

# City of Eugene

## Police Auditor Review

Eugene Police Department Use of Force

April to December 2013

April 22, 2015



## **Auditor Review of 2013 Eugene Police Department Use of Force April to December, 2013**

### **Introduction**

In April 2013, the Eugene Police Department (EPD) initiated changes to the use of force reporting process as a result of the acquisition of “Blue Team” software.

The Independent Police Auditor (IPA) Office’s goal, working with EPD through the shared databases, is to be a leader in the collection and analysis of use of force data and to continually improve the quality of both processes. Recognizing the intricacies of uses of force, examining use of force outcomes is an important part of assessing our services to the community. The current data base for Internal Affairs and the Auditor’s Office, and purchased by the Auditor’s Office is called IAPRO. A component of IAPRO that became available is called “Blue Team.” It is incident specific software used by supervisors to record incidents in a timely manner. The implementation of “Blue Team” became fully operational in April, 2013.

Prior to the implementation of “Blue Team,” when officers used force, they filled out reports and submitted them for review by their supervisors. Thus, supervisors were not required to respond to the scene and/or produce the use of force report. The individual officer had the primary reporting responsibility for reporting their own use of force.

With the implementation of “Blue Team” supervisors now must respond to a use of force (usually considered something that begins with resistive handcuffing) and document the incident utilizing the “Blue Team” software system. It is expected that the supervisor will briefly interview involved officers, the arrestee, and document any pertinent information. The supervisor also takes photographs when feasible and ensures that if anyone is injured, medical assistance is provided. Then, the “Blue Team” information moves electronically through the chain of command protocols for review. The independent police auditor and internal affairs have complete access to all “Blue Team” entries and information. Anyone from the reporting supervisor or the chain of command can recommend that the police auditor initiate an allegation of misconduct based on a “Blue Team” preliminary investigation.

One of the responsibilities of the Auditor’s Office is to: “Perform a quality assurance function with the goal of identifying systemic changes that will improve police services to the community.”

### **Methodology:**

In 2014 the police auditor’s office took on the task of reviewing all use of force “Blue Team” entries for the period April 2013 to December 2013. In total, there were 130 use of force “Blue Team” entries (each community member or visitor taken into custody is counted as one) for this time period out of approximately 9,000-10,000 arrests and misdemeanor citations. Thus, in about 1.4% of the arrests, some level of force was used. In our review of other jurisdictions and in consultation with force experts, a percentage “goal” is 5% or less in which force is used during arrests. (There is some subjectivity per jurisdiction in reporting as there is no national standard for force reporting.)

All “Blue Team” entries are reviewed by the Auditor’s office, usually on a daily basis. This was not possible prior to the implementation of the “Blue Team” software system. Prior to “Blue Team” use of force was only reviewed when we received an external or internal complaint.

Several cases involved multiple uses of force, sometimes involving multiple officers. In cases where several force methods were applied, the auditor’s opinion about what was the most effective method was considered the primary force used. Thus, there is some subjectivity to the analysis.

## **Definitions:**

### **Types of Resistance**

**Static and Passive Resistance:** A response to police efforts to bring a person into custody or control for detainment or arrest. This is behavior initiated by a subject, when the subject does not comply with verbal or physical control efforts, yet the subject does not attempt to defeat an officer’s control efforts.

**Active:** A response to police efforts to bring a person into custody or control for detainment or arrest. A subject engages in active resistance when engaging in physical actions (or verbal behavior reflecting an intention) to make it more difficult for officers to achieve actual physical control.

**Ominous:** Behavior initiated by a subject that may or may not be in response to police efforts to bring the person into custody or control. A subject engages in ominous resistance when presenting behaviors that constitute an assault or the circumstances reasonably indicate that an assault or injury to any person is likely to occur at any moment.

**Lethal:** Any force, under the circumstances in which it is used, that is readily capable of causing serious physical injury or death.

### **Types of Force:**

**Control Hold:** Taking control of a resistive person through the use of escort holds, arm bars, wrist, arm and shoulder locks, hair holds to control an individual.

**Takedown:** Reducing an individual’s ability to resist arrest by taking a person to the ground which is tactically required by the officer and objectively reasonable within proper force parameters.

**Pressure Points:** Application of pressure to various nerve points on the body which short circuits the recipient’s thought process of resistance or aggression by the introduction of momentary pain stimulus.

**Elbow Strikes:** Forearm, vertical back strikes; powerful strikes limited to close quarter combat situation.

**Knee Strike:** The knee strike is delivered by driving the knee forward forcefully.

**Focus Blows:** Using the hand(s), open or closed, to deliver a forceful blow to facial or body area. A closed fist strike poses a risk injury when the hand impacts a hard surface causing injury to supporting bones in the back of the hand.

**ASP:** An expandable metal baton (ASP) is low profile, and appears less threatening to the public.

**OC Spray:** Chemical weapon commonly known as pepper spray.

**Taser:** Less-lethal device employing electronic muscular disruption technology that briefly causes loss of voluntary muscle control.

**Taser Point:** Withdrawing a Taser, pointing a Taser beam or threatening the use of a Taser without actual activation.

**Impact Munitions**—extended-range impact weapon such as the shotgun that fires a bean-bag round.

n (number of incidents between April 2013 and December 2013) = 130

**Analysis:**

Of 130 cases in which force was used, 12, or 9% involved either a report of a gun or actual guns. 9 more involved knives, 9 involved objects that could be used as weapons, 9 involved a person actually striking an officer with fists or kicks.

Of 130 cases, 66 different officers were the primary officer responding or considered to have used the first level of force.

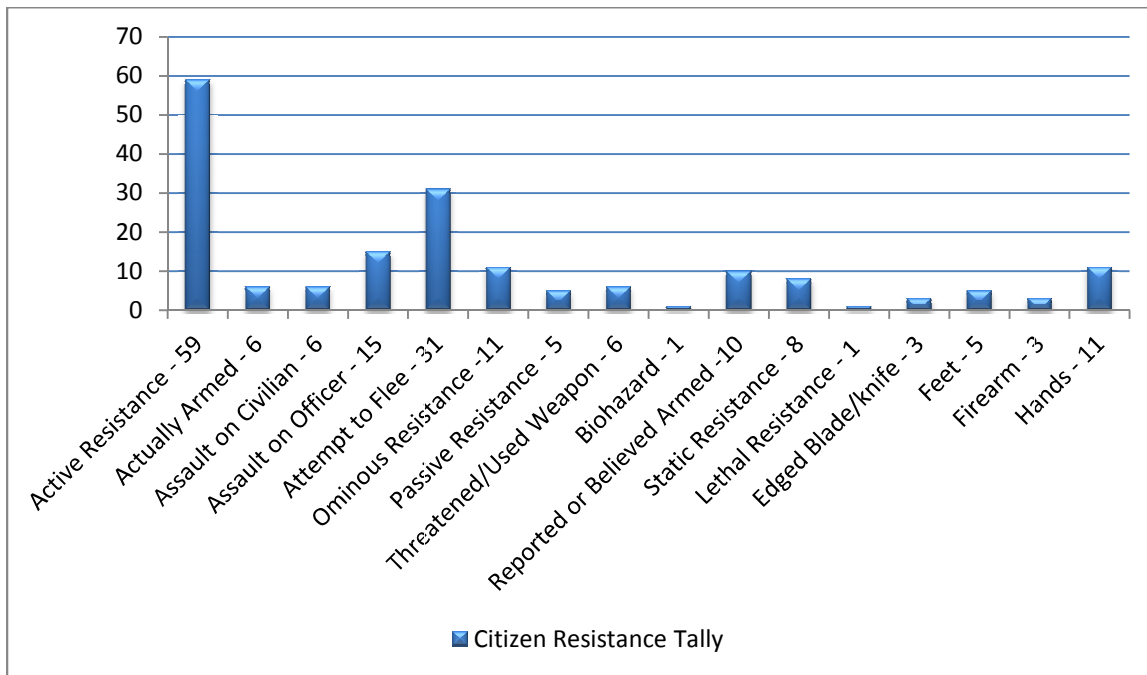
Of 130 cases, 74 (57%) involved a use of force by one officer only.

15 people were specifically identified as experiencing a significant mental health issue by the author of the report. Several others appeared to be suffering from emotional or mental health issues.

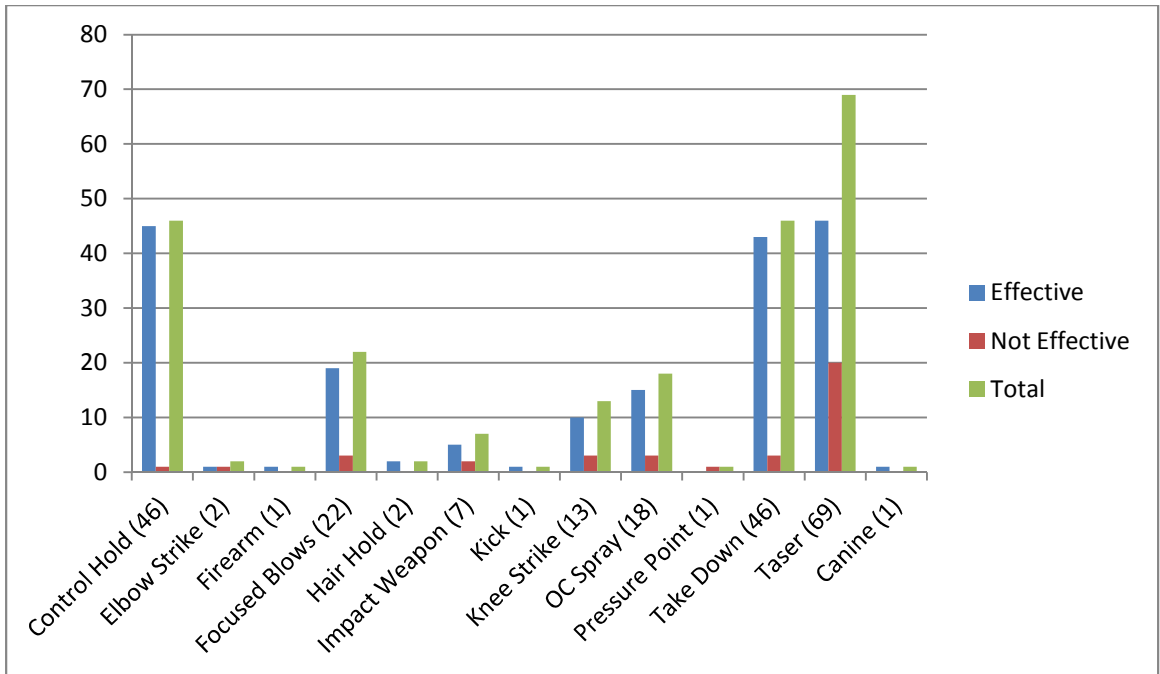
Average years of experience for the “primary” officer was 9.4 years.

**Charts:**

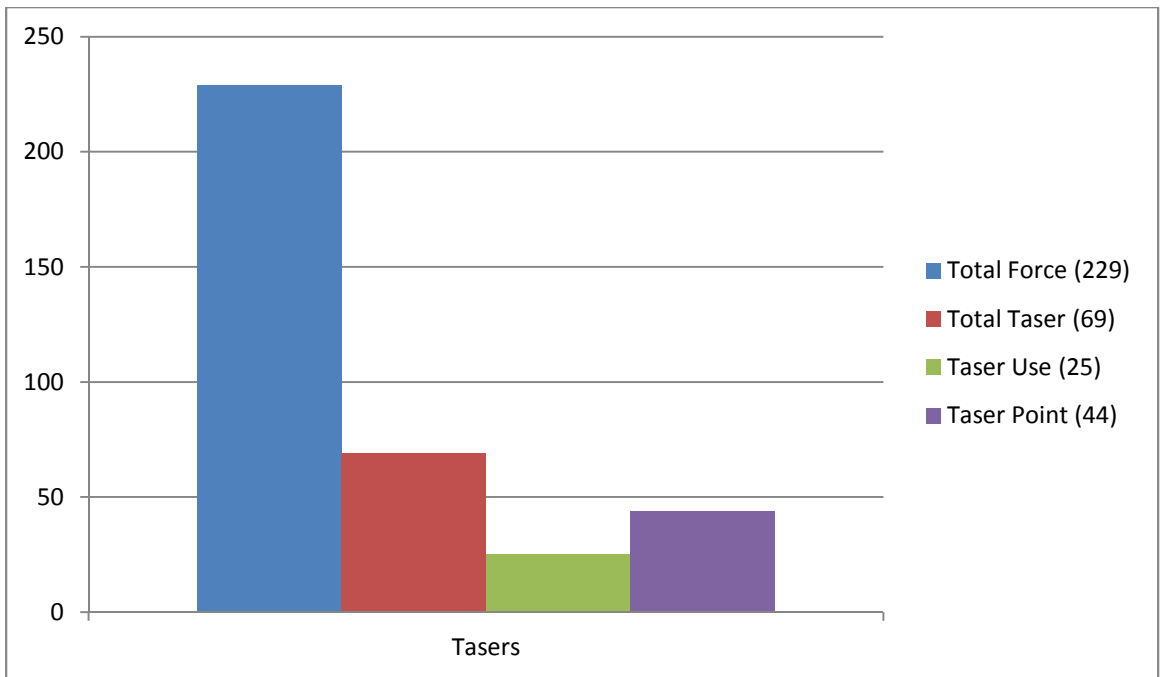
**Community Member or Visitor Resistance Tally: (181 total from 130 incidents)**



**Type of Force Tally; 130 Incidents, 229 Total Force Used Tally:**



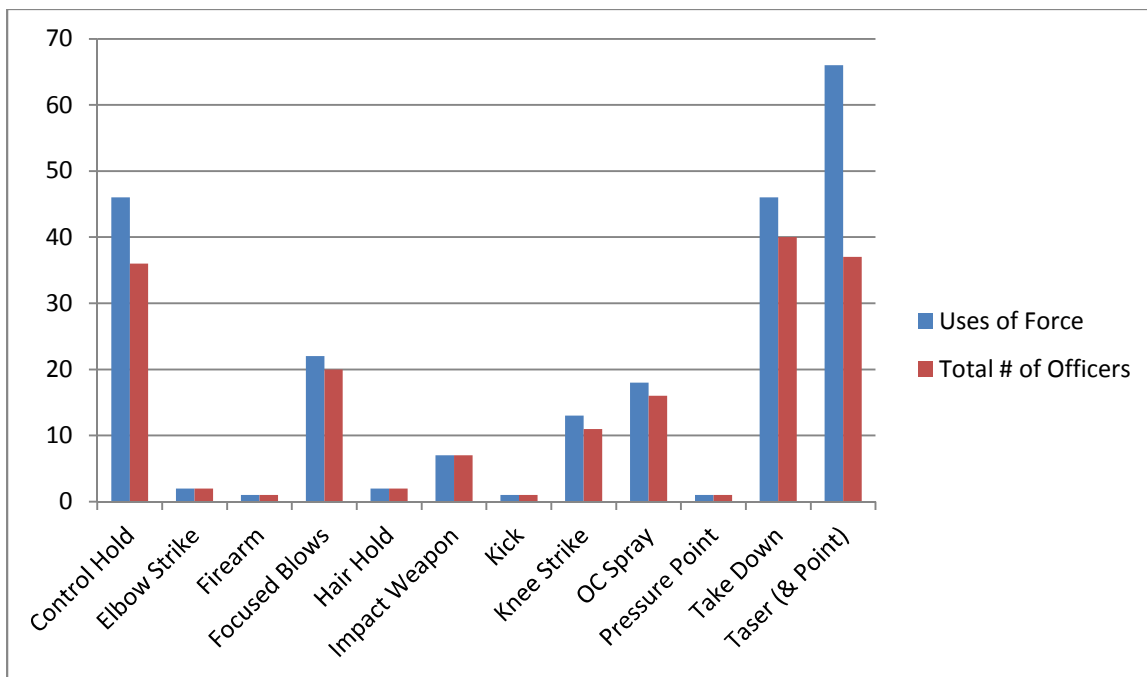
### Taser Usage



30% of all reported uses of force involved the Taser. 11% of reported uses of force involved actual deployment of the Taser and 19% involved only the pointing of the Taser. Of the 44 Taser points, 30, or 68% was the sole reported force used. For the cases studied, a Taser point only was an effective tool to gain compliance of a resistive or non-compliant arrestee when used in 2/3 of encounters involving a Taser point. This does not mean it will be as effective in the future as each event is independent of all others.

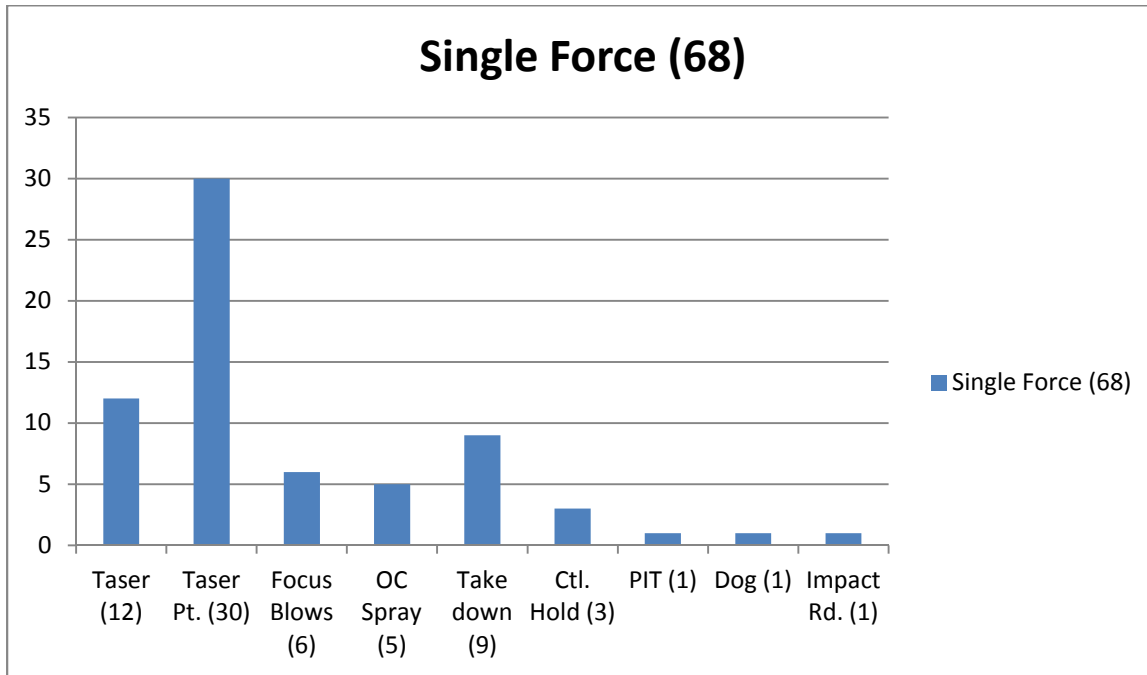
An actual Taser deployment was used in 0.28% of custody arrests and misdemeanor citations.

Of interest to the Auditor’s office is whether there are specific officers identified more often in uses of force. There were only two officers with greater than average Taser points or warnings. A Taser point or warning, while considered a use of force, involves no physical contact. (See chart below.)

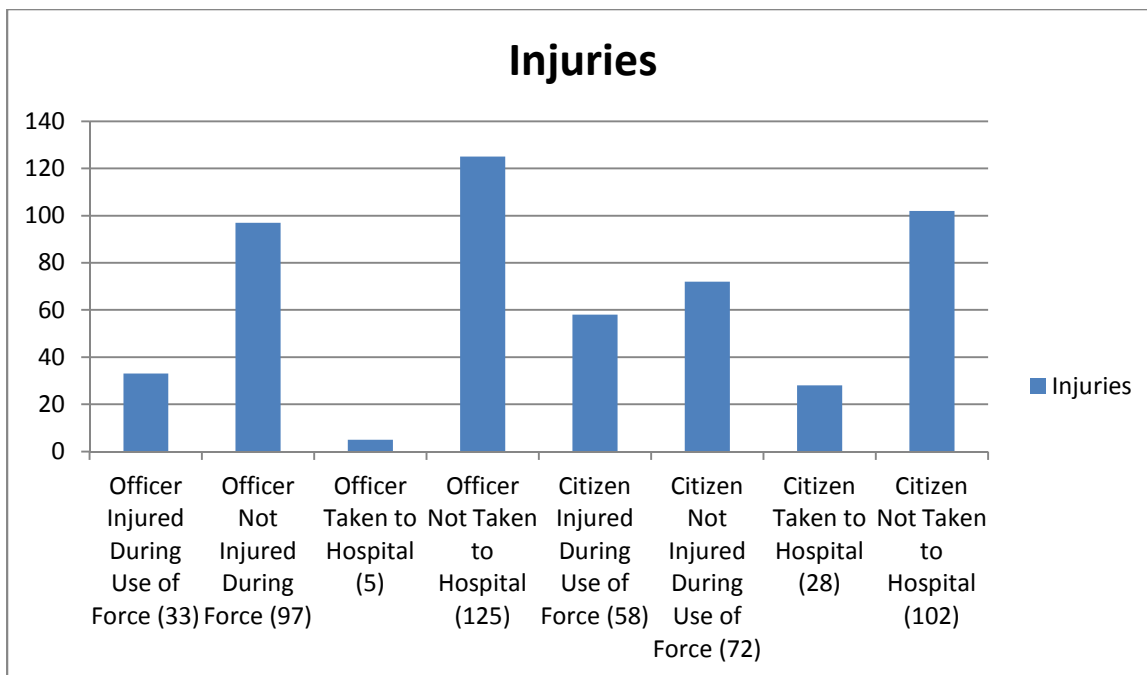


### Single Use Force to Affect Arrest

Of the 130 cases, one level of force only was used in 68 cases, or 52%. These are categorized below.

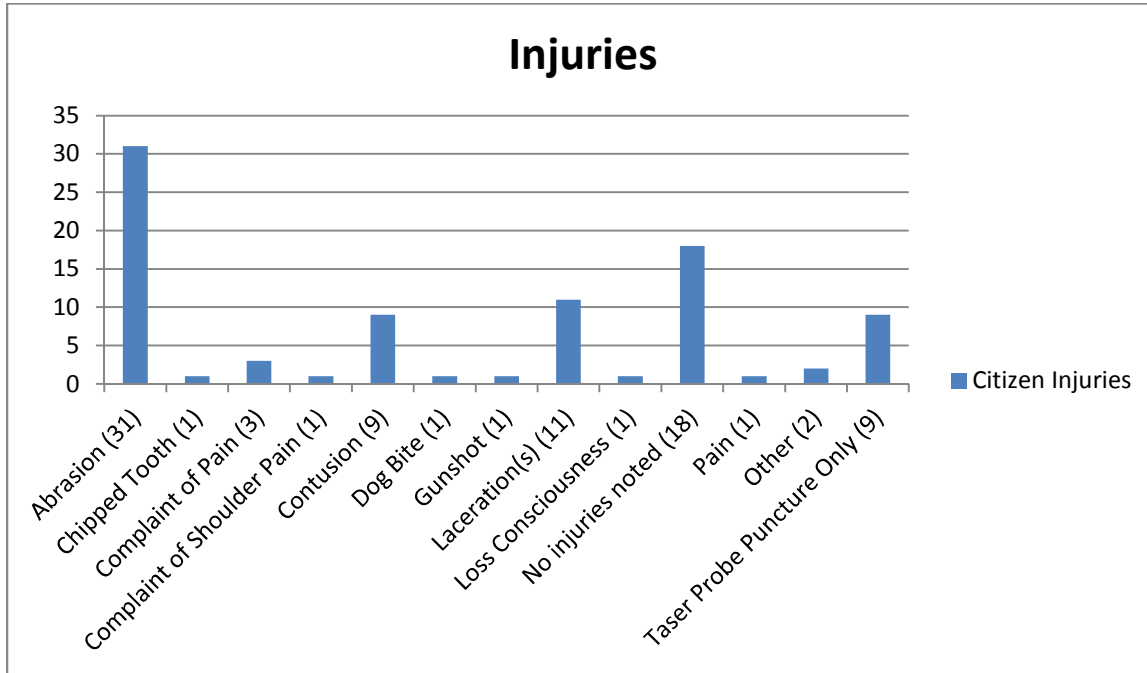


### Injury Comparisons

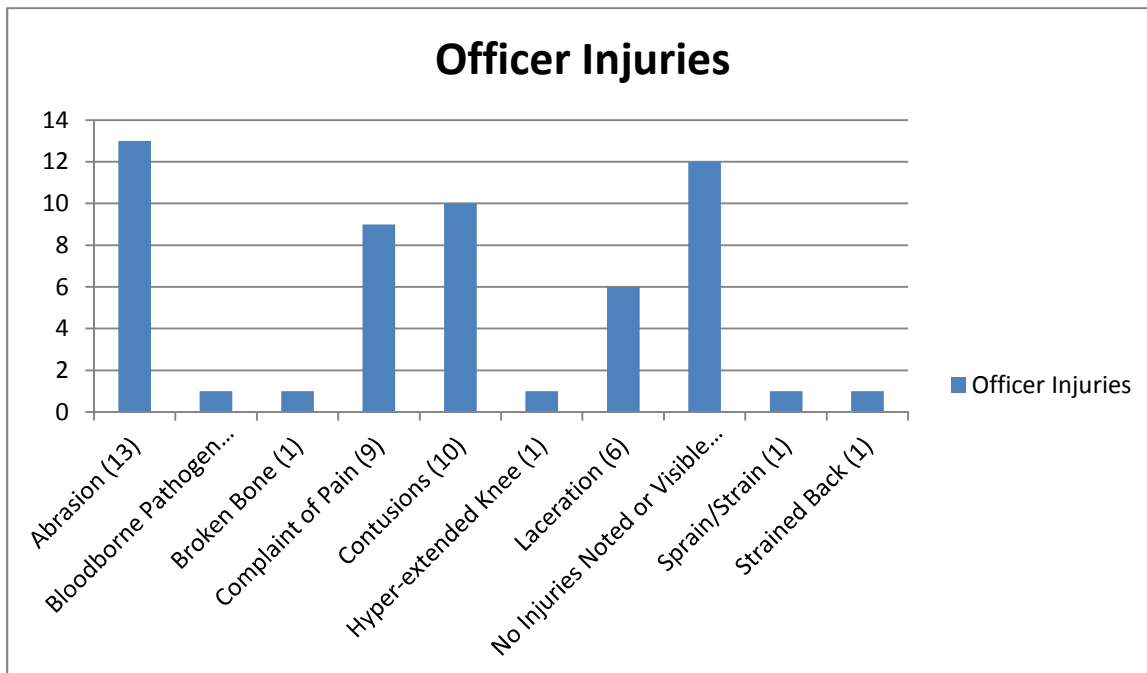




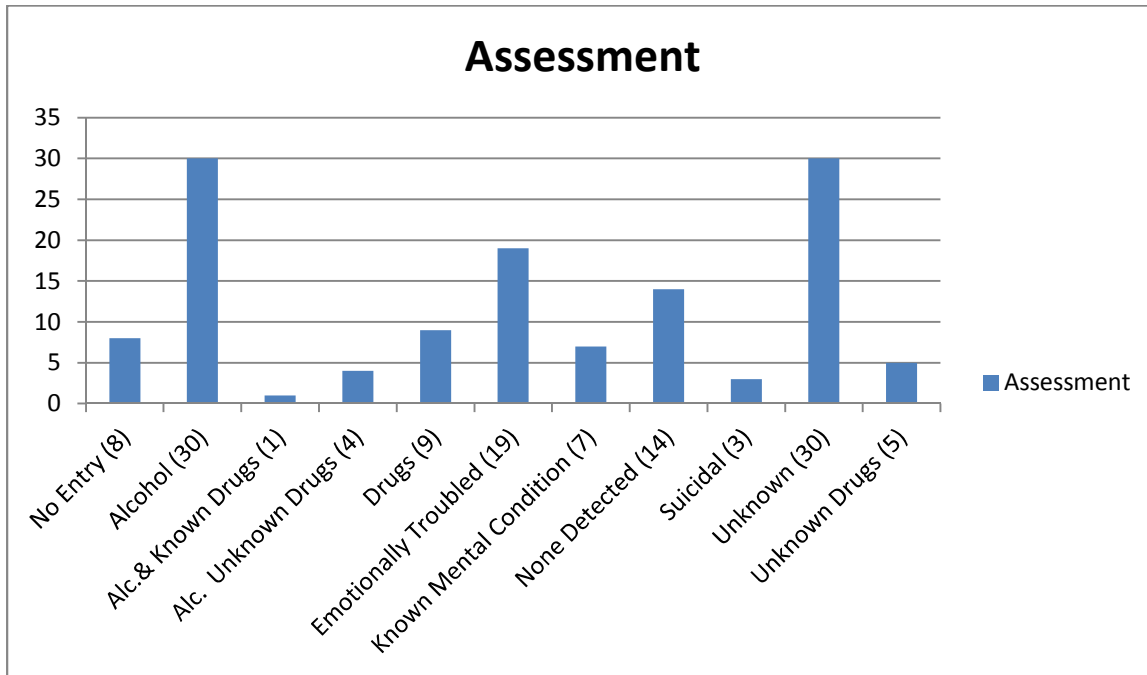
**Community Member Tally of Injuries:**



**Officer Tally of Injuries:**



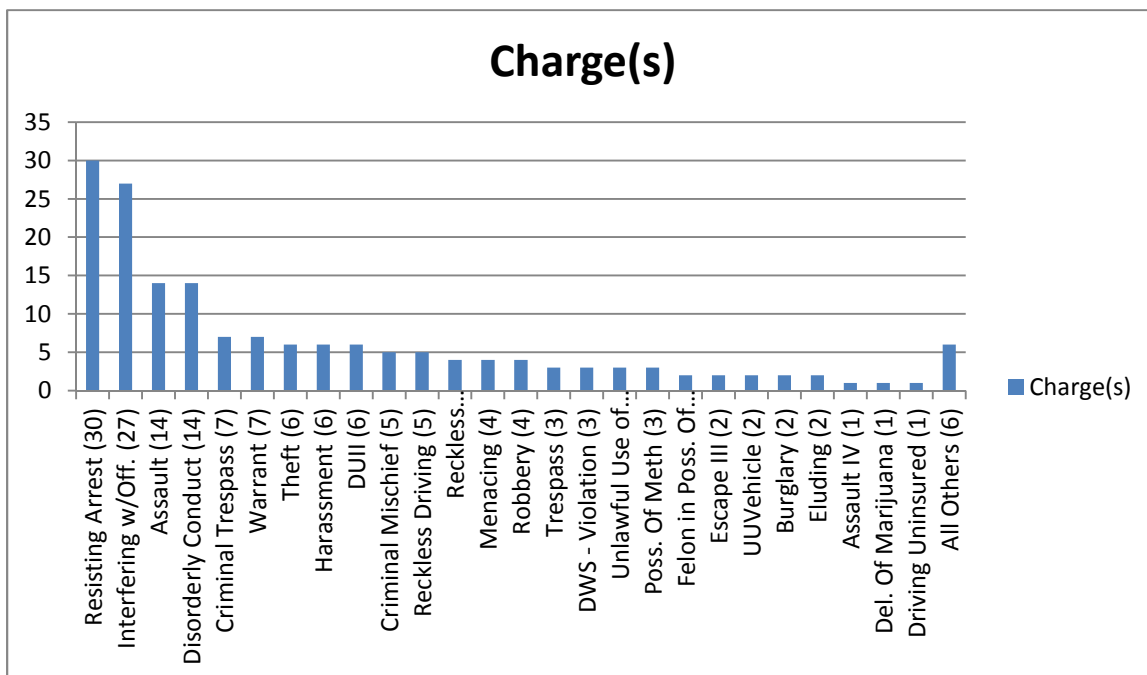
Officer Assessment of Community Member or Visitor Condition at the Time Force Was Used



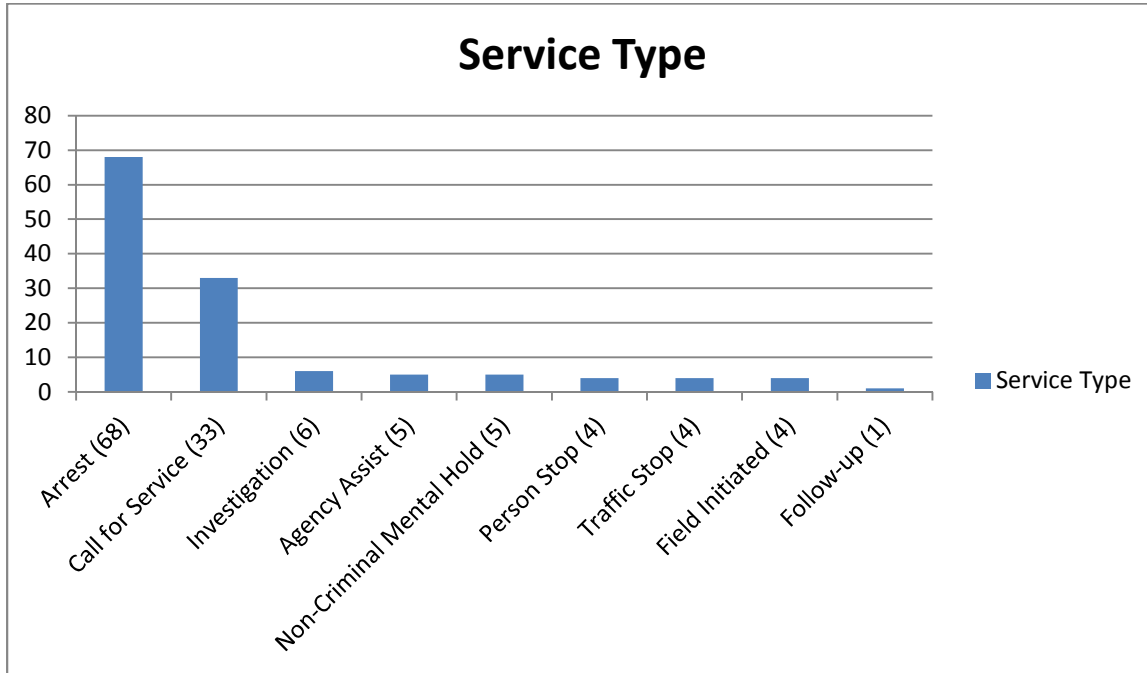
Community Member or Visitor Arrested in Conjunction with Use of Force: 106

Community Member or Visitor Not Arrested in Conjunction with Use of Force: 24

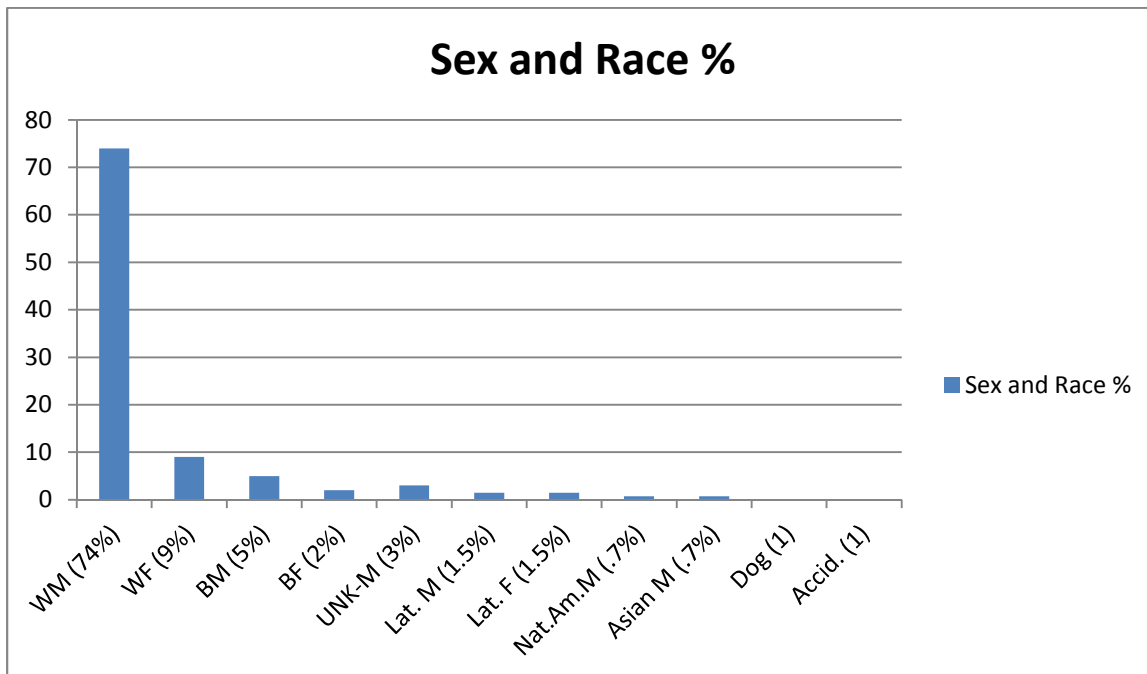
Tally of Charges Against Involved Community Member or Visitors (171 total)



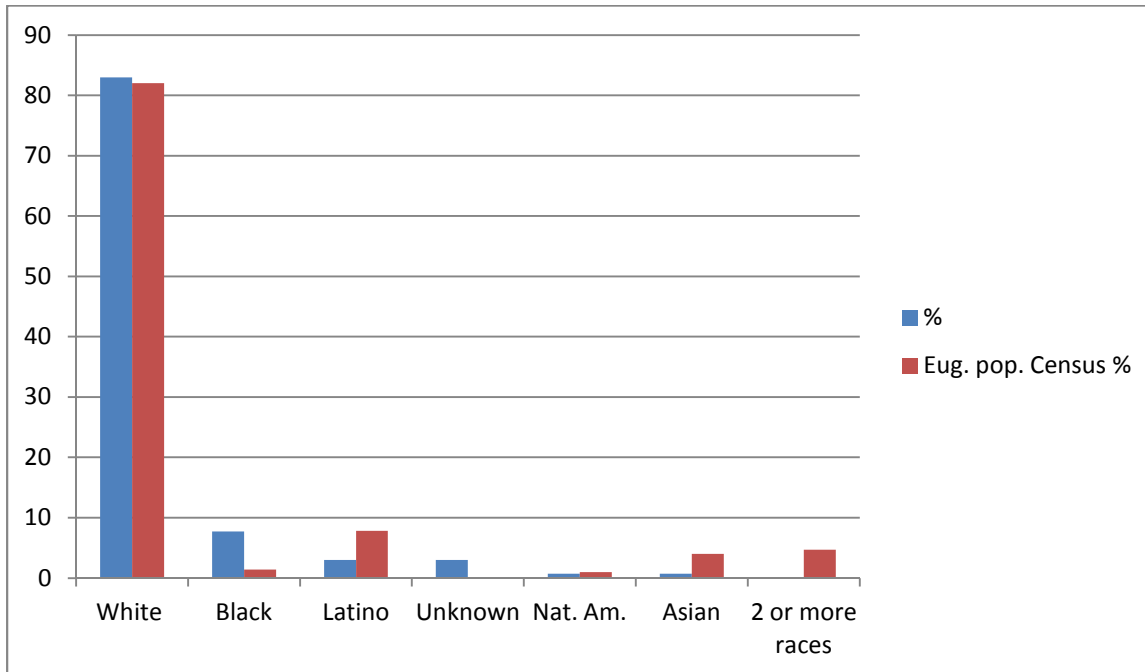
**Nature of Police Service Involving Use of Force (n=130):**



**Race and Sex Data**



**Race Only (1<sup>st</sup> column: % of uses of force: 2013; 2 column pop. Census %: 2010)**



In two of the cases involving African-Americans males, both were not from Eugene and allegedly committed armed robbery and were in a vehicle pursuit. One was apprehended by a K-9 and the other by getting hit in the back with a flashlight. Both were believed to be armed with guns.

We found no pattern among individual officers of using force against minorities. Given the small sample size for cases involving identified non-whites, (10 black or African-American, 4 Latinos, 1 Asian and 1 Native American) each case was analyzed based on officers involved, the type of force used, and whether there were “repeat” officers. Only one officer of 179 sworn personnel was identified as the primary or secondary officer in 2 uses of force involving African-Americans. One instance as described below involved an extremely volatile situation and another involved the threat of a Taser use only.

**Cases involving African-Americans:**

In the 1<sup>st</sup> instance, 4 officers and 2 sergeants responded to a hotel regarding a possible delusional male in the bathtub. The male, was naked in the bathtub with several metal objects he had torn off the walls. His father was in the room with him and had called for help. The officer was directed by a sergeant to fire his Taser. Medics were on scene and administered a sedative.

In the 2<sup>nd</sup> instance, the same officer was making a traffic stop. When the man began to flee, the officer stated he would use the Taser if he did not stop. The man stopped.

Three uses of force involved African-American females. In the first arrest officers responded to a woman hitting a gas station sign with a stick. When they attempted to arrest her, she struck one officer in the face with a closed fist. Officers used a one-second burst of OC spray and a focus blow to the midsection. In the

second arrest, a woman, suffering from mental health issues went to her neighbor's house nude. She entered the residence and was destroying property. Officers arrived and confronted her inside the residence. Officers each grabbed an arm and took her to the ground with a takedown and then into a control hold for handcuffing. EMS transported her to UDH on a police mental hold. In the third event, a woman and a man were physically fighting. When officers attempted to intervene, the couple fought with officers. OC spray, control holds and focus blows were used to control the couple.

An arrest of an African-American male involved the use of a Taser point (not an actual deployment) and a take down to arrest a home invasion suspect. In another event, a man was alleged to have pointed a weapon at another person. Officers went to his parents' home where they were given permission to enter. He barricaded himself in a room, then officers were able to apprehend him using a Taser point and a knee strike. In another event, an African-American male was in a restaurant with a knife. The officer warned him he would be Tasered, the man surrendered without incident.

#### **Cases Involving Latinos:**

1<sup>st</sup> Case: A man was fighting with his brother and threatened to kill his sister. He acquiesced to arrest after the officer warned him he would deploy his Taser.

2<sup>nd</sup> Case: Officers responded to a domestic violence call in which the caller stated a woman was armed with two guns. Officers used a takedown to control her.

3<sup>rd</sup> Case: Officers responded to a 911 about a man armed with a rifle, seen dragging his mother inside of a house while yelling that he was going to take her hostage and kill her. They used bean bag rounds to subdue him.

#### **Use of Force Sustained Findings**

In addition, there were two sustained findings (that an officer's use of force violated policy). One involved an officer at the jail. His probationary status was terminated. The second incident involved an officer who delivered a focus blow to the back of a man who had resisted arrest after the man had been handcuffed. This happened less than one second after the handcuffing and the officer self-reported.