



CITY OF
MUSKOGEE
POLICE DEPARTMENT

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Q1. Has Lt. Beach completed department approved training in the use and application of the vascular neck restraint as required in the department's use of force policy section 300.3.6?

Answer: MPD Policy only permits use of the vascular neck restraint in limited circumstances, such as where the suspect is: 1) violent; 2) physically resisting; 3) or, by words or action demonstrates an intent to be violent and reasonably appears to have the potential to harm officers, the suspect himself or others. The vascular neck restraint is a technique, which compresses the carotid artery and causes unconsciousness by suppressing blood flow. Only Officers who have completed department-approved training in the technique may use it and only then when additional consideration is given to the apparent age and general health of the suspect. Lt. Beach has not completed department approved training in the use of the vascular neck restraint. As such, his use of the technique in any circumstance would be a violation of policy. However, based upon an internal investigation conducted by MPD, with assistance of an independent use of force expert, the maneuver exerted by Lt. Beach was not a vascular neck restraint, but was a maneuver known as the "bar arm choke." As distinct from the vascular neck restraint, which restricts blood flow, the bar arm choke is a technique which suppresses the larynx and air flow to cause unconsciousness. This technique is not an approved use of force maneuver under MPD Policy.

Q2: Since the suspect was not violent or physically resisting and did not demonstrate an intention to be violent or harm others, was Lt. Beach's application of a hand choke and a choke hold reprimanded in some way by the police department? If so, how.

Answer: Lt. Beach has not completed department approved training in the use of the vascular neck restraint, so any use of that technique in any circumstances would be a violation of departmental policy. However, Lt. Beach did deploy the vascular neck restraint, instead he used a bar arm choke, which is a violation of MPD policy.

While the scope and level of discipline is a confidential personnel matter, corrective action was taken.

Q3: Was the suspect promptly examined by medical personnel and monitored by them as required in paragraph d? The video sees him being examined for a cut on his forehead, but the medical personnel were not informed that the suspect had been choked.

Answer: Paragraph (d) relates to the use of the vascular neck restraint technique, which was not the technique utilized by Lt. Beach. However, while the suspect was indeed examined by medical personnel, they were not informed that Lt. Beach deployed the “bar arm choke” use of force on the suspect. As previously stated, the “bar arm chock” is not an approved use of force maneuver.

Q4: Was the jail informed that the suspect had been choked by Lt. Beach as required by paragraph (e).

Answer: Paragraph (e) relates to the use of the vascular neck restraint technique, which was not the technique utilized by Lt. Beach. However, the jail was not informed that the use of the bar arm choke was utilized on the suspect. As previously stated, such a maneuver is not an approved use of force method by MPD.

Q5: Was Lt. Beach’s supervisor promptly notified as required by paragraph f?

Answer: Paragraph (f) relates to the use of the vascular neck restraint technique, which was not the technique utilized by Lt. Beach. However, his supervisor was immediately notified of the use of force, and a use of force completed.

Q6: Did Lt. Beach “thoroughly” document the use of the restraint as required by paragraph g?

Answer: Paragraph (g) relates to the use of the vascular neck restraint technique, which was not the technique utilized by Lt. Beach. However, any use of force on a suspect requires the completion of a use of force form. A use of force form was completed by Lt. Beach as required by MPD Policy.

Q7: Was Lt. Beach reprimanded for attacking the suspect who did not attack him, but instead elicited the choke by calling Beach a “punk ass bitch”? Is it department policy to allow officers to choke suspects who call them names?

Answer: MPD policy requires officers to use the level of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. When those circumstances are evaluated, the reasonableness standard recognizes that officers are often required to make split-second decisions about the amount of force the

reasonable appears necessary in any particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving. While Lt. Beach's deployment of the bar arm choke technique is not an approved use of force technique under any circumstances, and as such violates MPD Policy. In this particular situation, the suspect did appear to act in a violent manner toward Lt. Beach, and while cursing with such ferocity and close proximity to Lt. Beach that the suspect was spitting in his face. When a suspect is handcuffed, his ability to inflict an assault on an officer is reduced, but it is not eliminated. Lt. Beach, during the course of the incident, believed the suspect, acting with such intense anger, was going to strike Lt. Beach with his head. As previously stated, the use of force maneuver deployed by Lt. Beach in this situation was not an approved method and corrective action has been taken by MPD.

Q8: Is it department policy to slam the heads of suspects into patrol cars while yelling "Who the hell do you think you are?" after attacking and choking them?

Answer: MPD policy requires officers to use the level of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. When those circumstances are evaluated, the reasonableness standard recognizes that officers are often required to make split-second decisions about the amount of force the reasonable appears necessary in any particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving. The circumstance you describe in your question would never be an approved use of force by MPD; however, the internal investigation conduct in this matter as referenced in Q1, did not reveal that Lt. Beach slammed the suspects head into the patrol car. Rather, the suspects injury to his head was caused when he "head-butted" the patrol car.

Q9: Is it department policy to stand on a suspect's neck with the knee as Lt. Beach did?

Answer: Control techniques deployed during a use of force encounter would not include placing body weight on a suspect's neck because of the injuries that could occur. From MPD's investigation, it appears that Lt. Beach was attempting to utilize the "three point handcuff stance." Any control technique, even those involving the "three point handcuff stance" can create risks of injury if done incorrectly thought loss of control of the suspect or too much pressuring being applied. While the three point handcuff stance was the original standard taught by CLEET, very recently that method has been replaced with the "back mount technique" because it is much more difficult for a suspect to gain control over the officer. A mandatory refresher utilizing this technique is planned for all officers of the MPD.

Q10: Did the suspect receive the mental help he was requesting?

Answer: No mental help was provided by MPD in this instance. Generally speaking, when a person is arrested for commission of a crime, it is up to the court to determine when or if a suspect receives mental evaluation and assistance. Alternatively, when MPD responds to a person experiencing a mental crises when no crime has been committed, MPD will facilitate an Emergency Order of Detention.

Q11: Was the suspect provided with the appropriate forms to file a brutality complaint as he requested?

Answer: During the course of the suspect's arrest, he was not provided paperwork to file an internal complaint, and no complaint against Lt. Beach was ever made against the suspect. Instead, an internal investigation was initiated at the request of Chief Teehee. During the investigation, multiple unsuccessful attempts were made to contact the suspect; however the telephone number and address he provided were invalid.

Q12: Why doesn't Lt. Beach wear a body camera?

Answer: MPD Policy 420.6(a) only requires officers of the rank of Sergeant and below to utilize the Axon body camera system while working patrol.

Respectfully Submitted,

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