

Memorandum

City of Lawrence

Police Department

TO: Tarik Khatib, Chief of Police
FROM: Kirk Fultz, Police Sergeant
Date: May 5, 2017
RE: 2016 Lawrence Police Use of Force Reporting

Discussion

Between January 1st, 2016 and December 31st, 2016, the Use of Force Committee reviewed twenty-two Use of Force Reports resulting from eighteen incidents. All of the Use of Force Reports involved a person who was actively engaged in assaultive behavior directed against the officer(s) or another person, the threat thereof, or who was actively resisting arrest. Active assaultive behavior presents injury risks to all persons involved and to the officers who must accomplish their lawful objectives. This report provides a global overview of the information concerning the circumstances which led to these use of force reports.

Scope of Report

This report complements the "Lawrence Police 2016 TASER Report" and will cover the reported use of force which did not involve a TASER. The "Lawrence Police 2016 TASER Report" covers all TASER incidents which happened between January 1, 2016 and December 31, 2016.

There were twenty-two Use of Force Reports submitted in 2016. The twenty-two reports were the result of eighteen incidents. The number of reports does exceed the number of incidents when two or more officers used force in the same incident. Of the eighteen incidents there were fifteen incidents where one officer's force was reported, two incidents where two officers' force was reported, and one incident where three officers' force was reported, thus totaling twenty-two Use of Force reports.

Conclusion

The Use of Force Committee review process found departmental procedures and policies were followed in twenty of the twenty-two Use of Force Reports. The Use of Force Committee found departmental procedures and policies were not followed in two of the Use of Force Reports based on the information available to the Use of Force Committee during the review process. The two incidents involved TASER use and were both forwarded to the Office of the Chief to be referred for further investigation by the Office of Professional Accountability.

Incident Synopses

The "Lawrence Police 2016 TASER Report" includes incident synopses for all Lawrence Police TASER utilizations during 2016. This report will not duplicate those synopses. This report will include the non-TASER use of force incidents.

January 29, 2016:

Officers were dispatched to a fight in progress in front of Fuzzy's Tacos, located in the 1100 block of Massachusetts. Upon arrival, the officer observed two people actively fighting in the street. There was also a large crowd of people around the two people who were actively fighting. The officer verbally announced they were a police officer and told the two people to stop fighting. The people ignored the officer and continued to fight. The officer then sprayed both people who were continuing to fight with oleoresin capsicum spray. This ended the fighting and the officer, along with other officers who arrived, placed the two people who were fighting into custody.

February 4, 2016:

Officers were sent to a domestic disturbance located at a residence in the 2400 Block of Alabama Street. Officers contacted a female who told officers she wanted her husband to leave. Officers contacted the husband who was extremely intoxicated. He could not walk. Each time he tried to walk, he fell down sometimes striking his head against the ground. Additionally he was at risk for hypothermia as he was only wearing jeans with a t shirt and the temperature was below thirty degrees Fahrenheit. The male refused medical attention for his injuries and refused go to the hospital with the ambulance. It became clear the male was in need of care and by refusing care, he was a danger to himself. Officers attempted to place the male into custody so that the male could be transported to a medical facility. The male resisted the officers' attempts to apply the handcuffs. He was placed on the ground and kept his hands tucked under his body. Officers pulled on his arms several times and the person continued to physically resist officers' efforts. Oleoresin capsicum spray was used and the male relaxed his arms enough so the officers could get him handcuffed.

March 22, 2016:

Officers were dispatched to a domestic disturbance in the area of 22nd Terrace and Haskell Avenue. An officer who had arrived in the area observed a shirtless male walking towards him. The male had his right hand behind his back in the area of his waist. The officer told the male to show his hand. The male continued to walk toward the officer concealing his right hand in a manner consistent with that of a person who might be holding a weapon in their hand behind their back. Another officer arrived and the male removed his hand from his back. Officers were unsure of what the person had tucked in the back of his pants and told the male to get on the ground. The male knelt down on one knee and then refused to comply any further. The officers utilized oleoresin capsicum spray on the male and were able to get him handcuffed.

April 18, 2016:

Officers were sent to an apartment complex located at 2401 W. 25th in reference to a wanted person who had warrants. While searching through an apartment one of the officers located the

male hiding in a closet. The male realized he had been spotted and immediately ran toward the door. An officer grabbed the male who then fell on the floor from on top of the bed. The officer handcuffed the male, who then told officers his hands were broken. Ambulance personnel responded and recommended the male be transported to the hospital for further examination. While at the hospital the male told hospital staff he had broken his hand a couple weeks ago and this incident may have reinjured it. He was examined at hospital and diagnosed with a possible sprain. Hospital staff found no other injuries. He was released and then transported to the Douglas County Jail.

June 19, 2016:

Officers went to an apartment located at 1703 W. 24th in order to contact a female suspected of theft. The officer discovered two municipal warrants for the female they intended to contact. Officers observed female walking outside the residence and made contact with her. Officers told the woman she had two outstanding arrest warrants. Officers then told the female she was under arrest based on the two arrest warrants. During the arrest, officers observed a knife in her front pocket. The woman told the officers she was going to retrieve the knife from her pocket. Officers told her not to reach for the knife and immediately took hold of her arms. At the same time, she tensed her arms and began to resist officers' efforts to handcuff. Officers believed that she was trying to grab the knife. The female then fell to the ground and officers were able to handcuff her. The female was placed in a patrol car and while an officer was trying to seat belt her in, the female kicked the officer in the hip area several times. The female told officers her wrist had been broken and she was taken to the hospital. While at the hospital, hospital staff examined her and found no injury. She was released and then transported to the Douglas County Jail.

July 4, 2016:

An officer was conducting a bar check at Wayne and Larry's located at 933 Iowa. A large crowd was in the bar. The officer observed two separate fights break out within the large crowd. The officer observed one of the people involved in large fight swinging his arms possibly striking someone. The officer was alone and sprayed oleoresin capsicum into both groups of people who were fighting. One group of people ceased fighting, but the other fight continued. The officer observed a person slamming another person into a waiter's stand. The officer deployed oleoresin capsicum spray again. The officer took control of the person and was able to apply handcuffs. Other officers arrived to assist, however the first group the officer addressed had fled the area and were not taken into custody. The person the officer arrested was transported to the Douglas County Jail.

August 16, 2016:

An Officer was completing a call for an intrusion alarm at one of the residences located at 1908 E. 19th Street when a person approached the officer and informed the officer a fight was going on around the corner. The officer pulled around the corner and observed two people who were yelling and flailing their arms. Both people were agitated and had fresh injuries to their faces. The two people intensified their agitation with one another and began screaming at each other. One person threatened the use of physical violence towards the other. The officer believed that

the two people were about to get into a physical confrontation. The officer told both people to stop and separate. The two people did not listen to the officer and continued with the argument. They also began to close in on each other with the officer between the two of them. Both people outsized the officer considerably. One of the two came up behind the officer and attempted to pull a bag away from the other person. The officer believed this to be inbound violence, being between the subjects and deployed oleoresin capsicum spray toward the person grabbing for the bag. The other became more enraged and refused to disengage from the other person and continued yelling at the other person who had been sprayed. The officer deployed oleoresin capsicum spray toward second person. The oleoresin capsicum spray was not highly effective, however the two people did calm down. Other officers arrived and both people were arrested and transported to the Douglas County Jail.

August 21, 2016:

An officer was stopped in traffic at 11th and Massachusetts Street. The officer observed several people fighting in the street. The officer approached the fighting group in a patrol car with the emergency lights and siren activated. The group ignored the officer and continued to fight. The officer yelled at the group to stop fighting and when they continued, the officer sprayed oleoresin capsicum spray to stop their fighting. The oleoresin capsicum spray was ineffective and the group continued to fight. More people around those already fighting began fighting. The officer deployed more oleoresin capsicum spray toward the people who were fighting that was again ineffective. More officers arrived to aid the original officer and many of the fight participants fled the area evading capture. Two of the fight participants were arrested and transported to the Douglas County Jail. A third fight participant was issued a notice to appear and released at the Law Enforcement Center.

August 27, 2016:

Officers were dispatched to a residence located at 3323 Iowa Street regarding a disturbance, near a green car, where a man was assaulting a woman. An officer arrived, and a green car pulled up near the residence in question and a lone male driver got out of the vehicle. The officer told the driver to stop, but he refused. The man continued to walk toward the trailer in question. The officer grabbed the male's arm and told him to stop. The male asked why and attempted to pull away from the officer. The male continued to resist so the officer forced the male down onto the ground. The male was on his stomach and had both his arms underneath his chest. The officer continued to tell the male to place his hands behind his back while pulling at his arms. The male continued to resist. The male then tried to grasp the officers fingers while at the same time applying pressure to the officer's fingers. The officer tried pressure point controls, however the techniques were ineffective. The officer then deployed oleoresin capsicum spray. Another officer arrived and both officers handcuffed the male. The male was arrested and transported to the Douglas County Jail.

October 02, 2016:

An officer responded to the area of 40 highway to assist with a search for a male who had fled on foot after crashing a stolen vehicle. Other law enforcement had been chasing the male on

foot from several different locations. The fleeing individual had actively resisted officers and was successful at defeating two TASER deployments. One of the officers searching for the male was in a wooded area away from back up. The officer located the male who immediately ran from the officer. The officer pursued on foot. The officer located the male in a shed and he attempted to again flee from the officer. The officer deployed oleoresin capsicum spray and was able to successfully grapple with the male until other officers arrived to help apply handcuffs. The male was arrested and transported to the Douglas County Jail.

November 13, 2016:

Officers were dispatched to a fight at 1910 Haskell, Playerz bar. The officer arrived to find the parking lot full of people that were running from the area. The officer observed six to eight people fighting in the parking lot. Four to six people fighting had their shirts off and were stomping and kicking a person on the ground. In addition, the officer saw two or three female subjects were in the middle of the people stomping the other person on the ground. The officer sprayed oleoresin capsicum at the crowd causing most of them run to a vehicle and speed off. Some of the other subjects ran off on foot. The officer immediately tended to the medical care of the person who had been attacked. No arrests were made.

November 29, 2016:

Officers responded to 550 Wakarusa Drive in reference to a forgery in progress. The business employees pointed a male person, suspected in the forgeries, out to an arriving officer. The male ran out the front door and the officer pursued. The officer shouted for the male to stop, however the male continued to run. Another officer ran into the path of the fleeing male and he stopped. The officer told the male to get on the ground. The male was slowly getting down on the ground. The officer again told the male to get on the ground, but the male again only slowly moved toward the ground. The officer took hold of the male and forced him to the ground. The officer handcuffed the male. The male complained to the officer that his whole body hurt and he could not walk. The male was taken to the hospital where he was cleared with no injuries. The male was released from the hospital, arrested, and transported to the Douglas County Jail.

December 29, 2016:

Officers were dispatched to a domestic disturbance at the intersection of Kent Terrace and Cedarwood Avenue. Officers contacted a male who stated that a female tried to hit him with her car. While officers were investigating, the female driver returned in the vehicle. The female exited the vehicle and was walking towards the male subject very quickly while yelling at him and throwing her arms in the air. An officer told the female to stop twice. The female did not stop and attempted to pass by the officer. The officer took hold of the female's arm to stop her but she attempted to pull away. The officer forced the female onto the ground where she quickly rolled onto her back. The officer rolled the female onto her stomach and she immediately tucked her hands underneath her chest. She was instructed to put her hands behind her back several times, but refused and continued to pull away from the officer. The officer then deployed oleoresin capsicum and sprayed the female. The female was then handcuffed. The female was arrested and transported to the Douglas County Jail.

Event Summaries

None of the individuals involved in the above uses of force filed a complaint.

The summary of these Use of Force Reports reflect the use of force used on seven white males, one white female, eight black males, one black female, one Native American male, and one Hispanic male. The number of persons aforementioned is in reference to subjects that were involved in situations where there were multiple assailant's actively resisting officers and/or fighting.