



To: Mayor Susan Narvaiz and the San Marcos City Council
Dan O'Leary, City Manager

From: Howard E. Williams, Chief of Police

Date: February 21, 2006

Subject: Use of Force Report – 2005

The public is understandably interested in how and when the police use force to enforce the law and maintain order. In the interest of public disclosure, each year I will present to the City Manager, the Mayor, and the City Council a report on the use of force by officers of the San Marcos Police Department. I will submit this report with the racial profiling report. Unlike the racial profiling report, there is no statutory or regulatory requirement to present a report on the use of force. However, I believe that we best serve the public interest when this information is readily available.

The San Marcos Police Department Policies and Procedures Manual requires an officer to complete a Use of Force Report in the following situations:

1. during the application of force, when a firearm is discharged;
2. when a use of force technique results in, or is alleged to have resulted in, death or injury to any person;
3. when a less-lethal weapon is used against a person;
4. when a Department canine causes injury or death to any person, or is alleged to have caused injury or death; or
5. when use of force is required beyond the application of handcuffs.¹

In 2005, officers completed Use of Force Reports on 188 separate incidents, which included 471 citizens and 302 officer involvements. It is important to note that any specific incident could involve one officer and one citizen, one officer and several citizens, several officers and one citizen, or several officers and several citizens. Some reports include different levels of force employed by different officers on different subjects.

Officers used force against citizens about once every three days. The majority of those incidents required only empty hands techniques. Officers displayed weapons, but did not use them, about once every two days. Of the citizens against whom officers used force, 13 reported injuries, and five required treatment at a medical facility. All five were treated and released. Nine officers received injuries during the year. All those injuries were minor, and no officer required hospitalization for injuries received.

¹ General Order 200.VIII.B.1-5

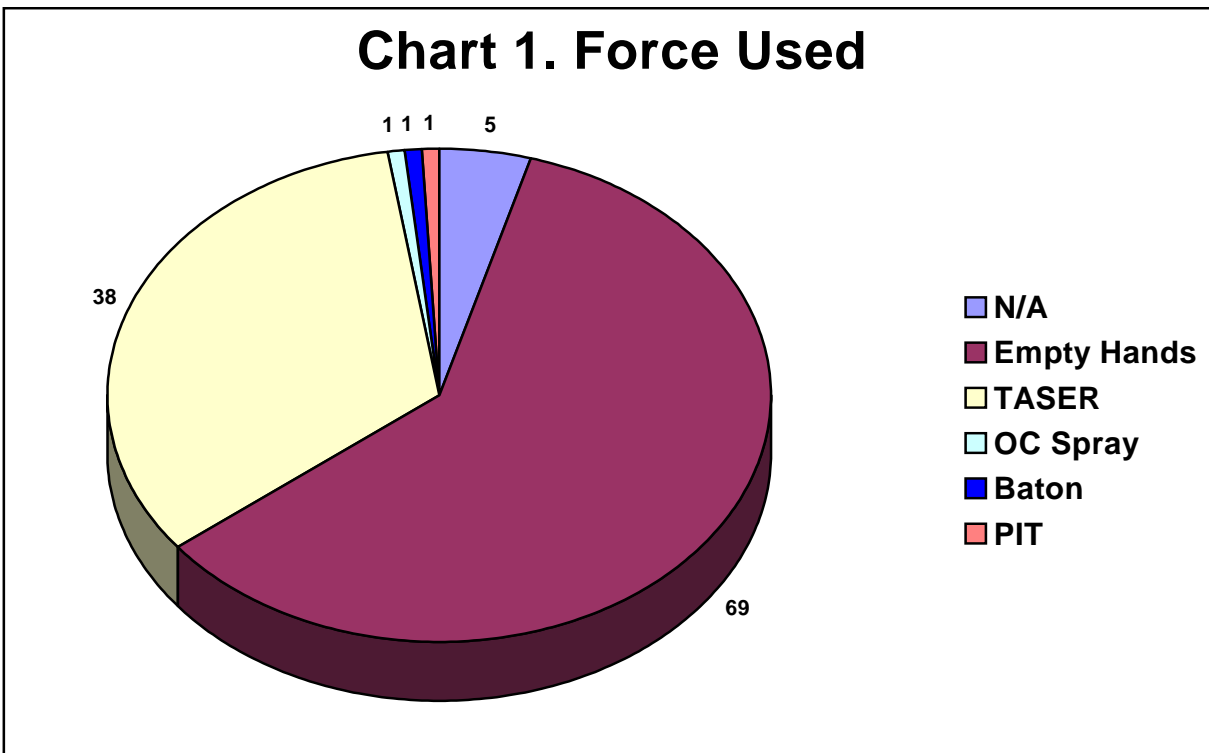
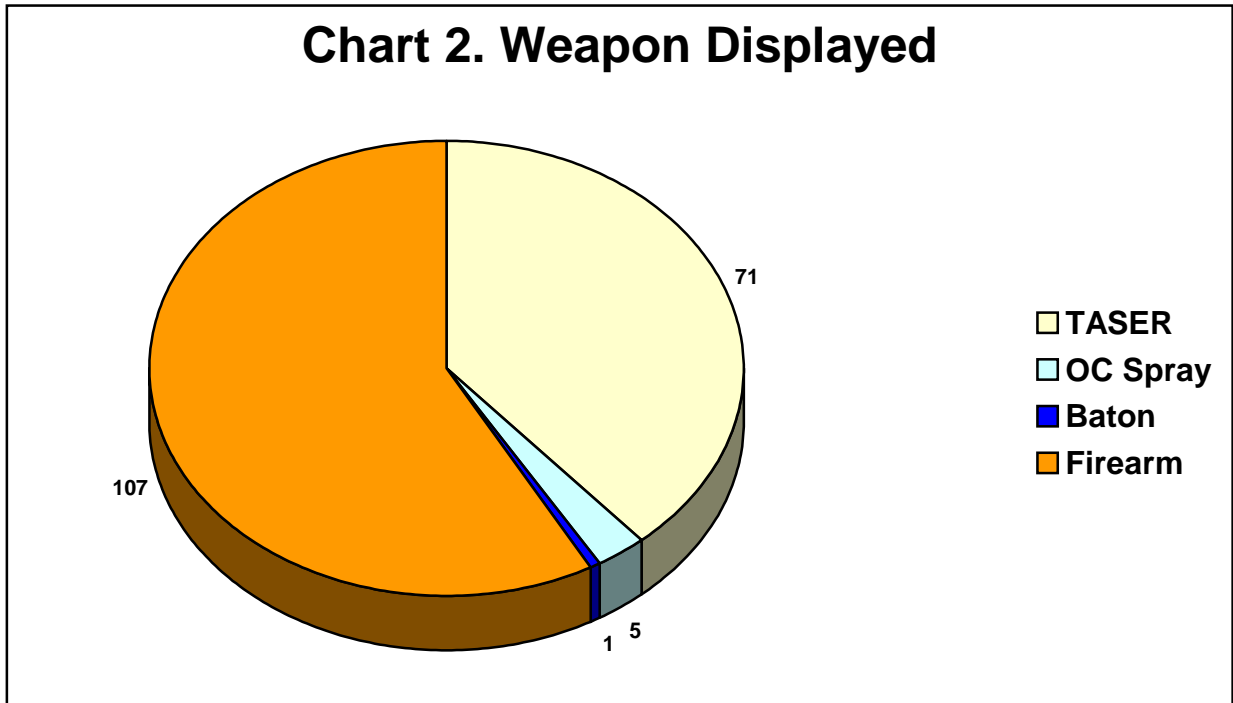


Chart 1, Force Used, depicts the times officers employed bodily force or used a weapon against at least one individual. In 2005, officers reported 115 uses of force. In 69 incidents, the officers used empty hand techniques, such as grabbing a suspect, twisting an arm, or wrestling a subject to the ground. Officers used the TASER 38 times, and they used OC spray and a baton one time each. Additionally, officers used the pursuit intervention technique (PIT) once to terminate a pursuit.

In 2005, despite more than 100 citizen contacts per day, officers of the San Marcos Police Department applied bodily force or used defensive weapons about once every three days. They used empty hand techniques to control citizens about once every five days, and they used the TASER about once every nine days. The use of force resulted in 13 citizens reporting injuries, and five required treatment at a hospital.





Any time an officer displays a weapon in an attempt to control any individual, the San Marcos Police Department Policies and Procedures Manual requires the officer to complete a Use of Force Report. Chart 2, Weapon Displayed, depicts the times officers displayed, but did not use, a weapon. In 2005, officers reported displaying a weapon 184 times. The majority of reports, 107, concerned displaying a firearm. Often, when executing search warrants or approaching a suspect who is reportedly armed, officers have a sidearm drawn. Even if he does not point the weapon at anyone, each officer who drew a weapon must still complete the Use of Force Form. Consequently, officers file several reports of displaying a firearm. However, in 2005, no officer fired a firearm at a citizen.

Additionally, anytime an officer draws a TASER, but does not fire it, that officer must complete the Use of Force Form. In 2005, officers presented the TASER 71 times without firing it or using it on a suspect. Officers also displayed or threatened to use OC spray 5 times and a baton one time.



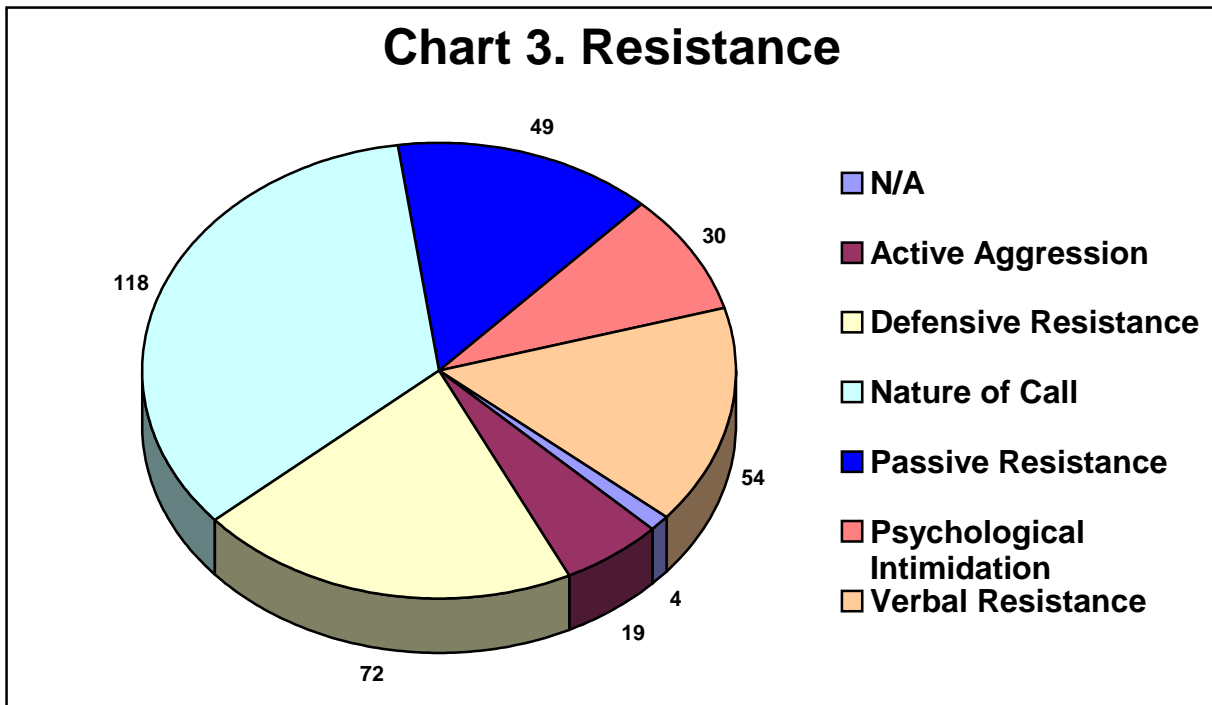


Chart 3, Resistance, depicts the nature of resistance that officers faced when using force or threatening to use force. It is important to note that in any individual confrontation, a person may exhibit many levels of resistance, and, if more than one person is involved, different people may exhibit different levels of resistance. Consequently, the amount of force an officer uses may change through the course of an event.

The levels of resistance are as follows:

- Psychological Intimidation – Nonverbal cues that indicate a subject’s attitude, appearance, and physical readiness to resist.
- Verbal Resistance – Verbal responses that indicate a threat or an individual’s unwillingness to comply.
- Passive Resistance – Physical actions that do not actively prevent an officer’s attempt to control an individual.
- Defensive Resistance – Physical actions that actively attempt to prevent an officer’s controlling an individual but are not an attempt to harm the officer.
- Active Aggression – Physical actions of assault or the use of weapons.
- Nature of Call – Executing a search warrant or approaching a suspect who is reportedly armed and aggressive.



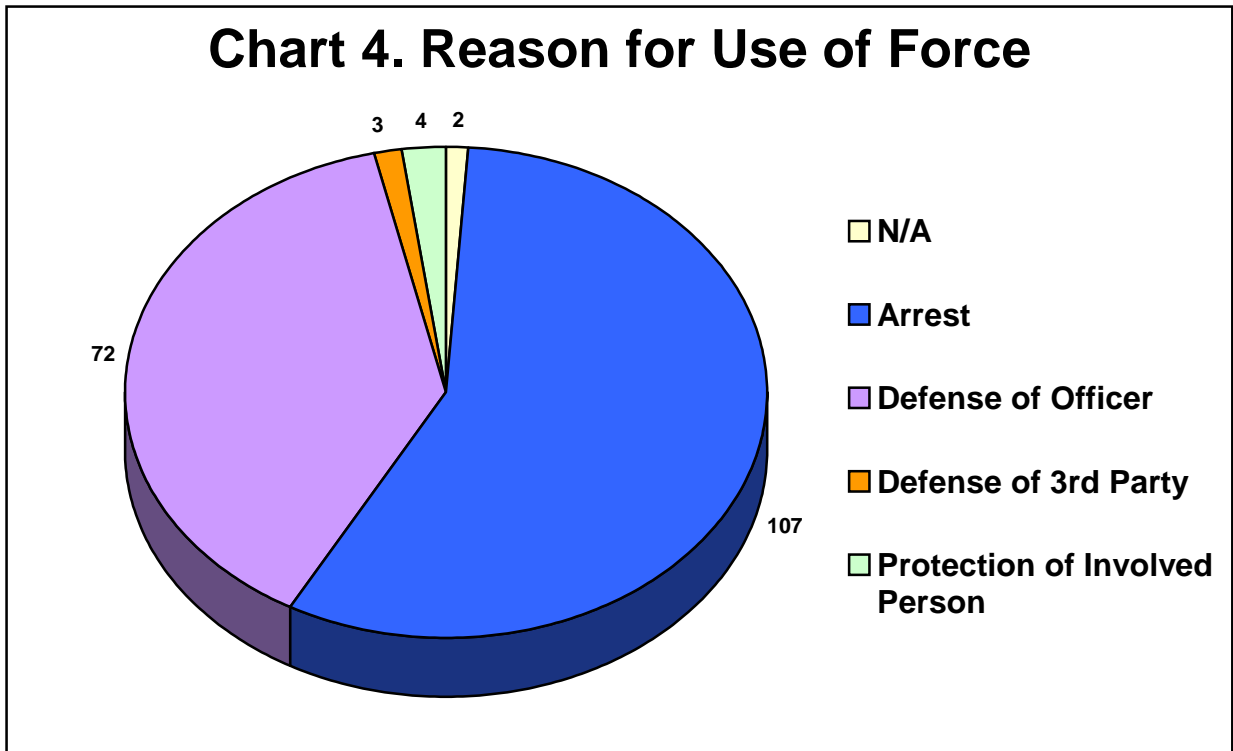


Chart 4, Reason for Use of Force, depicts the reasons officers provided for using force in each of the 188 incidents. In two of the incidents, officers did not list the reason. The majority of the use of force reports, 107 incidents, related to officers' using the force necessary to make arrests. The second highest total, 72 incidents, was for officers defending themselves against assaults or attacks. In three instances, officers were protecting a third party from the unlawful use of force of another. In four instances, officers used force to protect an individual from himself, commonly a suicidal subject or an emergency mental health patient.



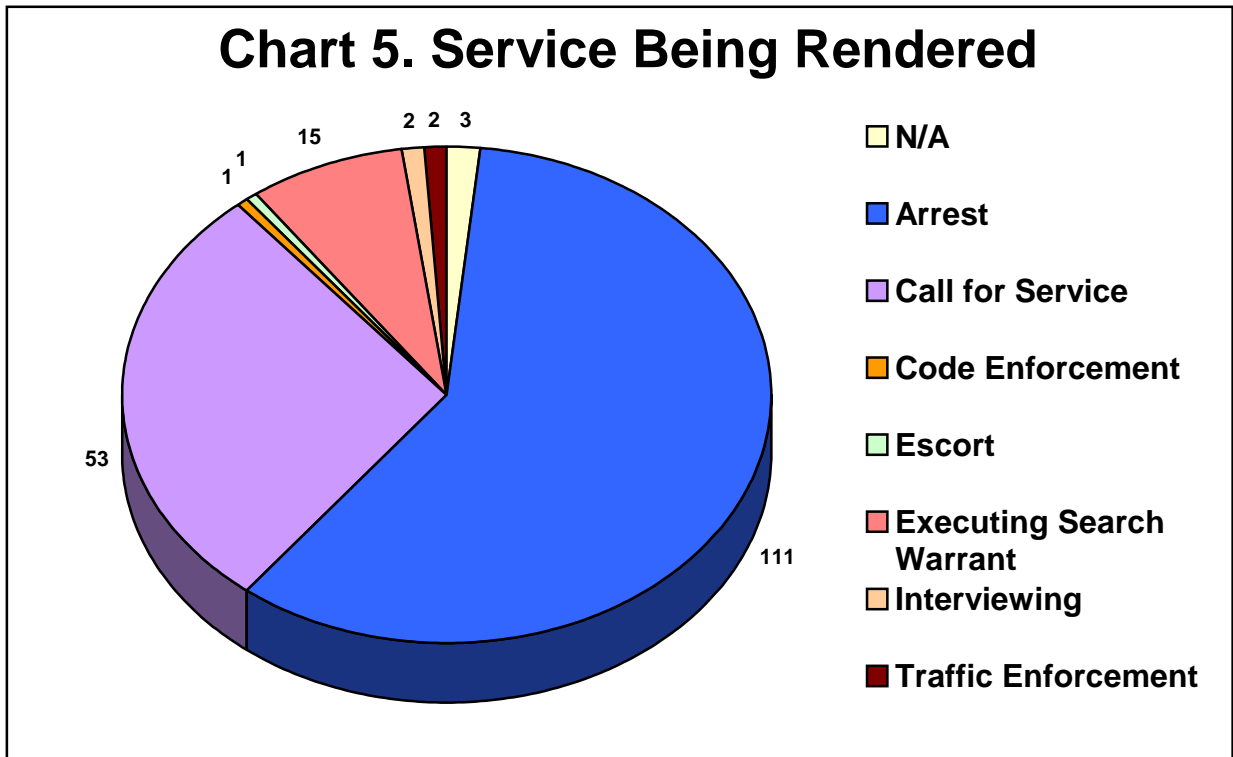


Chart 5, Service Being Rendered, details the type of police service officers were delivering at the time they used force in each of the 188 reported incidents. Again, officers reported using force the most times when attempting to make an arrest, 111 incidents. The second highest rate of use of force, 53 incidents, came when officers were answering a call for service, such as a disturbance call. In 15 reports, officers reported using force while executing a search warrant. Officers also reported a few isolated incidents of using force when interviewing a subject, escorting a prisoner, or making traffic stops.



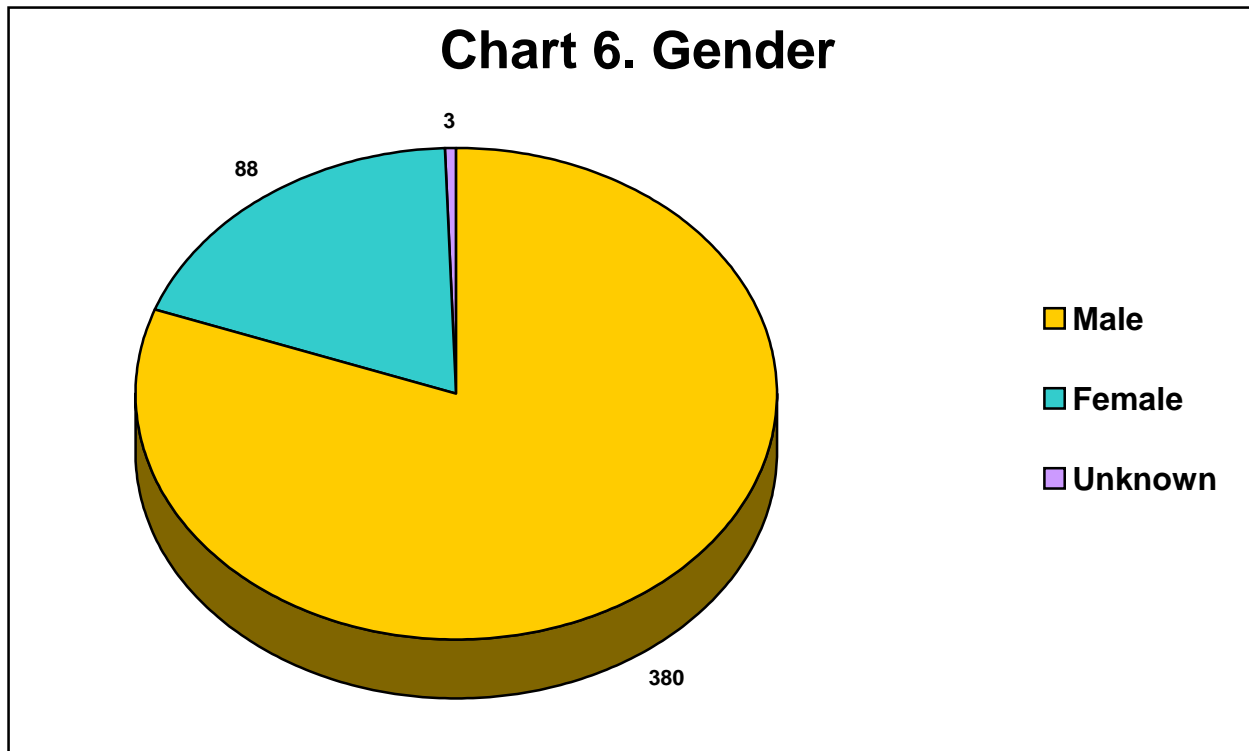


Chart 6, Gender, depicts the ratio of males and females who were subject to officers' use of force. Not surprisingly, officers used force against males far more often than females, 380 to 88, respectively. In three cases, the gender of the subject was not known or not reported.



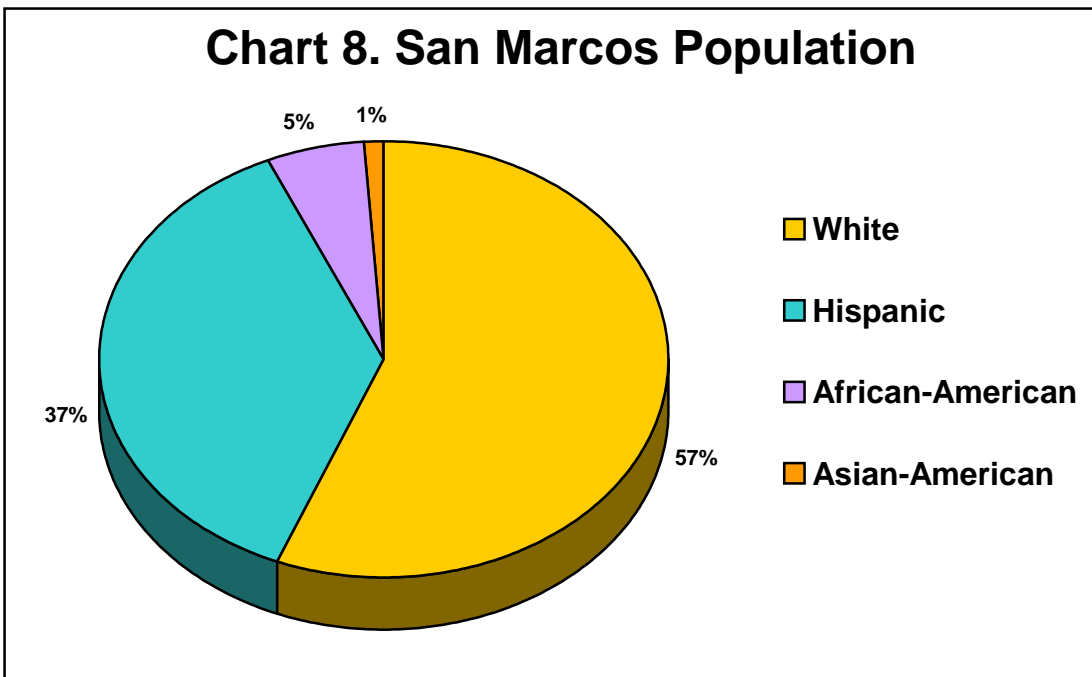
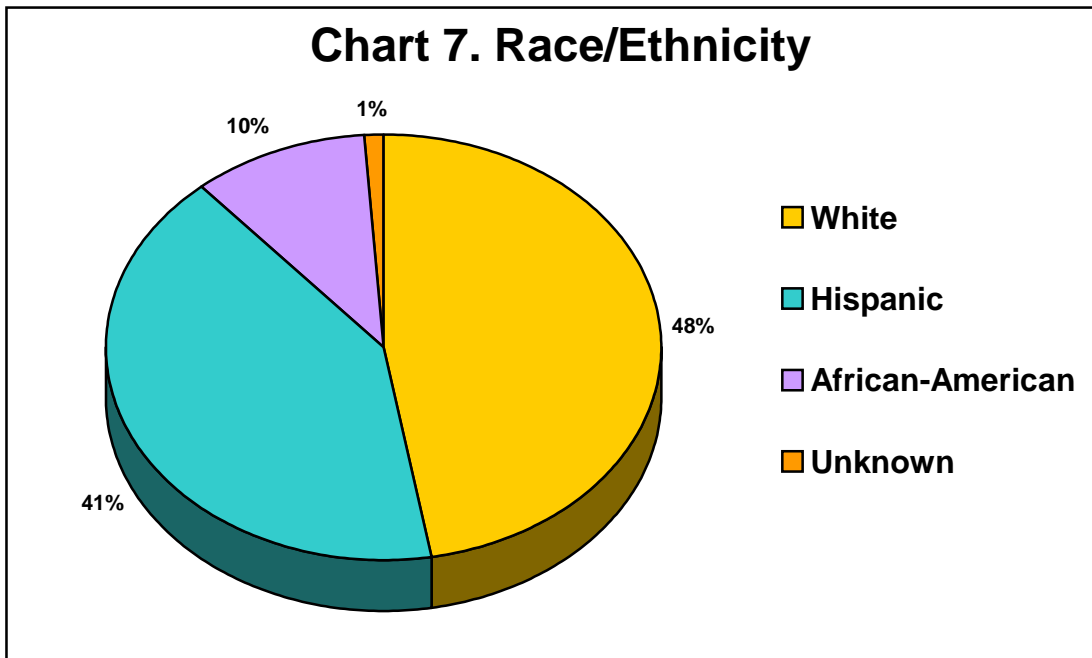


Chart 7, Race/Ethnicity, and Chart 8, San Marcos Population, depict the use of force as a percentage of race or ethnic group compared to the population of San Marcos according to the 2000 census.

