

Memorandum

City of Lawrence

Police Department

TO: Tarik Khatib, Chief of Police
FROM: Stephen A. Zarnowiec, Police Captain
Date: January 31, 2016
RE: 2015 Lawrence Police Use of Force Reporting

Background

On February 9th, 2015, a revised Lawrence Police Use of Force Policy was instituted per Chief Tarik Khatib. Most of the substantive matter of the policy remained the same, however, the format was changed to centralize multiple policies into one. The policy did include the creation of a Use of Force Report Form to be filled out by supervisors. This policy also established a Use of Force Committee responsible for reviewing all Use of Force Reports. The newly created use of force reporting and review process was initiated on March 1st, 2015. The Use of Force Committee began reviewing all Use of Force Reports in April of 2015.

Discussion

Between March 1st, 2015 and December 31st, 2015, The Use of Force Committee reviewed twenty-four Use of Force Reports resulting from twenty-one arrest 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 2015 TASER Report" and will cover the reported uses of force which did not involve a TASER. The "Lawrence Police 2015 TASER Report" covers all TASER incidents which happened between January 1, 2015 and December 31, 2015. The "Lawrence Police 2015 TASER Report" reports twelve incidents of TASER during 2015. Two of the reported TASER incidents took place before March 1st, 2015. The two TASER uses prior to March 1st, 2015 happened before the current use of force reporting policy and procedure was instituted. As a result of this, those two TASER uses were reviewed in the same manner as was occurring prior to March 1st, 2015.

This "2015 Lawrence Police Use of Force Reporting" document will address Lawrence Police use of force incidents reported from the program's inception, March 1st, 2015, through the end of the year, December 31st, 2015. There were twenty-four Use of Force Reports submitted in 2015. The twenty-four reports were the result of twenty-one incidents. The number of reports does exceed the number of incidents when two or more officers use force in the same incident.

Conclusion

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

Incident Synopses

The "Lawrence Police 2015 TASER Report" includes incident synopses for all Lawrence Police TASER utilizations during 2015. This report will not duplicate those synopses. This report will include the eleven non-TASER use of force incidents.

March 22, 2015:

An officer conducted a car stop in reference to a traffic violation in the 1000 block of Massachusetts. The driver stopped the vehicle and then the driver got out of the vehicle and started to walk away from the officer. The officer asked the driver to remain seated in the vehicle. The driver told the officer to get out of his way. The driver stated he did nothing wrong and again began to walk away. The officer explained the violation and told the driver he could not leave. The driver ignored the officer and continued to attempt to walk away. The officer told the driver he was being detained. The driver refused to stop and continued walking away. The officer attempted to stop the driver by taking hold of the driver's arm. The driver tried multiple times to pull his arm away from the officer. A second officer arrived to assist, but the driver continued to resist the officers' attempts to detain him. A physical struggle between the officers and the stopped driver ensued. After verbal and physical controls failed the initial officer used pepper spray to gain compliance and control over the driver. A third officer arrived and the driver was placed into handcuffs.

March 29, 2015:

Officers responded to the 800 block of W. 25th Street in reference to a domestic disturbance. Officers arrived and contacted an individual inside the residence who was standing in a defensive posture, with a hand behind his back. The individual told officers he was holding a gun in his hand hidden behind his back. The individual told officers to shoot him. A reflection in a mirror of the individual's back showed the individual did not have a weapon in the hand he was hiding. The individual told the officers he drank alcohol and took some drugs in anticipation he was going to fight the officers. Officers were able to calm the individual to the point where he sat down in a chair. Officers spoke with him about the domestic disturbance. The investigation established probable cause for domestic battery and per state law, the individual was to be arrested. The individual was still seated when the officer attempted to handcuff him. The individual pulled his arm away from the officer and kicked the officer in the chest. Additional officers assisted with attempting to arrest the individual, but he continued to be combative and continued to kick the officer. An officer deployed pepper spray to control the subject. Officers moved individual out of the chair and were able to handcuff him.

April 5, 2015:

An officer saw a fight in front of a bar in the 1000 block of Massachusetts. The officer attempted to stop the fight by grabbing the arm of one of the combatants who was punching the other combatant in the face. As the officer was stopping the continued punches, the officer was

attacked by onlookers who were standing directly behind the officer. The officer was punched several times in the back of the head by two separate attackers. One of the initial combatants then punched the officer in the face two times. Another officer arrived and saw the second individual punching the initial officer. The second officer deployed pepper spray. Officers then effected the appropriate arrests.

April 25, 2015:

An officer conducted a car stop for a traffic violation at 7th and Ohio. During the stop the officer determined the driver would be arrested for driving while impaired by alcohol. After informing the driver he was under arrest for driving while impaired, the officer attempted to handcuff the driver. The officers used empty hand control techniques while the driver was standing, but the driver was able to defeat the officers' control attempts. The driver forcefully pulled his arms away from the officers, and the officers forced the driver onto the ground in order to control and handcuff him. The driver pulled his arms under his body and the officers were unable to handcuff the driver. The officers used verbal commands and physical controls to attempt to obtain the driver's arms for handcuffing. The driver refused to allow officers apply the handcuffs. One officer used pepper spray and the driver continued to resist, but was eventually handcuffed.

June 18, 2015:

Officers were dispatched to the 900 block of Maine Street in reference a burglary in progress. The officer located an individual who was attempting to kick in the door of a residence. The officer made contact with the individual kicking the door and told him to lie on the ground. The individual got down but concealed his hands under his body and would not put his hands behind his back. The officer took hold of one of the individual's arms but the individual immediately pulled it away. The officer continued to verbally tell the individual to place his hands behind his back. The individual then started to get up off the ground. The officer pushed the individual back to the ground and attempted to again control one of the individual's arms. The individual again pulled his arm away and the officer used pepper spray. Even after the pepper spray was used the individual was still combative with officers and required additional officers to assist in arresting the individual.

July 25, 2015:

Officers responded to the 600 block of Gateway Drive in reference to a disturbance involving an individual who had deliberately rammed his vehicle into several other vehicles in the parking lot. Officers located the individual in his vehicle and the driver appeared to be under the influence of alcohol. Officers told the driver to exit his vehicle, but he refused and tensed up his body. Officers attempted to physically remove the driver, but he continued to resist. An officer used pepper spray, which made the driver loosen his tension and officers were then able to get the driver out of the car. The driver continued to be combative with the officers, but they were able to place him into handcuffs.

August 1, 2015:

Officers were dispatched to a domestic battery in the 1800 block of Foxfire Drive. An individual involved in the domestic was leaving the area in a car. Officers stopped the individual's car away from the residence. Officers determined the driver was under the influence of an alcoholic beverage. Officers initiated an arrest and the driver became combative with the officers. Officers tried to place the driver's hands behind his back for handcuffing and he tried to pull his arms away. Officers were able to get the driver on the ground to control him, but he continued to

resist officers' attempts to apply the handcuffs. An officer used pepper spray and the driver was then able to be handcuffed and was subsequently arrested.

August 27, 2015:

Officers were working with the Douglas County Sheriff's Office in order to effect apprehension of a wanted felon. The wanted felon has a lengthy demonstrated history of fleeing to evade arrest and resisting arrest through battery upon Law Enforcement Officers. Deputies and officers conducted surveillance of the wanted felon in order to time the contact such that the wanted felon would not have access to a vehicle when contacted. Deputies and officers initiated contact with the wanted felon in the 1400 block of North 1700 Road. The wanted felon fled on foot into a swamp area. A Patrol Service Dog was brought in to aid the officers in searching for the wanted felon. Officers issued warnings to the wanted felon to surrender or a Police Service Dog would be sent in for the apprehension. The wanted felon did not comply with the orders to surrender and the Police Service Dog was sent to apprehend the wanted felon. During the apprehension the wanted felon was bitten by the Police Service Dog.

August 30, 2015:

Officers were dispatched to 8th and Louisiana Street in reference to a domestic disturbance. Upon arrival, officers located the individual involved and he was removing his clothing, acting in a bizarre manner, and running in the area. An officer approached the individual. The individual advanced on the officer and became combative and attempted to hit the officer in the face. Two officers attempted to control the individual, but the individual exhibited extraordinary strength and was able to thwart the officers' attempts at control. The officers were able to force the subject to the ground, but were unable to secure the individual into handcuffs. While officers were trying to arrest the individual he was spitting on and kicking the officers. An officer used an expandable baton in an attempt to gain compliance, but the individual continued to fight officers until he was eventually taken into custody. The individual later admitted to being under the influence of drugs.

September 20, 2015:

An officer on patrol in the 800 block of Massachusetts Street saw a fight occurring with punches being thrown. As the officer approached the group that was fighting, an individual with no shirt on continued throwing punches at other individuals. In order to stop the fight the officer used pepper spray. The officer was able to take the individual with no shirt on into custody. The other individuals involved in the fight had dispersed after the pepper spray was used, but other officers were able to locate them nearby.

October 2, 2015:

An officer located an individual in the 1300 block of Tennessee Street who was wanted on a warrant. Officers told the individual he was under arrest and told the individual to remove his hands from his pockets. The individual refused. When officers attempted to place the individual into handcuffs he became combative with the officers. Officers were able to get the individual down on the ground in an attempt to control him. Officers continued with their attempts to place him into handcuffs. The individual attempted several times to pull away from the officers. An officer used pepper spray in an attempt to gain control of the individual, but he continued to struggle with the officers. Eventually the officers were able to gain control of the individual and placed him into handcuffs.

Event Summaries

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

The eleven individuals involved in the above uses of force were comprised of nine (9) Caucasian Males, one (1) Asian Male and one (1) African American Male. Their ages: One (1) was nineteen years old, one (1) was twenty years old, one (1) was twenty-one years old, one (1) was twenty-two years old, one (1) was twenty-eight years old, one (1) was thirty-four years old, one (1) was forty-two years old, one (1) was forty-three years old, one (1) was forty-seven years old, one (1) was fifty years old, and one (1) was fifty-nine years old.

The following Kansas Statute and Lawrence Municipal Ordinance violations were identified by the arresting officers in the eleven above use of force cases:

- Aggravated Assault of a Law Enforcement Officer
- Aggravated Assault
- Assault of a Law Enforcement Officer
- Assault
- Battery
- Battery of a Law Enforcement Officer
- Criminal Damage
- Criminal Restraint
- Disorderly Conduct
- Domestic Battery
- Driving While Under the Influence
- Fake Driver's License
- Failure to Appear (Felony)
- Failure to Appear (Misdemeanor)
- Flee or Attempt to Elude a Law Enforcement Officer
- Interference with Law Enforcement Duties
- Obstruct Legal Process
- Possession of Controlled Substance
- Reckless Driving