

Henderson Police Department

2021



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

Department

Use of Force

Analysis

2021

This analysis was conducted for the purpose of reviewing the Henderson Police Department's Use of Force for calendar year 2021. 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 5th year an analysis is completed for the Henderson Police Department.

Use of Force Comparison 2021

2021 has a total of 43 reported uses of force for the year. 2021 has a total of 19,457 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 452 citizen contacts.

	2017	2018	2019	2020	2021	Difference
Physical Control	20	19	25	21	27	+6
OC Pepper Spray	1	1	4	2	3	+1
Impact Weapon/Baton	0	1	0	0	0	0
Non/Less Lethal Weapon	0	0	0	0	0	0
Conducted Electrical Weapon (CEW)	0	1	3	4	2	-2
Firearm	4	10	14	18	11	-5
Total	25	32	45	45	43	0

Individual Officer Use of Force

There are 20 Officers in Patrol Division and 4 School Resource Officers. The average officer used force only 2.15 times in 2021. 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 7pm – 7am 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 2021, Henderson Police Officers used physical control 27 times during incidents they were assigned to deal with.

1. On 01/01/21, an officer used physical force to restrain a suspect into mechanical restraints.
2. On 01/15/21, an officer used held a suspect by hands and feet when resisting.
3. On 01/28/21, an officer used joint manipulation to control a resisting suspect.
4. On 02/24/21, a Lt. used joint manipulation to control a resisting suspect.
5. On 02/25/21, an officer used open hand techniques to safely take a suspect in custody.
6. On 03/08/21, a detective assisted with a foot pursuit and physically restrained suspect to assist placing suspect in restraints.
7. On 03/17/21, an officer used joint manipulation to secure suspect in hand restraints.
8. On 03/19/21, officers used joint manipulation to restrain suspect in handcuffs.
9. On 03/24/21, an officer physically restrained a suspect by joint manipulation to aid in handcuffing.
10. On 04/07/21, officers used joint manipulation to restrain suspect and aid jailers at RCSO.
11. On 04/13/21, an officer assisted DPS trooper in taking suspect on the ground to aid in arresting.
12. On 04/15/21, an officer used an arm bar to restrain a suspect to effect an arrest.
13. On 04/22/21, when a suspect resisted arrest, officers physically restrained the suspect to put him in handcuffs.

14. On 05/30/21, officers used open hand techniques to restrain the suspect.
15. On 06/05/21, officers physically held suspect on a blood draw warrant refusal.
16. On 06/27/21, an officer used joint manipulation to effect an arrest.
17. On 06/28/21, officers physically forced a resisting suspect's arms behind his back to effect an arrest.
18. On 07/15/21, officers used open hand techniques to effect an arrest.
19. On 07/29/21, suspect was physically taken to the ground to aid in restraining in handcuffs.
20. On 09/07/21, joint manipulation was used to arrest the suspect by an officer.
21. On 10/23/21, a resisting suspect was physically forced into handcuffs using joint manipulation.
22. On 10/24/21, open hand techniques were used to disarm a suspect wielding a razor to aid EMS in treatment of patient.
23. On 10/24/21, Officers used joint manipulation to place a suspect in hand restraints.
24. On 10/30/21, a suspect fleeing on foot was taken to the ground to place in custody.
25. On 11/12/21, a resisting suspect was forced into restraints when taken to the ground.
26. On 11/24/21, an officer used an arm-bar to put suspect in restraints.
27. On 12/07/21, an officer wrestled a suspect into handcuffs to effect an arrest.

OC Pepper Spray

In 2021, 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 2 instances this year, 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.

1. On 04/05/21, an officer sprayed a dog that was attacking a complainant's dog to separate them.
2. On 05/31/21, an officer displayed her spray after a short foot chase. Spray was not deployed, but the threat of use cause compliance.
3. On 09/29/21, an SRO was wrestling with a suspect, and OC spray was deployed with no effect. The suspect was detained when the second officer arrived.

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 2021, 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 2021, 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 2021, Henderson Police Officers used department issued Conducted Electrical Weapon 2 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 2 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 03/16/21, an Officer deployed but did not discharge TASER when suspect appeared to try an kick a deputy.

2. On 10/06/21, a Sgt. deployed but did not discharge a TASER when a suspect was actively resisting arrest of another officer.

Firearms

In 2021, 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 11 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 02/20/21, a Lt. was assisting officers on a shots fired call. Lt. located a subject with a hoodie at night, hiding behind a bush. The Lt's firearm was out and pointed at the suspect until identified as not being in possession of a firearm. No discharge of a weapon took place.
2. On 03/20/21, after a vehicle pursuit, an officer was attempting a felony stop on the vehicle when the suspect fled on foot. Suspect was later detained. No firearm discharged on this call.
3. On 03/25/21, Officers cleared a residence with firearms unholstered on a shooting call. The suspect was located and taken into custody without any firearms being discharged.
4. On 03/27/21, Officers were in a vehicle pursuit which ended with a suspect who fled on foot into a residence. Officers cleared the residence with firearms at the ready. When suspect was located, he was detained without the discharge of any firearms.
5. On 05/12/21, after a vehicle pursuit, an officer covered the suspect while another officer pulled the suspect out of a vehicle and placed them in handcuffs.
6. On 06/18/21, Officers pointed firearms at suspects during a felony stop. No firearm discharged.
7. On 06/29/21, Officer pointed a firearm at felony suspect during a stop. No firearm discharged.
8. On 09/13/21, Officer pointed a firearm at a felony suspect after a pursuit. No firearm discharged.
9. On 10/21/21, Suspect tried to take officer's firearm. Officer was able to control firearm, and arrest suspect with no firearm discharged.

10. On 11/15/21, when making contact with a DWI suspect who's vehicle struck a patrol car after a short low-speed pursuit, the arresting officer approached the vehicle with pistol drawn at the low ready. No firearm was discharged on this call.
11. On 12/25/21, officers pointed, but did not discharge firearms, toward suspects after a vehicle pursuit.

Citizen and Internal Complaints Regarding the Use of Force

During 2021, the Henderson Police Department received a total of 0 complaints of unnecessary or inappropriate use of force. 0 of these complaints were Citizen generated and 0 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 it's 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.

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.



Chief of Police

8/31/22
8/31/22

Date