

CEDAR HILL POLICE DEPARTMENT



Annual Use of Force Analysis 2021

Completed by Captain Colin Chenault

Professional Standards Division

Use of Force Analysis for 2021

This analysis was conducted for the purpose of reviewing the Cedar Hill Police Department's Use of Force for calendar year 2021. The Cedar Hill Police Department takes its obligations seriously to provide the most effective and efficient police service with the least adverse impact on our citizens and visitors. The Cedar Hill Police Department is committed to protecting the rights of all persons and in using force only when necessary, and to the extent necessary, to achieve legal compliance. This analysis is conducted each year to comply with Texas Law Enforcement Best Practice Section 6.10 and 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 change rapidly, and officers may be required to react quickly in using force to subdue a resisting subject. While officers prefer to adjust their level of force in an orderly manner to use the lowest level possible, the response 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 Cedar Hill Police Department General Order 50I.00, requires a use of force report to be completed under the following circumstances:

1. When using any degree of force or physical restraint which, by the nature of its use, causes or has the likelihood to cause bodily injury, serious bodily injury, or death.
2. The officer purposely strikes with either a personal weapon or an impact weapon, uses a chemical agent, conductive energy device, or less-lethal round; points a firearm at an individual during the performance of the officer's duties.
3. When an officer causes bodily injury or a complaint of bodily injury resulting from any type of police action involving a physical confrontation.
4. When an employee discharges a firearm for other than training or recreational purposes.

In those instances where the only level of force used was the threat of deadly force, officers are required to complete a "Threat of Force Report- Firearm" form which documents the threat.

Each individual Use of Force Report is reviewed by the Officer's Supervisor, and through the Chain of Command. At the time of the incident, the Use or 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; and the officer may receive additional training or in some cases discipline up to and including termination from employment. The

annual Use of Force analysis is not intended to determine if an officer acted inappropriately, but to identify department wide trends that may suggest changes in policy, training, equipment, or supervision.

In 2021 there were changes in the application of the Use of Force policy. These changes included adding a definition for 'intervene' and modification of the 'Duty to Intervene' section to include all employees, sworn and civilian and included intervention options for civilian employees. The policy was last reviewed and revised on 3-19-2021.

Analysis

In 2021, Officers responded 21,294 citizen-initiated calls for service and initiated 10,623 Traffic Stops. These 31,917 encounters resulted in 961 arrests, an increase of 55 arrests (6%) from 2020. Of these arrests, 18 were juveniles, a decrease of 16 arrests (49%) from 2020. A total of 20 reported uses of force were recorded during 13 incidents.¹ Physical force was used in one out of every 2455 customer-violator contacts in 2021.

An additional 51 incidents involving 85 individuals occurred which required officers to use the threat of deadly force were also documented during 2021.

- The use of physical force involved a total of 20 Officers in 13 separate incidents in 2021.
- Force, including the threat of force, was used against 98 individuals, of which 82 were males and 16 were females.
- Of the 98 individuals involved in all force/threat of force incidents, 69 were black, 18 were white, and 11 were Hispanic.

2020 Use of Force Comparison

In 2020, the department recorded 27 uses of force during 20 incidents. The 20 uses of force during 2021 represents a 25% decrease from 2020.

¹ Each type of force deployed by each officer involved is the method used for determining the total uses of force. During an incident different force tactics may have been deployed, but were ineffective, which resulted in single or multiple officers utilizing different force tactics during the same incident.

In 2020, 38 threats of force were recorded during 25 incidents. The 85 threats of force involved in 51 separate incidents represents a 124 % increase from 2020. It is worth noting each incident in which the threat of deadly force was used was determined to be within policy upon supervisory review.

The following statistics are offered to provide some context in explaining the increase in threats of force for 2021. During 2020, Cedar Hill officers responded to 131 incidents involving a firearm. During 2021, officers responded to 176 incidents involving a firearm: a 34% increase. During 2020, a total of 55 arrests were made for Unlawful Carrying of a Weapon (UCW). In 2021, there were 76 UCW charges, a 38% increase from 2020. During 2020, ten (10) aggravated robbery offenses were reported. In 2021, that number increased to 22, a 120% increase.

Force

The following types of force were used to gain compliance:

Type of Force Applied	Number of Times Applied	Reported Effective First Time Applied	% of Effectiveness
Soft Empty Hand	1	0	0%
Hard Empty Hand	14	14	100%
OC Spray	2	2	100%
Conductive Energy	1	1	100%
K-9 Deployment	2	2	100%
Impact Weapons	0	0	0
Threat of Deadly Force	51	51	100%
Vehicle	0	0	0
Deadly Force	0	0	0

Individual Officer Use of Force

Several Officers used force more than the average and these Officer's activities and actions were reviewed by the department supervisors for appropriateness based on department policy and state law. While each individual use of force and threat of force is reviewed immediately after the event to ensure the actions are compliant 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, stature vs suspect, and their experience level.

In all but one incident, officers in the department that used force during an incident were found to be compliant with department directives, and their use of force was deemed appropriate under the circumstances. One use force application was determined to be unnecessary during the review process and disciplinary action was taken against the officer involved.

Physical Control (soft and hard empty hand)

In 2021, 15 officers deployed a use of force technique which falls under soft/ hard empty hand control techniques.

Included in this category are instances where simple uses of verbal commands were not enough or effective. It includes those instances where Officers placed their hands on a subject and used more force than mere guidance or a strong grip. This category includes those instances where soft empty hand control and/or hard empty hand control were utilized to control a subject. These tactics include instances where an Officer must forcibly handcuff a person, employ the use of pressure point control tactics or other soft hand techniques. This category also includes closed fist strikes, knee strikes, take downs and other techniques utilized in hard empty hand tactics.

OC Pepper Spray

In 2021, two (2) officers utilized their department issued Oleoresin Capsicum (OC) spray during a use of force incident

Oleoresin Capsicum is a chemical compound derived from various pepper plants and is mixed with a propellant that is used by many law enforcement agencies as an alternative to higher and more injury-producing levels of force. The chemical spray is usually directed at a resisting subject's face and the spray causes a burning sensation of the eyes, nose, and mouth causing the subject to close their eyes and in most cases stop any physical resistance. The burning effect will usually dissipate within 30 minutes and most often has no long-term aftereffects.

Conductive Energy Device

In 2021, 1 officer used the department issued Conductive Energy Device (Taser) 1 time each during an arrest or other incident.

Conductive Energy Devices (CED), commonly called a Taser, are pistol type devices that fire two small probes designed to embed themselves in the skin or clothing of a resisting or combative

suspect. The probes are connected to the device by small flexible wires which transmit a short 5-second-high voltage/low amperage charge through the probes. This causes a disruption of muscle activity and is accompanied by pain which is designed to temporarily disable the individual. There are usually no long-term side effects of the use of the device on healthy individuals.

The Cedar Hill Police Department trains their Officers in the proper and appropriate use of a Taser and has policies designed to only allow its use against active aggression toward Officers. It is not to be utilized in cases of passive non-compliance or as punishment of any kind. Included in the category are those incidents where the use of a Taser was the highest level of force needed to bring a subject under control. If the use of a Taser 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 this instance, the use of a Taser was enough to bring the person under control.

K-9 Deployment

In 2021, the Cedar Hill Police K-9 was utilized 20 times. These 20 deployments occurred in Cedar Hill, DeSoto, Duncanville, Grand Prairie, Midlothian, and Ovilla, Texas. Out of these 20 deployments, the canine tracked suspects four (4) times and located the suspect one (1). The one located suspect resulted in the canine using force (a bite) during the apprehension and his handler documented the K-9 use of force accordingly. The other 15 times the suspects surrendered without force being applied by the K-9. During the other 16 deployments, the K-9 assisted Patrol personnel with searching buildings & homes, securing scenes, high-risk stops, and high-risk warrants. During 2021, the K9 was found to have been used improperly on one occasion. The use was documented as a use of force incident. During the review of the incident, the use of the canine was deemed inappropriate and disciplinary action was taken.

Less-Lethal Weapons

In 2021, Cedar Hill Police Officers did not discharge a less-lethal weapon during any use of force incidents.

The department has several less-lethal munitions available that can be fired from specially designed platforms designed to inflict surprise, pain or trauma that is normally less severe than the use of deadly force. These less-lethal munitions include bean bag rounds. Pepper ball munitions are fired from systems like paintball guns. While these rounds are designed to be less lethal than regular firearms, they are still able to cause significant injury to an individual and as such are used when time and opportunity permit.

Included in the category would have been those incidents where a less-lethal weapon was the highest level of force needed to bring a subject under control. If the use of lesser force 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. Also included in this category would have been all those instances where other lower levels of force were used but were ineffective in resolving the issue.

Use of a Firearm

In 2021, no Cedar Hill Police Officers discharged their department issued firearms other than during qualifications.

Firearms are classified as Deadly Force, and their use is 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 an individual is struck or not, a detailed investigation is conducted to determine if that use complies with both policy and law.

Threat of Deadly Force

Included in the category are those incidents where the threatened use of firearms were the highest level of force used to bring a resisting subject under control or in a felony situation, such as a high-risk traffic stop.

In 2021, the threat of deadly force was utilized 51 times by 141 Police Officers; of these, 51 uses were effective requiring no further force.

Citizen and Internal Complaints Regarding the Use of Force

During 2021, the Cedar Hill Police Department received one citizen complaints regarding unnecessary or inappropriate use of force. The complaint was fully investigated by the Professional Standards Division and the force used by the officer was found to be within policy. The resulting injury sustained by the individual was not the result of excessive force.

Suspect Injuries

In 2021, three subjects sustained injuries because of force used. Two received abrasions and one received a bruise.

Officer Injuries

In 2021, there were four officers injured because of using force during an incident. Three officers reported minor injuries (abrasions and swelling). One officer sustained a broken bone in his hand after falling with a suspect who he was attempting to arrest.

Recommendations

The 2021 USE OF FORCE ANALYSIS revealed a significant increase in the number of threats of force used by officers. While the supervisory reviews of all these incidents resulted in a finding of 'within policy', the increase should serve as a reminder to all supervisors the importance of a thorough review of each incident. This increase also serves as a reminder to all officers, supervisors, and administrative staff of the dangers faced by personnel daily. This analysis did not reveal any policy or procedure issue, or corrections needed at this time. The 2021 analysis should be used to guide the upcoming defensive tactics training classes. The training sessions should revolve around refreshing the officer's knowledge of techniques used for certain situations, use of de-escalation techniques, and should incorporate new methods for handling different situations. It should be noted that during 2021, all officers and supervisors underwent De-escalation and Fair and Impartial Policing training.

Policy and Reporting Enhancements

The following changes were made to the Use of Force policy during 2021:

- GO 501.03.E. Added definition for Intervene and renumbered subsequent sections.
- GO 501.05 Edited section to include applicability to all employees and requirement of immediate notification and written notification.
- Removed previous section GO 501.17 and incorporated it into GO 507.00 DEADLY FORCE and renumbered all subsequent sections.

The last review was on 03-19-2021 and revisions were last made at that time as well.

Command Review:

C. M. 176

Assistant Chief

4-18-22

Date

[Signature] #276

Police Chief

4-18-22

Date