

# Pearland Police Department

Annual Use of Force Report

2020



## **Policy Statement:**

The Pearland Police Department places its highest value on the life and safety of its officers and the public. The department's policies, rules and procedures are designed to ensure this value guides employees in their interactions with the public and police officer and jailer use of force. To the extent possible, all employees are required to utilize trained de-escalation techniques in situations which may otherwise require force to be used.

Even though all officers and jailers must be prepared to use force when necessary, reasonableness must be exercised in its use. Consequently, an officer or jailer is justified in the reasonable use of force in self-defense; in defense of another; or when faced with a situation that immediately requires force to be used to protect life, property, or lawfully effect an arrest or detention. Just as important, an officer or jailer is expected to refrain from using force when the use of force might threaten the life or safety of an innocent person, or if the use of force is not clearly warranted by the policy and rules of the department.

## **Policy Annual Use of Force Report Requirement:**

The Pearland Police Department will prepare an annual report on Use of Force Incidents which will be sent to the Chief of Police by January 31<sup>st</sup> of the following year.

- The report will include at a minimum data on the following:
- The number of Citizen Calls for Service and Police Incidents during the year;
- The number of Use of Force Incidents in the year;
- The number of Officers/employees injured and if so, treatment information;
- The number of Subjects injured and if so, treatment information;
- The demographic information of the Subjects;
- The recommended classification of the Use of Force;
- The number found to be within or outside of policy guidelines;

Any other information that will help the department identify trends, training needs, equipment needs or needs for policy revisions.

Upon approval of the report, the Administrative Services Division Commander will direct posting of the report on the department website.

## **Policy Requirement for a Use of Force Report to be Submitted:**

To promote transparency and accountability of actions involving the use of physical force against civilians, employees shall immediately or as soon as practical report to an on-duty police supervisor any injury to a prisoner or use of force involving the Pain Compliance (Empty Hand Controls – Hard Techniques, use of an approved chemical agent – OC spray, use of an approved electro-muscular disruption device – TASER), a K9

bite, an approved Baton or discharge of a Less-Lethal Impact Munition, any Deadly Force Option, or Non-Categorized Weapon of Opportunity.

### **Policy Definitions for Force Types:**

Pain Compliance – These techniques have a possibility of causing injury and include the following based on the level of resistance:

- Use of an approved chemical agent – Oleoresin Capsicum (OC) spray used in compliance with policy and training.
- Use of an approved electro-muscular disruption device – TASER used in compliance with policy and training.
- Empty Hand Control (Hard Techniques) – Officers/jailers using strikes, kicks, takedowns, throws, or other physical strength or skill which may include martial arts or other fighting techniques.

Trained Police K9 – They have a high probability of causing injury when they bite. As such Police K9s shall only be used pursuant to department policy and training.

Less Lethal Weapons – These weapons have a high probability of causing injury, including soft connective tissue damage or bone fractures. This would include an Approved Baton, or Less-Lethal Impact Munitions.

Deadly Force Options – The following weapons or techniques are likely to cause serious bodily injury or death:

- Discharge of a firearms.
- Ramming of a person with a vehicle.
- Purposeful strikes to the head or neck with a baton or similar item.
- Intentional shots to the head or neck with a Less-Lethal Impact Munition.
- Neck holds, including chokeholds, strangleholds, lateral vascular neck restraints, carotid restraints, chest compressions, or any other tactic that restricts oxygen or blood flow to the head or neck.
- Any purposeful act by a police officer or jailer that the officer/jailer should have reasonably known would lead to the serious bodily injury or death of a person.

Non-Categorized Weapon of Opportunity – A weapon of opportunity should only be used by a police officer/jailer who is facing at a minimum an Assaultive subject and only to the degree the officer/jailer had no other reasonable approved methods to defend him/herself. The officer/jailer must understand the use of such an object/technique will be applied to the closest level of force on this continuum and the application of the object/technique must be justified.

**Analysis:**

The Pearland Police Department initiated or responded to nearly 66,000 events in 2020. Traffic stops accounted for just over 21,300 of these events. Officers made nearly 2,400 arrests. There were only 13 use of force incidents reported and documented as required by Department Policy. Out of 66,000 events, less than .02% resulted in an applicable use of force or in other words 1 out of every 5,000 events.

Of the 13 reported incidents, one white male subject age 17, was encountered on two separate occasions where force needed to be used. All 12 individual subjects were male. Six subjects were white, five subjects were black and one was Hispanic. Four subjects were under the age of 20, three subjects were in their 30's and five subjects were over the age of 50.

Excluding the deadly force incident, no other subjects sustained major injuries. Seven subjects sustained minor injuries. One subject was transported to Ben Taub for psychiatric treatment. Another subject was transported to the emergency room for minor injuries believed to be sustained prior to officers' arrival.

At the time of this report, all incidents were found to be within policy, with two still under policy review. Nine of the incidents involved officers assigned to one of the four Patrol Squads. All 13 officers involved in the application of force were male. Ten officers were white, two were Hispanic and one was Asian. All officers had over two years of experience with the Department. Six of the officers had fewer than five years on the Department. One officer sustained minor injuries; however, no medical treatment was necessary.

Seven incidents involved empty hand control, four incidents involved Taser use, one incident involved the use of OC spray and one incident involved the use of a deadly force option – rifle.

**Synopsis of the Reportable Use of Force Incidents:**

Occurred on 02/20 at 2119 hours, reported as a Meet Other Agency call. One officer involved with no injuries. Subject was wanted for a felony offense, was non-compliant and actively fleeing the officer. Taser used one time, effective. Subject was a black male age 18, not under the influence of drugs or alcohol. Subject did not sustain injuries. Subject was arrested, charged with robbery. Officer was white male assigned to Patrol. This incident was found to be within policy.

Occurred on 02/26 at 1414 hours, reported as a Theft in Progress call. One officer involved with no injuries. Subject had struggled with a loss prevention employee, fled from the officer on foot, failed to follow verbal commands, and struggled with the officer physically during the attempted arrest. Taser used one time, effective. Subject was a black male age 54, not under the influence of drugs or alcohol. Subject sustained minor injuries and was treated by EMS on scene. Subject was arrested, charged with theft and evading arrest. Officer was a white male assigned to Patrol. This incident was found to be within policy.

Occurred on 06/24 at 1145 hours, reported as a Welfare Concern call. One officer involved with no injuries, two officers assisted. Subject was violating a protective order, failed to comply to verbal commands for arrest, physically resisted, and was taken to the ground. Empty hand technique used one time, ineffective, subject then threatened with deployment of a Taser and complied. Subject was white male age 19, not under the influence of drugs or alcohol. Subject did not sustain injuries. Subject was arrested, charged with violation of protective order, and resisting arrest. Primary officer was a white male assigned to Patrol. This incident was found to be within policy.

Occurred 07/28 at 1955 hours, reported as a Theft in Progress call. One officer involved with no injuries. Single officer chased three subjects on foot, following a vehicle pursuit. Officer caught one, the subject failed to comply with verbal commands and turned on the officer. Empty hand technique used two times, effective. Subject was a black male age 63, not under the influence of drugs or alcohol. Subject sustained minor injuries and refused treatment. Subject was arrested, charged with theft, evading arrest and resisting arrest. Officer was a white male assigned to the Data Driven Approaches to Crime and Traffic Safety Unit. This incident was found to be within policy.

Occurred 07/29 at 1650 hours, reported as a Psychiatric Abnormal Behavior call. One officer involved with no injuries, five officers assisted. Subject was yelling and screaming and had attempted to cut power lines with a knife. Bystanders reported subject was schizophrenic and after de-escalation attempts failed, officers attempted to detain him for an Emergency Detention Order for medical help. Subject actively resisted arrest attempts and was taken to the ground. Empty hand technique used one time, effective. Subject was a white male age 31, not under the influence of drugs or alcohol. Subject sustained minor injuries and was transported to Ben Taub Hospital for treatment not related to injuries. Subject was not arrested. Primary officer was a white male assigned to Patrol. This incident was found to be within policy.

Occurred 08/06 at 0126 hours, reported as an Assault in Progress call. One officer

involved with no injuries. Subject had assaulted a family member and was taken into custody, handcuffed and put in a police vehicle. Subject was able to free himself from the handcuffs and make his way through the partition into the front of the police vehicle. Subject then fled on foot and was chased, upon final contact with officer subject refused to follow verbal commands and went toward the officer in apparent attempt to flee or fight. Taser used one time, effective. Subject was a white male age 19, under the influence of a combination of drugs or alcohol. Subject sustained minor injuries and was treated by EMS on scene. Subject was arrested and charged with assault – family violence, theft, criminal mischief, and evading arrest. Officer was a Hispanic male assigned to Patrol. This incident was found to be within policy.

Occurred on 08/15 at 0455 hours as an officer initiated Suspicious Person call. One officer involved with no injuries. Following burglaries at convenience stores, a lone officer on scene activated lights to speak to the subject. Subject was visibly agitated, and began to yell, walking toward the officer. Subject refused verbal commands to stop and quickly moved toward the officer while yelling. OC spray used two times, effective. Subject was a black male age 57, not under the influence of drugs or alcohol. Subject sustained minor injuries and was treated by EMS on scene. Subject was arrested and charged with interference with public duties and an outside agency warrant. Officer was a Hispanic male assigned to Patrol. This incident was found to be within policy.

Occurred on 08/20 at 1409 hours, reported as a Weapons Incident call. One officer involved with no injuries, seven assisting officers. Reporting party relayed subject was armed with a gun during a road rage incident. Officers stopped the subject and detained him. Subject failed to follow commands and pushed back during escort; Officer performed escort technique to regain control. A gun was in the vehicle. Empty hand technique used one time, effective. Subject was a black male age 38, not under the influence of drugs or alcohol. Subject did not sustain injuries. Subject was arrested, charged with disorderly conduct and terrorist threat. Officer was a white male assigned to the Special Investigations units. This incident was found to be within policy.

Occurred on 08/28 at 2242 hours, reported as an Assault in Progress call. One officer involved with no injuries. Subject was detained without incident after being involved in a fight in the street. Subject while in the back of the police car began kicking the car's door and window. Officers attempted to move the subject to a better equipped vehicle and during escort the subject threatened officers. The subject attempted to pull away from the escorting officer at which time he was forced to the ground. While officers tried to talk the subject down through de-escalation techniques, Subject then yells and kicks at officers. While attempting to place the subject in the vehicle, he kicks the door which hit an officer,



subject then attempts to exit police car and is taken to the ground again. Empty hand technique used two times, effective. Subject was a white male age 17, under the influence of alcohol. Subject sustained minor injuries and refused treatment. Subject was arrested, charged with disorderly conduct, criminal mischief, and resisting arrest. Officer was a white male assigned to the K9 Unit. This incident was found to be within policy.

Occurred on 10/18 at 0523 hours, reported as a Psychiatric Abnormal Behavior call. One officer involved with no injuries, two officers assisted. Subject had destroyed property in the house and assaulted elderly person. Subject was naked and bloody and actively resisted arrest. While escorting subject, he was able to grab officer's holstered Taser, at which time officer struck him in the back. Empty hand technique used three times, effective. Subject was a white male age 55, not under the influence of drugs or alcohol. Subject sustained injuries and was transported and treated at the Pearland Emergency Center. Subject was not arrested and was referred for mental health help. Officer was an Asian male assigned to Patrol. This incident was found to be within policy.

Occurred on 10/31 at 0923 hours, reported as a Trespass in Progress call. One officer involved with no injuries, one officer assisted. Subject refused to obey verbal commands during an attempt to identify the subject. Subject was agitated and officer had to press subject against the wall for facial recognition. Empty hand technique used one time, effective. Subject was a Hispanic male age 38, not under the influence of drugs or alcohol. Subject did not sustain injuries. Subject was arrested for criminal trespass and a criminal trespass warrant. Officer was a white male assigned to Patrol. This incident was found to be within policy.

Occurred on 11/14 at 2324 hours, as an officer initiated Verbal Disturbance call. One officer involved with minor injuries. Officer refused treatment. Officers take subject into custody for trespassing. Subject is known to officers to have resisted arrest before. Officers try to verbally de-escalate the situation with the subject. Subject resists arrest again, and while being placed into the police car kicks an officer. Empty hand technique used one time, effective. Subject was a white male age 17, not under the influence of drugs or alcohol. Subject did not sustain injuries. Subject was arrested, charged with assault on public servant, resisting arrest, and criminal trespass. Officer was a white male assigned to the K9 unit. This incident remains under policy review.

Occurred on 12/15 at 1522 hours, reported as a Weapons Incident call. One officer involved. Officers dispatched to a call reporting a male had shot at a person. Officer on scene recognizes location as home of a subject with mental health issues. Subject exits home and ignores verbal commands to stop and drop what appears to be a firearm in his

hand. Subject continues advancing toward officers ignoring commands and raises the weapon toward an officer. Officer discharges his weapon. Deadly force-firearms-rifle used 4 times, effective. Subject was a white male age 80 not under the influence of drugs or alcohol. Subject sustained fatal wounds. Officer was a white male assigned to Patrol. This incident remains under policy review.

Note: This Report will be updated to include final determinations on whether the incident was within or outside of departmental policy.

Last Update: 01-20-2021

**END**