Welcome!

Thank you for being here today.

Class will begin promptly at the scheduled time.

Please enter your name and your full agency name in the Chat Box.

National Use of Force (UoF) Data Collection Program

Managed by the Incident Based Reporting Bureau

Texas Department of Public Safety

National Use of Force (UoF) Data Collection Objectives

What is UoF and how to obtain TXDPS UoF Access

How to determine UoF Incidents/Monthly Zero Reports

Be able to identify segments within an incident

Identify reportable UoF scenarios

What is Use of Force?

A collective effort on the part of city, county, state, tribal, and federal law enforcement agencies to present users a view of the use of force incidents involving law enforcement from a nationwide perspective based upon statistics.

Purpose of UoF Collection

The goal of the collection is <u>not</u> to provide insight into specific use-of-force incidents, but instead to offer a comprehensive view of the circumstances, subjects, and officers involved in such incidents nationwide.

The collection does not assess or report whether officers followed their department's policy or acted lawfully

History of the National UoF Collection

2015 FBI created National Use of Force Data collection in partnership with Law Enforcement Agencies

On January 1, 2019, the FBI began collection for UoF data

Voluntary submission program

Texas participants submit via Tx DPS UoF Portal

No cost to obtain account

Two Texas Collections

In Texas, there are two **independent** collections:

       1. *State Mandated* reporting to the Office of Attorney General (OAG)

       2. *Voluntary* reporting to the FBI National UoF Collection Program

State Mandated Reporting to OAG: Office of Attorney General

Data collected: Per Code of Criminal Procedure (CCP) Article 2.139, Article 2.1395, and Article 49.18 to include:

1. Officer-involved shootings
2. Injuries or death of Peace Officer
3. Custodial deaths

OAG Program:

➤The OAG is the repository for this information and can assist with questions about their collection and forms.

➤The OAG manages the collection, and the data remains at the state level.

Texas UoF Program

Use of Force Portal
https://uof.dps.texas.gov/les/login

The TXDPS State's UoF portal is currently live as of 9/18/2023 for state-level submissions.

Our agencies **no longer** submit via LEEP but directly through TXDPS, who will then forward the data to the FBI.

To join in Texas' efforts to partner with the FBI, contact us at, **UoF@dps.texas.gov**

Learning Check #1

1. Multiple Choice: How many Collection Programs are in Texas?

      A. 1

      B. 3

      C. 2

      D. 5

Learning Check #1

2. Multiple Choice: What year did the National UoF Program begin collecting data?

A. 2015
B. 1993
C. 2020
D. 2019

What data is collected?

Death*

- When a death occurs connected to Use of Force by a law enforcement officer.

Serious Bodily Injury (SBI)*

- When there is serious bodily injury to a person connected to Use of Force by a law enforcement officer.

- The definition of serious bodily injury is based, in part, upon Title 18 United States Code (U.S.C), Section 2246 (4)

Firearm Discharge

- When a firearm is discharged by law enforcement at or in a direction of a person that did not otherwise result in death or serious bodily injury.

- Defined per ATF 18 US 921

Submissions

The monthly submission's deadline is the 15th of each month for <u>any</u> previous month's Use of Force incidents or monthly zero reports.

UoF Submission Example

Agency Blue PD has a UoF incident occur Nov 8, another on the Nov. 15 and 30th.

All these incidents are due by December 15th.

Its up to your agency who makes and submits UoF reports.

If your agency has a UoF incident and is unsure how or if to report it, contact us at, UoF@dps.texas.gov.

We are here to assist!

Submission Status: Not Ready

In the Texas UoF System, when you complete your record and **hit save**, you will see a "submission status" at the (top right corner). It will be either NOT FBI Ready OR **FBI Ready.**

* = Minimum required field to Save   BLUE = Additionally required to Send (to FBI)

Not FBI Ready   Why?

If you see "NOT FBI Ready" on your incident, click the Why? to see a list of fields needing attention for your record <u>to be sent</u> to FBI UoF.

Submission Status:
FBI Ready

When a record has met field requirements, it will automatically schedule to send to the FBI UoF. This occurs when the incident report updates to show **FBI Ready, which means** the record is in the process of being sent.

You will know if the record was *accepted* or *rejected* by hitting refresh and seeing your record status.

Monthly Zero Reports

Must be completed if there were no reportable incidents within a month.

This differentiates between agencies having **NO** reportable UoF incidents, and agencies who are **not** reporting or have **missing** submissions.

Simple to submit:

Due date by the 15th of the following month.

What happens after submitting?

Local Law Enforcement Agency → Submits UoF incident or zero report → TxDPS Use of Force Staff → Reviews & Approves submissions → National UoF Program Staff → Reviews, approves & publishes

Public Release of Data

- Public release of use-of-force data from the Nat'l UoF data collection depends on the percentage of agencies contributing data and is governed by federal regulations.

- The FBI released initial data when 60% of the *total law enforcement officer population* was reached. The next data release consideration will be analyzed at 80% participation levels

- FBI UoF recognizes the sensitivity in publishing information. Personal Identification Information is **NOT collected or published.**

Public Release of Data

- Released data includes the agencies enrolled and participating in the Nat'l UoF Program. When the percentage goals are met, public release could include aggregated data, percentages and ratios for common field types (reason for contact, type of force used, resistance encountered etc.)

- For more information about FBI UoF or publications: Use-of-Force — FBI

Who is a law enforcement officer for UoF collection?

The FBI defines *law enforcement officer** according to the Law Enforcement Officers Killed and Assaulted (LEOKA) definition which is as follows:

- Wore/carried badges (ordinarily).

- Carried firearms (ordinarily).

- Were duly sworn and had full arrest powers.

- Were members of law enforcement agencies.

- Were acting in an official capacity, whether on or off duty, at the time of incidents.

- If killed, died from injuries directly related to the incidents.

Who is a law enforcement officer for UoF collection?

- Examples of job positions not typically included in the LEOKA Program's statistics (unless they meet the above exception):

- Corrections/correctional officers.

- Bailiffs.

- Probation/parole officers.

- Federal judges.

- U.S. and Assistant U.S. Attorneys.

- Bureau of Prisons officers.

- Private security officers.

Entries: What is a Reportable Use of Force?

When any of the following occur in connection to use of force by Law Enforcement Officer(s):

- Death/Fatality
- Serious bodily injury to a person
- Discharge of a firearm at or in the direction of a person, without injury or death

Death/Fatality

Death of the subject (not the officer)

If an officer was killed or assaulted during the UoF, the incident would also be a LEOKA

- If applicable, UoF Data Element O18 can reference the NIBRS or local incident number to the UoF LEOKA incident.

Serious Bodily Injury

The term "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Serious bodily injury would include all gunshot wounds (regardless of whether they are penetrating or grazing), apparent broken bones, possible internal injury, severe laceration, stitches, sutures, chipped teeth, loss of teeth, canine bites requiring medical attention, unconsciousness due to an applied carotid artery hold, and injuries severe enough to require medical intervention and/or hospitalization.

Serious Bodily Injury

The term "medical intervention" does not include routine evaluation of the subject to determine fitness for arrest or detention by an emergency medical technician or medical staff at a medical facility. (This definition is based, in part, upon Title 18 United States Code [U.S.C], Section 2246 [4].)

Firearm Definition

The term 'firearm' means:

A. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

B. The frame or receiver of any such weapon;

C. any firearm muffler or firearm silencer; or

D. Any destructive device.

(This definition is based on the Bureau of Alcohol, Tobacco, Firearms, and Explosive's definition, 18 U.S. 921 [a] [3].)

Firearm Definition

Firearms discharged at or in the direction of a person with less lethal munitions, such as beanbags, pepper balls, and rubber bullets are excluded. In addition, electronic control weapons are not to be considered firearms*.

(This definition is based on the Bureau of Alcohol, Tobacco, Firearms, and Explosive's definition, 18 U.S. 921 [a] [3].)

Firearm and Non-Firearm Force Methods

Force Type	Description
BATON	Baton
BLUNT_OBJECT	Blunt instrument/Flashlight
CANINE	Canine
CHEMICAL	Chemical agent/Pepper or OC (oleoresin capsicum) spray
ELECTRONIC	Electronic control weapon (Taser®)
EXPLOSIVE	Explosive device
FIREARM	Firearm
OTHER	Other
PENDING	Pending further investigation
PHYSICAL	Hands-fists-feet
PROJECTILE	Impact projectile
UNKNOWN	Unknown and is unlikely to ever be known

Learning Check #2

1. **True or False:** The National UoF Program is *only for* officer-involved shooting incidents.

2. **Multiple Choice:** When is the submission deadline for the previous month's UoF incidents or monthly zero reports?

   A. 12th
   B. 15th
   C. 10th
   D. 1st

Learning Check #2

3. **True or False:** Monthly zero reports differentiate between agencies having NO reportable UoF incidents and agencies who are NOT reporting or have missing submissions.

   Answer:

4. **True or False:** Serious bodily injury <u>does not</u> include 'grazing' gunshot wounds.
   Answer:

Main Segments of a UoF Incident

• **Incident Segment (I)** – Up to Thirty-four (34) possible data elements within this segment, which help to supply the specifics of an incident. Segment contains the Subject and Officer Segment.

• **Subject Segment (S)** – Up to Twenty-six (26) possible data elements within this segment, which supplies the specific biographic and characteristics on the subject involved in the incident. Subject information is provided within the incident segment.

• **Officer Segment (O)** – Up to Twenty (20) data elements within this segment, which provide biographic and characteristic data on the officer who responded to the incident. Officer information is provided within the incident segment.

Information Collected-Incident (I)

Date and time	Total number of officers who applied force	Number of officers from reporting agency who applied force	Location
Location type (street, business, home, etc.)	Did the officer(s) approach the subjects?	Was it an ambush incident?	Was a supervisor or senior officer consulted during the incident?
Reason for initial contact (routine patrol, traffic stop, etc.)	If the initial contact was 'unlawful activity', what was the most serious offense the individual was suspected of?	If applicable, include the National Incident-Based Reporting System incident number	If applicable, include the other agency's incident report case number

Initial Contact (I8)

Initial Contact is used to indicate the reason behind the initial contact between the Law Enforcement Officer and the subject.

Reason for Contact Type	Description
COURT_ORDER	Service of a court order
CRIMINAL_SUSPICIOUS_ACTIVITY	Response to unlawful or suspicious activity
DEMONSTRATION	Mass Demonstration
FOLLOWUP	Follow up investigation
MEDICAL	Medical, mental health, or welfare assistance
OTHER	Other
PENDING	Pending further investigation
ROUTINE_PATROL	Routine patrol other than traffic stop
TRAFFIC_STOP	Traffic Stop
UNKNOWN	Unknown and is unlikely to ever be known
WARRANT	Warrant Service

Total # of Officers Involved (I9)

Count Law Enforcement Officers (LEOs) who were present at any time of contact between officer(s) and the subject, who directly engaged at least one subject with a use of force.

This number should include any officer regardless of whether they are employed by your agency.

Total # of Officers Involved (I9)

For example, Agency Blue PD had two (2) of their LEOs use force(taser and discharged firearm), and 2 outside agency LEOs who assisted (discharged firearms).

- Agency Blue PD would enter a UoF incident and the total # of officers=4.
- The two agencies that assisted would be referenced by ORI and their case # if known. *If the ORI is Unknown, then the reporting agency should contact UoF@dps.texas.gov who can assist in providing the assisting agencies ORI.*
- Agency Blue PD would only be responsible for reporting Officer segment information for officers employed by their agency.

Did Officer Approach (I13)

Did Officer Approach is used to indicate if the law enforcement official approached the subject versus the subject approaching the law enforcement officials

Value	Description
YES	Yes
NO	No
PENDING	Pending further investigation
UNKNOWN	Unknown and is unlikely to ever be known

NIBRS Incident Number (I25)

NIBRS Incident Number is the National Incident-Based Reporting System (NIBRS) incident associated to the UCR Offense Codes provided in Data Elements I15, I16 and I17.

Value can only be provided if Initial Contact (Data Element I8) has a value of "CRIMINAL_SUSPICIOUS_ACTIVITY"

If an offense (Data Element I15) is provided, either a NIBRS Incident Number (Data Element I25) or NIBRS Incident Number Pending/Unknown (Data Element I26) must be provided

Reason for Report (I32)

Reasons for a report are:
- Death/Fatality
- Serious bodily injury to a person (SBI)
- Discharge of a firearm at or in the direction of a person, without injury or death

For example, An incident with (3) subjects.

- (2) subjects <u>died</u> in connection to law enforcement use of force

- (1) subject sustained <u>serious bodily injury</u> (SBI) in connection to law enforcement use of force

Information Collected-Subject (S)

Age, sex, race, ethnicity, height, and weight

Injury/death of subject

Type of force used

Did the subject direct a threat to the officer or another person?

Did the subject resist?

Types of resistance or weapon involvement (threats, active aggression, firearms, etc.)

Did the subject have a known or apparent impairment (mental health, influence of drug/alcohol)?

Was the subject believed to have a weapon?

Impairment and Impairment Type (S18 and S19)

Impairment is used to indicate if the Law Enforcement Officer felt the subject had an apparent or known impairment in mental or physical condition.

Provide a valid response:

Value	Description
YES	Yes
NO	No
PENDING	Pending further investigation
UNKNOWN	Unknown and is unlikely to ever be known

If 'Yes' for Impairment, provide Impairment Type (S19):

Impairment Type	Description
ALCOHOL	Alcohol impairment
DRUGS	Drug Impairment
MENTAL	Mental health condition
PENDING	Pending further investigation
UNKNOWN	Unknown and is unlikely to ever be known

Resisted and Resistance Type (S20 and S21)

Resistance Type	Description
BARRICADE	Barricading self
ESCAPE_FLEE	Attempt to escape/flee from custody
FIREARM	Using a firearm against an officer or another
PHYSICAL	Using hands/fists/feet against an officer or another
DISPLAY_WEAPON	Displaying a weapon at an officer or another
BODY_FLUIDS	Intentionally spitting or bleeding on an officer
THROWING	Throwing an article or object at an officer
NONCOMPLIANCE	Failing to comply to verbal commands or other types of passive resistance
OTHER_WEAPON	Using another weapon (such as chemical agent, edged weapons, electronic control weapon, or blunt object) against an officer or another
PENDING	Pending further investigation
RESISTED	Resisted being handcuffed or arrested
UNKNOWN	Unknown and is unlikely to ever be known
VERBAL	Making verbal threats
VEHICLE	Directing a vehicle at an officer or another

Resisted (S20) is used to indicate if the subject resisted during the incident.

If 'Yes' for Resisted, agencies must enter a Resistance Type (S21).

Threat Directed At (S22)

Threat Directed At?	Description
ANOTHER	Another party
BOTH	Both the officer and others
OFFICER	Officer
PENDING	Pending further investigation
UNKNOWN	Unknown and is unlikely to ever be known

Threat Directed At is used to indicate who the threat by the subject(s) was perceived by the officer(s) to be directed to, the officer or to another party.

Force Types (S24)

Force Type	Description
BATON	Baton
BLUNT_OBJECT	Blunt instrument/Flashlight
CANINE	Canine
CHEMICAL	Chemical agent/Pepper or OC (oleoresin capsicum) spray
ELECTRONIC	Electronic control weapon (Taser®)
EXPLOSIVE	Explosive device
FIREARM	Firearm
OTHER	Other
PENDING	Pending further investigation
PHYSICAL	Hands-fists-feet
PROJECTILE	Impact projectile
UNKNOWN	Unknown and is unlikely to ever be known

Indicates the type of force used by the officer(s) on the subject during the incident. Multiple values can be provided within the data element.

This includes firearms and non-firearm force methods.

Injury Type (S25)

Injury Type	Description
DEATH	Death
GUNSHOT	Gunshot Wound (including minor or grazing wounds)
NONE	None
OTHER_SERIOUS_INJURY	Serious injury requiring medical intervention or hospitalization
PENDING	Pending further investigation

Injury Type	Description
UNCONSCIOUSNESS	Unconsciousness (regardless of duration)
UNKNOWN	Unknown and is unlikely to ever be known

Injury Type is used to indicate the type of injuries sustained by the subject. Multiple values can be provided within the data element.

Charged (S26)

"Were charges filed against the subject by a prosecutor?"

Value	Description
YES	Yes
NO	No
PENDING	Pending further investigation
UNKNOWN	Unknown and is unlikely to ever be known

Charged is used to indicate if the subject was charged with any offense if the incident occurs on or after 11/21/2022.

Information Collected- Officer (O)

Age, sex, race, ethnicity, height, and weight

Years of service in law enforcement

Was the officer a full-time employee?

Was the officer on duty?

Did the officer discharge a firearm?

Was the officer injured?

If so, what was the officer's injury type?

Years of Service (O11)

Years of Service is used to indicate the years of service the officer has as a law enforcement officer.

This number should include all years of service across multiple law enforcement agencies.

If information is unknown because the officer is unavailable for an interview or if the information should become available after investigation, record Data Element Years of Service (O12) with "Pending further investigation."

Officer Injured (O16) and Injury Type (O17)

Injury Type	Description
APPARENT_MINOR_INJURY	Other apparent Minor Injuries
DEATH	Death
GUNSHOT	Gunshot Wound (including minor or grazing wounds)
OTHER_SERIOUS_INJURY	Serious injury requiring medical intervention or hospitalization
PENDING	Pending further investigation
UNCONSCIOUSNESS	Unconsciousness
UNKNOWN	Unknown and is unlikely to ever be known

Officer Injured (O16) is used to indicate if the officer was injured (serious or minor) during the incident.
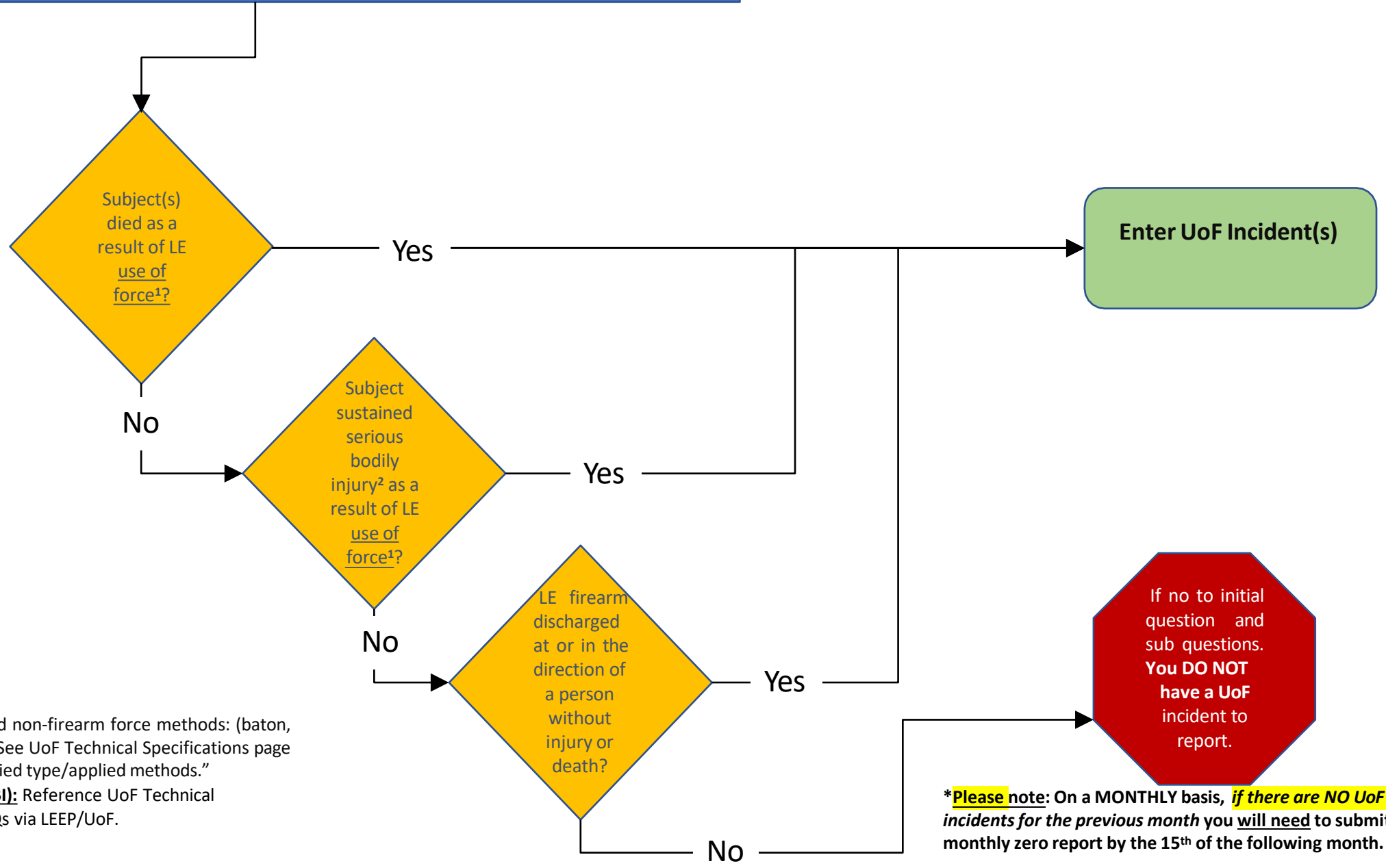
If 'Yes,' Injury Type (O17) must be entered.

NIBRS Incident Number (O18)

NIBRS Incident Number is used when an officer incurs injuries during the incident. The NIBRS (or local) incident number relating to the report detailing the assault or homicide of the law enforcement officer.

Determine if incidents from the previous month are Reportable UoF Incidents due to FBI by the 15th

Subject(s) died as a result of LE use of force[1]?

Yes → **Enter UoF Incident(s)**

No →

Subject sustained serious bodily injury[2] as a result of LE use of force[1]?

Yes →

No →

LE firearm discharged at or in the direction of a person without injury or death?

Yes →

No →

If no to initial question and sub questions. **You DO NOT have a UoF** incident to report.

Footnotes:

1. **Force Types:** Firearm(s) and non-firearm force methods: (baton, taser, canine, chemical, etc.) See UoF Technical Specifications page 40 for a complete list of "applied type/applied methods."

2. **Serious Bodily Injuries (SBI):** Reference UoF Technical Specifications page 1 and FAQs via LEEP/UoF.

***Please** note: On a MONTHLY basis, *if there are NO UoF incidents for the previous month* you will need to submit a monthly zero report by the 15th of the following month.*

Last revised 9/7/2023

Questions?

Learning Check #3

1. Multiple Choice: How many segments are within an incident?
   A. 3
   B. 72
   C. 9
   D. 34

2. True or False: This collection gathers only statistical data, NOT personal identifying information (PII) or names etc.

   Answer:

Learning Check #3

3. True or False: If a single UoF event involves multiple subjects, the agency will complete multiple reports.

Summary

Who is a law enforcement officer for UoF data collection?

National UoF collects BOTH firearm and NON-firearm force types

Total # of Officers include any officer regardless of whether they are employed by your agency

Multiple Reasons can occur within 1 reported incident if there are multiple subjects

Learning Check # 4

1. **True or False:** Parole, Probation, Corrections, and Juvenile Detention Officers are all included in the UoF data collection Program.

Learning Check # 4

2. True or False: The total # of Officers involved includes ONLY officers from your agency within an event.

Answer:

Learning Check # 4

3. True or False: Tasers are firearms.

Learning Check # 4

4. Multiple Choice: How *many reasons* for a report when an incident has 4 total subjects: 2 died and 2 had serious bodily injuries?

    A. 4
    B. 3
    C. 2
    D. Not reportable

Use of Force Scenarios

The following scenarios are examples of types of force incidents and guidance on whether they qualify as reportable to the National Use-of-Force Data Collection.

The question is, "Is this event (incident) reportable or not?"

Note: Reportable and Not reportable in this context, is referring specifically to the National UoF Data Collection. The incident may still be an event as an investigative aspect of LE componentry.

This is **NOT** an all-inclusive list. If agencies are unsure if their incident is reportable contact UoF@dps.texas.gov

UoF Scenario #1

Incident where patrol officers applied force with hands and both subjects resulted in shoulder injuries. One subject's injury was a shoulder joint separation and the other subject's injury was a dislocated shoulder, both subjects required medical attention.

Is this incident reportable to UoF?

UoF Scenario #2

Two patrol officers responded to a theft in progress call. When contacted, the suspect resisted, then fled. Officers gave chase, gave warning, then deployed the use of their tasers. **The first missed**; **the second made contact**. *The suspect then fell forward and sustained a head injury, and he has since passed away as a result of the injury sustained in that fall.*

Is this incident reportable to UoF?

UoF Scenario #2

Two patrol officers responded to a theft in progress call. When contacted, the suspect resisted, then fled. Officers gave chase, gave warning, then deployed the use of their tasers. **The first missed**; **the second made contact**. *The suspect then fell forward and sustained a head injury, and he has since passed away as a result of the injury sustained in that fall.*

NOTE: The officer that missed the subject with the taser *should not be reported*, **since they missed, and no force was used by that patrol officer.**

UoF Scenario #3

An officer displays a firearm to make an arrest. No shots were fired, and the subject sustained no injury.

Is this incident reportable to UoF?

UoF Scenario #4

Officers released a K-9 to catch a fleeing subject. While detaining the subject, the K-9 bit and seriously injured him.

Is this incident reportable to UoF?

UoF Scenario #5

An off-duty Maryland police officer was on vacation in Florida. The officer came across a burglary in progress and became involved in a shooting.

Is this incident reportable to UoF?

Note: If an officer were in uniform while driving home from duty, sees something suspicious, and takes law enforcement action to prevent a crime, a citizen would see that person as an officer. This would be an example of being out of jurisdiction, but the incident would still be counted as a use-of-force entry into the database.

UoF Scenario #6

An officer uses pepper spray to make an arrest. The subject sustained no injury.

Is this incident reportable to UoF?

UoF Scenario #7

An officer responds to a harassment call. On scene, there is a homeless/transient that was attacking civilians and then began attacking the officer. The Officer uses OC (oleoresin capsicum) spray to make an arrest and the subject stumbles into the street, is hit by a bus, and died.

Is this incident reportable to UoF?

UoF Scenario #8

An officer initiated a traffic stop for speeding. The subject fled in the vehicle, and the officer performed a tactical vehicle maneuver to stop the chase. The subject wasn't wearing a seatbelt and was ejected from the vehicle as it was spinning. The subject died as a result.

Is this incident reportable to UoF?

Questions?

Texas Use of Force (UoF) Program Contact Information

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TxDPS UoF Website

NIBRS and Other IBR Trainings

- Crimes Against Persons
- Crimes Against Property
- Crimes Against Society
- Group B Offenses
- Hate Crimes
- Cargo Theft
- Texas Specific Reports
- How to Read a Flat File

- NIBRS Errors and How to Fix Them
- NIBRS Overview
- Use of Force-Manual Entry
- Human Trafficking
- Texas "T" Errors
- Molly Jane's Law & ViCAP
- LEEP/NDEx/Data Broker

Email the IBR Training at IBR.Training@dps.Texas.gov

Compliance and Training Bureau
Training Team

Use of Force QR Code for Website

IBR telephone: 512-424-2091
Email: UoF@dps.texas.gov