

*2023 Annual Report
Response to Resistance and Aggression*



Austin Independent School District Police Department
March 2024

Prepared by the AISD PD
Professional Standards Unit

This annual report reviews the Austin Independent School District Police Department's Use of Force, or Response to Resistance and Aggression (R2RA) during calendar year (CY) 2023. Police may properly respond to an individual's resistance when effecting arrests or in the protection of others, and at times use necessary restraint to control a person who may harm themselves.

AISD Police Department Directive 3.01 requires that the Professional Standards Unit prepare an annual analysis for the Chief of Police on all Response to Resistance incidents. AISD PD prepares this report in order to better understand the conditions under which officers apply a level of restraint and to make improvements to training and Directives when necessary. Preparation of an annual Response to Resistance Report is not a requirement for police departments but is a common practice among recognized agencies. The AISD Police Department is recognized by the Texas Police Chief's Association as meeting best practices.

KEY FINDINGS IN THE 2023 RESPONSE TO RESISTANCE REPORT*

- This report finds that most officer R2RA contacts in CY 2023 were minimal in nature, equivalent to the same force used by a teacher, counselor, or any school official for the purposes of breaking up or preventing a fight, or otherwise preventing students from hurting themselves or someone else. In the majority of these incidents, subjects were actively engaged or about to be engaged in a fight, physical disturbance, or other conduct that was placing themselves or others in danger, and officers used minimal physical contact (soft empty hand control or muscling techniques – see definitions below) to separate them. The Department's documentation of this minimal physical contact as a Use of Force, or "R2RA" exceeds industry standards and meets Best Practices for the purposes of identifying needs for training and early intervention. While most agencies report only those force options resulting in injury or that are serious in nature, this Department reports any and all contacts involving any level of physical force or display of firearms by its officers.
- **In CY 2023 the number of Calls for Service (CFS) decreased significantly compared to 2022. In 2023, AISD Police handled 33,896 total calls for service, down 31% from 49,249 in 2022.** The cause for this decrease may be partially attributed to enhanced Mental Health / Crisis Intervention training and procedural changes in compliance with the Texas Education Code. These changes resulted in significantly less direct interaction by officers with students for school behavioral, disciplinary, or administrative issues. Further, due to staffing cuts the Department discontinued 24-hour patrol operations in late 2022. During 2023, the Department did not have officers working between the hours of 8:00pm – 6:00am. This substantial decrease in officer coverage most likely also contributed to the smaller number of CFS.
- In CY 2023, only 54 out of 33,896 (**0.16%**) of all police Calls for Service resulted in an R2RA incident in which force was used against a person(s) by AISD Police. This

represents a notable decrease (5.9%) in the number of R2RA incidents from 2022, as might be expected with the lower number of Calls for Service.

- 45 of the 54 R2RA incidents in CY 2023, or 83.3% involved the lowest level of physical force used by an officer to restrain an individual, in the form of manually separating combatants in a fight or physically restraining one person from assaulting another.
- Force was used against 62 individuals in CY 2023. Ten of those subjects (16.1%) were non-students over the age of 18.
- In CY 2023 the most frequent subject action resulting in a Use of Force (R2RA) by an officer was Passive Non-Compliance (44%), followed by Assultive Behavior (31.5%), and Perceived or Confirmed Firearm or Other Weapon (18.5%).
- The most often used method of force for officers responding to resistance was “Hands On”, or Empty Hand Control, which was used in 85% of all documented Responses to Resistance incidents. One R2RA incident involved the use of a Conducted Energy Device (Taser). The display of Firearms / Threat of Deadly Force was used seven (7) times by officers within all contacts while detaining or placing persons in custody for felonious or suspected violent felonious crimes, and / or suspicion that a subject was armed with a firearm or other weapon. There were no incidents of officers discharging their firearm.

***See Definitions section below for a better understanding of the above R2RA terminology.**

BACKGROUND AND METHODOLOGY

A police officer’s duty is to protect the life and property of persons in their jurisdiction. It is the policy of the Austin Independent School District Police Department that officers use only the minimum amount of force reasonably necessary to bring an incident under control, while protecting the life of the officer and others. In other words, the amount of force used should only reach and not exceed the level necessary to control a person or situation.

When an officer responds to an incident and force is used to control a situation, AISD PD Directives require that the event be documented as a Response to Resistance / Aggression (R2RA) report. This report includes among other data, a description of the type of resistance or aggression encountered, the type of force used by the officer (i.e., hands, chemical weapon, Conducted Energy Devices (Taser), Less-Lethal munitions, handgun, etc.) and any injuries sustained by the citizen and / or officer.

Further, Department Directives require that the supervisor of the involved officer respond to the scene and review the incident. The R2RA report is then forwarded and reviewed by each level of the Chain of Command, through the Chief of Police.

The Department voluntarily implemented collection of Response to Resistance data in an effort to better understand the conditions under which officers use some level of restraint and to assist supervisors in reviewing all Response to Resistance events. The Department also utilizes Response to Resistance Data to improve training and policy.

DEFINITIONS*

Aggression: Hostile, physically threatening, or violent actions or behaviors towards another.

Aggravated Physical Aggression: Hostile or violent actions toward another involving the use of weapons, or with the intent or result of inflicting bodily injury, serious bodily injury, or death.

Assaultive: Behavior intended to cause bodily injury to another

Bodily Injury: Physical pain, illness or any impairment of physical condition

Combatant: A person engaged in, or who is reasonably believed about to become engaged in a physical fight or disturbance

Deadly Force: Force that is intended or known by the actor to cause, or in the manner of its use is capable of causing death or serious bodily injury

Defensive Resistance: The use of physical force to resist arrest, such as pushing or pulling away, running, or other physical acts not intended or likely to cause injury, with the intent to avoid being detained or taken into custody.

Force: The use of any weapon, instrument, device, or physical power used to control or restrain a person, or to overcome resistance.

Hard Empty Hand Control: Techniques such as leg/foot and hand strikes

Less Lethal Force: An R2RA in which the officer uses an intermediate weapon such as pepper spray, Conducted Energy Weapon (Taser), or Less Lethal Impact Munitions (bean bag shotgun), which is not intended or likely to cause death or serious physical injury.

Muscling Techniques: The use of physical strength to overcome resistance.

Passive Resistance: resistance without the use of force that is intended to impair the officer's ability to complete a lawful objective. Examples: "going limp", physically or verbally refusing to comply with lawful orders.

Resistance: Any physical act or failure to act undertaken by a subject against an employee, that could reasonably interfere with or defeat a lawful attempt by the employee to gain control of the subject.

Serious Bodily Injury: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ

Soft Empty Hand Control (aka: “Hands On”): Physical techniques with minimal likelihood of causing injury (touch pressure and joint locks).

Threats to Life: Physical and / or verbal behavior that is intended or has the effect of placing another in fear of serious bodily injury or death

Verbal Threats: Verbal statements that convey a threat to cause bodily injury or physical harm to another

***Definition Sources:** Texas Penal Code, Texas Code of Criminal Procedure, Austin ISD Police Department Directives

NATURE OF CALL

A breakdown of the nature of the service calls shows that restraint was used most often on Calls for Service (officers called by public or school / district staff), 45 out of 54 restraint incidents. It should be noted that some police contacts may involve elements of more than one type of activity, such as a Suspicious Circumstances call that results in a Pedestrian Stop.

Ambush	0
Call for Service	45
Civil Disorder	11
Custody / Court Hearing	0
Custody / Transport	3
Custody / Booking	1
Pedestrian Stop	1
Pre-planned Operation	0
Public flag-down	2
Suspicious Circumstances	7
Vehicle Stop	0
Welfare Check	0

SUBJECT DEMOGRAPHICS

The Use of Force (R2RA) report captures identifying data about the subject(s) on whom force was used, to include gender, age, race and ethnicity.

Gender

Male	35
Female	27

Race / Ethnicity

Caucasian	25	(40.3%)
African American	25	(40.3%)
Hispanic	10	(16.1%)
Native American	0	(0 %)
Asian	1	(1.61%)
Other	1	(1.61%)

Age

10 or under	0
11-14	21
15-17	29
18-21	4
22-25	1
26-30	3
31-35	0
36-40	1
41-45	0
46-50	1
51-55	0
56-60	0
61-65	0
65-99	0
Age Unknown*	2

*Instances where the suspect or subject of the force was unknown and could not be identified by the officer, such as an unknown suspect that evaded or escaped custody after the officer's use or display of force.

REASONS FOR USE OF FORCE

The most often cited reasons for officers using any level of restraint was to Separate Combatants and Defense of Another. Other reasons why a restraint option was used included: Necessary to Affect an Arrest, Necessary to Prevent Forceable Felony, Necessary to Defend Officer, Resisting Arrest, and Protection of Property. It should be noted that in some instances, officers reported more than one reason for using force in the same incident. For example, the officer used force to separate two students engaged in a fight (Separating Combatants). The officer then had to restrain one of the combatants from re-engaging / assaulting the other student (Defense of Another), and the student resisted the officer (Resisting Arrest).

Separate Combatants	22
Defense of Another	23

Necessary to Affect Arrest	22
Necessary to Defend Officer	5
Resisting Arrest	11
Protection of Property	1

LEVEL OF RESISTANCE

Some Incidents involved multiple subjects using varying levels of resistance

Passive Non-Compliance	34
Assaultive Behavior	13
Aggravated Physical Aggression	18
Perceived Firearm	5
Threat to Life	2
Perceived Other Weapon	2
Perceived Sharp Weapon	1
Confirmed Firearm	3
Confirmed Sharp Weapon	2
Confirmed Other Weapon	3

NUMBER OF SUSPECTS THAT RESISTED OR ASSAULTED OFFICER(S)

In 5 incidents, there was more than one person who resisted or fought with officers, and 57 incidents in which officers encountered resistance from a single subject.

One suspect	57
Two suspects	3
Three	2
More than three	0

LEVEL OF CONTROL GENERATED BEYOND VERBAL DIRECTION

Empty hand control was employed in 53 of the 54 instances reported. Tasers were used in one incident, with the officer using the Taser to control a suspect. The display of a firearm (threat of Deadly Force) was used in 14 of the incidents in which force was used. (Note: Some incidents involved the use of multiple types of force. Values indicate all instances of individual force types across all R2RA incidents).

Muscling Techniques	17
Hands-On	32

Improvised Weapons	0
Hard Empty Hand	0
Less-Lethal Impact Munitions	0
OC / Pepper Spray	0
Pain Compliance	3
Pressure Points	1
Restraints (other than handcuffs)	0
Simple Restraint	0
Taser (Actual Use)	1
Taser (Display Only)	0
Firearm (Actual Use)	0
Firearm (Display Only)	14

NATURE OF SUBJECTS' INJURIES

13 of the 62 individuals upon whom force was used sustained injury. Some individuals may have sustained or reported more than one type of injury.

Subject Injured	13
Subject rendered unconscious	0
Subject Required Hospitalization	2

Nature of injury:

Abrasion / Laceration	2
Apparent Minor Injury	5
Complaint of Pain	3
Other Minor Injury	2
Medical Attention –Treated at scene	1
Not Indicated	0

NATURE OF OFFICER INJURIES

A total of 10 R2RA incidents resulted in at least one officer sustaining one or more injuries in 2023. This is a slight decrease, down from 11 injuries in 2022. It should be noted that some officers may have sustained more than one type of injury.

Abrasion / Laceration	3
Bone Fracture	0
Complaint of Pain	1
Concussion	0
Contamination – Body Fluids	2

Contamination – Chemical	0
Death	0
Gunshot Wound	0
Internal Injury	0
Minor Injury (unspecified)	6
Moderate Injury (unspecified)	0
Needle Stick	0
Obvious Disfigurement	0
Serious Bodily Injury	0
Stab Wound	0
Unconsciousness	0

EARLY INTERVENTION WARNING & ACCOUNTABILITY

Since 2021, the Austin ISD Police Department has used the industry recognized IAPro / Blue Team platform for electronic reporting and monitoring of Use of Force (R2RA) incidents, Supervisor-Level complaints and Internal Affairs Investigations. The system includes an Early Intervention (EI) Warning feature that triggers when any individual officer is involved in a given number of R2RA incidents, complaints, or Internal Affairs investigations in a specified time period. The AISD Police Department has set the warning threshold for individual officers at 3 R2RA incidents or complaints in a 12 month period. When an officer is the subject of 3 of these incidents in any combination in a 12 month period, the Blue Team / IAPro system automatically generates an Alert notifying the Department's Professional Standards Unit. A review of the individual incidents that triggered the Alert is conducted by the Professional Standards Bureau Commander, who looks for trends or indicators that the officer may have a need for additional Training, Corrective / Disciplinary action, or other Intervention.

As noted earlier in this report, to meet Best Practices standards and promote transparency, the Austin ISD Police Department intentionally includes a broad range of physical interactions by its officers in its classification of an event as a Response to Resistance and Aggression (R2RA), commonly referred to as “Use of Force”.

In CY 2023, Austin ISD Police officer actions triggered sixty-two (62) Early Intervention Alerts. Each of those alerts were investigated by the Professional Standards Bureau Commander, with the following outcomes:

Early Intervention Warnings Triggered	62
No intervention necessary	60
Interventions	2

DUTY TO INTERVENE

Texas Law requires any Law Enforcement officer to intervene if they witness another officer using unreasonable or unlawful force or restraint. The same law requires the intervening officer to report the incident to the supervisor of the officer using the excessive force. Austin ISD Police Department Directive extends the Duty to Intervene to include *all* employees, sworn or civilian. The Directive requires Civilian employees who intervene or witness a Duty to Intervene incident to report the incident directly to the Chief of Police.

In 2023, there were no reports of incidents involving Duty to Intervene.

TRAINING

Annually (including 2023) Austin Independent School District Police Officers each receive 40 hours of training during the department's summer training academy, far exceeding the state mandate of 40 hours of training every biennium. Additionally, newly-hired officers received 20 hours of state mandated School-Based Law Enforcement training, which included topics such as de-escalation, emotional intelligence, and interacting with individuals with developmental disabilities. Newly hired officers also received a Department mandated 40-hour Mental Health Course, and most completed a 4 week "Mini Academy", in which they received additional instruction in Departmental Directives, Traffic Stops, Building Searches, Mental Health Response for SROs, School-Based Active Shooter, and other Department-specific training.

In CY 2023, AISD Officers received the following training relevant to the mitigation of resistance, and / or topics intended to train officers in redirecting and de-escalation in order to avoid a resistance encounter.

Weapons Qualifications and Force Continuum Training	8 hours
Mental Health Refresher for Previously Trained Officers	8 hours
TCOLE- New Supervisor Course (First Line Supervisor)	24 hours

Newly hired officers and those needing additional training for Peace Officer License advancement also received the following training:

De-Escalation	4 hours
Adolescent-Development	4 hours
Mental Illness and Crisis Intervention	4 hours
Mental Health and Behavioral and Health Needs...	4 hours
Restorative Justice	4 hours
Mental Health	40 hours
Crisis Intervention for new hires	40 hours

CONCLUSION

The Department's Response to Resistance and Aggression (R2RA) Directive / Policy was revised in 2020 to be more accountable and in line with law enforcement best practices. The use of impact batons as well as choke holds are prohibited by this department as a standard practice.

The Department's primary consideration is the safety of its officers and the public, including the safety of persons upon whom force is used. The Austin Independent School District Police Department collects data on all resistance contacts in order to better understand the department's response to levels of resistance, 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.

Submitted by: Lt Zac Gorbet, Professional Standards

ZHG
July 2, 2024

COMMAND REVIEW

Any actions to be taken: _____

Wayne Sneed
Wayne Sneed, Chief of Police

07/02/2024
Date

