

Terre Haute Police Department Use of Force Annual Report 2022-2023

Date: June 20, 2023
To: Chief Shawn Keen
Captain Aaron Loudermilk
From: Capt. Michael Mikuly

The Terre Haute Police Department Use of Force Annual Report covers the period of June 1, 2022 through May 31, 2023. This report includes the review of all agency “use of force” reports. The Terre Haute Police Department prides itself in requiring reporting of all use of force incidents between our officers and citizens. This reporting includes any time an officer points a lethal or nonlethal weapon at a citizen, uses an impact weapon or chemical spray on a person, a subject complains of an injury sustained from officer’s actions, or the officer’s use of force results in death or serious injury. Use of Force reporting is also mandatory when an officer uses any form of physical control to affect the arrest of or control the actions of a resistant individual. In addition to this reporting, the department, also reports any use of force incident that results in serious bodily injury to the FBI’s National Use-of-Force Data Collection.

Throughout the reporting year, all force reports are reviewed by the submitting officer’s supervisor. All use of force reports are then reviewed by all Defensive Tactics Instructors, and may include reviews by a less lethal instructor, K9 supervisor, and/or firearms instructor as needed. These reviews are conducted to make sure the use of force was lawful, necessary, and abided by department policies. It also offers the opportunity to enhance future training, and provides for open discussion regarding tactics and equipment needs. Reviews may include review of all body worn camera videos and a comprehensive analysis of tactics used on the call including opportunities to de-escalate certain situations before a use of force would have been necessary. “Use of Force” will be referred to as UoF in this report.

During this reporting year, the Terre Haute Police Department responded to 46,650 calls for service. Use of force reports were filed for 359 (0.8%) of those calls with UoF impacting 390 separate individuals. This difference accounts for calls where a UoF report was filed for multiple individuals on a single call such as when conducting a felony stop on a motor vehicle or detaining multiple individuals at taser (EMDT device) or gunpoint.

Electro-Muscular Disruption Technology devices (commonly referred to as Tasers) were used (removed from their holsters) in 116 calls (0.2%). 50 of those deployments ended with the suspect/arrestee complying with the officer’s orders. The device was fired 37 times recording 22 effective deployments and 14 failures. After one of the failures, the device was fired a second time and was effective. It was also used in “drive stun” mode 29 times. This mode discharges the electrical current from the device without deploying probes into the suspect.

Police K-9s were deployed 14 times in UoF incidents resulting in four apprehensions by bite. One of the bites resulted in serious bodily injury to a suspect hiding in a crawl space and the arrestee (W/M/32) was admitted to the hospital due to lacerations to his arm. The same suspect was also struck by a baton during the incident. The baton was only deployed in three other UoF incidents and in all three it was only used as a leverage device to secure an arrestee in handcuffs.

The PepperBall Gun is a non-lethal chemical agent delivery system that may be used on individual suspects. It began being used in this reporting year and was used on three calls. It was effective in two of those deployments and failed in one. Chemical spray was used in three UoF incidents and it was only reported as being effective in two. The 40 mm impact round was also fired at one suspect/arrestee but was reported as being ineffective.

Firearms were drawn and pointed in 129 UoF reports and fired in one incident. An officer responded to a domestic battery with a stabbing victim inside the residence. He was approached by a male armed with a knife while trying to get the victim out of the house. The suspect (W/M/42) lunged at the woman and officer with the knife and died as a result of the gunfire from the responding officer.

33 UoF reports were filed when guns were drawn while officers conducted high risk felony traffic stops, 26 of which followed a vehicle pursuit. UoF was reported 80 times during or following foot pursuits with suspects fleeing from officers. The EMDT device was utilized 37 times during foot pursuits and the handgun was drawn (never fired) 16 times.

During this period, 26 arrestees were treated for injuries after a use of force incident. Four arrestees were admitted to the hospital, but one was due to a preexisting medical issue and not as a result of an officer's use of force. Another incident is the K9 encounter discussed in this report above. One incident was the result of the arrestee having blood behind his eye following a foot pursuit in which the male jumped off of a rooftop and fought with officers. In the final incident the arrestee suffered facial fractures after he attempted to flee from officers while handcuffed behind his back. He was tased by the officers EMDT device and struck his face on the asphalt when he fell. Eight arrestees were treated at a hospital facility for minor injuries and released. 30 UoF incidents were reported involving the Immediate Detention or Emergency Detention of the arrestee.

21 officers received injuries as a result of incidents involving UoF. This included two incidents in which officers suffered serious bodily injury. In the first incident, the officer suffered a broken thumb. In the second, the officer suffered a lacerated artery which required immediate medical intervention to save his life. Both have returned to full duty status.

During UoF incidents 14 suspects were armed with firearms (three were later determined to be pellet guns). 11 were armed with knives, one had a taser, and one was armed with a screwdriver.

During this period, 381 UoF incidents occurred when officers were working during their shift, and 9 occurred while working off duty in a police capacity. Off duty UoF incidents occurred five times at hospital facilities, two times at a juvenile correctional facility, one time at a concert venue, and one time at a bar.

Actual physical force was utilized in only 204 of the 390 (52%) UoF reports filed. In the other 186 incidents other tools were used to gain voluntary compliance. However, our agency still recognizes these actions as a show of force which should be documented and reviewed. This results in a UoF report being filed for approximately 1 in every 125 calls for service, but physical UoF being reported in only 0.4% of calls for service or 1 in every 250 calls.

At the conclusion of last year's annual review the recommendation was made to offer officers more opportunities for physical training in addition to the mandated annual training. The Terre Haute Police Department implemented "Open Mat" training over this period which has allowed more frequent blocks of time, usually weekly, for officers to regularly train in areas such as de-escalation, Brazilian Jiu-jitsu, defensive tactics, weapon retention, handcuffing, and prisoner control. This additional training builds confidence in officers, reduces line of duty injuries, and allows officers to better handle stress and control under pressure.

	Number of force reports
<u>Sex</u>	
Male	298 (76%)
Female	92 (24%)
<u>Race</u>	
Caucasian	292 (75%)
Black	90 (23%)
Hispanic	5 (1%)
Other/Unknown (Biracial or undetermined)	3 (<1%)
<u>Shift</u>	
A Shift and Traffic	93 (25%)
B Shift	166 (44%)
C Shift	115 (31%)
<u>Residency Status</u>	
Terre Haute area	346 (89%)
Non Resident	44 (11%)
Unknown/Not recorded	0
<u>Drugs/Alcohol</u>	
Under the influence	116 (30%)
Sober	273 (70%)
Unknown/Not recorded	1

2021/22-2022/23 Comparison

	2022	2023
Calls for service	45,638	46,650
Calls resulting in use of force	413	359
Force Reports filed	728	651
Individuals involved in use of force incidents	436	390
Tasers drawn	138	116
Tasers fired	36	36
Impact weapons used	1	4
Chemical Spray used	2	3
K9 deployed / bites	18/3	14/4
Firearms drawn / fired	157/1	129/1

2022/2023 Use of Force Comparisons by Race

	Number of incidents	White	Black	Hispanic	Other/Unknown
Individuals involved in use of force incidents	390	292	90	5	3
Tasers deployed (drawn)	116	80	32	2	2
Tasers fired	36	27	8	1	0
Drive Stun mode	29	13	16	0	0
Impact weapons used (leverage/strike)	4	2/1	1/0	0	0
Chemical Spray used	3	2	1	0	0
K9 bites	4	3	1	0	0
Firearms drawn / fired	129/1	94/1	34/0	1/0	0

In November of 2022, the Law Enforcement Training Board (LETB) established a Consistent and Uniform Statewide Policy on Deadly Force with the direction that the policy had to be implemented by all Indiana law enforcement agencies effective January 1, 2024. The Terre Haute Police Department enacted the standard on May 4, 2023, and annual training in 2023 reflected that standard. The policy enacted by the LETB cannot be added to, modified, or altered in any way by any Indiana Law Enforcement Agency.

“The Operations Division Captain shall consult with the Use of Force (Defensive Tactics) Instructors in conducting an annual review, and shall attempt to identify trends and attempt to draw conclusions about the need for training adjustments, equipment needs, and/or any policy revisions.” Sgt. Blunk, Sgt. Mazzon, Sgt. Chambers, Det. Ralston, Det. McCammon, Ptl. Brewer, Ptl. Howson, and Ptl. Johnson were consulted regarding this report.

Recommendations:

Many of our policies already mirrored the standards set by the LETB. During this review, we determined that our policy 6.06 Discharge of Firearms would need to be changed to directly mirror the LETB policy.

6.06 B states, “Firearms will not be discharged at moving or fleeing vehicles in violation of traffic laws, or in misdemeanor cases, unless necessary to prevent serious bodily injury or death to the member or another person.

The LETB policy (6.02 IV C2) states, “Officers shall not: Discharge a firearm at or from a vehicle except in situations where deadly force is allowed by law;”

Policy 6.09 is covered in more depth within the LETB policy, as such, 6.09 can be removed.

6.09 states, “Warning shots are prohibited by the Terre Haute Police Department.”

The LETB policy (6.02 IV C1) states, “Officers shall not: Discharge any warning shot. The objectively reasonable discharge of a firearm in the direction of an individual, against whom deadly force is allowed by law, with the intent to assist an officer or third-party who is in imminent danger, is not considered a warning shot;

Policy 6.11 Use of Authorized Less-Lethal Weapon. The policy references “the force continuum (continuum)” in the first paragraph. It also references the continuum in the description for the section. This should be changed to reflect a past change to move from the force continuum to the “objectively reasonable” standard now used in UoF incidents.

An additional change will need to be made regarding taser devices. The device should be recognized as a CEW (Conducted Energy Weapon) instead of an EMDT (Electro-Muscular Disruption Technology). This change will need to be reflected in Policy 6.10 and 6.11. It will remain in this report as EMDT since that change has not yet been reflected as policy.

No changes were requested for our UoF reporting form. Form V21.0 will continue to be the accepted reporting form for the following reporting year.

The “Open Mat” training has been an important addition to our agency’s UoF and defensive tactics training, and we would like to see further training given to new members throughout their assignment to the training division and while on probationary status. This program is still in development, but would include mandatory training in Brazilian Jiu-Jitsu during that time.

Respectfully,

Capt. Michael Mikuly #199