



*City Council  
Presentation Police  
Practices and Response  
To Resistance (RTR)*

Chief Ernest Pedraza & Captain Jesse Bell

July 21st, 2020

# *Introduction*

- It is a cause for concern when any segment of the community lacks confidence or trust in the Lockhart Police Department.
- Our goal is to build meaningful, sustainable, trusting and effective working relationships.

# *The Police should take the lead*

- Committing to building relationships with the community and community leaders.
- Evaluating what is and is not working.
- Ensuring community policing principles are incorporated and institutionalized.
- Fostering exchanges about difficult and uncomfortable topics.

# *Vision Statement*

*“The Vision of the Lockhart Police Department is to be dedicated to a better community and to provide the highest quality of police service; proactive service and creating partnerships with the community focusing on improving their quality of life through community policing philosophy.”*

## *Mission Statement*

*"The mission of the Lockhart Police Department is to protect and serve; to improve the quality of life for all residents by reducing crime and reducing the fear of crime through partnerships with the community."*

*Addressing national trends in law  
enforcement*

**BAN CHOKEHOLDS &  
STRANGLEHOLDS**



**REQUIRE  
DE-ESCALATION**



**REQUIRE WARNING  
BEFORE SHOOTING**



**REQUIRES EXHAUST  
ALL ALTERNATIVES  
BEFORE SHOOTING**



**DUTY TO INTERVENE**



**BAN SHOOTING AT  
MOVING VEHICLES**



**REQUIRE USE OF  
FORCE CONTINUUM**



**REQUIRE  
COMPREHENSIVE  
REPORTING**



# *Ahead of the Curve*

- *Ban on Chokeholds unless in a deadly force situation.*
- *De-escalation required when possible.*
- *Warning before deadly force when possible.*
- *Duty to Intercede.*
- *Prohibitive policy for use of force against vehicles.*
- *Use of Force Continuum.*
- *Response to resistance comprehensive reporting and reviews.*



# *Chokeholds*

*Chokeholds are extremely dangerous maneuvers that can easily result in serious bodily injury or death.*

*Chokeholds are not taught at the department and are expressly prohibited, except when deadly force is justified.*

# *Chokeholds*

*Chokeholds should not be eliminated in deadly force scenarios, because if an officer is involved in a life or death situation, there is no way to plan or dictate how to stop a threat. Officers should be allowed to make sound and critical judgements in those circumstances.*

*An example is if a 5'2 125 pound female officer is in a ground fight by herself with a 6'1 230 pound male. The male is able to wrestle away her firearm. To protect her life, a chokehold may be the only way to prevent her from being killed.*

*There is no way to plan for every contingency, but we again do not train to use nor use in practice, chokeholds.*

# *De-escalation*

*It is the policy of the department to de-escalation situations when possible to do so to reduce the chance of utilizing force. The policy states:*

“Officers shall use de-escalation techniques to reduce the potential for force and increase voluntary compliance. This de-escalation policy does not require an officer to place themselves in harm’s way to attempt to de-escalate a situation. Circumstances change rapidly and officers may need to abandon de-escalation efforts after they have commenced.”

## *De-escalation (cont)*

“Officers should observe conditions and continually gather additional relevant information and facts throughout all contacts. These assessments will develop an understanding of the totality of the circumstances of the incident and allow officers to be able to make sound decisions.” *Officers attempt to de-escalate situations through securing additional resources if available, tactical repositioning, and verbal persuasion.*

## *Warning before using deadly force*

*It has been the policy of the department to warn before utilizing deadly force if possible, The policy states:*

“Where feasible, a warning should be given before an officer resorts to deadly force as outlined A, B or C above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible”

## *Warning before using deadly force (cont.)*

*Not all situations have the luxury that a warning can be given, although when practical they would be given. Example:*

*“Officer A conducts a traffic stop on a vehicle at night. The driver of the vehicle suddenly pulls out a pistol and begins shooting at Officer A as he is approaching the window. Officer A does not have the time to give a warning before responding to the gunfire.”*

# *Duty to Intercede*

*It has been the policy of the department to intercede in situations of excessive force. The policy states:*

“Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers should also promptly report these observations to a supervisor.”

# *Prohibitive Policy on use of force against vehicles*

*It has been the policy of the department to not utilize deadly force against moving vehicles unless under extraordinary circumstances, The policy states:*

“Officers shall exercise good judgment and will not place themselves in the path of a moving vehicle since doing so may increase the likelihood of having to resort to the use of deadly force.”

“Unless it reasonably appears that it would endanger officers or the public, officers will move out of the path of any approaching vehicle.”

“When encountering a vehicle being operated in a threatening manner, officers may leave a position of cover only: 1. To utilize an avenue of escape 2. Move to a position of better cover, or 3. If the need to apprehend the suspect outweighs the danger that the apprehension would impose to the officer or any other person.”

“This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.”



## *Use of Force Continuum*

- *Force options available to officers:  
Authority, Commands, Hands, Pepper  
Spray, Taser, Collapsible Baton, Bean  
Bag Gun, handgun, AR-15 style rifle.*

## *Response to Resistance Policy Purpose and Scope*

“This policy recognizes that the use of force in response to resistance by law enforcement requires constant evaluation and response to resistance is a serious responsibility. The purpose of this policy is to provide officers with guidelines on objectively reasonable response to resistance. While there is no way to specify the exact amount or type of objectively reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial, and objectively reasonable manner.”

# *Lockhart Police Response to Resistance Policy- Comprehensive Reporting*

- Has been utilizing the current Response to Resistance Policy since 2019.
- All use of force situations (Response to Resistance) beyond a complaint of minor discomfort from handcuffing is documented by a comprehensive Response to Resistance case and immediate investigation by a supervisor.
- The on call (24 Hours a day) administration supervisor, the Captain and the Chief of police are notified immediately when there is a Response to Resistance.
- Each Response to Resistance is reviewed by the entire chain of command for the individual officer who utilized the force up and to the Captain.
- If classified as a Level 2 Response to Resistance or higher, a use of force board is also held to review the case.
- All reviews of the Response to Resistance are also reviewed by the chief of police.

# *Lockhart Police Fast Facts regarding Response to Resistance.*

- Current staffing included 23 Sworn Personnel, 9 Civilian Personnel & 1 Cadet.
- Currently the typical Patrol shift is 1 Lieutenant, 1 Sergeant and 2 Police officers.
- In 2019 we made 18,743 calls for service.
- In 2020 through July 1<sup>st</sup>, we made 7,646 calls for service.
- Total number of Response to Resistance situations in 2019 was 25, or .13% of calls ended in some form of force.
- Total number of Response to Resistance situations in 2020 was 7 through July 1 or .09% of calls ended in some form of force.

## *Lockhart Police Quick Facts regarding Response to Resistance (cont)*

- No complaints in regards to use of force since at least 2017. (last year of in house records and first year of digital records for complaints).
- No Officer involved shootings since 2002.

# *Defining Use of Force by Lockhart Police Policy*

- Force is defined in our policy as any physical contact with a subject by an officer using the body or any object, device, or weapon, not including unresisted escorting or handcuffing a subject.
- Deadly force is defined as force that is intended or known by the officer to cause, or in the manner of its use or intended use is known to be capable of causing death or serious bodily injury.

# *Defining Use of Force by Lockhart Police Policy*

*Three levels of use of force:*

- *Level 3- Minor incidents requiring some force.*
- *Level 2- Intermediate, Impact weapons (i.e. collapsible batons) and TASER usage.*
- *Level 1- Most Serious. Requires Investigations Division to conduct an investigation as well.*

# *Defining Use of Force by Lockhart Police Policy (cont.)*

## 211.2.3 LEVEL 3 FORCE INCIDENTS

- Use of Oleoresin Capsicum (OC/Pepper Spray) on a subject.
- Any Taser application where there is no neuromuscular incapacitation.
- Use of any impact weapon, including kinetic energy projectiles or any other similar object, in an attempt to strike a subject but no contact is made.
- Use of a baton for a non-striking purpose (e.g., prying limbs, moving, or controlling a subject).
- Any force resulting in injury or a complaint of pain beyond the temporary discomfort of unresisted handcuffing.
- A weaponless technique is used with or without complaint of injury or pain.



# *Defining Use of Force by Lockhart Police Policy (cont.)*

## **211.2.2 LEVEL 2 FORCE INCIDENTS**

- Any strike to the head by an employee with any weaponless technique.
- Use of any impact weapons, including kinetic energy projectiles (other than a Taser), and improvised weapons, to strike a subject and contact is made, regardless of injury.
- Any deployment of a police canine resulting in a bite to a subject's clothing or skin, or which results in any injury to a subject. *(We do not have a bite Canine).*
- Any use of the Taser where the cartridge is fired at a subject and causes neuromuscular incapacitation.

# *Defining Use of Force by Lockhart Police Policy (cont.)*

## 211.2.1 LEVEL 1 FORCE INCIDENTS AND IN-CUSTODY DEATHS

- Any force resulting in death.
- Any force that resulted in a substantial risk of death.
- Any intentional or unintentional firearm discharge at a person, vehicle, or structure regardless of injury.
- Any force that resulted in serious bodily injury requiring admittance to the hospital.
- Use of any impact weapon, including kinetic energy projectiles, and improvised weapons, that strikes the head of a subject.
- In-Custody Deaths

# *Reporting and Transparency*

- *Citizens can make a complaint in regards to officer misconduct, which would be investigated by the Internal Affairs Division.*
- *All supervisors can provide a form to make the complaint, also available online or at Police Department.*
- *Yearly racial profiling statistics are published.*
- *Quarterly Chief's Forum held where any citizen is welcome to come and receive a quarterly report from the Chief, a presentation in regards to crime prevention or other topics and ask any questions/raise concerns they may have.*

# *Reporting and Transparency (cont.)*

- In 2019 ,the Police Department had 10 complaints. Of the 10 complaints, 8 were externally generated.*
- Of the 10 complaints, 2 were sustained (one for not properly securing prisoner property and one for damage to a police vehicle during a pursuit). 7 were exonerated and 1 was inconclusive.*
- For 2020, the Police Department has 7 complaints. Of the 7 complaints, 3 were externally generated.*
- Of the 7 complaints, 2 were sustained (One for unprofessional behavior-rudeness and the second for off duty employment). 3 were administratively closed, 1 was withdrawn, and 1 is pending.*

*Continuing to Maintain a higher standard*

## *Ahead of the curve (cont.)*

- *Seeking Accreditation 3<sup>rd</sup> quarter 2020*
- *Community Policing Philosophy everyday*
- *Victims Services Division*
- *Hiring Standards*
- *Notice of Authority and Identity*
- *Body worn cameras and monthly video reviews for all officers and supervisors on patrol*

## *Ahead of the curve (cont.)*

- *Comprehensive training for officers to include but not limited to: De-escalation, Crisis Intervention (mental health), Cultural Diversity, Racial Profiling and in response to resistance both in person and online training available.*
- *Training for supervisors in investigation for Response To Resistance situations.*
- *Continual training for officers through bi-weekly shift training.*

# *Accreditation*

- Lockhart Police's policies and practices match or exceed current trends in modern law enforcement in regards to many different areas.
- Applying for recognition for the Texas Police Chief's Associations Best Practices program 3<sup>rd</sup> quarter 2020.



# *Texas Police Chief's Association Best Practices Recognition Program*

- What does it mean to be “Recognized?”
- Being “Recognized” means that the agency has proven that it meets or exceeds all of the identified Best Practices for Texas Law Enforcement. These Best Practices cover aspects of law enforcement operations such as use of force, protection of citizen rights, pursuits, property and evidence management, and patrol and investigative operations.
- Noted police researcher G. Patrick Gallagher identified 12 critical issues for Police covered in this program. This program covers 166 different topics in regards to these critical areas.

# *Texas Police Chief's Association Best Practices Recognition Program Critical Areas*

- • Use of Force
- • Emergency Vehicle Operation and Pursuits
- • Search, Seizure, and Arrest
- • Care, Custody and Restraint of Prisoners
- • Domestic Violence and agency employee domestic misconduct
- • Off-Duty Conduct
- • Selection and Hiring

# *Texas Police Chief's Association Best Practices Recognition Program Critical Areas*

- • Sexual Harassment
- • Complaint and Internal Affairs Management
- • Narcotics, SWAT, and High-Risk Warrant Service
- • Dealing with the Mentally Ill and Developmentally Disabled
- • Property and Evidence Management

# *Community Policing*

*“Community Policing is not a trend or a technique, it is not something you can only apply when in certain situations, it is a way of life for the modern police officer.”*

- Practice of Community Policing daily in all contacts with the community.
- Supervisors assigned to districts for community support.
- Continually building relationships and rapport with citizens, businesses, and civic organizations.
- Handling community problems with strategies developed from SARA (Scan Analysis Response Assessment) method.
- Providing community with availability to victim services and other valuable non police resources such as counseling, mental health referral, etc.

# *Victims Services Division*

*Lockhart Police offers services to victims of crime with a full time coordinator and a 24 hour volunteer team*

- Responds to assist with victim's psychological and emotional needs.
- Achieved through Crisis Intervention, Counseling, Advocacy, and further education.
- Assists when Officer's cannot provide the additional emotional support for victims of crime.

# *Hiring Standards*

*Lockhart Police has a lengthy and extensive background process and hold officers to a high standard to be selected*

- Civil Service testing
- Extensive background checks, interview boards, psychological and physical screening
- In person visit to former officer's agencies to review backgrounds.
- Do not hire officers with excessive use of force complaints or other background issues.

# *Notice of Authority and Identity*

*It has been the policy of the department to inform subjects of intent and identity. The policy states:*

“If it is not already reasonably known by the subject to be searched or arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search and identify themselves as a peace officer before using force (Tex. Penal Code § 9.51(a)(2)).”

# *Body Worn Cameras*

- *All patrol officers and supervisors are issued body worn recording devices (BWDR)*
- All units responding to a scene shall activate their department issued BWDR equipment when they: a. Activate the DMAV (In car video-activated for every call for service) recording prior to arriving on-scene; or b. Have detained or arrested a person; or c. Are attempting to detain or arrest a person; or d. By the nature of the call for service, are likely to detain or arrest a person.



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  - d. By the nature of the call for service, are likely to detain or arrest a person.
- In addition to the required situations, employees may activate the system anytime they believe its use would be appropriate and/or valuable to document an incident.

## *Body Worn Cameras (cont)*

- Once the BWDR system is activated it shall remain on until the incident has concluded.
- A. For purposes of this section, conclusion of an incident has occurred when:
  - a. All arrests have been made and arrestees have been transported; and
  - b. All witnesses and victims have been interviewed.

Recording may cease if no further law enforcement action is likely to occur (e.g., waiting for a tow truck or a family member to arrive.) This is to save battery for future usage.

# *Monthly Video Reviews*

- *All patrol officers and supervisors utilizing Mobile Video Recorders (in car video recording system) and Mobile Worn Video Recorders (Body worn cameras) are subject to monthly video reviews.*
- *Supervisors review a random selection of videos each month to ensure proper use and quality control.*
- *Each review is documented for use in future evaluations and for training purposes.*
- *If issues are identified, then internal affairs or the training division gets involved to address those concerns.*

# *Training*

*Lockhart Police Officers receive both academy, field training, mandated, non mandated specialized training and continual in house training*

- Officers attend an 8 month or longer training academy (approximately 800 hours of training).
- Officers go through a two week mini academy in house.
- Officers go through a 3 ½ month Field Training Program.
- Officers are on a one year probationary period where they are monitored and continually mentored.

# *Training*

*Lockhart Police Officers receive both academy, field training, mandated, non mandated specialized training and continual in house training*

- Officers must complete a 48 month training cycle repeatedly and complete a minimum of 80 hours of continuing education during that mandated by TCOLE.
- Officers receive daily briefings and a briefing training every pay period.
- In person and online training through Police One accredited academy available to officers.
- Training in many areas to include: Crisis Intervention (mental health), De-escalation, Cultural Diversity, Racial Profiling & Response to Resistance.

*Questions*