

### **Response to Resistance or Aggression Reports**

Response to resistance reports capture information relative to the circumstances surrounding an officer's use of force at the level of hard-empty hand control and higher. Upon completion, response to resistance reports are submitted through two levels of review, first to the immediate supervisor and then to the appropriate Bureau Captain. The review process determines if the use of force was within policy.

### **Annual Review**

The Burluson Police Department, by policy (1.3.13), conducts an annual analysis of response to resistance or aggression incidents to determine if there are patterns or trends, which may suggest a need for training, equipment, or revisions in policy and, or practice.

### **Policy**

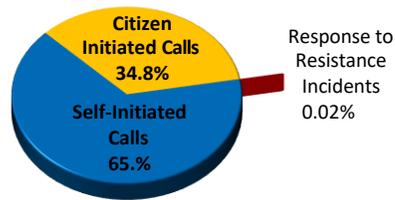
By policy (04-003H, I, J) each time a Burluson police officer uses force as listed below, the officer is required to complete a response to resistance report.

1. They use the following force type(s):
  - a. Hard-empty hand control  
Hard techniques consist of striking with hands, feet, knees and elbows, and include the forceful taking of a subject to the ground. The nature of hard-empty hand control techniques increase the potential risk of injury to the subject and officer. Hard-empty hand control is typically used to counter active aggression such as pushing, grabbing, pulling, punching, kicking, biting, and tripping of officers. However, it may be used to counter passive resistance when the strikes and, or "take down" are utilized in a manner consistent with officer training as viewed within the totality of the circumstances.
  - b. Less lethal defensive weapons
  - c. Deadly force
2. They discharge a firearm, intentionally or accidentally (other than during a training course or for recreational purposes). [1.3.6(a)]
3. They use force that results in physical injury or death to a person. This does not include minor redness, scratches, abrasions, or transient pain associated with grasping, handcuffing, pressure points, joint manipulation, or non-forceful takedowns. [1.3.6(b)(c)(d)]
4. The use of physical force capable of causing non-visible injury, which results in the complaint of non-transient pain, shall be documented with a Response to Resistance report.

### **Incidents**

In 2021, there were twelve incidents which required use of force reports. Those incidents resulted in thirteen use of force reports (one incident involved two officers using force during the same incidents). In comparison, Burluson police officers responded to 55,159 calls for service; 35,939 were self-Initiated calls and 19,220 were citizen-initiated calls. Response to resistance incidents occurred at a rate of approximately one for every 4,595 calls for service.

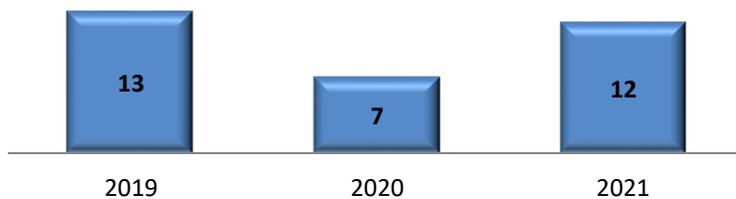
### Calls for Service compared to Response to Resistance Incidents



### Incidents by Year

Use of force at the level of hard-empty hand control and higher increased over last year, but it remained consistent with 2019.

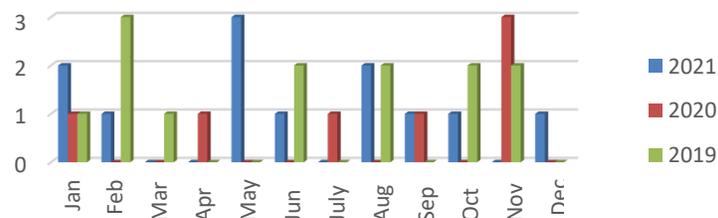
### Response to Resistance Incidents by Year



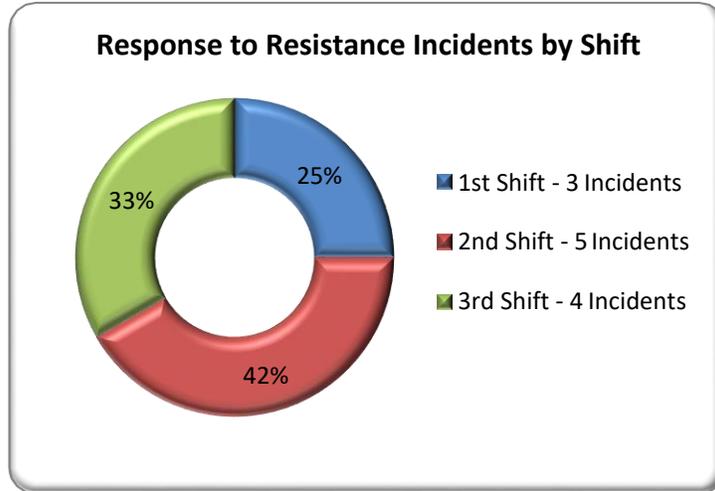
### Incidents by Day, Time, Month, Shift

No clear patterns emerged from month to month and no parallels were noted from year to year.

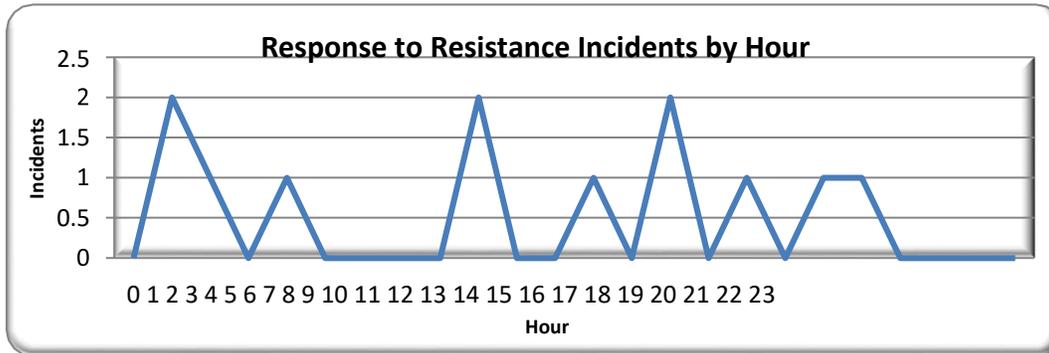
### Response to Resistance Incidents by Month



The majority of Response to Resistance Incidents occurred on second shift, which was a change from last year. There were no correlations noted between individual officers, shifts, or number of response to resistance incidents.



There were no patterns identified related to time of day.

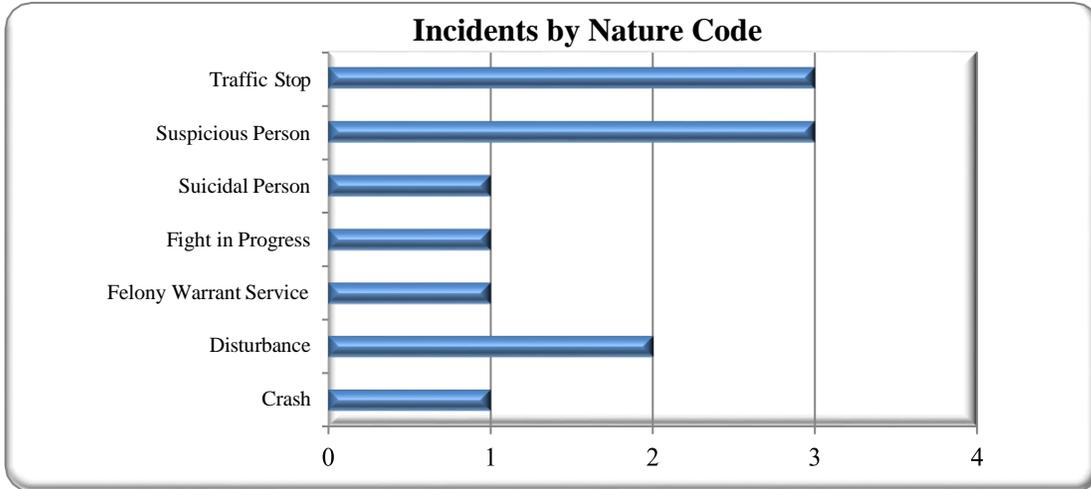


**Incidents by Call Type, Nature, and Location Type**

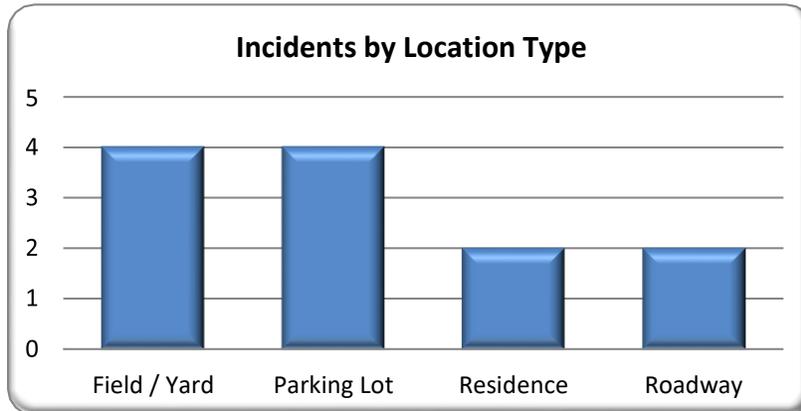
Dispatched calls accounted for the majority of response to resistance incidents in 2021, which remains consistent with previous years.



There was no dominate nature code associated with response to resistance incidents in 2021.



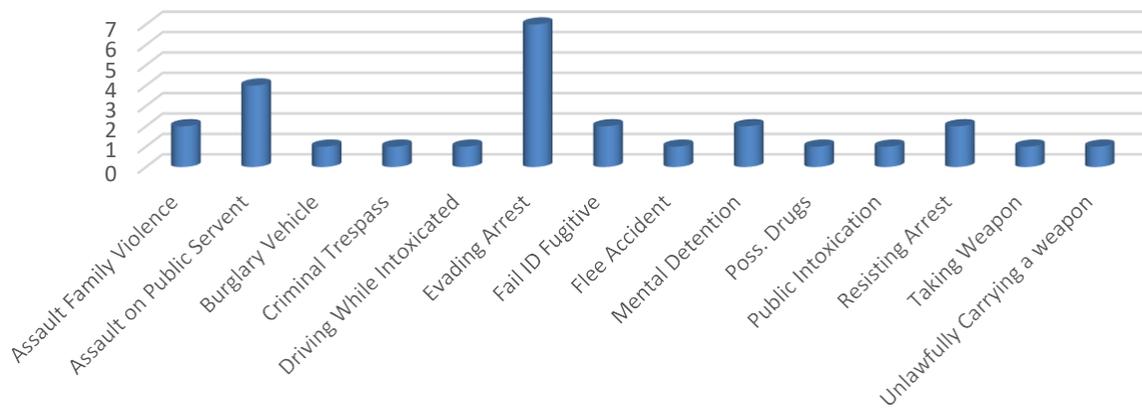
In 2021, response to resistance incidents occurred in fields/yards and parking lots at the same rate.



**Incidents by Disposition**

Of the 1,207 arrests made by Burleson police officers in 2021, about 4% (fifty-four) resulted in soft-empty hand control or below and about .8 percent (10) resulted in Response to Resistance Incident at or above hard-empty hand control. Evading was the leading charge type associated with response to resistance incidents, which was consistent with previous years. In 2021, Burleson police officers made 208 emergency detentions for mental health. Of those, .9 percent (2) resulted in force at or above hard-empty hand control.

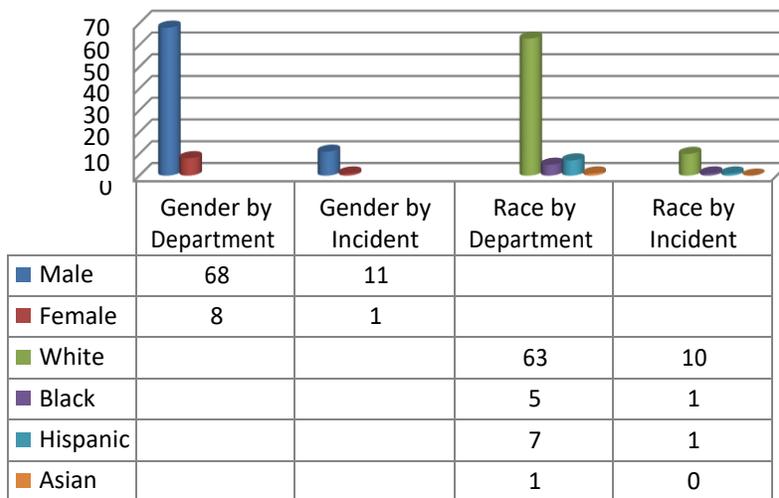
### Incidents by Charge Type 2021



### Incidents by Officer

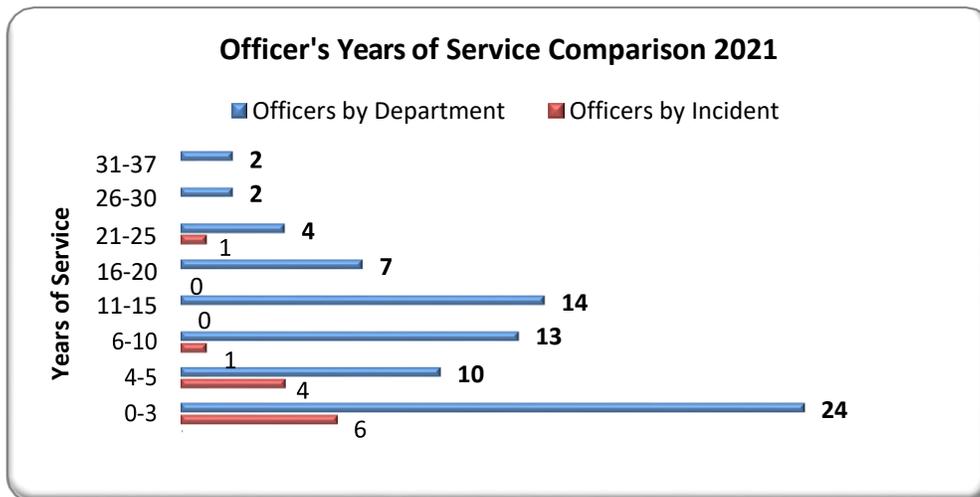
As of February 9, 2022, the department’s authorized strength was 84 sworn officers. At the time of this report, the department is carrying five vacancies and has three officer positions currently attending the academy. Current staffing is 76 sworn officers, of which twelve were involved in use of force incidents at or above hard-empty hand control. When compared to the department’s demographics, an examination of the response to resistance incidents by officer’s race and gender revealed no irregularities.

### Officer Demographics by Department and Incident

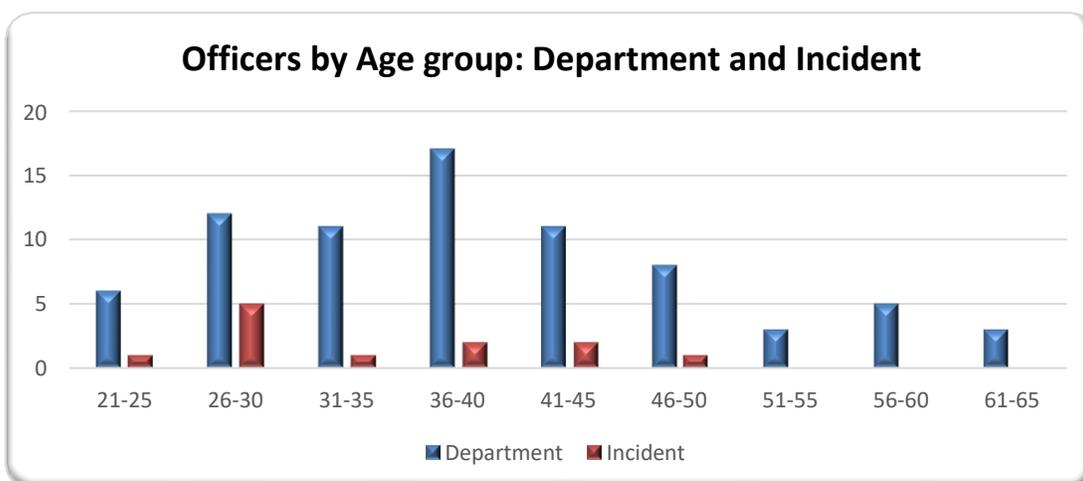


An examination of the response to resistance incidents by officer’s years of service showed officers with three or less years of service were involved in response to resistance incidents

slightly more often than officer with 4-5 years of service. It seems less significant given officers with five or less years of service make up the largest demographic.



The 26-30 officer age groups were involved in more response to resistance incidents in 2021 and is the second largest officer age group.



**Incidents by Number of Officers Involved**

In all but one incident in 2021, only one officer used force at the level that required a response to resistance report. In the remaining incidents, two officers simultaneously discharged their conducted electrical weapons. A thorough review of the incident found the suspect’s rate of escalation so dynamic that neither officer had time to articulate their intent to use their conducted electrical weapon, which resulted in a simultaneous deployment.

**Same Officer Multiple Incidents**

Of the twelve response to resistance incidents in 2021, one officer was involved in two separate incidents. A review of those two incidents found no irregularities and the level of force used was found to be within policy.

### **Officer by Injury and Treatment**

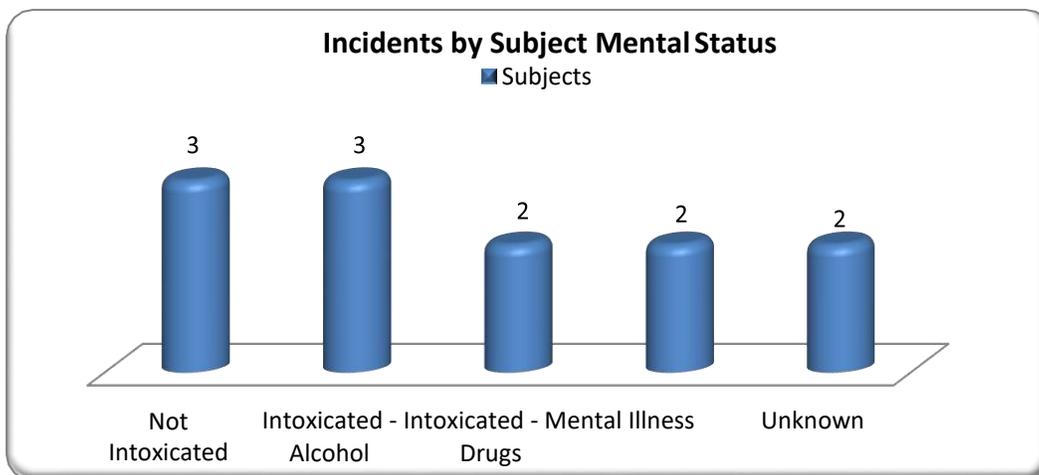
Of the twelve officers involved in response to resistance incidents, one sustained serious injuries from gunshot wounds, and two suffered minor abrasions and strained muscles. The remaining nine officers reported sustaining no injuries. The officer suffering gunshot wounds was transported to an emergency room by a fellow officer. Of the remaining two injured officers, one was treated by fire personnel, while the remaining officer was transported to an emergency room for evaluation and treatment.

### **Incidents by Subject's Gender, Race, and Age**

In 2021, response to resistance incidents involved only males. The race of the subjects consisted of nine white and three black. These individuals ranged in age from 17 to 39. A detailed examination of each of the twelve incidents while considering gender, race, and age did not reveal anything remarkable.

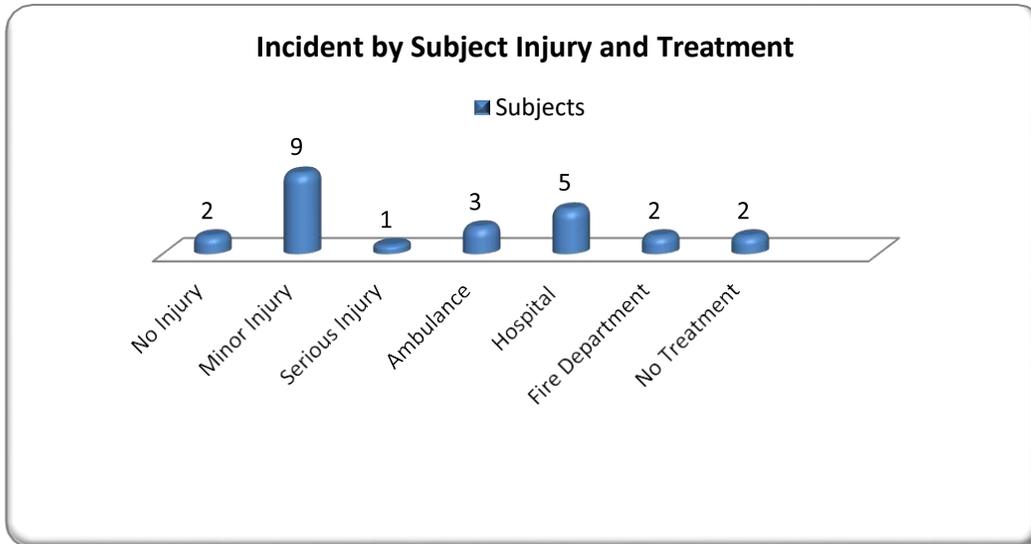
### **Incidents by Subject's Mental Status**

More than half of the subjects of response to resistance incidents were described as suffering from some form of altered mental state which is consistent with previous years.



### **Incidents by Subject's Injury and Resistance Type**

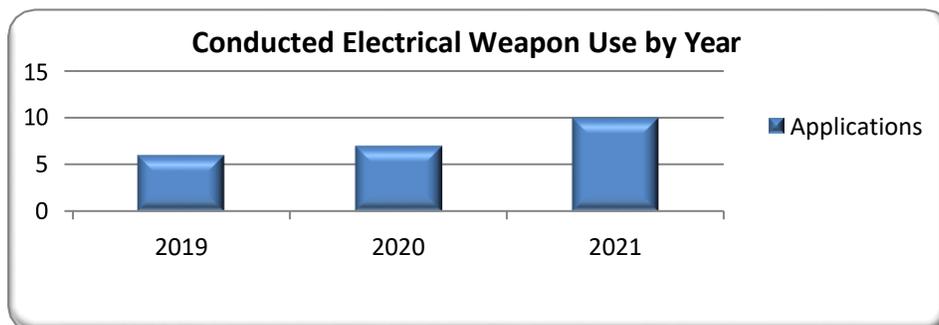
Of the twelve subjects involved in response to resistance incidents in 2021, nine suffered minor injury, one suffered a broken bone during a forced take down and two reported no injuries. Hospital followed by ambulance were the most common forms of treatment sought for those reported to have suffered injury.



Similar to previous years, the majority of use of force incidents in 2021 started with the subject fleeing on foot (8), followed by subjects escalating resistance against officers while being handcuffed (2). On one occasions an officer was attacked with punches and kicks during a traffic stop and one officer was shot three times with a handgun while conducting a traffic stop.

#### **Incident by Use of Conducted Electrical Weapon**

During 2021, there were ten deployments of conducted electrical weapons. Eight were in dart mode and two were drive stuns. Of the eight discharges in dart mode all but one consisted of a single five second cycle, while one consisted of two five second cycles because of continued resistance. Each of the drive stun applications consisted of one ineffective first cycle of one to two seconds followed by commands and an additional cycle of one to three seconds. One of those was described as effective while the other was not. Only one of the dart mode applications were described as ineffective due to only one dart making contact with the subject. In the remaining dart mode deployments, both probes connected and the deployments were described as effective. The subjects of the ten deployments were described as six white males and three black males. It should be noted that two officers simultaneously deployed their conducted electrical weapons against a white male subject who was attacking them with punches and kicks. The deployment of conducted electrical weapons continues to remain low.



### **Incident by Use of Firearm**

In 2021, there was a single deployment of a handgun when an officer returned fire at a fleeing subject's vehicle who had shot the officer three times with a handgun. The officer missed and there was no injury or damage as a result of the shot fired by the officer.

### **Use of Force below Hard-Empty Hand Control**

Soft empty-hand control techniques typically present a minimal risk for injury. Generally, these techniques are used to control passive resistance such as a subject refusing to present hands for handcuffing, sitting or lying down (dead weight), refusing to enter a transport vehicle, stiffening of legs, arms, or body, and pulling away. Some examples of soft techniques are handcuffing, wristlocks, arm-bars, joint controls, and touch pressure points resulting in transient pain. In addition, leg restraints, such as shackles and tethers, as well as the application of a spit hood and the non-forceful taking of a subject to the ground fall within soft-empty hand control.

Since the 2018 reporting cycle, CALEA has requested that statistical data on the use of **any** physical force, the display of a firearm, and the display of an electronic conductive weapon be reported in addition to force at or above the use of hard-empty hand control. This is not a policy standard. Based on this additional requirement, the statistical data reported to CALEA is being incorporated in this use of force review. It is important to note that multiple officers will likely be involved in varying degrees in any incident that results in the need for force. The burden of tracking **any physical force used** is extremely difficult given the expansive definition of "any". The twelve response to resistance incidents discussed in this analysis are included in the table on page eleven.

### **Summary**

An analysis of the 2021 response to resistance incidents did not reveal any significant patterns or trends; however, it did result in an instructor led review of our training in the use of conducted electrical weapons in drive stun mode. In addition, we had no unintentional discharges of handguns in 2021, suggesting the department implemented training in the safe handling of firearms under stress is having a positive effect. The pandemic remains a significant obstacle to the implementation of the departmental defensive tactics program, although it remains a priority in 2022.

Use of any force table (2021)

SWORN PERSONNEL	WHITE		BLACK		HISPANIC		OTHER		TOTAL
	M	F	M	F	M	F	M	F	
84									
<b>Firearms</b>									
Discharge	1	0	0	0	0	0	0	0	1
Number of Suspects Receiving Non-Fatal Injuries	0	0	0	0	0	0	0	0	0
Number of Suspects Receiving Fatal Injuries	0	0	0	0	0	0	0	0	0
Displayed Only	46	7	16	2	18	0	5	0	94
<b>ECW</b>									
Discharge	6	0	3	0	0	0	0	0	9
Displayed Only	19	1	4	0	2	0	1	0	27
<b>Baton</b>	0	0	0	0	0	0	0	0	0
<b>Chemical / OC</b>	0	0	0	0	0	0	0	0	0
<b>Weaponless</b>	72	24	6	0	16	0	0	0	118
<b>Canine</b>	0	0	0	0	0	0	0	0	0
Release only	0	0	0	0	0	0	0	0	0
Release and bite	0	0	0	0	0	0	0	0	0
<b>Total use of Force</b>	144	32	29	2	36	0	6	0	249
<b>Total Number of Incidents Resulting in Officer Injury or Death</b>									4
<b>Total Use of Force Arrest</b>	37	7	8	1	10	0	1	0	64
<b>Total Agency Custodial Arrests</b>	528	271	141	38	178	37	12	2	1207
<b>Total Use of Force Complaints</b>	0	1	0	0	0	0	0	0	1