

Training Memorandum 18-023

DATE: February 28, 2018
TO: Chief Linda Stump-Kurnick
FROM: Lieutenant Jake Pruitt and Lieutenant Kristy Sasser
CC: Deputy Chief Tony Dunn, Office of Professional Standards, file
SUBJECT: Annual Analysis of Response to Resistance for 2017 Calendar Year

In compliance with CALEA Standard 4.2.4, I conducted an analysis of the 2017 response to resistance activities, policies, and practices. In the 2017 calendar year, there were nine (9) reviews of response to resistance incidents. One incident occurred late in 2016 and was reviewed in 2017. All other incidents occurred in 2017. Of the nine incidents reviewed, three involved officers drawing/displaying their firearm, one involved an officer firing their shotgun for destruction of a dangerous animal, one involved the display of a Taser, one involved the display of ASR and use of a RIPP Hobble, one involved the use of soft empty hand controls with a report of injury, and two were accidental discharges (AD) of the Taser.

Reviews and Data

	2013	2014	2015	2016	2017
TOTAL REVIEWS	8	10	12	13	9
Firearm Discharged			1		1
Firearm Displayed	5	4	8	6	3
Taser Deployed	1	2	1	1	2*
Taser Displayed					1
OC Deployed					
Baton Strike					
Hard Hand Control	1			2	
Soft Hand Control		1	2	2	1
Less Lethal Impact					
RIPP Hobble	1	2		1	1
Suspect Injured		1		1	1

*The two Tasers deployed were accidental discharges.

A review of the three incidents where officers displayed their firearms revealed the following information:

- CR #16-2208: On Tuesday, December 27, 2016, at approximately 0016 hours, an officer attempted to conduct a traffic stop at 1400 W. University Ave. The vehicle pulled into the rear parking lot of Chipotle's. The driver fled from the vehicle, while at the same time a passenger also exited the vehicle. The officer was by himself and the driver hid behind a concrete block enclosure where a dumpster was located. The officer was unable

to see the suspect, or his hands, was unsure why he fled. The officer drew his firearm and held it down next to his leg. The suspect jumped over a concrete wall and fled north on foot. The officer was then able to see the suspect's hands. Once he determined that no one else was in the vehicle, he re-holstered his firearm. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives. This incident was not included in the 2016 analysis since it was reviewed in 2017.

- CR #17-1030: On Saturday, July 1, 2017, at approximately 0212 hours, an officer called for assistance on a high-risk traffic stop. The officer was attempting to conduct the stop on a vehicle suspected of committing a theft (details unknown) from a BOLO issued by the Gainesville Police Department. When the backup officer arrived, he drew his firearm to provide cover for the high-risk stop based on the commission of a crime, time of day, inability to readily identify occupants, potential threats, and the statistical likelihood of violence by suspects encountered during such contacts. The officer used his service firearm to cover the general area of the vehicle and did not specifically point it at the suspects as he was continuously assessing the threat potential. Once the officer was certain the subjects did not pose a threat level warranting deadly force cover, he immediately holstered his service firearm. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

- CR #17-2074: On Thursday, December 7, 2017, at approximately 1820 hours, an Officer responded to the intersection of CR 231 and NW 192nd Avenue to assist ASO with a perimeter for an armed and dangerous subject that had multiple warrants along with an officer safety bulletin disseminated by the Florida Fusion Center. The subject had jumped over a high wire fence and was inside a heavily wooded area. While on perimeter, the officer deployed his CIRT rifle. ASO located the subject hiding in a waist-deep swamp. The officer kept the rifle slung in front of his torso and never pointed it at anyone. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

A review of the one incident where an officer discharged his firearm revealed the following information:

- CR #17-1437: On Monday, September 18, 2017, at approximately 1104 hours, UFPD CID was executing a search warrant at 11281 SW Williston Rd Micanopy, FL. The Deputy Chief was conducting an exterior search of a detached garage located on the property. While walking around the garage a venomous Water Moccasin struck at the Deputy Chief in an attempt to bite him. Due to the life-safety risk that the venomous Water Moccasin posed to other UFPD and UF personnel in the area, the decision was

made to destroy the venomous Water Moccasin. A lieutenant on scene fired one round from the Mossberg 590A1 shotgun striking the venomous Water Moccasin just below the head, which caused death to the venomous Water Moccasin. No injuries or damage to any property occurred. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

A review of the one incident where an officer displayed a Taser revealed the following information:

- CR #17-2093 On Tuesday, December, 12, 2017, at approximately 2347 hours, while on foot patrol in the Norman area, an officer observed two males spray painting graffiti in a pedestrian/bicyclist tunnel under SW 13th Street. The officer requested backup and attempted to make contact with the subjects. After the officer, in full duty uniform, gave verbal commands for the subjects to stop their actions and remain where they were, one male fled on foot. When the officer caught up to the subject, he was holding a spray paint can in one hand and an unidentified black object in his other hand. The officer displayed his Taser and ordered the subject to drop what he was holding, which he did. The officer, along with backup, was able to control the subject at that point. It was determined that the officer in this incident was unauthorized to use his Taser in response to the circumstances he was encountering at the time. The officer was recommended to receive remedial training by a certified instructor and conduct roll call training on Department Standards Directive 4000 "Response to Resistance," which outlines the proper use of the Taser.

A review of the one incidents where officers displayed OC spray and used a RIPP Hobble revealed the following information:

- CR #17-0821: On Tuesday, May 9, 2017, at approximately 0856 hours, officers were attempting to place the subject in the rear seat of a patrol vehicle when he became violent. Once inside the vehicle, the subject did not want to be seat belted in the vehicle. The subject then started to kick the rear window and door panel to the point that a rip hobble had to be used to stop the subject from hurting himself. The subject was then able to un-buckle his seatbelt and kick the door and window again. Officers attempted to re-position the suspect prior to being transported. As an officer was getting in the back seat, the subject began kicking at another officer and a sergeant. The officer in the back seat was afraid the subject was going to severely injure someone, so he pulled out his can of ASR and told the subject he was going to spray his ASR. The subject then complied and was seat belted again. However, the subject then unbuckled his seat belt again. An officer opened the passenger rear door in attempt to buckle the subject, and the subject kicked him in his groin. Another officer stepped between them and took control of the prisoner. He and an additional officer placed the RIPP Hobble on the prisoner. The

officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

A review of the one incident where officers used soft hand control with the report of injury revealed the following information:

- CR #17-1057: On Wednesday, July 5, 2017, at approximately 1925 hours, officers responded to a disturbance call at SW Recreation Center. Multiple SW Rec supervisors had asked the suspect to leave and she refused each time. Officers informed the suspect that she was under arrest for Trespass after Warning. One of the officers attempted to place the suspect's hands behind her back to handcuff her. The suspect tensed up, pulled her arms into her body and was actively resisting the officer's attempt to control her. Another officer then attempted to gain control of the suspect's left arm and place it behind her back so she could be handcuffed. During the struggle, the suspect broke free from his control. The suspect then grabbed the officer's radio mic, causing it to break. The suspect continued to resist and was escorted to the ground. Once on the ground, the suspect was handcuffed with two sets due to her size. The suspect sustained injuries to her face; her nose was bleeding and it appeared that she had a slight bruise under her left eye. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

Comparison of 2016 and 2017 incident factors:

INCIDENT FACTORS	2016 (13)	2017 (9)
UF Student	2	0
Call for Service	5	2
Proactive Response	0	2
Traffic Stop	1	2
Stolen Vehicle	0	0
Burglary Response	1	0
Fighting	1	1
Drugs/Alcohol	2	1
Excited Delirium	0	0
Weapons	4	1

Agency Comparisons

2016			2017		
UFPD	GPD	ACSO	UFPD	GPD	ACSO

CALLS FOR SERVICE	27,179	88,778	106,222	23,996	116,830	106,222
<i>Factor over UFPD</i>		3.3	3.9		4.9	4.4

Response to Resistance	6	72	278	9	67	298
<i>Factor over UFPD</i>		12.00	46.33		7.44	33.11

Fire arm Displayed	6	**N/A	215	3	**N/A	219
Fire arm Discharged	0	1	1	1	1	1
Taser Displayed	2	**N/A	62	1	**N/A	52
Taser Discharged	1	20	38	*2	20	31
OC Spray Displayed	0	3	2	1	3	3
Soft Empty Hand	2	3	11	1	3	66

* Taser Accidental Discharge

**GPD does not track Displays of Taser or Firearms

UFPD Use of Taser Statistics 2001-2017

METHOD	TOTAL			TOTAL		TOTAL	
	2001-2015	2016		2017		2001-2017	%
UF Students							
Drive Stun	7	0		0		7	50.00%
Darts Fired	6	0		0		6	50.00%
FACTORS DOCUMENTED FOR TASER INCIDENT							
Active Resistance	9	0		0		9	71.43%
Fighting	5	0		0		5	42.86%
Suicidal	2	0		0		2	14.29%
Drugs	0	0		0		0	0.00%
Alcohol	7	0		0		7	50.00%
Weapon	4	0		0		4	28.57%
Excited Delirium	0	0		0		0	0.00%
Injuries	0	0		0		0	0.00%
Non-Students							
Drive Stun	12	0		0		12	50.00%
Darts Fired	11	1		0		12	50.00%
FACTORS DOCUMENTED FOR TASER INCIDENT							
Active Resistance	17	1		0		18	75.00%
Fighting	12	1		0		13	54.17%
Suicidal	0	0		0		0	0.00%
Drugs	5	0		0		5	20.83%
Alcohol	8	0		0		8	33.33%
Weapon	2	0		0		2	8.33%
Excited Delirium	1	0		0		1	4.17%
Injuries	0	0		0		0	0.00%

In 2017, there were no incidents of the Taser being deployed. The number of Taser deployments continues to be low over the last five years.

Analysis

An analysis of the data from 2017, excluding the animal incident and AD's, revealed the following trends/patterns:

Officers were more likely to encounter resistance on Tuesday (50%) and during nightshift (83% between 1800 hours and 0600 hours). There did not appear to be a statistical significance in the type of calls to which the officers were responding. The incidents were broken down as follows: 2 assist other agency, 1 disturbance, 1 narcotics violation, 1 suspicious person, and 1 criminal mischief. Two of these incidents involved a traffic stop. Half the incidents were on the main campus and 83% were on campus or within 1000 feet. In half the incidents, one subject was involved, and the other half involved two subjects. Only one-third of the incidents involved one officer, suggesting that the presence of multiple officers was not a deterrent to a subject's decision to resist.

The resisting subjects were mostly male (75%) and were 50% black and 50% white. The minimum age of the subject was 19, with a maximum age of 48, providing a median age of 37 and average age of 34, indicating the subjects were all adults but most likely not of college age. In fact, the majority of the subjects were not students (88%). Additionally, none of the subjects were reported to be impaired.

Of the six incidents, only one subject was injured (minor) during the use of soft empty-hand controls. One officer received minor injuries as a result of the subject's use of personal weapons. This is an important reminder that injuries can still occur without the use of traditional weapons.

The most frequently experienced types of resistance were refused commands, pushed/pulled away, and other, all having three instances. The most frequently used control measures were verbal direction (5) and officer presence (4). There was no statistical significant for the moment of resistance nor the weapon/defensive tactic used by officers in response to the resistance. Weapons were involved or implied by the subject in 83% of the incidents.

Only one review determined the officer's actions were not within department guidelines.

Since UFPD had such a small number of incidents, I also conducted a review of all incidents between 2013 and 2017, which revealed the following trends/patterns:

Officers were more likely to encounter resistance on Saturday (18%), during nightshift between 1800 hours and 0600 hours (71%), and when responding to an assist other agency (13%), disturbance (11%), suspicious person (9%), or during a traffic stop (9%). Most of the incidents involved one subject (62%) and one officer (74%).

Similarly to the 2017 statistics, the resisting subjects were mostly male (86%) and were 57% white and 40% black. The minimum age of the subject was 14, with a maximum age of 83, providing a median age of 25 and average age of 29, indicating the subjects were most likely not

of college age. In fact, the majority of the subjects were not students (75%). Different than 2017, 35% of the subjects were under the influence of alcohol and 15% were under the influence of another substance or excited delirium. It is important to note that subject impairment is not always a factor of anticipated resistance.

Of the 55 incidents, only ten subjects were injured (minor). Seven officers received minor injuries. There were no reports of major/serious injuries.

The most frequently experienced types of resistance were refused commands (65%); pushed/pulled away (37%); other (28%); ran from law enforcement (27%); and hostile/abusive language, hostile body language, and passive resistance (23%). As such, UFPD officers are most likely to encounter passive and active resistance than aggressive. It is important to note, however, that these statistics include any escalation or de-escalation on the part of the subject and not just the highest level of resistance offered during the incident. The most frequently used control measures were officer presence (80%); verbal direction (75%), firearm displayed (36%), and handcuffs (31%). As with the subjects, these statistics include measures used at any point and not just the highest control level used in the incident. The weapon/weaponless control techniques most frequently used by officers in response to resistance was firearm display (36%), empty hand controls and take downs (18%), and Taser display (13%). Officers encountered resistance most upon initial contact (49%). Weapons were involved or implied by the subject in 67% of the incidents.

A vast majority of the reviews determined the officers' actions were within department guidelines (93%).

Results

Based on the review in 2016, the Training Division took a proactive measure of increasing the amount of response to resistance training provided to officers during in-service training. The number of in-service hours of response to resistance training increased from 19 hours the previous year to 25.5 hours in 2017. The Training Division also decided to include weaponless control techniques in in-service annually, focusing on tactics that would most likely be used in upcoming events (e.g. pressure points prior to anticipated protests, escorts prior to football seasons, etc.).

Based on the review of the 2017 incidents, the Training Division ordered new leg restraints and violent prisoner restraints and will be providing training on the equipment to all department law enforcement personnel during the first quarter in-service.

Policy Review/Modifications

I conducted a review of Department Standards Directive 4000 – Response to Resistance. I recommend that the following changes be made:

4000.4.F.2. Handcuffs shall only be removed by sworn personnel or by adult or juvenile detention facility personnel.

4000.4.J.1.c Officers will receive ~~annual~~ retraining on the use of ASR as outlined in Department Standards Directive 3042 – In-Service Training.