



OFFICE OF  
POLICE OVERSIGHT

# **OPO POLICY AND RESEARCH ANALYSIS: APD USE OF FORCE AXON REPORT**

**2024 Quarter 3 Data Analysis**

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## **Background**

According to the “Austin Police Oversight Act” and Resolution 99, the Office of Police Oversight (OPO) has been charged with analyzing all of the Austin Police Department’s (APD) force incident data. APD is to provide OPO with all public force incident data up to the most recent month. The Force Review Unit at APD is currently responsible for sending monthly AXON Use of Force reports to OPO. The Force Review Unit only reports on Level II through Level IV force incidents. It's important to note that each incident may involve multiple officers, subjects, and levels of force used. Below are the details of the data sources for each AXON report.

### **AXON Source of Data:**

When an officer is involved in a use of force incident, they must alert their direct supervisors, who are required to submit an "RTR/Pursuit Incident Notification Form" with a summary of the incident to the Force Review Unit. A sergeant from the Force Review Unit reviews the report as well as any additional supporting documentation, such as body-worn camera footage. The Force Review Unit manually inputs its incident evaluation into the Axon Standards Platform, which generates the monthly use of force report emailed to the Office of Police Oversight.

### **AXON Measurement Categories (Variables):**

1. Number of Incidents
2. Number of Subjects
3. Number of Officers
4. Level of Force by Sector
5. Type of force level used.
6. Response Techniques
7. Level of force by command
8. Resistance Encountered

### **Key Findings of 2024 Q3 OPO Analysis**

1. The George (DTAC) sector experienced the highest number of use of force incidents in Quarter 3
2. “Weaponless Other” was the technique used most often by officers (46% of all techniques reported), followed by “Weaponless Takedown” (21%).
3. Level IV Force (Restricting Movement) was used most often across sectors.
4. Most incidents were reported to involve “Defensive Resistance” (60%).

The chart below shows the responsibilities of APD in reporting data and OPO in analyzing it according to Resolutions and City Code.

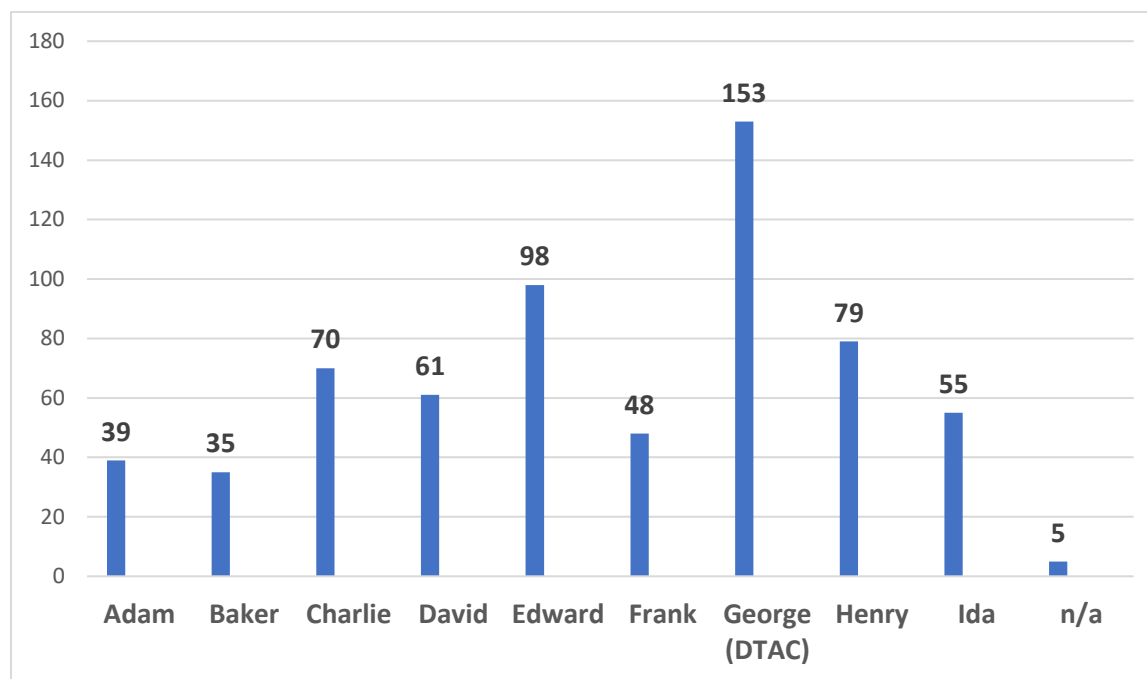
### **Data Roles of OPO and APD**

|                                                                               | <b>Office of Police Oversight</b>                                                                                                | <b>Austin Police Department</b>                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APOA: “Austin Police Oversight Act” ( City Code section 2-15-3(B) (11)</b> | Office of Police Oversight is to conduct random assessments of department use of force reviews, analyze all force incident data  | N/A                                                                                                                                                                                                                                                                                                       |
| <b>Resolution 99: "APOA implementation"</b>                                   | Office of Police Oversight may begin to conduct force incident data analysis in accordance with City Code section 2-15-3 (B)(11) | The police Chief shall provide to the Office of Police Oversight all public force incident report data up to the most recent month, including an anonymized officer ID                                                                                                                                    |
| <b>Resolution 132: "APD Open Policing Data Release"</b>                       | N/A                                                                                                                              | APD shall release data related to "Use of Force with Demographic Data” <ul style="list-style-type: none"> <li>a) All current data in response to resistance dataset</li> <li>b) If an injury or death resulted from the use of force</li> <li>c) Census Block Group of the use of force event.</li> </ul> |

## Use of Force Incident Totals by Sector

(See Appendix C)

Figure 1 displays the number of uses of force incidents by sector. The George sector experienced the highest number of use of force incidents in Quarter 3. The Downtown Area Command (DTAC) is housed in this sector, which might explain the higher number of incidents due to the higher concentration of pedestrians (the public) within the entertainment districts.



\*Please note a single incident can count in more than one sector

**Figure 1: Incident Totals by Sector QTR 3**

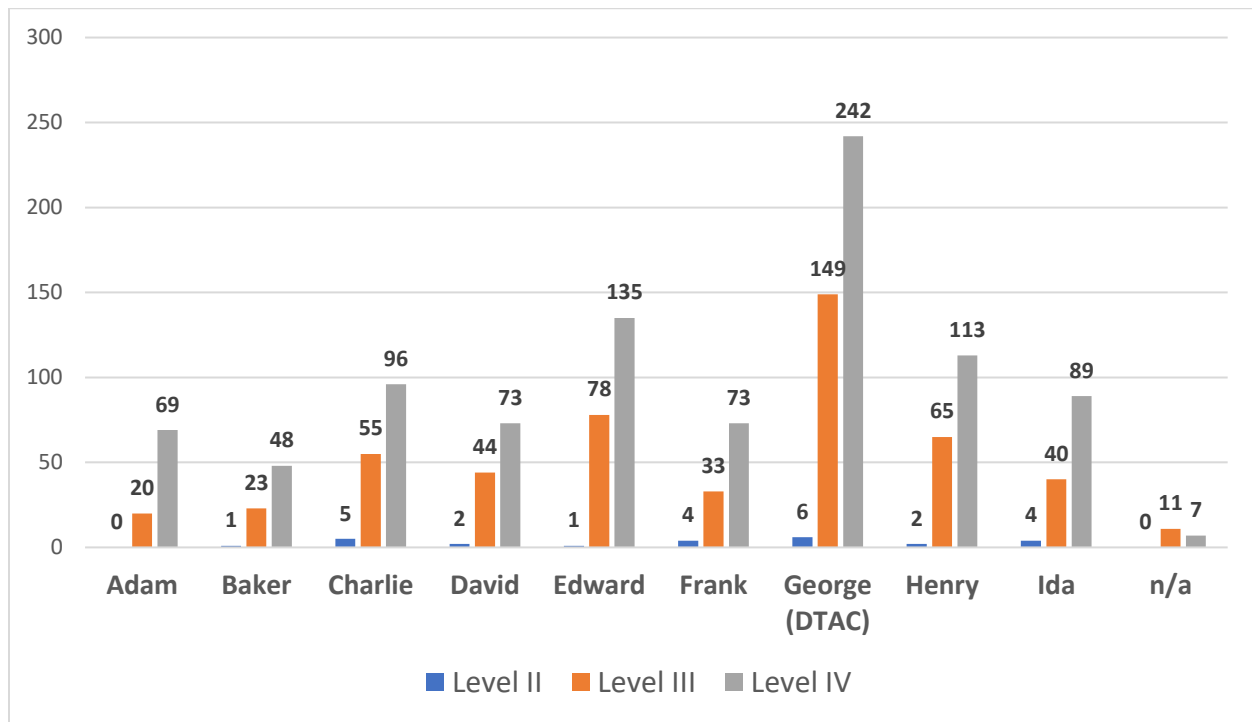
*Note: "n/a" includes incidents that occurred at ABIA and out-of-city*

## Level of Force by Sector Breakdown

(See Appendix A)

Officers report on the Level of Force used in each incident; there are four levels, with Level I being “Deadly Force” and Level IV “Restricting Movement.” In the majority of sectors, Level IV use of force was most often used, and Level II was used the least.

\*Please note that FRU AXON does not report on Level I use of force.

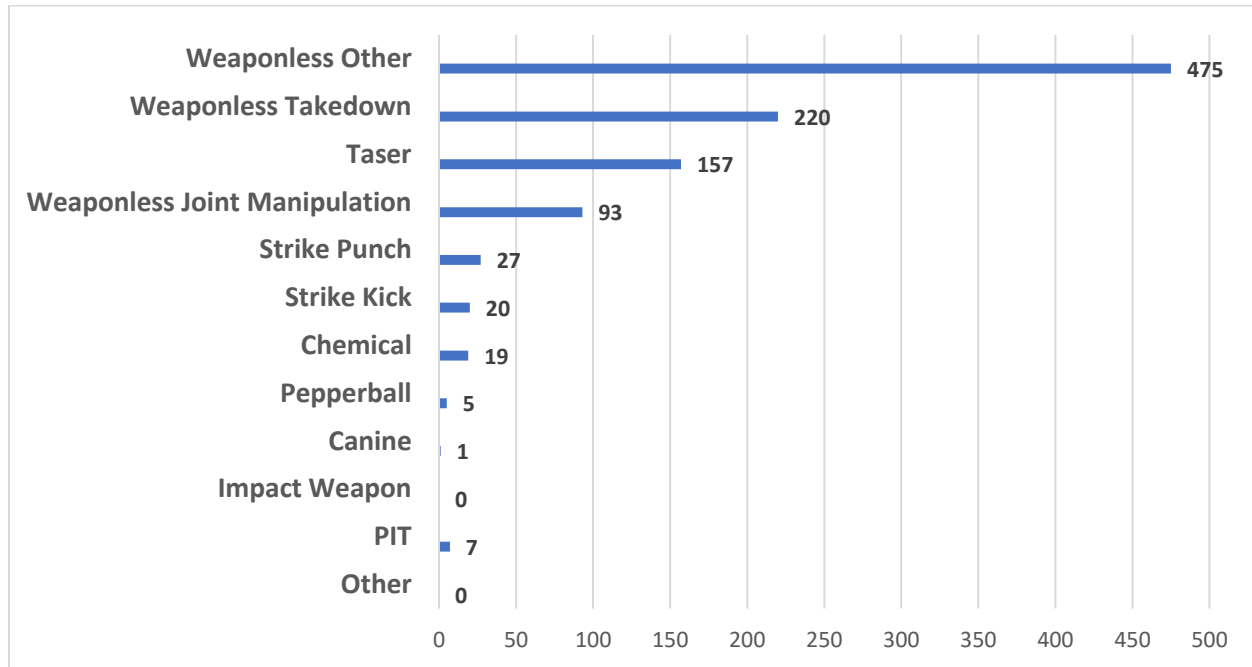


**Figure 2: Level of Force by Sector QTR 3**

*Note: “n/a” includes incidents that occurred at ABIA and out-of-city*

## Number of Techniques Used by Officers

In Figure 3, you can see the frequency of the different weapons or techniques used by officers. The most commonly used technique was "Weaponless Other" (46% of all reported techniques), followed by "weaponless takedown" (21%). "Weaponless Other" describes the use of physical strength or techniques by an officer to control, restrain, or defend against a subject without the use of any weapons.

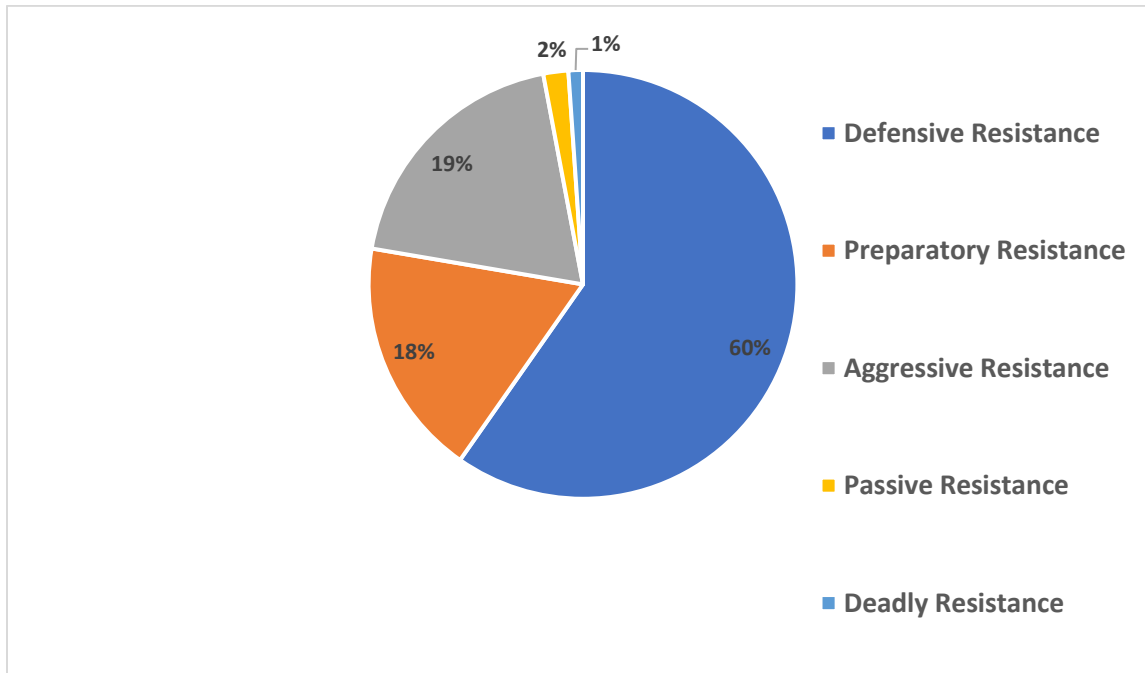


**Figure 3: Number of Techniques Used by Officers QTR 3**

## Resistance Encountered by Officers

(See Appendix B)

In the analysis of resistance encountered by officers, most incidents involved "Defensive Resistance" (60%). The least encountered type of resistance was "Deadly Resistance" (1%).

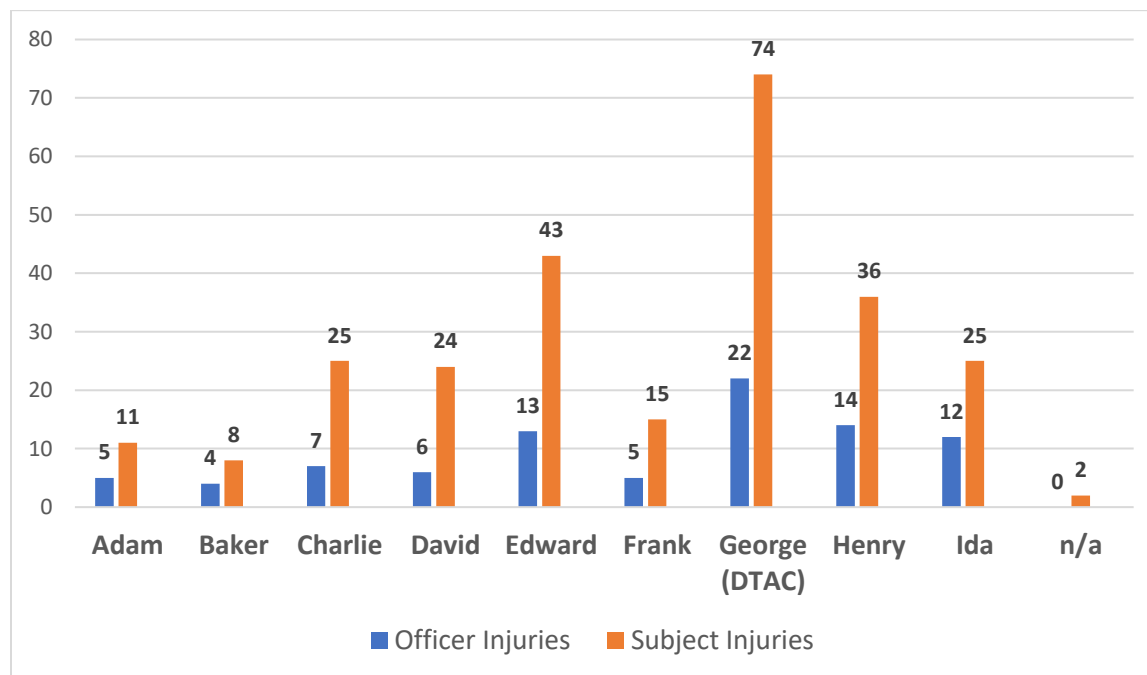


**Figure 4: Resistance Encountered by Officers QTR 3**

## Officers and Subjects Injured by Sector

(See Appendix C)

Figure 5 below shows injuries sustained by both APD officers and subjects by sector. In most sectors, subjects were injured in use-of-force incidents significantly more often than officers. George sector had the most subject injuries (74 subjects sustained injuries in QTR 3).



**Figure 5: Officer and Subject Injured by Sector QTR 3**

*Note: "n/a" includes incidents that occurred at ABIA and out-of-city*

### Data Challenges:

- Not able to reconcile AXON data with Open Data Portal (Versadex)
- No demographics were provided for subjects or officers.
- Not able to link the use of force or resistance by case.
- No specific or detailed description of injuries.

## **Appendices**

**Appendix A- Level of Force**

**Appendix B- Resistance**

**Appendix C- APD Sector Map**

**Appendix A- Level of Force-** the following is pulled directly from APD's General Orders and describes the different levels of force measured.

## 211.2 DETERMINING THE CORRECT FORCE LEVEL<sup>1</sup>

### LEVEL 1 FORCE INCIDENTS AND IN-CUSTODY DEATHS

(a) Any force resulting in death.

(b) Any force that resulted in a substantial risk of death.

(c) Any intentional firearm discharge at a person, vehicle, or structure regardless of injury.

1. For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e. 37mm, and 40mm launchers) are not considered firearms.

(d) Any intentional firearm discharge at an animal that results in injury to another person.

1. For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e. 37mm, and 40mm launchers) are not considered firearms.

(e) Any unintentional firearms discharge resulting in another person's injury or death.

(f) Any force that resulted in serious bodily injury requiring admittance to the hospital, beyond emergency room treatment and release (e.g., serious disfigurement, disability, or protracted loss or impairment of the functioning of any body part or organ).

(g) Use of any impact weapon, including kinetic energy projectiles, and improvised weapons, that strikes the head of a subject.

(h) In-Custody Deaths: For inquiry, reporting, and review purposes, all in-custody deaths occurring prior to or within 24 hours after booking shall be treated as Level 1 incidents and require concurrent inquiries conducted by SIU and IA, regardless of whether force was used on the subject.

(i) The utilization of the Precision Immobilization Technique when serious bodily injury or death occurs.

### LEVEL 2 FORCE INCIDENTS

(a) Any strike to the head by an employee with any weaponless technique.

(b) Use of any impact weapons, including kinetic energy projectiles (other than a Taser), and improvised weapons, to strike a subject and contact is made, regardless of injury. (A strike to the head is a Level 1).

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<sup>1</sup> [107 APD General Orders Issued 06-27-24.pdf \(austintexas.gov\)](#)

(c) Any deployment of a police canine resulting in a bite to a subject's skin, or which results in any injury to a subject.

(d) The utilization of the Precision Immobilization Technique, unless serious bodily injury or death occurs.

### LEVEL 3 FORCE INCIDENTS

(a) Use of Oleoresin Capsicum (OC/Pepper Spray) or other chemical agent on a subject.

(b) Any Taser application (including a Taser application that misses or does not cause NMI).

(c) Use of any impact weapon, including kinetic energy projectiles or any other similar object, in an attempt to strike a subject but no contact is made.

(d) Use of a baton for a non-striking purpose (e.g., prying limbs, moving, or controlling a subject).

(e) Any force resulting in injury or a continued complaint of pain, but not rising to a Level 1 or 2 incident.

(f) Any weaponless technique that causes an impact to the body with or without a complaint of injury or pain. (A weaponless strike to the head is a Level 2).

Examples of weaponless techniques include:

1. Hand/palm/elbow strikes.

2. Kicks or leg sweeps.

3. Take-downs. (g) Any deployment of a police canine for the purpose of biting a subject whose location is known to the handler which results in no injury to the subject.

### LEVEL 4 FORCE INCIDENTS

(a) A level of force utilizing empty hand control techniques that does not result in injury or continued complaint of pain and does not rise to a Level 3 response to resistance.

Examples include, but are not limited to:

1. Restricting a subject's movement by strength or body weight (to include resisted escorting or handcuffing of a subject who is actively resisting arrest beyond the initial or reflexive stiffening or pulling away of a person's arm(s) that officers commonly encounter during handcuffing).

2. Using leverage or strength to bring a subjects arms or legs together for the purposes of controlling, handcuffing, or hobbling the subject (to include resisted control, handcuffing, hobbling when the subject is actively resisting arrest beyond the initial or reflexive stiffening or pulling away of the subject's arm(s) or leg(s) that officers commonly encounter during efforts to control, handcuff, or hobble a subject).

3. Pressure point control tactics.

**Appendix B- Resistance-** the following is pulled directly from APD's General Orders and describes types of resistance encountered by officers.

### 200.3 RESISTANCE<sup>2</sup>

In any force encounter, and regardless of the tool/weapon/tactic chosen by the officer, the officer's decision to use the tool/weapon/tactic is dependent upon the suspect's level of resistance, the threat reasonably posed by the suspect to the officer or another, and the totality of the circumstances known to the officer at that time.

#### Types of Resistance:

No Resistance (Compliant) - A subject who does not resist and follows all commands is compliant. Only a law enforcement officer's presence and verbal commands are required when dealing with these subjects; no coercive physical contact is necessary.

Passive Resistance (Non-Compliant) – A passively resistant subject that fails to take voluntary physical action to obey officer commands yet do not offer physical resistance when officers are forced to take physical control of them due to non-compliance. (a) An example would be a subject going limp during an arrest. Among other things, General Orders do not allow for the use of a Taser when the only resistance offered is passive resistance.

Defensive Resistance – Defensive resistance is voluntary physical movement and / or muscular tension resistance by a subject that attempts to prevent the officer's control.

(a) This is the most common type of resistance encountered by officers.

(b) The situational context (totality of the circumstances) must be considered when determining if a subject is defensively resisting or merely passively resisting. Likewise, the "totality of the circumstances" must be considered when choosing which level of force is necessary to control the situation, and prevent unnecessary harm.

(c) Examples of defensive resistance by a subject may include pulling away from the officer's grasp, locking arms under their body, resisting handcuffing/frisk, fleeing from an officer, or evading arrest by concealment

Aggressive Resistance - Aggressive resistance is an offensive action by the subject who attempts to push, throw, strike, tackle, or physically harm the officer or another person. (a) If the officer or members of the public are threatened by the subject's actions, the officer must respond with appropriate force to stop the attack and defend himself/herself or others.

Deadly Resistance – Deadly Resistance is an offensive action by the subject that could seriously injure or kill the officer or another person if immediate action is not taken to stop the threat.

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<sup>2</sup> [107 APD General Orders Issued 06-27-24.pdf \(austintexas.gov\)](#)

Preparatory Actions Indicating Greater Resistance – Although, on the surface, a suspect may offer or exhibit behaviors associated with not being resistant or a lower level of resistance such as "passive resistance," or "defensive resistance," the officer may also recognize the subject is preparing to offer greater resistance or launch an attack through specific, articulable behavioral cues (verbal, non-verbal and/ or physical). Depending on the circumstances, certain forms of passive resistance, such as verbal non-compliance and/or verbal threats, may be indicators the subject is preparing for a higher level of resistance than is actually being displayed. The officer must be prepared to adjust tactics and/or defend themselves from such a sudden change or attack. Officers do not need to suffer an injury or wait for a physical attack to manifest itself before taking actions to protect themselves or others.

## Appendix C- APD Sector Map

# APD Sector Map

