

2021 Use of Force

Use of Force is a high liability issue that presents challenges to agencies across the nation. The officer is confronted with when to use force, the type of force to employ, when to deescalate the force, and proper documentation and review of the use of force. The following data is the Battle Creek Police Department's Use of Force from 2021.

In examining the nature of the complaints force was used, the calls for service were of the following nature:

Check Person – 22

Traffic Stop – 18

Domestic Violence – 16

Man with a Gun – 15

Unwanted Person – 12

Mental Health Crisis – 6

Felony Traffic Stop – 6

Attempted Warrant Arrest – 5

Vicious Dog Attack – 5

Shooting – 4

Shoots Fired – 3

UDAA – 3

Home Invasion -2

Interfere 911 Call – 1

Stabbing – 1

Larceny - 1

RESULTING CHARGES

Resisting and Obstructing 78

Domestic Violence 19

Existing Felony Warrant 19

Felonious Assault 18

Existing Misdemeanor Warrant	11
Carry Concealed Weapon	10
Protective Custody	7
Felony Possession Firearm	7
Home Invasion	6
Assault on Police Officer	5
Assault with Intent to Murder	5
Flee & Elude	5
Possession Cocaine	5
Possession Methamphetamine	4
DWLS	4
PPO Violation	4
OWI	4
UDAA	4
Trespassing	3
Interfere with 911 Call	2
Disorderly Conduct	2
Strangulation	1
Possession Fentanyl	1
Larceny	1
Possession of Xanax	1
MDOP	1
Unlawful Imprisonment	1
Retail Fraud	1
Identity Theft	1

USE OF FORCE – MONTH

January 10

February	8
March	10
April	9
May	14
June	5
July	7
August	9
September	12
October	14
November	8
December	6

USE OF FORCE – TIME

0000 – 0400	15
0400 – 0800	9
0800 – 1200	21
1200 - 1600	24
1600 - 2000	27
2000 – 0000	22

INCIDENTS INVOLVING MORE THAN ONE OFFICER

66

TYPES OF FORCE USED IN 2021

Firearms	63 (5 Aggressive Dogs, 3 Use of Force Incidents)
Pepper Spray	2
Other Weapons (K9)	2
Personal	60

Restraint (Body Wrap)	7
Taser	13
ASP	2

*Some incidents have more than one type of Use of Force, i.e. an officer may attempt to use physical control that is not successful and transitions to another use of force such as a Taser, or more than one officer was involved in the incident.

USE OF FORCE 2021: INVOLVED CITIZEN DEMOGRAPHICS

	Female	Male	Unknown	Total
Asian	0	0	0	0
Black	9	54	0	63
Hispanic	0	2	0	2
Other	0	1	0	1
White	7	43	0	50
Total	16	100	0	116

USE OF FORCE 2021: INVOLVED OFFICER DEMOGRAPHICS

	Female	Male	Total
Black	1	18	19
Hispanic	1	5	6
Asian	0	0	0
White	10	101	111
Other	0	0	0

Total	12	124	136
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2021 USE OF FORCE EFFECTIVENESS

Type of Force	Effective	Not Effective
Aerosol Agent	1	1
Restraint System	7	0
Personnel Weapon	48	12
Police K-9	2	0
Taser	9	4
Firearm	56	7
ASP	0	2

USE OF FORCE INVOLVED CITIZEN 5 YEAR TREND

Use of Force 2016: Involved Citizen Demographics

	Female	Male	Unknown	Total
Asian	0	0	0	0
Black	4	17	0	21
Hispanic	0	0	0	0
White	7	11	0	18
Unknown	0	1	0	1
Total	10	59	0	40

Use of Force 2017: Involved Citizen Demographics

	Female	Male	Unknown	Total
Asian	0	0	0	0
Black	2	29	0	31
Hispanic	0	1		1
White	1	20	0	21
Unknown	0	1	0	1
Total	3	51	0	54

Use of Force 2018: Involved Citizen Demographics

	Female	Male	Unknown	Total
Asian	0	0	0	0
Black	5	38	0	43
Hispanic	0	2	0	2
White	3	28	0	31
Unknown	0	0	0	0
Total	10	59	0	76

Use of Force 2019: Involved Citizen Demographics

	Female	Male	Unknown	Total
Asian	0	0	0	0
Black	5	30	0	35
Hispanic	0	1		1

Other	0	1	0	
White	5	27	0	32
Total	10	59	0	69

Use of Force 2020: Involved Citizen Demographics

	Female	Male	Unknown	Total
Asian	0	0	0	0
Black	2	35	0	37
Hispanic	0	0	0	0
White	7	33	0	40
Unknown	0	0	0	0
Total	9	68	0	77

Use of Force 2021: Involved Citizen Demographics

	Female	Male	Unknown	Total
Asian	0	0	0	0
Black	9	54	0	63
Hispanic	0	2	0	2
Other	0	1	0	1
White	7	43	0	50
Total	16	100	0	116

USE OF FORCE INVOLVED OFFICERS 5 YEAR TREND

Use of Force 2016: Involved Officer Demographics

	Female	Male	Total
Black	0	3	3
Hispanic	0	0	0
Asian	0	0	0
White	2	21	23
Other	0	0	0
Total	2	24	26

Use of Force 2017: Involved Officer Demographics

	Female	Male	Total
Black	1	4	5
Hispanic	0	0	0
Asian	0	0	0
White	3	68	61
Other	0	0	0
Total	4	72	72

Use of Force 2018: Involved Officer Demographics

	Female	Male	Total
Black	0	5	5

Hispanic	0	2	2
Asian	2	0	2
White	2	59	61
Other	4	0	4
Total	8	66	74

Use of Force 2019: Involved Officer Demographics

	Female	Male	Total
Black	1	5	6
Hispanic	0	2	2
Asian	2	0	2
White	2	57	59
Other	4	0	4
Total	9	64	73

Use of Force 2020: Involved Officer Demographics

	Female	Male	Total
Black	4	13	17
Hispanic	0	3	3
Asian	0	0	0

White	3	67	70
Other	0	0	0
Total	7	80	87

Use of Force 2021: Involved Officer Demographics

	Female	Male	Total
Black	1	18	19
Hispanic	1	5	6
Asian	0	0	0
White	10	101	111
Other	0	0	0
Total	12	124	136

USE OF FORCE INCIDENTS RECEIVED 5 YEAR TREAND:
AVERAGE AGE OF INVOLVED CITIZEN

2017	30
2018	30
2019	31
2020	33
2021	30

USE OF FORCE INCIDENTS RECEIVED 5 YEAR TREND:

BREAKDOWN BY TYPE OF FORCE

2017

Aerosol Agent	7
ASP	0
Body Guard	5
Personnel Weapon	24
Police K-9	7
Taser	13
Deadly Force Response	0
Weapons Discharge	23

2018

Aerosol Agent	13
ASP	0
Body Guard	4
Personnel Weapon	24
Police K-9	8
Taser	31
Deadly Force Response	1
Weapons Discharge	24

2019

Aerosol Agent	7
ASP	3
Body Guard	3
Personnel Weapon	33
Police K-9	6
Taser	24
Deadly Force Response	1
Weapons Discharge	5

2020

Aerosol Agent	5
ASP	0
Body Guard	3
Personal Weapons	60
Police K-9	5
Taser	32
Deadly Force Response	3
Weapons Discharge	2

2021

Aerosol Agent	2
ASP	2
Body Guard	7

Personal Weapons	60
Police K-9	2
Taser	13
Firearms (Displayed)	63
Weapons Discharge	9

USE OF FORCE INCIDENTS RECEIVED 5 YEAR TREND: INVOLVED
CITIZEN'S CONDITIONS

2017

Alcohol	20	
Mental Health	1	(Became a required field in 2018)
None Detected	11	
Unknown	11	
Not Indicated	30	

2018

Alcohol	20	
Mental Health	6	(Became a required field in 2018)
None Detected	11	
Unknown	11	
Not Indicated	30	

2019

Under the Influence	25
Mental Health	9
None Detected	15
Unknown	18
Not Indicated	10

2020

Under the Influence	43
Mental Health	12
None Detected	6
Unknown	21
Not Indicated	7

2021

Under the Influence	29
Mental Health	17
None Detected	31
Unknown	29
Not Indicated	17

USE OF FORCE INCIDENTS RECEIVED 5 YEAR TREND: CITIZEN INJURED

2017

Yes	17
No	25
Unknown	27

2018

Yes	37
No	35
Unknown	27

2019

Yes	30
No	22
Unknown	24

2020

Yes	34
No	31
Unknown	12

2021

Yes	20
No	71
Unknown	12
Claimed	13

Taser Personnel OC Firearm

Injury	2	13	2	3
Claimed	1	11	1	
Hospital		2		3
LifeCare		2		

USE OF FORCE INCIDENTS RECEIVED 5 YEAR TREND: OFFICER INJURY

2017

Yes	7
No	65

2018

Yes	10
No	82

2019

Yes	12
No	64

2020

Yes	18
No	69

2021

Yes	4
No	155

ANALYSIS

The Battle Creek Police Department defines force as any force used beyond compliant handcuffing. Battle Creek Police Department officers responded to 42,546 incidents (Incident Reports, Field Contacts, Traffic Citations and Accident Reports) resulting in 112 incidents involving 147 uses of force by officers in 2021. Sixty-six of the incidents

involved two or more officers applying force. Overall, of the 42,546 citizen contacts, .02% resulted in a use of force by a Battle Creek Police officer.

The number of uses of force had a large increase; however, 2021 was the first year that displaying a firearm was tracked as a use of force. This accounted for sixty-three additional use of force incidents. Fifty-four use of force incidents involved the displaying of the firearm, five involved aggressive animals, and four officers applied deadly force in three separate incidents. If the force was tracked as it was in 2020, officers utilized force one less time in 2021.

In the last two years, the Defensive Tactics Lesson Plan has called for officers to understand the importance of taking control of a non-compliant person and becoming more proficient in the utilization of ground defense techniques. The rationale of the Defensive Tactics cadre is that officers should be more proficient in their abilities and not depend solely on a mechanical device. The desired result is a much more confident officer when the need arises to apply force. Experience has demonstrated that the more proficient and confident the officers are in their own ability the likelihood of unreasonable force being applied is significantly reduced.

The emphasis on this is paying dividends in several areas. The deployment of the Taser decreased by 41% (32 deployments in 2020 compared to 13 deployments in 2021). Officers increased the use of personal weapons by 27% (44 uses in 2020 compared to 60 in 2021). The effectiveness of personal weapons remained consistent at 75 % effective, even though the use increased. This is noteworthy as the Taser deployment was 62% effective in 2020 and 66 % effective in 2021. Citizen injury decreased from 34 in 2020 to 20 in 2021. The same is true regarding officer injury as it declined from 18 in 2020 to 4 in 2021. This can be attributed to the Jiu Jitsu based program that the Department has adopted and continues to refine.

The severity of the injuries have decreased to both citizens and officers as well. This continuing pattern was noted after the Department adopted a Defensive Tactics Lesson Plan that has a firm foundation in Jiu Jitsu. The Department is fortunate to have two instructors on staff that are subject matter experts and have heavily influenced the Department's switch to this discipline. The benefit of a defensive tactics program that is Jiu Jitsu based is that it teaches the officer how to take down and control an individual while giving them options to escalate or de-escalate force as needed.

The average age of the citizen involved was 30. The youngest was 14 years of age (actively fighting with parents and the officer) and the oldest was 75 years of age (man with a gun call where the officer pointed their sidearm). As the Department continues with an unprecedented level of hiring the Department as a whole will grow younger. Supervisors must be aware of this and continue to monitor the officers and their use of force incidents.

Officers applied force in 17 incidents where the individual was documented as having mental health issues. Additionally 29 individuals were under the influence and another 29

were classified as unknown. In the past three years there has been an emphasis on Crisis Intervention Training and De-escalation Training. This may account for part of the decrease in the severity of injuries.

Officers utilized the ASP Baton two times in 2021. Both times, it was not effective, although it was being used to apply leverage to any individual who was laying on their hands and refused to follow directions. In the past, there was hesitation in allowing officers the option of not carrying the ASP Baton. The rationale being that it could be used to break vehicle windows when the need arose. As demonstrated by Sergeant Fickle's video during a Use of Force Incident, the ASP is no longer effective at simply breaking a car window. Consideration should be given to allow officers the option in carrying the ASP Baton.

Four officers had three deadly force incidents in 2021. One incident involved a man with a gun call. Upon arrival, the suspect ran from the officer on foot. Due to the circumstances that the suspect knew the caller, the area was heavily populated, and the suspect was fleeing towards a major throughway, the officer chose to engage in a foot pursuit. The suspect fell crossing a fence allowing the officer to catch up with the suspect. The suspect appeared to be in mental crisis and the CIT trained officer attempted to establish dialogue with the suspect. The suspect produced a handgun from his pocket and fatally shot himself, as the officer fired his sidearm as well.

In the second incident, officers were dispatched to First Step, to assist the workers there with a client who they had secured a mental health pick-up order for. The suspect was in her vehicle with two young children. The suspect eventually displayed a firearm and shot at one of the workers. After the shot, the officers transitioned to a position that did not put the children in the backdrop. The suspect then pointed the firearm at the officers. The officers fired their sidearm, striking the suspect in the shoulder.

The third incident involved an outside agency pursuing a vehicle into the City of Battle Creek. During the pursuit, the suspect had pointed a firearm at the pursuing officers, and shot at the officers at two different locations. Battle Creek Police Department (BCPD) officers did not actively engage in the pursuit due to the large number of officers from four different agencies already engaged in the pursuit. BCPD officers did actively assist setting perimeters and attempting to position themselves to deploy spike strips. At one point a Calhoun County Sheriff's Deputy rammed the suspect, disabling his vehicle. The suspect fled on foot with his firearm. The suspect was attempting to force entry into an occupied residence when the officer confronted the suspect. The suspect refused to obey command and pointed his firearm at the officer. The officer fired his patrol rifle mortally wounding the suspect.

The Michigan State Police investigated all three incidents and submitted their findings to the Calhoun County Prosecutor's Office for review. Calhoun County Prosecutor Gilbert opinioned that the use of force in all three incidents was reasonable and not excessive.

The officers involved in these deadly force incidents stated that past training played a large part in their response. They specifically commended the scenario-based training that they had participated in and believed that it had an impact on their response. Scenario-based training, Axon's Virtual Reality training platform, and regularly scheduled skills training should continue.

It should not be lost that there was some component of the suspects having mental health issues or were suffering some type of crisis at the time. The Department should continue with an emphasis on Crisis Intervention Training.

Moving forward the Department should continue on the current path regarding use of force training. Several of the instructors are young and will be future leaders in the training cadre. Their development should be emphasized.