

Response to Resistance Analysis 2011

This report analysis was completed for the purpose of reviewing the San Angelo Police Department's Response to Resistance for the calendar year 2011. The data collected for this report was generated from the L. E. A. Data Technologies Administrative/Internal Affairs Suite, Intergraph Public Safety ILeads Records Management System (RMS), and San Angelo Police Department Response to Resistance Critiques.

This analysis was completed to meet the Texas Police Chief's Association Best Practices 6.03.1 and 6.10.1 (Response to Resistance).

Response to Resistance Reporting

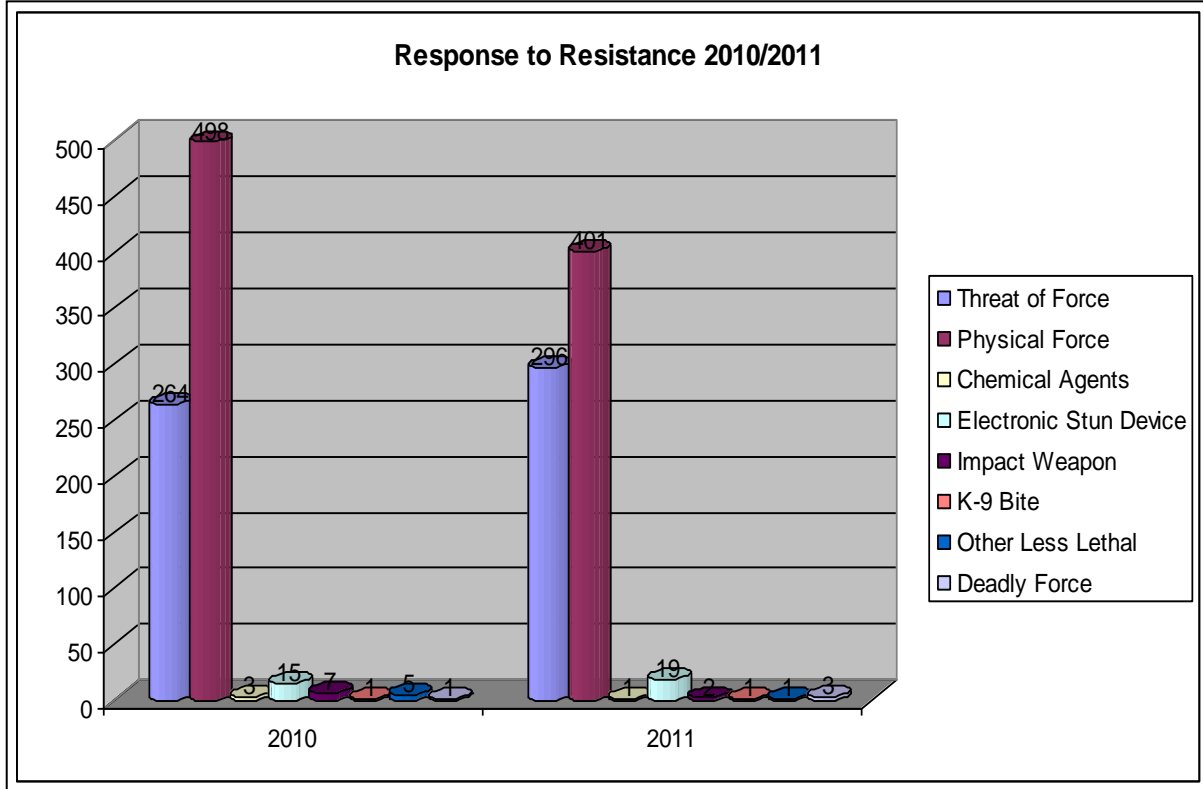
There were no changes regarding the Response to Resistance policy or reporting requirements for the calendar year 2011. However, there were some slight procedural changes in the way the types of force used during incidents were reported for tracking purposes. Because of some deficiencies noted in the 2010 Response to Resistance Annual report, the checkbox system in the ILeads RMS was changed slightly to make it easier for supervisors to identify which Response to Resistance incidents required a supervisory critique. It appears that Response to Resistance training and training in Department policies related to Response to Resistance and Use of Deadly Force has been effective. It also appears that officers have used good judgment during the year related to what level of force was necessary to complete enforcement objectives.

The statistics used in this analysis were collected directly from the ILeads RMS, the L. E. A. Internal Affairs Suite, and San Angelo Police Department Response to Resistance critiques. These statistics include the following force types: Threat of Force, Physical Force, Chemical Agents, Electronic Stun Devices, Impact Weapons, K-9 Bites, Other and Deadly Force. There were seven hundred twenty-four (724) Responses to Resistance reported in 2011 originating from four hundred fourteen (414) different cases. There were one hundred one (101) officers involved in those Responses to Resistance for an average of 3.77 Responses to Resistance per officer listed.

There were thirty-two (32) Response to Resistance incidents that were reviewed by first line supervisors per San Angelo Police Department policy related to injury incidents as a result of that force being used.

Response to Resistance Analysis 2011

Response to Resistance Comparison 2010/2011



	2010	2011	Difference
Threat of Force	264	296	Up 32
Physical Force	498	401	Down 97
Chemical Agents	3	1	Down 2
Electronic Stun Device	15	19	Up 4
Impact Weapon	7	2	Down 5
K-9 Bite	1	1	
Other Less Lethal	5	1	Down 4
Deadly Force	1	3	Up 2

While comparing the Responses to Resistance recorded by the San Angelo Police Department in 2011, it is apparent that there was a decrease in Physical Force used (down 19%). The other Responses to Resistance are quite consistent with the numbers reported for 2010.

Response to Resistance Analysis
2011

There were decreases in four (4) categories of the eight (8) categories of force that were counted in 2010/2011. Of the four categories that showed decreases, Physical Force is down by ninety-seven (97), Chemical Agents is down by two (2) and Impact Weapons are down by five (5) and other Less Lethal is down by four (4).

****NOTE* It should be noted that two (2) cases reported in 2011 as a Use of Deadly Force were not perpetrated against a person. The incidents were reported erroneously in an incident report and also a Response to Resistance supplement. The incidents were related to a single officer putting down two injured deer with his department issued handgun, as a Use of Deadly Force. These incidents should not have been reported or tracked as Uses of Deadly Force therefore skewing the reported numbers of that category of Response to Resistance.***

The decreases in these categories would indicate that instruction and training in the Response to Resistance and Deadly Force has been conducted in a consistent manner from years past. It also indicates that the officers are using that information to make quite consistent decisions in the types of Response to Resistance they are employing to reach their enforcement objectives.

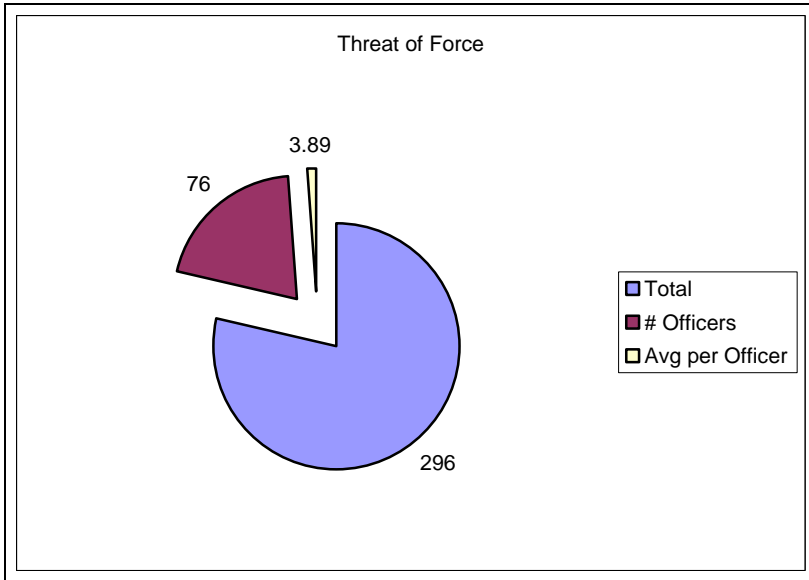
There were increases in three (3) categories of the eight (8) categories of force that were counted in 2011. Of the three categories that showed increases, Threat of Force was up thirty-two (32), Electronic Stun Devices was up four (4) and Deadly Force was up one (1). Those increases were negligible however, in the Deadly Force category we did see an actual increase of one (1) because of a fatal officer involved shooting during which no policy violations were observed and a criminal investigation by an outside agency and the Tom Green County Grand Jury showed the incident as justified.

Percent Differences

	2010	2011	Difference
Threat of Force	264	296	12%
Physical Force	498	401	-19%
Chemical Agents	3	1	-67%
Electronic Stun Device	15	19	27%
Impact Weapon	7	2	-71%
K-9 Bite	1	1	0%
Other	5	1	-80%
Deadly Force	1	3	300%

Response to Resistance Analysis 2011

Threat of Force



In 2011, San Angelo Police Officers issued two hundred ninety-six (296) threats of force to citizens during incidents they were assigned to deal with.

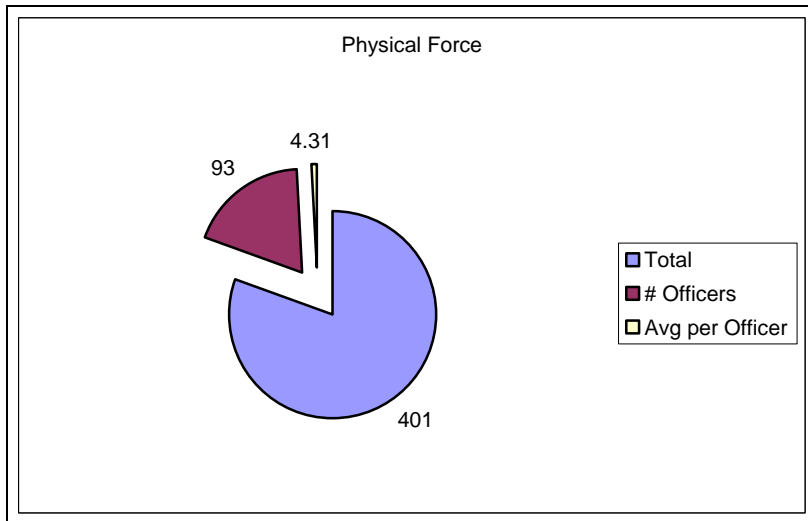
In this category are Responses to Resistance that include the following: verbal commands and the display of firearms, TASERS, expandable batons, OC chemical agents or the threat of a K-9 deployment.

Seventy-six (76) officers issued the two hundred ninety-six (296) threats of force for an average of 3.89 threats per officer.

There was one officer that issued twenty-four (24) threats for the most issued by one officer and several issued ten (10) to fifteen (15) threats of force.

Response to Resistance Analysis 2011

Physical Force



In 2011, San Angelo Police Officers used physical force against a citizen four hundred one (401) times during incidents they were assigned to deal with.

Included in this category are all those incidents where the simple use or issuance of verbal commands was not sufficient or effective. This Response to Resistance requires that the officers place their hands on a person using very minimal force in order to gain compliance. Counted in this category are all those instances where a subject was handcuffed or was restrained using empty hand control techniques.

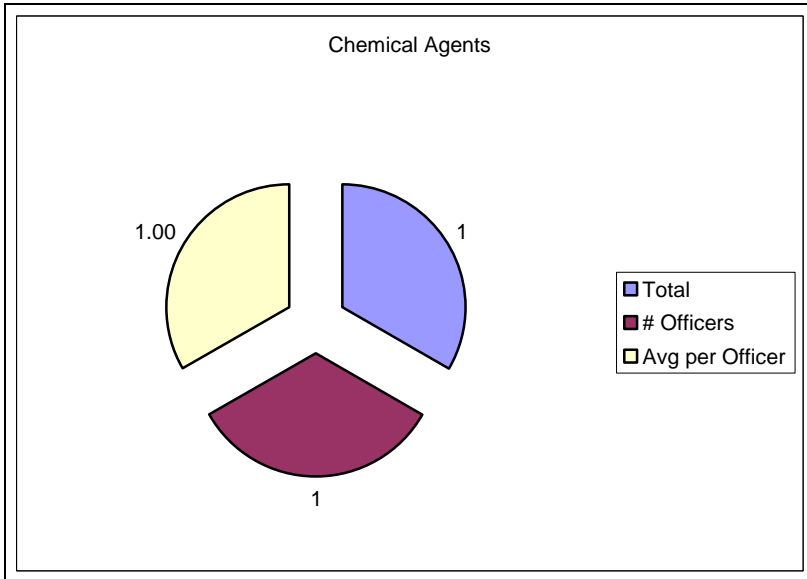
Some of the incidents in which empty hand control was ineffective there was yet another Response to Resistance that was used to gain compliance including the use of intermediate force options like the TASER, OC spray or an expandable baton.

Ninety-three (93) officers were involved in using physical force against citizens during 2010 for an average of 4.31 uses of physical force each by those officers.

One (1) officer used physical force twenty-one (21) times, one (1) used physical force nineteen (19) times and there were a few officers that used physical force between ten (10) and sixteen (16) times.

Response to Resistance Analysis
2011

Chemical Agents



In 2011, San Angelo Police Officers deployed OC spray chemical agents one time during enforcement encounters with citizens.

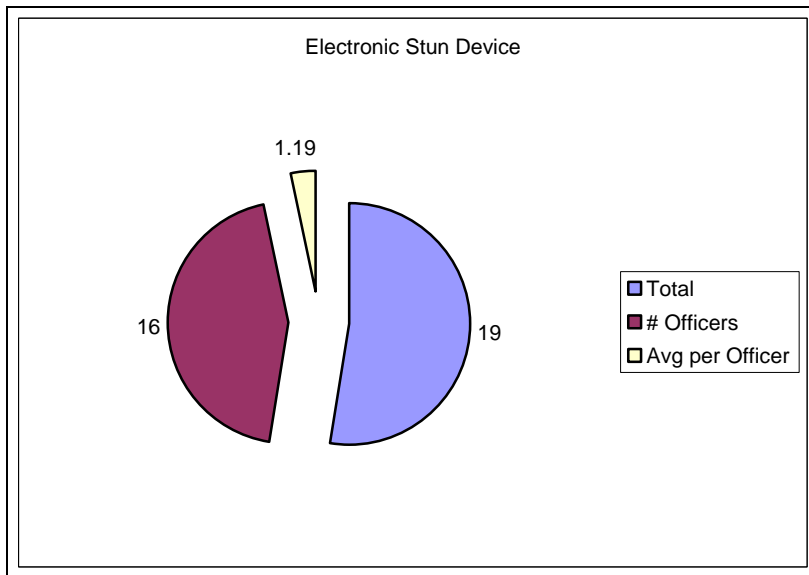
This category includes one (1) incident during which an electronic stun device was also used either prior or after the deployment of the chemical agent.

In the incident, the OC chemical agent was dispersed into the face of the suspect.

One (1) officer deployed chemical agents during one (1) incident for an average deployment of (1) per each officer involved.

Response to Resistance Analysis 2011

Electronic Stun Device



During 2011, San Angelo Police Officers deployed TASERs as a Response to Resistance against citizens nineteen (19) times.

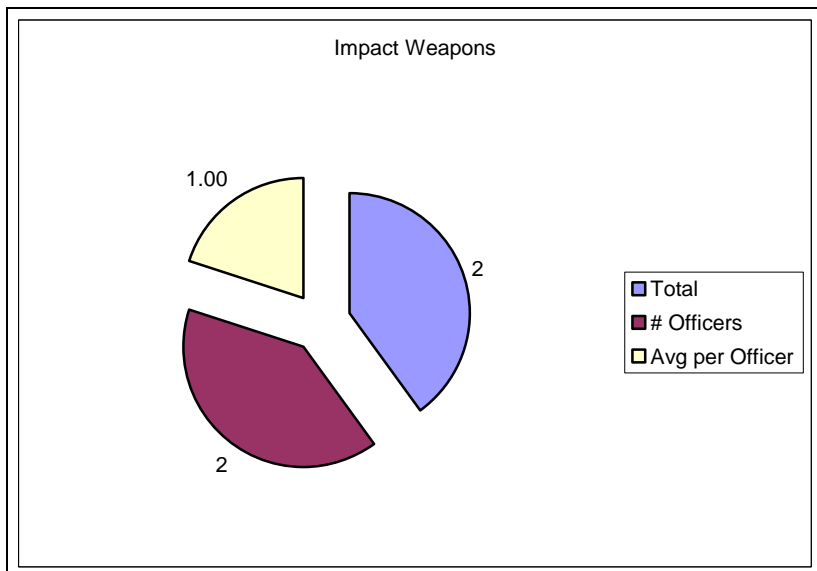
This category includes three (3) incidents during which the TASER was displayed to suspects in successful attempts to gain compliance. Of the other eighteen (18) incidents, one (1) deployment was ineffective because the officer missed the suspect with the TASER probes. Five times (5), the TASER was deployed in the drive stun mode to gain pain compliance from citizens. Ten (10) deployments involved the TASER air cartridge being deployed with the probes striking the suspects in effective measures to gain the needed compliance in the incidents.

All of those incidents included lesser Responses to Resistance prior to the deployment of the TASER.

Sixteen (16) officers deployed TASERs a total of nineteen (19) times for an average of 1.19 deployments per officer.

Response to Resistance Analysis 2011

Impact Weapons



During 2011, San Angelo Police Officers used impact weapons a total of two (2) times. Impact weapons in this category included expandable batons used to gain compliance. This category would also normally include the use of plastic, foam or wood batons deployed from a gas gun or bean bag rounds deployed by a shotgun though no instances using those munitions occurred.

In one (1) case, an expandable baton was used to break a window out of vehicle as it left a crime scene. In one (1) case, an officer used an expandable baton in the closed mode to strike a suspect.

In all seven (7) of the listed incidents, other lesser Responses to Resistance were attempted in conjunction with or before the impact weapon was utilized.

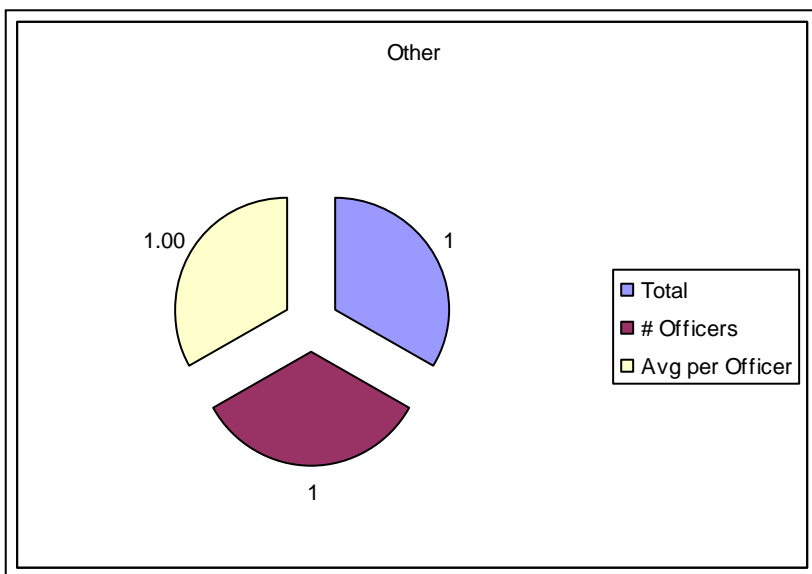
Two (2) officers deployed impact weapons during the two (2) reported incidents for an average of 1 deployment per officer listed.

Response to Resistance Analysis 2011

K-9 Bite

There was one occasion in 2011 during which a Police Service Dog bit a police officer who went within leash range while the PSD was trying to apprehend a suspect hiding in some bushes after a track.

Other



During 2011, there was one (1) instance that was reported as Other Responses to Resistance. Of the recorded Other Responses to Resistance, the following are the circumstances involved:

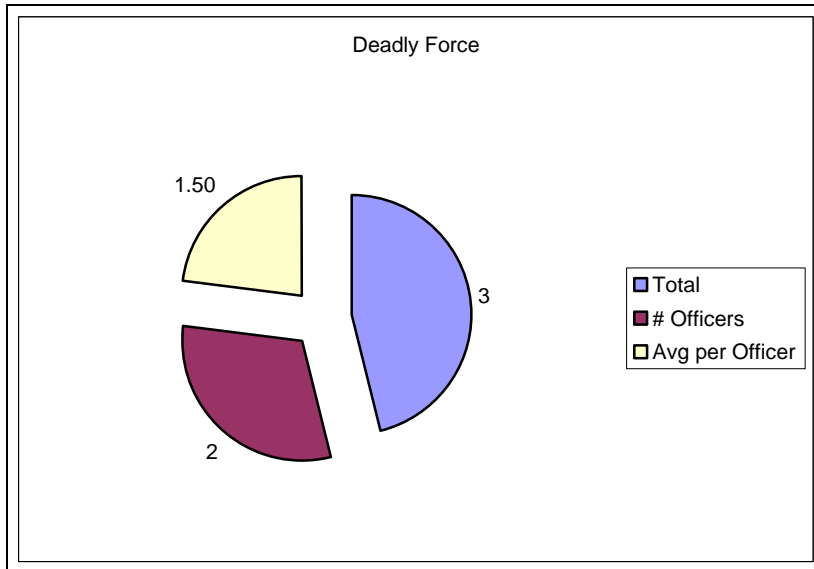
There was a vehicle pursuit that was terminated with the use of Stop Sticks. The Stop Sticks were listed in the Other category and will be discussed in the Pursuit Analysis report. The incident also involved officers on scene displaying both handguns and electronic stun devices.

PIT

This section is covered in the Vehicle Pursuit Analysis portion of this report.

Response to Resistance Analysis 2011

Deadly Force





There were three (3) incidents reported in the Deadly Force category for 2011. However, two (2) of those instances were not a uses of deadly force and was erroneously reported this way. The incidents reported involved an officer that put down injured deer with his department issued handgun thus were not deadly force actions perpetrated against a person.

There was one (1) occasion during which a San Angelo Police Officer took the life of a suspect during a Deadly Force encounter. That incident and encounter was exhaustively investigated by the Texas Rangers and the Tom Green County Grand Jury and was found to be justified. There were no policy violations noted during the Professional Standards Administrative investigation.

Response to Resistance Critiques

During 2011, there were thirty-two (32) incidents of Response to Resistance that have been covered earlier in this report that were also critiqued by first line supervisors as San Angelo Police Department Policy dictates.

Response to Resistance Analysis
2011

SAN ANGELO POLICE DEPARTMENT GENERAL ORDER		
SUBJECT Response to Resistance		
SECTION Two	CHAPTER 13	
AUTHORIZING SIGNATURE 	DATE 12/01/2009	

- 13.01 Purpose
- 13.02 Procedure
- 13.03 Non-Deadly Force
- 13.04 Restraints
- 13.05 Deadly Force
- 13.06 When Firearms May Not Be Used
- 13.07 Reporting Response to Resistance**
- 13.08 Annual Response to Resistance Report
- 13.09 Annual Use of Deadly Force Training

13.07 Reporting Response to Resistance

B. Supervisory Duties

1. Injury Incidents

- a. When a person is injured because of an officer's Response to Resistance or a less than lethal weapon is used, (OC Spray, ASP Baton, Electronic StunDevice) the employee shall notify an immediate supervisor. The immediate supervisor will investigate the Response to Resistance. The investigating supervisor will submit a Response to Resistance Report on a memorandum, attach all pertinent reports and submit it through the Chain of Command to the Chief of Police.
- b. During the investigation the supervisor will determine if any policy violations occurred or if there were any training issues that need to be addressed with the officer involved in the Response to Resistance.

Response to Resistance Analysis 2011

- c. If policy violations did occur, the supervisor will complete an Internal Complaint form and submit it to the Office of Professional Standards. The Investigating supervisor will notify the Shift Commander of any training Issues that need to be addressed with the officer (s) involved.
- d. In the case of Officer involved shootings, all employees shall follow the guidelines outlined in Chapter 32 of the Policy Manual.

The incidents reviewed included Responses to Resistance in the following categories:

• Physical Force (hands on)	23	72%
• Chemical Agents	1	3%
• Electronic Stun Device	13	41%
• Impact Weapons	1	3%
• K-9 Bite	1	3%

Of the thirty-two incidents that required supervisory review, some of those involved both physical force another typed of force tracked such as electronic stun devices, impact weapons, chemical agents or K-9.

Response to Resistance Complaints

For the calendar year 2011, the San Angelo Police Department received three (3) external complaints for Excessive or Unwarranted Use of Force from citizens. Those complaints arose from three (3) different incidents with three (3) different persons filing the complaints against four (4) different officers. One of those officers had two complaints lodged against him.

There were also three (3) Internal Complaints filed against officers by supervisors within the police department.

Complaint Summaries

11-993 – At the end of an encounter involving the theft of some gasoline, an arrest was made. The complainant alleged that the officer used excessive force because his wrists were cut by the handcuffs. The investigation showed that the officers on scene abided by policy in that they checked the handcuffs for fit and double locked them. The complainant caused the problem because he fell into the patrol vehicle on to them hurting himself. There were no excessive force issues identified and no policy violations were observed. **IA case Exonerated**

11-995 – An off duty officer confronted an intoxicated subject at the restaurant they were working security at as a second job. The complainant was arrested for

Response to Resistance Analysis
2011

Public intoxication and complained that the handcuffs hurt her hands and wrists. There were no excessive force issues identified and no policy violations were observed. **IA case Exonerated**

11-996 – Three officers were attempting to arrest the complainant who was intoxicated and belligerent outside a bar. All three officers complained against had to use physical force to get the complainant handcuffed in the parking lot after the complainant was taken to the ground. After the complainant viewed the video recordings of his encounter with the officers on scene, he issued an apology and withdrew the complaint. **IA complaint Withdrawn**

11-994 – No excessive force issues were identified and no policy violations were observed. **IA case Exonerated**

OIS2011-0001 – This complaint was issued by Professional Standards so an Administrative investigation could be initiated with regard to an officer involved shooting where a suspect was fatally wounded when an on duty officer shot him with his duty handgun. A criminal investigation was exhaustively undertaken by the Texas Rangers and the Tom Green Grand Jury and the incident was justified. There were no policy violations or training issues identified during the administrative investigation. **IA Case Exonerated**

11-1001 – An officer was clearing a building after finding an open door. As he searched the building, he saw a shadow flash onto a door in front of him and he discharged his duty handgun at the shadow. The case was investigated as a violation of the department's Deadly Force policy and several training issues were identified. The officer was sent to remedial training prior to the case being completed. **IA Case Sustained**

It should be noted that one (1) of the three (3) external complaints against officers for excessive Response to Resistance arose from an incident when the officer was off duty at an approved off duty job. Two (2) were on duty, arrest related incidents that involved the manner in which handcuffs were placed on subjects.

The complaints received by citizens regarding excessive Response to Resistance were minimal Responses to Resistance in each case for the circumstances the officers were in at the time of the incidents, except for the Deadly Force incident. It appears that the officers involved used good judgment and restraint in dealing with the citizens that complained.

The Deadly Force issue was one in which the investigation showed the officer did exactly as he was trained to do and was not using excessive force for the circumstances which he was under.

Response to Resistance Analysis 2011

In 2011, excessive force complaints comprised 12% of all the recorded complaints, both external and internal, for the year.

General Observations

There were four hundred fourteen (414) incidents reported to the San Angelo Police Department that resulted in seven hundred twenty-four (724) different Responses to Resistance by San Angelo Police Officers. The numbers of Responses to Resistance remained somewhat consistent from 2010 to 2011 with a decrease of seventy (70) total Responses to Resistance.

Officers are remaining quite consistent from year to year in their use of the department's Response to Resistance reporting system. This makes our accounting for the department's Response to Resistance issues primarily effective. I have observed some instances where officers failure to provide information in report forms has led to some problems in the department's ability to capture certain information needed for analysis.

It appears that the issues seen last year with inconsistencies in the critique process have been mostly eliminated. I believe the acquisition of digital MVRS systems has helped to alleviate the backlog of critiques that the department saw last year.

Other issues with the Response to Resistance critiques that have manifested themselves during the analysis are those related to inconsistencies in how first line supervisors conduct investigations and then report them to department administration. The form used for the reporting of the investigations is the department memorandum form which leaves it up to each supervisor to determine what information is pertinent and then how to report it. This lacks consistency and makes it difficult to have a consistent flow of information that should be tracked for analysis.

Already in 2012, the department had implemented the IAPro and Blue Team software suites that will greatly assist in making the critiques of events more consistent. It will also assist in the ability to analyze the Response to Resistance incidents to identify training or other issues that will allow our officers to be safer, more effective, and more productive.

Issues with the ILeads RMS system have been addressed since the last report that has made capturing more detailed information possible for this report.

Since 1996, the National Institute of Justice has noticed consistent numbers in the United States regarding Response to Resistance complaints against officers. Nationally, there is a steady trend of 11.3 complaints of excessive force per 100,000 people. Of these complaints, there is a consistent ***Sustained*** finding in 83% of these complaints. To compare the San Angelo Police Department, we

Response to Resistance Analysis 2011

conducted official internal investigations on six (6) excessive or unwarranted force complaints in 2011. Only one (1) of those complaints was Sustained and nobody was injured or arrested during the incident. Four (4) of the complaints were Exonerated and one (1) was withdrawn prior to investigation. Therefore, the analysis shows that the San Angelo Police Department is within the national average in the Excessive Force category in relation to complaints lodged and sustained findings.

Recommendations

1. Training in the department's Response to Resistance policy should be continued at the division, shift, and section level. The training section should prepare lesson plans that could be used by first line supervisors and command level supervisors to give instruction and guidance in the department's Response to Resistance policy and Response to Resistance reporting policy.
2. The department should offer expanded training in the identification of Deadly Force indicators and then train inexperienced in how to handle those encounters.
3. The Response to Resistance critique system has been updated and made more consistent using IAPro and Blue Team software. Training in the use and applications of these software programs should be continued and expanded into a more advanced format department wide.
4. A time requirement needs to be set as to when command expects Response to Resistance critiques to be completed and forwarded up the chain of command for review. All Response to Resistance critiques should be completed by the end of January each year with the Response to Resistance Annual Report being due by the first day of March each year.
5. The Prism Response to Resistance simulator should be utilized, along with classroom training, to give officers the opportunity to participate in practical exercises related to the various force options they have at their disposal. This would also allow the training staff and supervisory personnel the opportunity to see firsthand their officer's ability to determine what, if any, Response to Resistance is needed in a given situation. It would also allow for a training record to be generated that could be compared over time with other training/incidents to identify deficiencies in an officers judgment or actions related to their Response to Resistance. This could be used to correct any problems identified or if the

Response to Resistance Analysis
2011

officer cannot or will not correct the issues afford the department the ability to discipline the officer accordingly.

6. An Early Intervention program should be researched and proposed for several reasons not the least of which would be to identify those officers that have issues with the decision making process in Response to Resistance situations. Those officers then identified could be sent to remedial training or put with mentor officers that could assist them with those possible issues prior to the involved officer requiring department discipline for violations of the Response to Resistance policy.