

Lago Vista Police Department



Response to Resistance Analysis Report - 2023

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INTRODUCTION

This analysis was conducted to review the Lago Vista Police Department's Use of Force for the calendar year 2023. The Lago Vista Police Department takes its obligations seriously to provide the most effective and efficient police service with the least adverse impact on our citizens. The Lago Vista Police Department is committed to protecting all persons' rights and using force only when necessary and to the extent necessary to achieve legal objectives. This analysis is conducted each year to attempt to identify methods for reducing the number of incidents and the inherent risks involved.

Officers are trained by the department to use only the level of force necessary to bring a person under control and complete a legal objective. Police/citizen encounters can, however, change instantly, and officers may be required to react quickly by using force to subdue a resisting subject. While officers prefer to escalate their level of force in an orderly manner to use the lowest level possible, a subject's response may limit that ability and force officers to use whatever level of force is immediately available to protect themselves and the public. Officers received use-of-force training, including using deadly force and using less-lethal weapons, in 2023. Officers further received training in de-escalation tactics and techniques.

Lago Vista Police Department Policy Section 6.1 requires a written report to be completed whenever an officer uses force. On June 23, 2023, the Lago Vista Police Department, hereafter referred to as 'department,' adopted a new policy manual requiring a specific form to be completed by an officer following each use of force incident. This form was transferred from paper to an electronic reporting system in 2023. These practices and policies also require a supervisory and command-level review of each use-of-force incident to determine if those incidents are in compliance with the department's policy on the use of force.

As part of our department's commitment to excellence and transparency, we have added our Lago Vista Police Department's Use of Force Policy manual available on our website.

METHODOLOGY

In evaluating incidents from the year 2023 as well as equipment carried by officers, the department is defining six types of use of force for reporting purposes: Weaponless Control, Oleoresin Capsicum (OC) Sprays, Conducted Energy Weapons, Impact Weapons, Display of Firearm, and Discharge of Firearms. In analyzing the use of force for 2023, data was drawn from all Use of Force forms submitted during the year.

DEFINITIONS

a. **Weaponless Control:** This category includes all instances where simple verbal commands were not sufficient or effective. It includes those instances where officers place their hands on a subject and use more force than simply a strong grip, must forcibly handcuff a person, and use pressure point control tactics or other soft hand techniques. This category also includes taking the person to the ground in order to handcuff forcibly.

b. **OC Spray:** Oleoresin Capsicum (OC) is a chemical compound derived from various pepper plants. It is mixed with a propellant that many law enforcement agencies use as a less-lethal alternative to higher and more injury-producing levels of force. The chemical spray is usually directed at a resisting subject's face, and the spray immediately causes burning of the eyes, nose, and mouth, causing the subject to close their eyes and, in most cases, stop any physical resistance. The burning usually dissipates within 30 minutes and often has no long-term aftereffects.

c. **Impact Weapons:** Include the use of the personally owned expandable Batons, a closed fist, or any other implement used to deliver a strike to a person.

d. **Conducted Energy Weapons:** Conducted Energy Weapons, commonly called Tasers, are pistol-type devices that fire two small darts designed to embed themselves in the skin or clothing of a resisting or combative suspect. The darts are connected to the device by small flexible wires that transmit a 5-second-high voltage/low amperage charge. This causes disruption of muscle activity and is accompanied by pain, which most often temporarily disables the individual. The device usually has no long-term side effects on healthy individuals.

e. **Display of Firearm:** Firearms are, by definition, Deadly Force, and their use is very restricted. Officers must comply with their intensive training, the department's Deadly Force Policy, and state law. Officers may display their firearms in a situation where there is a possibility deadly force would be justified or where an unknown level of danger exists. Often, the mere display of the firearm is enough to gain compliance.

f. **Discharge of Firearms:** Firearms are, by definition, Deadly Force, and their use is very restricted. Officers must comply with their intensive training and the department's Deadly Force Policy and state law. When an officer fires their weapon in the line of duty, whether or not an individual is hit, a detailed investigation is undertaken to determine if that use was in compliance with both policy and law.

REPORTING REQUIREMENTS

The Lago Vista Police Department general orders require a written report to 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. Each review includes the assessment of available audio and video recordings, the offense report, photographs, and response to resistance reports submitted by each officer. Each officer's activity is reviewed independently. An officer's response to resistance is 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 educational, corrective, or disciplinary action. The Chief of Police designates the ultimate findings in response to resistance reviews.

ANNUAL SUMMARY

This year is our first documented Response to Resistance Incidents. There is no data of the previous year's number of responses to resistance incidents in the years 2018-2022.

Our agency tracks how many incidents we have had and how many officers on a single incident used force to overcome resistance. Incidents are listed below with the highest level of force used for each incident and the individual officer's activity during those incidents. In situations where multiple less lethal options were deployed, only the effective deployment is included in the incident breakdown.

The calls-for-service vs. use-of-force data indicates that force is consistently used in less than 0.0018% of incidents. The arrest vs. use of force statistics indicated three in five arrests (60%) involved a use-of-force incident.

Category	2023
Calls for Service	12,283
Arrests	56
Use-of-Force	22

During 2023, the department was found to have engaged in **25** use-of-force incidents. The breakdown of these incidents by the type of force used is as follows: 9 – Display of

Firearm, 10 – Taser Displayed, 6 – Empty Hand Techniques. The department had no documented instances of using Impact Weapons, OC Spray, or Discharge Firearms. While there are 22 documented uses of force, some of these are during the same incident but reported as a separate use of force.

Upon review of every use of force incident during 2023, supervisory review on the use of force and command staff reviews of the use of force showed that each use of force incident was within established department policy and procedures.

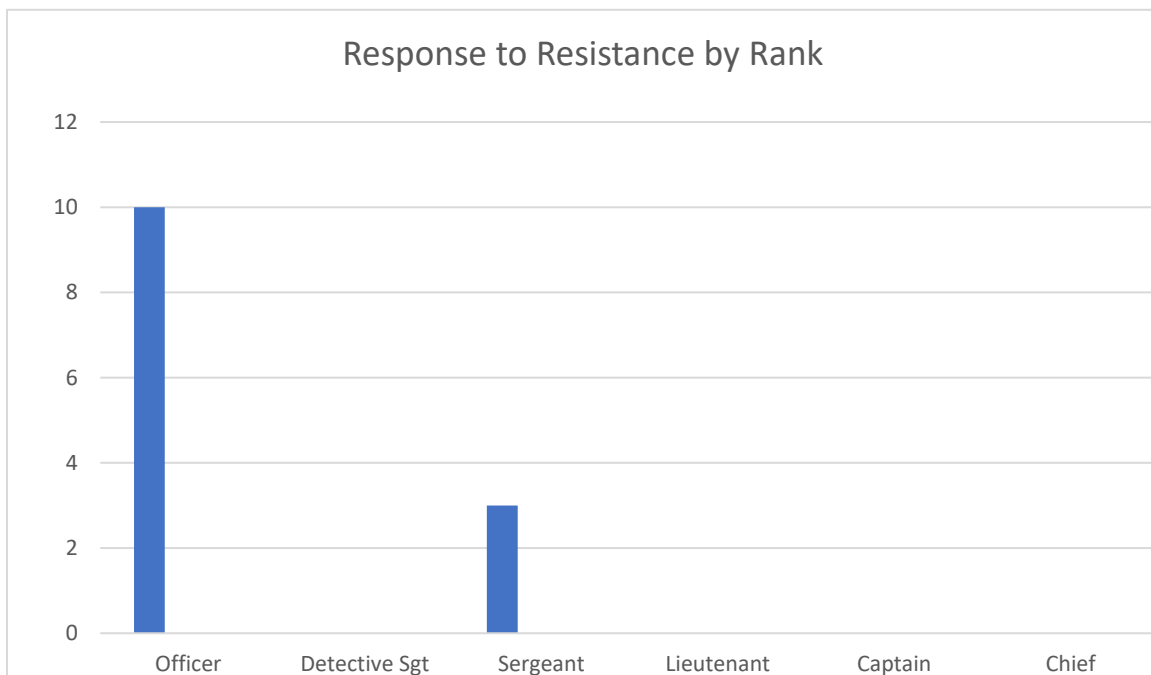
OFFICER RESPONSE

Of the 22 individual reports, 10 Patrol Officers used force in 2023 and 3 Sergeants. Our agency tracks how many incidents we have in the statistics and observations on all incidents used for response to resistance.

OFFICERS RESPONSE BY RANK

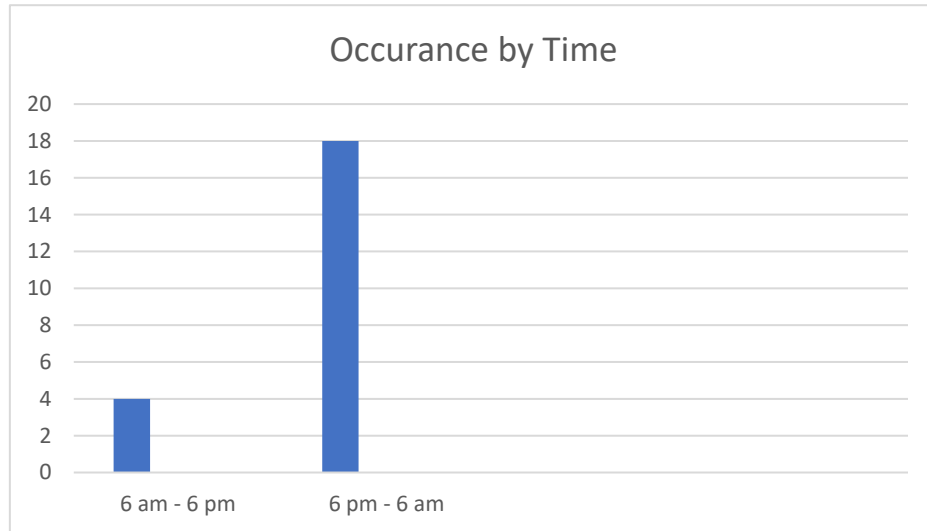
As expected, individuals holding the rank of officer consistently account for the majority of our force used.

Members in supervisory ranks (Sergeant, Detective Sergeant, and Lieutenant) continue to have small but relatively consistent numbers. They are most frequently assisting officers on patrol calls.



DATE AND TIME RESPONSE

To conduct our analysis of the date and time of the offense, we collated data into several different formats. When looking at the hour of the day, the majority occur between 6:00 p.m. and 6:00 a.m.

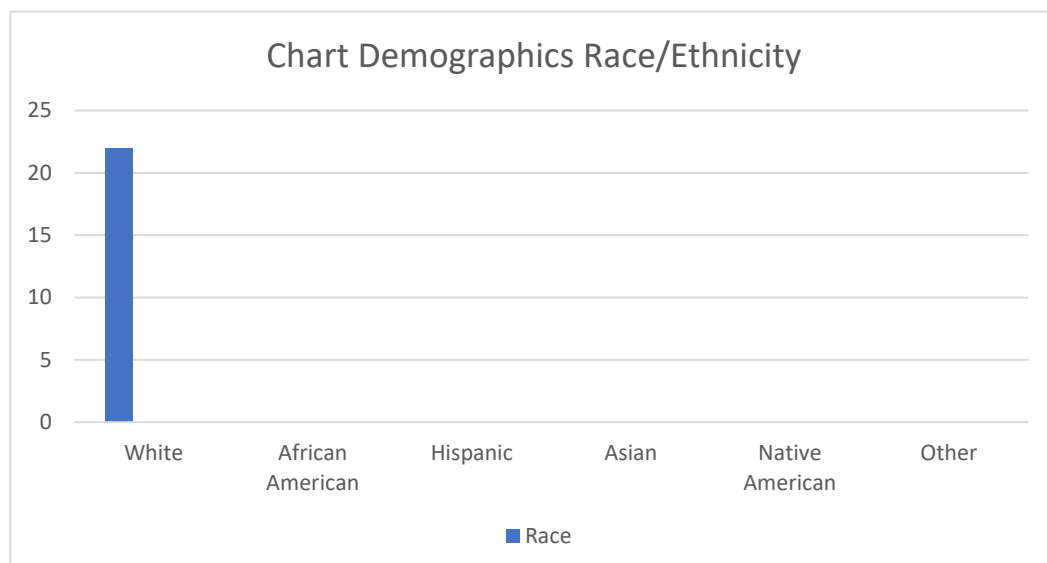


DEMOGRAPHICS

Officers responded to resistant with 22 white males more than any other demographics. This year we did not have any resistance involving females.

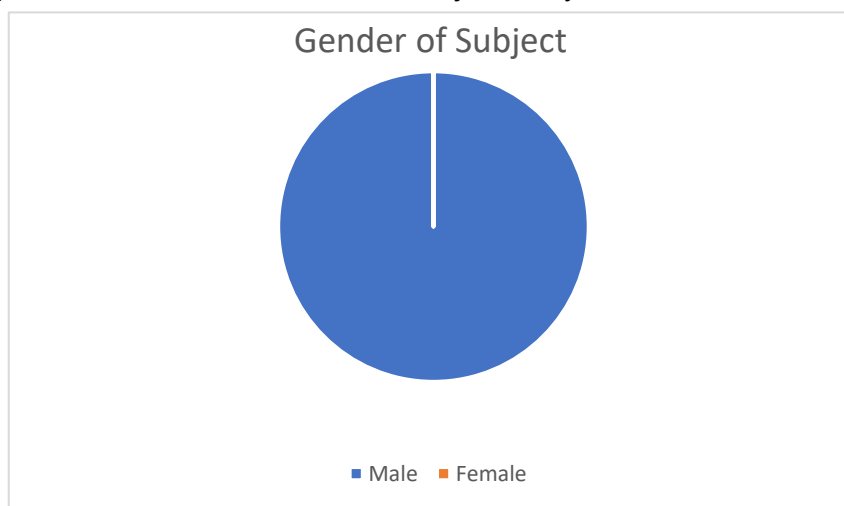
RACE

All 22 responses to resistance were white (Caucasian) subjects.



GENDER

Officers responded to resistance with male subjects only across the 22 incidents.



AVERAGE AGE

The average age for the response to resistance was 41 years old.

LEVELS OF RESPONSE TO RESISTANCE USED

Officers have multiple options available to them depending on the level of resistance encountered. There were 25 incident reports from officers who used force in 22 incidents that occurred during 2023. This chart demonstrates the highest level of force used in each incident, by each officer. Overwhelming, our officers continue to utilize soft techniques such as empty hand techniques.

PHYSICAL CONTROL

During 2023, there was no physical control response to resistance used.

TASER

The Taser is a handheld Electronic Control Weapon (ECW) that fires two small probes 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 subjects. Every year, officers obtain refresher training and are required to demonstrate proficiency in Taser.

- There were no Taser discharges in 2023.
- There were 10 Tasers displayed in 2023 in response to resistance.

OTHER LESS LETHAL WEAPONS

The Lago Vista Police Department has several less lethal options, including oleoresin capsicum (OC), and baton. At least once a year, every officer obtains refresher training and is required to demonstrate proficiency for each of the less lethal options they are authorized to carry.

This year, there were no deployments of the less lethal shotgun and no deployment of OC.

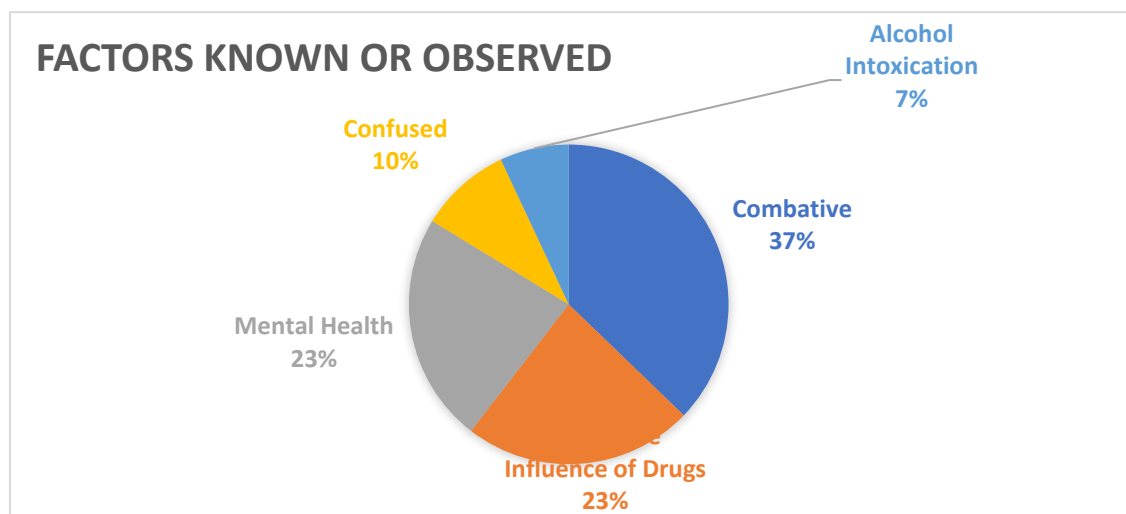
FIREARMS

The Lago Police Department issues Glock 45 Gen 5 handguns as our primary duty weapons. Officers are authorized to carry patrol rifles once they have attended training and are qualified. At least once a year, officers obtain refresher training and are required to demonstrate proficiency for each of these lethal options.

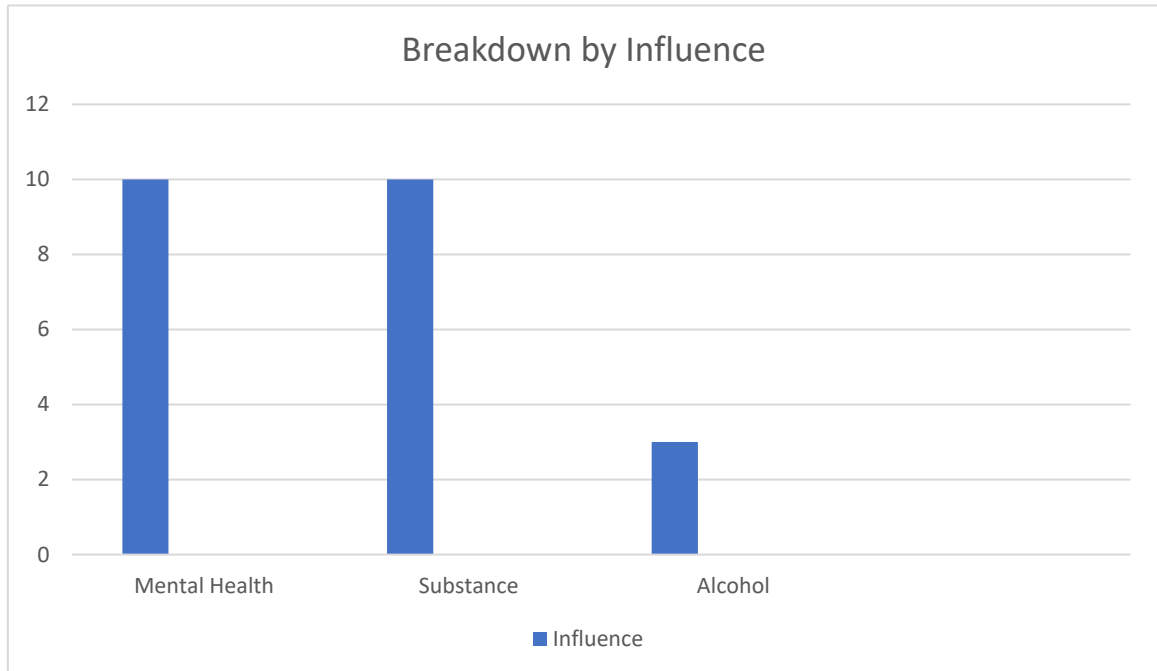
- We did not have any firearm discharges this year.
- We had 9 firearms displayed during responses to resistance.

CONTRIBUTING FACTORS

The Lago Vista 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.



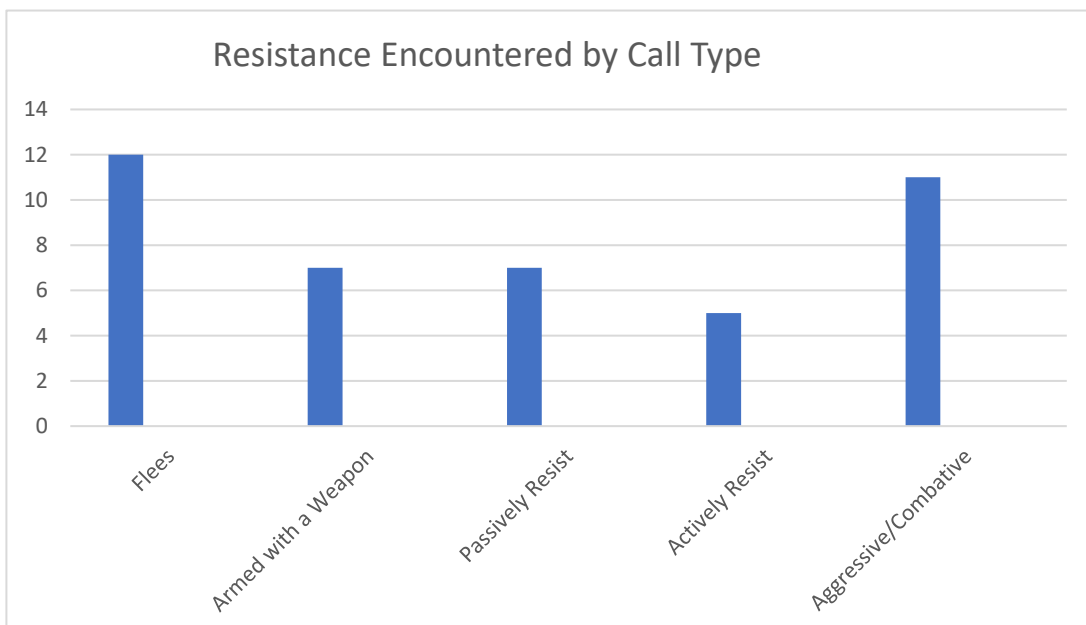
Substances contributed the most response to resistance, being at least two factors in 30% of our cases.



Officers only include one of these indicators if the influence was present during the call. Prior history of mental health, family violence, or substance use is not noted, tracked, or included. We believe in only tracking these factors when we can articulate their presence or influence when we respond to resistance.

TYPES OF ENCOUNTERS

The Lago Vista Police Department continued monitoring the types of encounters that led to response to resistance. We saw decreases in almost all call types and an increase in missing welfare checks and mental illnesses.



CITIZEN AND INTERNAL COMPLAINTS

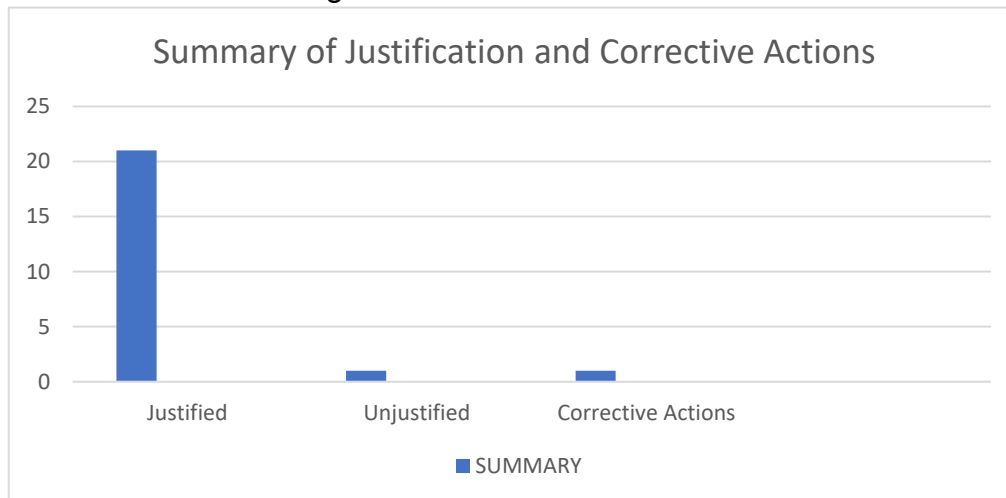
In compliance with state and accreditation requirements, we provide multiple avenues through which an individual can file a complaint regarding officer activity. Additionally, we have specific policies to ensure complaints regarding officer's force are captured and reviewed.

During 2023, the department received no citizen-generated or internally generated complaints of unnecessary or inappropriate use of force.

JUSTIFICATION

The internal review process rules on whether the force officers use in each incident is justified or not. Additionally, corrective actions may be identified for any number of involved officers or supervisors. In an effort to consistently remain transparent and open regarding our processes, both pieces of data are reported.

The review process uncovered items promoting correction for the actions of 1 officer. Some of those individuals were involved in situations where the force applied was justified, but there were other issues, not related to the application of actual force used, that were discovered during the review.



CORRECTIVE ACTIONS

The Lago Vista Police Department tracks corrective actions taken 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 inherently negative indications. Identifying issues demonstrates supervisory oversight, high standards of accountability, and the commitment to the principle that we can always be better.

This year, with the exception of the unjustified response to resistance, the problems identified were minor with a corrective action taken. Over the last year, de-escalation and communication training have been the most prompt corrections. When safe to do so, officers have specific requirements for communication and de-escalation, as discussed by policy and training. When officers do not de-escalate or communicate appropriately, the reviewers attempt to determine if there was a time to do so safely.

INJURIES – OFFICERS AND SUSPECT

This year, we evaluated the types of injuries that occurred to officers as well as suspects. This year, there were no injuries to our officers. There were two listed injuries during resisting calls listed a complaint of pain and transported to the Emergency Room.

There were no fatal injuries sustained by suspects.

RECOMMENDATIONS

POLICY, PRACTICES, EQUIPMENT, AND TRAINING

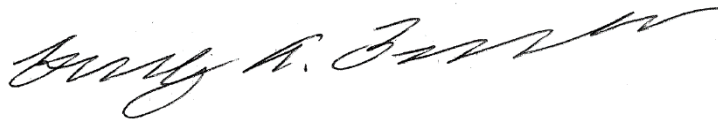
There are no recommendations regarding policy, practices, or equipment.

This year, we continue to respond to the majority of situations with empty-hand techniques. The Training Division recommends we continue to conduct mandatory arrest and control tactics training and less lethal training for the entire Department. We believe this will ensure we continue to respond reasonably while limiting injury and risk to our officers as well as suspects.

SUMMARY

This analysis was conducted for the purpose of reviewing the Lago Vista Police Department's response to resistance for the 2023 calendar year. The Lago Vista Police Department takes its obligations seriously to provide the most effective and efficient police services with the least adverse impact on our citizens.

The Lago Vista Police Department is committed to protecting the rights of all persons and responding to resistance only when necessary and to the extent necessary to achieve legal objectives. This analysis attempts to identify methods for reducing the number of incidents and the injury risk involved. Officers are trained by the department to use only the level of force necessary to bring a person under control and complete legal object. Police and citizen encounters can, however, change instantly, and officers may be required to react quickly in responding to resistance to subdue a resisting subject. While officers prefer to escalate their response to resistance in an orderly manner to use the lowest level possible, a subject's response may limit the ability and force officers to use whatever response to resistance is immediately available to protect themselves and the public.

A handwritten signature in black ink, appearing to read "Gary A. Boshears", with a stylized, flowing script.

02/06/2024

Gary A. Boshears, M. P. A., LCC
Chief of Police, Lago Vista Police Department