

2013

Covington Police Department Defensive Action Annual Report & Analysis



Prepared by CPT Gregory Jones

Administrative Support Captain

January 3, 2014

Executive Summary:

The Accreditation Office of the Covington Police Department is completing its annual Defensive Action self-analysis as a continuing improvement process through the Commission on Accreditation for Law Enforcement Agencies. Each accredited law enforcement agency must perform an internal Use of Force analysis (CALEA 1.3.13). The analysis is systematically structured to identify any patterns or trends. Analysis should reveal patterns or trends that could predict or could indicate the need for an increase in the Use of Force training, equipment purchases or upgrades and/ or the necessity for policy modifications.

The Defensive Action analysis completed by the Covington Police Department provides a critical process in reviewing departmental policies and procedures. This analysis provides a process for improvement in our policy language, records management system, capturing additional data and supervisor oversight in Defensive Actions incidents.

Supervisory staff must ensure all reports and forms are completed when required. A Defensive Action form is completed every time force is used to accomplish an enforcement action. The Covington Police Department strives for continuous improvement through personnel development, policy enhancement and pro-active response in order to provide effective service to the citizens, business owners and visitors of the City of Covington

Introduction:

Commission on Accreditation for Law Enforcement Agencies (CALEA) requires a law enforcement agency to conduct a documented annual analysis of the defensive action (use of force) reports required by this agency. A written defensive action report is submitted whenever an employee:

1. Discharges a firearm for other than training or recreational purposes.
2. Takes an action that results in, or is alleged to have resulted in, death or injury of another person.

3. Applies force through the use of lethal or less lethal weapons.
4. Applies weaponless physical force at a level as defined by this agency.

The Covington Police Department General Order 1.3 - Use of Force provides our employees with guidelines on the Use of Force. The Department recognizes the value of human life, which is immeasurable in our society. It is the policy of this agency that investigators may use only the minimum amount of force necessary to accomplish lawful objectives. The lawful Use of Force must be controlled and confined so that an employee will not subject himself/herself to civil and criminal liability.

Policy/Procedure:

Covington Police Department General Order 1.3.13 states:

A. Whenever an officer must physically compel another person to submit to his/her authority regardless of the means employed, the officer shall notify the On-Duty Shift Supervisor and a signed Defensive Action Report shall be made and forwarded to the Chief of Police detailing the circumstances surrounding the use of force and/or any injury or death to another person or injury or death alleged to have resulted from actions by an officer.

1. This report requirement applies to all use of deadly force incidents occurring on or off duty when the officer is acting under the color of law. It also includes the unintentional use of deadly force such as an unintentional discharge of a service or other firearm. This report requirement would not include the normal use of a firearm in training, practice, recreational situations, or for the humane destruction of a sick or injured animal unless it results in injury to the officer or another individual.

2. This report requirement applies to all incidents occurring on or off duty when an officer, acting under the color of law, uses or is alleged to have used physical force against another person or against an attacking or aggressive animal for defensive purposes.”

Covington Police Department General Order Defensive Action Report Review
1.3.14 states:

“A. All Defensive Action Reports shall be reviewed by each supervisor in the reporting officer’s chain of command and by a member of the department’s training staff.

1. Reviewers shall examine each Defensive Action Report to ensure detailed documentation of the incident.

2. The review shall consist of an examination and evaluation of elements which include but are not limited to:

a. Complete identifying information for all involved parties

b. Reasonableness and necessity of the force used

c. Compliance with local, state, and federal laws

d. Compliance with department policy

e. Effectiveness of force utilized

f. Documentation of injuries sustained as a result of the force applied.

B. When judging the reasonableness of a particular use of force it must be judged from the perspective of a reasonable officer and in light of the facts and circumstances confronting that officer at the time the force was used.

C. Reviewers shall submit their findings with recommendations through the chain of command to the Chief of Police who shall decide if any further action is warranted.”

Covington Police General Order 1.3.15 Chief's Review of Defensive Action Reports states:

“A. The Chief of Police shall review the facts of the incident and the recommendations of the reviewers.

B. If it is determined by the Chief of Police that further review is needed the incident may be assigned to the Professional Compliance Board for further investigation.

C. Circumstances may exist that necessitate the investigation of the incident by an outside police agency. Under such circumstances, the Chief of Police may request an investigation of the incident by an independent investigative body.

D. If it is determined by the Chief of Police that the incident is not within department policy the Chief shall take appropriate action.”

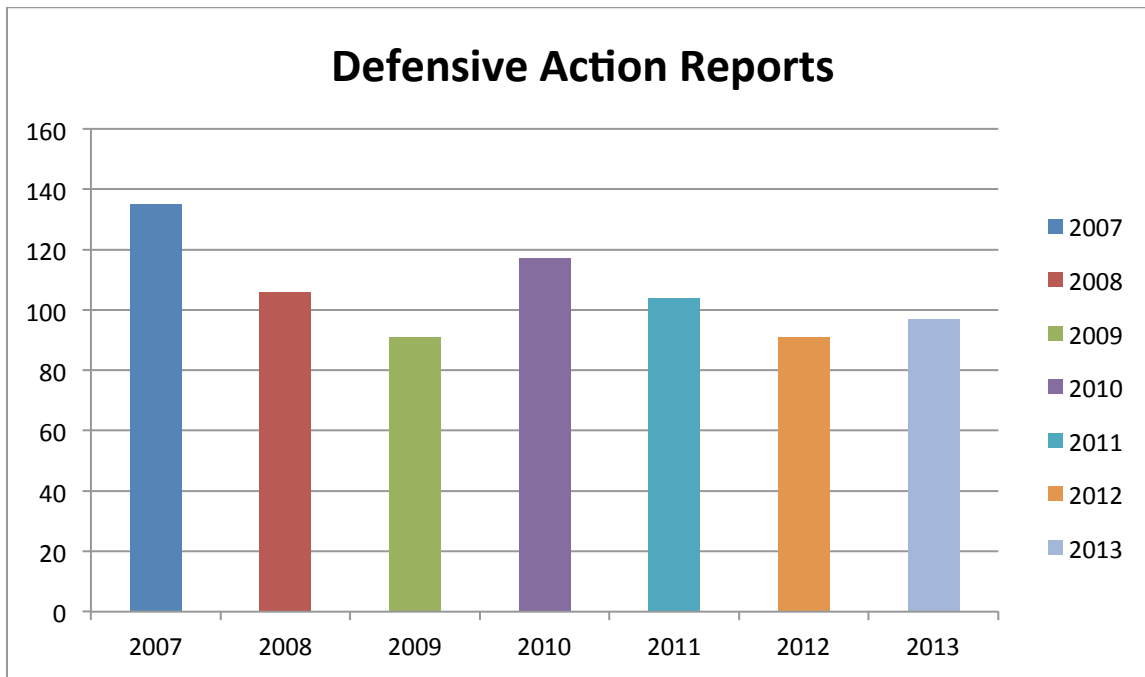
Analysis:

Comparisons

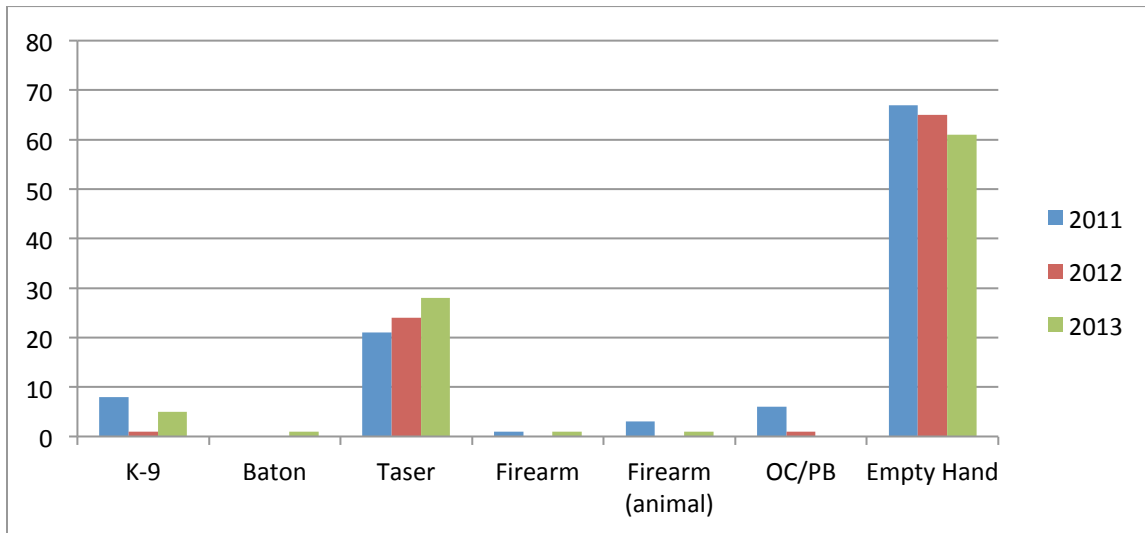
Totals

In 2013 the Covington Police Department made 7150 arrests. Of those arrests, force was used in 97 or 1.36%. That number and percentage is consistent with previous years (2012 – 91/1.27%, 2011 – 104/1.53%)

Defensive Action Reports Total by Year

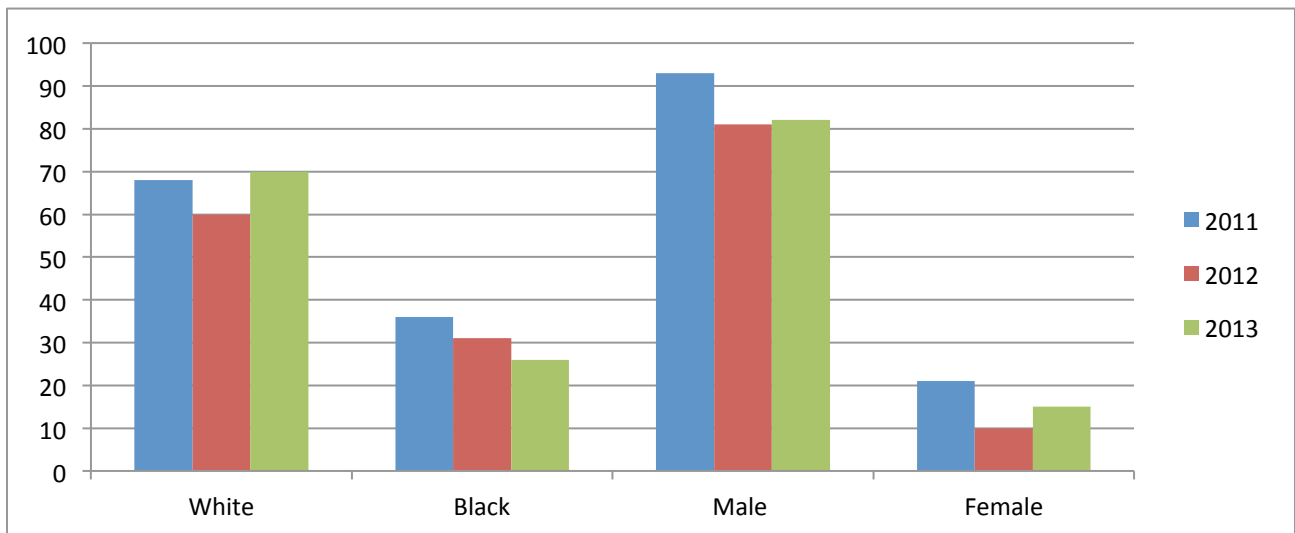


Types of defensive actions applied



In 2013 Tasers were deployed 28 times (28.87%), with empty hand, strikes or take downs, used 61 times (62.89%).

Race & Gender



In 2013 force was used in situations involving males 84.54% of the time.

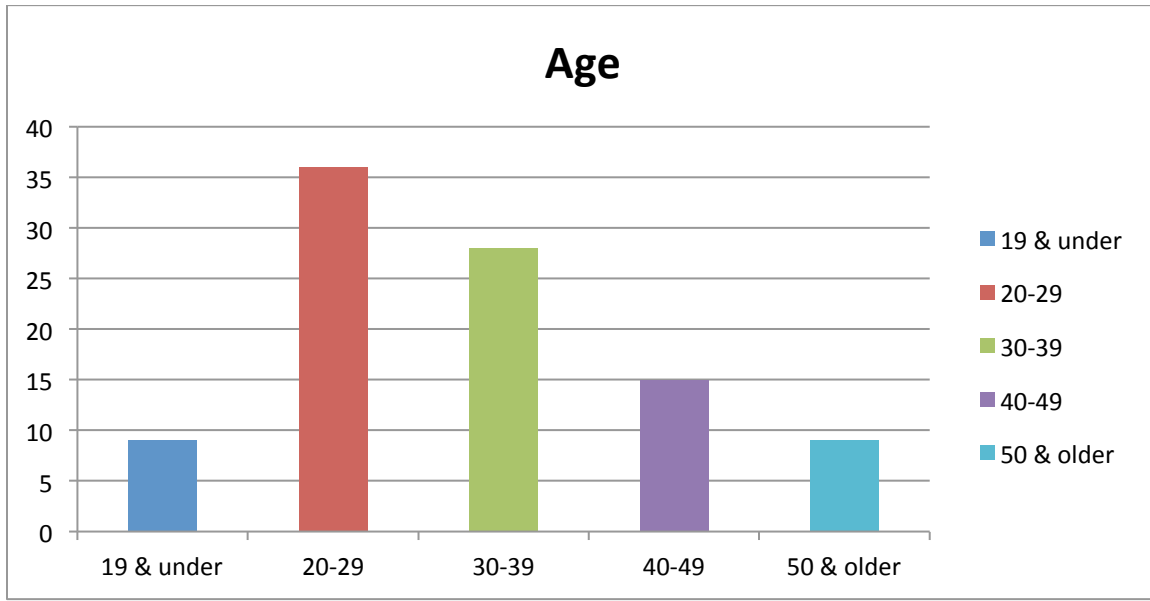
Defensive actions were used with Caucasians 72.16% of the times, and African-Americans 27.84% of the time.

Injuries

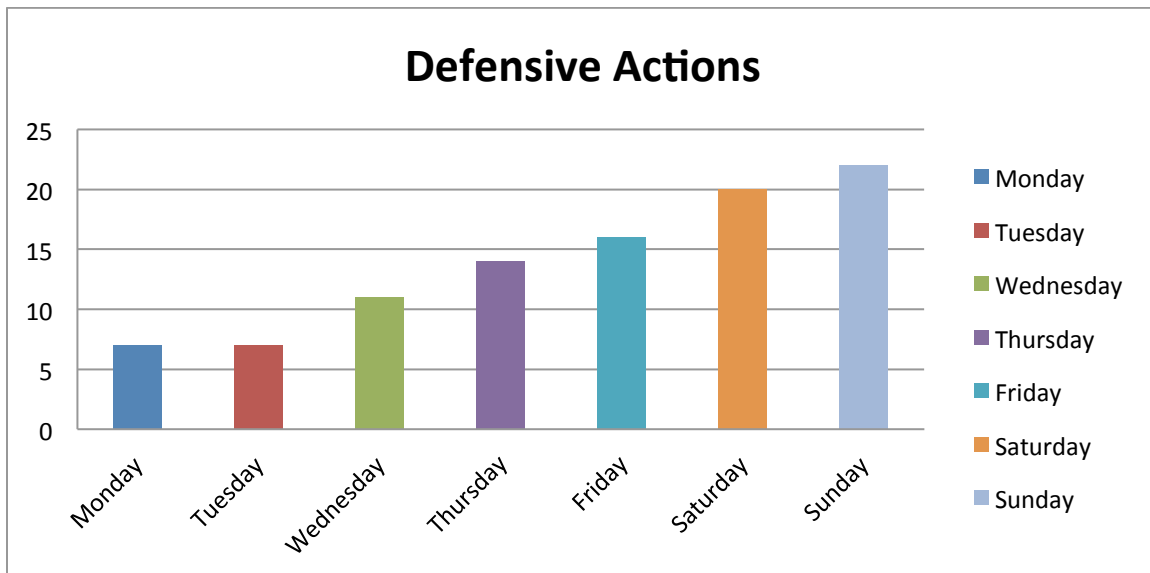


2013 specific data

Age of Suspect

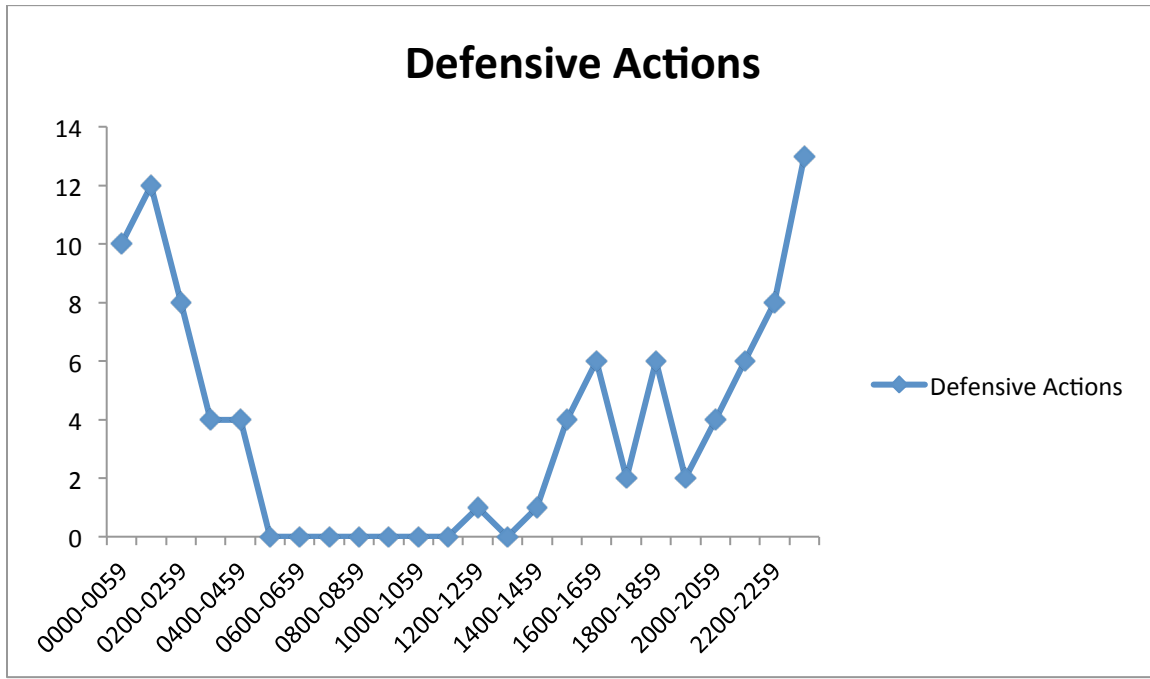


Day of the Week

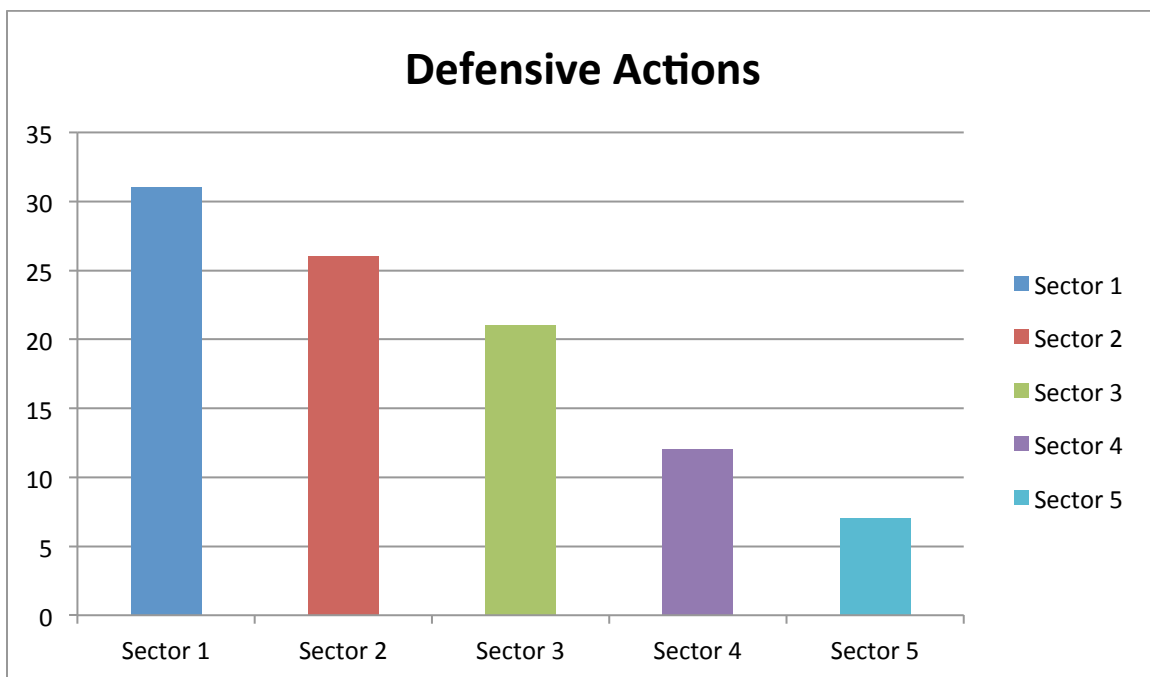


The weekends were the most prevalent times for defensive actions to be used. Thursday starts the trend with 14 and peaks on Sunday with 21.

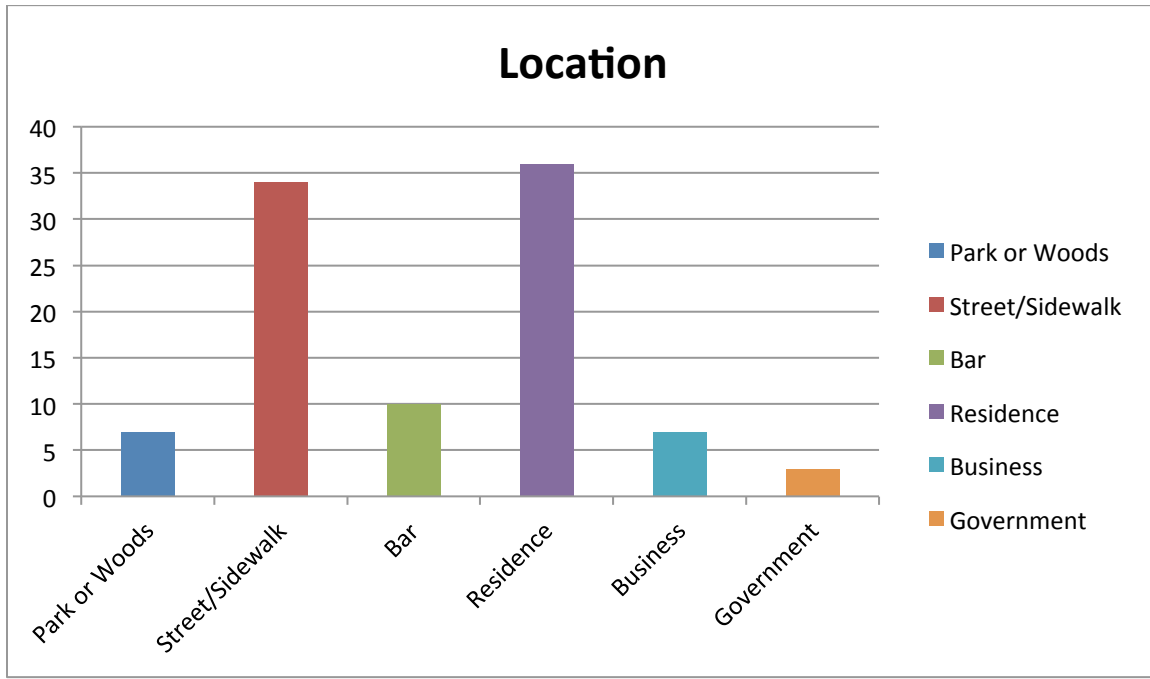
Time of Day



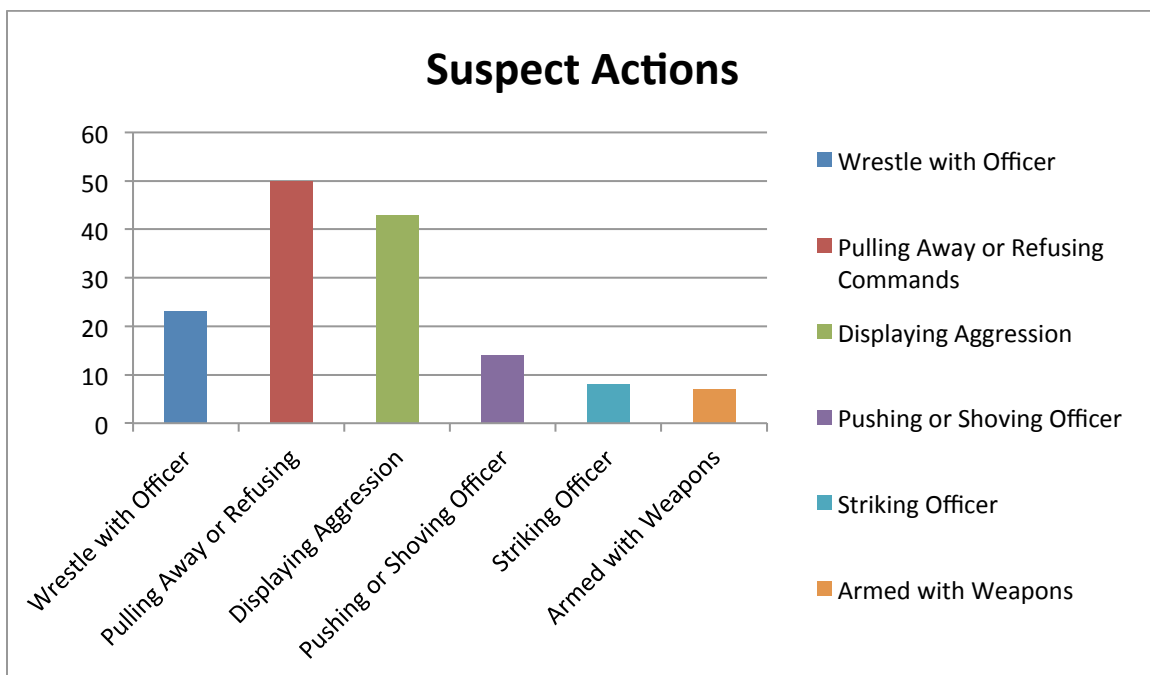
Patrol Sector



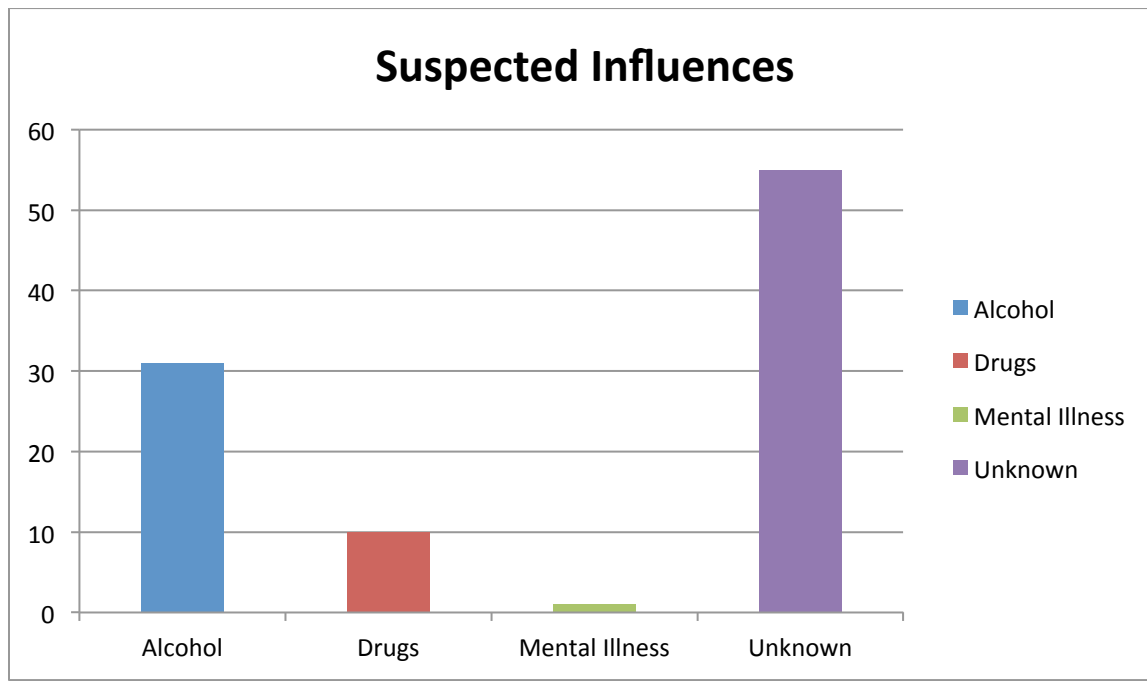
Location Type



Suspect Actions at Time Force Was Used



Suspect Mental State



Professional Compliance

In 2013, neither Professional Compliance nor the Patrol Bureau received complaints of excessive force to investigate.

Final Analysis and Conclusions

- I. Trends - After reviewing the data compiled for this report, there are no readily identifiable trends.
- II. Training and Equipment
 - a. PR-24
 - No officer on this department has recertified on the PR-24 side handle baton.
 - Due to cost to certify instructors and the fact we are unable to locate any officer in patrol that still carries one, it is recommended to remove the PR-24 from our authorized equipment list.
 - b. Straight or collapsible baton
 - The need to have this tool for a civil disturbance tool is still required.
 - The Taser should not replace the baton for situations where an officer may need an impact weapon.
 - No officer has recertified on the straight or collapsible baton
 - Continue to re-authorize the carrying of a baton, but identify trainers who will become instructors on this tool and send them to the necessary schools to recertify entire department.
- III. Early Warning System
 - Use of force incidents are being tracked and recorded per policy, but no one is tracking which officer is using force per specific incident.
 - This is needed to identify officers that may resort to force and lack de-escalation skills.
 - This is a serious liability issue for the agency and needs to be corrected immediately.
 - Recommend purchase of an Early Warning/Early Intervention System to rectify this deficiency.

2014

***Covington Police Department Defensive
Action Annual Report & Analysis***



Prepared by CPT Gregory Jones

Administrative Support Captain

January 3, 2014

Executive Summary:

The Accreditation Office of the Covington Police Department is completing its annual Defensive Action self-analysis as a continuing improvement process through the Commission on Accreditation for Law Enforcement Agencies. Each accredited law enforcement agency must perform an internal Use of Force analysis (CALEA 1.3.13). The analysis is systematically structured to identify any patterns or trends. Analysis should reveal patterns or trends that could predict or could indicate the need for an increase in the Use of Force training, equipment purchases or upgrades and/ or the necessity for policy modifications.

The Defensive Action analysis completed by the Covington Police Department provides a critical process in reviewing departmental policies and procedures. This analysis provides a process for improvement in our policy language, records management system, capturing additional data and supervisor oversight in Defensive Actions incidents.

Supervisory staff must ensure all reports and forms are completed when required. A Defensive Action form is completed every time force is used to accomplish an enforcement action. The Covington Police Department strives for continuous improvement through personnel development, policy enhancement and pro-active response in order to provide effective service to the citizens, business owners and visitors of the City of Covington

Introduction:

Commission on Accreditation for Law Enforcement Agencies (CALEA) requires a law enforcement agency to conduct a documented annual analysis of the defensive action (use of force) reports required by this agency. A written defensive action report is submitted whenever an employee:

1. Discharges a firearm for other than training or recreational purposes.
2. Takes an action that results in, or is alleged to have resulted in, death or injury of another person.

3. Applies force through the use of lethal or less lethal weapons.
4. Applies weaponless physical force at a level as defined by this agency.

The Covington Police Department General Order 1.3 - Use of Force provides our employees with guidelines on the Use of Force. The Department recognizes the value of human life, which is immeasurable in our society. It is the policy of this agency that investigators may use only the minimum amount of force necessary to accomplish lawful objectives. The lawful Use of Force must be controlled and confined so that an employee will not subject himself/herself to civil and criminal liability.

Policy/Procedure:

Covington Police Department General Order 1.3.13 states:

A. Whenever an officer must physically compel another person to submit to his/her authority regardless of the means employed, the officer shall notify the On-Duty Shift Supervisor and a signed Defensive Action Report shall be made and forwarded to the Chief of Police detailing the circumstances surrounding the use of force and/or any injury or death to another person or injury or death alleged to have resulted from actions by an officer.

1. This report requirement applies to all use of deadly force incidents occurring on or off duty when the officer is acting under the color of law. It also includes the unintentional use of deadly force such as an unintentional discharge of a service or other firearm. This report requirement would not include the normal use of a firearm in training, practice, recreational situations, or for the humane destruction of a sick or injured animal unless it results in injury to the officer or another individual.

2. This report requirement applies to all incidents occurring on or off duty when an officer, acting under the color of law, uses or is alleged to have used physical force against another person or against an attacking or aggressive animal for defensive purposes.”

Covington Police Department General Order Defensive Action Report Review
1.3.14 states:

“A. All Defensive Action Reports shall be reviewed by each supervisor in the reporting officer’s chain of command and by a member of the department’s training staff.

1. Reviewers shall examine each Defensive Action Report to ensure detailed documentation of the incident.

2. The review shall consist of an examination and evaluation of elements which include but are not limited to:

a. Complete identifying information for all involved parties

b. Reasonableness and necessity of the force used

c. Compliance with local, state, and federal laws

d. Compliance with department policy

e. Effectiveness of force utilized

f. Documentation of injuries sustained as a result of the force applied.

B. When judging the reasonableness of a particular use of force it must be judged from the perspective of a reasonable officer and in light of the facts and circumstances confronting that officer at the time the force was used.

C. Reviewers shall submit their findings with recommendations through the chain of command to the Chief of Police who shall decide if any further action is warranted.”

Covington Police General Order 1.3.15 Chief's Review of Defensive Action Reports states:

“A. The Chief of Police shall review the facts of the incident and the recommendations of the reviewers.

B. If it is determined by the Chief of Police that further review is needed the incident may be assigned to the Professional Compliance Board for further investigation.

C. Circumstances may exist that necessitate the investigation of the incident by an outside police agency. Under such circumstances, the Chief of Police may request an investigation of the incident by an independent investigative body.

D. If it is determined by the Chief of Police that the incident is not within department policy the Chief shall take appropriate action.”

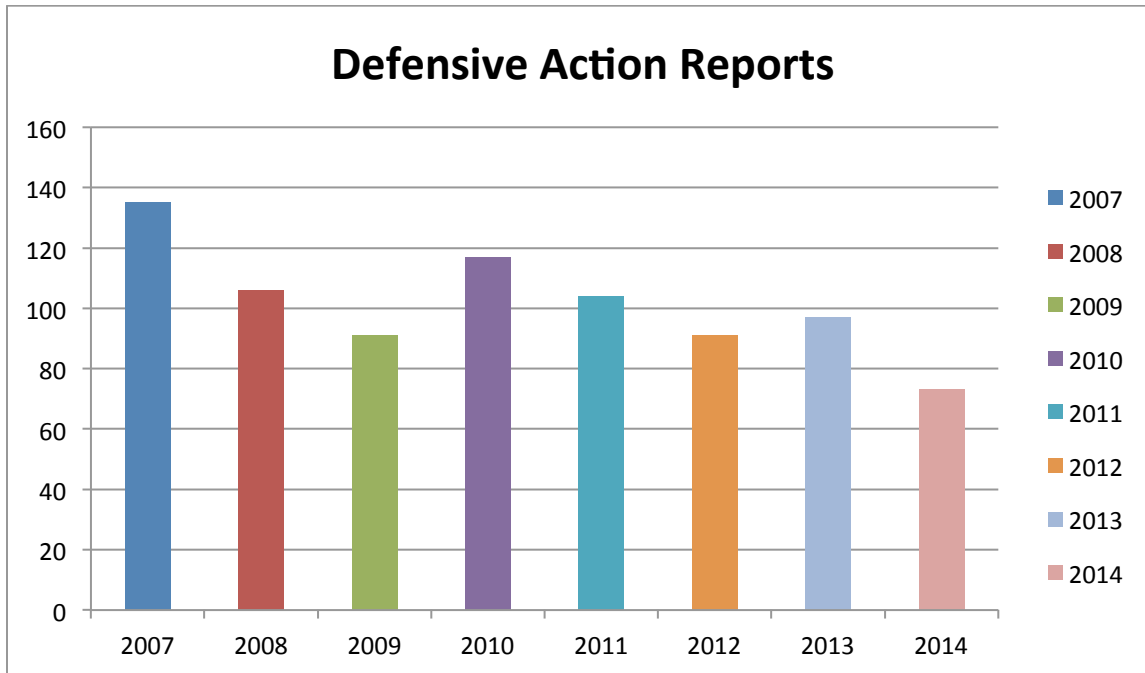
Analysis:

Comparisons

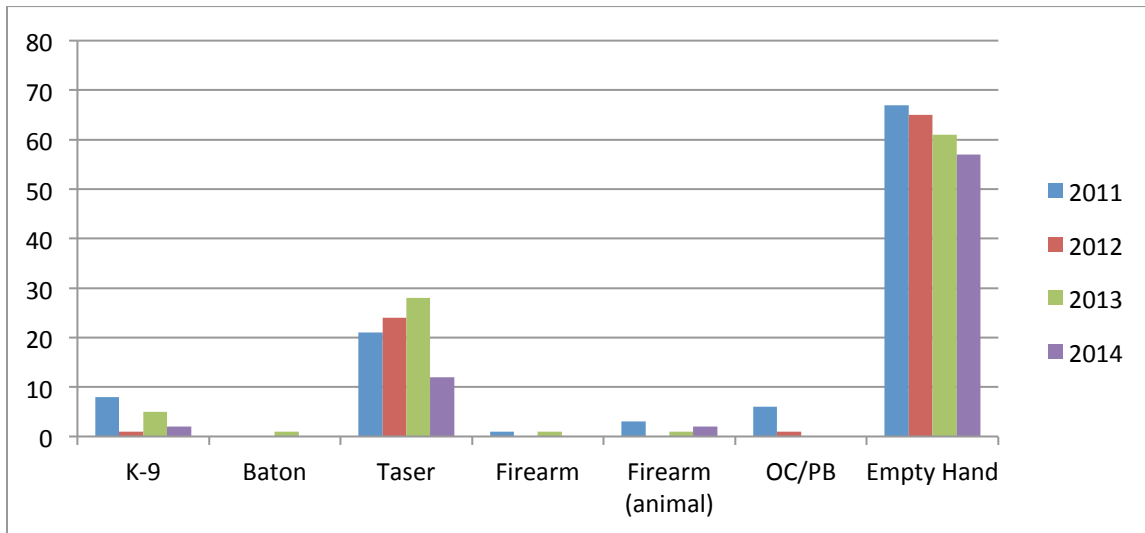
Totals

In 2014 the Covington Police Department made 4826 arrests. Of those arrests, force was used in 73 or 1.51%. That number and percentage show a decrease in use of force and is consistent with a decrease in arrests over the last three previous years (2011 – 104/1.53%, 2012-91/1.75, 2013 – 97/1.98%)

Defensive Action Reports Total by Year

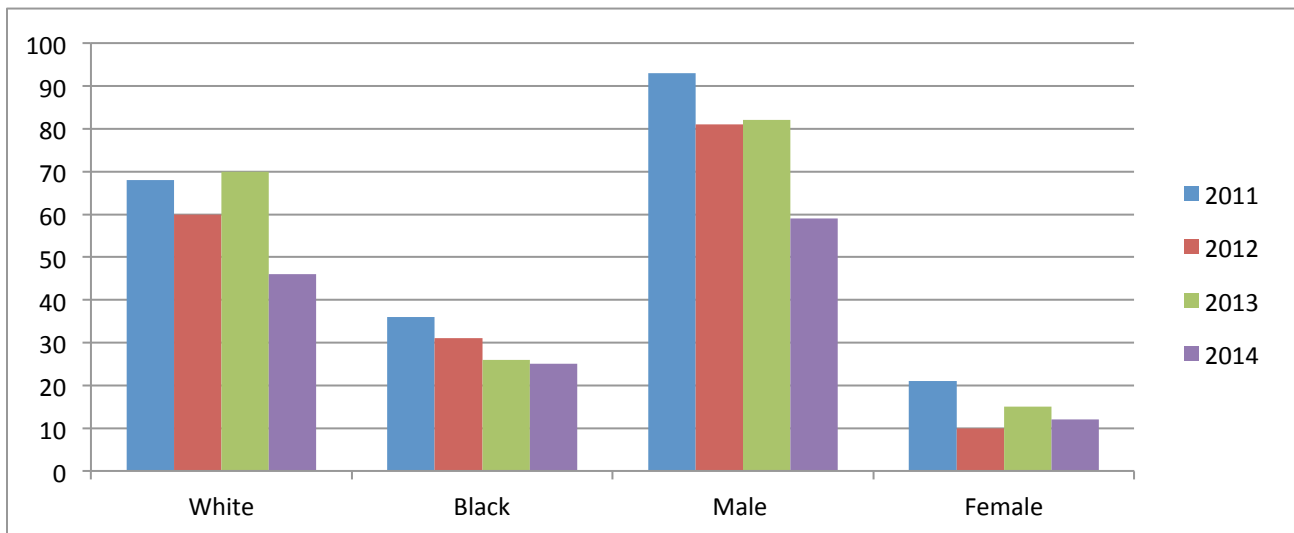


Types of defensive actions applied



In 2014 Tasers were deployed 12 times (16.44%, down 54% from 2013), with empty hand, strikes or take downs, used 57 times (78.08%).

Race & Gender

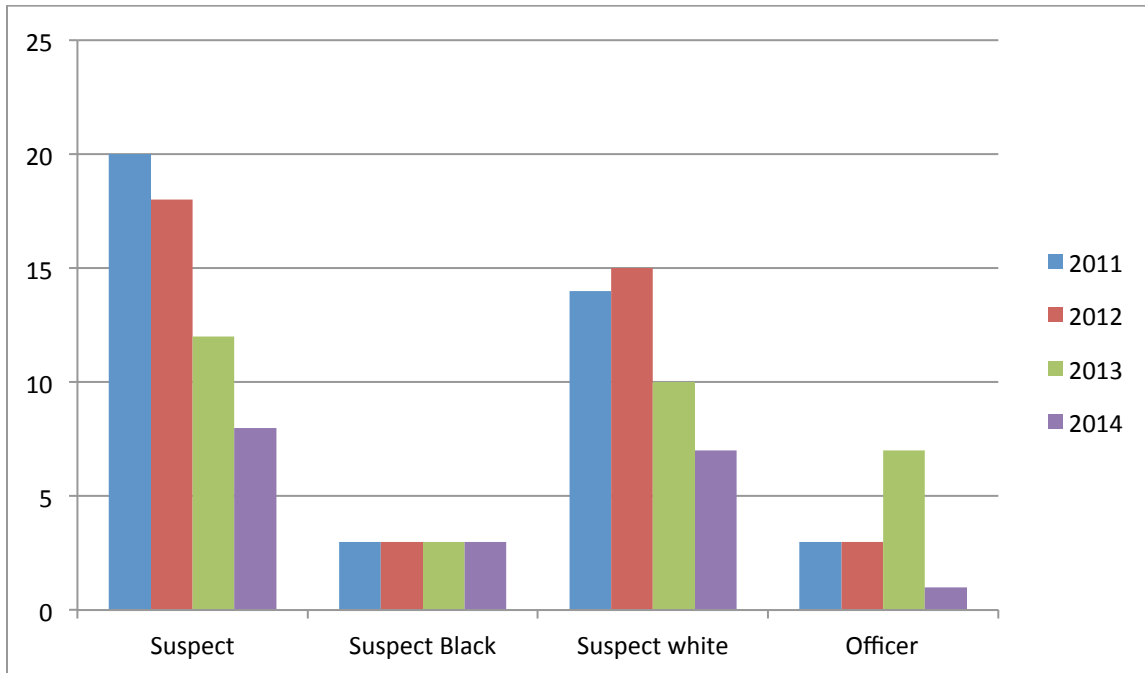


In 2014 force was used in situations involving males 80.82% of the time.

Defensive actions were used with Caucasians 63.01% of the times, and African-Americans 34.25% of the time. The percentage of use of force involving African-

Americans is consistent with previous years: 2011-34.62%, 2012-34.07%, 2013-27.84%.

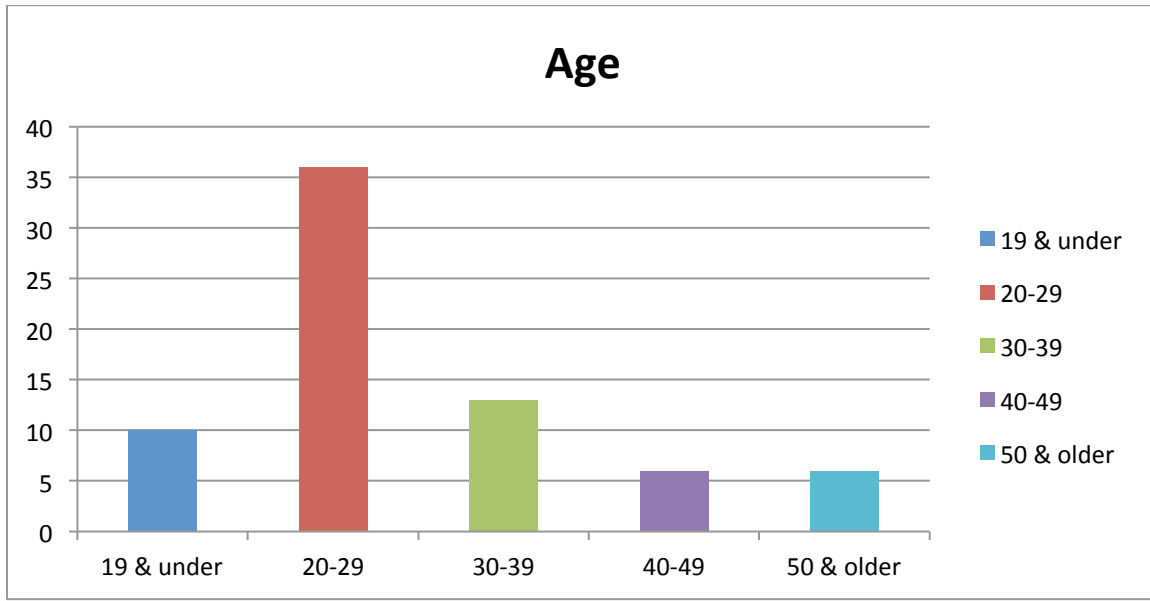
Injuries



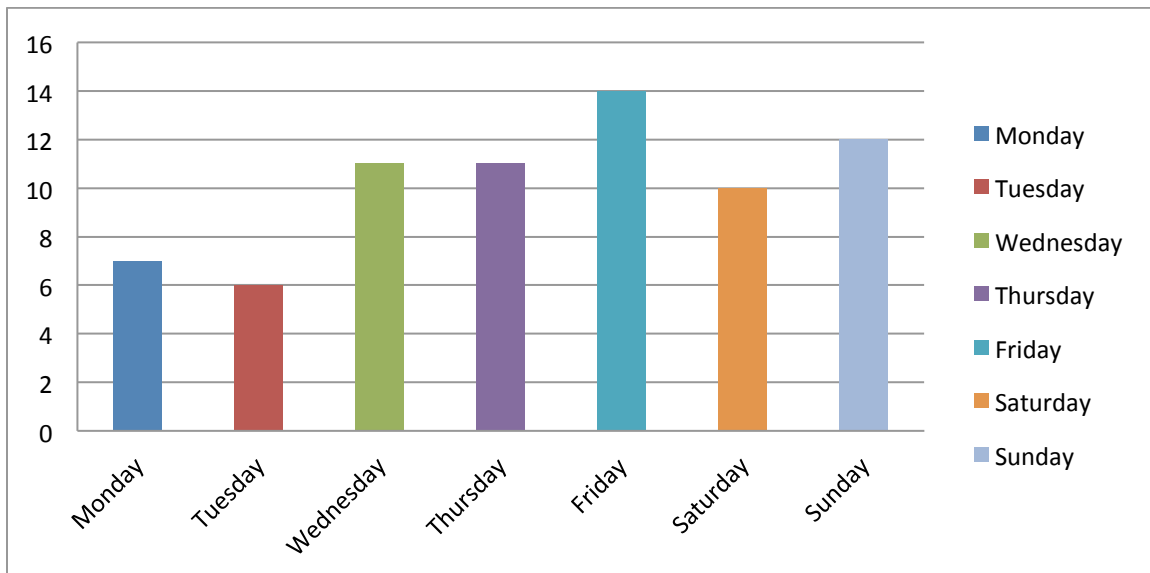
Suspect injuries were 10 total, two of which were K-9 apprehensions, (7 percent of total force used), a continuing downward trend of the last four years. Of the ten injuries seven male whites were injured and 3 black males. There were was one Officer injured.

2014 specific data

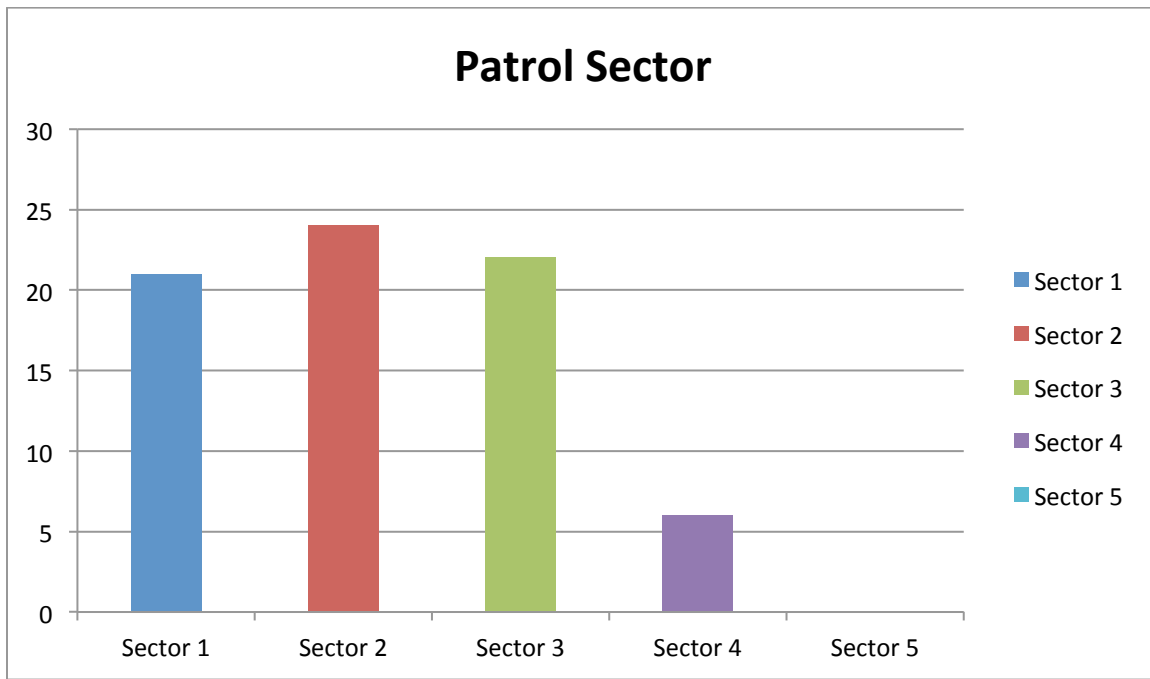
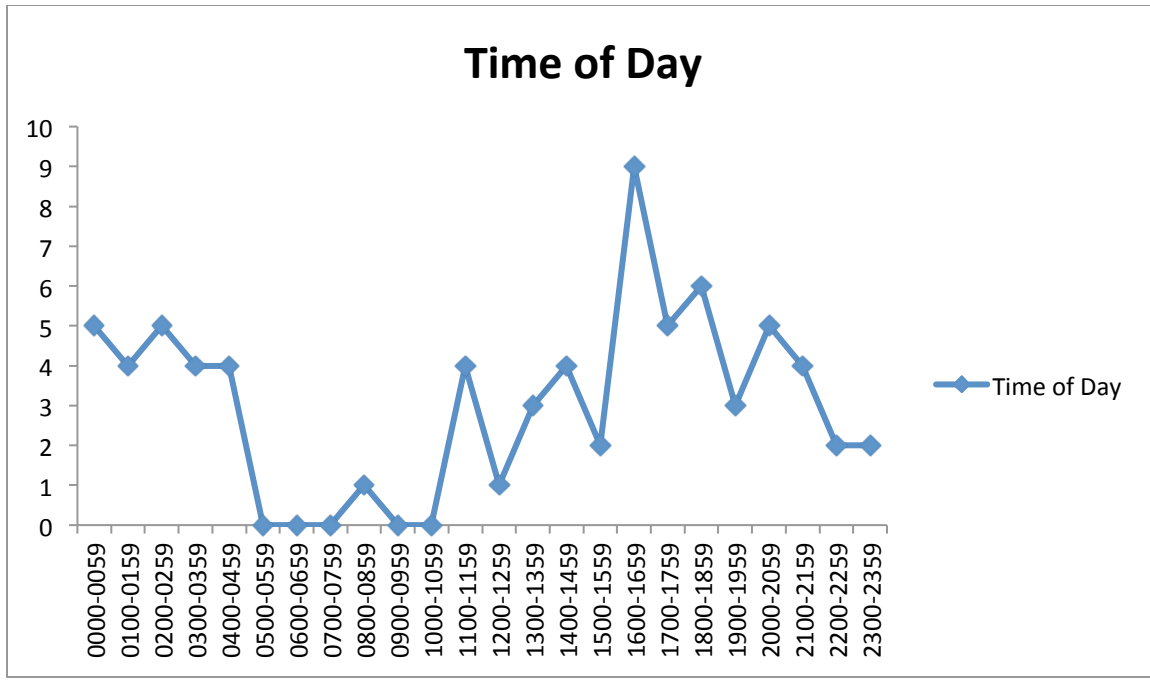
Age of Suspect

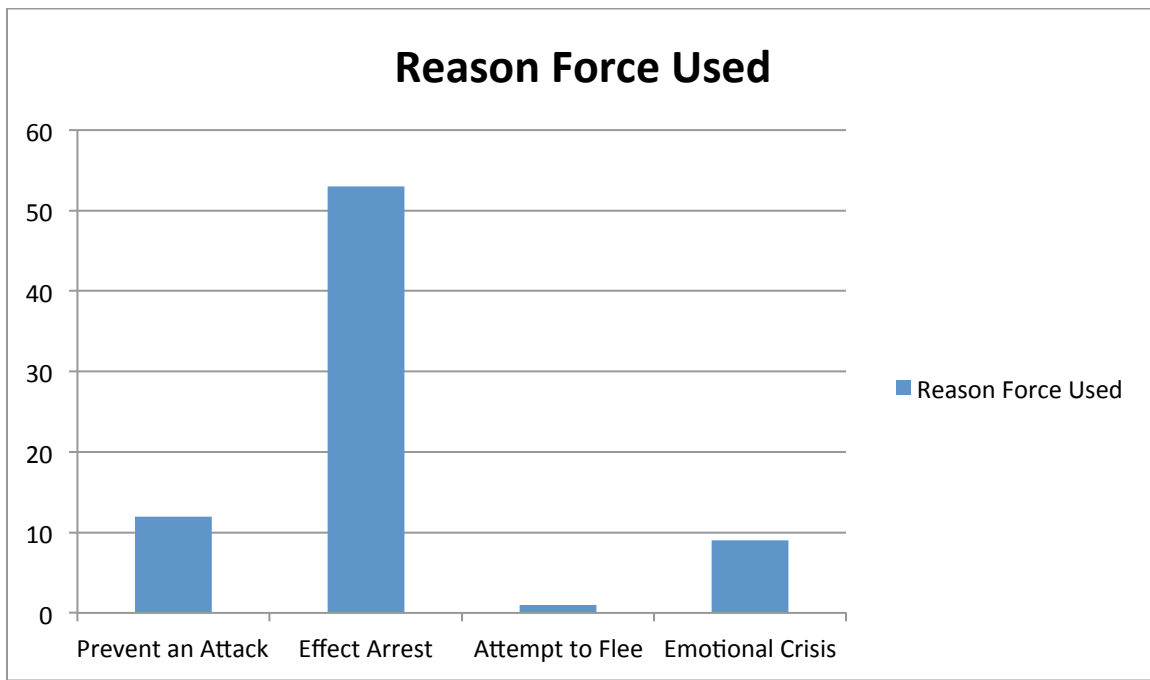
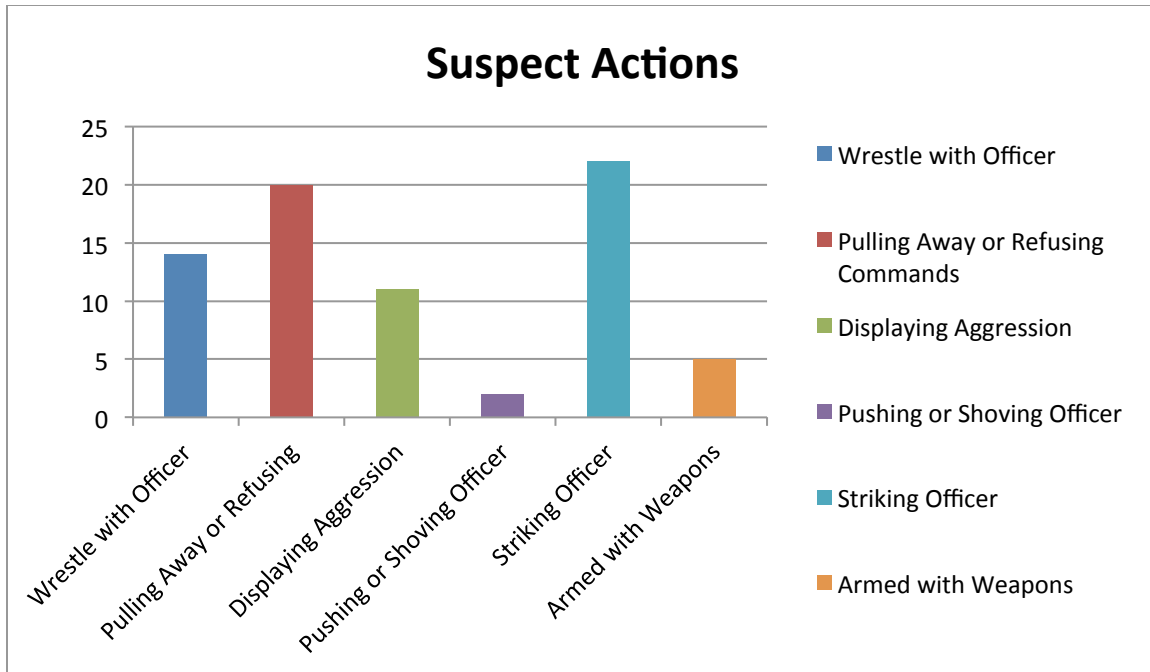


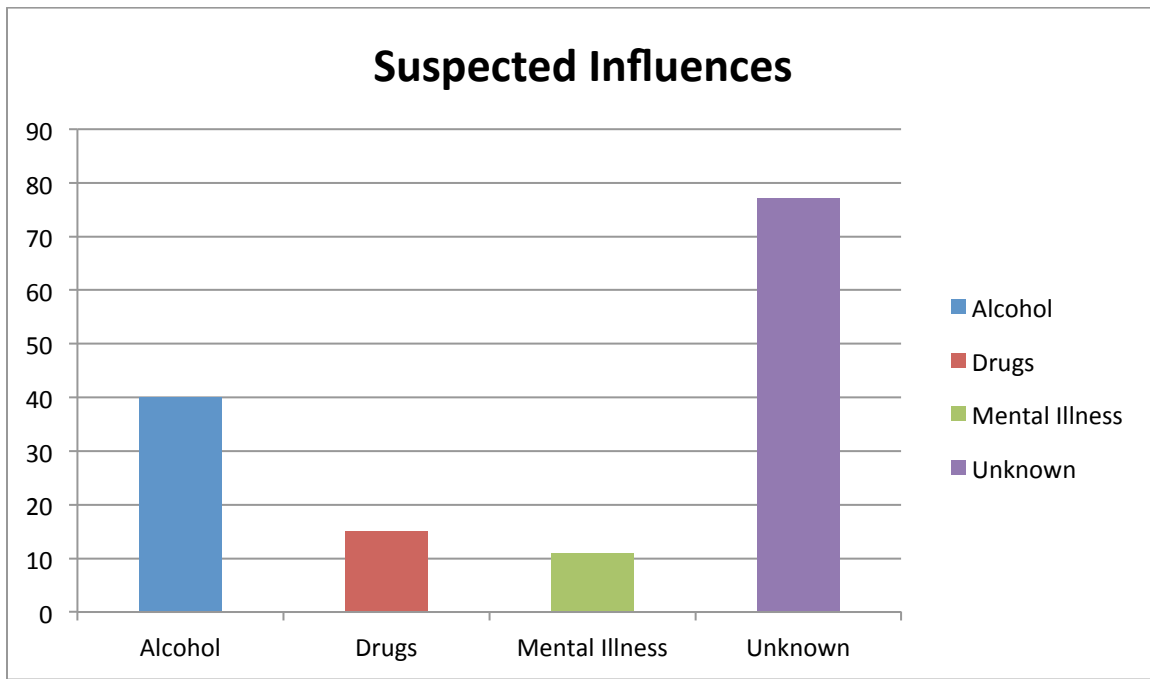
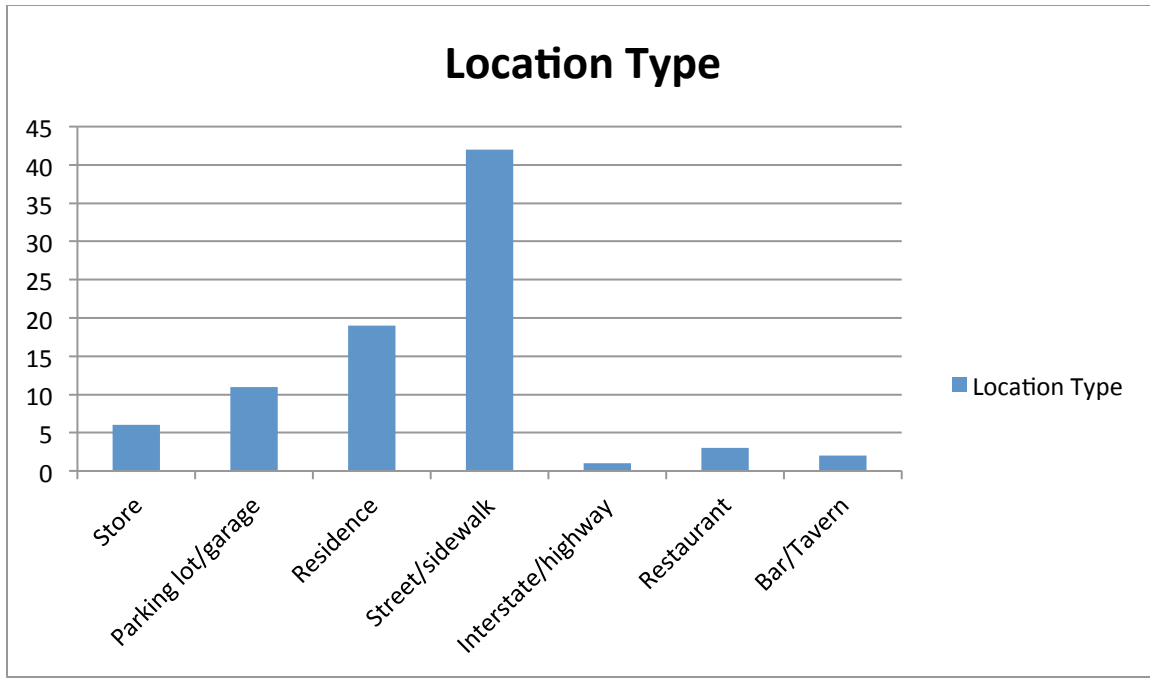
Day of the Week



The weekends were the most prevalent times for defensive actions to be used.







Professional Compliance

In 2014, neither Professional Compliance nor the Patrol Bureau received complaints of excessive force to investigate.

Policy Review

- I. Addition of precipitation of force section to policy – It is recommended that the Agency add a prohibition concerning precipitation of force. Recent court cases have ruled against Officers and agencies where the Officer escalated a situation resulting in force being used.
- II. Moving of Agency weapons and qualifications to a separate chapter – This is recommended to keep the force chapter applying only to use of force and make the use of force policy easier to read.
- III. Taser
 - a. It is recommended to remove the section saying target area should be lower center mass as it is difficult to explain. Instead the target area should be listed as, “Aim according to manufacturer recommendation and training, the head, face, neck and genitals should not be intentionally targeted, unless a higher level of force can be justified. “ This will allow flexibility to comply with Taser’s recommendations.
 - b. Recommend prohibiting the use of Taser on passive resistance. This is in response to a recent 6th Circuit Case (Hagans v. Franklin County SO) that states it is unreasonable to use a Taser on a subject who is passively resisting.
- IV. Recommend adding a section as to when medical aid shall be summoned.
- V. Recommend adding a section on the use of chemical agents, chemical munitions and SWAT weapons.
- VI. Recommend a section specifying as to when a defensive action report should be completed.
- VII. Recommend adding a section requiring photographs to always be taken when force is used.

- VIII. Recommend adding a critical incidents policy (when Officers use force or any other actions that cause death or serious physical injury).

Final Analysis and Conclusions

- I. Trends - After reviewing the data compiled for this report, there are no readily identifiable trends.
- II. Training and Equipment – The Agency needs to train and recertify all employees in all less than lethal, including Taser, and empty hand control techniques. This is to comply with accreditation standards and to ensure a highly trained and professional Agency.
- III. Early Warning System – This was part of last year’s recommendation and will be an issue to be purchased this year.
 - Use of force incidents are being tracked and recorded per policy, but no one is tracking which officer is using force per specific incident.
 - This is needed to identify officers that may resort to force and lack de-escalation skills.
 - Recommend purchase of an Early Warning/Early Intervention System to rectify this deficiency.
- IV. Implement the above listed items from the policy review.