



MEMORANDUM

TO: Anthony Conrad, Chief of Police

A. Conrad 4/27/23

FROM: Matt Henry, Operations Captain

M. Henry 4/27/23

SUBJECT: 2022 Use of Force Analysis

DATE: April 11th, 2023

INTRODUCTION:

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Therefore, per Murrieta Police Department Policy #300.10, I have reviewed our use of force incidents that have occurred during the 2022 calendar year and have prepared the below analysis. Based on the review of these incidents, I will identify any trends in the use of force by our members; any training needs, equipment needs, and policy revision recommendations.

BACKGROUND:

Force is defined as the application of physical techniques or tactics, chemical agents, K9 deployments, or weapons upon another person. While there is no way to specify the exact amount or type of force to be applied in any situation, every member of the Murrieta Police Department is expected to use these guidelines in our policy to make such decisions in a professional, impartial, and reasonable manner.

We know our officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a). With that said, members must understand and truly appreciate their authority and limitations.

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased. Our officers have been trained in de-escalation tactics when time and circumstances reasonably permit (Government Code § 7286(b)). As you will see below, the training and education our officers have received over the recent years in de-escalation reflects in the positive results.

Our use of force incidents are documented and tracked in the Law Enforcement Field Training Application (LEFTA) Program. Within this program, there are several modules that help us track additional data, such as: Training (METR), Pursuits (VIPR), and FTO Program Reports (FTO).

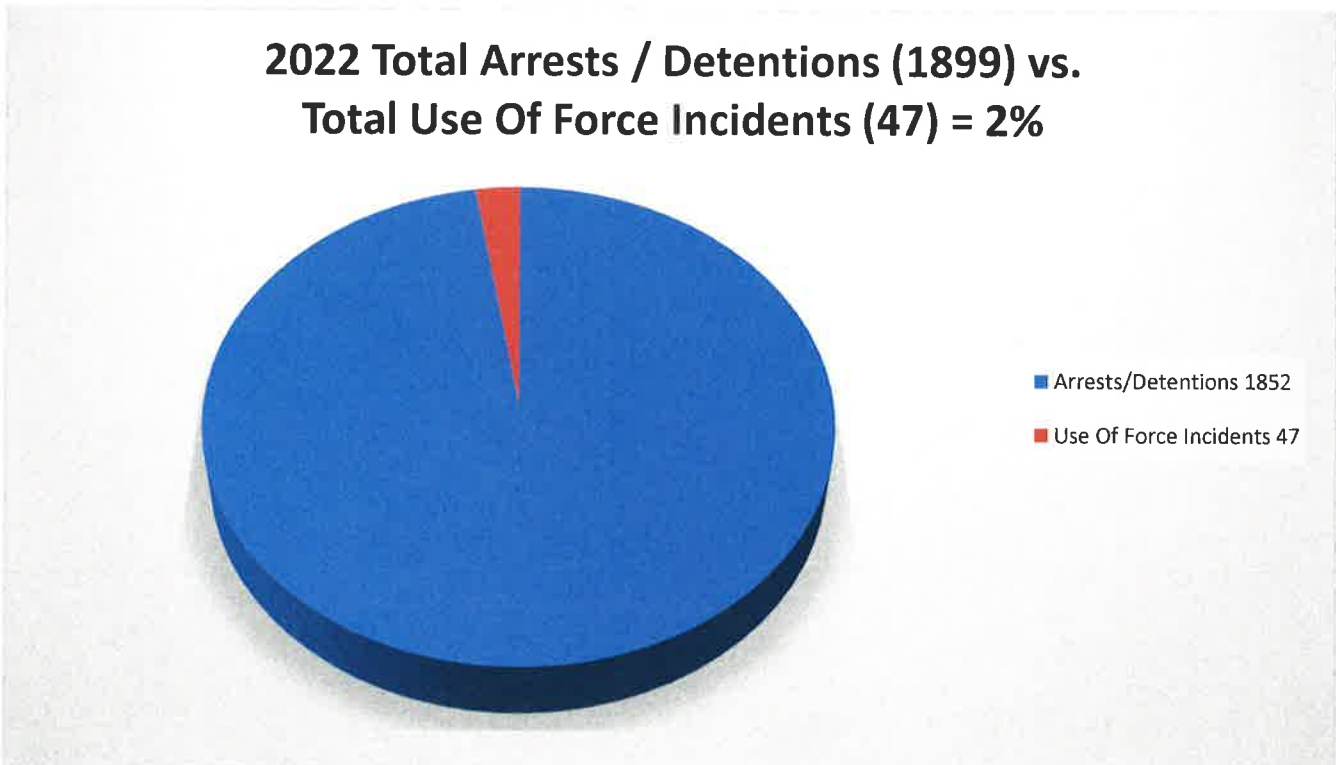
Regarding use of force incidents, information is inputted by our sergeants or corporals into the Force Accountability Transparency Software (FACTS) module. Once completed, the review process starts with the report being sent to and reviewed by a lieutenant. After review, the case is discussed at a monthly Use of Force Committee meeting.

The FACTS module is a web-based software solution that allows officers to document use of force incidents immediately and generate reports. FACTS software not only helps to substantially mitigate liability for officers in the field and their agency, but can also be an effective tool in bridging law enforcement agencies and the communities they serve. This software program meets the mandates of AB392. The process set in place is valuable and will ensure we satisfy AB392, as well as our mission statement.

Additionally, the data collected in the FACTS module can assist us with implementing modifications to officer training procedures, making updates to agency use of force policies, and allocating resources such as manpower. Information can also be easily disseminated to an agency's use of force management team, the media, state, and federal regulators or placed on the agency's website for community transparency.

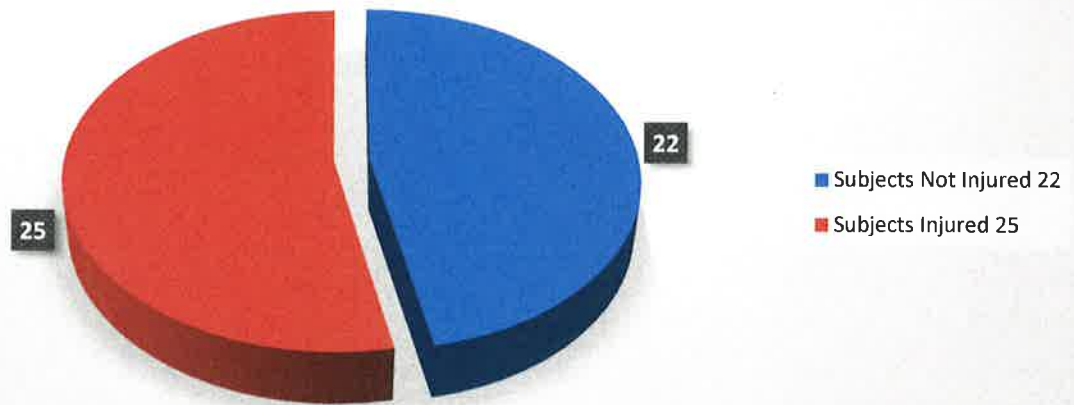
USE OF FORCE DATA:

In 2022, the Murrieta Police Department had a total of **1708** arrests for various charges and **191** mental health detentions = **1899**. Of those, we experienced a total of **47** use of force incidents (**2%**). In comparison to our 2021 use of force incidents (**69**), this is a **32% decrease**.

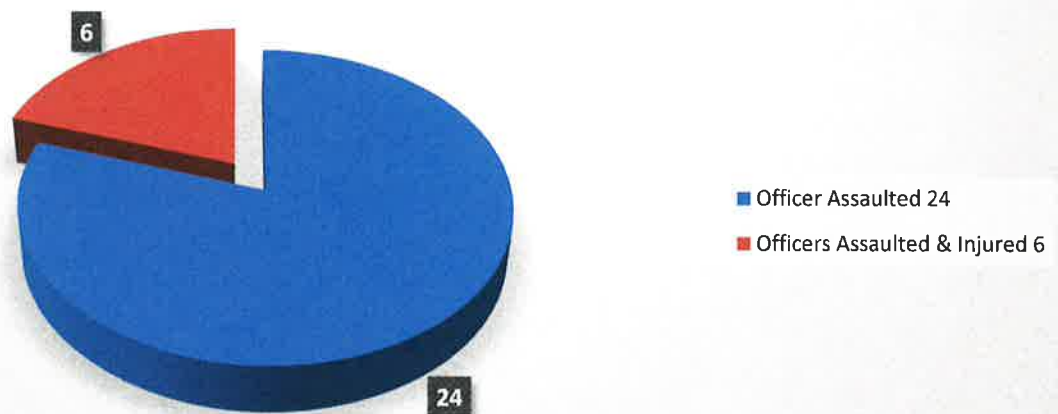


Of the total 47 use of force incidents in 2022, 25 subjects claimed to have been injured (53%). In comparison, 30 primary officers involved were documented as being “assaulted” during these use of force incidents (64%). Of those assaulted, 6 were documented as being “injured” from the assault (20%).

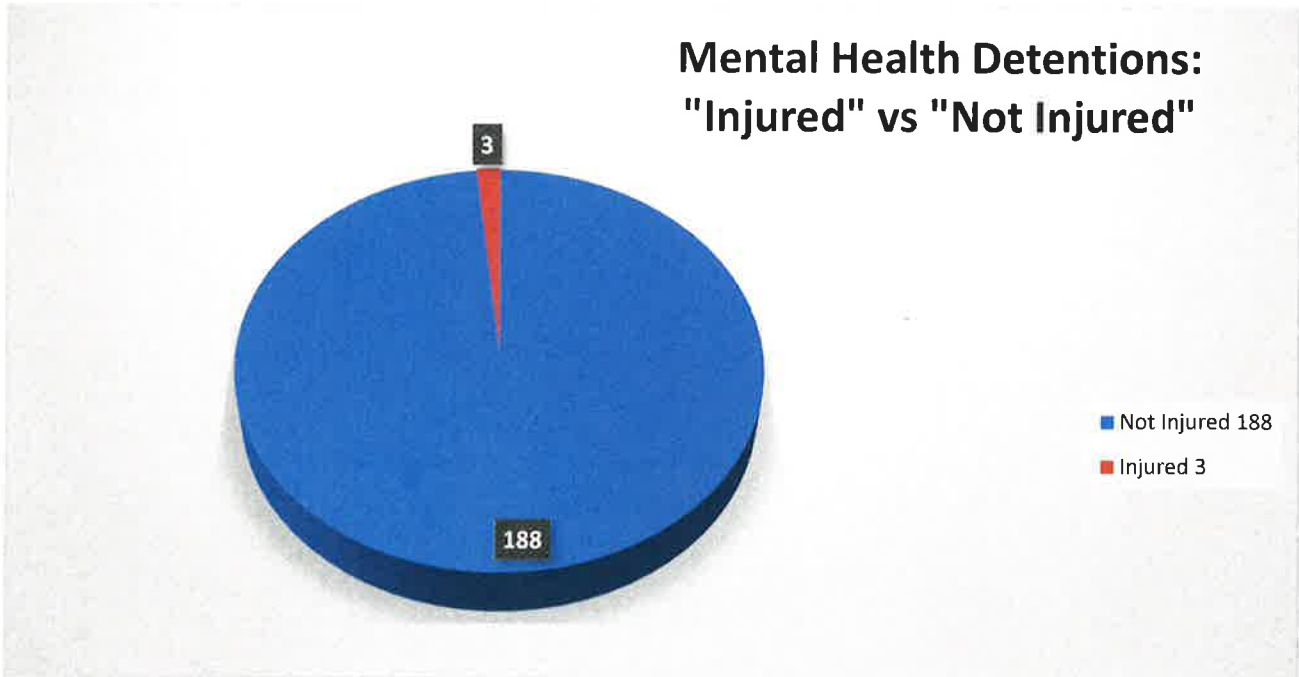
2022 Subjects "Injured" vs "Not Injured"



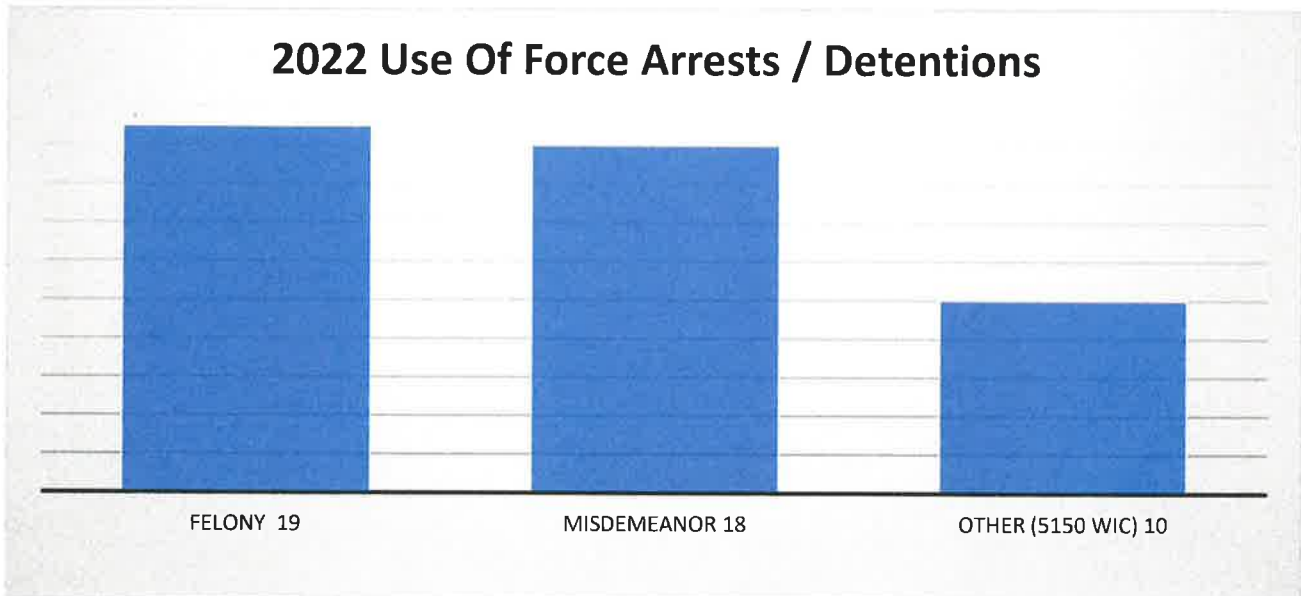
2022 Officers "Assaulted" vs "Assaulted & Injured"



Of the total **191** mental health detentions in 2022, **10** resulted in a use of force incidents. Of the total detentions, **3** claimed to have been injured (**less than 1%**).

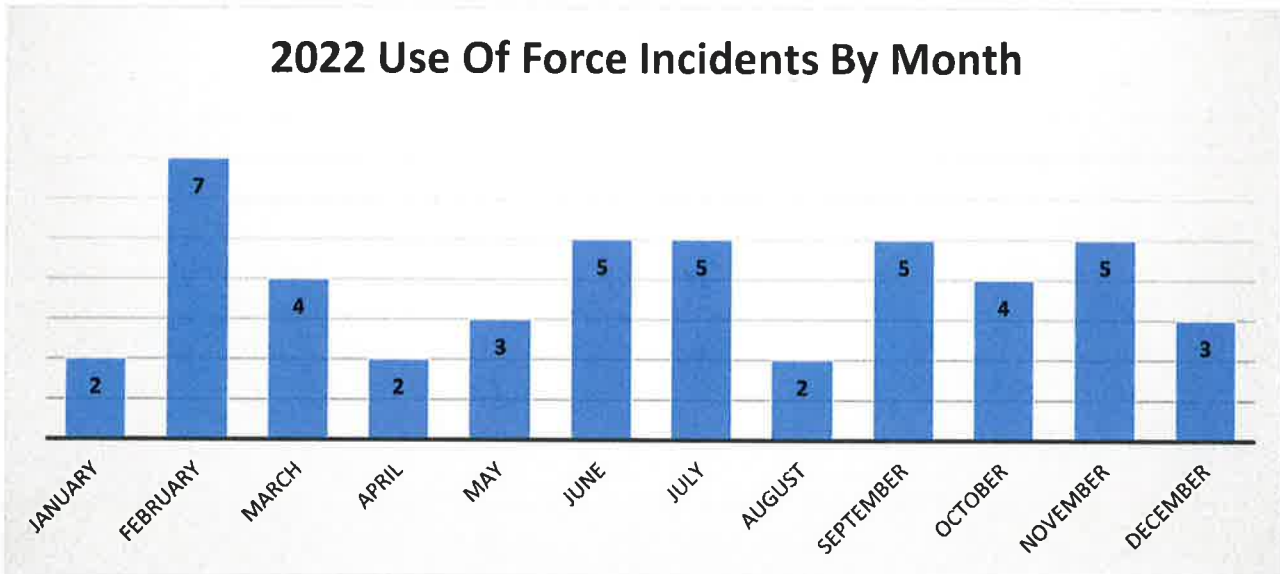


Of the 47 use of force incidents, subjects were arrested or detained for various **felony / misdemeanor charges and mental health evaluations**. Of those, **19** were for felony charges (**40%**), while **18** were for misdemeanor charges (**38.3%**). The remaining **10** incidents involved subjects who were experiencing a mental health crisis (**21%**).

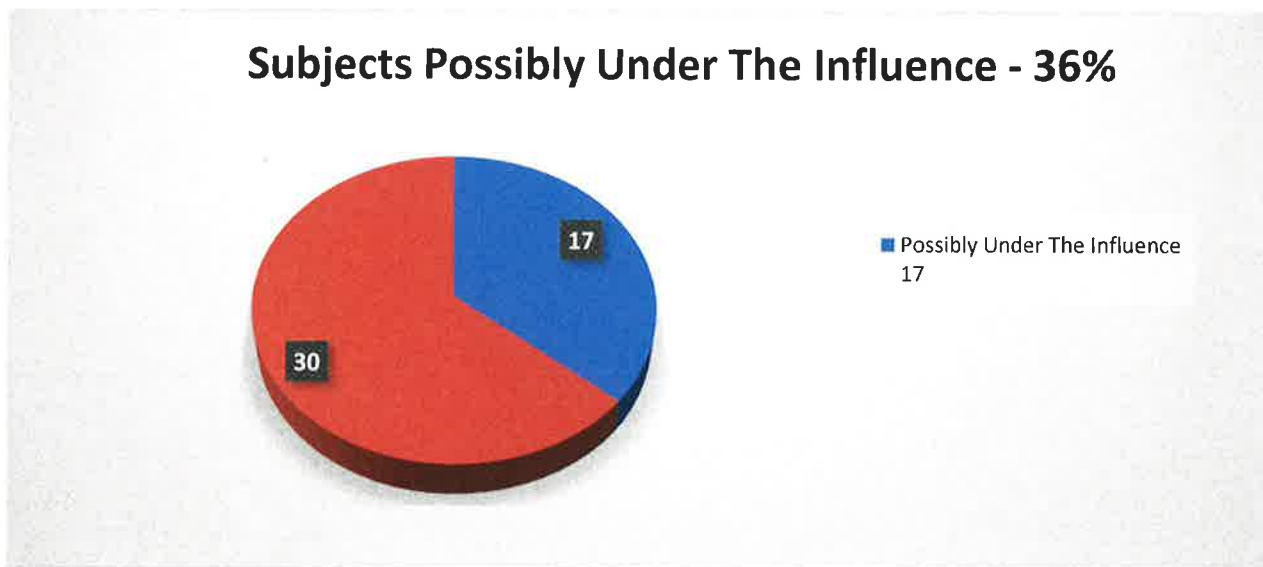


There was a total of **36 males (77%)** and **11 females (23%)** who were involved in these use of force incidents. The **average age** of these subjects was **34 years old**, with **53** as the oldest and **14** as the youngest.

On average, the Murrieta Police Department experienced **3.92** use of force incidents per month in 2022. This number is down from our 2021 number, which was an average of **5.75** per month. The most use of force incidents occurred in **February**, with **7**. **January**, **April**, and **August** had the least use of force incidents, with **2**.

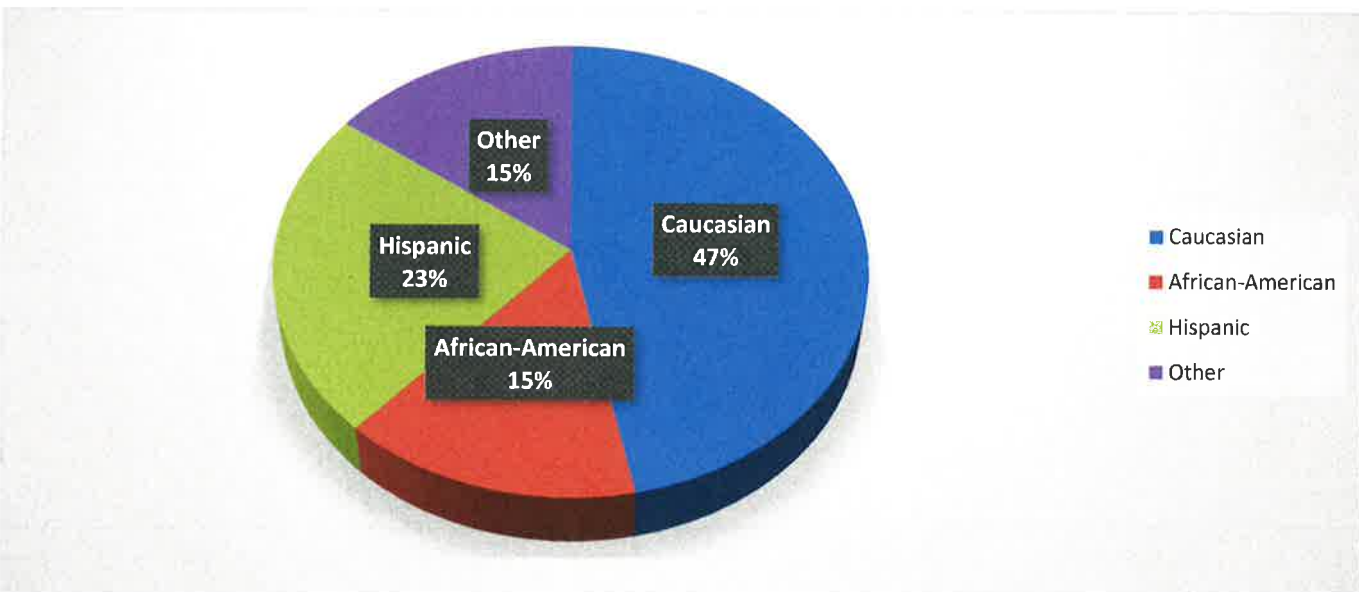
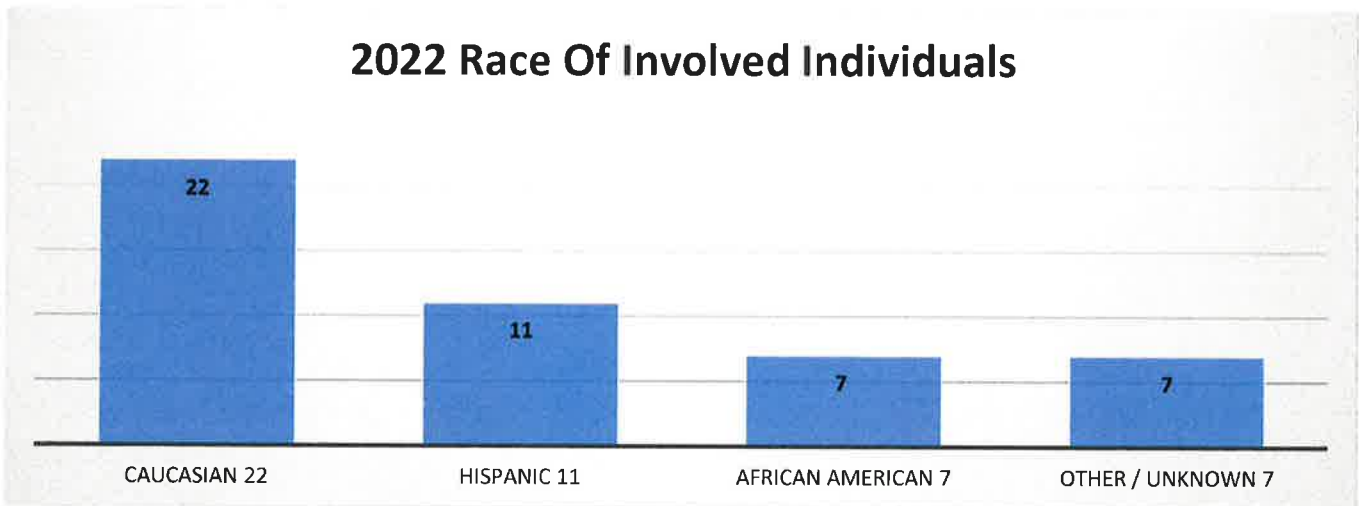


In the **47** use of force incidents, officers documented approximately **17** of the subjects were suspected of being under the influence of **alcohol / drugs / or pharmaceutical pills (36%)**.



The topic of race often comes up when the public and law enforcement officials are reviewing police use of force statistics. Of the 47 detainees, Murrieta Officers used some level of force on in 2022, there is no way to determine what the criminogenic reasons and background were that contributed to the detainee's actions. Criminogenic refers to the tendencies that cause criminal behavior. It is more complex than simply race alone. A subject's associates, level of education, criminal thinking, upbringing in a dysfunctional family, mental health, homelessness, employment, anti-social personality, character traits, and economic issues all play a part in a person's decision to commit crime and/or resist law enforcement. Our system tracks the race of detainees that force was used on. The race of those subjects involved in the 47 use of force incidents were identified as **22 Caucasian, 11 Hispanic, 7 African American, and 7 other/unknown.**

2022 Race Of Involved Individuals



Listed below are the percentages related to the times force was used to affect an arrest in relation to the subject's race:

- Caucasian – 22 uses of force during the 792 total arrests, equaling **3%**
- Hispanic – 11 uses of force during the 545 total arrests, equaling **2%**
- African American – 7 uses of force during the 238 total arrests, equaling **3%**
- Other – 7 uses of force during the 133 total arrests, equaling **5%**

TECHNIQUES:

We have a variety of use of force techniques we train our officers in, ranging from verbal commands to control techniques to impact weapons.

In 2022, de-escalation and verbal commands were the most used and primary techniques in our use of force incidents, over **44 times (94%)**. Listed below are the additional types of force our officers utilized during this past year:

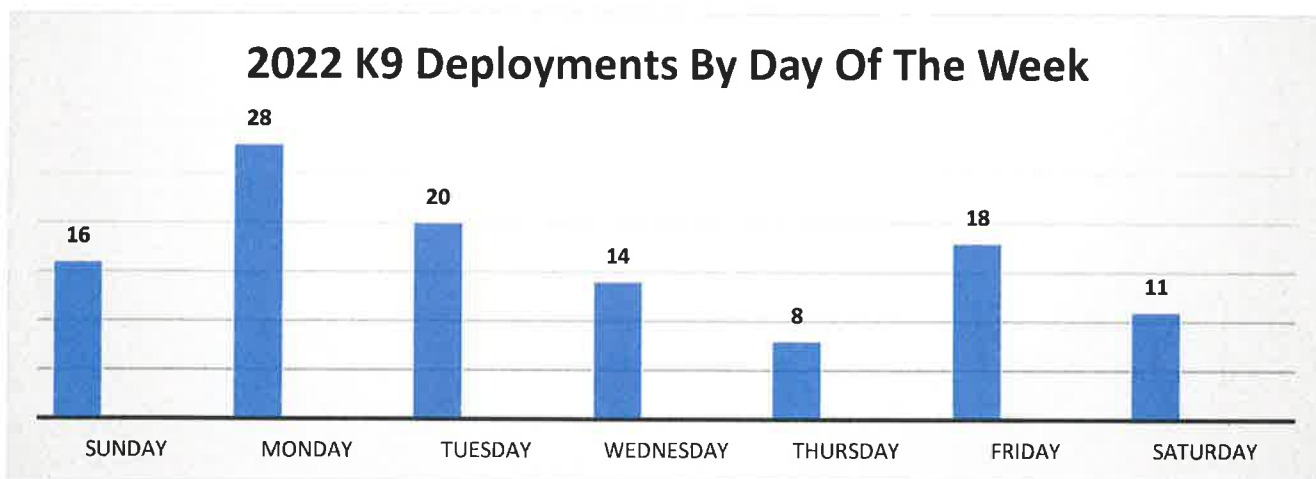
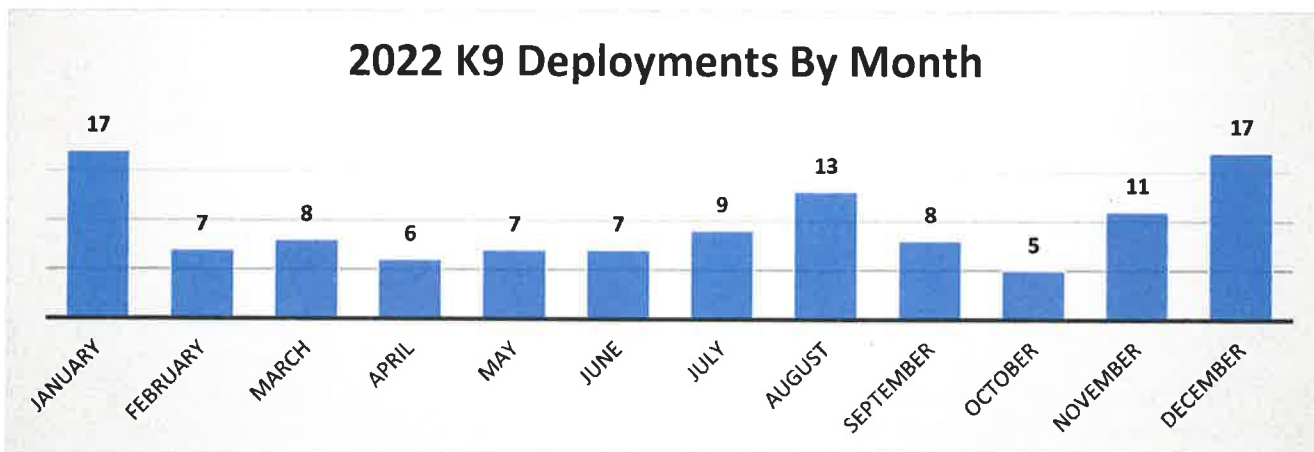
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|------------------------------------|--------------------------------|
| • Verbal Commands | 44 times (94%) |
| • Control Techniques | 30 times (64%) |
| • Body Weight | 11 times (23%) |
| • Take Down / Leg Sweep Techniques | 17 times (36%) |
| • Hobble Restraint / WRAP | 12 times (25%) |
| • Taser | 4 times (8%) |
| • Punched / Knee / Elbow | 4 times (8%) |
| • Baton Strikes | 0 times (0%) |
| • Officer Involved Shootings | 0 times (0%) |
| • K9 deployments and bites | 115 deployments / 0 bites (0%) |

K9 DEPLOYMENT SUMMARY

The Murrieta Police Department K9 Program tracks their training hours and deployment statistics using a software program called PACKTRACK. On average, each K9 has in excess of 500+ hours of training.

In 2022, the Murrieta Police Department K9 Unit experienced **115** deployments, which averaged approximately **9.6 per month**. In 2021, the K9 unit had **157** deployments. “Deployments” are further defined as when the officer removes his K9 partner from the patrol unit and intends on using the K9 to track, locate, or apprehend a suspect. The highest K9 deployment rates were in **January and December** with **17**. The lowest deployment rate was in **October**, with **5**.

<u>YEAR</u>	<u>DEPLOYMENTS</u>	<u>ARREST w/ BITES</u>	<u>PEOPLE FOUND</u>
2021	157	4	87
2022	115	0	82



A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offenses and if any of the following exists:

- There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public.
- The suspect is physically resisting or threatening to resist an arrest and the use of a canine reasonably appears to be necessary to overcome resistance.
- The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine. Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, does not serve as the basis for the use of a canine to apprehend a suspect.

Policy 318.d clearly outlines canine apprehension guidelines and what a supervisor and/or canine handler should consider prior to making a decision to deploy a canine. The information should include but is not limited to:

- The nature and seriousness of the suspected offense.
- Whether violence or weapons were used or are anticipated.
- The degree of resistance or threatened resistance, if any, the suspect has shown.
- The suspect's known or perceived age.
- The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- Any potential danger to the public and/or others at the scene if the canine is released.
- The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, our canine handlers make every reasonable effort to communicate and coordinate with other involved officers to minimize the risk of unintended injury. It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. Per department policy, the canine handler has the authority to decline the use of the canine whenever he/she deems deployment is unsuitable. A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

POLICY REVIEW:

I have reviewed our Use of Force Policy #310 and believe our Lexipol Policy is thorough and up to date.

USE OF FORCE COMMITTEE:

The current Use of Force Committee consists of the following personnel:

- Operations Captain (Captain Henry)
- Operations Lieutenants
- Admin / Training Sergeants (Sergeant Montez and Sergeant Therien)

- Defensive Tactics Instructor (Sergeant Sforzini)
- Range Master (Sergeant Embrey)

We also invite supervisors and/or defensive tactics instructors to meetings to observe and take points back to briefings.

Of the 47 use of force reports the Use of Force Committee reviewed from 2022, it was agreed upon that all were within policy; however, there were 7 reported incidents where remedial informal training was recommended to include the below topics:

- Arrest and Suspect Control issue
- Report Writing Articulation / BWC Activation issue
- De-Escalation / Verbal Command issue
- Hobble Application

In the event an individual files a complaint with the Murrieta Police Department in regard to a use of force incident, that complaint is thoroughly investigated independent of the Use of Force Committee by the department's Internal Affairs Unit.

NEEDS FOR 2023:

Below are the needs I have identified for 2023:

- Training Needs:

Beginning in November 2021, Murrieta officers received basic Gracie Survival Techniques (GST) training. In 2022, more advanced GST techniques were taught to our officers quarterly, utilizing two-hour blocks of instruction. GST uses energy efficiency, weight distribution, and sometimes submissions to gain compliance from combative subjects and focuses on de-escalating situations by not relying exclusively on striking or kicking. GST training has been well received by our officers and has been recently approved by the State of California's Commission on Peace Officer Standards and Training. This quarterly training should continue in order to increase officers' confidence and proficiency when dealing with combative subjects as well as to minimize injuries to both officers and suspects.

In 2021, the WRAP restraint device was introduced to officers and initial training on its use was conducted. The WRAP provides a safe and quick method of controlling and immobilizing a violent or potentially violent/combatative subject who has been detained or taken into custody. Used properly, it can increase officer safety and reduce the risk of liability due to injuries and in-custody deaths. The WRAP immobilizes the body and restricts a subject's ability to kick or do harm to oneself or others. The WRAP minimizes the time required to secure a person safely, restrains the subject in an upright position, and has the subject prepared for

transportation or movement. Beginning this 2023, the defensive tactics instructors will begin annual training on the use of the WRAP. The goal of this annual training is to keep line-level officers proficient in its use.

In 2023, the police department expects to take delivery of twenty 40 mm less lethal foam baton launchers. Instructors from the department's range staff will perform live fire training and certify department personnel in the use of the 40 mm launchers.

- Equipment Needs:

The WRAP restraint device has been issued to every sergeant and corporal assigned to patrol. An additional WRAP restraint device is needed for Murrieta Police Department's Community Behavioral Health Assessment Team (CBAT) as this team responds to calls involving mental health issues in our community. People affected by mental health issues are often unpredictable and at times need to be restrained for their protection, as well as the protection of the officers attempting to provide them mental health resources and assistance.

One challenge faced by many police departments is being able to commit personnel and resources to meet the abundance of mandatory training police officers must complete. Just meeting the minimum requirements each year can be taxing on departments because of the cost associated with staffing coverage, travel and overtime backfill. But despite the difficulties in meeting all training requirements, this department has historically been able to train its officers at a level that exceeds most other departments. In an effort to continue advanced training, specifically in de-escalation, use of force and critical decision-making, I recommend the department enter into an agreement with Performa Labs. Performa Labs provides a technology-based training tool that police departments can utilize to improve the training of its officers and increase the overall safety of the community. The software provides a platform of critical decision-making scenarios created from shared body-worn camera footage. The training is completed on a cell phone and can be routinely completed in 5 to 10 minutes. Performa Labs would serve as an ongoing training tool and would help mitigate high training costs.

Additional padded training mats are needed to provide officers receiving Gracie Survival Techniques / defensive tactics training extra protection from falls. These new mats would help mitigate injuries to officers during practical application training.

- Personnel Needs:

The planned staffing level for Murrieta Police Department's defensive tactics team is 12 instructors. Due to transfers and retirements, this team of instructors has been reduced to 10

officers. Two additional officers are needed to maintain the number of instructors required to provide quarterly defensive tactics training to the department.

Administrative Needs

As you know, Assemblymember Corey Jackson has authored AB742 – a bill that would end the use of police K9s in California. As shown in this use of force analysis, police K9s are a critical de-escalation tool for Murrieta Officers. The department authored a letter of opposition in March of 2023, and I recommend the department continue to play an active role in defeating this dangerous legislation. A copy of the letter sent to Assemblymember Jackson on behalf of the Murrieta Police Department has been added at the end of this memorandum.

CONCLUSION:

In 2022, the Murrieta Police Department handled over 60,000 calls for service. Murrieta police officers affected 1708 arrests and 191 mental health detentions, totaling 1899 incidents where the potential for the use of force was present. Of these 1899 incidents, only 47 required the use of force from officers (2%). In comparison to 2021's 69 use of force incidents, 2022 had a 32% decrease in the times officers used force. Additionally, the Murrieta Police Department had zero reportable uses of force to the Department of Justice (DOJ). Of the 47 incidents where force was used, only 25 subjects claimed to have been injured and none of the injuries were significant enough to be classified as "great bodily injury" as defined by Government Code section 12525.2(d) and required to be reported to the DOJ.

The data from 2022 shows Murrieta Police Department officers are selective in regard to when they use force to affect an arrest/detention. Only a small percentage (2%) of apprehensions resulted in the use of force, and furthermore, the amount of force utilized was limited to only that which was necessary and objectively reasonable, as demonstrated by the zero reportable incidents to the Department of Justice.

I believe the officers of the Murrieta Police Department should be commended on their professionalism and ability to perform their duties in an ethical and legal manner. The 2022 use of force data shows the department's officers are well trained, well equipped, and that they demonstrate a well-rounded knowledge base. They are thoughtful in their actions and are steadfast in their commitment to protecting life, regardless of the circumstances.

I believe the success of this department in terms of use of force by its officers can be attributed to three factors; De-Escalation/Pre-Planning, Gracie Survival Tactics, and the less lethal force option provided to officers.

De-escalation tactics and techniques are those actions undertaken by an officer(s) to avoid physical confrontations, unless immediately necessary to protect someone or to stop dangerous behavior while minimizing the need to use force during an incident when the totality of the circumstances and time permit. De-escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation. Murrieta Police Department policy dictates that when all reasonably

known circumstances indicate it is safe, prudent, and feasible to do so, an officer(s) shall attempt to slow down, reduce the intensity, or stabilize the situation so that more time, options and/or resources may become available for incident resolution. This department's officers are highly trained in de-escalation tactics and are well versed in taking "tactical pauses" to ensure pre-planning and less lethal force options are present on-scene and available for use. De-escalation training will remain a main staple in the department's quarterly defensive tactics training.

The ongoing implementation of the Gracie Survival Tactics has proven to be a significant upgrade to the department's defensive tactics training program. The GST training has provided officers with an enhanced understanding of suspect control without the use of striking, thus limiting the occurrences of injury to both the suspect and officer. I recommend the department continue advancing through the levels of the GST program and offer additional training outside of the quarterly scheduled training sessions.

The department provides its officers with several less lethal force options and tools to help mitigate the level of force used. Officers are trained and authorized to use the following force options; baton, pepper spray, pepper ball launcher, taser, bean bag shotgun. The department is proactively taking a progressive approach to limit the number of force incidents and the level of force used by making less lethal options more available for use by officers. The department is currently in the procurement process for additional WRAP restraint systems and 20 - 40 mm less lethal foam baton launchers. Additionally, the Firearms Training Unit is evaluating the feasibility of transitioning the department's Remington 870 shotgun inventory to less lethal bean bag shotguns.

Lastly, the department's K9 Unit is currently staffed with four handlers/dogs. In 2022, the K9 Unit had 115 total deployments. During these deployments, no arrests/detentions were affected by use of a dog bite, down from four the previous year. Additionally, the K9 Unit located 82 subjects during their deployments in 2022. The department's K9 Unit continues to be an integral part of force mitigation in that the mere presence of a police canine has shown to be a significant deterrent to suspects when they are determining the level of resistance they are willing to use against officers.



CITY OF MURRIETA

March 22, 2023

The Honorable Chris Holden
Chair, Assembly Committee on Appropriations Holden
Capitol Office, 1021 O Street, Suite 5650
Sacramento, CA 95814

Re: Letter of Opposition for AB 742 (Jackson)

Dear Assemblymember Holden:

The City of Murrieta and the Murrieta Police Department are strongly opposed to Assembly Bill 742, which would prohibit the Murrieta Police Department from using apprehension canines (K9s) to search for and arrest felony suspects.

We reject Mr. Jackson's statements associating our current use of K9s to systemic racism. Our Police Officers are not racially prejudiced members of our community, as Mr. Jackson alluded to at his press conference. Moreover, his misuse of K9 data is disturbing and inaccurate. Our statistics, including the DOJ data he cites, debunk these misleading assertions outright.

We do agree that at certain times in our nation's history, K9s were used inappropriately and the images of K9s being used in the 1960s are quite disturbing. However, when we look at how the training for our profession has evolved, and after proper academic analysis of current data, it is clear that any comparison between then and now is not valid.

The Murrieta Police Department prides itself on using K9s only when necessary to protect the safety of the public and our officers. In fact, our policy only permits the use of K9s to apprehend adults suspected of serious felonies, and after providing several verbal announcements/warnings (if reasonably safe to do so). Our policy goes one step further and recommends our K9 officers announce their intent to use a K9 in other languages if time permits. Further, our policy also strictly prohibits the use of K9s to apprehend known juvenile suspects.

The following Murrieta Police Department force analysis data proves that K9s are an extremely effective and statistically proven de-escalation tool. In 2021, 153 K9 deployments / apprehensions out of 157 resolved themselves without escalating to using a K9 to apprehend via an actual bite. In fact, only 4 K9 apprehensions in 2021 resulted in a bite. Similarly, in 2022, 115 K9 deployments/ apprehensions out of 115 resolved themselves without escalating to using a K9 to apprehend via an actual bite. In 2022, Murrieta PD had 0 K9 bites. To put an even finer point on this data, only 1.4% of our K9 deployments/ apprehensions over the last 2 years resulted in a bite. Surrounding agencies have similar statistics and those statistics were provided to Mr. Jackson during a joint meeting in early March of this year.

The data demonstrates that roughly 99% of K9 apprehensions never involve an actual bite. Rather, suspects overwhelmingly surrender upon hearing our announcements and seeing a police K9 in their sights. They would much rather surrender than engage a police K9. This proves that K9s are one of the most effective de-escalation tools available to our agency and to agencies throughout the state. However, if K9s are limited to bark and alert only, suspects are unlikely to surrender, which means that officers would need to use other use of force tactics to gain compliance.

Unlike a bullet that is destined to land upon its target once shot, K9s are a tool that can be summoned back if the suspect gives up. If, after a K9 latches on, the suspect gives up, the K9 handler is trained to give the dog commands to stop and pull the dog away from the suspect. The K9 is also trained to discontinue the bite upon hearing the specific command and is trained to obey the handler. This is accomplished by extensive initial training and continual ongoing training by our handlers and their dogs. In 2022, Murrieta PD K9 handlers trained with their K9 partners for over 1000 hours. Our K9 handlers are experts in de-escalation.

Mr. Jackson purports that 67.5% of K9 bites result in hospitalization while the use of other force options, like tasers, pepper spray, or batons, only results in 22% hospital visits. To the uninformed audience, this sounds like police K9s are statistically more dangerous and more likely to inflict harm than other force options. The reality is police agencies throughout the state use different metrics when determining when to hospitalize a suspect.

Our policy is to take a suspect to the hospital 100% of the time after receiving a K9 bite, regardless of if the person was injured or not. This is done to ensure the person receives professional medical attention to address their wounds, if any, and for liability reasons. However, if we applied Mr. Jackson's flawed logic here in Murrieta, our data would show that 100% of our K9 deployments / apprehensions resulted in hospitalization. But again, this is because our policy, is to take all of our apprehended felony suspects to the hospital after a K9 bite. Thus because of our policy, using Mr. Jackson's flawed logic, a casual observer would incorrectly require concluding that our K9s are disproportionately dangerous and injurious as compared to other force options. This logic is astonishingly misleading and inaccurately reflects reality.

Our policy on hospitalizing an arrestee after using other force options is dependent on the amount of force and tool used. For example, if an arrestee is pepper sprayed during an arrest, no hospitalization is required unless the person has an adverse reaction requiring additional medical attention other than what a paramedic or EMT can administer on scene.

Even more misleading, is how Mr. Jackson cited data from the DOJ indicating that 4 people died from K9 bites in 2021. This is, yet again, an inaccurate interpretation of data. Yes, the DOJ did report 4 people died after being apprehended by a K9. However, what he did not point out is that 3 out of the 4 suspects were in fact shot first, presumably by the police, prior to a K9 being sent. Thus, 3 out of 4 people died of a gunshot wound, not a K9's bite. Mr. Jackson further claims that in 2021, three-fourths of those killed by police K9s were people of color. While three-quarters of the people cited as dying from K9s were either Black or Hispanic, they died from a gunshot wound, not from a bite by a K9. The reality is that the only person that truly died from a K9 bite in 2021 was White. This is but another example of the author citing data inappropriately to push a false narrative and to mislead the people of California.

Letter of Opposition for AB 742 (Jackson)

March 22, 2023

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In closing, after careful analysis of the facts and properly interpreting data and statistics, it is clear the use of K9s to apprehend felony suspects is highly effective, not racist, and is an excellent and proven de-escalation tool for law enforcement. If this bill passes as is, you will be taking away a valuable de-escalation tool and force law enforcement may have to use deadly force in cases where a K9 could have been able to diffuse the situation safely. I strongly urge you to vote NO on this bill after carefully evaluating the facts and data for yourselves.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Conrad". The signature is stylized with a large, looped initial "A" and a cursive "Conrad".

Lisa DeForest
Mayor - City of Murrieta

Anthony Conrad
Chief of Police - City of Murrieta