Electrical Weapon, commonly called Tasers, are pistol type devices that fire two small darts that are designed to imbed 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 disruption of muscle activity and is accompanied by discomfort 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 Henderson Police Department trains their officers in the proper and appropriate use of Conducted Electrical Weapons. The department has policies designed to only allow its use against active aggression toward officers, and not in cases of passive non-compliance or as punishment of any kind.

Included in the category are those incidents where the use of a CEW was the highest level of force needed to bring a subject under control. If the use of a CEW 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 \_0\_ instances this year, the mere threat of the use of a CEW was sufficient to bring the person under control. In \_1\_ instance, the actual use of a CEW was sufficient to bring the person under control. In \_0\_ instances, the actual use of a CEW was insufficient and a higher level of force was required.

On 12-05-18, Officers were attempting to arrest a subject and not only was an LVNR used twice with no effect, but Taser was deployed and used with no effect. In the end of this incident, Officers tackled the subject and were successful in securing the suspect with no injury to either party. This stat is on this particular section due to the Taser being the highest level used, and not due to it being the effective tactic for apprehension.

## **Firearms**

In 2018, Henderson Police Officers displayed their firearms \_10\_ times during an arrest or other incident.

Firearms are by definition deadly force, and their use is very 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 or not an individual is hit, a detailed investigation is undertaken to determine if that use was in compliance with both policy and law.

Included in the category are those incidents where Firearms were the highest level of force used to bring a resisting subject under control. (The term “used” in this sentence includes the display of a firearm for the safety of the officer and other persons, including the suspect.)

In 10 instances this year, the display of a firearm was sufficient to bring the person under control. In 0 instances, Firearms were insufficient.

On 11-11-18, an officer chased a suspect into the woods when investigating an assault complaint. When located, the suspect was lying down with his hands under his body. For officer safety, the officer pointed his firearm at the suspect until it was determined that he did not have a weapon. The suspect was secured without injury.

On 11-07-18, an officer chased a suspect into the woods when told to stop for being in a suspicious place and time. When located, the suspect began to refuse to display both hands for the officer. The officer pointed his firearm at the suspect until it was determined there was not a weapon involved. The suspect was secured without injury.

On 10-28-19, officers were involved in a vehicle pursuit out of the city limits. When the vehicle stopped, one suspect (the passenger) exited with a firearm, and ran into the woods. Officers pointed their firearms at both the suspects for officer safety. The driver was secured when it was discovered she was unarmed with no injury. The passenger fled the scene on foot and was not apprehended at that time.

On 08-14-18, an officer was detained to investigate being in the area of recent thefts. Upon the officer making contact, the subject began moving furtively inside the vehicle. The officer pointed his firearm at the suspect until he was deemed to not be a threat.

On 07-08-18, an officer was checking an extra patrol when he observed the door open to the apartment. Upon entering, he found a male standing in the room. The officer pointed his firearm at the subject until determining there were no weapons present. No injury reported.

On 07-07-18, officers responded to a call of a subject in a business with a pistol. Officers had weapons drawn when searching the business. When the suspect was located, he was compliant, but did have a pistol concealed. The subject was arrested without injury.

On 05-13-18, an officer responded to a call of a burglary in progress. On arrival, the officer observed a subject in the carport of the residence. The officer had his weapon drawn and ordered the subject to the ground. The subject was detained without further incident and no injury was reported.

On 05-07-18, on a forced entry to into a residence, held a subject at gunpoint until he was secured in handcuffs for officer safety. The original call was of a subject taken against her will which was confirmed by multiple subjects. No injury reported.

On 01-13-18, officers responded to a shooting at the VFW. While en route, an officer located a vehicle matching the description given by dispatch and stopped the vehicle. The subjects in the vehicle were held at gunpoint until secured in handcuffs and the vehicle determined to be clear of weapons. The only injury was from the suspect who shot himself at the location reported. The suspect was transported to the hospital by ambulance for injury prior to officer contact.

On 01-13-18, officers conducted a felony stop on a vehicle matching the description of one used just prior in a bank robbery. When the subject was determined to not be the suspect, she was released without injury.

## **Citizen and Internal Complaints Regarding the Use of Force**

During 2018, the Henderson Police Department received a total of 1 complaints of unnecessary or inappropriate use of force. 0 of these complaints were Citizen generated and 1 was Supervisor or internally generated. Each of these complaints were investigated and resolved to the level possible.

A synopsis of each complaint is provided below with the resulting outcome:

On 11-30-18, Officers attempted to apprehend a suspect. Physical force was used when the initiating officer attempted several joint manipulations without effect. The suspect was safely apprehended with verbal communication when the second officer arrived. This particular incident displayed a need for discipline and for further training on the initiating officer. The subject detained claimed pain to her right elbow, but refused treatment.

## **General Observations**

The use of force used by the officers of the Henderson Police Department are within Policy and Procedure. The majority of the use of force incidents occur on the 7pm – 7am shifts (Night Shift). During this time frame the subjects being dealt with are usually highly agitated, assaultive, intoxicated or attempting to evade the police.

The Henderson Police Department trains the police officers yearly in the application of the LVNR (Lateral Vascular Neck Restraint and the S.P.E.A.R. (Spontaneous Protection Enabling Accelerated Response) system. This training is used to quickly take a suspect into custody without having to fight with suspects, which reduces injuries to both the officers and the suspects.

## **Recommendations**

The training at the Henderson Police Department is sufficient in the Use of Force category. The officers are trained to take control of a situation quickly and decisively to prevent injury to those involved.

If any additional training is needed it would be in the area of verbal communications, such as verbal judo or something equivalent. The younger officers tend to have issues distinguishing between verbal instructions and verbal commands, and they tend to have difficulty dealing with a verbally resistive, or verbally challenging individual. This is worked on throughout the Field Training program.

## **Command Review:**

Any Actions to be Taken:

**The Chief should order any actions to be taken in writing here with personnel assigned for follow-up.**

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Chief of Police

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Date