

*2007 Annual  
Use of Force - Response to Resistance Report*



Austin Police Department  
December 2008

Prepared by the Austin Police Department  
Research and Planning Unit

## Executive Summary

This annual report reviews the Austin Police Department's use of force during calendar year 2007. Since police may properly use force in response to resistance from subjects with whom they have come in to contact, the revised general orders effective for June 2008 refer to use of force as a "response to resistance." Police provide response to resistance in order to control potentially dangerous situations that may result in harm to the subject, the officer, or others.

In 2007, the Austin Police Department responded to 375,253 dispatched calls for service and made 164,091 traffic stops, 13,996 pedestrian stops, and 51,763 self-initiated contacts with the public. In 2007 there were 51,465 arrests recorded citywide and 789 use of force reports submitted by officers, involving 636 subjects. There are more reports than subjects because in those incidents that involved more than one officer, each officer using force on a subject completed a report.

### *Key findings in the 2007 Use of Force – Response to Resistance Report:*

- In 2007, **1.5% of arrests resulted in the use of force**, representing a decline from the 2006 use of force rate of 2.0%.
- **Overall, the number of citizen contacts with the police remained stable** as compared to 2006. In 2006, there were 598,457 contacts and 605,103 contacts in 2007. While traffic stops conducted by APD officers decreased by 10% (18,806 stops) and pedestrian stops decreased by 15% (2,123), dispatched calls increased by 5.8% (20,652 calls).
- **Compared to the use of force rate per 1,000 arrests in 2006, the rates in 2007 have decreased for all races. The actual number of subjects in a use of force report** decreased by 57 for Whites; 45 for Blacks; 59 for Hispanics, and 25 for others.
- **The number of use of force subjects declined by 22.6%**; in 2007 there were 636 subjects, compared to 822 subjects in 2006.
- In 2007 the most frequent subject action resulting in a use of force by an officer **was aggressive resistance followed by defensive resistance**. Subjects of use of force reports used aggressive resistance in 47.3% of the incidents in which an officer used force, and 26.9% used defensive resistance; these ratios remain largely unchanged from 2006.

## Background

A police officer's duty is to protect the life and property of persons in their jurisdiction. It is the policy of the Austin Police Department that officers use only minimum level of force which is reasonably necessary to bring an incident under control, while protecting the life of the officer and others. The amount of force used should reflect the level necessary to bring a situation under control.

When an officer responds to an incident and when force is used to control a situation, APD policy requires that the event be documented on the Use of Force Report Form, to include a description of the type of force used (i.e., hands, impact weapon, chemical weapon, Tasers (conductive energy devices), less lethal munitions, handgun, etc.). The Department voluntarily implemented collection of use of force information in 1998 in effort to better understand the conditions under which officers use force, and to assist supervisors in reviewing use of force events. The Department also utilizes use of force data to improve training and policy. As an example, department use of force policy and training related to the use of Tasers was revised in 2005 based on the information collected in use of force reports. APD's use of force policy was thoroughly evaluated in 2007. During 2007, the APD Policy Review Committee began drafting recommended changes to the response to resistance policy.

## Reports by Type of Force and Arrests

Most use of force events are the officer's response to resistance by a person being arrested. **In 2007, 1.5% of all arrests resulted in a use of force report.** The frequency of the use of force reported by officers may be analyzed using a rate per 1,000 arrests. The rate allows for year-to-year data comparisons regardless of changes in the number of recorded use of force reports, arrests, population, or number of officers in the department. In 2007, there were 636 subjects involved in a use of force event and 51,465 arrests. This produces a rate of 12.4, use of force events per 1,000 arrests, a decrease from 2006 when the use of force rate per 1,000 arrests was 15.9. Table 1 provides rate per arrest by race.

**Table 1: Use of Force by Race**

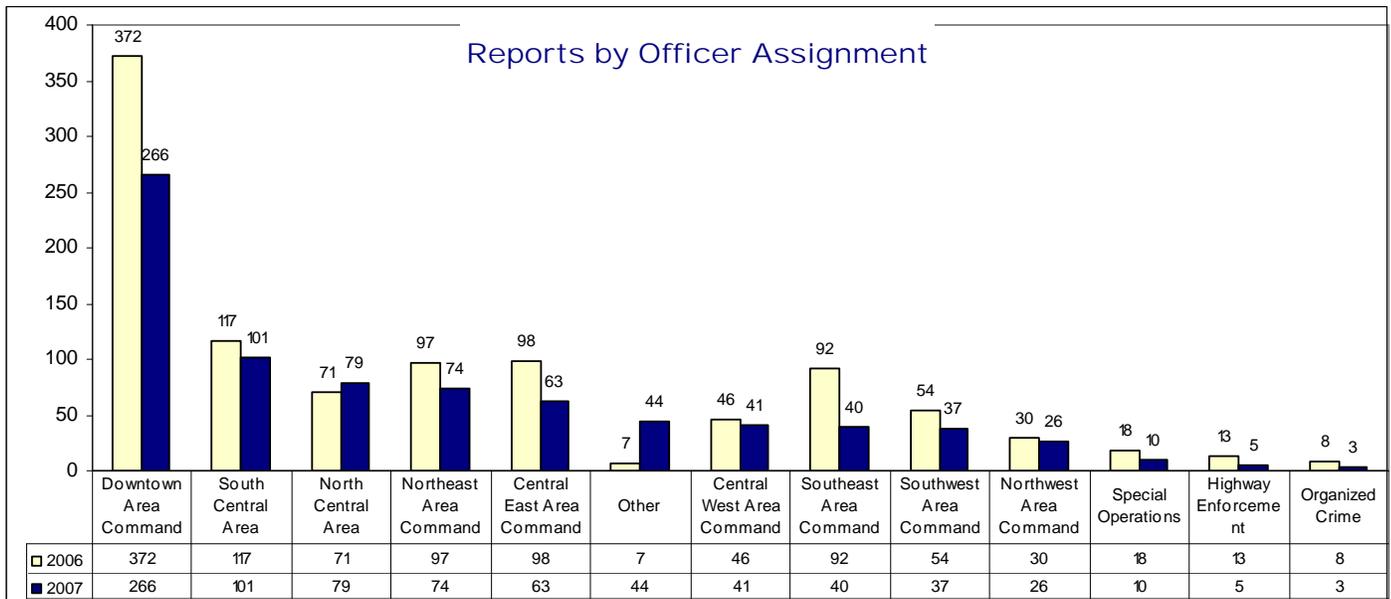
	White			Black			Hispanic		
	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests
2007	21,655	213	9.8	11,915	176	14.8	17,556	236	13.4
2006	21,344	270	12.6	12,167	221	18.2	17,909	295	16.5
Percent Change	1.5%	-21.1%	-22.2%	-2.1%	-20.4%	-18.7%	-2.0%	-20.0%	-18.4%

	Other			Total		
	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests
2007	339	11	32.4	51,465	636	12.4
2006	294	36	122.4	51,714	822	15.9
Percent Change	15.3%	-69.4%	-73.5%	-0.5%	-22.6%	-22.3%

Compared to the use of force rate per 1,000 arrests in 2006, the rates in 2007 have decreased for all racial categories. In 2007, the number of subjects in a use of force report decreased by 57 for white subjects, 45 for black subjects, and 59 and 25, for Hispanic and other respectively. While the use of force rate decreased for all racial groups, the rate for blacks and Hispanics remains higher than for whites. The number of use of force subjects declined by 22.6%, in 2007 there were 636 subjects, as compared to 822 subjects in 2006.

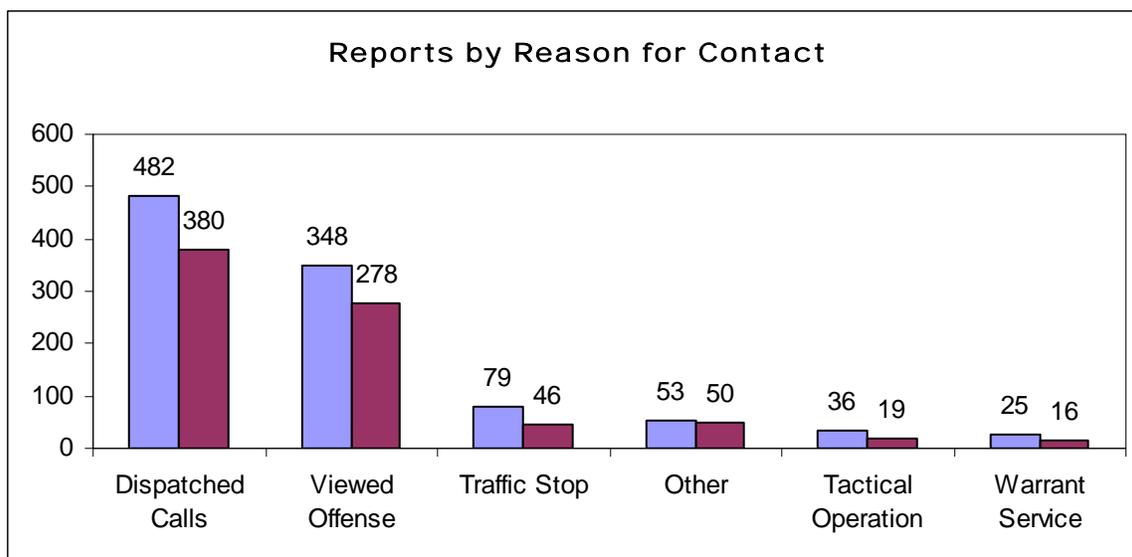
### Reports for Each Area Command

The Downtown Area Command accounted for 33.7% (266) of all use of force incidents reported in 2007. The Downtown Area Command includes the entertainment district with many music venues and special events which account for the significant portion of incidents reported by this area command. All of the area commands experienced a decrease in use of force reports with the exception of the North Central Area Command and units represented in the Other category. The North Central Area Command reported an 11.3% increase in use of force incidents in 2007. “Other” includes accreditation, SWAT, Intelligence Unit, Violent Crime, Metro Tactical and Property Crimes Units.



### Reports by Reason for Contact

In 2007, the majority of use of force events (380) were related to dispatched calls -- the officer responded to a call for service. The second highest contact (278) which resulted in a use of force incident occurred when an officer witnessed an offense which is referred to as a “viewed offense.”

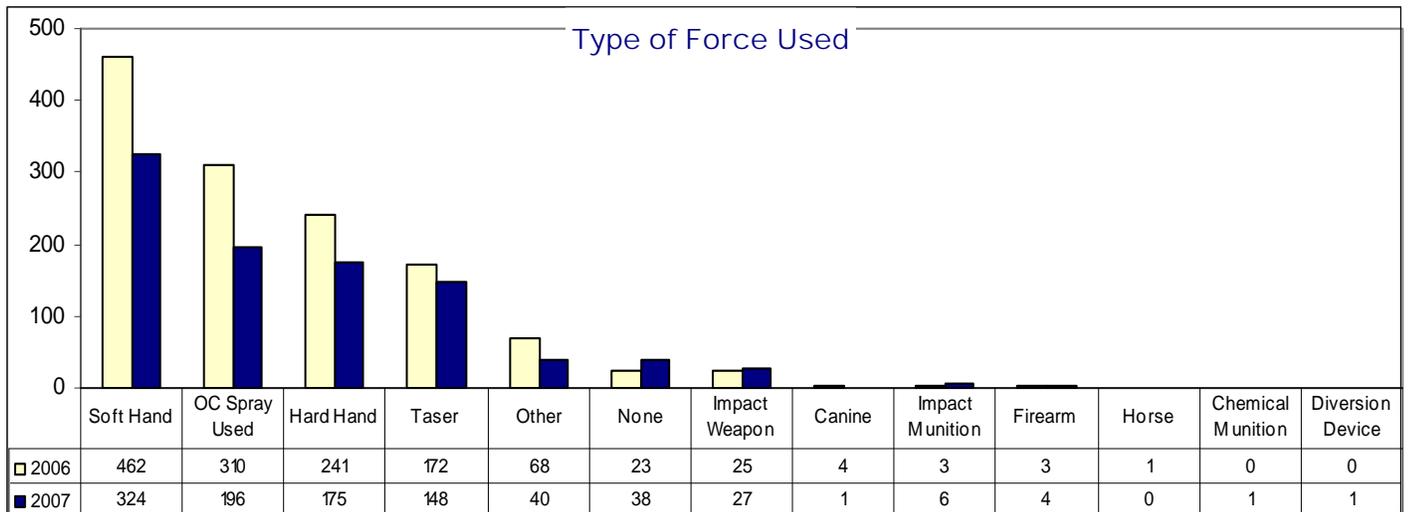


Reason for Contact	2006	Percent of 2006 Reports	2007	Percent of 2007 Reports	Percent Change
Dispatched Calls	482	47.1%	380	48.2%	-21.2%
Viewed Offense	348	34.0%	278	35.2%	-20.1%
Traffic Stop	79	7.7%	46	5.8%	-41.8%
Other	53	5.2%	50	6.3%	-5.7%
Tactical Operation	36	3.5%	19	2.4%	-47.2%
Warrant Service	25	2.4%	16	2.0%	-36.0%
<b>Total</b>	<b>1023</b>	<b>100.0%</b>	<b>789</b>	<b>100.0%</b>	<b>-22.9%</b>

## Reports by Type of Force Used

During an incident in which force is used in response to resistance, an officer may have to use more than one type of force. Further, more than one officer may use force in order to try and control the situation. As a result, a single incident may result in more than one use of force report and each report may include more than one type of force. Thus, the types of force used can be more than the total number of use of force reports filed.

**In 2007 there was an overall decline in the types and number of use of force event;** there were 923 force types reported in of 789 reports. In 38 of the reports, no force was used. In 2006 there were 1,289 types of force used in a total of 1,023 reports. In 2007, the number of force types used declined by more than 28.4% from 2006.



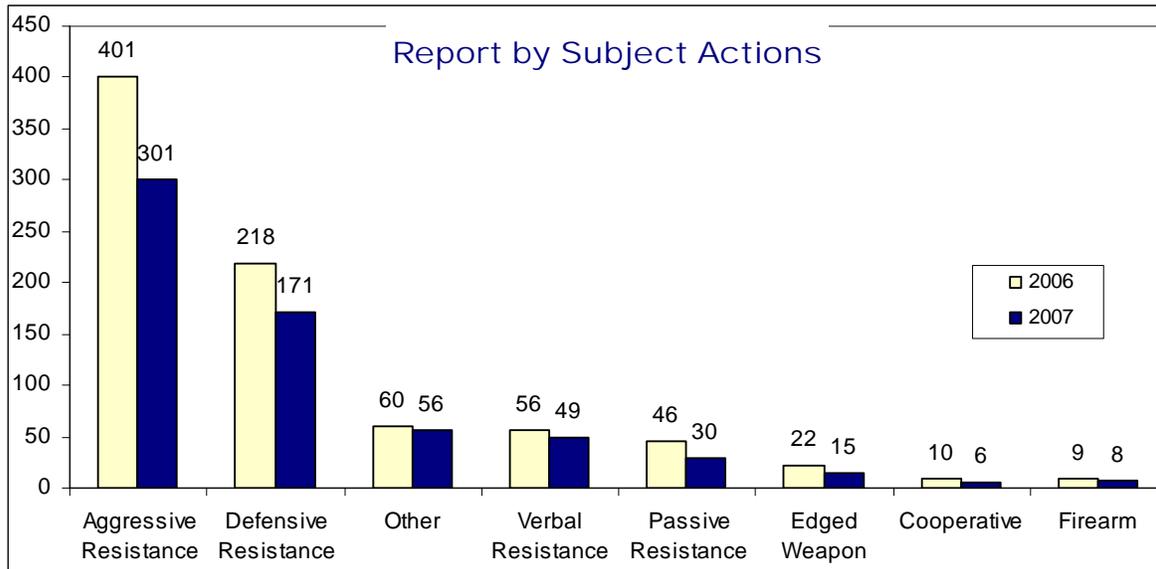
The chart above shows the types of force that may be used by an officer responding to varying levels of resistance from a subject. The chart also indicates the number of times each type of force was used in 2006 and 2007.

- Soft-Hand Control—techniques such as joint locks, pressure points, and escort hold.
- OC Spray—chemical weapon known as "pepper spray."
- Hard-Hand Control—techniques such as hand and leg strike.
- Taser—a less-lethal device employing electronic muscular disruption technology that briefly causes loss of voluntary muscle control.
- Other—verbal commands or any other action that cannot be categorized in any specific use of force category.
- Impact Weapon—a weapon or object that is used to strike, such as a nightstick.
- None- subject complained of pain but no force was used during the incident.
- Canine – use of a dog in an arrest situation where dog bite occurs.
- Impact Munitions—extended-range impact weapon such as the shotgun that fires a bean-bag round.
- Firearm Used—firearm fired in response to a threat of serious bodily injury or death.
- Chemical Munitions -- an extended range chemical weapon. This is the 37 mm launcher carried by the SWAT and SRT units that deploys irritant gases.
- Diversion Device—flash bang device used by SWAT, which emits a loud noise and a bright flash.

**In 2007 the total number and type of use of force actions decreased as compared to 2006.** Use of Taser weapon decreased from 172 in 2006 to 148 uses in 2007. In 2007 chemical munitions and a diversion device was used in 2007, neither weapon was used in 2006.

## Reports by Subject Action

In 2007 the most frequent subject action resulting in a use of force by police was aggressive resistance by the subject. For subjects that displayed more than one type of resistance, the most serious subject resistance is included in the chart below.

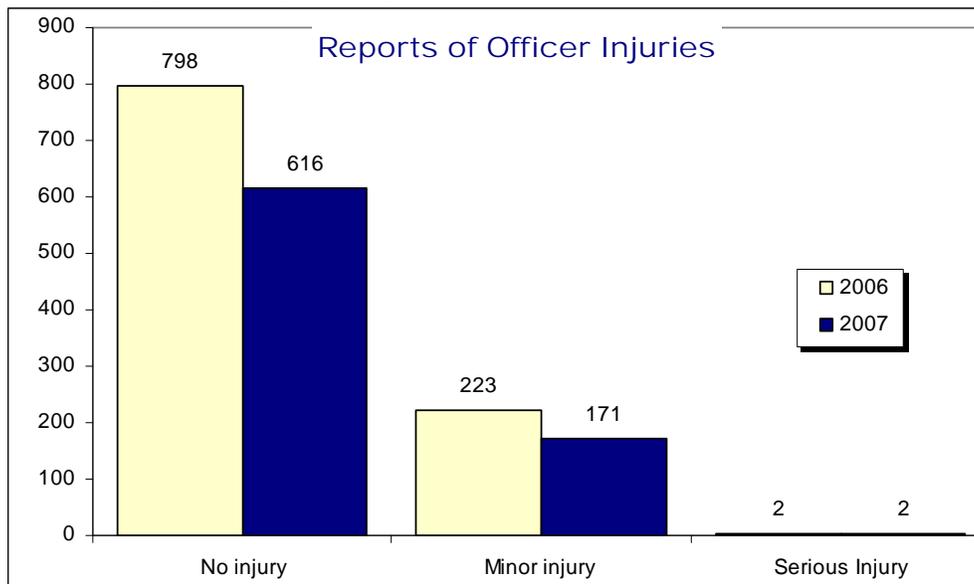


- Aggressive Resistance—physical assaults by the subject on the police such as kicks, punches, slaps, grabs, and head butts.
- Defensive Resistance—physical resistance by the subject such as pulling and pushing away to prevent the police officer’s control.
- Other—any other resistance by the subject to hinder arrest or control, actions that might be harmful to a person other than the officer, or actions by the subject that might harm themselves. Also included in other are reports where no subject action was noted.
- Verbal Resistance—verbal statements resisting police control, indicating refusal to cooperate, and threats.
- Passive Resistance—physical resistance less than defensive or aggressive resistance such as going limp.
- Edged Weapon—use or attempted use of a knife or similar weapon.
- Cooperative—no attempt at resistance or use of weapons. Use of force reports were generated because subjects complained of pain and/or injury while in custody.
- Firearm—use or attempted use of a firearm.

<b>Table 3: Reports by Subject Action</b>	2006	Percent of 2006 Reports	2007	Percent of 2007 Reports	% change
Aggressive Resistance	401	48.78%	301	47.3%	-24.9%
Defensive Resistance	218	26.52%	171	26.9%	-21.6%
Other	60	7.30%	56	8.8%	-6.7%
Verbal Resistance	56	6.81%	49	7.7%	-12.5%
Passive Resistance	46	5.60%	30	4.7%	-34.8%
Edged Weapon	22	2.68%	15	2.4%	-31.8%
Cooperative	10	1.22%	6	0.9%	-40.0%
Firearm	9	1.09%	8	1.3%	-11.1%
<b>Total</b>	<b>822</b>	<b>100.0%</b>	<b>636</b>	<b>100.0%</b>	<b>-22.6%</b>

## Reports by Officer Injury

In 2007, 171 officers suffered minor injuries responding to resistance from subjects compared to 223 minor injuries in 2006. There was no change in the number of serious injuries to officers as reported in 2007. Serious injuries typically require hospitalization or intensive medical treatment.



<b>Table 4: Reports by Officer Injury</b>	2006	Percent of 2007 Reports	2007	Percent of 2007 Reports	% Change
No injury	798	78.0%	616	78.1%	-22.8%
Minor injury	223	21.8%	171	21.7%	-23.3%
Serious Injury	2	0.2%	2	0.3%	0.0%
<b>Total</b>	<b>1023</b>	<b>100.0%</b>	<b>789</b>	<b>100.0%</b>	<b>-22.9%</b>

## Reports by Subject Injury

Minor injuries (46.3%) represented the largest proportion of injury reports for 2007, up by 58 in 2006. Reports of serious injuries increased from 1 in 2006 to 8 in 2007. It is important to note that of the 6 serious injury reports, 3 of these reports are on the same subject. Serious injuries are those that require hospitalization or intensive medical treatment. The deaths listed in the chart below are described later in this report in the “In Custody Deaths” section.

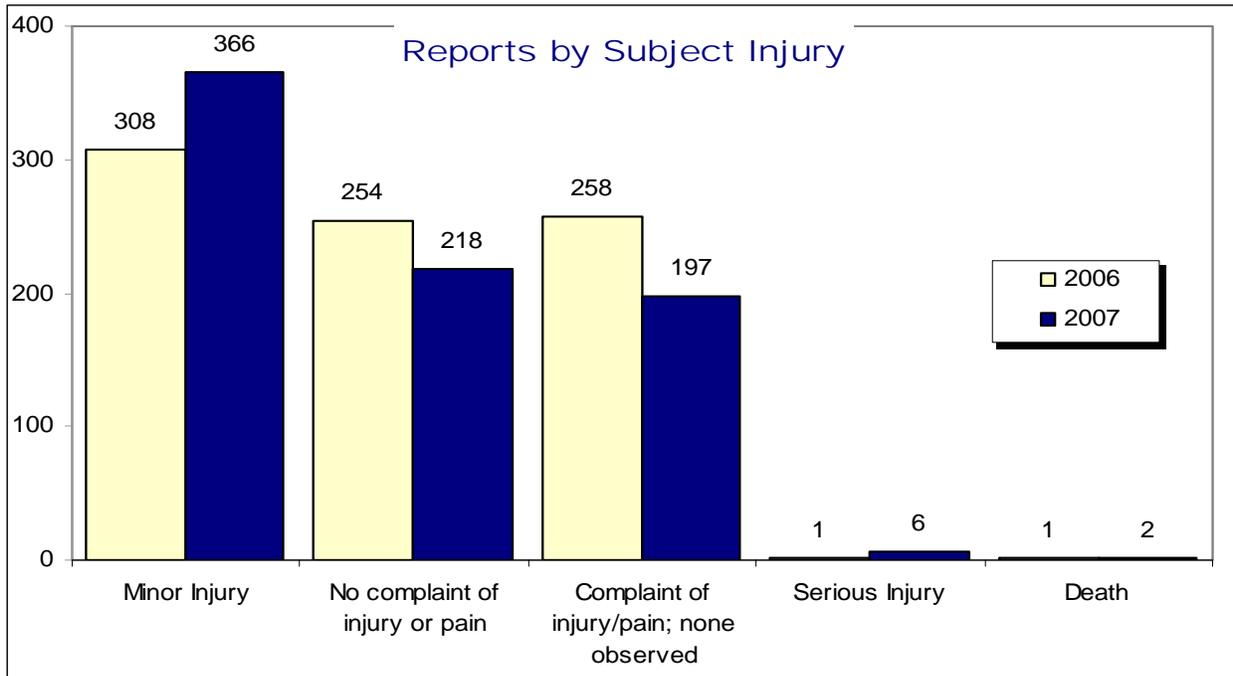


Table 5: Reports by Subject Injury	2006	Percent of 2006 Reports	2007	Percent of 2007 Reports	% Change
Minor Injury	308	37.5%	366	46.4%	18.8%
Complaint of injury/pain; none observed	258	31.4%	197	25.0%	-23.6%
No complaint of injury or pain	254	30.9%	218	27.6%	-14.2%
Serious Injury	1	0.1%	6	0.8%	500.0%
Death	1	0.1%	2	0.3%	100.0%
<b>Total</b>	<b>822</b>	<b>100.0%</b>	<b>789</b>	<b>100.0%</b>	<b>-4.0%</b>

## Reports by Officers' Years of Service

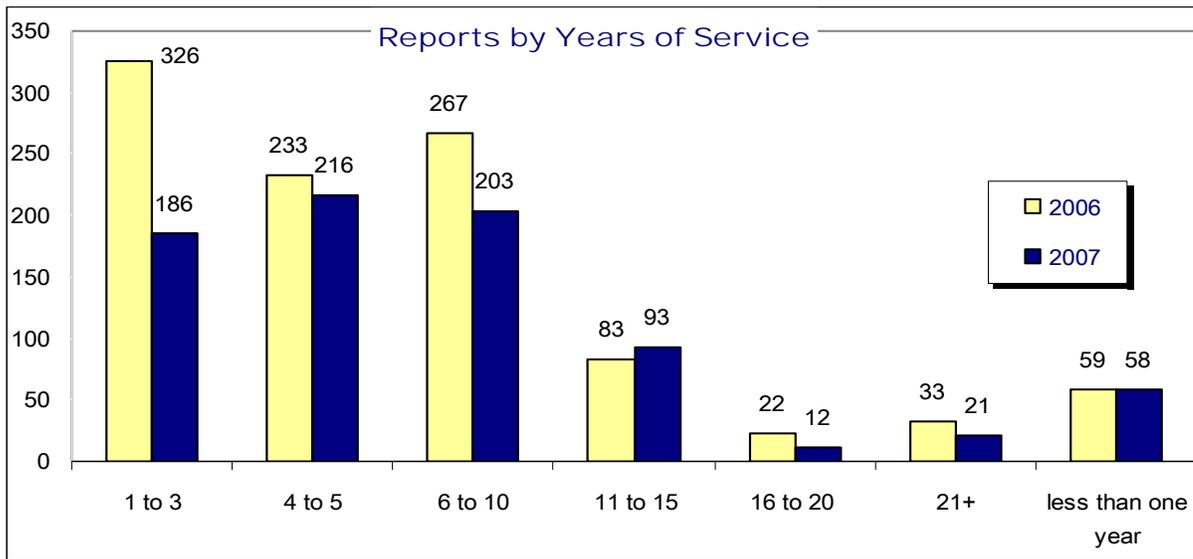
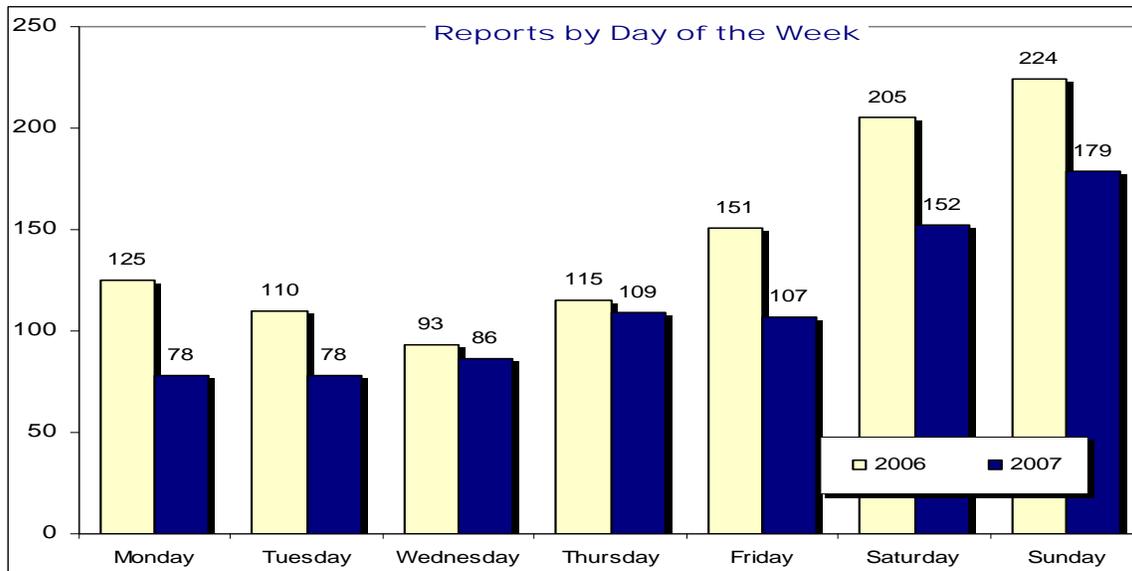


Table 6: Years of Service	2006	Percent in 2006	2007	Percent in 2007
1 to 3	326	31.9%	186	23.6%
4 to 5	233	22.8%	216	27.4%
6 to 10	267	26.1%	203	25.7%
11 to 15	83	8.1%	93	11.8%
16 to 20	22	2.2%	12	1.5%
21+	33	3.2%	21	2.7%
less than one year	59	5.8%	58	7.4%
unspecified	4	0.4%	0	0.0%
Total	1023	100.0%	789	100.0%

The average years of service for officers reporting response to resistance incidents in 2007 was 6.6 years, compared to average 6.3 years of service in 2006. In 2007, there were 382 officers involved in response to resistance incidents. The range of years of service for officers reporting use of force was from less than one year (probationary officers) to 29.54 years. Officers with 4 to 5 years of service submitted the highest number of response to resistance reports (216) in 2007. Officers with less than one year of service submitted 7.4% (58) of response to resistance reports, and officers with 10 or fewer years of service submitted 84.0% (663) of all response to resistance reports.

## Reports by Day of the Week

Use of force incidents most frequently occur at end of the week, and in 2007 approximately 70% of the use of force events occurred between Thursday and Sunday.

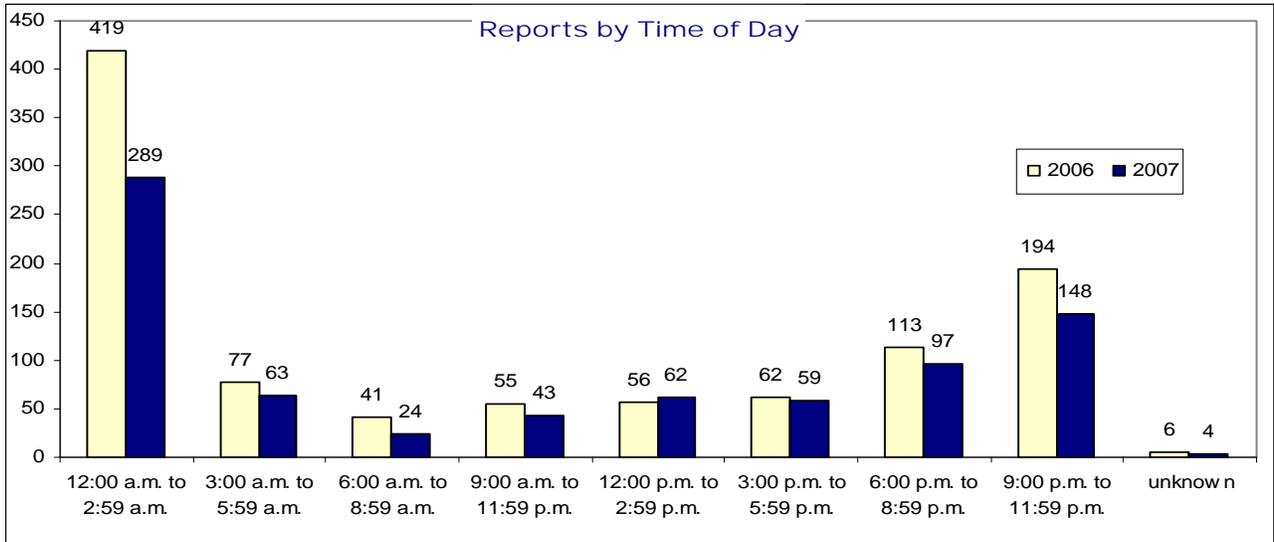


This pattern has been evidenced in use of force data for past several years. This pattern is most likely based on the increased number of incidents occurring downtown on the weekend.

Day of Week	2006	Percent of 2007 Reports	2007	Percent of 2007 Reports	% Change
Monday	125	12.2%	78	9.9%	-37.6%
Tuesday	110	10.8%	78	9.9%	-29.1%
Wednesday	93	9.1%	86	10.9%	-7.5%
Thursday	115	11.2%	109	13.8%	-5.2%
Friday	151	14.8%	107	13.6%	-29.1%
Saturday	205	20.0%	152	19.3%	-25.9%
Sunday	224	21.9%	179	22.7%	-20.1%
<b>Total</b>	<b>1023</b>	<b>100.0%</b>	<b>789</b>	<b>100.0%</b>	<b>-22.9%</b>

## Reports by Time of Day

Most use of force incidents occur between the hours of 12:00 a.m. and 3:00 a.m. as patrons are leaving the entertainment areas for the night. In 2007, 36.6% of all use of force incidents occurred at this time.



Time of Day	2006	Percent of 2007 Reports	2007	Percent of 2007 Reports	% Change
12:00 a.m. to 2:59 a.m.	419	41.0%	289	36.6%	-31.0%
3:00 a.m. to 5:59 a.m.	77	7.5%	63	8.0%	-18.2%
6:00 a.m. to 8:59 a.m.	41	4.0%	24	3.0%	-41.5%
9:00 a.m. to 11:59 p.m.	55	5.4%	43	5.4%	-21.8%
12:00 p.m. to 2:59 p.m.	56	5.5%	62	7.9%	10.7%
3:00 p.m. to 5:59 p.m.	62	6.1%	59	7.5%	-4.8%
6:00 p.m. to 8:59 p.m.	113	11.0%	97	12.3%	-14.2%
9:00 p.m. to 11:59 p.m.	194	19.0%	148	18.8%	-23.7%
unknown	6	0.6%	4	0.5%	-33.3%
<b>Total</b>	<b>1023</b>	<b>100.0%</b>	<b>789</b>	<b>100.0%</b>	<b>-22.9%</b>

## Use of Force – Response to Resistance, and In Custody Deaths

In 2007 there was one in-custody death and two other deaths associated with the response to resistance. The deaths must be reported to the Texas Attorney General. In-custody death occurs when a subject has been placed under restraint or arrest by an officer and the subject dies and dies while in custody.

Incident Number	Incident Date	Description of Case
07-2210051	09-Aug-07	APD responded to a call about a home invasion robbery. One of several suspects was arrested at the scene. Shortly after having been arrested, the subject died. <b>His death was determined to be as a result of natural causes.</b>
07-2391583	27-Aug-07	An APD officer responded to a call of a stabbing and upon arrival, encountered a female in handcuffs holding a 3-year-old girl. The child had suffered critical injuries to the neck area. Officers entered the hallway and confronted the subject who was wielding a knife. The officer ordered the suspect to drop the knife and when the subject lifted the knife over his head in an aggressive manner toward the officers, <b>the subject was shot. The subject was pronounced dead at the scene.</b>
07-1540634	03-Jun-07	The officer responded to a report of a suspect with a gun in the parking lot of Chester's Lounge. The officer attempted to detain the suspect, and the suspect fled. <b>During the ensuing foot pursuit the officer fired his duty weapon. The subject was pronounced dead at the scene.</b>

## Use of Force Training

APD provides approximately 190 hours of instruction in the use of force to each new cadet. This exceeds the 24 hours mandated by the Texas Commission on Law Enforcement. The APD cadet curriculum includes:

- Use of Force Concepts (introduction) – 40 hours
- Use of Force Law – 8 hours
- Strategies of Arrest -Mechanics of Arrest – 40 hours
- Strategies of Arrest - Firearms– 88 hours
- Oleoresin Capsicum (OC) Spray – 4 hours
- ASP Baton – 8 hours
- High-Risk Traffic Stops – 4 hours
- Less Lethal Shotgun – 4 hours
- Taser Training – 8 hours
- Other Defensive Tactics – 34 hours

Cadet training also includes topics intended to facilitate mutual understanding and strengthen ties to the diverse communities they will serve. The following topics may help officers to diffuse tense situations that might otherwise escalate into subject resistance and police response with use of force:

- Multiculturalism and Human Relations (including the Cadet Community Immersion Program) – 77 hours
- Crisis Intervention Training – 38 hours
- Leadership – 12 hours
- Attendance at Community Conference - 8 hours
- Spanish - 37 hours
- Excellence in Law Enforcement Communication including verbal judo and de-escalation techniques - 7 hours
- Services for the Deaf - 4 hours
- Problem Solving Critical Thinking - 2 hours
- Emergency Medical Assistance (First Aid/CPR) - 16 hours
- Public Speaking - 2 hours
- Ethics - 8 hours

Use of force training for cadets also includes approximately 40 role play exercises (scenario-based training) so APD instructors can evaluate how cadets react when confronted by violent subjects. The use of force training does not just address use of force options, levels of resistance and case law, but it also emphasizes gaining compliance through an understanding of psychological factors and how officers may use communication skills to minimize use of force. Cadets are taught strategies to reduce the need for force, including officer self-control and understanding of prejudices, emotions, and attitudes. The concepts of officer accountability and integrity are woven into the entire training program.

Current APD officers must complete 40 hours of training every two years, a portion of which is mandated by the Texas Commission on Peace Officer Standards and Education. Officers must qualify annually on their handgun and shotgun. Officers who have been approved to carry an AR-15 rifle qualify twice annually. Firearms qualification also includes a refresher on baton and OC spray usage. All officers must be recertified annually if they carry a conductive energy device (Taser).

## **Conclusion**

In protecting the life and property of the residents of Austin, the Department's response to resistance policy requires that officers use the minimum level of force that is necessary to bring an incident under control. The Department's primary consideration is citizen and officer safety. The Austin Police Department collects use of force information in order to better understand the department's use of force, and to determine if changes in policy, reporting, or training are called for. Reports made from this information are used to increase transparency and to enhance our service to the community.