



**To:** Mayor Susan Narvaiz and the San Marcos City Council  
Rick Menchaca, City Manager

**From:** Howard E. Williams, Chief of Police

**Date:** February 17, 2009

**Subject:** Use of Force Report – 2008

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 with the racial profiling report, I will present to the City Manager, to the Mayor, and to the City Council a report on the use of force by officers of the San Marcos Police Department. 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.<sup>1</sup>

In 2008, following almost 59,000 duty-related citizen contacts, officers completed a Use of Force Report on 201 separate incidents, which included 272 citizens and 295 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 or threatened to use force against citizens, on average, only once every 43.7 hours. Of the citizens against whom officers used force, one reported serious injuries, 21 reported minor injuries, and 249 reported no injury. Only 15 of the citizens reporting an injury needed to be treated at a hospital. Seven officers received minor injuries during the year.

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<sup>1</sup> General Order 200.VIII.B.1-5

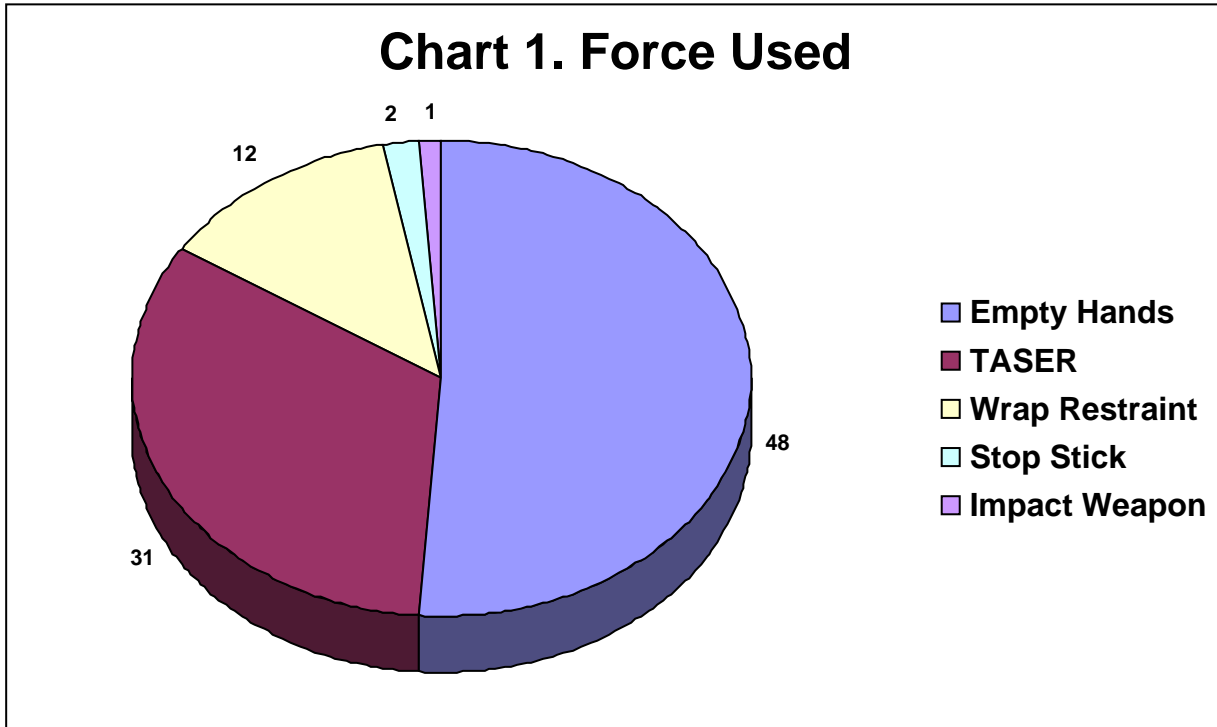
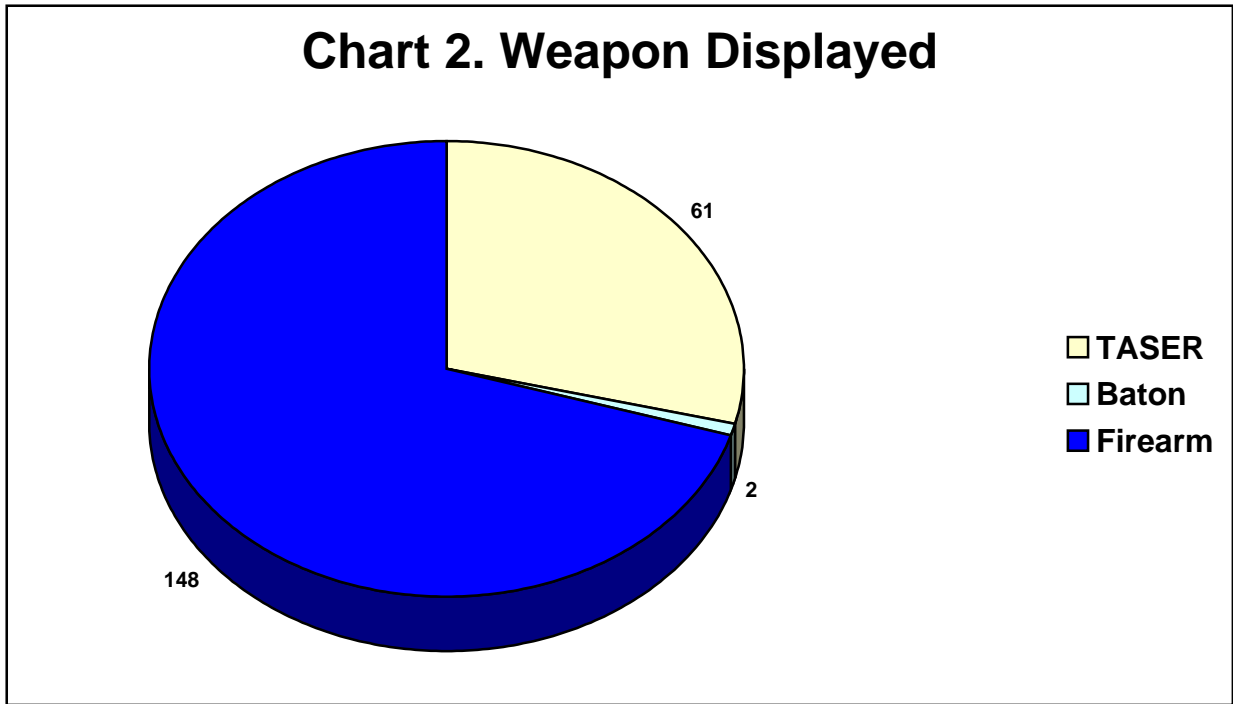


Chart 1, Force Used, depicts the times officers employed bodily force or used a weapon against at least one individual. In 2008, officers reported 94 completed uses of force. In 48 incidents, the officers used empty hand techniques, such as grabbing a suspect, twisting an arm, or wrestling a subject to the ground. Officers used the TASER 31 times and a police baton once. In 12 cases, officers used a wrap restraint to secure a violently resisting subject. In two cases, they used stop sticks to terminate a pursuit. One person suffered a serious injury after the use of force, and 21 people reported minor injuries.

Type of Force Used	2006	2007	2008
Firearm	2	1	0
TASER	30	30	31
Baton	0	1	1
OC Spray	0	2	0
PIT	1	2	0
Stop Stick	-	-	2
Empty Hands	55	54	48
Wrap Restraints	-	8	12
Unknown/Not Listed	1	0	0
Total	89	98	94





Any time an officer displays a weapon in an attempt to control any person, San Marcos Police Department policies require 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 2008, officers reported displaying a weapon 211 times. The majority of reports, 148, concerned displaying a firearm. Often, when executing search warrants or approaching a suspect who is reportedly armed, officers have a sidearm drawn. Even if the officer does not point the weapon at anyone, each officer who draws a weapon must still complete the Use of Force Report. Consequently, officers file several reports of displaying a firearm.

Additionally, anytime an officer draws a TASER, but does not fire it, that officer must complete the Use of Force Report. In 2008, officers presented the TASER 61 times without firing it or using it on a suspect. Officers also displayed or threatened to use a police baton two times.

Type of Weapon Displayed	2006	2007	2008
Firearm	126	126	148
TASER	83	85	61
Baton	4	0	2
OC Spray	3	4	0
Total	216	215	211



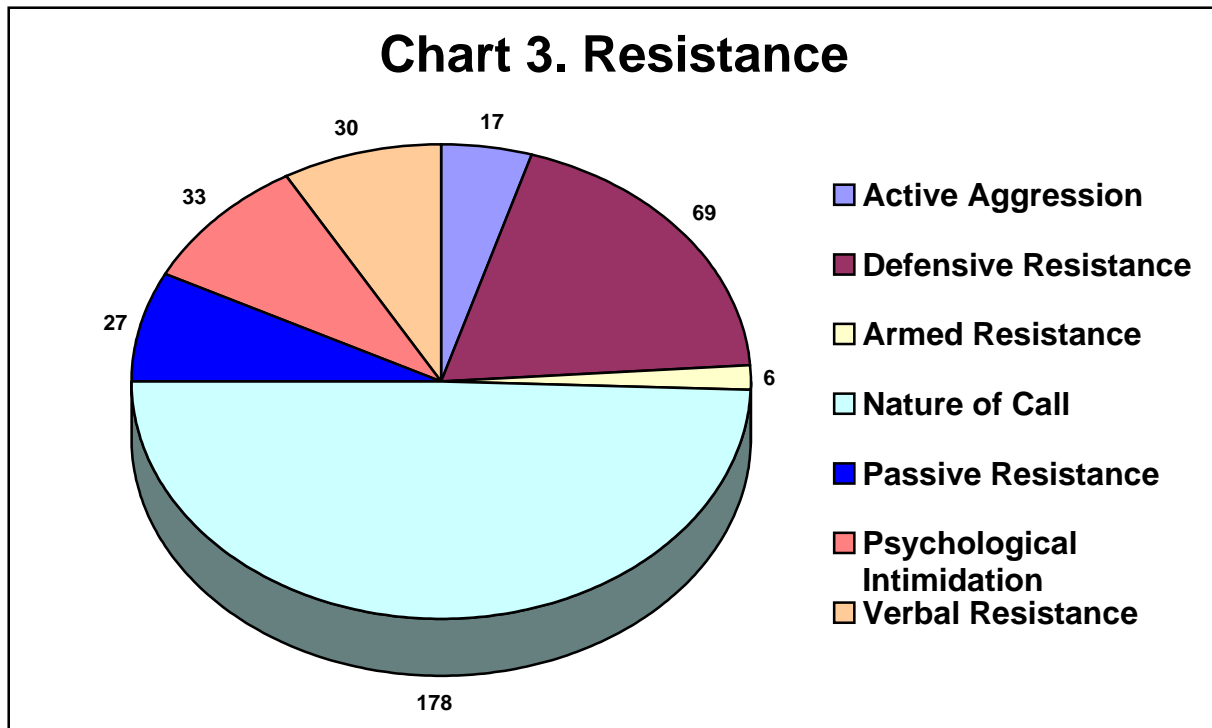


Chart 3, Resistance, depicts the nature of resistance that officers faced when using force or threatening to use force. It is important to note that in any individual confrontation, a person may exhibit many levels of resistance, and, if more than one person is involved, different people may exhibit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



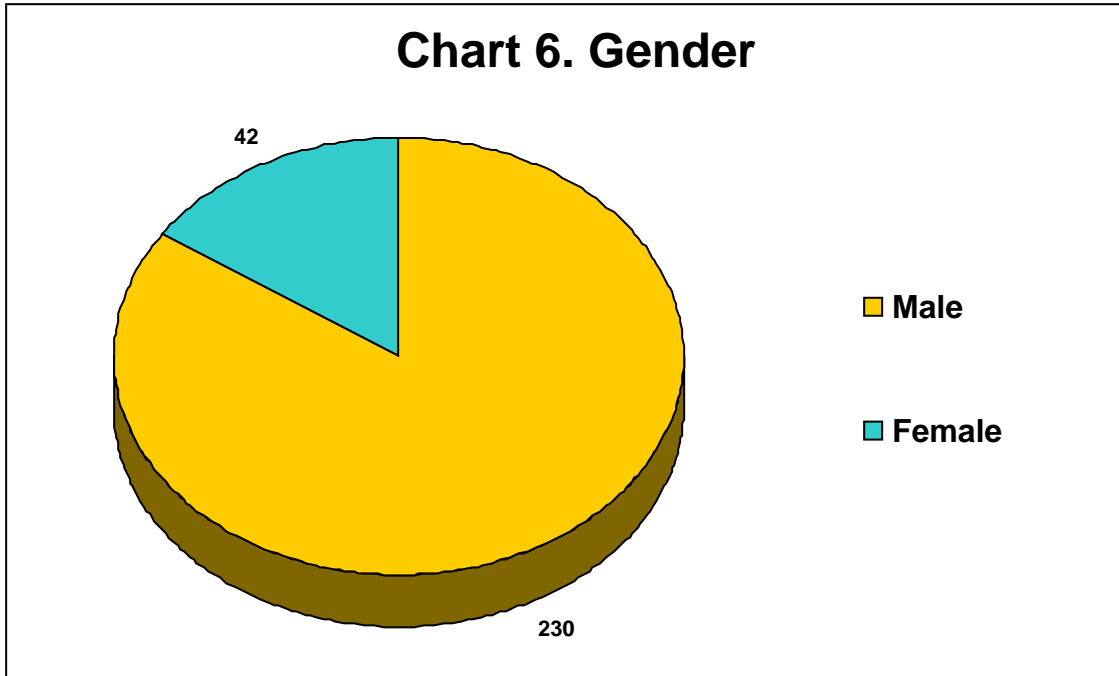


Chart 6, Gender, depicts the ratio of males and females who were subject to officers' use of force. Not surprisingly, officers used force against males far more often than females, 230 to 42, respectively.

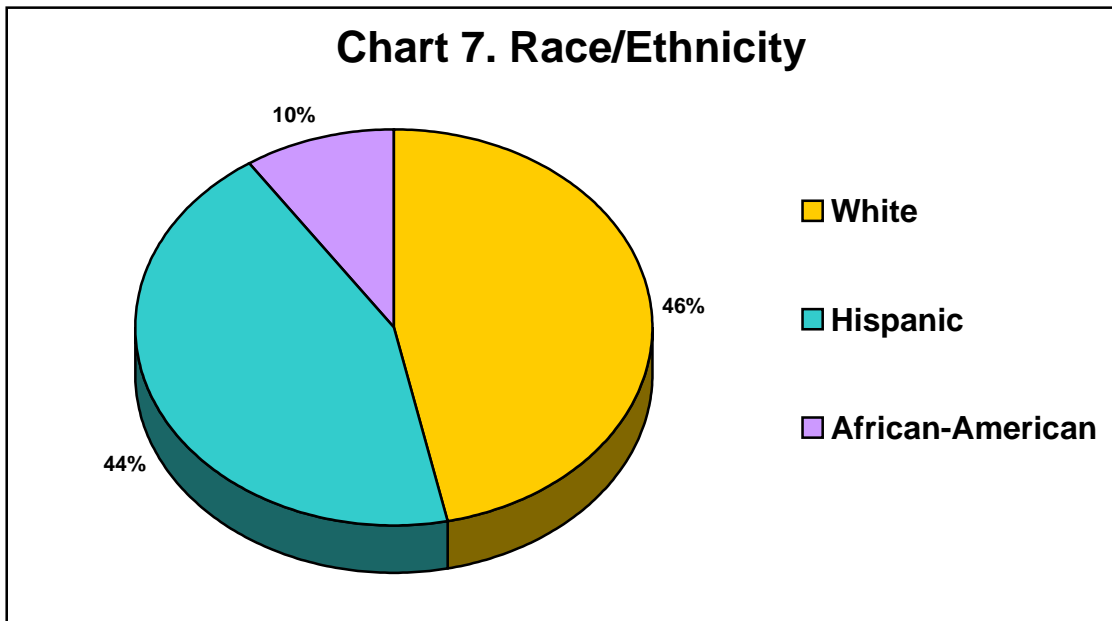


Chart 7, Race/Ethnicity, depicts the use of force as a percentage of race or ethnic group.

