

Austin Police Department

Response to Resistance Report: 2017



Prepared by the Austin Police Department
Research and Planning Unit
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Background

This document summarizes the key data points related to response to resistance reporting. Department policy (General Order 200) states that:

it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

and response to resistance (use of force) is defined by the same policy as:

Any physical contact with a subject by an officer using the body or any object, device, or weapon, not including unresisted escorting or handcuffing a subject...Any complaint by a subject that an officer caused pain or injury shall be treated as a response to resistance force incident, except complaints of minor discomfort from unresisted handcuffing.

When officers encounter these situations, policy requires the primary reporting officer to write the initial incident report, other officers involved in the incident to write supplements, and the supervisor to review the report for accuracy, thoroughness, and classification into the correct level.

In April of 2017, the policy was updated to include De-Escalation. This addition gave officers guidance on and defined de-escalation. During this time, an executive order was implemented that expanded the review requirements to ensure each response to resistance incident was reviewed by the entire chain of command through the Commander of the involved officer. Also in 2017, APD began the practice of a secondary review by a commander not in the involved officer's chain of command for Level 3 incidents. Each Level 2 incident was reviewed by the entire chain of command through the officer's commander and then reviewed by the department's Force Review Board which is comprised of six Commanders and a member of the city's law department. Each Level 1 Response to resistance is reviewed by the department's Special Investigations Unit in addition to the officers chain of command through the involved officer's Commander.

Overview of Response to Resistance Levels

Three response to resistance levels were used in 2017 for reporting, investigation, and review purposes:

Level 1

- force resulting in death or substantial risk of death
- intentional firearm discharge at a person, vehicle or structure
- intentional firearm discharge at an animal resulting in injury to a person
- unintentional firearm discharge resulting in another person's injury or death
- force resulting in serious bodily injury requiring hospital admission
- use of impact weapon that strikes subject's head

- in-custody death occurring prior to or within 24 hours after booking
- Precision Immobilization Technique (PIT) use with serious bodily injury/death

Level 2

- strike to the head with any weaponless technique
- use of impact weapon that strikes subject (other than head)
- deployment of a police canine resulting in a bite or injury
- use of Taser that causes incapacitation
- Precision Immobilization Technique (PIT) without serious bodily injury/death

Level 3

- use of chemical agent (e.g., pepper spray, tear gas)
- use of Taser that does not cause incapacitation
- use of impact weapon that does not strike subject
- use of baton for non-striking purposes
- force resulting in injury or complaint of pain beyond the temporary discomfort of unresisted handcuffing
- use of weaponless technique (other than strike to head)

The chain-of-command is responsible for reviewing all response to resistance incidents. The department's Force Review Board provides an additional review of selected incidents and is responsible for identifying improvements in policy, training, tactics, and equipment, as well as assessing the quality and timeliness of reporting, investigation, and chain-of-command review.

Notable Findings

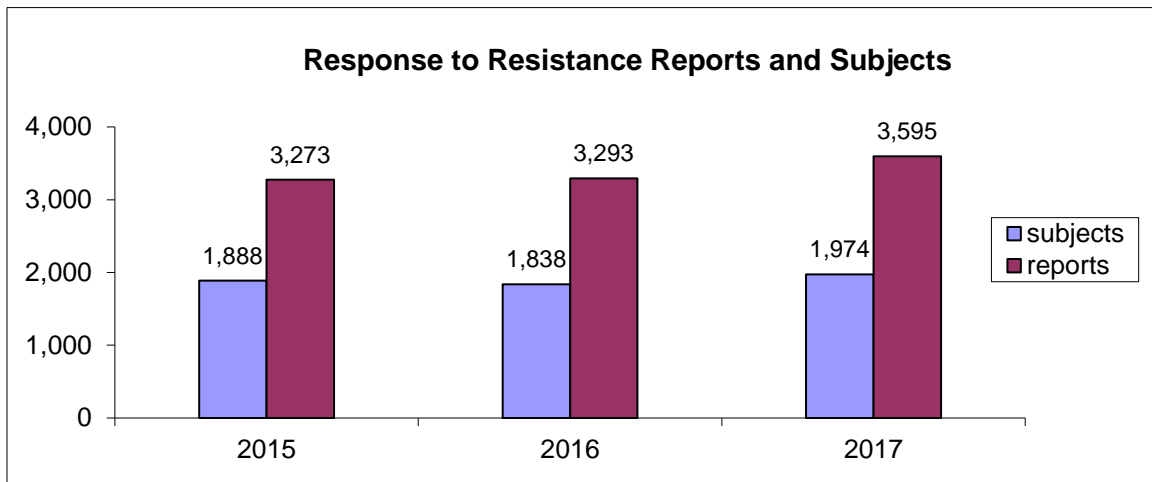
- Between 2016 and 2017, there was an **increase of 302 reports (9%)** representing an increase of 136 subjects. The overall rise in the number of response to resistance reports was driven by an increase in Level 3 incidents.
- The **source for arrest counts has been changed** from previous versions of this report to identify APD-only arrests, among other improvements. More details under heading Number of Reports and Subjects (page 1).
- **Subjects of force were suspected to be under the influence of drug/alcohol, emotionally disturbed, or both in 77% of incidents**
- Due to a change in reporting options, Reports by Subject Action data is not shown this year. More details under heading Reports by Subject Action (page 5).
- **Subjects of force had no complaint of pain or injury resulting from the use of force in 51% of incidents.**

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Number of Reports and Subjects

During 2017, there were 3,595 response to resistance reports (unique response to resistance events) and 1,974 subjects (those who received force).



To provide context, we also track the total number of police contacts (560,618 in 2017) and total arrests (31,615 in 2017). Of total police contacts, 0.4% involved resistance/force. And as a percent of total arrests, 6.2% involved resistance/force.

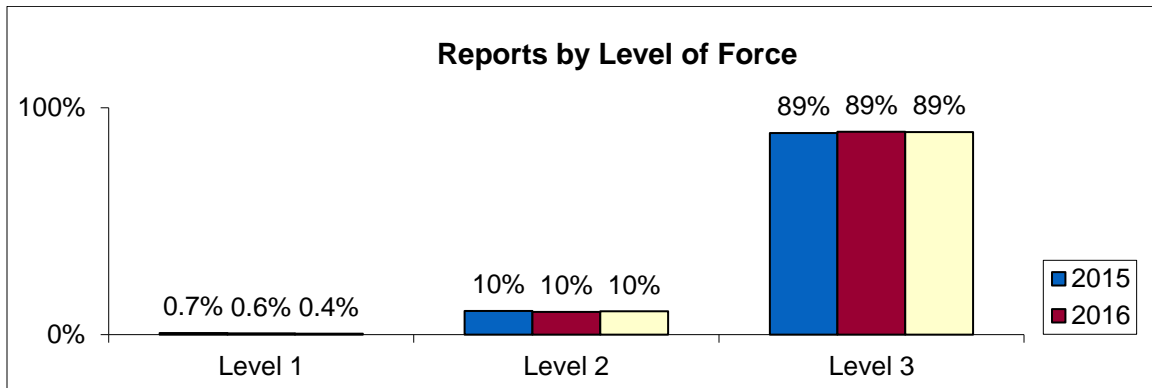
	2015	2016	2017
use of force reports	3,273	3,293	3,595
subjects who had force used	1,888	1,838	1,974
total contacts	567,145	571,719	560,618
total arrests	33,240	31,536	31,615
subjects receiving force as % of total contacts	0.3%	0.3%	0.4%
subjects receiving force as % of total arrests	5.7%	5.8%	6.2%

The table above includes 2015 and 2016 Total Arrests numbers which are not comparable to previous reports¹.

¹ In years past, the Response to Resistance report arrest source included the following: arrest by other agencies for APD cases; counting multiple cases that were cleared by the same arrest; and citation recipients labeled as arrested despite never going through a booking process. In 2017, we instituted a new source for arrests bookings, which represents a more appropriate set of arrests for putting response to resistance in context: each arrest is counted once; citations and non-APD arrests are excluded.

Reports by Level

In 2017, as in prior years, response to resistance reports were concentrated in Level 3, the least severe level. The rise in 2017 reports was driven by an increase in Level 3 reports.



Subjects and Race/Ethnicity

Most response to resistance incidents occur when an officer attempts to make an arrest. As mentioned earlier, the 1,974 subjects involved in 2017 response to resistance incidents represent 6.2% of the 31,615 arrests. This percentage in recent years was 5.8% (2016) and 5.7% (2015).

The table below shows the distribution of force and arrests by race/ethnicity.

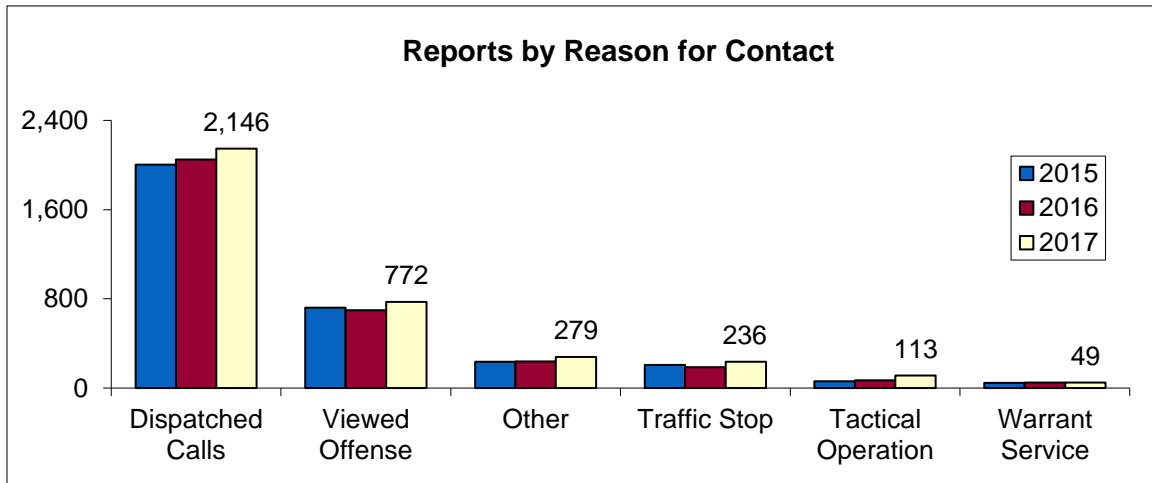
	White			Black			Hispanic		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Arrests #	11,618	10,874	10,537	8,313	7,852	8,519	12,833	12,334	12,063
Force Used #	624	579	630	511	521	616	611	630	611
Force as % of Arrests	5.4%	5.3%	6.0%	6.1%	6.6%	7.2%	4.8%	5.1%	5.1%
	Asian, Hawaiian/Pacific Islander, Native American, Middle Eastern			Race Unknown *			Person Unknown **		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Arrests #	424	425	446	52	51	50	n/a	n/a	n/a
Force Used #	16	23	20	1	3	3	125	82	94
Force as % of Arrests	3.8%	5.4%	4.5%	1.9%	5.9%	6.0%	n/a	n/a	n/a

* Race data is blank or "Unknown"

** An example of an unknown person: a subject involved in a response to resistance was not arrested or taken into custody, and therefore not positively identified.

Reports by Reason for Contact

In 2017, as in prior years, most response to resistance reports (60%) resulted from dispatched calls for service. The other significant category of response to resistance reports resulted from viewed offenses – contacts made when the officer observed and responded to an offense in progress. In 2017, these represented 21% of reports (see chart and table below).



Reason for Contact	2015		2016		2017	
	#	%	#	%	#	%
Dispatched Calls	2,002	61%	2,048	62%	2,146	60%
Viewed Offense	722	22%	697	21%	772	21%
Other	236	7%	240	7%	279	8%
Traffic Stop	206	6%	188	6%	236	7%
Tactical Operation	62	2%	70	2%	113	3%
Warrant Service	45	1%	50	2%	49	1%
Total	3,273	100%	3,293	100%	3,595	100%

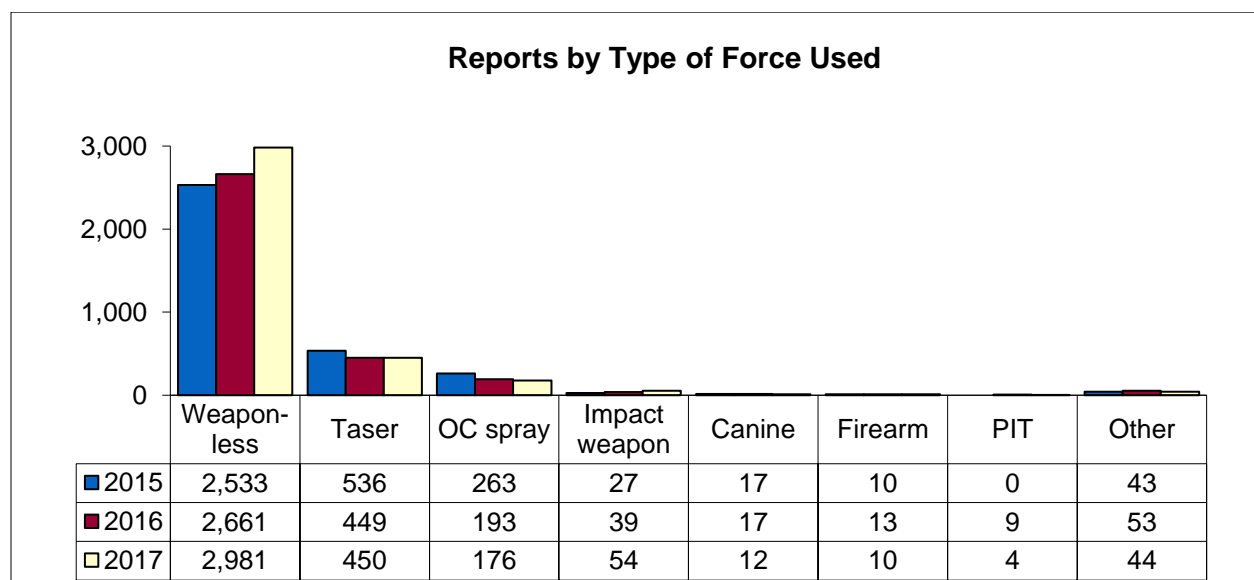
Reports by Type of Force Used

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

These are the different types of response to resistance, ordered from the highest to the lowest:

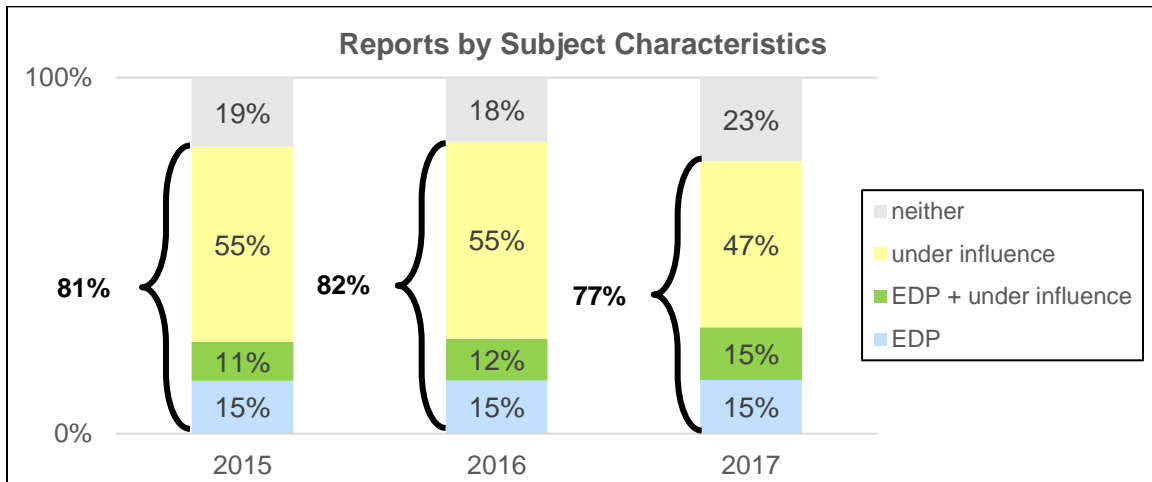
- Firearm: both intentional and unintentional firearm discharge toward an individual
- Canine: use of a police dog in an arrest situation where dog bite occurs
- Impact weapon: a weapon or object that is used to strike, such as a baton
- Pursuit Immobilization Technique (PIT): use of police vehicle to stop a fleeing suspect vehicle to end a hazardous pursuit
- Taser: less-lethal device using electronic muscular disruption technology that briefly causes loss of voluntary muscle control; includes drive stun and prongs
- OC spray: chemical agents including “pepper spray” and “tear gas”
- Weaponless: includes soft-hand control (e.g., joint locks, pressure points, and escort hold) and hard-hand control (e.g., hand and leg strike)
- Other: action that isn’t categorized in any specific use of force category. Note, this category was retired in mid-2017

The following chart shows the number of times each type of force was used. In 2017, as in prior years, the most frequent force type was “weaponless.” Weaponless techniques, as shown in the above list, are considered the lowest level of force used in response to subject resistance.



Reports by Subject Characteristics

In 77% of the 2017 response to resistance reports, officers noted that the subject was suspected to be under the influence of drugs/alcohol or emotionally disturbed (EDP) or both.



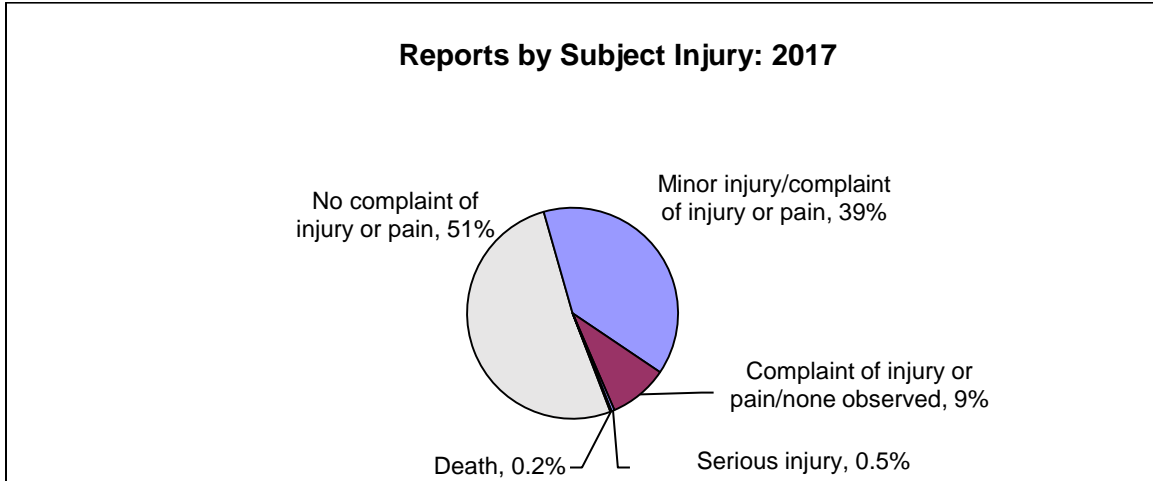
Reports by Subject Action

In mid-2017, the reporting options for Subject Action were updated to more closely reflect APD's Use of Force training model. For this reason, 2017 has a mix of results which make it impossible to report or compare to previous years in a meaningful way.

The new categories which will be reported starting next year are: Deadly Resistance; Aggressive Resistance; Defensive Resistance; Passive Resistance; Preparatory Resistance; and Not Resistant.

Reports by Subject Injury

In 2017, as in prior years, most subject injuries were categorized as “no complaint of injury or pain” (51% of subjects).

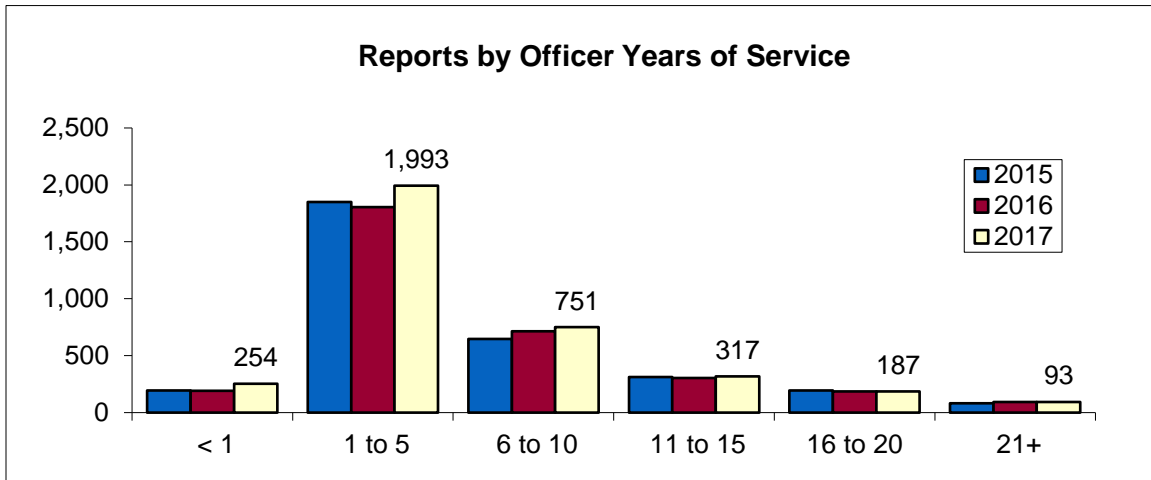


subject injury	2015		2016		2017	
	#	%	#	%	#	%
No complaint of injury or pain	982	52%	951	52%	1,015	51%
Minor injury/complaint of injury or pain	729	39%	699	38%	767	39%
Complaint of injury or pain/none observed	163	9%	175	10%	179	9%
Serious injury	8	0%	7	0%	9	0.5%
Death	6	0%	6	0%	4	0.2%
Total	1,888	100%	1,838	100%	1,974	100%

Reports by Officer Years of Experience

In 2017, as in prior years, officers with 1-5 years of service submitted the majority (55%) of response to resistance reports. Officers with 6-10 years of service submitted the next highest number of reports (21%).

As context, most response to resistance reports are submitted by patrol officers (88% in 2017) and the majority of the department's patrol officer population falls in the 1-5 years of service category (46%) or in the 6-10 years of service category (22%).



Years of Service	2015		2016		2017	
	#	%	#	%	#	%
< 1	193	6%	192	6%	254	7%
1 to 5	1,851	56%	1,804	55%	1,993	55%
6 to 10	646	20%	715	22%	751	21%
11 to 15	313	10%	304	9%	317	9%
16 to 20	195	6%	185	6%	187	5%
21+	81	2%	93	3%	93	3%
Total	3,279	100%	3,293	100%	3,595	100%