



# ATHENS-CLARKE COUNTY POLICE DEPARTMENT

*Reviewed and approved  
by J.D.G.*

R. Scott Freeman, Ph.D.  
Chief of Police

Justin D. Gregory  
Deputy Chief

DATE: March 30, 2016  
TO: R. Scott Freeman, Ph.D.  
Chief of Police  
FROM: Justin D. Gregory *J.D.G.*  
Deputy Chief of Police  
RE: 2015 Use of Force Review and Analysis

## A. Introduction

1. **Analysis Period:** January 1, 2015 - December 31, 2015

### 2. Data Reviewed:

- Use of Force Report Data from Crime Analysis Unit for 2013, 2014, 2015
- Use of Force Report Data from Excel Spreadsheet for 2015
- CAD Event Data for 2014, 2015
- Arrest Data for 2014, 2015
- Use of Force Policy
- Use of Force training for 2013, 2014, 2015
- Attrition rate for 2013, 2014, 2015

## B. Data, Statistics and Charts:

### 1. Use of Force Data

	2013	2014	2015
Total Use of Force Incidents	273	282	268
Firearm Presented	64	67	65
Compliance Tools (OC Spray)	54	50	35



<b>Hard Control/Strikes</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
	30	27	16
<b>Taser (CEW)</b> <b>(Implemented July 2015)</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
	N/A	N/A	3
<b>Soft Control/Empty Hands</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
	212	221	198
<b>Impact Weapon/Baton</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
	7	5	3
<b>Lethal Force</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
	0	0	0
<b>Stop Stick Deployment</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
	8	4	0

\* Taser was introduced in July of 2015. In the original and current policy, the committee specifically decided against tracking mere presentation of CEW on the current use of force form.

\*\* The total numbers of each column may add up to more than the total number of reports since some incidents document more than one single type of force application. Example: A report may document a presentation of a firearm and use of a compliance and control tool.

## 2. Officer Involvement Data

<b>Name</b>	<b>Number of Incidents</b>
Thomas Anthony	8
Shaun Barnett	11
Deanna Birdsong	5
Ian Bowen	5
Troy Choudhury	9*
Andrew Cook	5
Christopher DeWitt	7*
Nathaniel Franco	6*
David Harrison	5
Edward Herron	5
Michael Ragsdale	5
Robert Schulte	6
Daniel Whitney	5
Michael Wood	5

- 111 officers were involved in the 265 recorded incidents.
- 14 officers were involved in 5 or more use of force incidents (listed above)

\*Denotes an officer with 3 consecutive years of 5 or more use of force incidents. Each of these officers and their incidents have been reviewed. These officers are known for a strong work ethic and high levels of activity.

### **3. Use of force incident complaints, discipline or termination:**

There were three complaints filed regarding use of force in 2015, all of which were exonerated.

For reporting purposes, one use of force complaint was categorized under a criminal violation complaint. As a result of that investigation, involving the improper and excessive use of a baton, the officer was terminated and prosecuted. This was a clear case of excessive force. It was not a reflection of ACCPD training or culture. In fact, this event literally caused all who viewed video of the incident to gasp since it was so far out of the norm. The officer involved was very well versed on use of force and used his knowledge to try and justify his actions. The utility and validity of the Axon body worn camera was proven in this incident and further justifies their use to protect the officers and the public. However, the ACCPD also must continually be mindful of the limits of the cameras and our officers when evaluating use of force incidents.

## **C. Training and Equipment**

### **1. Training Unit Commander suggestion for improvements:**

While there have been only a handful of CEW deployments to evaluate, the current Training Unit Commander, Lt. Ben Dickerson noted that there has been a reluctance to utilize the angle stun method. Future courses and upcoming recertification will emphasize the deployment method and the likely common need to use this method to maximize effectiveness of the device. Additional drills will be conducted with this deployment technique.

### **2. Effectiveness of current training:**

The low percentage of use of force incidents vs. CAD Events (citizen/police contact measure), low percentage of incidents vs arrests and low number of complaints suggest an effective program.

While ACCPD enjoys a successful program, additional ideas, additional training time and improved programs can only enhance performance during use of force situations, reduce severity of events and the frequency of them.

Use of force concepts are covered well from an academic sense. However, more practical and scenario based training is recommended. Additionally, ACCPD has had a very limited defensive tactics program. This training has only been received in the academy and New Officer Basic Course (NOBC). While NOBC is available to all, few senior officers attend. Increasing skill in taking control quickly and increasing confidence levels can serve to reduce frequency and severity of use of force events.

The academic use of force training blocks have been effective at installing a very balanced mindset regarding use of force at ACCPD. Constitutional policing foundations, *Graham v Connor*, and use of force modeling are emphasized and valued by department members. Additionally, the idea of using sound tactics, de-escalation, dialogue and a degree of restraint are emphasized and evident in culture.

Another successful and effective element was added during the 2015 Use of Force Training block - Building Resilience. Law enforcement, by and large, has always talked about decision making but never about the aftermath of a serious use of force event, particularly a deadly force encounter. To help prepare officers, an initial block on this topic was provided to inform officers about what they might experience after an event, how to prepare mentally, how the investigation would be conducted, legal considerations and media response.

### **3. The current number of hours:**

The current number of hours dedicated to use of force training is adequate. However, ACCPD is not defined by adequacy or a minimalist approach. We want to be the best. Currently, new officers receive 4 hours, in house training on use of force. Yearly in-service training provides 2 hours of review.

### **4. Remedial training provided:**

The only remedial training provided in 2015 relating to a use of force related topic was for a single qualification failure.

### **5. New training in 2015:**

An additional hour was added to the use of force academic in-service. The block of instruction was Post Incident Response. The block was given to begin laying a foundation of organizational and individual resilience in the wake of traumatic events. This block particularly focused on the aftermath of an officer involved shooting and was designed to provide pre-event information on what would occur after such an incident, including on scene considerations, immediate aftermath, types of investigation that will occur, long term effects and support strategies.

### **6. New training equipment during 2015:**

- All officers were issued new Surefire Lawman flashlights and received low light training on them. The flashlight model, however, has been problematic in the field and will be replaced in 2016. Retraining with the new light will be conducted.

- Taser X26P CEW's were introduced in July 2015. An instructor cadre of 6 individuals was established and 96 officers were trained throughout the second half of the year. The initial policy has proved sufficient, but several changes were made in practice. Those include instituting a weak hand draw deployment to prevent slip and capture mistakes that might cause an officer to draw a firearm by mistake. Additionally, supervisors have been more than capable of conducting and directing post taser deployment documentation and evidence collection. These changes will be reflected in the policy during the DLG policy collaboration in 2016.

## **D. Policies and Reporting**

### **1. Was policy revised during reporting period?**

The only policy revision in 2015 was the addition of the Taser/CEW policy and any

corresponding language in the use of force policy relating to the device.

## **2. 2015 policy review?**

The policy has been reviewed. While adequate, it is verbose and due for revision that will provide clarity. This will be part of the DLG collaboration in 2016.

## **3. Use of force reporting process change?**

Taser/CEW deployment was added to the Use of Force Report Form.

## **4. Suggestions for Improvement:**

- Policy revision and update to ensure best practices and consistency with The President's Report on 21st Century Policing.
- Ensure simplicity and clarity.
- Incorporate use of force policy into one distinct section of the policy for easy reference.

## **5. Reporting Process:**

The current reporting format has been a point of contention for supervisors and officers. It is redundant and time consuming for supervision. A few steps, such as limiting the number of copies made for administration, have been taken to streamline the process but more is needed.

Currently, we have data but have difficulty converting it to intelligence. The separate form that is filled out by officers is logged into a database constructed by David Griffith with Crime Analysis and a spreadsheet contracted by Lt. Don Eckert. David's database was constructed with a program that cannot be updated and does not include Taser deployment at this point. The spreadsheet, while accurate, is very difficult to utilize and "dig" into for analysis. If anything, the current methods cause a bit of over reporting and do not allow for manipulation of the data.

It is recommended that use of force reporting software be purchased to reduce the workload on officers and supervisors and provide more useful information to the organization.

## **E. Analysis and Practices**

### **1. Training deficiencies, policy failure:**

Deficiencies - Defense tactics, less lethal practicals. Steps are in place to build the necessary cadre to establish a foundation for the department and provide regular training events for officers to attend. Future budgets will need to give consideration for the work hours necessary to build the highest level of competency possible.

### **2. Pattern or trend (decrease in use of force):**

For 2015 there was a 5% decrease in use of force across all of ACCPD. While there is no distinct indicator as to why, I examined the number of police citizen contacts (all

dispatched and self-initiated calls), the attrition rate, and arrest data to see if there was a possible correlation.

<b>The Attrition rate:</b>	<b>2014</b> 11.2%	<b>2015</b> 9.9%
<b>Police/Citizen Contacts:</b>	<b>2014</b> 160,463	<b>2015</b> 151,563
	% Change = 5.5% drop	
<b>Arrests by Year:</b>	<b>2014</b> 5227	<b>2015</b> 4580
	% Change = 12.4% drop	
<b>Arrests Involving Use of Force:</b>	<b>2014</b> 5.3%	<b>2015</b> 5.8%

Based on this data it would seem that there is a possible correlation between the number of contacts and the drop in use of force as they both decreased by a factor of 5%. However, any number of social factors, to include the "Ferguson Effect", may have contributed to this decrease.

Percentage of all police/citizen (CAD Events) contacts ending in use of force = .176%

### **3. Change of reporting recommendation:**

As already stated, the ACCPD needs to examine an improved reporting mechanism in the near future in the interest of providing more manageable data.

## **F. Recommendations/Conclusions**

### **1. Suggestions:**

- Change policy and reporting to reflect mere presentation of the Taser/CEW as this may contribute to a trackable reduction in use of force incidents.
- Heavy, more frequent simulator training
- Examine more advanced simulator systems and creation of a use of force training arena.
- Integrate FX marking cartridge training with simulator.
- Simmunitions equipment update/upgrade.
- More defensive tactics, control techniques
- Scenario based Taser/CEW recertification.
- Continue focus on building resilience.
- Continue to enhance the balance of use of force with COP, Fair and Impartial, restraint, dialogue, deescalation and mental health challenges.
- Enhance CIT training, advanced course offering.
- Apply "Force Science" concepts in a balanced manner and continue to attend training courses.

## **2. Positive information...**

**While the ACCPD must continue to self reflect and improve, there is one data point that stands out:**

**Only .176% of our contacts in our community end in some type of use of force.**

**The last Department of Justice study conducted concluded that this figure is around 1% nationwide. While that, in itself, indicates a false narrative in the media, the ACCPD can take pride in having an even smaller percentage of use of force in our community.**