

# Council Business Meeting

May 18, 2021

<b>Agenda Item</b>	Ashland Police Department Annual Report to Council (Formerly Use of Force)	
<b>From</b>	Tighe O'Meara	Police Chief
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## SUMMARY

Since 2008, the Ashland Police Department has come before Council to provide an annual use of force report. This presentation has grown in scope and now includes use of force, crime and clearance rates, an update on the enhanced law enforcement area (ELEA), an update on the use of section 10.58 of the Ashland Municipal Code, as well as the most recent data from Statistical Transparency Of Policing (STOP).

## POLICIES, PLANS & GOALS SUPPORTED

47. Keep the Council informed of organizational activity and provide timely information for Council decision-making.

## PREVIOUS COUNCIL ACTION

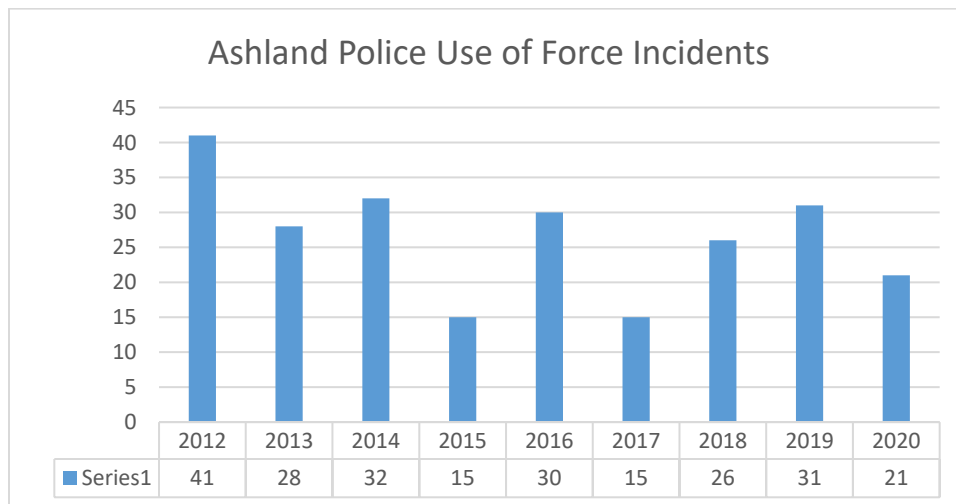
N/A

## BACKGROUND AND ADDITIONAL INFORMATION

### Use of Force Information

During 2020 the Police Department used force 21 times. This represents a decrease from 2019's 31 incidents of use of force.

Number of Use of Force Incidents Since 2012



The department's use of force review board reviews all instances of use of force. All the incidents of use of force in 2020 were deemed to be within policy.

In 2020, all use of force incidents involved suspects who were identified as being white. Of the 21 uses of force:

- the TASER was deployed but not used on three occasions;
- the TASER was deployed and used on two occasions;
- OC (pepper) spray was used two occasions;

- the less lethal shotgun (which shoots a bean bag projectile to incapacitate a suspect) was not used in 2020; and
- the rest of the incidents involved empty hand techniques such as take downs, joint locks, control holds and empty-handed strikes.

During 2020, Ashland officers received a total of 621 hours of use of force training. This is a significant (57 percent) decrease from 2019, owing to the pandemic and limited training opportunities. The deputy chief’s memo on annual use of force information has more detailed information and is attached.

Crime Rates and Clearances

Crime rate is based on the number of part one crimes occurring in a jurisdiction. Part one crimes are those that are reported annually to the FBI for inclusion in the Uniform Crime Report. They are homicide, rape, robbery, aggravated assault, burglary, auto theft, arson, and larceny. In 2020, the city saw a total of 452 part one crimes. This is down from the 569 reported in 2019 and 743 in 2018. Violent crime is defined as homicide, rape, robbery, and aggravated assault. There were 22 violent crimes reported to the Ashland Police Department in 2020, down from 25 in 2019. Clearance rates for part 1 crime was 24 percent for 2020. Clearance rates for violent crime remains very high at 63 percent. These clearances are lower than in previous years, and the police department will work toward identifying the cause of the drop in clearance rates.

Please note that crime rate and clearance rate information is for January 1, 2020 through November 3, 2020 only. This is due to the fact that there was a major records management system switchover on November 3, and we have yet to develop a method for extracting some data that was previously easily obtainable.

Enhances Law Enforcement Area

The Enhanced Law Enforcement Area (ELEA) ordinance has been in effect since August of 2012. The ELEA is roughly defined as downtown. In this area we see a concentrated number of complaints and disorderly behavior as this is the focal gathering point for many members of the community. A conviction of three or more qualifying violations (or crimes) in Ashland Municipal Court within a six-month period may result in a person being expelled from the downtown area. The expulsion has judicial review, in that only the Municipal Court Judge can authorize it.

The qualifying violations are scattering rubbish; unnecessary noise; dogs-control required; consumption of alcohol; open container of alcohol; dog license required; or use of marijuana in public. In 2020, there were 109 ELEA violation convictions in the municipal court. There were four people expelled from the downtown area and there were two people charged with persistent violator failure to appear under the City ordinance. The ELEA continues to be a valuable tool to address chronic negative behavior.

For several years we have used calls for service downtown for disorderly-type behavior as a metric for quality of life issues downtown. 2020 saw a continued decrease from the high in 2017. The metric tracks calls for service such as disorderly behavior, drinking in public, urinating in public as well as others.

**2014: 199    2015: 322    2016: 335    2017: 360    2018: 216    2019: 198    2020: 126**

The information on incidents of disorderly behavior downtown are for the entire year as this data is pulled from an established source.

Update on Ashland Municipal Code 10.58, Failure to Provide Name and Date of Birth

The now-repealed ordinance that required a person to provide a name and date of birth when being issued a citation for a violation of municipal code was never used.

Statistical Transparency of Policing (STOP) Data

The Oregon legislature has mandated that all police officers in the state record certain demographic and enforcement data for officer-initiated enforcement stops. The most recent data that is available is for the period of July 1, 2019 through June 30, 2020. This data is available through the department’s webpage under the “STOP Data” button.

For that period of time data for the Ashland Police Department indicates that officers initiated enforcement stops involving individuals identified as follows:

Asian or Pacific Islander	2.7%	Middle Eastern	1.1%
Black	3.6%	Native American	0.1%
Latinx	6.5%	White	86.1%

This data is dependent on officers’ observations, not an inquiry, and seems to be consistent with Ashland’s demographics.

**FISCAL IMPACTS**

None

**STAFF RECOMMENDATION**

None

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

None

**REFERENCES & ATTACHMENTS**

Attachment 1: Deputy Chief’s Use of Force Memo



# Memo

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DATE: January 28, 2021

TO: Chief Tighe O'Meara

CC: Lieutenant Hector Meletich

FROM: Deputy Chief Art LeCours (Support Division Commander)

RE: 2020 Annual Use of Force Review

The Ashland Police Department Policy 300.10 (Annual Review) states that each January, the Support Division Commander will ensure that an annual review of all Use of Force (UoF) Reports for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of force that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers and location of occurrence are not needed for this purpose and therefore will not be part of this process.

The Ashland Police Department Policy 300.09, Use of Force Review Board states; every use of force as described in this Policy Manual will be reviewed by the Departments Use of Force Review Board. The Use of Force Review Board will consist of the Support Division Commander, Defensive Tactics instructor, and a Patrol Sergeant.

The Use of Force Review Board (UoFRB) for 2020 was composed of the Operations Division Commander, a Patrol Sergeant, and three patrol officers who are all Use of Force instructors in different disciplines. The board reviews the incidents as to whether the UoF was within policy, outside of policy and any recommendations on training issues. The review is then forward to the Support Division Commander for further review and then documented into Guardian Tracking.

UoFRB reviewed all the UoF incidents that occurred during 2020 and found all involved officers acted appropriately and within the established guidelines of the Ashland Police Department.

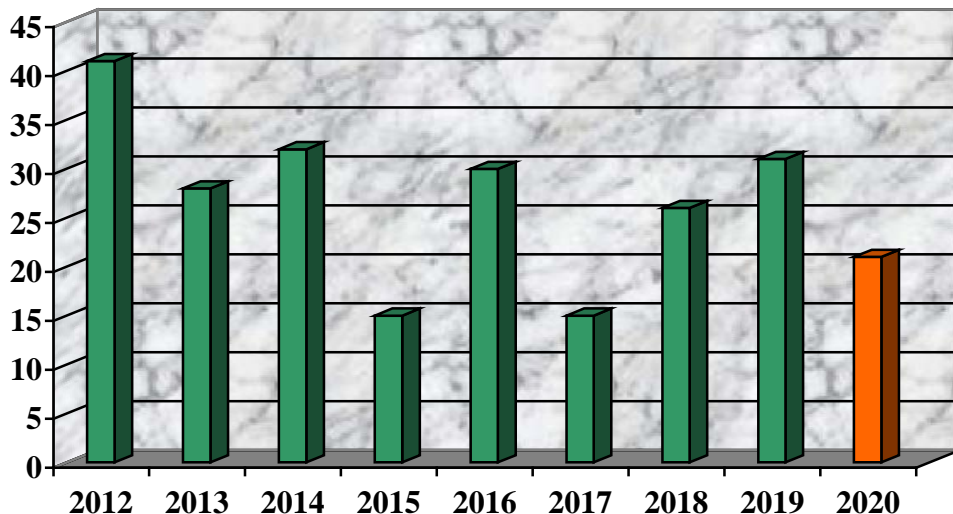
The City of Ashland Police Department was involved in twenty-one (21) UoF incidents in 2020. This was a 32.25% decrease from 2019 where the Ashland Police Department was involved in thirty-one (31) UoF Incidents.

It should be noted, in March of 2020, a global pandemic halted most pro-active police activities for several months.

The UoFRB recommended acquiring protective head gear, such as boxing headgear, to be utilized when suspects attempt to harm themselves by banging their head against the rear partition or rear windows both inside and outside of the vehicle.



To identify trends, the Ashland Police Department keeps track of past UoF incidents. Twenty-six (26) UoF in 2018, thirteen (13) UoF incidents in 2017, thirty (30) UoF Incidents in 2016, fifteen (15) UoF Incidents in 2015, thirty-two UoF incidents in 2014, twenty-eight (28) UoF incidents in 2013 and forty-one (41) UoF incidents in 2012.



All the incidents in 2020 involved varying degrees of force specifically directed against a subject to gain compliance.

- The Less Lethal Shotgun was not used nor displayed in 2020.
- The Taser was displayed on three (3) occasions:
  - Case # 20-857 – DOC, Interfering with a Police Officer, Resisting arrest,
  - Case # 20-945 – DOC, Attempt to use a weapon and Menacing.
  - Case # 20-1795 – DV Assault, Interfering with a Police Officer, Attempted Assault on a Police Officer
- The Taser was used on two (2) occasions:
  - Case # 20-945 – DOC, Attempt to use a weapon and Menacing.
  - Case # 20-1795 – DV Assault, Interfering with a Police Officer, Attempted Assault on a Police Officer
- OC was used on two (2) occasions:
  - Case # 20-1036 – Harassment, DOC, Resisting arrest, Interfering with a Police Officer
  - Case # 20-1682 – DOC, Resisting Arrest, Assault on a Police Officer
- There were no documented displays of an officer’s firearm in 2020.
- Six (6) officers reported injuries. The reported injuries were minor and consisted of, but not limited to; being spit on, bites, abrasions, headbutts with swelling, broken skin, cuts and bruising. In 2019, APD reported seven (7) officer injuries.



- Nine (9) suspects reported injuries or complaints of pain. This is a decrease of 47.05 % from 2019 where seventeen (17) suspects reported injuries or complaints of pain.
- All involved suspects received minor injuries consisting of cuts, scrapes, bruises, road rash, laceration and bumps. Two (2) of the nine (9) were pepper sprayed, one (1) complaint of pain due to Taser prong removals and one (1) was a self-inflicted cut to the forehead due to a vehicle crash.
- Several suspects would bang their head on the rear partition or rear windows, both inside and outside of the vehicle. This was done to cause self-harm.
- Ten (10) of the twenty-one (21) incidents were Alcohol and/or Drug related (52.38%). Four (4) incidents involved alcohol only (14%), three (3) involved drugs only (14%) and three (3) incidents involved alcohol and drugs (14%).
- Five (5) of the incidents involved individuals in mental health crisis (23.80%).
- Thirteen (13) of the twenty-one (21) incidents occurred at night (61.9 %).
- One (1) of the twenty-one (21) incidents involved a foot pursuit (5%). One (1) vehicle pursuit was reported in 2020 (5%), which involved UoF.

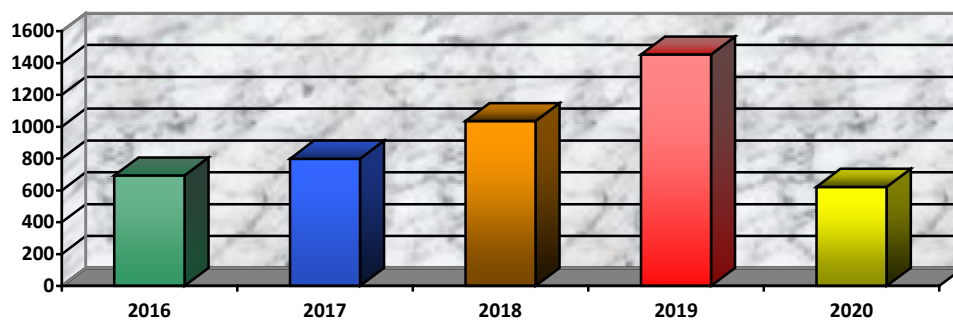
There were 2831 cases generated in 2020, of which twenty-one (21) resulted in a UoF incident. Therefore, less than one percent (0.74%) of the 2020 cases generated resulted in a UoF.

There were 3509 cases generated in 2019, of which thirty-one (31) resulted in a UoF incident. Therefore, less than one percent (0.88%) of the 2019 cases generated resulted in a UoF.

When compared to UoF cases in 2020, the Ashland Police Department saw a 0.14% decrease between 2019 & 2020.

The Ashland Police Department conducted 621.5 hours of UoF training in 2020. This is a 57.2 % decrease in UoF training hours from 2019.

The Oregon Department of Public Safety Standards and Training (DPSST) requires 8 hours of Use of Force training per year for officers. Although the Ashland Police Department encourages its members to attend outside training, 2020 caused minimal amount of department training and only conducted minimal in-service training required by DPSST.



**Total Hours of Ashland Police Department Use of Force Training**

