



William P. McManus, Chief of Police
San Antonio Police Department



Internal Affairs Annual Report

2015



Integrity • Respect • Compassion • Fairness



**William P. McManus, Chief of Police
San Antonio Police Department**



Message from the Chief



This report was prepared to improve transparency by providing information regarding citizen complaints and investigations of officer misconduct. The Internal Affairs Unit also provides a variety of other information related to officer wellness.

We hold ourselves accountable to the standards outlined within the SAPD General Manual and our guiding principles of Compassion, Integrity, Fairness, and Respect. The process of investigating citizen complaints and allegations of officer misconduct serves to build and keep the public's trust. The San Antonio Police Department adheres to and follows a progressive discipline model. This allows for a range of sanctions when necessary but also allows officers to reflect on an incident in order to learn from mistakes in the name of personal and professional improvement.

This Internal Affairs Annual Report avails complaint and investigative information to the community. One of our biggest strengths is the positive relationship that we have with the community. Continuous improvement of that relationship is a primary goal. To that end, communicating and making information available about our activities is key.

We recognize that open and effective communication is critical to the continued success of our agency. This can be partially met by dissemination of organizational information and data such as the information contained within this report. Finally, information from this report provides us with an opportunity to examine the data critically to improve professionalism and training.

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Acknowledgements

The San Antonio Police Department and the Professional Standards Section are grateful to the following staff members who were instrumental in gathering, sorting, and compiling large amounts of data to present in this Annual Report:

Officer Natalia Benavides
Sylvia Garcia

Officer Christine Dorsey
Julie Ann Bernal

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San Antonio Police Department



Mission

The San Antonio Police Department is dedicated to improving the quality of life by creating a safe environment in partnership with the people we serve. We act with integrity to reduce fear and crime while treating all with respect, compassion, and fairness.

Vision

To be the premier law enforcement agency by building trust, creating partnerships, and sharing leadership within SAPD and the community for a safer San Antonio.

Guiding Principles

INTEGRITY. We hold ourselves accountable and demand the highest level of ethical and moral standards from all. We are role models, acting with courage and building trust within the organization and the community.

RESPECT. Mutual respect is the foundation for every interaction. We value diversity and encourage open communication by treating everyone with dignity and fairness.

COMPASSION. Compassion guides our actions as we care for one another. We treat people with kindness and respect while working for the benefit of all.

FAIRNESS. We are committed to consistently treating people in a courteous and impartial manner.

Internal Affairs

Mission

The San Antonio Police Department accepts all complaints, regardless of form, source, or substance, and initiates investigative action appropriate to the seriousness of the complaint. Therefore, the Internal Affairs Unit is committed to investigating thoroughly, objectively and without prejudice all reports of misconduct in an effort to uphold the principles of accountability; to foster and maintain trust between the department and the community; and to achieve the desired degree of organizational excellence.

Organization

The Internal Affairs Unit is organized under the command of the captain of the Professional Standards Section. This captain reports directly to the Chief of Staff and all administrative responsibilities of the Internal Affairs Unit are directed by a Lieutenant. In addition, the unit is staffed with fourteen sergeant investigators; one patrol officer statistician; and two administrative assistants. The Internal Affairs Lieutenant also directs the Officer Concern Program.

Purpose

The Internal Affairs Unit is responsible for investigating complaints against officers and performs administrative reviews of police incidents to determine whether policy, training, equipment, or disciplinary issues should be addressed. Internal Affairs staff conduct all their investigative activities with the best interests of all involved including the department and community.

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Executive Summary

This annual report is not an “analysis” to answer cause and effect questions, but instead, presents quantitative data that may help in directing attention and resources to address actual and potential officer misconduct; and identify training opportunities through the recognition of trends or patterns. The end goal of presenting this information is to demonstrate this department’s commitment to accountability and transparency; and to initiate discussion on how best to reduce incidents of police officer misconduct and to continually improve on customer service and police practices.

For the period January 1, 2015 through December 31, 2015, The Internal Affairs Unit recorded 174 formal complaints and 373 line complaints. Included in the number of formal complaints are 39 administrative reviews that are assigned initially as formal cases to determine whether policy, training, equipment, or disciplinary issues should be addressed. In 2015, formal complaints were down 11.7%, and line complaints were up by 50.4%.

The Internal Affairs Unit received a total of 2 formal complaints for alleged racial profiling for 2015 and recorded 4 “Information Logs” for incidents that were initially reported as racial profiling. Of the two formal complaints, one was “unfounded” and the other was “deactivated.” The unit also recorded 1,157 reports of use of force, the majority of which were reported by the Patrol Division.

For 2015, the Officer Concern Program (OCP) administrator recorded 41 cases for OCP consideration. Sixteen (16) officers met referral criteria and were enrolled in the OCP with a plan of action. In 2014, 23 OCP cases were recorded by the program administrator.

The Chief’s Advisory Action Board (CAAB) is a combined board made up of San Antonio Police officers and private citizens who volunteer to serve on the CAAB. The CAAB, which is independent of the Internal Affairs Unit, is established to meet year round to hear, adjudicate; and make recommendations to the Chief of Police in all officer misconduct cases that are heard by the CAAB. In addition, the CAAB reviews all officer involved shootings and custodial deaths to determine whether any policy or training issues need to be addressed. In 2015, the CAAB heard 158 cases compared to 143 cases in 2014.

To lend context to the data in this report, the San Antonio Police Department received 1,286,108 calls for service in 2015. This is an increase of 1.5 % compared to 2014.

Agency Information

Race/Ethnicity	Female	Male	Race / Ethnicity Totals (%)
African American	8	105	113 (5.1)
Hispanic	114	968	1,082 (49.2)
White	81	893	974 (44.3)
Other	4	24	28 (1.3)
Gender Totals (%)	207 (9.4)	1990 (90.6)	2,197

Table 1: Agency demographics 2015

Race/Ethnicity	Total %
African American	6.9
Hispanic	63.2
White	26.6
Other	6.8
Total Population	1,436,697

Table 2: City of San Antonio Demographics 2015

	2014	2015	% Change
Calls For Service	1,266,635	1,286,108	1.5

Table 3: Calls for service citywide 2015

Service Area	Square miles
Central	26 sq miles
East	64 sq miles
West	76 sq miles
Prue	92 sq miles
North	99 sq miles
South	104 sq miles
Total square miles	461 sq miles

Table 4: Patrol service areas by square miles (ascending order) 2015

Formal Complaints, Line Complaints and Use of Force Incidents

A **formal complaint** is a complaint on an officer for conduct that exhibits a significant variance from behavioral expectations established through formal training, departmental rules, regulations, policies, or procedures which regulate an officer's conduct. These complaints are investigated by Internal Affairs investigators who forward their findings to a board comprised of police officers and private citizens. This board reviews the investigators' findings, then makes a recommendation to the Chief of Police as to the discipline that should be imposed on the officer if it is determined that the officer indeed engaged in misconduct. In 2015, the Internal Affairs Unit investigated 174¹ formal complaints. Included in the number of formal complaints (174) are 39 administrative reviews that are assigned initially as formal cases to determine whether policy, training, equipment, or disciplinary issues should be addressed. Incidents classified as administrative reviews include: officer involved shootings, custodial deaths, officer involved family disturbances and family violence, or any incident that the Chief of Police believes should be evaluated for potential misconduct.

A **line complaint** generally constitutes a complaint against an officer for minor variances from rules, regulations, and/or policies. Line complaints are investigated by an officer's immediate supervisor and that supervisor makes a recommendation to the Chief of Police as to the discipline that should be imposed on the officer if it is determined that the officer indeed violated departmental rules, regulations, or policies. In 2015, the Internal Affairs Unit investigated 373 line complaints.

A **use of force incident** is any incident in which a police officer uses force during a public-police interaction. The San Antonio Police Department requires its officers to exhibit a sense of prudent judgment derived from departmental training, acquired knowledge, skills, and ability in the exercise or application of any level of force. Officers are trained and required to use only the level of force necessary to accomplish a lawful police objective. Every officer that uses force during an interaction is required to report such use in writing. In addition, the Department also requires supervisors to respond to the scene of use of force incidents and to review all Use of Force Reports, to ensure the application of force conforms to established guidelines and departmental policy and procedures. In 2015, the Internal Affairs Unit recorded 1,157 use of force incidents.

Table 5 below summarizes the frequency of each category and offers a 2014 – 2015 comparison.

¹ Includes cases that were "deactivated." A case is deactivated for various reasons including but not limited to: lack of cooperation by a complainant; evidence, video/audio for example, does not support claim; complaint waiver.

	2014	2015	% Change
Formal Complaints (FC)	197	174	-11.7
Line Complaints (LC)	248	373	50.4
Use Of Force (UOF)	1,189	1,157	-2.7

Table 5: *Formal complaints, line complaints, use of force incidents 2014 & 2015*

Table 6 below illustrates a 5 year historical perspective for formal complaints, line complaints and use of force incidents. The significant increase in the number of use of force incidents beginning in 2014 are as a result of policy changes that required officers to report the use of “takedowns” which were previously not recorded as a type of force. A takedown is defined as using physical force when executing a leg sweep, body flip or similar control technique intended to control an individual who is offering resistance during arrest and handcuffing. Also initiated in 2014, officers are required to report any force used by an officer who causes an individual to impact the floor, ground, object, or other person.

	2010	2011	2012	2013	2014	2015	Avg.	Median
Formal	203	137	141	216	197	174	178	178.5
Line	275	220	208	197	248	373	253.5	202.5
Use of Force	706	681	679	760	1,189	1,157	862	719.5

Table 6: *Five year data for formal complaints, line complaints, use of force incidents*

The median values offer a more sensible measure or interpretation of the data above because of the somewhat skewed distributions in the 2015 line complaints, and 2014 and 2015 use of force data sets.

Figure 1 below presents the same data to give a visual sense of the historical frequency of formal complaints, line complaints, and recorded use of force incidents.

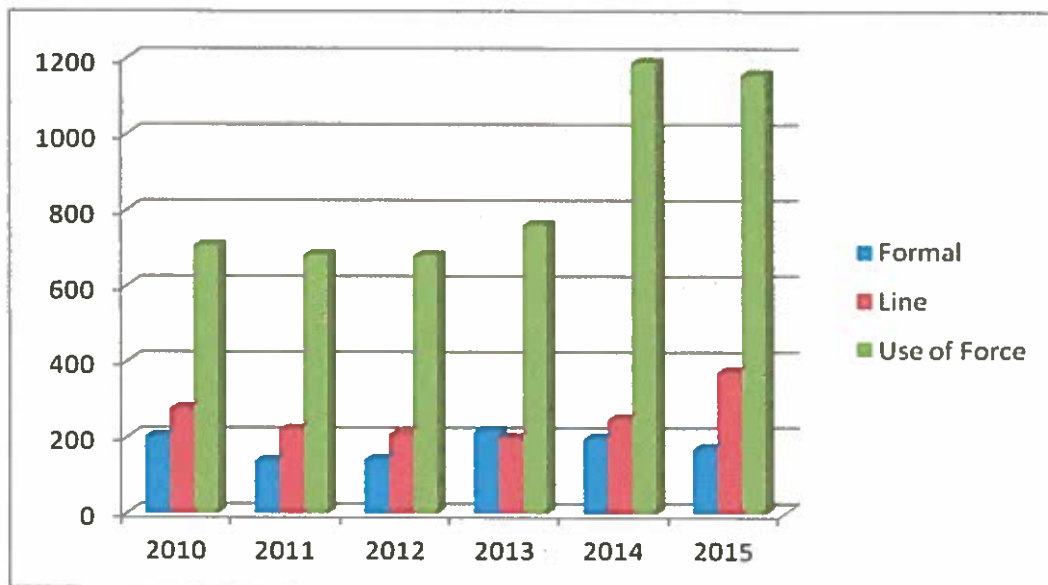


Figure 1: Five year data for formal complaints, line complaints, use of force incidents

Use of Force incidents by Division

Division	Use of force incidents
COS	1
PSC	562*
PNC	344
TSC	197
SSD	11
MCC	42
TOTAL	1,157

Table 7: Use of force incidents recorded for 2015. *PSC total includes 94 incidents recorded by Bike Patrol office

The majority (78.3%) of use of force incidents were recorded by the Patrol divisions (South and North). Excluding SAFFE Details, PPA (MIN = 5) recorded the least number of force incidents and CPC (MAX = 89) recorded the most force incidents. See tables 8 and 9 below.

Patrol South

CENTRAL		WEST		SOUTH	
Shift	Totals	Shift	Totals	Shift	Totals
SAFFE	1	SAFFE	1	SAFFE	2
CPA	15	WPA	20	SPA	23
CPB	15	WPB	55	SPB	24
CPC	89	WPC	42	SPC	28
CPT	36	WPT	73	SPT	44
Central Total²	156	West Total	191	South Total	121

Table 8: Use of force incidents 2015 for Patrol South

Patrol North

NORTH		PRUE		EAST	
Shift	Totals	Shift	Totals	Shift	Totals
SAFFE	8	SAFFE	2	SAFFE	9
NPA	18	PPA	5	EPA	24
NPB	35	PPB	13	EPB	28
NPC	27	PPC	32	EPC	17
NPT	35	PPT	25	EPT	66
North Total	123	Prue Total	77	East Total	144

Table 9: Use of force incidents 2015 for Patrol North

Other Information

Table 10 below highlights the top 5 categories for formal and line complaints and their respective frequencies.

Rank	Formal complaints	Line complaints
1	Conduct and behavior (81)	Searching of prisoners (55)
2	Use of force (52)	City property: loss through negligence (35)
3	Truthfulness of members (30)	Mobile video recording (34)
4	Administrative reviews (20)	Electronic control devices (27)
5	Mobile video recording (20)	City property: improper/negligent handling (25)

Table 10: Top 5 formal and line complaints 2015

² Bike patrol, which is under Central Command, recorded 94 use of force incidents but these are not calculated in table 8 above

Chief's Advisory Action Board (CAAB)

As part of the 2008 Police Executive Research Forum (PERF) study of the San Antonio Police Department's operations and practices, PERF recommended a change in the composition and appointment of the Chief's Advisory Action Board. As a result, the San Antonio Police Officers Association and the City of San Antonio agreed in the 2010 Collective Bargaining Agreement that the complaint review board would be comprised of 7 citizen appointees selected from a panel of 14 citizens. Seven uniformed police employees also serve on the Board.

The Chief's Advisory Action Board is designed to address complaints on officers as equitably as possible in an effort to achieve the following objectives:

- Correct the behavior of an officer who may not be in conformance with departmental standards or expectations;
- Instill a preventative affect;
- Demonstrate that compliance with departmental policies is uniformly required of all officers;
- Promote transparency and trust within the community

During board meetings, both citizen and police board members hear a detailed briefing of the various cases presented by Internal Affairs investigators. After considering all the facts, CAAB members vote towards determining a finding in a misconduct case. One of four findings may be recommended to the Chief of Police and include:

- **Unfounded** - means the allegations reported did not occur
- **Inconclusive** - means the allegations could not be proved or disproved
- **Sustained** - means the allegations reported are found to have occurred
- **Justified** - means the conduct complained of did occur, but was necessary and appropriate to accomplish a valid law enforcement objective

Following a finding of "Sustained," a discussion is held and a recommendation is made to the Chief of Police for disciplinary action or other remedy. The recommendations made by board members are advisory in nature, and the final decision on each case is made by the Chief of Police.

In 2015, the CAAB met 24 times and ruled on 158 cases involving misconduct allegations.

	2011	2012	2013	2014	2015
No. Cases presented to CAAB	138	127	133	143	158

Table 11: *Number of cases referred to CAAB 2015.*

Officer Concern Program

The Officer Concern Program is administered by one of the Internal Affairs Unit sergeants. There is a growing body of information that indicates that a small percentage of officers are responsible for a disproportionate number of citizen complaints and incidents of misconduct. The Officer Concern Program is designed to evaluate performance indicators and behavioral traits that will aid in identifying those indicators and traits in officers before they (performance & behaviors) develop into disciplinary problems for the officer and the Department.

For 2015, the Officer Concern Program (OCP) administrator recorded **41** cases for OCP consideration. In 2014, **23** OCP cases were recorded by the program administrator. See table 12 below.

	No. OCP cases reviewed
2014	23
2015	41
% Change	78.2

Table 12: *OCP cases 2014, 2015*

The increase in 2015 is due to the “re-opening” of 20 previous OCP cases to determine if the officers involved in those previous cases should be considered as candidates for the OCP. Of the 41 OCP cases in 2015, 16 officers were enrolled in a plan of action to address potential performance or behavioral issues. A plan of action is a written, formulated course of action designed to be a non-punitive way of addressing an officer’s unacceptable behavior or sub-standard performance.

APPENDIX A

Interdepartmental Correspondence Sheet

TO: Sheryl Sculley, City Manager
FROM: William P. McMannus, Chief of Police
COPIES TO: Mayor & City Council; Erik Walsh, Deputy City Manager; File
SUBJECT: 2015 Racial Profiling Report

DATE: February 24, 2016

The San Antonio Police Department (SAPD) collected racial profiling data for 2015 pursuant to the enactment of House Bill 3389. Further, state law requires that the Department report to the "governing body of the agency" all data collected for the 2015 calendar year and electronically submit the racial profiling data to the Texas Commission on Law Enforcement (TCOLE).

In order to ensure the accuracy and integrity of the report we contracted with Brian L. Withrow, Ph.D. to conduct an independent analysis of the data collected by the San Antonio Police Department during 2015. Dr. Withrow is one of the nation's leading authorities on racial profiling. He has published two textbooks and numerous scholarly articles on this topic and has conducted racial profiling studies for police departments throughout the nation.

The reporting requirements exclude pedestrian contact data, therefore, our analysis and results are based on data from traffic stops occurring between January 1 and December 31, 2015. By department, these totals are as follows: SAPD – 158,235; Park Police – 1,595; and Airport Police – 1,636.

The percentages, by department, of these stops, according to the race/ethnicity breakdown provided by TCOLE, are as follows.

	Hispanic	White	African-American	Asian/ Pacific Islander	Middle Eastern/ East Indian	Native American
SAPD	55.01	32.42	10.01	1.12	1.41	0.04
Park Police	55.55	32.29	9.84	0.88	1.44	0.00
Airport Police	51.22	32.89	12.35	1.96	1.47	0.12

Based on Dr. Withrow's independent analysis, there is no evidence suggesting that the City of San Antonio is engaging in a pattern or practice of racial profiling among city residents or non-residents.

I am confident we have complied with the law to the fullest extent possible for calendar year 2015 and have continued to improve our collection and analysis of the racial profiling data gathered.

Overall, the evidence and documentation in the current report shows that the Airport Police, Park Police and San Antonio Police Departments are in compliance with existing mandates associated with racial profiling laws set forth by the State of Texas.

If you have any questions or require additional information, please contact me at (210) 207-7360.

Sincerely,

William McManus
Chief of Police

APPENDIX B



CITY OF SAN ANTONIO POLICE DEPARTMENT
WILLIAM P. MCMANUS
 CHIEF OF POLICE



"The San Antonio Police Department is dedicated to improving the quality of life by creating a safe environment in partnership with the people we serve. We act with integrity to reduce fear and crime while treating all with respect, compassion, and fairness."

February 24, 2016

TCOLE
 6330 East Highway 290, STE 200
 Austin, TX 78723

RE: Racial Profiling

To Whom It May Concern:

In accordance with Code of Criminal Procedure Article 2.131—2.138, HB 3389 Tier II reporting requirements, the following information relates an analysis of ethnic and gender population of the City of San Antonio compared to the stops conducted by the San Antonio Police Department. Furthermore, it details information regarding the ten (10) complaints filed with the San Antonio Police Department (Agency #029218) alleging that an SAPD officer engaged in racial profiling within the calendar year 2015.

The City of San Antonio has a population of 1,319,996 residents. This figure was compiled by Brian L. Withrow, Ph. D. from 2010 U.S. Census information.

	POPULATION			
	Female	Male	Race/Ethnicity Totals	Percentage
African American	42,022	40,053	82,075	6.22 %
Asian	15,532	14,804	30,336	2.30 %
White	178,769	170,390	349,159	26.45 %
Hispanic	428,747	408,650	837,397	63.44 %
Other	10,767	10,262	21,029	1.59 %
Totals	675,837	644,159	1,319,996	100 %
	51.20 %	48.80 %		

In 2015, the San Antonio Police Department conducted a total of 158,235 stops and 6,011 subsequent searches. These are presented in the table below with percentages by race/ethnicity and gender. Please note that the race/ethnic categories do not completely match-up between the U.S. Census Bureau and the State of Texas reporting requirements.

	SAPD					
	Female	Male	Total Stops	Percentage	Total Searches	Percentage
African American	5,962	9,870	15,832	10.01%	781	12.99%
Asian / Pacific Islander	681	1,093	1,774	1.12%	30	0.50%
Caucasian / White	20,173	31,119	51,292	32.42%	940	15.64%
Hispanic	33,296	53,750	87,046	55.01%	4,235	70.45%
Middle Eastern	739	1,485	2,224	1.41%	24	0.40%
Native American	26	41	67	0.04%	1	0.02%
Totals	60,877	97,358	158,235	100.00%	6,011	100.00%
	38.47%	61.53%				

Page 2 of 2
Letter to TCOLE
RE: Racial Profiling

The following complaints were investigated by the San Antonio Police Department during 2015:

1. **IL2015-127 02-13-2015**
The complainant alleged his traffic stop was based on racial profiling, but would discontinue the complaint if the citation was removed. **Information Only**
2. **IL2015-164 04-01-2015**
The complainant's mother felt her son's arrest was based on racial profiling. Upon interviewing the complainant at Internal Affairs it was discovered that his objective towards the complaint was to have the misdemeanor charge of Fail to ID False/Fictitious Information dismissed, and that he was upset because his friends were released from the detention center hours before he was. It was discovered the complainant had a class B misdemeanor charge whereas his friends were only charged with class C misdemeanor crimes. **Information Only**
3. **IL2015-170 04-07-2015**
The complainant felt she was racially profiled from a 911 emergency call the officer was dispatched to. The nature of the call was for a neighbor disturbance. **Information Only**
4. **FC2015-126 08-12-2015**
During a traffic stop, the complainant received a citation but felt the stop was based on racial profiling. **Deactivated**
5. **IL2015-304 03-21-2011 reported on 09-02-2015**
The complainant felt his DWI arrest based off of a traffic accident was racial in nature because the case was dismissed by the District Attorney. **Information Only**
6. **FC2015-160 09-26-2015**
The complainant was stopped and questioned for loitering outside a downtown hotel and felt the stop was based on racial profiling. The case was ruled **Unfounded**

Based on our performance as presented above, I am confident that we have complied with the law to the fullest extent possible for the calendar year 2015 and have continued to improve our collection and analysis of the racial profiling data gathered.

Sincerely,


William McManus
Chief of Police

APPENDIX C

Informing and Educating the Public How to File a Racial Profiling Complaint with the San Antonio Police Department

The Texas Racial Profiling Law mandates that law enforcement agencies instruct the public how to file a racial profiling complaint. Toward this end, the San Antonio Police Department (SAPD) has instituted a program to address any concerns the public might have regarding the necessary steps involved in filing a racial profiling complaint. The SAPD currently provides information via their departmental website, www.sanantonio.gov/sapd that enumerates the procedures aimed at filing a racial profiling complaint. Information is also available in the lobby area of the police department headquarters and substations, respectively. Overall, the police department actively informs and promotes how to file a racial profiling complaint.

APPENDIX D

Internal Affairs Operating Definitions

Administrative Review: means a documented review of an incident or occurrence prepared for the Chief of Police, or his designee, to determine whether policy, training, equipment, or disciplinary issues should be addressed.

Custodial death: Means the death of an individual who is in the custody of a peace officer or who dies as a result of a peace officer's use of force. A person is considered to be "in the custody of a peace officer" if the person is under arrest or under the physical control or restraint of a peace officer.

Deactivated case: means that a case or administrative review has been evaluated but information or evidence indicates that a complaint or claim has no merit or there are no apparent policy or procedural violations; the complainant voluntarily withdraws his/her complaint in writing; the complainant refuses to cooperate or provide a statement.

Family Disturbance: means an act of disorder or an act to destroy the tranquility or composure by a member of a family or household against another member of the family or household that has not yet escalated into an act of family violence.

Force: means an officer's presence, the use of verbal communications, physical force as described in this procedure or the use of a weapon to achieve a lawful police objective.

Officer Involved Shooting: means (1) an incident in which an officer discharges a firearm and the discharge resulted in a death or injury to any person, or; (2) Any incident in which an officer uses deadly force against another or deadly force is used against an officer, which results in death or serious bodily injury to any person; or (3) Any incident in which an officer discharges a firearm at an individual or vehicle regardless of whether intended target is hit.

Physical force: means the use of physical strength and agility, or other physical techniques officers are trained in to achieve a lawful police objective.

Plan of Action: means a written, formulated course of action designed to be a non-punitive way of addressing an officer's unacceptable behavior to benefit the officer and the Department.

Racial/Bias Profiling: means a law enforcement-initiated action by a peace officer based on an individual's race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or physical or mental disability rather than the individual's behavior or information identifying the individual as having engaged in criminal activity.

Takedowns: means using physical force when executing a leg sweep, body flip or similar control technique intended to control an individual who is offering resistance during arrest and handcuffing.