

# Henderson Police Department

## 2022



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

# Department

## Use of Force

## Analysis

# 2022

This analysis was conducted for the purpose of reviewing the Henderson Police Department's Use of Force for calendar year [2022](#). 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 6th year an analysis is completed for the Henderson Police Department.

## Use of Force Comparison 2022

2022 had a total of 50 reported uses of force for the year. 2022 had a total of 16,374 citizen contacts for the year (calls for service, arrests, citations, field interviews, and other contacts) which creates an index of only one use of force for every 327 citizen contacts.

	2018	2019	2020	2021	2022	Difference
Physical Control	19	25	21	27	33	+6
OC Pepper Spray	1	4	2	3	3	0
Impact Weapon/Baton	1	0	0	0	0	0
Non/Less Lethal Weapon	0	0	0	0	0	0
Conducted Electrical Weapon (CEW)	1	3	4	2	3	+1
Firearm	10	14	18	11	11	0
<b>Total</b>	<b>32</b>	<b>45</b>	<b>45</b>	<b>43</b>	<b>50</b>	<b>+7</b>

## Individual Officer Use of Force

There are 20 Officers in Patrol Division, 5 School Resource Officers and 8 plain clothes Detectives. The average officer used force only 1.5 times in 2022. 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 uses of force incidents were mainly assigned to the 6pm – 6am shifts. All Uses of Force were justified due to the circumstances surrounding the incidents.

## 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). 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 2022, Henderson Police Officers used physical control 33 times during incidents they were assigned to deal with.

1. On 01/03/22, 2 officers used physical force to subdue a suspect enough to enable handcuffing.
2. On 01/08/22, 2 officers used physical force to subdue a suspect enough to enable handcuffing.
3. On 01/19/22, 2 officers used physical force to subdue a suspect enough to enable handcuffing.
4. On 02/04/22, 1 officer used light force to subdue a suspect enough to enable handcuffing.
5. On 03/07/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
6. On 03/29/22, 2 officers used physical force to subdue a subject enough to enable handcuffing.
7. On 04/15/22, 1 officer assisted DPS in using physical force to subdue a combative arrestee who was attempting to escape from the hospital and the officer then used physical force to subdue the arrestee when he grabbed the Troopers firearm at the Jail.
8. On 04/17/22, 1 officer used physical force to subdue a resistant handcuffed arrestee enough to detain him until assistance arrived.
9. On 04/18/22, 2 officers used physical force to subdue a subject enough to enable handcuffing.
10. On 05/03/22, 1 officer used physical force to subdue a subject enough to enable handcuffing and transport.
11. On 05/08/22, 3 officers used physical force to subdue an EDW enough to enable handcuffing and transport to the hospital.
12. On 05/24/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
13. On 05/25/22, 2 officers used physical force to subdue a subject enough to enable handcuffing and transport.
14. On 05/31/22, 3 officers used physical force to subdue a suspect enough to enable handcuffing.
15. On 06/02/22, 3 officers used physical force to subdue a suspect enough to enable handcuffing.

16. On 06/16/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
17. On 06/26/22, 2 officers used physical force to subdue a suspect enough to enable handcuffing and transport.
18. On 07/01/22, 4 officers used physical force to subdue a suspect enough to enable handcuffing.
19. On 07/03/22, 3 officers used physical force to subdue an EDW patient who was resisting life saving measures being given by hospital staff.
20. On 07/19/22, 1 officer used physical force to subdue an EDW patient who was being physically aggressive with hospital staff who was administering chemical restraint.
21. On 07/19/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
22. On 09/04/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
23. On 09/05/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
24. On 09/17/22, 3 officers used physical force to subdue a suspect enough to enable handcuffing.
25. On 09/19/22, 2 officers used physical force to subdue a suspect enough to enable handcuffing.
26. On 09/23/22, 1 officer used light hand control in order to gain compliance from a subject.
27. On 09/23/22, 1 officer used light hand control in order to gain compliance from a subject.
28. On 09/24/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
29. On 09/30/22, 1 officer used physical force to subdue a suspect enough to enable handcuffing.
30. On 10/14/22, 3 officers used physical force to subdue a suspect enough to enable handcuffing.
31. On 11/07/22, 2 officers used physical force to subdue a subject enough to disarm them
32. On 12-02-22, 3 officers used physical force to subdue a combative subject enough to enable handcuffing.
33. On 12/14/22, 1 officer used light physical force in order to place a resistant arrestee into the patrol unit.

## OC Pepper Spray

In 2022, Henderson Police Officers used department issued Oleoresin Capsicum (OC) spray chemical agent 3 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 instance this year, the threat of OC Spray was sufficient to bring the person under control. In 1 instance, OC Spray was insufficient and a lower level of force was required. In 1 instance, OC was used in order to keep an aggressive dog away from an officer. OC was sprayed towards the dog and that was enough to keep it back.

1. On 03/21/22, an officer sprayed OC at a dog that was being aggressive towards the officer.
2. On 07/24/22, an officer displayed their spray after a short foot chase. Spray was not deployed, but the threat of use caused compliance.
3. On 10/14/22, 3 officers physically attempted to take a female into custody who resisted. The female suspect was OC sprayed without effect, and lower physical was utilized in order to make the arrest.

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 2022, 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. Baton 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 instances 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 2022, 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 2022, Henderson Police Officers used department issued Conducted Electrical Weapon 3 times 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 3 instances this year, the mere threat of the use of a CEW was sufficient to bring the person under control. In 0 instances, 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 01/23/22, 1 officer was attacked by an aggressive subject. The officer drew and displayed his Taser and this was enough to gain compliance from the suspect who then allowed themselves to be taken into custody.
2. On 05/03/22, 1 officer drew and displayed their Taser to a non-compliant subject and this was enough to gain compliance from the subject.
3. On 07/06/22, 1 officer drew and displayed their Taser while entering a home to confront an armed subject with a knife, but upon contact with the subject and confirmation that the subject was unarmed, the officer re-holstered their Taser.

## Firearms

In 2022, Henderson Police Officers displayed their firearms 11 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 9 instances this year, the display of a firearm was sufficient to bring the person under control. In 2 instances, displaying a Firearm was insufficient to end the confrontation, as 1 armed suspect complied and dropped their weapon but then physically resisted being taken into custody, and another suspect believed to be armed physically resisted being taken into custody after officers displayed their firearms.

1. On 01/25/22, after a vehicle pursuit and suspect vehicle rollover, the suspect fled on foot a short distance while being pursued by our officer. The suspect fell down and our officer took him into custody at gunpoint.

2. On 03/20/21, after a vehicle pursuit that went out into the County, the suspect abandoned his vehicle and fled on foot a short distance. 1 officer pointed his firearm at the suspect in a wooded area while attempting to stop the suspect and another officer pointed their sidearm at the suspect as they approached the suspect to take him into custody.
3. On 03/29/22, after a vehicle pursuit, our officer drew his weapon and took the suspect into custody at gunpoint.
4. On 04/07/22, a handcuffed suspect fled on foot from officers before he could be placed into a patrol unit and when our officer located him in the dark beside a nearby building a short time later, our officer could not see the suspect's hands in the dark to confirm he was not armed so our officer pointed his sidearm at the suspect until it was confirmed he was unarmed and still handcuffed.
5. On 06/02/22, During a disturbance call, 3 officers were confronted with an armed suspect with a machete. 2 officers drew their weapons and ordered the suspect to drop the machete and after he complied, 3 officers then had to use physical force to subdue and handcuff the suspect.
6. On 07/18/22, while 2 officers were serving a Felony Warrant, they drew and displayed their duty weapons while taking the suspect into custody.
7. On 07/24/22, after a vehicle pursuit, our officer took the suspect into custody at gunpoint.
8. On 09/17/22, During a disturbance call, 2 officers drew their weapons and confronted a suspect that had claimed he had a gun prior to arrival of officers. No weapon was observed but when the suspect physically resisted being detained, 3 officers used physical force to subdue the suspect to the point he could be handcuffed.
9. On 11/16/22, during a traffic stop, the officer observed a handgun between the driver and front passenger seat and the passenger placed their hand on the firearm, prompting the officer to draw his weapon and order the passenger to get their hands away from the gun. The officer then held the subjects at gunpoint until a backup officer arrived and covered the suspect at gunpoint until they could be gotten out of the vehicle and detained.
10. On 12/08/22, our responding to a family violence call in which the suspect allegedly pointed a firearm at another family member and threatened to kill them. The suspect was not on scene initially, but when they showed back up on scene, our officer pointed his firearm at the suspect until he could be detained in handcuffs.
11. On 12/21/22, after a vehicle pursuit, the suspect exited his vehicle and fled on foot. Our officer gave chase and upon catching and confronting the suspect at gunpoint, our officer was able to handcuff and take the suspect into custody.

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

During 2022, the Henderson Police Department received a total of 1 complaint of unnecessary or inappropriate use of force. 1 this 1 complaint was Citizen generated. 0 was Supervisor or internally generated. It should be noted that each complaint made to the agency is investigated and resolved to the level possible.

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

- 1) On 4-27-22, a suspicious acting subject checked themselves into the ER for minor illness symptoms. The hospital treated the patient and allowed them to rest for several hours before discharging them. The patient then refused to leave and began alleging additional ailments and illnesses that had not been declared in the earlier medical interview. The ER refused to re-admit the patient due to suspicions about the patient's behavior (which was very erratic) and possible motives for seeking medical attention, but the patient still refused to leave. Police were summoned and upon officers identifying the patient, it was found they had an active warrant. Once the hospital confirmed the patient had no medical issues and was medically cleared and needed no further medical treatment, officers handcuffed the subject who then resisted being escorted out of the hospital. 2 officers then used light escort control to guide the handcuffed patient out of the hospital to a patrol unit for transport. The arrestee later alleged one of the officers physically assaulted the arrestee during the arrest, however, after investigation and review of video evidence, this allegation was determined to be fictitious and unfounded.

## **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 6pm – 6am 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 its police officers yearly in the application of physical arrest tactics 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 aggressive, or verbally uncooperative individual. This is worked on throughout the Field Training program as well as in the 4 Arrest and Control Tactics Modules conducted each year.

It is recommended that HPD continue its annual in-house Arrest and Control Tactics trainings, along with Briefing trainings and online Police One trainings associated with Use of Force topics. Officers should also be encouraged to constantly review Use of Force Policies and Procedures of the Department in order to remain constantly cognizant of Use of Force options and rules.

## **Command Review:**

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Chief of Police

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Date