



# INTER-OFFICE COMMUNICATION

## POLICE DEPARTMENT

**“To Serve and Protect”**

3 April 2012

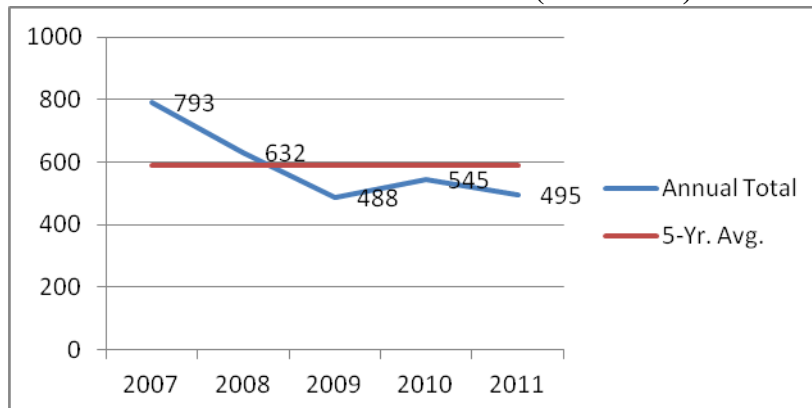
**TO:** Acting Deputy Chief Diana Kelly  
**FROM:** Ryan Behrens, Research & Planning, C958  
**SUBJECT:** 2011 Annual Use of Force Analysis – CALEA Standard 1.3.13

### OVERALL USE OF FORCE

Omaha police officers are obligated by agency directive and local law to use only the amount of force necessary to achieve lawful objectives. Due to the serious nature of use of force incidents, the Omaha Police Department (OPD) utilizes a standard use of force reporting system that allows command staff to review and analyze these types of incidents. Command officers draw on this reporting system to identify trends, improve training and employee safety, and provide timely information when addressing use of force issues with the public. In 2011, OPD officers were involved in 495 use of force incidents in the line of duty, which is 16 percent below the five-year average of 590.6 (see Table 1). During that same five-year period, overall use of force incidents have decreased nearly every year, for an overall reduction of 38 percent (see Chart 1).

| <b>Table 1: Reported Use of Force Comparison: 2010-2011</b> |             |             |             |             |             |                  |
|---|-------------|-------------|-------------|-------------|-------------|------------------|
|   | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> | <b>2011</b> | <b>5-yr avg.</b> |
| <b>Discharge of Firearm</b>                                 | 74          | 79          | 69          | 62          | 59          | 68.6             |
| <b>K-9 Apprehension</b>                                     | 10          | 1           | 2           | 7           | 1           | 4.2              |
| <b>Use of Baton</b>   | 15          | 4           | 9           | 3           | 6           | 7.4              |
| <b>Use of Bodily Force*</b>                                 | 477         | 420         | 313         | 366         | 341         | 383.4            |
| <b>Use of Mace</b>  | 39          | 39          | 23          | 24          | 29          | 30.8             |
| <b>Use of Pepperball</b>                                    | 36          | 14          | 10          | 5           | 11          | 15.2             |
| <b>Use of Taser</b>   | 142         | 75          | 62          | 78          | 48          | 81               |
| <b>TOTAL</b>  | <b>793</b>  | <b>632</b>  | <b>488</b>  | <b>545</b>  | <b>495</b>  | <b>590.6</b>     |

**Chart 1: Use of Force Trend (2007-2011)**



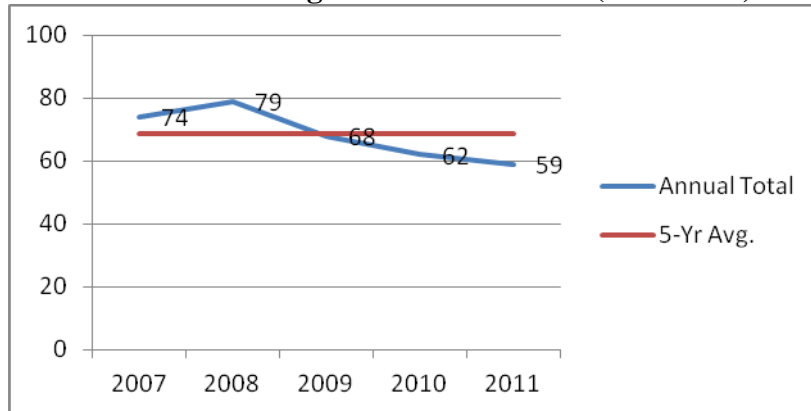
## USE OF FORCE – INDIVIDUAL CATEGORIES

### Discharge of Firearm

OPD officers are directed to use deadly force when they reasonably believe the action is in defense of human life, or to safely and humanely put down an injured animal. The OPD prohibits officers from firing warning shots. Each officer involved in a discharge of firearm incident is subject to a thorough investigation. Each incident is reviewed by the OPD Safety Review Committee (SRC) for policy compliance, and possible safety and training issues. The SRC submits recommendations to the chief of police, who either accepts or rejects the recommendations. In 2011, 59 Omaha police officers were involved in 53 discharge of firearm incidents while in the line of duty. These incidents fell into six categories, including: (1) deer; (2) dog; (3) vehicle; (4) person; (5) horse; and (6) accidental (see Table 2). The five-year average for discharge of firearm reports was 68.6. After increasing slightly between 2007 and 2008, discharge of firearm reports decreased by 25 percent between 2008 and 2011 (see Chart 2).

| Reason for Discharge          | Deer | Dog | Vehicle | Person | Horse | Accidental |
|-------------------------------|------|-----|---------|--------|-------|------------|
| <b>Incidents (53)</b>         | 33   | 10  | 4       | 4      | 1     | 1          |
| <b>Officers Involved (59)</b> | 33   | 13  | 6       | 5      | 1     | 1          |

**Chart 2: Discharge of Firearm Trend (2007-2011)**

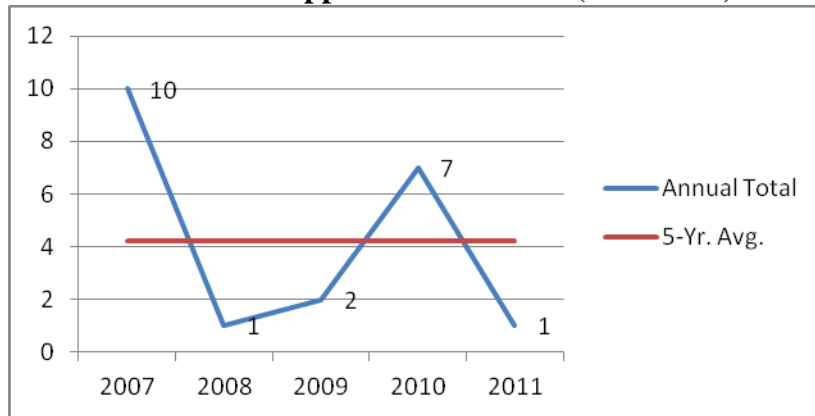


**Recommendations:** The OPD experienced a steady decline in discharge of firearm incidents following a peak in 2008, with annual decreases of 14 percent (2009), 9 percent (2010), and five percent (2011). The annual total of 59 incidents in 2011 was the lowest during the five-year timeframe, and was nearly 10 incidents below the five-year average. Furthermore, a majority of those 2011 incidents (83 percent) involved officers discharging firearms to put down injured animals in a humane way. Of the incidents that involved a person or vehicle, all were reviewed at length by OPD command and/or the county attorney, and the officers' actions were determined to be appropriate for the situation. Due to the steady decline in annual discharge of firearm incidents, as well as the appropriateness of those actions, it is recommended that no changes be made to OPD's firearm policies or training at this time.

### **K-9 Apprehension**

OPD K-9s are primarily used as a search and locate tool for both persons and controlled substances. However, it sometimes becomes necessary for officers to use K-9s to apprehend a suspect in situations when officer safety is at risk. Using a K-9 to apprehend a suspect is an option that K-9 handlers use only when necessary; therefore, OPD officers report very few annual K-9 apprehensions. Total annual K-9 apprehensions have varied between 10 and one during the last five years. The five-year average was 4.2 (see Chart 3).

**Chart 3: K-9 Apprehension Trend (2007-2011)**

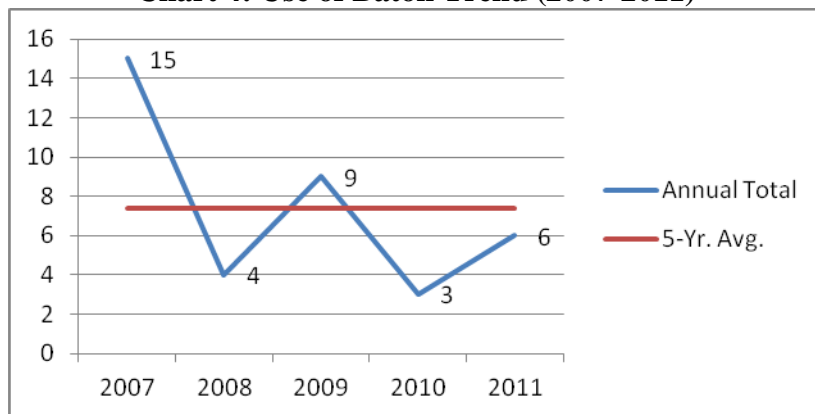


**Recommendations:** *K-9 apprehensions – like use of force as a whole – have decreased over the last five years. But with a five-year average of just more than four incidents per year, the numbers are far too low to provide a statistically significant sample. No recommendations for improved training or policy revisions are made at this time.*

### **Use of Baton**

OPD officers who choose to carry a baton are allowed to use it as a primary impact weapon to protect themselves or others from potential or actual bodily harm. Officers who carry batons are authorized to use the weapon to subdue a subject who refuses to comply with verbal commands, and who has displayed – through words or actions – behavior indicating the subject will resist arrest or assault the officer. OPD officers averaged 7.4 incidents over the past five years, and used batons six times in 2011 (see Chart 4).

**Chart 4: Use of Baton Trend (2007-2011)**

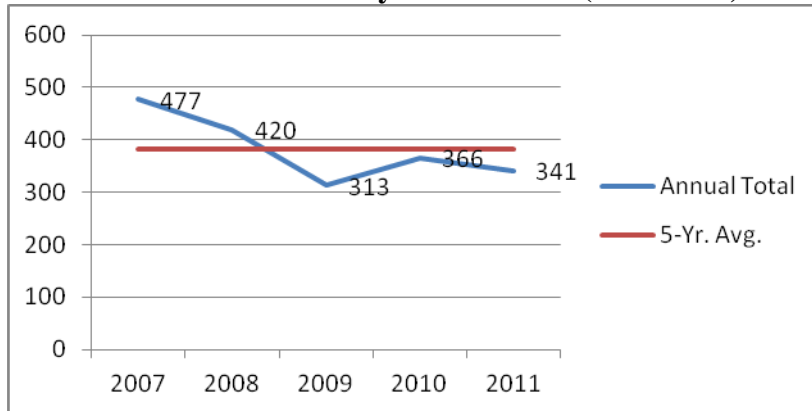


**Recommendations:** *OPD officers rarely use batons in their daily duties. With an average of 7.4 annual incidents over the last five years, and only six incidents in 2011, it is impossible to gauge the significance in any yearly fluctuations. What is clear is that few officers choose to carry batons on duty, and there have been no major findings of wrongdoing in the few instances when officers have been forced to use batons during physical altercations. Therefore, it is recommended that the OPD maintain its current policies and training in regard to use of batons.*

## **Use of Bodily Force**

Use of bodily force includes force without a weapon such as brachial stun, double leg sweep, hand strike, hard empty hand control, joint lock, knee strike, leg strike, LVNR/ULNR, pressure point, single leg sweep, soft empty hand control, and takedown. Omaha police officers using bodily force often use several types of force during a single incident. For instance, an officer may use a double leg sweep, a joint lock, and LVNR/ULNR all during the same incident. Omaha police officers averaged 383.4 annual use of bodily force incidents between 2007 and 2011, and use of force incidents decreased by 29 percent between 2007 and 2011 – from 477 to 341 (see Chart 4). Included in these 341 total use of bodily force incidents were 857 individual use of force techniques (see Table 3).

**Chart 4: Use of Bodily Force Trend (2007-2011)**



**Table 3: Use of Bodily Force - 2011**

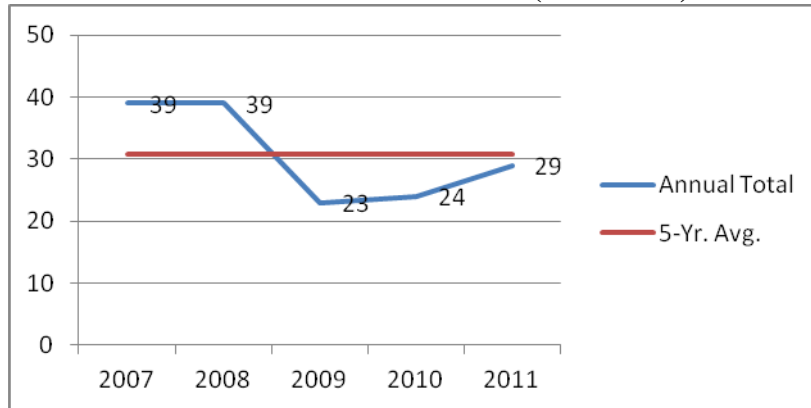
| <b>Force Type</b>       | <b>Force Used</b> |
|-------------------------|-------------------|
| Brachial Stun           | 48                |
| Double Leg Sweep        | 17                |
| Hand Strike             | 114               |
| Hard Empty Hand Control | 45                |
| Joint Lock              | 15                |
| Knee Strike             | 107               |
| Leg Strike              | 26                |
| LVNR / ULNR             | 58                |
| Pressure Point          | 10                |
| Single Leg Sweep        | 71                |
| Soft Empty Hand Control | 181               |
| Takedown                | 165               |
| <b>TOTAL</b>            | <b>857</b>        |

**Recommendations:** Omaha police officers use bodily force in a majority of use of force incident; including 69 percent of all use of force incidents in 2011. The total number of bodily force incidents in the years 2009 through 2011 was far below the number of such incidents in 2007 and 2008. In 2009-2011, officers averaged 24 percent fewer bodily force incidents than in the years 2008 and 2009 (340 incidents on average in 2009-2011; 449 incidents on average in 2007 and 2008). While this substantial decrease is a positive sign, the frequency of bodily force incidents requires officers to continue training on bodily force techniques and policies. It is therefore recommended that officers continue to receive mandatory annual in-service training regarding bodily force techniques and policies.

### Use of Mace

Omaha police officers may use chemical agents when empty hand control techniques are ineffective or inappropriate. Chemical agents are deployed in accordance with OPD training standards. Deployment of chemical agents should include the use of verbal commands before, during and after use, when tactically feasible. Omaha police officers averaged 30.8 annual use of mace incidents from 2007 through 2011; including 29 use of mace incidents in 2011 (see Chart 5 below).

**Chart 5: Use of Mace Trend (2007-2011)**

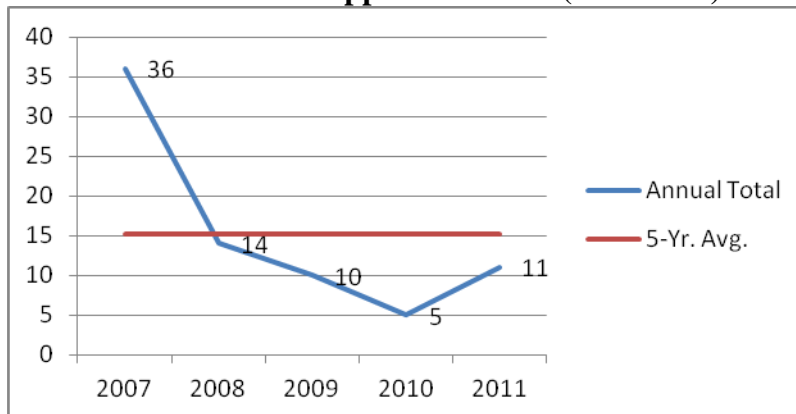


**Recommendations:** Omaha police officers are using mace less frequently in recent years. After a 41 percent reduction in the use of mace between 2008 and 2009, officers have increased annual use by four percent and 21 percent in 2010 & 2011, respectively. Although there has been a recent increase in use, there are so few annual mace incidents that it would be imprudent to consider the trend significant. No changes to OPD policy or training are recommended at this time.

### Use of Pepperball

Certified Omaha police officers are allowed to use the pepperball weapon system as an intermediate weapon within the OPD's force continuum. Pepperball is used to deescalate potentially dangerous situations when lesser force options would likely be ineffective to establish control, and where deadly force is not appropriate. Prior to deploying the pepperball weapon system, officers must take into account the safety of innocent bystanders, other officers, and the suspect. Omaha police officers averaged 15.2 annual uses of pepperball over the last five years. There was a minor increase in use between 2010 and 2011 (see Chart 6).

**Chart 6: Use of Pepperball Trend (2007-2011)**

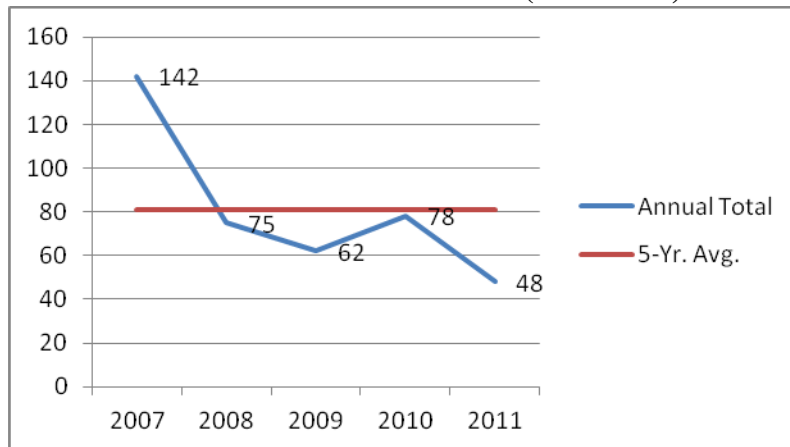


**Recommendations:** Omaha police officers have deployed the pepperball weapon system fewer than 15 times annually since 2008. This is less than half as often as the system was used in 2007; however, due to the low numbers involved, no statistical significance can be determined. It is recommended that officers continue to be judicious in their use of pepperball.

## Use of Taser

Omaha police officers are allowed to use electronic control devices (Tasers) to control a potentially dangerous or violent subject when the subject – through words or actions – communicates that he or she may soon resist, oppose or attempt to flee from an officer making a lawful arrest or detention. A Taser may also be used if a person poses a risk of self, such as a self-inflicted injury or suicide attempt. Only officers who are certified in the use of a Taser may carry this weapon. Over the past five years, Omaha police officers have significantly reduced their use of Tasers. There was a 66 percent reduction in the use of Tasers by Omaha police officers between 2007 & 2011 (see Chart 7).

**Chart 7: Use of Taser Trend (2007-2011)**



**Recommendations:** *The OPD experienced a 38 percent reduction in use of electronic control devices from 2010 to 2011. This continued a significant reduction in the use of electronic control devices since 2007 (although there was a brief uptick in 2010). This reduction is likely due to a combination of three factors: (1) fewer officers choosing to carry electronic control devices; (2) the OPD's decision to review and revise department policy regarding use of electronic control devices; and (3) enhanced use of force training for active (non-recruit) officers over the last five years. Considering the significant reduction in these types of incidents since 2007, as well as the large decrease in 2011, it is recommended that the OPD continue to emphasize the seriousness of using electronic control devices on suspects, and continue to provide quality annual use of force training.*