

# Henderson Police Department

2019



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

# **Department**

## **Use of Force**

## **Analysis**

# **2019**

This analysis was conducted for the purpose of reviewing the Henderson Police Department's Use of Force for calendar year 2019. 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 2019

There were a total of 45 reported uses of force this year. There were a total of 17,618 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 392 citizen contacts.

	2017	2018	2019	Difference
Physical Control	20	19	25	+6
OC Pepper Spray	1	1	4	+3
Impact Weapon/Baton	0	1	0	-1
Non/Less Lethal Weapon	0	0	0	0
Conducted Electrical Weapon (CEW)	0	1	3	+2
Firearm	4	10	14	+4
<b>Total</b>	<b>25</b>	<b>32</b>	<b>45</b>	<b>+14</b>

## Individual Officer Use of Force

There are 20 Officers in Patrol Division. The average officer used force only 2.25 time in 2019. 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 2019, Henderson Police Officers used physical control 25 times during incidents they were assigned to deal with.

1. On 01/06/2019, Officers used open hand control tactics to restrain a suspect to secure him in handcuffs and in a patrol car. There were no injuries reported.
2. On 01/10/2019, an SRO Officer had to restrain a student who was trying to assault another student. There were no injuries reported on this incident.
3. On 01/28/2019, Officers assisted Rusk County Deputies by physically restraining the suspect and walking him to be secured in a patrol car. There were no injuries reported.
4. On 01/29/2019, Officers used physical force to restrain a combative subject in the Hospital while under an emergency detention. There were no injuries reported.
5. On 02/22/2019, an Officer used a wrist lock to effectively secure a suspect in handcuffs. There was no injury reported in the incident.
6. On 03/04/2019, Officers chased a suspect into the woods after a vehicle pursuit. Physical force was used to tackle and restrain the suspect to secure him in handcuffs and in a patrol car. There was an injury reported to the suspect (a small cut above the eye) unknown how it was made, and an injury to an officer was noted (a small cut on his head) unknown how it was made.
7. On 03/06/2019, a SRO Officer had to restrain a student who was physically resisting. The student even struck the officer in the vest at one point. No injuries were reported during this incident.
8. On 03/29/2019, Officers physically struggled with a suspect when trying to detain her for Theft. A small scratch on her left cheek was reported and photographed.
9. On 04/23/2019, Officers had to physically restrain a suspect, and once secured in handcuffs, had to be picked up to be put in a patrol car. There were no injuries reported.

10. On 05/13/2019, Officers had to physically restrain a suspect to secure him in handcuffs, and into a patrol car. No injury was reported on this incident.
11. On 06/01/2019, Officers responded to the hospital to aid staff with restraining a mental illness patient who was being physically combative. There were no injuries reported.
12. On 06/30/2019, Officers had to physically restrain a suspect and use more than normal force to secure him in handcuffs. The suspect sustained a split lip and a chipped tooth during the struggle.
13. On 07/07/2019, Officers used open hand control tactics, and a level 1 LVNR was administered to secure the suspect in handcuffs. No injury was reported for this incident, and due to Level 1 being used, no medical treatment was necessary for the suspect.
14. On 07/08/2019, an Officer had to restrain a suspect from assaulting her mother in the officer's presence. No injury was reported on this incident.
15. On 07/11/2019, Officers were attempting to detain a suspect who began physically resisting, a level 3 LVNR was applied twice as well as a Taser Deployed (but not used). Suspect did refuse treatment by EMS when they arrived.
16. On 08/04/2019, Officers had to physically restrain a suspect to secure him in handcuffs. No injury was reported during the incident.
17. On 08/29/2019, an SRO Officer had to physically restrain a student who was resisting. No injury was reported during this incident.
18. On 10/08/2019, an Officer had to use joint manipulation and arm locks to restrain a suspect and place her in handcuffs. There was no injury reported on the incident.
19. On 11/16/2019, Officers responded to a call of a vehicle slowly driving through the neighborhood. The officers were given a description of a vehicle, and Officers located it near the location of the call. The vehicle attempted to drive away from the first contact officer who was using his lights and siren. When told to stay in the vehicle, the suspect got out and had what appeared to be a weapon in his waist. The officer displayed his firearm and ordered the suspect to the nearby wall. When at the wall, the officer re-holstered his firearm, and went to restrain him when the suspect tried to hit the officer. Several officers were required to restrain him, but no injury was reported.
20. On 11/23/2019, an Officer had to physically restrain a suspect to keep him from evading arrest. No injury was reported on this incident.
21. On 11/30/2019, Officers had to physically restrain a suspect while he resisted arrest. The suspect had to also be physically placed in the patrol car. There was no injury during this incident.
22. On 12/14/2019, Officers used a level 1 LVNR to while arresting the suspect. No injuries reported on this incident.

23. On 12/17/2019, Officers had to physically chase and subdue a suspect in an LVNR level 3 to make an arrest on a suspect who was evading on foot in to the woods. The suspect was transported to the hospital for scratches and medical clearance for using an LVNR.
24. On 12/21/2019, Officers were attempting to arrest a fleeing suspect. During the course of the incident, an officer deployed his Taser and fired the weapon. The prongs struck his left leg. Through further physical tactics, officers were able to restrain the suspect. EMS was called to the location, and cleared the suspect for transport to RCSO Jail.
25. On 12/22/2019, Officers had to physically chase and subdue a suspect in a level 3 LVNR to make and arrest. The suspect was cleared by EMS on the scene with a cut on the lip, with no other issues.

## OC Pepper Spray

In 2019, Henderson Police Officers used department issued Oleoresin Capsicum (OC) spray chemical agent 4 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 4 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.

1. On 05/23/2019, Officers were attempting to arrest a subject for DWI. The subject was handcuffed, but physically refused and resisted being placed in the patrol car. Spray was used, and was effective to secure the suspect in the patrol car for transport. An injury was reported on the suspect, but not for the spray used. The suspect slammed her head on the cage in the patrol car while being transported.
2. On 05/24/2019, Officers tried to physically place an arrested suspect in a patrol car. The suspect refused, and was warned that not complying would result in her being sprayed. The suspect continued to ignore commands by officers, and was sprayed with pepper spray. The spray was effective in subduing the suspect, and no injury was reported.

3. On 09/06/2019, an Officer sprayed a dog that was charging the animal control officer who was on scene. The spray was effective on the animal and no injuries were reported.
4. On 09/08/2019, an Officer sprayed a dog that charged the animal control officer on scene. The spray was effective on the animal, and no injuries were reported.

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 2019, Henderson Police Officers used department issued some form of impact weapon 0 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 0 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.

## **Non/Less Lethal Weapon**

In 2019, 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 2019, Henderson Police Officers used department issued Conducted Electrical Weapon 3 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 2 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.

1. On 01/04/2019, an Officer deployed a Taser at a suspect, but did not fire the weapon. Physical tactics were then used to cuff the suspect.

2. On 07/11/2019, an Officer deployed the Taser at the suspect, but did not fire the weapon. The subject was placed in a level 3 LVNR, and handcuffed. EMS was notified, but the suspect refused treatment.
3. On 12/21/2019, Officers were attempting to arrest a fleeing suspect. During the course of the incident, an officer deployed his Taser and fired the weapon. The prongs struck his left leg. Through further physical tactics, officers were able to restrain the suspect. EMS was called to the location, and cleared the suspect for transport to RCSO Jail.

## Firearms

In 2019, Henderson Police Officers displayed their firearms 14 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 14 instances this year, the display of a firearm was sufficient to bring the person under control. In 0 instances, displaying a Firearm was insufficient.

1. On 02/21/2019, a suspect evaded arrest/detention with a vehicle. When the vehicle stopped, the officer displayed his firearm for safety, but did not fire it. The suspect complied at that point, and the arrest was completed. No injuries reported on this incident.
2. On 02/29/2019, Officers attempted to stop a suspect involved in a crime. The suspect evaded with a vehicle, and when it stopped, the officer deployed his firearm for officer safety. When the scene was safe, the officer restrained the suspect without further incident. No injuries reported.
3. On 03/01/2019, an Officer responded to a Robbery. When the officer arrived, he located a subject matching the description given by the caller. The officer displayed his firearm and covered the suspect until he was able to safely pat him down for weapons. No injury was reported.
4. On 03/31/2019, An officer responded to someone at a residence that was supposed to be vacant. The officer arrived, and began clearing the residence (firearm at the ready) when noise was heard from inside the house. As the officer cleared the rooms, a suspect was located further back, and subsequently arrested. The firearm was not discharged, and no injuries were reported.
5. On 06/08/2019, an Officer attempted to stop a motorcycle for driving reckless. The driver evaded by vehicle, and when stopped, the officer had his weapon at the low ready until it was decided the scene

was safe to restrain the suspect. The firearm was not discharged, and no reported injuries on this incident.

6. On 07/30/2019, an Officer responded to an alarm call. During the investigation, it was determined that a business had been broken into, and while searching the exterior of the area, the officer located a subject dressed in dark clothing laying down in the grass. The officer displayed his firearm for safety, and when the suspect complied with commands, the officer re-holstered his weapon and restrained the suspect. No injury was reported on this incident.
7. On 10/19/2019, an Officer approached the scene of a reported "active shooter". When officers arrived, there was no shooting taking place. As one Officer approached the residence described by the caller, He had his firearm displayed for safety. When no longer deemed a threat, the weapon was re-holstered. A subject did have to be physically restrained on the scene, but when the scene was not only determined safe, but that no offense had actually occurred, the subject was released. There was no injury reported for this incident.
8. On 10/26/2019, an Officer was evading with a vehicle, and on foot. When the suspect stopped, he kept moving and the officer displayed his firearm for safety. When the scene was deemed safe, the weapon was re-holstered, and the suspect was detained. No injury was reported on this incident.
9. On 10/28/2019, an Officer was searching a residence for a wanted subject for a felony. The suspect was noted to be likely armed, and the officer had his firearm displayed while searching. When the subject was not deemed a threat, he was restrained without incident. No injury was reported on this incident.
10. On 11/17/2019, Officers responded to a call of a vehicle slowly driving through the neighborhood. The officers were given a description of a vehicle, and Officers located it near the location of the call. The vehicle attempted to drive away from the first contact officer who was using his lights and siren. When told to stay in the vehicle, the suspect got out and had what appeared to be a weapon in his waist. The officer displayed his firearm and ordered the suspect to the nearby wall. When at the wall, the officer re-holstered his firearm, and went to restrain him when the suspect tried to hit the officer. Several officers were required to restrain him, but no injury was reported.
11. On 11/20/2019, an Officer was responding to a call of a subject at the location who should not have been there. While en-route, the suspect fled by vehicle. It was reported that he had a felony warrant and was considered armed with a handgun. When the officer made contact with the vehicle he displayed his firearm at the suspect until it was deemed safe to restrain him. No injury was reported on this incident.
12. On 11/21/2019, an Officer stopped a subject after evading with a vehicle at gunpoint. When it was safe to do so, the officer re-holstered his firearm and restrained the suspect with the help of other officers to handcuffs. No injury reported on this incident.
13. On 11/21/2019, an Officer was making contact with a subject reportedly armed. When approaching the vehicle, the suspect refused to follow commands, and the officer displayed his firearm until the suspect was removed from the vehicle and restrained. There was a knife within reach of the suspect.

When the scene was secure, the suspect was transported by officer to the hospital for an emergency detention without a warrant. No injury was reported on this incident.

14. On 12/09/2019, and Officer conducted a felony stop on a vehicle matching the description and license plate of a stolen vehicle. During the stop, his firearm was displayed until the suspect was safely restrained. No injury was reported during this incident.

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

During 2019, 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:

### **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