

***2006 Annual
Use of Force - Response
to Resistance Report***

**Austin Police Department
December 2007**

Executive Summary

This Annual Report reviews the Austin Police Department's use of force in calendar year 2006. Since police may properly use force in response to resistance from subjects they have come in to contact with, the more current and accurate terminology is to refer to use of force as "response to resistance." Police use force in response to resistance in order to control potentially dangerous situations that may result in harm to the subject, the officer, or others.

In 2006, the Austin Police Department responded to 354,601 dispatched calls for service and made 182,897 traffic stops, 16,119 pedestrian stops, and 44,858 self-initiated contacts with the public. In all 598,475 contacts, officers used force¹ only 1,023 times or in less than 0.2% of all contacts. Most use of force or response to resistance events occur during an arrest when subjects are more likely to resist officers than in other routine contacts without arrest. In 2006, there were 51,714 arrests citywide and 1,023 use of force reports filed involving 822 subjects. There are more reports than subjects because in some incidents more than one officer responds to resistance and each officer completes a report. In 2006, only 2.0% of all arrests resulted in a use of force report —down from 2.4% for 2005.

Key findings from this 2006 Use of Force – Response to Resistance Report:

- **In 2006, only 2.0% of all arrests resulted in a use of force report.**
- **The Use of Force Rate (defined as the number of subjects involved in a use of force incident per 1,000 arrests) dropped 16.8% from 2005.** In 2006, the use of force rate was 15.9 per 1000 arrests, a decrease from the 2005 rate (19.1 use of force incidents per 1,000 arrests).
- **Compared to the use of force rate per 1000 arrests in 2005, the rates in 2006 have decreased for whites, blacks and Hispanics.** The actual number of use of force reports decreased by 85 for white subjects; 67 for black subjects; and 19 for Hispanic subjects.
- **For the second year in a row, use of Tasers declined (20% decline from 2005 to 2006)** The use of hard hand control increased from 233 reports in 2005 to 241 in 2006, and the use of an impact weapon increased from 18 to 25 reports.
- **Reports of serious injuries to subjects decreased from 8 in 2005 to 1 in 2006.** Serious injuries are those that require hospitalization or intensive medical treatment.
- **Use of Force reports that described incidents where an officer was seriously injured increased from 1 in 2005 to 2 in 2006.** Officers, however, are threatened and injured more often than is reported on use of force forms. Police departments are required to separately

¹ Force is defined as any physical action that causes apparent injury, or causes a person to complain of pain or injury.

report the number of officers who are assaulted to the federal government. In 2006, APD reported 163 assaults on officers -- up from 121 in 2005.

Background

A police officer's duty is to protect the life and property of everyone in Austin. It is the policy of this Department that officers use only the minimum level of force that is reasonably necessary to bring an incident under control while protecting the life of the officer and others. The amount of force used will be that amount of force that is essential for the officer to attain the objective of bringing the situation under control.

When an officer responds to resistance and uses force to control a situation, APD policy requires that the event be documented by a Use of Force Report Form with a description of the type of force used (i.e., hands, impact weapon, chemical weapon, Taser, less lethal munitions, handgun, etc.). The Department voluntarily started collecting use of force information in 1998 in order 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. For example, policy and training related to the use of Tasers was revised in 2005 based on information in use of force reports. Preparation of this Annual Use of Force Report is not a requirement for police departments, but is expected for accredited agencies such as APD.

APD's use of force policy is evaluated on an on-going basis. Chief Acevedo is now leading a major review and rewrite of the use of force policy, reporting, investigation, and training. Implementation of new policies are anticipated in early 2008.

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 2006, only 2.0% of all arrests resulted in a use of force report.** The frequency of the use of force by officers may be analyzed as a rate per 1,000 arrests. Using this rate standardizes the numbers so that they can be compared from one year to another regardless of changes in the number of reports of use of force, arrests, population, and number of officers in the department. In 2006, there were 822 subjects involved in a use of force event, and 51,714 arrests. This produces a rate of 15.9 use of force events per 1,000 arrests, a decrease from 2005 when the rate was 19.1 per 1,000 arrests. Table 1 provides the use of force rates for 2005 and 2006 broken down 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
2006	21,344	270	12.6	12,167	221	18.2	17,909	295	16.5
2005	21,308	355	16.7	11,937	288	24.1	18,445	314	17.0
Percent Change	0.2%	-23.9%	-24.3%	1.9%	-23.3%	-24.6%	-2.9%	-6.1%	-3.1%

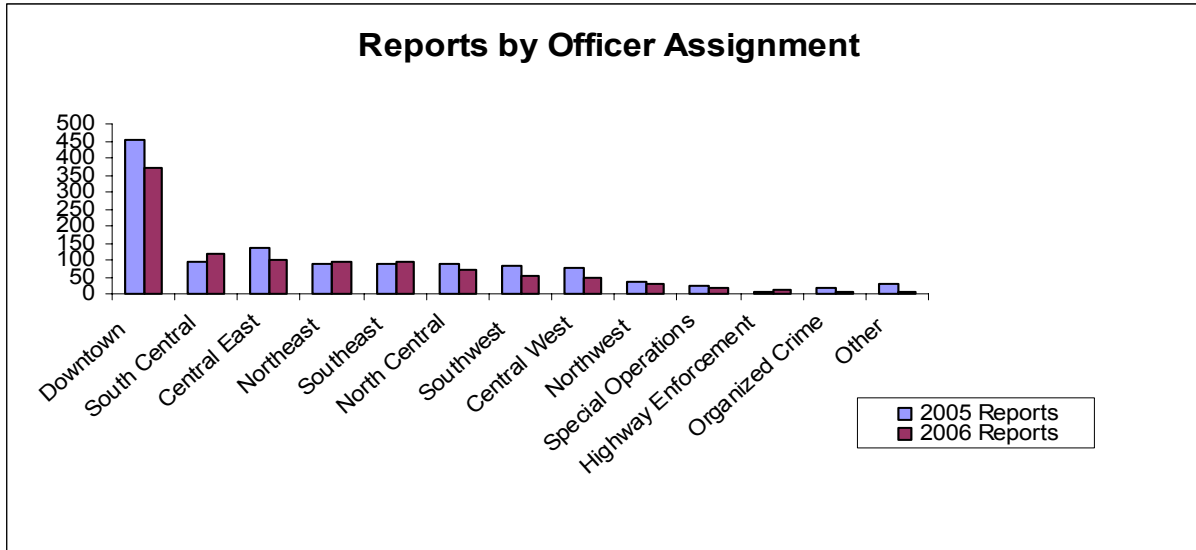
	Other*			Total		
	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests	Custody Arrests	Force Used	Use of Force Rate per 1,000 Arrests
2006	294	36	122.4	51,714	822	15.9
2005	363	35	96.4	52,053	993	19.1
Percent Change	-19.0%	2.9%	27.0%	-0.7%	-17.2%	-16.8%

*Other = Asian/Filipino, Other and Unknown.

Compared to the use of force rate per 1000 arrests in 2005, the rates in 2006 have decreased for whites, blacks and Hispanics. In 2006, the number of use of force reports decreased by 85 reports for white subjects; 67 reports for black subjects; and 19 reports for Hispanic subjects. While the use of force rate decreased for whites, blacks, and Hispanics, the rate for blacks and Hispanics remained higher than for whites. The difference in use of force rates between races is monitored in an effort to ensure race is not a factor in the use of force in response to resistance. All use of force events are reviewed for compliance with department policy.

Reports for each Area Command

Because the Downtown Area Command includes the entertainment district with large influxes of people on the weekends and for special events, and where alcohol consumption may be a factor, the Command experiences the highest reports of use of force responding to resistance. As in 2005, over one-third of use of force reports in 2006 (36%) occurred in the Downtown Area Command. Nonetheless, **the Downtown Area Command saw a significant decrease in use of force events from 2005 (454) to 2006 (372), an 18% decrease.**



	2005 Reports	Percent of 2005 Reports	2006 Reports	Percent of 2006 Reports	Percent Change
Downtown Area Command	454	37.1%	372	36.4%	-18.1%
South Central Command	94	7.7%	117	11.4%	24.5%
Central East Command	138	11.3%	98	9.6%	-29.0%
Northeast Command	91	7.4%	97	9.5%	6.6%
Southeast Command	86	7.0%	92	9.0%	7.0%
North Central Command	89	7.3%	71	6.9%	-20.2%
Southwest Command	82	6.7%	54	5.3%	-34.1%
Central West Command	78	6.4%	46	4.5%	-41.0%
Northwest Command	35	2.9%	30	2.9%	-14.3%
Special Operations	24	2.0%	18	1.8%	-25.0%
Highway Enforcement	8	0.7%	13	1.3%	62.5%
Organized Crime Division	18	1.5%	8	0.8%	-55.6%
Other*	28	2.3%	7	0.7%	-75.0%
TOTAL	1225	100.0%	1023	100.0%	-16.5%

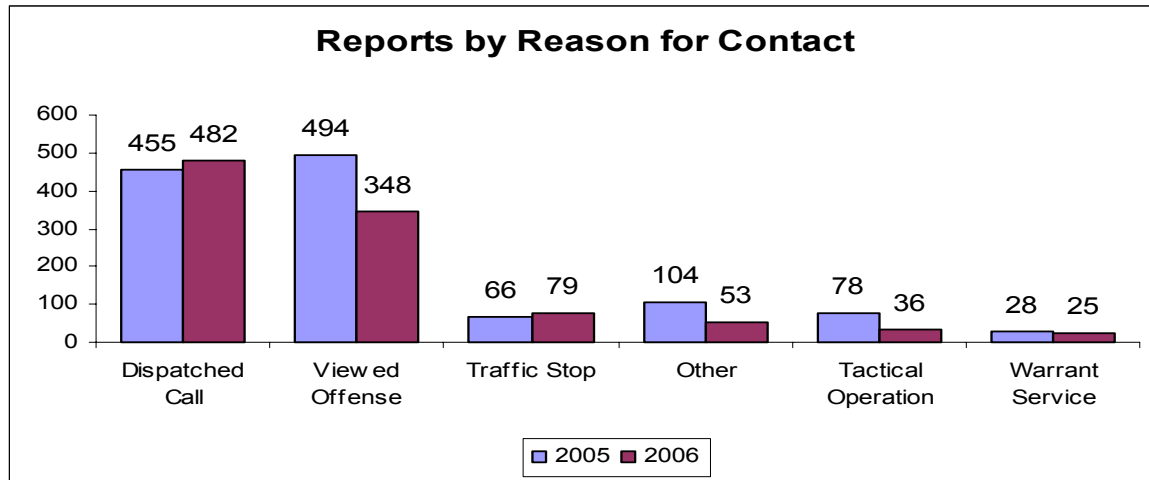
* the "Other" category includes officers working in centralized investigations, training, etc.

Other findings include:

- The Central East, North Central, Southwest, and Central West Area Commands all experienced significant decreases in the number and percentages of uses of force in 2006.
- The South Central Command use of force events increased 24.5% in 2006. Review of this increase showed that crime initiatives in a growing entertainment district within the Area resulted in more arrests and increased response to resistance.

Reports by Reason for Contact

In 2006 the majority of use of force events responding to subject resistance occurred after a dispatched call - the officer responded to a call for service). The second highest category of contacts with a use of force occurred when an officer witnessed an offense – a “viewed offense.” In 2005 these categories were in reverse order with viewed offenses resulting in the higher number of use of force events and dispatched calls second. This change in order from 2005 to 2006 is largely attributable to a 29.6% decrease in uses of force after viewed offenses from 2005 to 2006, from 494 use of force events in 2005 to 348 events in 2006.



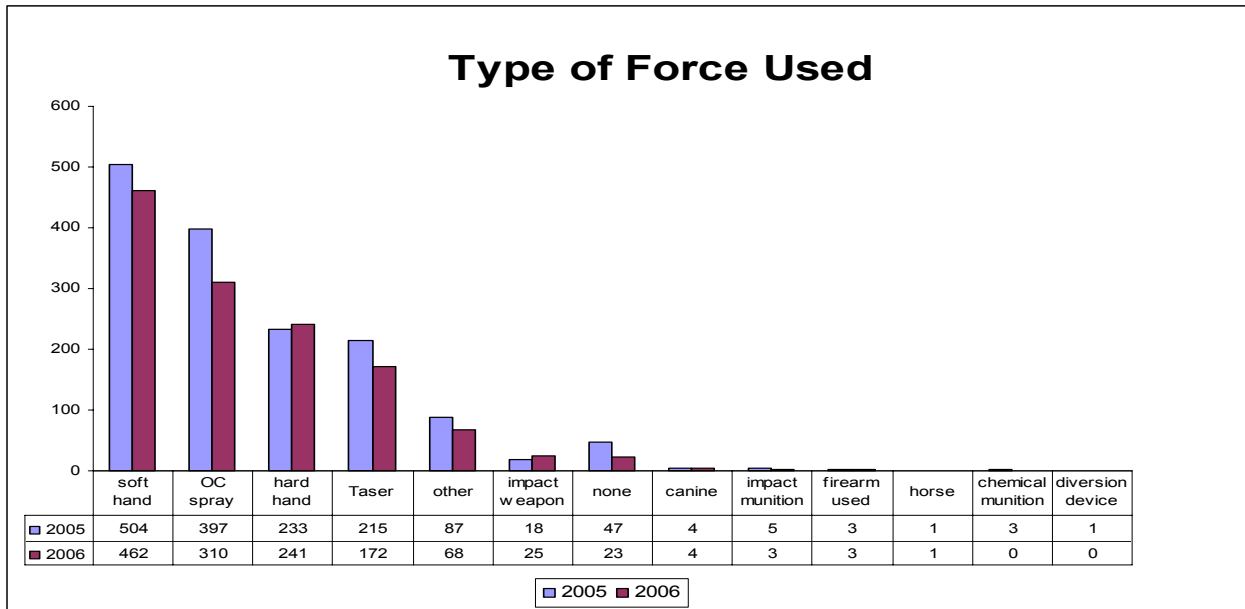
Reason for Contact	2005	Percent of 2005 Reports	2006	Percent of 2006 Reports	Percent Change
Dispatched Call	455	37.1%	482	47.1%	5.9%
Viewed Offense	494	40.3%	348	34.0%	-29.6%
Traffic Stop	66	5.4%	79	7.7%	19.7%
Other*	104	8.5%	53	5.2%	-49.0%
Tactical Operation	78	6.4%	36	3.5%	-53.8%
Warrant Service	28	2.3%	25	2.4%	-10.7%
TOTAL	1225	100.0%	1023	100.0%	-16.5%

* The “Other” category includes reports by officers who arrive on the scene to “back-up” another officer and end up observing or assisting the primary officer.

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 and 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 total types of force used can be

more than the total number of use of force reports filed. In 2006 there were 1,289 types of force used in a total of 1,023 reports. In 2005 there were 1,471 types of force used in a total of 1,225 reports. The chart below shows the types of force that may be used by an officer responding to varying levels of resistance from a subject and the number of times each type of force was used in 2005 and 2006.



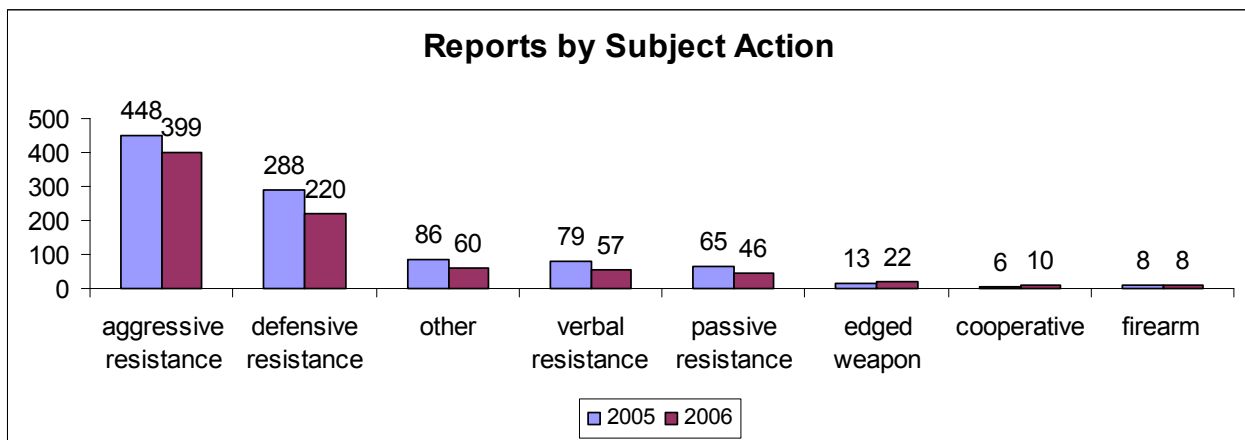
- Canine—use of dog in arrest situation when dog bite occurs.
- Chemical Munition—an extended range chemical weapon. This is the 37 mm launcher carried by the SWAT and SRT units that deploys irritant gases.
- Diversion Device—flash bang device used by SWAT that emits a loud noise and a bright flash.
- Firearm Used—firearm fired in response to a threat of serious bodily injury or death.
- Hard-Hand Control—techniques such as hand and leg strikes.
- Impact Munitions—extended-range impact weapon such as the shotgun that fires a bean-bag round.
- 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.
- OC Spray—chemical weapon known as "pepper spray."
- Other—verbal commands or any other action that cannot be categorized in any specific use of force category.

- Soft-Hand Control—techniques such as joint locks, pressure points, and escort holds.
- Taser—a less-lethal device employing electronic muscular disruption technology that briefly causes loss of voluntary muscle control.

In 2006 the number of every type of use of force decreased or was unchanged from 2005, with the exception of hard hand control and use of an impact weapon. Tasers were used 172 times in 2006 compared to 215 times in 2005, a 20% decrease. Use of OC spray was reduced from 397 times in 2005 to 310 times in 2006, a 21.9% decrease. Use of hard hand controls increased from 233 times to 241 times and use of impact weapons increased from 18 to 25 from 2005 to 2006.

Reports by Subject Action

In 2006 the most frequent subject action resulting in a use of force by police was aggressive resistance by the subject (48.6%). Below is a chart of the numbers of types of subject actions that resulted in a use of force and definitions of each.



- 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.
- 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.

Table 4: Reports by Subject Action	2005	Percent of 2005 Reports	2006	Percent of 2006 Reports	% change
aggressive resistance	448	45.1%	399	48.5%	-10.9%
defensive resistance	288	29.0%	220	26.8%	-23.6%
other	86	8.7%	60	7.3%	-30.2%
verbal resistance	79	8.0%	57	6.9%	-27.8%
passive resistance	65	6.5%	46	5.6%	-29.2%
edged weapon	13	1.3%	22	2.7%	69.2%
cooperative	6	0.6%	10	1.2%	66.7%
firearm	8	0.8%	8	1.0%	0.0%
TOTAL	993	100.0%	822	100.0%	-17.2%

Aggressive resistance by a subject or defensive resistance comprised 75.3% of all subject resistance that resulted in a use of force event. The subject's use of an edged weapon like a knife, increased from 13 to 22 reports from 2005 to 2006. The subject was listed as cooperative in 10 cases. This may indicate that a cooperative subject was fighting with another person and sustained injuries but complained of pain after he/she was handcuffed or complained of pain from the handcuffs after they were arrested. This complaint of pain may have been beyond the initial discomfort associated with the handcuffing process which is common and policy does not define as a use of force. In these situations, the officers chose to complete a Use of Force report to document the complaint of pain or injury.

Reports by Officer Injury

In 2006 223 police officers suffered minor injuries responding to resistance from subjects – 21.8% of use of force events. Reports of serious officer injury which required hospitalization or intensive medical treatment increased from 1 in 2005 to 2 in 2006. In 78% of use of force events, the officer reported suffering no injury.

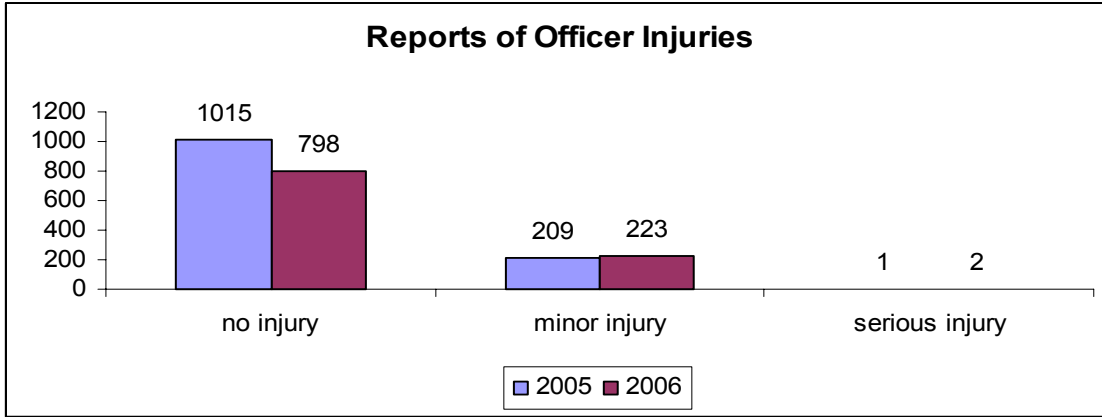


Table 5: Reports by Officer Injuries

	2005	Percent of 2005 Reports	2006	Percent of 2006 Reports	Percent Change
no injury	1015	82.9%	798	78.0%	-21.4%
minor injury	209	17.1%	223	21.8%	6.7%
serious injury	1	0.1%	2	0.2%	100.0%
TOTAL	1225	100.0%	1023	100.0%	-16.5%

Reports by Subject Injury

Minor injuries (37.5%) represented the largest proportion of injury reports for 2006, up from 34.8% in 2005. Reports of serious injuries decreased from 8 in 2005 to 1 in 2006. Serious injuries are those that require hospitalization or intensive medical treatment. The one serious injury in 2006 involved a subject who fell through an attic ceiling when he was trying to flee the officers who were serving a warrant for his arrest. The death listed in the chart below is described later in this report in the section on “In Custody Deaths.”

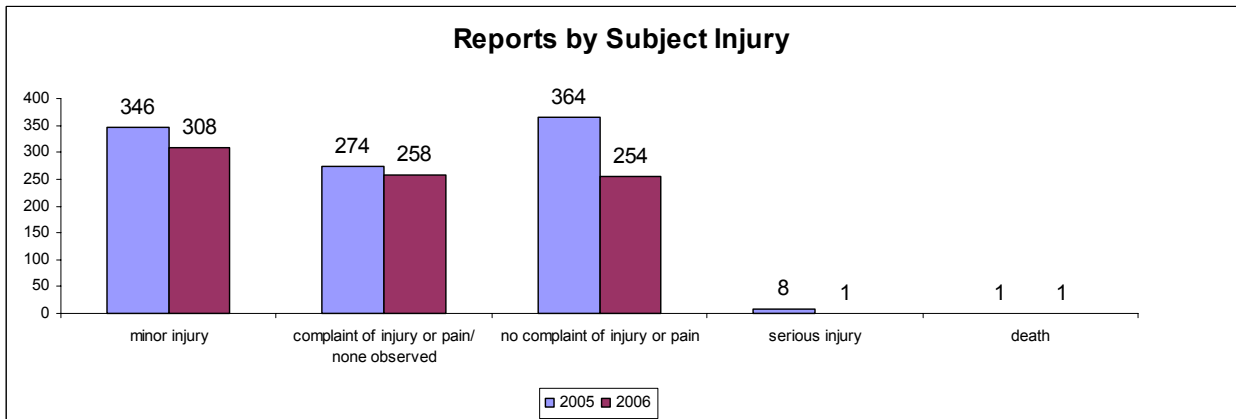
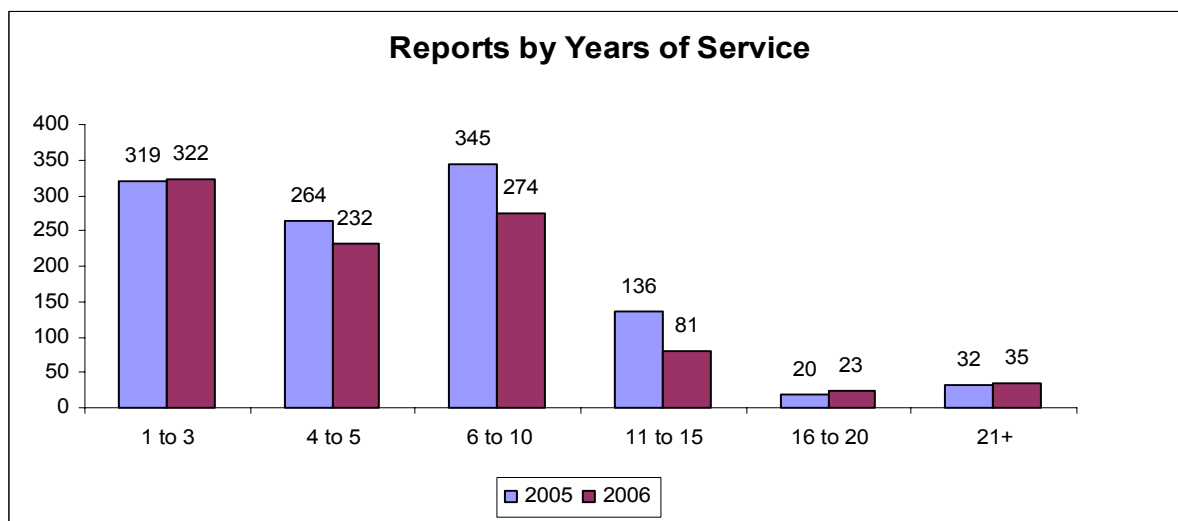


Table 6: Reports by Subject Injury	2005	Percent of 2005 Reports	2006	Percent of 2006 Reports	Percent Change
minor injury	346	34.8%	308	37.5%	-11.0%
complaint of injury or pain/ none observed	274	27.6%	258	31.4%	-5.8%
no complaint of injury or pain	364	36.7%	254	30.9%	-30.2%
serious injury	8	0.8%	1	0.1%	-87.5%
death	1	0.1%	1	0.1%	0.0%
TOTAL	993	100.0%	822	100.0%	-17.2%

Reports by Officers' Years of Service

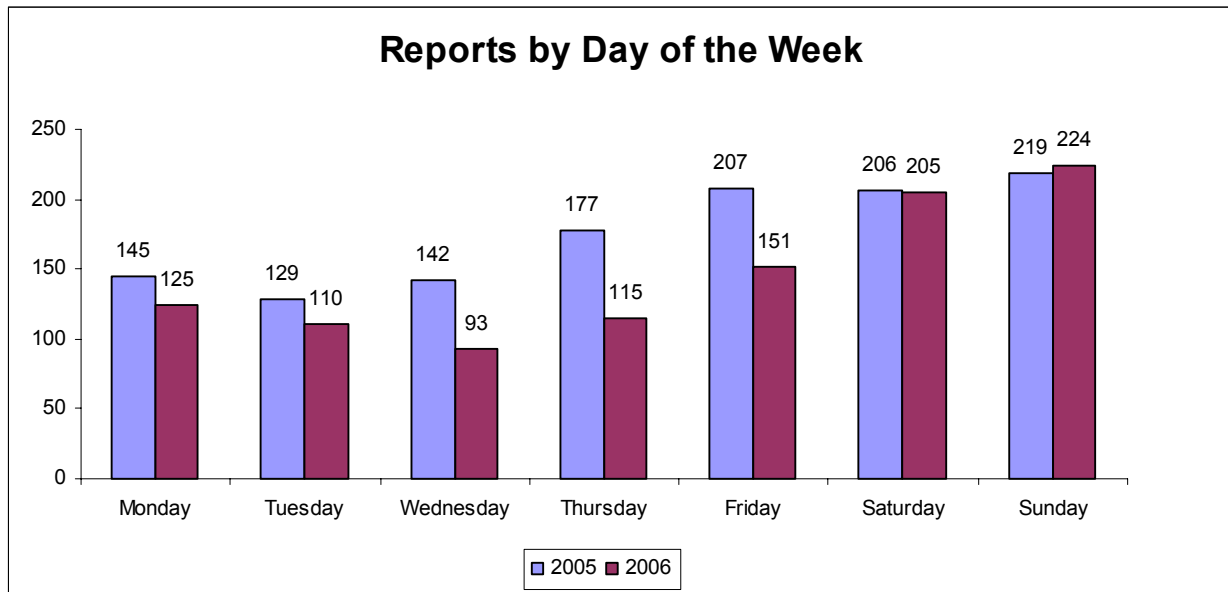


* The numbers in this chart vary slightly from the 2005 report because probationary officers with 0 to 1 year of service were not included in 2005. There were 13 probationary officers who wrote use of force reports in 2005 and 18 in 2006.

The average years of service for officers filing use of force reports in response to resistance in 2006 was 6.5 years compared to 7 years of service in 2005. The range of years of service for officers reporting use of force was from less than one year to 28.3 years.

The greatest number of reports in any category (340) were submitted by officers with 3 or fewer years of service. Officers with 10 or fewer years of service submitted 86% of the use of force reports. These officers are generally assigned to Patrol, which serves as the first responder to calls. Patrol officers also make the majority of arrests.

Reports by Day of the Week

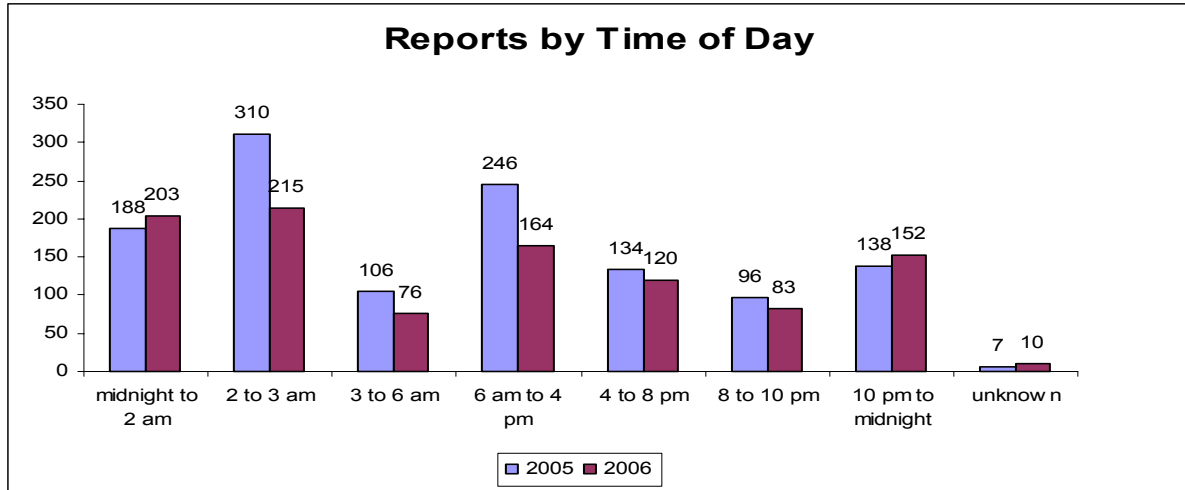


Use of Force in response to resistance reports for 2006 indicate a lower frequency of use of force events tend to occur mid-week. The greater frequency of use of force events occurred on the weekends, Friday, Saturday and Sunday (56.7%). This is the same pattern we have seen since use of force data was first collected.

Day of the Week	2005	Percent of 2005 Reports	2006	Percent of 2006 Reports	Percent Change
Monday	145	11.8%	125	12.2%	-13.8%
Tuesday	129	10.5%	110	10.8%	-14.7%
Wednesday	142	11.6%	93	9.1%	-34.5%
Thursday	177	14.4%	115	11.2%	-35.0%
Friday	207	16.9%	151	14.8%	-27.1%
Saturday	206	16.8%	205	20.0%	-0.5%
Sunday	219	17.9%	224	21.9%	2.3%
TOTAL	1225	100.0%	1023	100.0%	-16.5%

Reports by Time of Day

As in 2004 the highest number of use of force in response to resistance events occur in the hour between 2:00 and 3:00 a.m. as bar patrons are leaving for the night.



Time of Day	2005	Percent of 2005 Reports	2006	Percent of 2006 Reports	Percent Change
midnight to 2 am	188	15.3%	203	19.8%	8.0%
2 to 3 am	310	25.3%	215	21.0%	-30.6%
3 to 6 am	106	8.7%	76	7.4%	-28.3%
6 am to 4 pm	246	20.1%	164	16.0%	-33.3%
4 to 8 pm	134	10.9%	120	11.7%	-10.4%
8 to 10 pm	96	7.8%	83	8.1%	-13.5%
10 pm to midnight	138	11.3%	152	14.9%	10.1%
unknown	7	0.6%	10	1.0%	42.9%
TOTAL	1225	100.0%	1023	100.0%	-16.5%

Use of Force – Response to Resistance That Results in a Death

In 2006 the department had one death associated with the use of force and/or response to resistance. The case was reported to the Texas Attorney General's Office.

Case #06-5033075:

Early on the morning of January 1, 2006, a 42-year old man shot and kidnapped a woman, then held her hostage inside a south Austin house. The two had recently ended a volatile three-year relationship. SWAT Officers were called to the scene. When the suspect appeared ready to shoot the female victim again, two officers responded by each firing a shot at the suspect through a window. The suspect was hit by one bullet and later died at Brackenridge Hospital. A Travis County Grand Jury reviewed the incident and no billed the officers involved in the shooting.

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– 40 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

Cadets 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 usage and OC spray. All officers must be recertified annually if they carry a TASER.

In 2006, a 40-hour street tactics class was developed for patrol officers that included subconscious communication, de-escalation tactics, and active shooter tactics. Approximately one fourth of patrol officers were trained in 2006.

Conclusion

In protecting the life and property of the residents of Austin, the Department's use of force 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.