

Memorandum

City of Lawrence

Police Department

TO: Gregory Burns Jr., Chief of Police
FROM: Casey Cooper, Police Captain
Date: January 22, 2020
RE: 2019 Lawrence Police Use of Force Reporting

DISCUSSION

In accordance with the department's Use of Force policy, this memorandum is being submitted to provide you with information related to use of force, such as policy changes, training, and an analysis on use of force incidents.

In the fall of 2019 the Department went through a transition of policies by implementing the Lexipol Policy Manual. Lexipol is a company comprised of retired public safety professionals and attorneys specializing in public safety matters, who assist over 3,300 public safety agencies in maintaining web-based policy manuals focused on reducing risk and avoiding litigation. Utilizing Lexipol as a policy manual puts the Lawrence Police Department in line with best practices in law enforcement, and keeps our policies current and up to date with state and federal laws. Implementing this policy manual not only ensures that every member of this department receives proper guidance and knowledge, but furthers our goal of providing effective and efficient police services to the community. In regards to use of force policy changes, the most notable change is that policies related to Use of Force, Use of Force Review Board, Handcuffing and Restraints, Control Devices, and Conducted Energy Device are their own separate policies, expanding on the guidance and application of force, whereas before the policies were generally "lumped into" the single Use of Force policy. It should be noted that no changes or modifications in the application of force were made, and our application of force is still guided by objective reasonableness. (*Graham v. Connor (1989)*) However, there was a change in how use of force incidents are handled on-scene by supervisors. As you know, supervisors, when available were always expected to respond to use of force incidents, with the purpose to check on injuries and ensure that department policies were followed. Now, when available and when appropriate, supervisors conduct administrative investigation into the encounter and application of force at the scene. The new process outlined in policy furthers our efforts in providing responsive leadership to department members.

Also occurring in 2019 was a change in our lead Defensive Tactics (DT) instructors. After two-plus decades serving as DT instructors and subject matter experts, two of our DT coordinators and instructors retired from the Lawrence Police Department. The newly assigned Sergeant has successfully filled these roles and has already built upon the foundation that had been laid.

Lastly, as per department policy, an analysis on use of force incidents was conducted for 2019. The analysis was based on force applied to a person as outlined in department policy, which may include any of the following applications:

- Injury requiring medical treatment by a physician
- Intentional closed fist punches, kicks, or elbow/knee strikes to the head
- OC Spray
- Baton (ASP) Strike
- Improvised Impact Device
- Impact Control Devices
- Intentional PSD deployment resulting in a bite
- TASER deployment
- Discharge of a firearm

Between January 1, 2019 and December 31, 2019, seventeen (17) Use of Force Reports were submitted to the Use of Force Board for review. The Use of Force Board reviewed each of these incidents to determine if any of the applied force used by the involved officers were in violation of department policy and/or Federal or State laws.

INCIDENTS SYNOPSIS

January 22, 2019:

Officers were dispatched to W 6th Street and Wakarusa Street, in reference to a non-injury accident. Contact was made with the male driver, and the officer suspected him of being intoxicated by alcohol and/or drugs. Following the Standard Field Sobriety Test (SFST) the officer attempted to arrest the subject, but as the subject was being placed into handcuffs he broke free from the officer's grasp and swung at the officer's head. The officer backed away from the subject and deployed the Taser but it was ineffective. The subject fled and the officer gave pursuit, catching up to the subject approximately 1 block away. During a second struggle with the subject, the officer removed the ASP and attempted to strike the subject on the legs. The officer missed the subject and fell to the ground, landing on the extended ASP. As the officer sustained serious injuries from the fall, the subject fled the scene. Responding officers took the subject into custody without further incident. The male was not injured during the encounter, and an affidavit was submitted for charges of aggravated battery on a law enforcement officer, driving under the influence, and operation of a vehicle in violation of his restrictions, no ignition interlock device. The officer was transported to the hospital for treatment for serious injuries.

March 28, 2019:

Officers were dispatched to the 2400 block of Ousdahl Road in reference to an unknown disturbance. Shortly after arrival officers contacted a known male who has extensive history of violence towards law enforcement. The subject was screaming and cursing at officers and other subjects in an apartment complex. The male was uncooperative with officers' requests to calm down, and would not stop acting aggressive and/or erratic towards those around him. Officers learned the subject had three warrants for his arrest, and tried for nearly an hour to get the subject to deescalate his behavior, but their efforts were unsuccessful. The subject eventually took a fighting stance and approached the officers in a manner as though he was going to fight officers. An officer deployed the Taser and the exposure was successful. The male subject was arrested without further incident, and received no injuries during his arrest. The subject was transported to the hospital for the exposure to the Taser. After being treated the subject was booked into jail for felony interference, and three warrants.

April 8, 2019:

Officers conducted a traffic stop in the 1100 block of Haskell Avenue on a vehicle associated with a reckless driving complaint. Contact was made with the male driver, and the officer suspected him of being intoxicated by alcohol and/or drugs. Following the Standard Field Sobriety Test (SFST) officers attempted to arrest the male driver, but he resisted arrest by pulling away and tensing up. Officers took the subject to the ground, where the subject continued to be combative and resist arrest. An officer sprayed the subject on the face with Oleoresin Capsicum (OC) spray on two separate occasions before he was secured in handcuffs. The male subject was seen and released by medics at the scene, and booked into jail for operating a vehicle under the influence, interference with duties, leaving the scene of an accident, and no proof of insurance.

April 19, 2019:

Officers responded to the 1100 block of Massachusetts Street in reference to a criminal damage of a business window. Upon arrival officers located a blood trail that led to a nearby parking lot, ending near an occupied parked vehicle. Officers contacted the two subjects, and developed probable cause for possession of controlled substance. Officers asked the subjects to exit the vehicle, but both subjects refused to comply with the officer's requests. Officers removed the male passenger from the vehicle and placed him in handcuffs. The female driver remained uncooperative and refused to open the door or exit the vehicle. Officers opened the driver's door and grabbed ahold of the female's arm, trying to remove her from the vehicle. During their attempt to remove the female from the car, she wrapped her arm around the steering wheel and became combative with officers, resulting in an officer spraying her on the face with Oleoresin Capsicum (OC) spray. The female continued to resist officers' efforts, but was eventually forced out of the vehicle and placed into handcuffs. Following her arrest, the female spit on two officers and continued her hostility. The female subject was seen and released by medics at the scene, and booked into jail for two counts of battery of law enforcement officers, interference with duties, and possession of marijuana.

May 7, 2019:

Officers responded to the 400 block of North Street in reference to a suicidal subject. Officers contacted a male subject who was armed with a knife and threatened to cause self-harm. Officers attempted to deescalate the situation, but the subject was uncooperative. During their attempt to get the male to drop the knife he began walking towards the officers with the knife in his hand. An officer deployed the Taser and the exposure was unsuccessful. The officer deployed the Taser again and the second exposure was unsuccessful. The subject fled from officers on foot, but was located a short time later. The male subject ended up surrendering to officers without further incident. The male had preexisting injuries in which he was transported to the hospital via ambulance. An affidavit was submitted for consideration in charges for two counts of aggravated assault of a law enforcement officer.

May 12, 2019:

An officer conducted a traffic stop in the 2100 block of Princeton Boulevard on a male subject suspected of operating a vehicle under the influence of alcohol and/or drugs. Following the Standard Field Sobriety Test (SFST) officers attempted to arrest the male driver, but he resisted arrest. The male subject elbowed an officer on the chin, causing an injury to the officer's teeth and mouth. Officers took the subject to the ground where he continued to be combative and resist officers. An officer delivered a knee strike to the subject's side in an effort to free the subject's hands from under his body. The male was eventually arrested, but complained of rib

injuries. The male was transported to the hospital where he was treated and released. He was booked into jail for battery on a law enforcement officer, interference with duties, and driving under the influence.

May 30, 2019:

Officers were dispatched to the 2400 block of Melrose Lane in reference to a trespassing in progress. Officers contacted a known male who has extensive history of violence towards law enforcement. Officers were aware the subject had warrants for his arrest, and when they informed the male that he was under arrest he raised his hands as though he was going to start fighting. Officers attempted to place the subject into handcuffs but he resisted their efforts. An officer deployed the Taser and the exposure was successful. The male subject was arrested without further incident, and received a minor injury from falling to the ground. The subject was transported to the hospital for the exposure to the Taser. After being treated the subject was booked into jail for interference with duties, criminal trespass, and his warrants.

June 15, 2019:

Officers were dispatched to the 3300 block of Iowa Street in reference to a domestic disturbance. Upon arrival officers contacted a female and two males in a parked vehicle. During the contact officers learned that one of the male subjects had a warrant for his arrest. The male exited the vehicle, and became combative towards officers when they attempted to arrest him for the warrant. An officer deployed the Taser and the exposure was successful. The male subject was arrested without further incident, and received no injuries. The male was transported to the hospital for the exposure to the Taser. After being treated the subject was booked into jail for interference with duties, possession of methamphetamine, possession of marijuana, and his warrants.

June 25, 2019:

Officers were dispatched to the 600 block of Vermont Street in reference to a disturbance. An officer contacted a male subject who became verbally aggressive towards the officer. As the officer engaged the male in conversation the male became more agitated and approached the officer as though he was going to strike the officer. The officer deployed the Taser and the exposure was successful. The male subject was arrested without further incident, and received no injuries. The male was transported to the hospital for the exposure to the Taser. After being treated the subject was booked into jail for assault on a law enforcement officer and two separate counts of assault.

August 25, 2019:

Officers were dispatched to the 600 block of Vermont Street in reference to a fight. Officers arrived on scene and made contact with an uncooperative male subject who had been in the fight. Officers attempted to secure the male in handcuffs, but the subject continued to be noncompliant and an officer sprayed the male on the face with Oleoresin Capsicum (OC) spray. The male was arrested without further incident or injury. The subject was treated and released by medics at the scene for exposure to the spray, and he was booked into jail for two counts of battery, and interference with duties.

August 30, 2019:

Officers responded to the 700 block of Lincoln Street in reference to a welfare check. Officers received information that a female was possibly being sexually assaulted in this area, but her

location was unknown. During the course of the investigation, officers located the female running down the street in a panic. Officers learned a male subject sexually battered her and that he was armed with a knife. Officers contacted the male who was noncompliant with the officers' commands to surrender. An officer deployed the Taser and the exposure was successful. The male subject was arrested without further incident, and was transported to the hospital for the exposure to the Taser and for striking his head when he fell. After being treated the subject was booked into jail for aggravated battery, sexual battery, criminal threat, and criminal restraint.

September 24, 2019:

A Police Service Dog (PSD) Team responded to assist an outside law enforcement agency in searching for a suspect that fled from a stolen vehicle during a traffic stop. Officers located the male subject hiding in brush in a rural area. The subject was noncompliant with officers, and the PSD apprehended the male with a bite to his leg. The male was taken into custody by the outside law enforcement agency without further incident.

October 15, 2019:

Officers were dispatched to the 4100 block of W 26th Terrace in reference to a criminal trespassing. A male subject had been at the residence causing a disturbance and left prior to officers' arrival. An officer located the male in the 300 block of Elm Street. The male was uncooperative and verbally assaultive towards officers. After being told he was under arrest, the male took a fighting stance towards officers and approached them in an aggressive manner. An officer deployed the Taser and the exposure was successful. The male subject was arrested and placed into handcuffs, in which he continued to be combative with officers. The subject was treated for the exposure to the Taser and was booked into jail for criminal threat and criminal damage.

October 27, 2019:

Officers were dispatched to the 900 block of Tennessee Street in reference to a domestic disturbance. An officer contacted a female victim who had blood on her face, and was holding a child. A male subject exited the residence and became assaultive towards the officer, female victim and child. As the officer attempted to deescalate the male, he approached the officer in a threatening manner. An additional officer arrived on scene and observed the male threatening the other officer. The officer tackled the male and the male's head struck the ground, causing him to lose consciousness briefly. The male was arrested and transported to the hospital for treatment. He was released from the hospital and booked into jail for aggravated battery, assault, endangering a child and assault on a law enforcement officer.

November 1, 2019:

Officers were dispatched to W 11th Street and Vermont Street in reference to a fight. Upon arrival officers located two male victims in a parking lot, one who was unconscious. As officers attempted to arrest a male subject involved in the fight, his associates rushed towards the officers attempting to free him from the officers' grasp. An officer sprayed a male on the face with Oleoresin Capsicum (OC) spray. The male was arrested and the rest of the group fled from the area. The male that was sprayed with OC was treated at the scene, and booked into jail for interference with duties.

December 16, 2019:

Officers were dispatched to a business in the 2000 block of W 31st Street in reference to a shoplifting. A male subject, identified by an employee of the business, saw an officer and fled on

foot. Another officer pursued after the male. As the officer went to grab the male subject from behind, the male slipped on the ice and fell down. The officer fell down with the male, landing on top of him. The subject continued to resist arrest, and tried to flee from the officer. The officers were able to secure the subject in handcuffs. The male subject complained of pain to his back. The subject was transported to a hospital where he remained in the care of the hospital. The male faces charges of interference with duties and possession of drug paraphernalia.

December 19, 2019:

Officers were dispatched to a business in the 2200 block of Louisiana Street in reference to a fight, in which the male suspect fled the area on foot. Responding officers located the male, who appeared intoxicated by alcohol and/or drugs, in the 800 block of W 22nd Street walking around residences. As officers approached the male he again fled on foot into the neighborhood. A short time later officers located the male attempting to break into a residence. After several commands to surrender were given, an officer deployed the Taser and the exposure was unsuccessful. Officers grabbed the male and took him to the ground, placing him into handcuffs. The subject was treated for the exposure to the Taser and was arrested for disorderly conduct and interference with duties.

CONCLUSION

In 2019, the Lawrence Police Department logged 74,023 calls for service, which includes officer initiated activity and citizens' requests for police services. (**NOTE:** Not include in this total are administrative calls, breaks, and report writing calls) Of the 74,023 calls for service, 2,434 individuals were arrested and taken into custody based on the officers' probable cause. Of the 74,023 calls for service, seventeen (17) encounters resulted in some level of reportable use of force occurring. Of the seventeen (17) Use of Force Reports submitted, each incident involved subjects who were actively resisting arrest and/or presented an assaultive behavior directed against the officer(s), another person, or displayed the intent to harm themselves. A subject who displays assaultive behavior towards officers or another person presents injury risks to all persons involved, including the officer(s) who must accomplish their lawful objectives. Of the seventeen (17) reported incidents, five (5) officers were injured while defending themselves from attack.

Of the seventeen (17) Use of Force Reports submitted, officers documented three (3) personal weapons and/or control holds used that resulted in the subject being injured or struck on the head; four (4) Oleoresin Capsicum (OC) spray incidents; one (1) intentional PSD deployment resulting in a bite; and nine (9) Taser incidents with ten (10) exposures and an ASP also being used during one of those incidents. The Use of Force Board found that departmental procedures and policies were followed in all seventeen (17) of the reviewed Use of Force Reports. None of the reviewed incidents were related to a formal complaint.

Of the seventeen (17) reports submitted, the individuals in which officers used force to gain control or defend from attack were comprised of thirteen (13) Caucasian Males, three (3) African American Males, and one (1) Native American Female. Their ages were between 18 and 51 years of age.

The following Kansas Statutes and Lawrence Municipal Ordinance violations were identified by the arresting officers in the seventeen (17) submitted Use of Force Reports:

Aggravated Battery of a Law Enforcement Officer
Aggravated Battery
Assault of a Law Enforcement Officer
Assault
Battery of a Law Enforcement Officer
Battery
Criminal Damage
Criminal Restraint
Criminal Threat
Criminal Trespassing
Endangering a child
Failure to Appear (Felony)
Failure to Appear (Misdemeanor)
Interference with Law Enforcement Duties
Leaving the scene of an accident
Operating a vehicle Under the Influence
Possession of Controlled Substance
Possession of Stolen Property
Sexual Battery