



Cedar Park
Police Department
2019

Response to Resistance
Analysis

RESPONSE TO RESISTANCE 2019 ANALYSIS

This analysis of 2019 Cedar Park Police Department response to resistance incidents and involvements was conducted in compliance with Texas Police Chief's Association (TPCA) Best Practices Recognition Program 6.10 and the Commission on Accreditation for Law Enforcement Agencies (CALEA) 4.2.4. This review contains an analysis of data from January 1, 2019 to December 31, 2019.

The goal of this report is to identify trends and anomalies, and to develop suggestions for reducing the frequency and inherent risk involved in response to resistance. The Cedar Park Police Department views this report as a critical component in protecting citizens, in line with all of the core values this agency adheres to: Life, Law, Service, Integrity, Community Partnerships, Accountability, and Excellence. We strive to carefully review data in each individual case, while remaining mindful of the dynamic nature that police/citizen encounters can have.

REPORTING REQUIREMENTS

Cedar Park Police Department General Order 6.01.01 and 6.03.01 require a written report be completed by each officer who responds to resistance in a reportable capacity. Following an incident, a comprehensive review is completed, starting at the first line or immediate supervisor and continuing through the chain of command up to and including the Chief of Police or designee. This review includes the assessment of all available audio and video recordings, the offense report, and response to resistance reports submitted by each officer. Each officer's activity is independently reviewed.

An officer's response to resistance is determined to be justified when the amount of force used to overcome the resistance was in line with departmental policy and state law. Throughout the review, each level of command has an opportunity to make recommendations, which may include corrective or disciplinary action. The Chief of Police designates the ultimate findings on response to resistance reviews.

ANNUAL SUMMARY

The department saw an increase in the number of response to resistance incidents from 2018 to 2019. Our agency tracks how many incidents we have as well as how many officers on a single incident used force to overcome resistance. Both numbers increased, and we will discuss some of the causes in the report below.

	2017	2018	2019 ¹
Citizen Contacts	45,962	46,499	44,185
R2R Incidents	41	39	46
1 R2R per:	1,121	1,192	961
Rate:	0.089%	0.084%	0.1%

The incidents are listed below by type, with the highest level of force used for each incident², and offer a comparison to the previous years.

	2017 Incidents	2018 Incidents	2019 Incidents	2019 Officer Involvements	Difference
Physical Control	29	34	42	79	+8
OC Pepper Spray	0	0	1	1	+1
Impact Weapon/Baton	1	0	0	0	-
Bean Bag Shotgun	1	0	1	1	+1
CEW (Taser)	9	5	1	1	-4
Firearm	0	0	1	2	+1
Canine	1	0	0	0	-
Total	41	39	46	84	+7

OFFICER RESPONSE

Of the 84 individual officer reports, there were a total of 44 officers (44% of sworn personnel) who used force in 2019. While there are observations that can be made, most differences across the years are minor. Once responses are broken into categories, we are dealing with relatively small groupings which can show a “100% increase” due to a single use of force. In light of that, we hesitate to claim a trend or pattern is occurring without careful consideration. We will

¹ Contact count determined with Cedar Park Police Department CAD data, filtering out the following: calls with a user defined timestamp to be handled over the phone, calls where Animal Control Officers were primary, security checks, follow ups, and calls where officers were unable to locate a reported incident.

² These numbers are only involving the highest level of response used by each officer during the incident, so officers that use both soft and hard techniques, or bean bags and CEW, will only count with the highest level of response used.

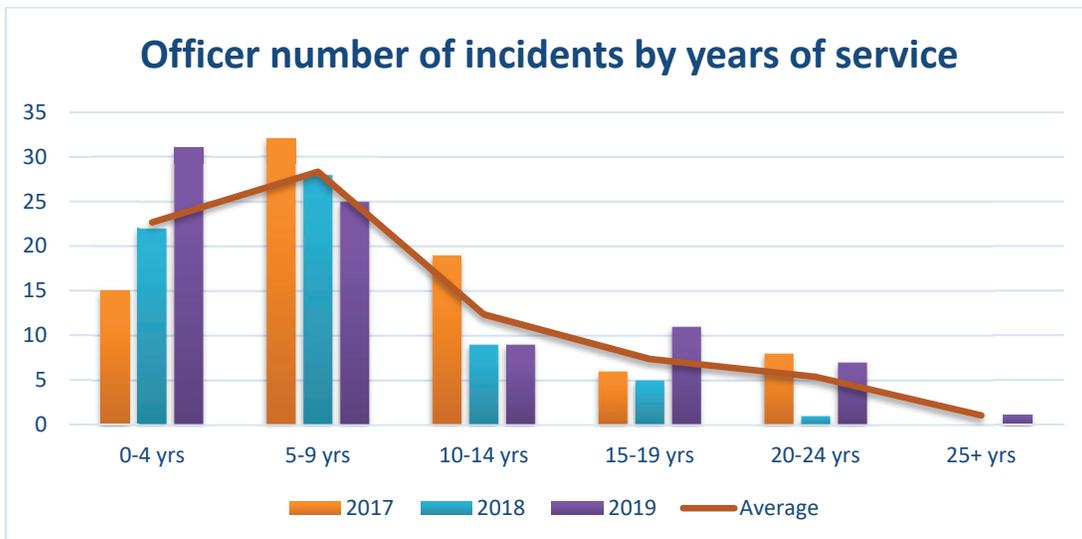
continue analyzing data collected over multiple years to attempt, when possible, to identify trends or areas of consideration.

OFFICER RESPONSE BY YEARS OF SERVICE

We reviewed the years of service, age, and rank of the members of the Department who responded to resistance.

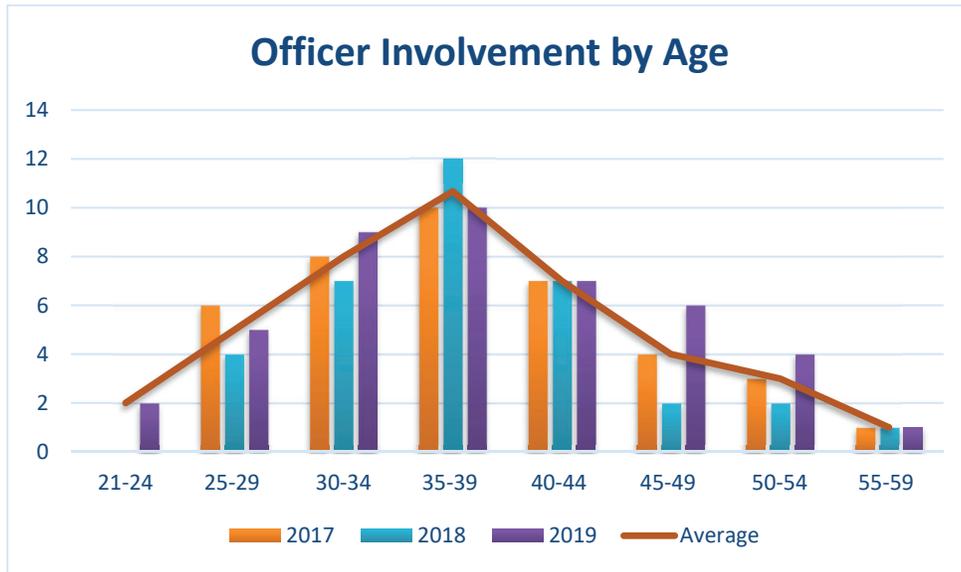


These charts track individual officer involvement by their years of service in law enforcement. This year, officers with more experience were more likely to use force than in previous years. Officers with 0-4 years of experience accounted for the highest number of incidents where force was used.

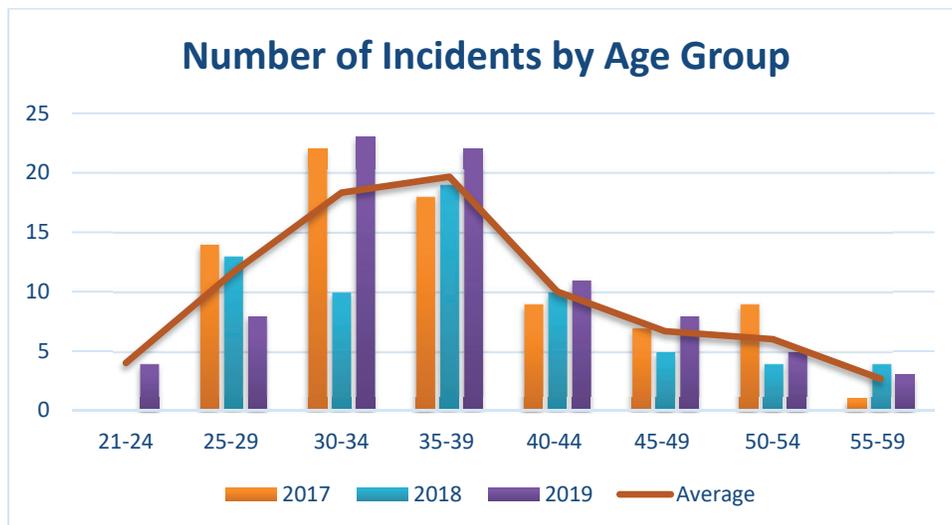


OFFICER RESPONSE BY AGE

In line with last year's data, Officers in the age group of 35-39 had the most involvements.



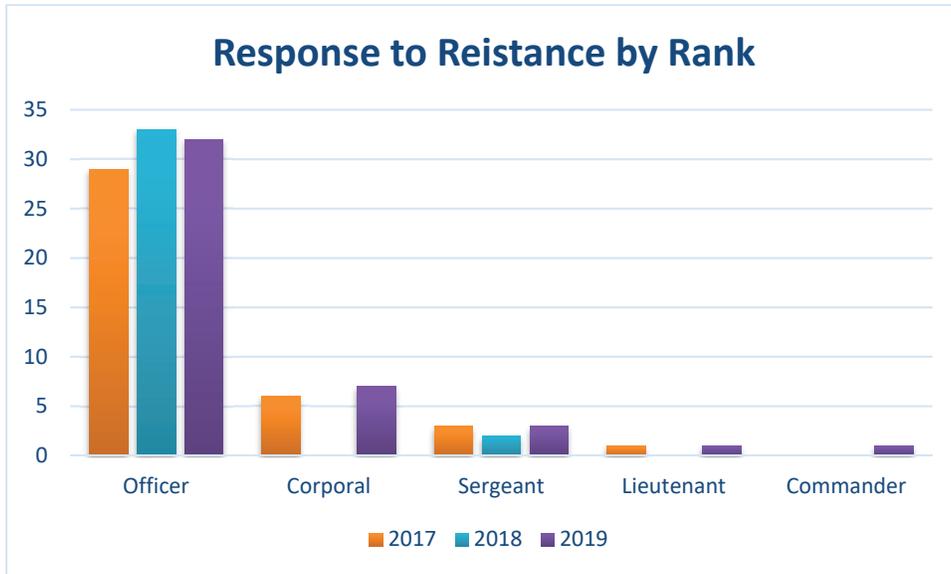
When comparing the number of incidents for each age group, most remained fairly consistent. There was a decrease in incidents for the officers aged 25-29, and an increase in incidents for officers between 30-34 years old.



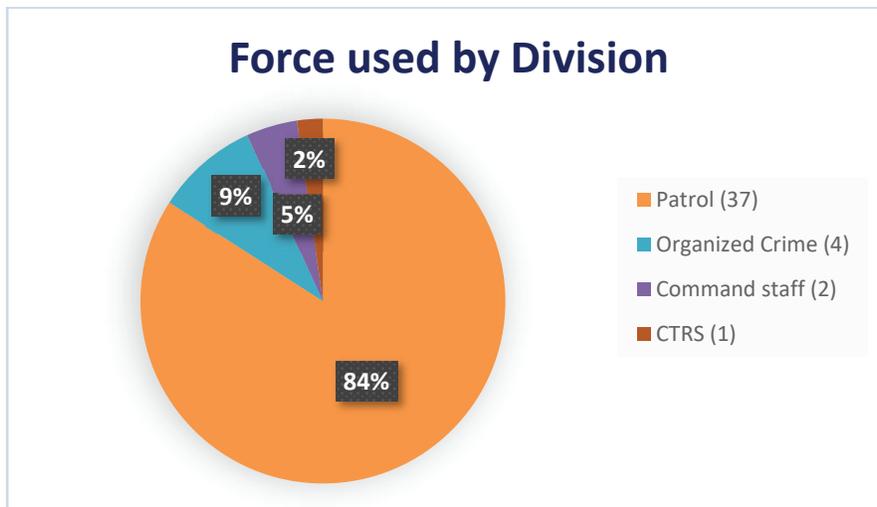
We closely reviewed the incidents involving the 30-34 age bracket to see if any trends could be identified. We did observe that 7 of those incidents occurred on 3 Organized Crime operations, the majority of those being soft techniques to bring a resisting individual into custody. There were no significant policy violations, no noteworthy injuries to suspects or officers, nor any other indicators of concerning trends. While we will continue to monitor the data, no issues were discovered during the review.

OFFICER RESPONSE BY RANK AND ASSIGNMENT

As expected, individuals holding the rank of Officer consistently account for the majority of our force used. This year we saw an increase in force used by the rank of Corporal, Lieutenant, and Commander.

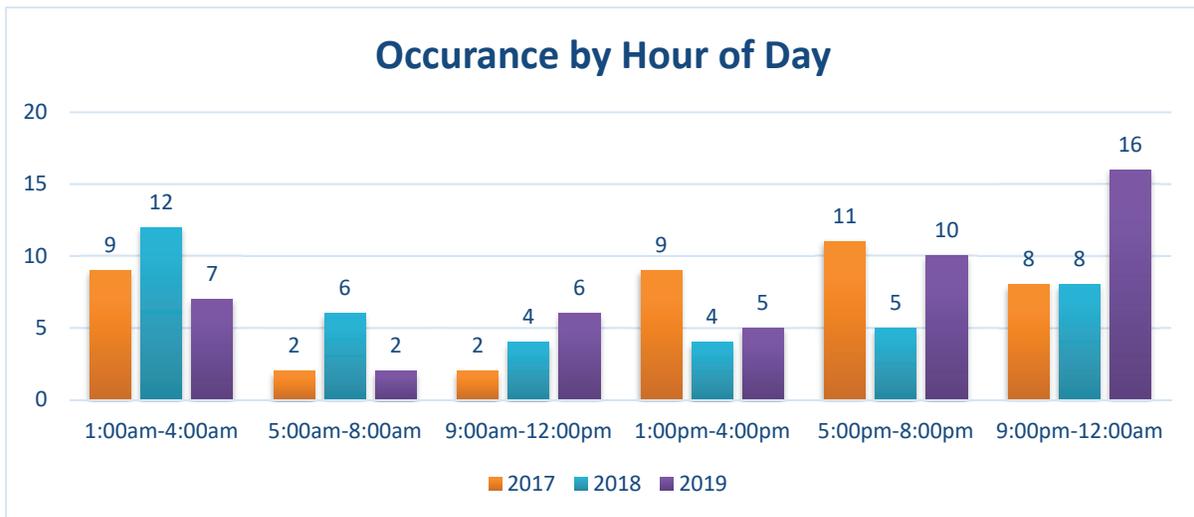


Force used when broken down by function shows similar trends, with the majority coming from our patrol division.

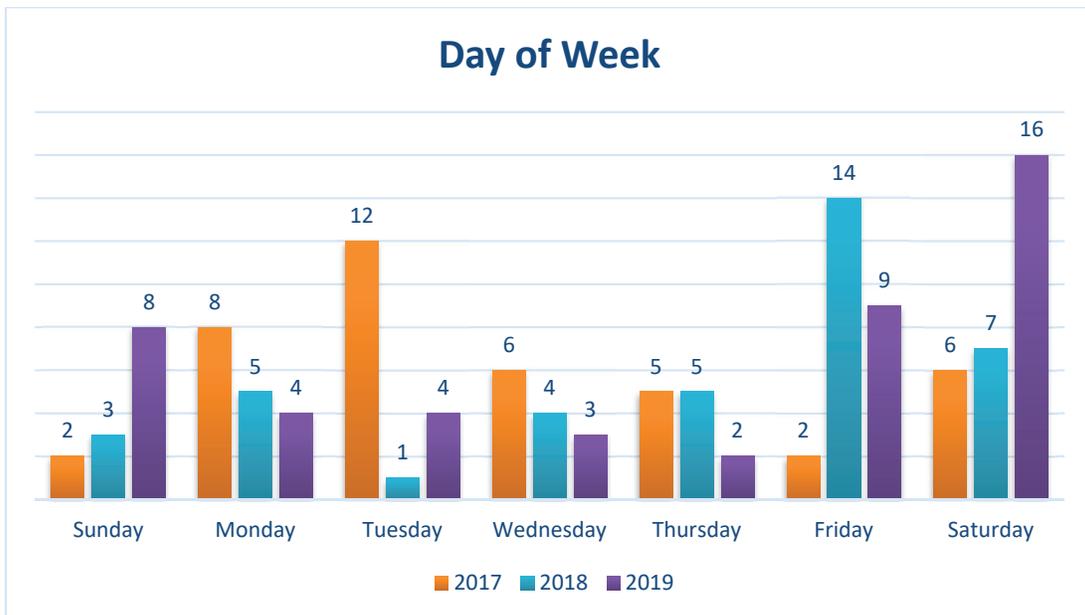


DATE AND TIME RESPONSE

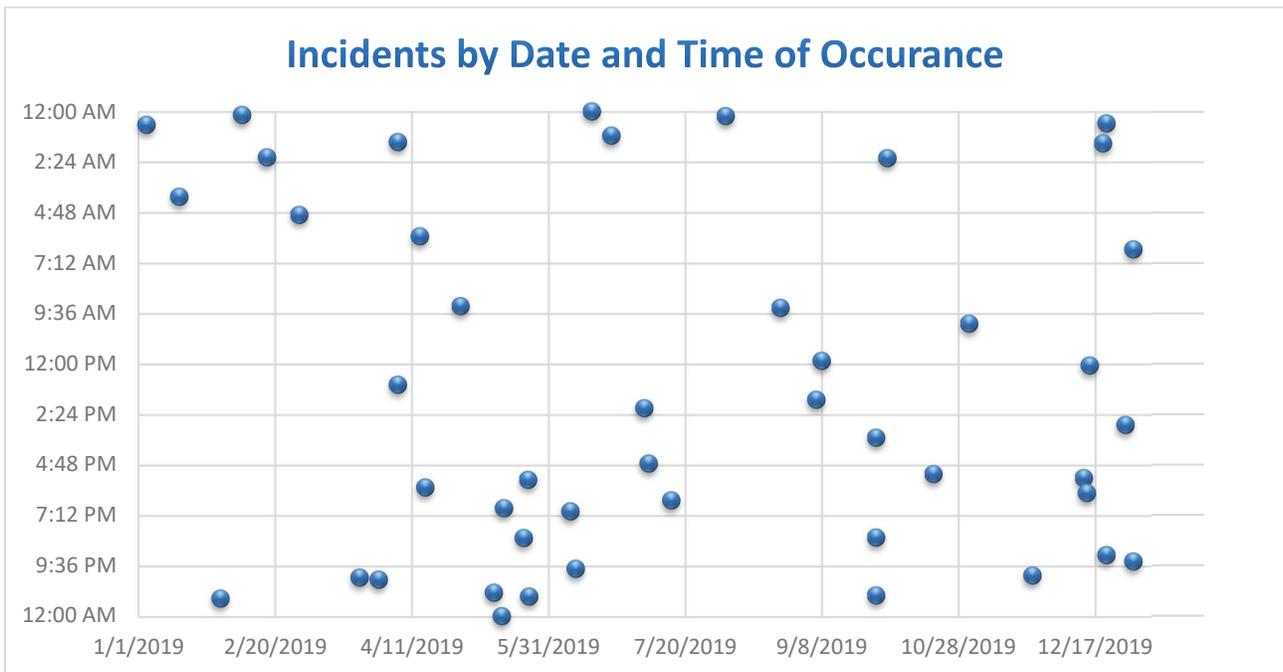
In order to conduct our analysis of the date and time of offense, we collated data into several different formats. Additionally, we considered regional factors such as weather, crime rate, and enforcement times for crimes. As demonstrated in the below charts, our occurrences remain fairly consistent when hour of day is observed. In 2019 we doubled our occurrences between 9:00pm and 12:00am. However, we also saw a decrease between 1:00am and 4:00am. Of those 16 occurrences, half of our offenders were under the influence of drugs and/or alcohol, as will be discussed later in the report. For the analysis of date and time of incidents, the data has remained fairly consistent and in line with expected crime.



Fridays and Saturdays continue to be our busiest days.

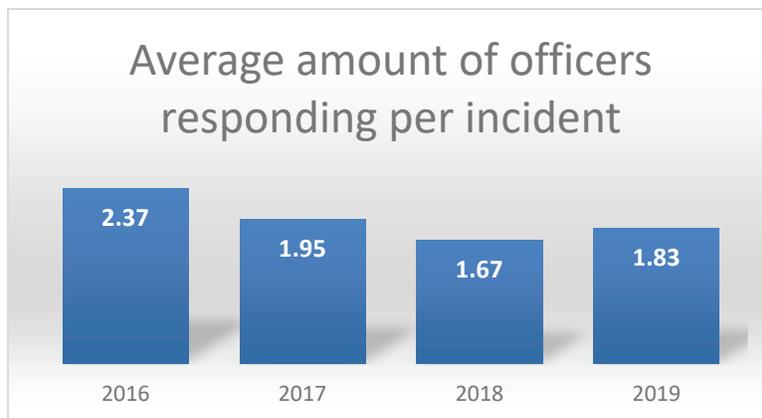


We identified a small cluster of force used in mid-May during the evening hours, but did not identify any common trends within that cluster. No other trends identified.



OFFICER AVAILABILITY

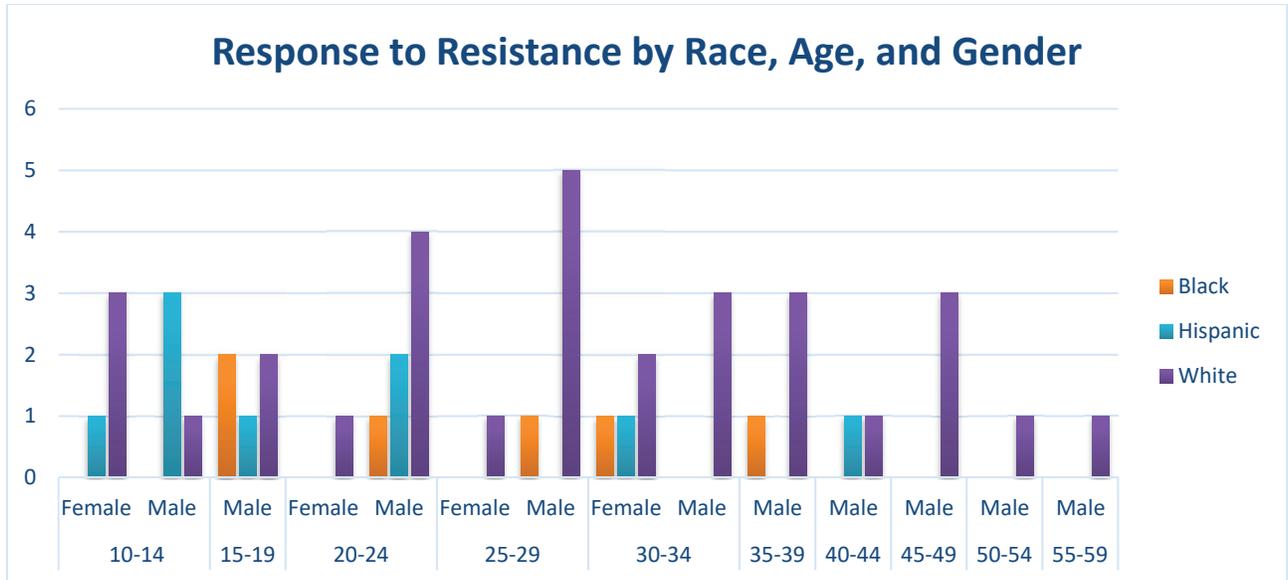
Over the past few years, we have observed a continual decrease in in the average number of officers on scene responding to resistance. In 2019, we observed a slight increase. That, combined with the small increase in incidents, confirms our officers continue to correctly identify situations where additional assistance may be required.



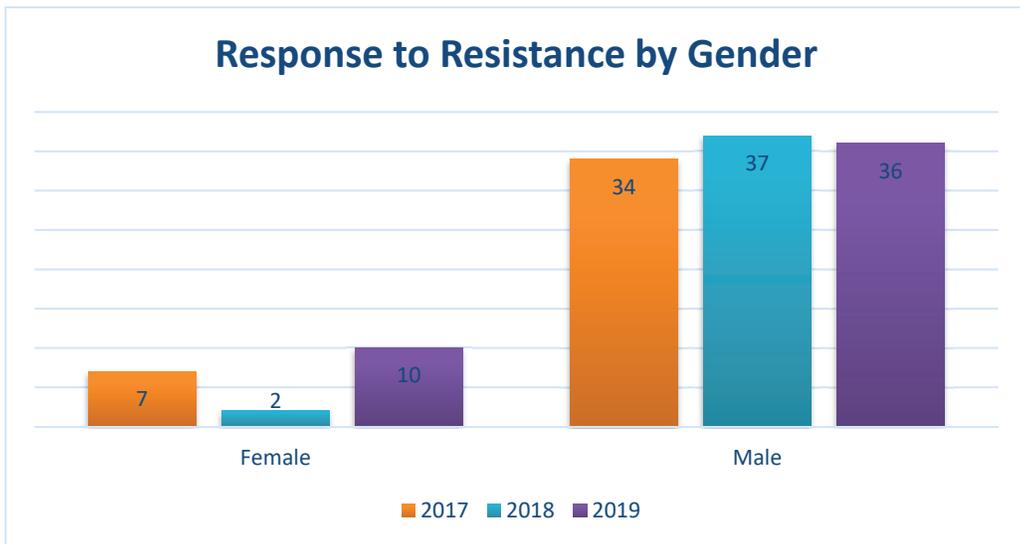
There are many things that can have an impact on officer availability. We reviewed the use of sick time, vacation time, flex time and officers on light duty. There were no significant deviations that led to one singular cause.

GENDER, RACE, AND AGE

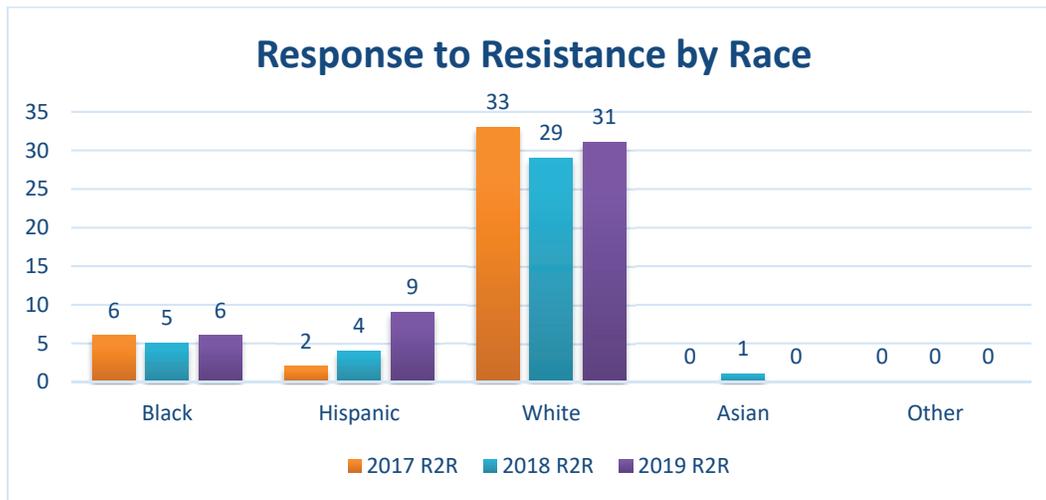
Officers responded to resistance with white males between the ages of 20-29 more than any of the other demographic. We responded to resistance with a total of 10 females and 36 males.



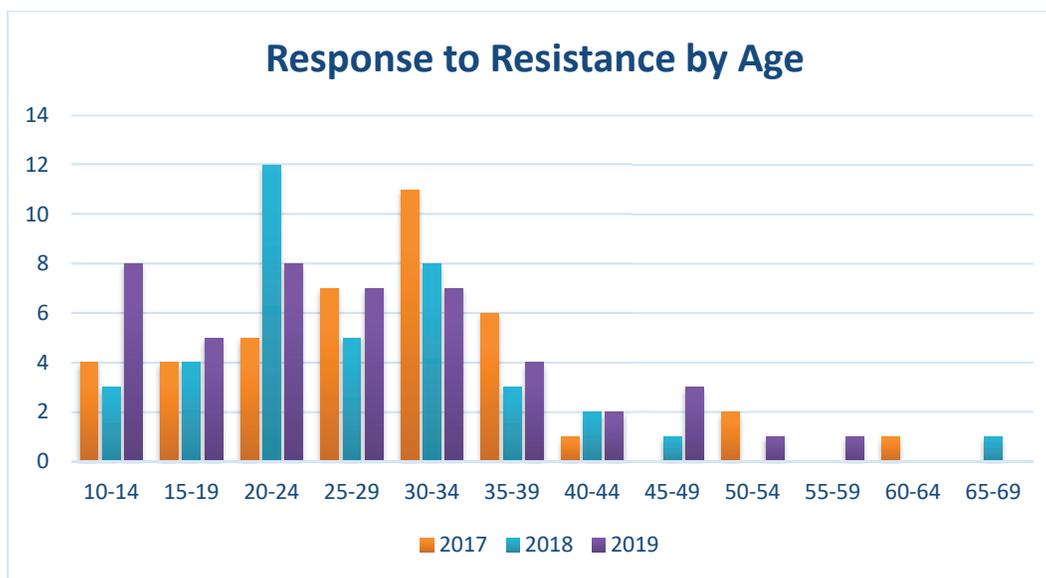
Overall, our numbers remain fairly consistent when broken down by gender. We did see an increase in the number of females involved, however, as will be discussed later in the report, a significant portion of our response to resistance this year involved small amounts of force used to mitigate mental health crises, including 60% of our involvement with females.



There was a slight increase in the number of Hispanic individuals involved in a response to resistance (from 4 to 9).

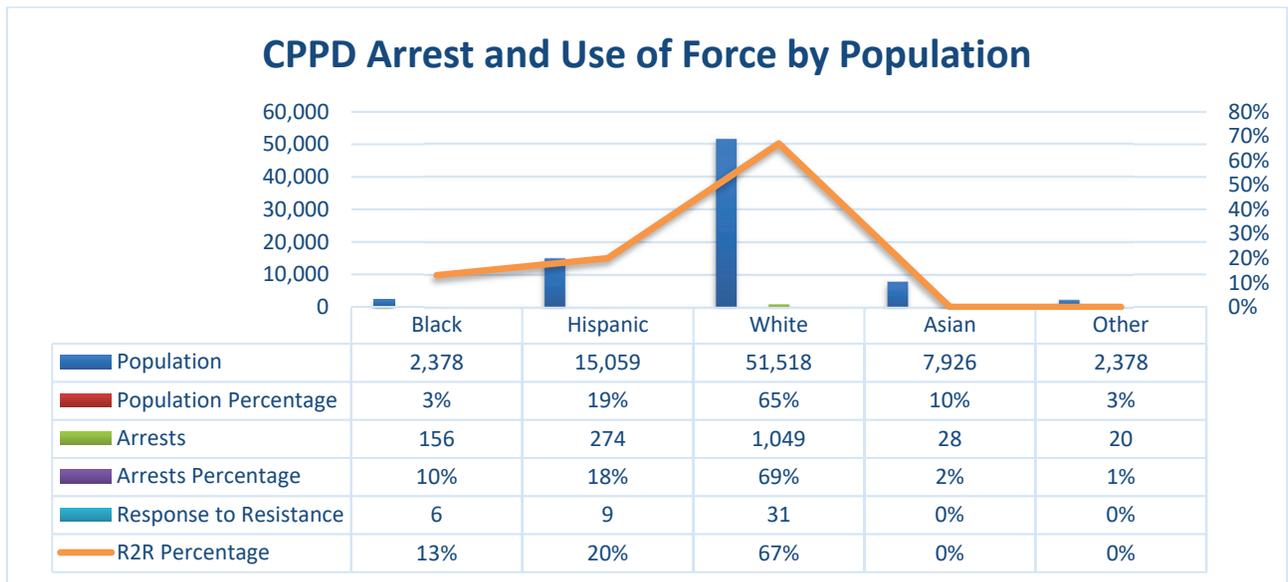


The most notable increase was response to resistance used on the 10-14 age group, and the most noted decrease was on the 20-24 age group. We dug deeper into the increase in 10-14 year olds to see if there were any common factors.



The increase in the 10-14 age group was primarily due to assisting parents with safe transport to mental health facilities. In all 8 instances of force within that age group there was at least one of the following factors: mental health, family violence, or intoxication. In 5 of the cases, there was more than one of those factors present. Additionally, the situations were all able to be resolved with the lowest level of force (soft techniques). Finally, there were no injuries, and no policy violations reported with any of the incidents for that age group. We will continue to monitor that age group, but at this time see no trends requiring action at this time.

This year we attempted to compare race data with our arrest statistics as well as estimated demographics as provided by the US Census Bureau³.



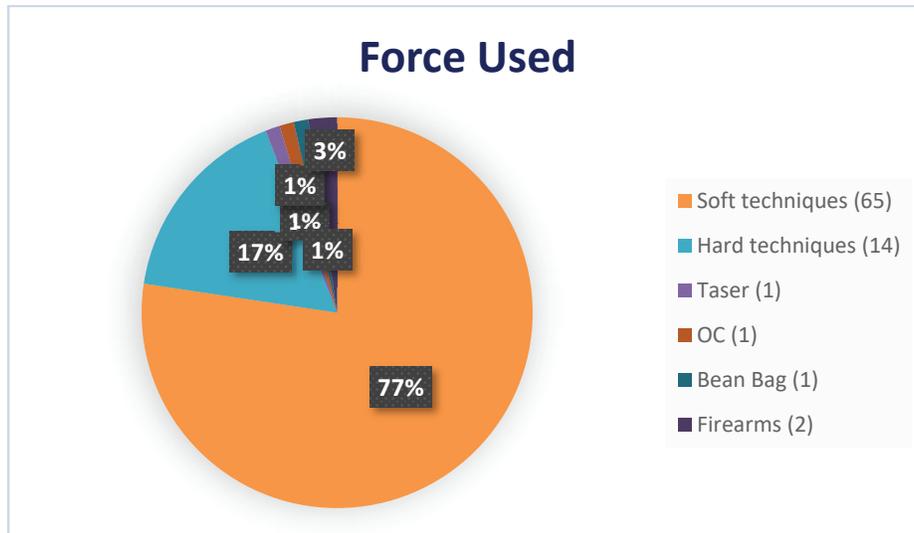
Recognizing the small number of total responses to resistance, we will continue to monitor trends or patterns regarding age, gender, race, force, and our estimated population. We are encouraged by the low numbers, and at this time see no indication that race, age, or gender is a factor in our response to resistance.

³ The US Census Bureau reports population in Cedar Park Texas as 76,999 in 2018, and does not provide data for 2019. City of Cedar Park Applied Geographic Solutions estimates 3% growth from 2018 to 2019. Estimated residents are based on 3% growth with demographic percentages obtained from the US Census Bureau data.

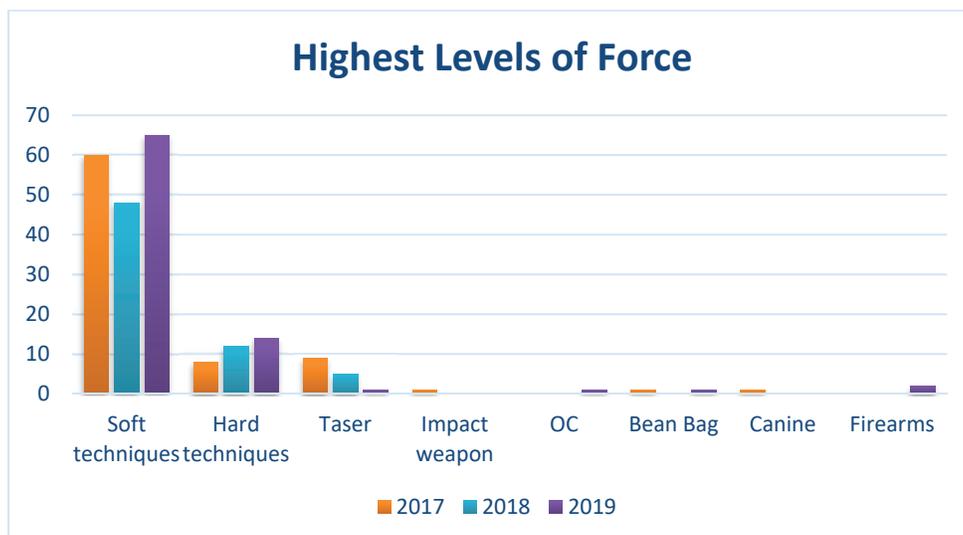
LEVELS OF RESPONSE TO RESISTANCE USED

OVERVIEW

Officers have multiple options available to them depending on the level of resistance encountered. There were 84 individual officers who used force in the 46 incidents that occurred during 2019. This chart demonstrates the highest level of force used in each incident, by each officer. Overwhelmingly, our officers utilize soft techniques.



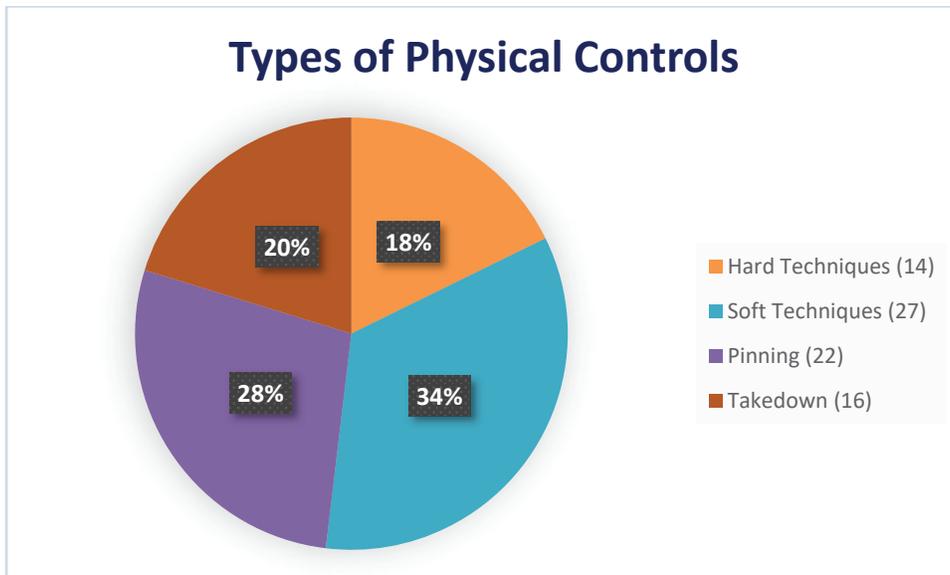
We reviewed data over the past three years. Taser use has continued to decline, and hard techniques have slowly increased. We will continue to monitor, but overall we believe this demonstrates our officer's effectively evaluating the circumstances and consistently only using the minimum force necessary to meet the resistive actions of a suspect.



PHYSICAL CONTROL

The overwhelming majority of the way we respond to resistance is through weaponless physical control. Our officers used manual soft techniques (pinning, holding, joint manipulation, pushing, non-striking grab) and the remainder of the physical control involved hard technique (striking blows, punches).

Of the 79 documented reports of physical control, we broke down into several sub-categories, as displayed below.



We reviewed the data for any commonalities, trends, or observations we could make within these reports. The following findings were discovered through careful review of these incidents:

- Pinning occurred on 13 incidents and generally involved multiple officers. Only two of the pinning reports were a single officer response.
- There were 22 reports where physical control was utilized with only 1 officer on scene. When there was only 1 officer on scene, the most common technique used was the takedown, accounting for 10 of the 22 reports.
- There were 3 incidents where hard techniques were used after soft techniques were attempted. All three of those subjects were evaluated by medical personnel, two of whom had visible abrasions. None required release to the hospital, and all 3 were arrested.

There was only 1 physical control determined to be unjustified, resulting in a written reprimand. There were also corrective actions in other cases due to failure to attempt de-escalation, tactical concerns, and professionalism. Those will be discussed later in this report.

TASER

The Taser is a handheld Electronic Control Weapon (ECW) that fires two small darts designed to imbed themselves in the skin or clothing of a resisting, fleeing, or combative suspect. There are typically no long-term side effects of Taser use on suspects.

There was 1 Taser deployment in 2019, and it was ineffective.

No Taser discharge was determined to be out of policy.

OTHER LESS LETHAL AND FIREARMS

The Cedar Park Police Department has a number of less lethal options that are designed to inflict surprise, pain, or trauma in order to gain compliance when necessary. This includes the use of a less lethal shotgun, oleoresin capsicum (OC), and the use of a canine. We also carry firearms.

This year, there was 1 deployment of the less lethal shotgun and 1 deployment of OC.

- The less lethal shotgun was justified and effective during a CTRS SWAT operation, and no policy violations were observed.
- The OC was utilized after soft techniques were unsuccessful. The use of the OC was justified and effective, however corrective action was issued for a violation of the body camera policy.

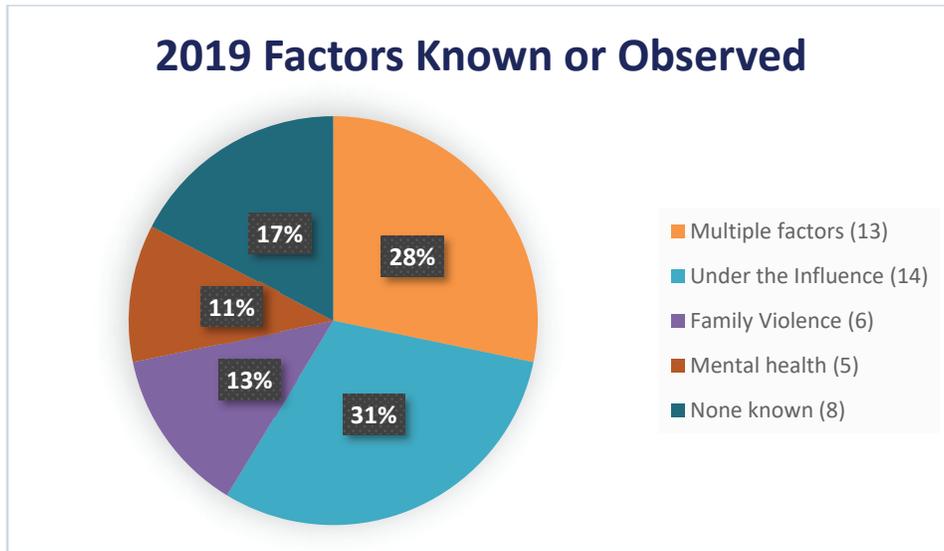
FIREARMS

The Cedar Park Police Department issues Glock 17 Gen 5 handguns as our primary duty weapon. Officers are also authorized to carry patrol rifles once they have attended training and qualified.

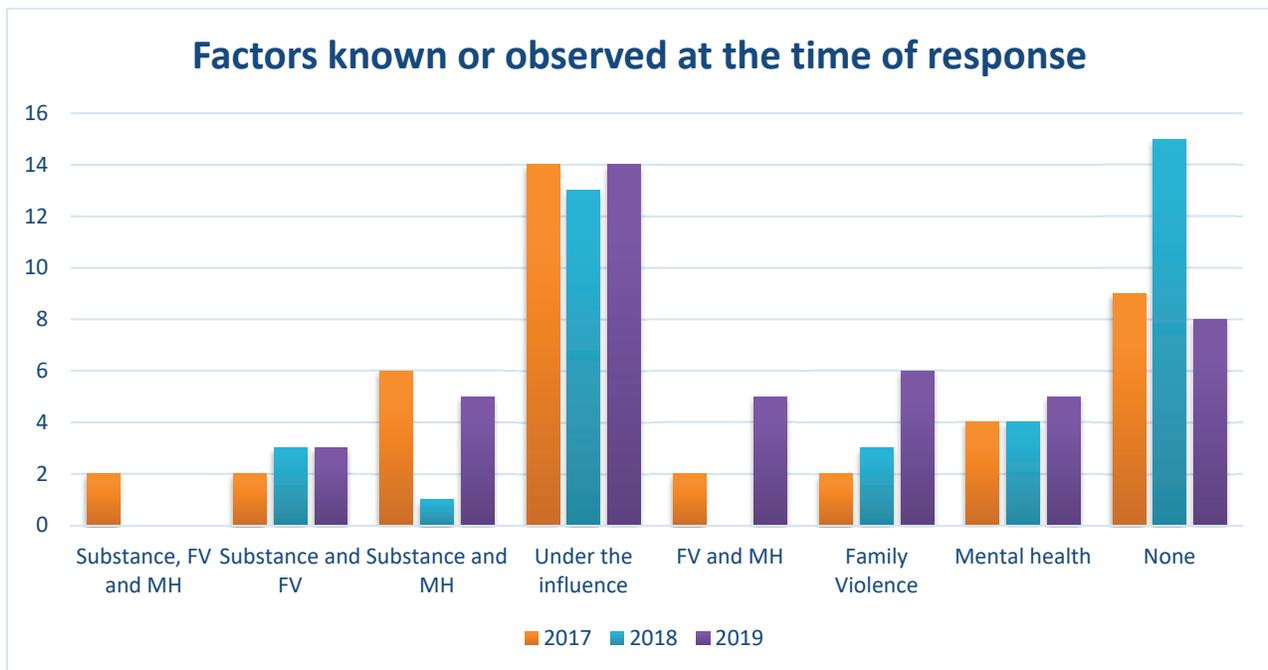
We had two deployments of patrol rifles in 2019 during a single incident. Due to the Coronavirus Pandemic the grand jury has not been able to meet and the investigations are ongoing. However, the Chief has released the individuals back to full duty after the preliminary findings were presented to him.

CONTRIBUTING FACTORS

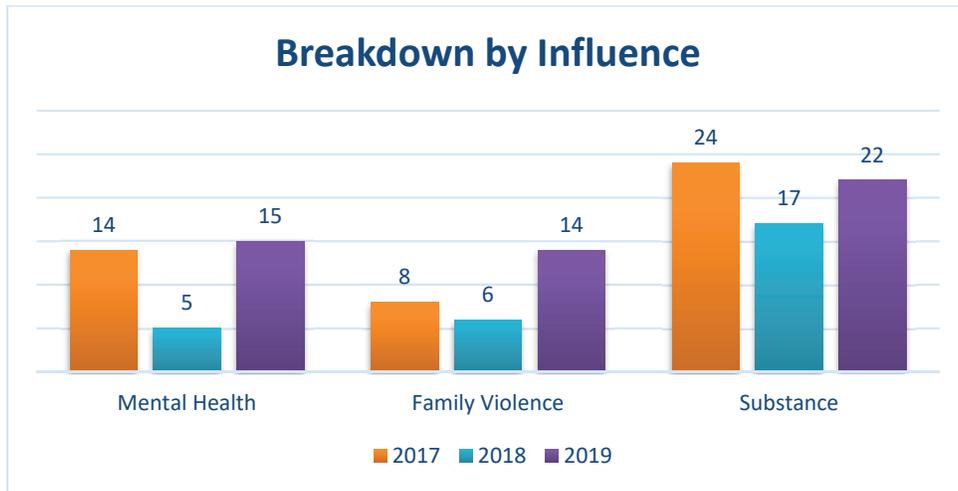
The Cedar Park Police Department finds value in determining what contributing factors are present during our response to resistance. This assists us when developing training specific to our community needs.



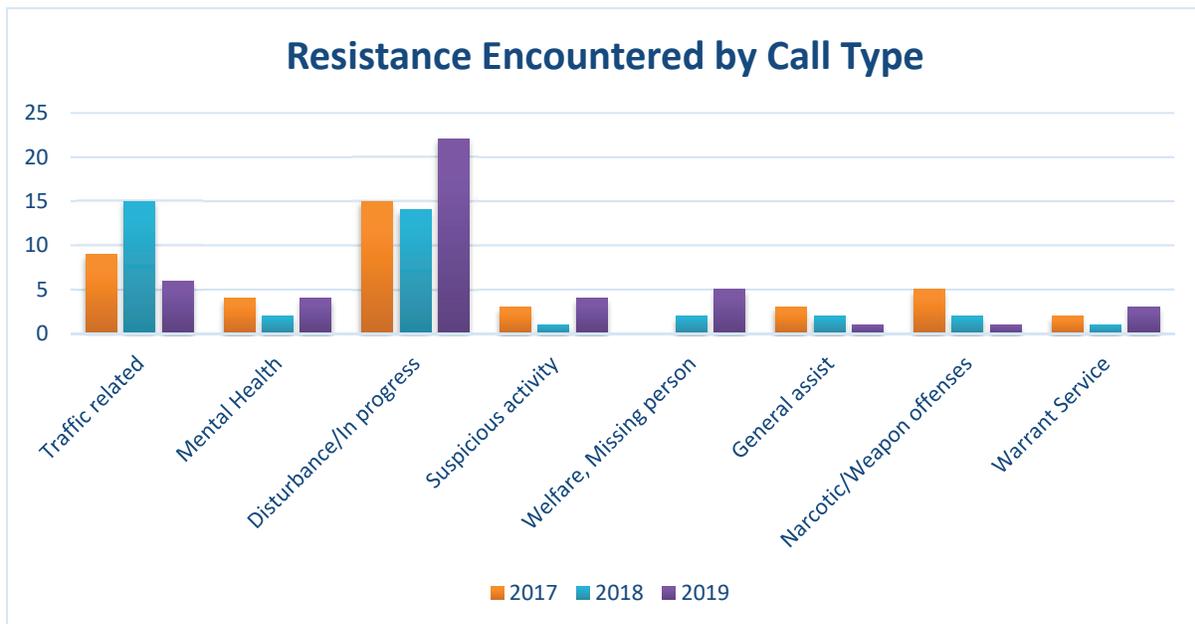
Of the 46 incidents in 2019, 38 included family violence (FV), mental health crisis (MH), and/or involvement when the subject is under the influence of drugs or alcohol (Substance).



Substances contributed to the most response to resistance, being at least one of the factors in 48% of our cases. We will continue to monitor these statistics to see if there is any change over the years.



This year the Department continued monitoring the types of encounters that led to a response to resistance. We saw a significant decrease in traffic related response to resistance (from 15 to 6). We decreased our pursuits significantly in 2019 due to policy change, and that appears to have contributed to the traffic related decrease in response to resistance. There was an increase in disturbances and in-progress crimes this year. Of the 22 disturbance/in progress calls, 16 of them were family violence or mental health related. With the increase in mental health related calls agency-wide, this data is an anticipated increase. These trends will continue to be monitored for additional takeaways and to determine if additional action is needed.

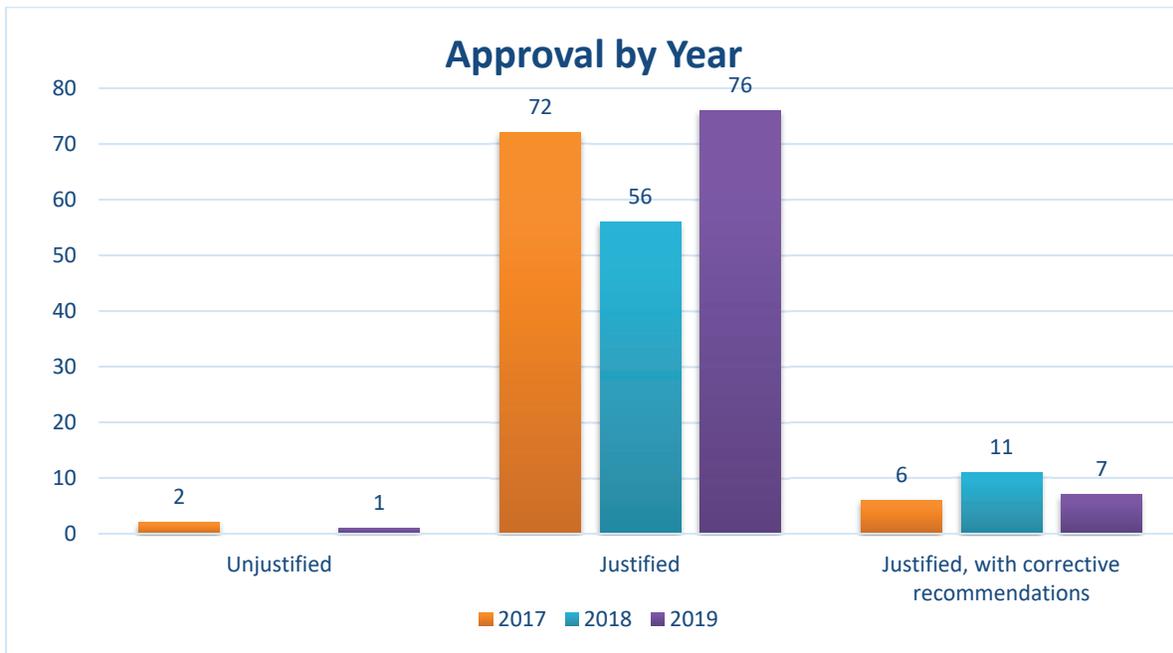


COMPLAINTS

The Cedar Park Police Department received one complaint from a citizen, alleging unlawful detention. The complaint was investigated and it was determined that the officers involved did not violate any policy, laws, or procedures. The complaint was not sustained.

JUSTIFICATION

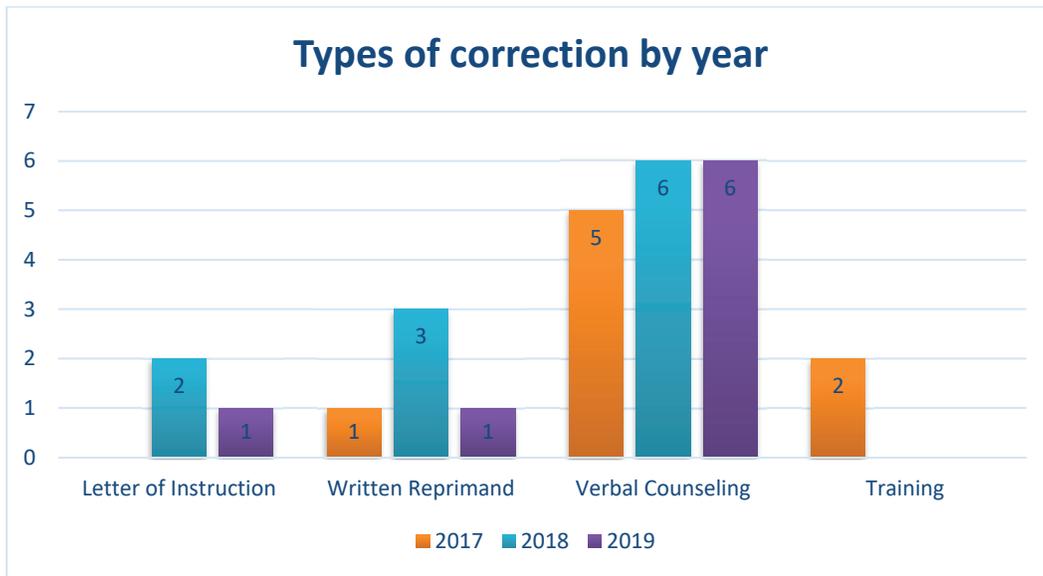
The internal review process makes a ruling of justified or not justified. However, it is also possible an officer may be justified in their response to resistance, but will in some other way violate policy or conduct themselves contrary to the high standards of the Department. In those situations, corrective actions are taken. In an effort to consistently remain transparent and open regarding our processes, this data is also factored into our justification.



The supervisory review process uncovered items prompting corrective actions in 8 incidents total, which was almost 10% of our reported Response to Resistance. This includes 1 Response to Resistance that was listed as unjustified for 2019, and 7 incidents where the final ruling was justified but there were other issues, not related to the force used, that were discovered during the review.

CORRECTIVE ACTIONS

The Cedar Park Police Department tracks corrective actions taken in order to identify trends or problem areas. This allows us to leverage our required training hours, and maximize the ability to keep our workforce safe. It is important to note that increases in corrective actions are not an inherently negative indication. Identification of issues demonstrates supervisory oversight, high standards, accountability, and the commitment to the principle of constant improvement.



We saw a small decrease in 2019 on documented violations, and a small decrease in letters of instruction and written reprimands.

The topics identified requiring correction are as follows, with a more in depth summary provided.

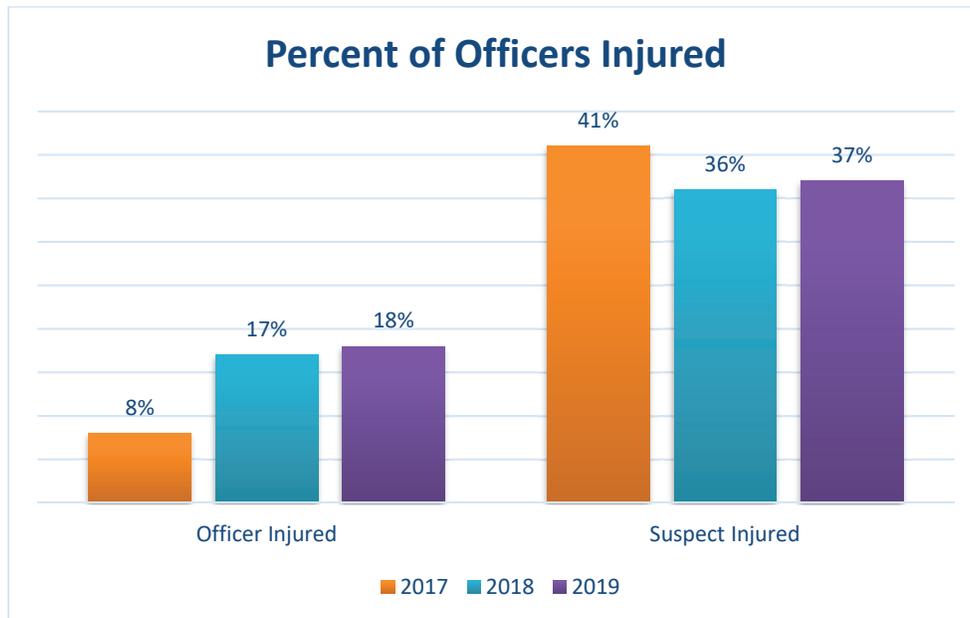


SUMMARY OF CORRECTIVE ACTIONS

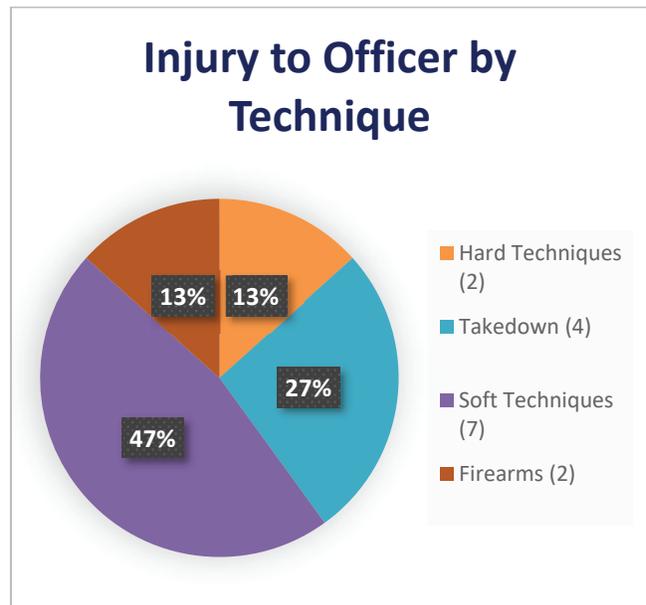
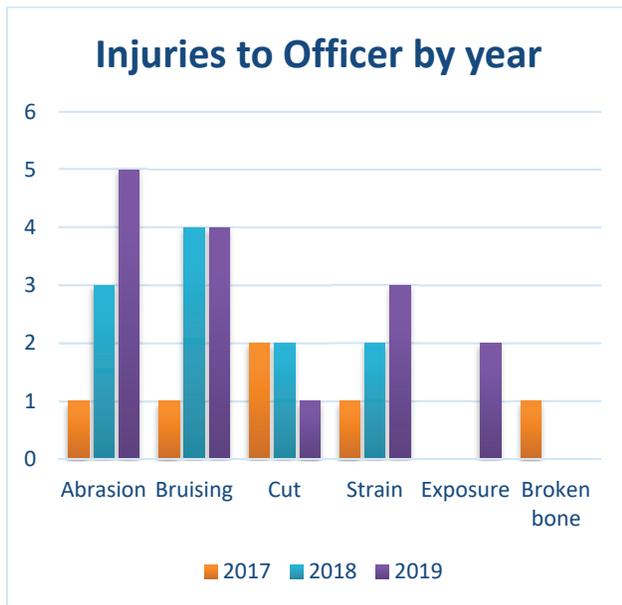
1. A letter of instruction was issued when an officer failed to activate their body camera.
2. A written reprimand was issued to an officer for failing to communicate the reason for detention, failure to attempt de-escalation, and repeated use of profanity.
3. An officer was verbally counseled for their tactical decisions that contributed to a subject fleeing on foot while they were attempting to detain.
4. An officer was counseled for a single use of profanity.
5. An officer was counseled for failing to attempt to de-escalate, as mandated by policy.
6. An officer was counseled for use of profanity.
7. An officer was counseled for failing to tell a suspect why he was being detained.
8. An officer was counseled for failing to attempt to de-escalate, as mandated by policy.

OFFICER AND SUSPECT INJURIES

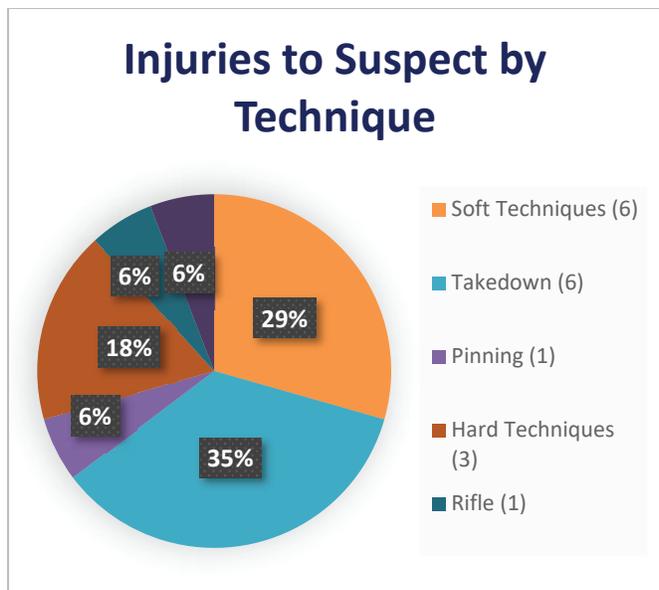
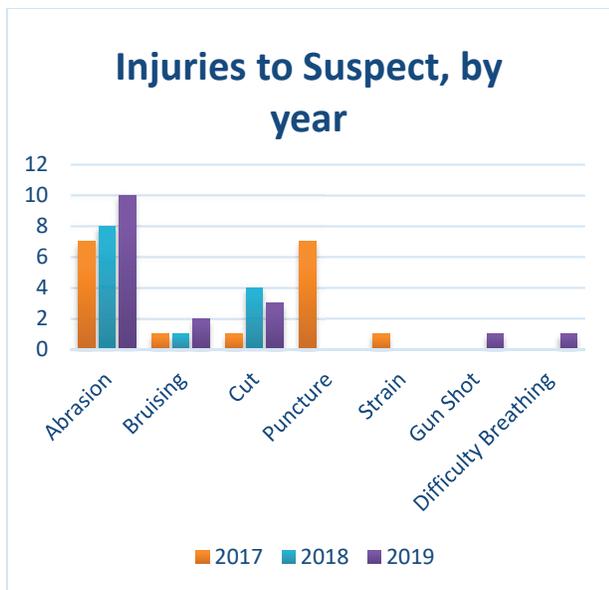
While generally minor in nature, injury to 15 officers and 17 suspects occurred this year. There were no fatalities.



When officers were injured, they were very minor, primarily abrasions and bruising. They were most likely to be injured during application of soft techniques or takedowns.



There were no fatal injuries sustained by suspects. The suspect injured by the gunfire did have serious bodily injury, but all other injuries were minor in nature. There was a minor increase in abrasions. Suspects are more likely to be injured during takedowns and soft techniques.



Although we will continue to monitor injuries to suspects and officers, we see no trends or patterns requiring action at this time.

RECOMMENDATIONS

EQUIPMENT

Our Training Unit recently attended OC Instructor School. As a result, the recommendation was made and approved to switch from OC Spray to OC Gel. In previous years we have noted the low use of OC Spray due to concerns about cross contamination. The OC Gel was deployed in a close environment with multiple people, and only the targeted individual was affected. Additionally, the gel has a quicker decontamination time, reducing transport delays. We believe this transition will assist us in having more effective less lethal options available.

PRACTICES

Last year we implemented a procedure where our force instructors were notified upon closure of a review. This has assisted us in notifying officers when their review is finalized. We believe this has been a beneficial addition and believe it should continue for the foreseeable future.

We believe continuing to provide training on weaponless control techniques should remain a high priority, as soft techniques continue to be our most common force utilized to bring a situation under control.

Data collected over the last three years has demonstrated that response to resistance does not occur solely within patrol, but also across divisions of support services and includes members of Command Staff. Our accrediting bodies (CALEA and TPCA) mandate weaponless control technique training for all sworn personnel. For the purposes of this report, we believe there is value in reviewing the amount of training required at each level, and possibly increasing it in some areas or divisions, to ensure all members of the Department are receiving an appropriate amount of training for their job duties.

POLICY

Prior to the transition to OC Gel, policy will need to be updated to authorize that specific type of OC deployment. No other recommendations at this time.

TRAINING

At this time, we believe it would be beneficial to specifically target some of our de-escalation training towards communicating effectively with our juvenile population. While there were no violations noted, we have noted an overall increase in the number of juveniles in crisis requiring law enforcement intervention. There are additional training techniques, such as allowing them to speak with their parents, which may be effective at calming them down when other techniques are not available.

FINAL THOUGHTS

We believe the analysis of the data in this report allows us to continually evaluate our practices and procedures. Our hope is that we continue to train and equip our personnel to perform all job functions safely and to the best of their ability.

Overall, this data reflects our continued dedication to enhance the quality of life in the City of Cedar Park through a proactive and professional level of police service. Force used to overcome resistance remains a necessary tool and we are proud our Department members continue to demonstrate professionalism in the application of their duties.

This year, as in other years, we recognize that our employees continue to preserve and uphold the Cedar Park Police Department's commitment to our core value of life.

COMMAND REVIEW



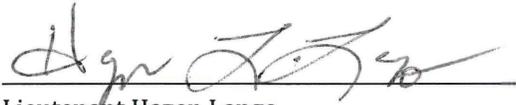
Lieutenant Larry Bond

5/13/2020
Date



Lieutenant Coy Brown

5-13-2020
Date



Lieutenant Hazen Lango

5/13/2020
Date



Lieutenant Chanse Thomas

5/13/2020
Date



Lieutenant Bobby Vernengo

05/13/2020
Date



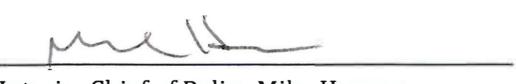
Commander Darlene Lewis

05/13/2020
Date



Commander Bryan Wukasch

5/13/2020
Date



Interim Chief of Police Mike Harmon

5/13/2020
Date