

# OFFICE OF THE INDEPENDENT POLICE MONITOR

Use of Force Investigation: Discharge of CEW (Taser) April 5, 2019



## Parties Involved

## Key Facts Cont'd



### Officer Ron Howard

NOPD Field Operations Bureau



### Length of Service:

March 23, 2008



### History:

No prior unauthorized use of force



### Use of Taser:



- The individual ran from the officers and into on-coming traffic, across the busy highway and down the street toward traffic. The officers followed and attempted to get him out of traffic. They were unsuccessful in their efforts.
- Ofr. Williams unholstered her CEW, but she did not in deploy her CEW.
- Officer Ron Howard arrived in SMART car unit. He was not equipped with a BWC because he was working a detail.
- The individual continued running into traffic.
- While the individual was the middle of on-coming traffic, he made a statement to Officer Howard. Officer Howard deployed his CEW. This cycle lasted 5 seconds.
- Ofc. Williams approached and attempted to handcuff the individual, but her handcuffs would not lock.
- The individual attempted to get up from his stomach. Ofr. Howard tased him again for 5 seconds.
- Officer Williams attempted to use an additional set of handcuffs on the individual and failed.
- The individual attempted to get up again.
- Ofr. Howard tased the individual for a 3rd time. This tase lasted 7 seconds.
- Ofr. Williams ultimately used 3 sets of handcuffs to restrain Mr. Hawkins.

## Key Facts

- Officers Domonique Williams and Simone Quintero responded to a 911 call near the A&M Food Store on McShane Place.
- The officers encountered an individual who appeared to be having a mental health crisis. The officers attempted to calm the individual down, but he remained distressed.

## KEY QUESTIONS ASKED BY THE OFFICE OF THE INDEPENDENT POLICE MONITOR (OIPM)

1. Were the officers' tactics *sound* and *reasonable*?
2. Was the level of force *appropriate* for the crime/level of resistance?
3. Was there any equipment concerns during the incident?
4. Was the Force Investigation Team's investigation *accurate, timely, thorough* and *complete*?
5. Was there any policy implications and/or violations during the incident?
6. Was there any training needs identified during the investigation?
7. Did the investigation identifies potential risk management or liability issues faced by NOPD?
8. Did the officers use good decision-making skills during the incident?
7. Are there special *lessons learned* through this incident?
8. Were *bystander/civilians' safety* preserved?
9. Were officer(s) and suspected person(s) safety preserved?
10. Did OIPM discover any potential constitutional or other legal issues that were not addressed or were addressed inadequately by the investigation?

With this report and report summary, the Office of the Independent Police Monitor (OIPM) shows its commitment to building public confidence in law enforcement through transparency, accountability and fairness. The OIPM spent over hours reviewing and monitoring this Use of Force case. With our oversight and recommendations, OIPM hopes to lower the risk level posed to the community, the Department and liability.

## USE OF CEW

More than two applications of an CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive

NOPD Policy Chapter 1.3



## LOCATION OF INCIDENT



## PIB/FIT ANALYSIS

- **Use of Force**
  - This case was originally classified as a Level 2 Use of Force by the district. PIB/FIT upgraded this incident to a Level 4 Use of Force based upon NOPD Chapter 1.7.1.
- **Training**
  - Ofc. Ron Howard was counseled to keep his finger off the trigger and allow the CEW to cycle on its own.
  - Ofc. Williams was instructed to replace or perform maintenance on her handcuffs. She was also instructed her CEW shall not be left unattended.
- **Equipment Use**
  - PIB/FIT identified equipment use problems with (1) how long Ofc. Howard left his finger on the CEW trigger, (2) Ofc. William's handcuffs did not work properly, (3) Officer Williams left her CEW on the ground unattended, and (4) Ofc. Quintero drove her police unit against the flow of traffic.
- **Policy Violations/Considerations**
  - PIB/FIT identified the following areas of concern: (1) continuous cycling of the CEW, (2) abandonment of the CEW, and (3) driving against the flow of traffic.
- **Tactics**
  - PIB/FIT had concerns with the following tactics: (1) non-functioning handcuffs, (2) continuous application of the CEW trigger, (3) driving against the flow of traffic, and (4) abandonment of CEW.



## OIPM ANALYSIS AND RECOMMENDATIONS

- **Commendation of PIB/FIT Officers**
  - OIPM commends PIB/FIT for the thoroughness of their investigation. OIPM also commends NOPD officers for their calm reactions to an individual in a mental health crisis.
- **Use of Force**
  - OIPM is agreement with PIB/FIT that more than two applications of a CEW on an individual during a single interaction and more than 15 seconds of consecutive applications are Level 4 uses of force.
  - OIPM agrees with PIB/FIT that Ofc. Howard's CEW use was justified.
- **Failure to Warn**
  - PIB/FIT did not address Ofc. Howard's failure to warn the suspected person before deploying his CEW three times.
- **Equipment Use**
  - OIPM agrees that Ofc. Williams failed to secure her CEW.
  - PIB/FIT did not address Ofc. Quintero and Sgt. Blacher's failure to properly secure CEW discharge evidence.
- **Sequestration**
  - PIB/FIT failed to discuss the sequestration of officers. Officers Howard and Quintero were permitted to discuss the use of force in the presence of each other and after briefing Sgt. Blacher.
- **Recommendation**
  - OIPM recommends that the UFRB start a discussion about requiring officers working secondary employment to wear body worn cameras.