

Henderson Police Department

2020



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

Department

Use of Force

Analysis

2020

This analysis was conducted for the purpose of reviewing the Henderson Police Department's Use of Force for calendar year 2020. 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 4th year an analysis is completed for the Henderson Police Department.

Use of Force Comparison 2020

2020 has a total of 45 reported uses of force for the year. 2020 has a total of 17,977 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 400 citizen contacts.

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

Individual Officer Use of Force

There are 20 Officers in Patrol Division. The average officer used force only 2.3 time in 2020. 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) 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 2020, Henderson Police Officers used physical control 21 times during incidents they were assigned to deal with.

1. On 01/24/20, an SRO officer used joint manipulation to escort a student at Henderson Middle School.
2. On 01/30/20, officers used joint manipulation to detain a suspect who was resisting CPS taking custody of children.
3. On 02/04/20, a detective used joint manipulation to escort a student at Henderson High School.
4. On 03/26/20, an officer used physical force more than a firm grip to place a suspect in physical restraints.
5. On 03/27/20, an officer held a suspect against a wall to place her in physical restraints.
6. On 05/15/20, an officer wrestled with a resisting suspect to place him in physical restraints.
7. On 05/15/20, officers had to physically manipulate the suspect's arms to restrain him and secure him in handcuffs.
8. On 05/22/20, an officer physically held a subject back from attempting to assault her mother.
9. On 07/10/20, an officer physically held a subject from striking hospital staff while under an EDW.
10. On 08/22/20, officers had to physically detain 6 people resisting at a residence who were trying to fight each other.
11. On 08/28/20, an officer physically restrained a violent subject while at a domestic call.

12. On 09/19/20, an officer had to manipulate the suspect's arms when she resisted detention.
13. On 10/09/20, officers detained a subject who became increasingly violent when escorted to the jail.
14. On 10/12/20, an officer responded to the hospital for an out-of-control patient under an EDW. He and a detective had to physically manipulate her arms to secure her in handcuffs.
15. On 10/18/20, an officer responded to a disturbance call described as a male assaulting two females. When he arrived, the male was standing over the females in an aggressive manner, and the subject was placed on the bed then restrained by handcuffs.
16. On 11/02/20, officers had to physically restrain a resisting subject when being escorted into the hospital for an EDW.
17. On 11/19/20, an officer had to manipulate the suspect's hands and arms to detain him for a warrant arrest.
18. On 11/23/20, officers physically held down and restrained a subject attempting to assault hospital staff while under an EDW.
19. On 11/29/20, an officer restrained a subject ignoring commands by securing him to the hood of his car and then handcuffed.
20. On 12/18/20, officers went to place a suspect in restraints when subject resisted. The officers were able to take him to the ground where he was safely detained.
21. On 12/21/20, officers were attempting to get a subject back inside the hospital who fled on foot while under an EDW. The officers needed to physically restrain him outside, and then restrain him once in the emergency room for his own safety.

OC Pepper Spray

In 2020, Henderson Police Officers used department issued Oleoresin Capsicum (OC) spray chemical agent 2 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 04/21/20, a suspect resisted officers while under arrest for DWI. During the blood draw, the subject attempted to assault officers. The suspect was sprayed with department issued OC spray, and continued to resist. It wasn't until the LVNR was used that the subject stopped resisting.
2. On 04/23/20, a physically assaultive suspect arrested and placed in a patrol car began kicking the door to the patrol unit. He was warned after assaulting an officer and breaking the window to a patrol unit, then sprayed with OC. Suspect was then transported to Jail where he continued to be combative.

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 2020, 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 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 2020, 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 2020, Henderson Police Officers used department issued Conducted Electrical Weapon 4 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 3 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 02/07/20, suspect had already attempted to evade officers from a felony warrant. When stopped in the living room, the suspect refused to exit the residence. Suspect complied with orders when taser was merely pointed at suspect.
2. On 02/12/20, a subject was taken in to custody and transported to the hospital for an EDW. Physical force had to be used including an LVNR to get the subject into a patrol car. Once at the hospital, subject again became combative and refused commands. Subject was warned about using the taser, and then taser deployed effectively subduing the subject.
3. On 09/19/20, a subject was attempting to leave the hospital from being detained under an EDW. He locked himself in a vehicle, and when talked out, he lunged at an officer. Two officers physically manipulated his arms while one pointed a taser at subject
4. On 10/22/2020, a suspect resisting arrest, and attempting to conceal or destroy evidence was physically restrained by officers, but stopped resisting when he noticed the taser light was on his chest and he was warned it was about to be deployed.

Firearms

In 2020, Henderson Police Officers displayed their firearms 18 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 17 instances this year, the display of a firearm was sufficient to bring the person under control. In 1 instances, displaying a Firearm was insufficient.

1. On 01/11/20, when approaching a reported and entered stolen vehicle from our city, the officer approached the vehicle (with driver still inside and on a cell phone). The suspect ignored commands to get out of the car. The officer pointed his firearm at the suspect until it was determined the suspect was unarmed.
2. On 02/03/20, after a vehicle pursuit, the officer approached the vehicle with his weapon drawn at a high ready. When attempting to get the suspect out of the vehicle, he pulled away from the officer

several times. The officer had already re-holstered his firearm, and sprayed the suspect with OC. The officer was then able to get the suspect out and restrained in handcuffs.

3. On 02/21/20, Officers responded to a disturbance call. The suspect was located and attempted to strike an officer with a vehicle. The suspect evaded arrest by vehicle, and after striking several vehicles and became stuck, Officers approached the suspect with weapons drawn. When safe to do so, officers pull the suspect from the driver's seat and secured her in handcuffs without further incident.
4. On 02/22/20, Officers responded to a call of two people fighting, and one had a box cutter. Upon arrival, it was observed that the subjects were indeed fighting with two large sticks of some sort. Upon officers getting out, officers approached the subjects with weapon drawn. The box cutter was removed, and there was no further incident.
5. On 03/17/20, officers responded to an assault in progress with a firearm involved. With weapons drawn, officers proceeded to the residence. When it was determined to be safe, weapons were re-holstered without further incident.
6. On 03/29/20, officers responded to a report of a murder suspect being in a residence. When making contact at the residence, officers heard what sounded to them to be a firearm being loaded. When a male approached the door, the officer's rifle was pointed at the suspect until it was determined that the suspect was unarmed. At that time, firearms were no longer used.
7. On 05/04/20, officers were involved in a vehicle pursuit. When the suspect's vehicle stopped at an intersection, officers had their firearms drawn to conduct a felony stop. When the occupants were detained safely, firearms were put away.
8. On 05/17/20, officers responded to a call of a man on a porch with a shotgun. Upon arrival, all officers had weapons drawn until the shotgun (then clearly visible and within reach) was secured.
9. On 06/05/20, officers responded to the Henderson Fire Department Station 1 in reference to a man with a firearm banging on the door. When an officer made contact with a subject matching the description, he pointed his service rifle at the suspect while giving verbal commands. The suspect complied, and the rifle was put away when it was determined no firearm was present at the time.
10. On 06/12/20, officers stopped a vehicle pointed out to have the suspect in an armed robbery in the passenger seat. When getting the suspect out of the vehicle, he laid on the ground and refused further commands. The officers holstered their weapons and secured the suspect without further incident.
11. On 07/26/20, officers responded to an aggravated robbery. During the call, officers cleared a residence. They had their firearms drawn while clearing the house. When the subjects inside were located unarmed, the weapons were holstered.
12. On 08/08/20, officers were involved in a short pursuit with a male who was known to the officers. Upon the vehicle stopping, the officer involved at the scene approached the vehicle with his weapon drawn until the suspect was found to be unarmed.

13. On 08/16/20, officers were involved in a pursuit with a vehicle. When it stopped, the driver got out quickly and began making furtive movements toward his vehicle. Officers pointed their firearms at the subject until it was determined that the suspect was unarmed.
14. On 08/29/20, officers responded to a vehicle located at a gas station which had been reported stolen from another county. The vehicle fled the scene, and left the other occupants at the gas station. One of those subjects told an employee that he had a gun, and would shoot cops if they chased him. When officers arrived, they cleared the area and located the subject described as making the statement. Officers had their weapons drawn when clearing the areas, and locating the described subject. When the group was cleared of weapons, officers holstered without further incident.
15. On 09/25/20, officers made a traffic stop on a vehicle matching the description of a vehicle as containing the suspects in a recent shooting. Firearms were pointed at the suspect until cleared of weapons. One subject was sprayed with OC after resisting arrest and a short foot pursuit.
16. On 10/28/20, officers responded to a location where a truck tractor had hit a deer. The deer was injured, and the game warden for the area was contacted. By his authority and advisement, the officer discharged a firearm putting the deer down.
17. On 12/14/20, officers located a suspect vehicle described by witnesses as having stolen a trailer. The vehicle stopped and the suspect driving evaded on foot into a wooded area. Officers cleared the area with firearms drawn and ordered the suspect out of the woods. When the suspect was determined to not have a weapon in his hands, the officer's weapons were holstered and the suspect was arrested.
18. On 12/19/20, While checking a reported active alarm, an officer located a subject furtively sit up in a vehicle parked at the location. The officer pointed his firearm at the subject until it was determined the subject was not armed. At that time, the firearm was holstered.

Citizen and Internal Complaints Regarding the Use of Force

During 2020, 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 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.



Chief of Police

5-17-2021

Date