

**TO: CAPTAIN KIM SYLVESTER
PATROL SERVICES DIVISION**

**FROM: SERGEANT KRIS WIRSTROM
INTERNAL AFFAIRS DIVISION**

**SUBJECT: INTERNAL AFFAIRS DIVISION
USE OF FORCE ANALYSIS FOR RECOGNITION PROGRAM**

DATE: APRIL 17, 2012

In 2011, the Allen Police Department had thirty-eight (38) documented use of force incidents, of those, eighteen (18) were documenting the usage of force against persons. Twenty (20) were incidents wherein force was used against property.

Use of Force – Persons

Control #P11-001

Officers were attempting to take an individual into custody for a mental detention. The suspect resisted the officer's attempts to place her in handcuffs. Officers used a Taser to "drive-stun" the subject. The officers were able to place the subject in handcuffs and no additional force was used.

Control #P11-002

The officer placed an individual under arrest for disorderly conduct. While being placed in the rear of the patrol vehicle, the arrestee stated that his back hurt from having two bad discs. The officer allowed the subject to take his time getting into the vehicle. Once the arrestee was fully in the rear of the patrol vehicle, the officer closed the door. The arrestee then stated that the officer closed his knee in the door. There were no visible injuries to the subject and he refused treatment.

Control #P11-003

Officers were attempting to place a subject in custody for assault family violence. The subject refused to comply with the officer's requests for him to place his hands behind his back. The subject then placed his hands in front of his body, grabbing both of his wrists. After multiple

requests for the subject to place his hands behind his back, the officer deployed his Taser. The Taser probes made contact with the subject, though the device malfunctioned. Officers were ultimately able to gain control of the subject and place him in handcuffs. The subject continued to struggle while handcuffed. While at APD Jail, the arrestee complained that the handcuffs were too tight. The shift supervisor observed small marks on the subject's wrists that he believed to be self-inflicted.

Control #P11-004

Officers pursued a theft suspect on foot while giving loud verbal commands for the suspect to stop. The suspect failed to comply with the officer's commands and continued fleeing. One of the officers in pursuit of the suspect deployed his Taser. The Taser probes made contact with the suspect and operated properly. The suspect fell to the ground and was subsequently taken into custody. No further force was applied.

Control #P11-005

The officer responded to a welfare concern regarding a male subject that was approaching cars and stating that someone was trying to kill him. Upon arrival, the officer was informed that the subject had gone into the kitchen of a nearby restaurant. The officer located the subject and instructed the subject to sit down. The subject did not comply with the officer's commands and began approaching the officer. The officer then instructed the subject to stop. The subject again failed to comply with the officer's commands. The officer deployed his Taser. The Taser probes made contact with the subject and operated properly. The officer's report reads that the probes entered the subject's chest and torso as he was "walking away." The suspect received a total of three, five second bursts before compliance was achieved. No further force was applied.

Control #P11-006

The officer placed a subject under arrest for disorderly conduct. Upon arrival at APD Jail the arrestee complained that the handcuffs were too tight. The subject's wrists were examined with no signs of injury.

Control #P11-007

While responding to a disturbance at a large party in a private residence, officers came in contact with an unresponsive subject. A sternum rub was conducted in an attempt to rouse the subject. The subject was partially responsive at this time. Officers assisted the subject to his feet and escorted him out of the residence. The subject later complained of injuries to his chest, abdomen, shoulder and arms. An Internal Affairs investigation of the incident was conducted and the investigation revealed that no excessive force was used.

Control #P11-008

The officer was responding to a suspicious person call and observed a subject exit the back door of a residence and jump the fence. The officer issued verbal commands for the subject to stop. The subject continued to flee from the officer. The officer then deployed his Taser. One Taser probe struck the subject while the other probe missed. The subject then complied with the officer's commands without any additional force applied.

Control #P11-009

Officers responded to a public intoxication call and instructed an intoxicated subject to sit on a curb. The subject refused to comply with the officer's instructions. Two officers attempted to assist the subject to the ground, though the subject continued to resist. The officers then attempted to place the subject in handcuffs. While placing the subject in handcuffs, the subject quickly leaned forward and struck the left side of his eyeglasses with his left knee. The subject sustained a half inch laceration above his left eye.

Control #P11-010

Officers were attempting to book a subject into APD Jail for public intoxication. The subject refused to comply with officer's requests and knocked over a computer monitor. The officer deployed his Taser and drive stunned the arrestee's back to gain compliance. No further force was applied.

Control #P11-011

Officers responded to a domestic disturbance and instructed a female to exit the residence for the purpose of conducting the investigation. The female refused to exit the residence. An officer grabbed the female by the wrist to escort her out of the residence. The female then struck an officer twice in the face. The female was then escorted to the ground by officers and placed in handcuffs. The female was then taken out of the residence where she continued to kick the officers. The escorting officer then escorted the female to the ground until additional officers could assist in placing the arrestee in a patrol vehicle.

Control #P11-012

Officers were attempting to take a subject into custody for a mental detention. The subject struggled with officers placed his left hand under his body in attempt to prevent officers from placing him in handcuffs. An officer then deployed his Taser and drive stunned the subject in the upper back. The subject then complied with the officer's commands. No further force was applied.

Control #P11-013

Officers responded to a DWI crash and instructed the driver to exit the vehicle. After the driver did not comply with the officers requests, the primary officer attempted to pull the driver from the car. The cover officer warned the driver that he would be Tased if he did not comply. After repeated attempts to remove the driver from the vehicle, the cover officer deployed his Taser, striking the subject in the right side of his abdomen. The Taser effectively deployed and the officers took the subject into custody.

Control #P11-014

Officers arrested a suspect for Public Intoxication. When the officers attempted to get the suspect to stand up and walk to the patrol car, the suspect refused. The officers attempted to carry the suspect to the patrol car, but, due to the suspect's weight (approximately 300 pounds); they were forced to drag him. The suspect suffered abrasions to his knees from being placed in the patrol car.

Control #P11-015

Officers arrested the suspect for outstanding warrants. When sitting in the back seat of the patrol unit, the suspect hit his head on the headliner. While being booked into jail, the suspect was uncooperative and would not spread his legs to be searched. The arresting officer used the instep on his foot to spread the suspect's feet. The suspect claimed that his head was injured and the officer kicked him. The suspect was transported to Allen Presbyterian Hospital due to his claimed injuries. The suspect was cleared for confinement from the hospital and booked into jail.

Control #P11-016

Officer arrested a suspect for Public Intoxication. Once placed in the back seat, the suspect began to kick the plexi-glass window of the cage. The suspect was ordered to stop, and he complied. When being escorted into the jail, the suspect was noticed to be bleeding from a wound he sustained while becoming belligerent during transport. While being walked into the jail, the suspect, repeatedly, threw himself against the patrol car, as well as, other items in the sally port. Once inside the jail, the suspect became aggressive and ignored commands, from officers and jailers, to sit down. Officer attempted to get suspect to comply by applying pressure point control tactics, but they failed. After the pressure point control tactics failed, the officer administered a drive stun to the still handcuffed suspect's stomach, and the suspect briefly complied. The suspect was transported to Allen Presbyterian Hospital where he was treated for the self-inflicted wound to his head. Suspect was released from jail, after treatment, and was deemed fit for confinement.

Control #P11-017

Officers arrested suspect for an active warrant. During transport, the suspect began thrashing and kicking in the back seat. Upon arrival at the jail, the suspect was found to be bleeding from the mouth. Suspect stated that he had received the self-inflicted wound while thrashing about and he hitting his head against the cage, during transport. Suspect did not require medical attention.

Control #P11-018

Officers responded to a suspicious person call. Upon making contact with the suspect, he was asked to exit the vehicle. Once outside the vehicle, the suspect made an attempt to reenter the vehicle, and ignored officers' commands to stop. Officers had to take the suspect to the ground to gain control of him and place him in handcuffs. While being taken to the ground, the suspect received an abrasion to his left cheek that did not require medical attention.

Use of Force – Property

The Special Weapons and Tactics Team used force one (1) time to forcibly gain entry into a residence. This incident was based on a search warrant and included damage to a door and windows caused by entry tool and distraction devices.

The Criminal Investigations Division used force seven (7) times to gain entry to property pursuant to the execution of a search warrant.

The Patrol Services Division accounted for eleven (11) Use of Force reports against property. Eight (8) reports were calls involving suicidal subjects; one (1) report was a welfare concern where an individual was found deceased; and two (2) reports involved officers forcibly entering vehicles to apprehend drivers that were intoxicated and would not/could not allow officers access to the interior of the vehicle.

Analysis:

The Internal Affairs Division reviewed each Use of Force report in 2011 to identify trends and ensure compliance with departmental policies and procedures. The review of these reports identified facts that merit further evaluation.

- Of the eighteen (18) documented use of force against persons incidents reported in 2011, nine (9) of them were Taser related.
- In scrutinizing those Taser deployments, the following information was identified:
 - Three of the Taser deployments were on persons in need of mental evaluation.
 - Two subjects were defensively resistant.
 - One subject was non-compliant to verbal commands and walking away.
 - Two Taser deployments were during the course of investigations of Class C Offenses (Theft and Family Violence.)
 - In one instance, the subject that was subjected to the Taser was charged only with Evading Arrest, it does not appear that another crime was committed.
 - Two Taser deployments were in the jail on subjects already in custody.
 - One of these subjects was still in handcuffs
 - One subject exposed to the Taser was intoxicated and had been involved in an accident. When officers arrived, the subject did not respond to verbal commands to exit the vehicle. The subject was exposed to the Taser device while still behind the wheel of the vehicle.

None of the subjects that were exposed to the Taser device were accused of a major offense. None of the subjects that were exposed to the Taser device were demonstrating behavior higher than defensive resistance. In fact, most of the subjects that were exposed to the Taser device were merely non-compliant with verbal commands. None of them were actively aggressive.

While these Taser deployments are within the guidelines prescribed by department policy, specifically General Order 800: Use of Force, Internal Affairs recommends that the policy be reviewed. General Order 800 was subject to review in July of 2011. To date, that policy has not been reviewed and thus has not changed since being signed into order in July of 2009. Many factors regarding law enforcement's usage of Conductive Energy Devices (Tasers) have changed since the inception of this policy. Internal Affairs recommends that we review this policy giving consideration to environmental factors including pending litigation, judicial opinion, public opinion, best practice standards, and the testimony and recommendations from noted experts in this particular area of law enforcement.

Additionally, the Internal Affairs Division examined the use of force against property. It appears that the department and its personnel follow the department's policy. The use of force on property was most often used in the execution of search warrants, but there were incidents wherein officers used force against property to check on the welfare of individuals. Internal Affairs does not see a need to change policy or practice, add additional training, or add equipment in reference to the use of force on property items.

It should also be noted that the procedure for the reporting of use of force incidents against property was changed in November of 2011. Moving forward, there will not be a use of force report completed and sent up the chain of command. The incident will be documented in an Incident or Offence Report, and that report will be sent to the City of Allen Risk Manager upon request.

Respectfully submitted,

Sergeant Kris Wirstrom
Internal Affairs Division