

Training Memorandum 19-022

DATE: February 26, 2019
TO: Chief Linda Stump-Kurnick
FROM: Lieutenant Mitchal Welsh and Captain Kristy Sasser
CC: Office of Professional Standards, file
SUBJECT: Annual Analysis of Response to Resistance for 2018 Calendar Year

In compliance with CALEA Standard 4.2.4, I conducted an analysis of the 2018 response to resistance activities, policies, and practices. In the 2018 calendar year, there were ten (10) reviews of response to resistance incidents. Of the ten incidents reviewed, three involved officers drawing/displaying their firearm, one involved an officer pointing their firearm at the suspect, one involved the deployment of a Taser (drive stun), one involved use of a RIPP Hobble, one involved the use of hard empty hand controls with no injuries, one involved soft empty hand controls with a report of minor injuries (minor abrasions), and two were accidental discharges (AD) of the Taser.

Reviews and Data

	2014	2015	2016	2017	2018
TOTAL REVIEWS	10	12	13	9	10
Firearm Discharged		1		1	
Firearm Displayed	4	8	6	3	4
Taser Deployed	2	1	1	2*	3**
Taser Displayed				1	
OC Deployed					
Baton Strike					
Hard Hand Control			2		1
Soft Hand Control	1	2	2	1	1
Less Lethal Impact					
RIPP Hobble	2		1	1	1
Suspect Injured	1		1	1	1

*The two Tasers deployed were accidental discharges. ** Two incidents were accidental discharges.

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

- CR #18-0141: On Wednesday, January 31, 2018, at approximately 2101 hours, officers were dispatched to Shands South ER in reference to an armed subject. Dispatch advised that a caller had stated that there was a black male with a black hat that was armed with a

gun in the ER area where food is served. The caller hung up after making that statement. The first two officers on scene drew their department issued firearms and cleared the South main lobby, ER waiting room, and third floor cafeteria. After clearing the areas and determining there was no threat, they holstered their weapons. The weapons were never pointed at anyone but were visible to the public. The suspect was found unarmed in Shands North. The suspect admitted making the call to 911 himself, to get arrested on a cold night. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

- CR #18-0270: On Friday, February 23, 2018, at approximately 1934 hours, officers responded to a combative subject armed with a knife at Shands North Atrium. Shands security advised the subject attempted to cut and stab a Shands security officer. The first officer to arrive on scene drew their department issued firearm, made contact with Shands security, and identified the individual in the Dental hallway. The officer advised security to step away from the individual, and began giving verbal commands to the subject, ordering him to get on the ground. The officer covered the subject with her firearm with a well-founded fear the subject had a knife and the ability to harm others. When the subject stated he would not get on the ground, other officers approached him and were able to secure the subject's arms and legs, and handcuff him. A folding knife was found in the subject's pocket immediately after handcuffs were applied. No officers or the subject were injured. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

- CR #18-0639: On Saturday, May 19, 2018, at approximately 0120 hours, an Officer attempted to stop a subject for a traffic violation. The subject did not stop and the officer stopped following the car but observed it pull into the front circle of Shands North. The officer drove through the front circle but did not see the car. After confirming with another officer that the car did not go out to Newell Drive, the officer went in the direction of the Pediatrics ER from Newell Dr. and met the subject's car coming out the wrong way down a one way street. The subject drove away after colliding with the officer's vehicle and proceeded to drive into the ARB service drive (a dead end). The subject jumped out of the car with it still running and in drive. The officer drew his weapon due to the fact that he did not know if the subject was armed or why he was fleeing, and gave commands to get on the ground, to which the subject complied. A second officer arrived to assist and placed the subject in handcuffs. Once he was in handcuffs, the officer holstered his weapon. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

- CR #18-1561: On Friday, November 23, 2018, at approximately 1800 hours, an off-duty officer arrived at the ABC Liquor Store located at 3433 SW Archer Rd. While driving into the parking lot, the officer observed what he believed was a traffic crash. After the

officer parked and began to enter the store, he could hear a loud verbal argument between the individuals near the vehicles he believed were in a traffic crash. The officer called 911, advised he was an off-duty UFPD officer and what he was observing. The verbal argument escalated into a physical altercation between two unknown individuals and the officer believed that immediate law enforcement action was needed to protect the safety of individuals. The officer presented his UFPD badge at eyelevel stating he was a police officer and told the individuals to “cut it out”. The officer told the parties to separate, which they did. Some banter continued between the parties but the officer was able to keep them separated. One of the males involved in the altercation walked back to his vehicle, got into the driver’s seat and began to reverse the vehicle towards the officer. The officer immediately began to yell “stop”, but the driver did not stop the vehicle. The officer removed his concealed firearm and held it in his right hand while his arm was extended to his right hip with his body bladed, used his left hand to “bang” on the trunk of the vehicle while yelling “stop”. The vehicle then stopped and began to drive forward, leaving the parking lot. The officer immediately holstered his firearm. The officer was in fear for his life and did not feel he could move out of the vehicle’s path due to the presence of other vehicles parked behind him, making his escape even more difficult. The officer believed the driver had ample room to drive forward and was backing towards him with the intent to cause him great or serious bodily harm. The officer never pointed his weapon or raised it above his waist. 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 utilized a Taser with a drive stun revealed the following information:

- CR #18-0273: On Saturday, February 23, 2018, at approximately 2202 hours, an officer arrived at a call regarding a subject who was breaking out car windows in the area of W. Frat and Village Dr. The subject was making his way east to Frat Row while being followed by a UAA employee (witness). The officer gave the subject verbal command to stop walking and come to her. The officer continued issuing verbal commands and grabbed the subject’s right arm. He was tensing against her grasp and she transitioned into an arm bar take down. Once on the ground, the subject continued to increase his resistance level by aggressively pulling away. The subject then threw his shoulders back in a manner as to strike the officer with an elbow. The subject’s girlfriend was on scene and kept saying “he is going to hit you”. The officer feared he would continue to escalate and attempt to strike her again. The officer continued to issue verbal commands telling the subject to stop resisting and drew her Taser ordering him to comply or she would activate the Taser. The subject ignored her commands and continued attempting to pull his hands away from her grasp. The officer had a well-founded fear the subject would escalate his violence and attempt to strike her again. She delivered a 5 second cycle drive stun (no cartridge) to the center of his back. After the cycle, the subject agreed to comply and allowed the officer to handcuff him. The subject had no observable injuries from the Taser drive stun. It was determined that the officer in this incident was authorized to use

the Taser in response to the circumstances encountered at the time. 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 a RIPP Hobble revealed the following information:

- CR #18-0152: On Tuesday, February 2, 2018, at approximately 1342 hours, a subject was called in by Shands security for causing a disturbance at Shands South Cancer Center, and asked for her to be trespassing. The subject already had a trespass warning issued to her, and after being reminded of it, left the property. A short time later, she was seen again on campus and was placed under arrest. During transport, while still handcuffed, the subject laid down on her back and began to put her feet on the ceiling of the vehicle, then started to kick the camera in the back. The officer was instructed by a supervisor to put her in leg restraints. While reviewing footage of the incident, it was determined that there had been a delay on applying the leg restraints, due to questions on how to apply them. UFPD Training Division conducted a review of the leg restraint with all sworn members of the department during the in-service training in February 2018. 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 hard hand control revealed the following information:

- CR #18-0062: On Monday, January 15, 2018, at approximately 0028 hours, officers responded to a disturbance, after one of the parties activated a blue phone and communications reported hearing a woman screaming over the line and a male yelling as well. The subject fled as soon as an officer arrived on scene. While checking the area, officers heard the subject in the shrubbery, and ordered him to get on the ground. The suspect looked at one of the officers and said "we're not doing this". The officer then closed the gap, grabbed the subject by his shirt front, and they toppled into the shrubbery and on the ground. While on the ground, the subject was bracing his arms. One officer was able to rotate the subject on his left side and secure his right arm. Another officer applied a cuff to his right wrist. The subject was bracing his left arm under his side and subsequently under him as the officer rotate him further right and onto his stomach. The officer ordered him to give him his arm and the subject refused. When he continued to brace, the officer delivered a hard empty hand control technique in the form of a stunning strike to the suspect's outer upper thigh. The strike had no effect so he transitioned to a knee strike to the left upper shoulder. The suspect continued to brace and the officer recalls delivering two more knee strikes to the shoulder and was finally able to free the subject's hand. A cuff was then applied to his left wrist. The subject had a handful of shrubbery, indicating he was holding on to the plant life to prevent the officers from successfully restraining him. After he was handcuffed, he was brought to his feet, checked for injuries and asked if he was injured, to which he stated he was not. 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 and had a report of minor injuries revealed the following information:

- CR #18-1313: On Wednesday, October 10, 2018, at approximately 0139 hours, an officer was dispatched to the Business area in reference to a suspicious black male wearing a white curtain that concealed his arms. While searching the area a person matching that description was not located; however, a white male wearing a t-shirt fled upon the sight of law enforcement. The officer ordered him to stop, but he continued to run away. The officer identified himself as Police and continued to give verbal commands for the suspect to stop. The officer caught up to the suspect and reached for his shoulders, attempting to grab him, but upon contact the suspect fell into a planter. The suspect received minor abrasions to the right of his face, on his jaw and below his eye. EMS was called and responded to the scene but the suspect refused treatment. The officers involved in this incident were found to be acting within the Department's policies, procedures, and directives.

Comparison of 2017 and 2018 incident factors:

INCIDENT FACTORS	2017 (9)	2018 (10)
UF Student	0	2
Call for Service	2	7
Proactive Response	2	1
Traffic Stop	2	1
Stolen Vehicle	0	0
Burglary Response	0	0
Fighting	1	3
Drugs/Alcohol	1	3
Excited Delirium	0	0
Weapons	1	2

Agency Comparisons

	2017			2018		
	UFPD	GPD	ACSO	UFPD	GPD	ACSO
CALLS FOR SERVICE	23,996	116,830	106,222	12,814	108,686	93,461
<i>Factor over UFPD</i>		<i>4.9</i>	<i>4.4</i>		<i>8.5</i>	<i>7.3</i>
Response to Resistance	9	67	298	8	69	789
<i>Factor over UFPD</i>		<i>7.44</i>	<i>33.11</i>		<i>8.63</i>	<i>98.63</i>
Firearm Displayed	3	**N/A	219	4	**N/A	262
Firearm Discharged	1	1	1	0	0	1
Taser Displayed	1	**N/A	52	0	**N/A	73
Taser Discharged	*2	20	31	*3	28	61
OC Spray Displayed	1	3	3	0	2	2
Empty Hand Control	1	3	66	2	59	291

* Taser Accidental Discharge

**GPD does not track Displays of Taser or Firearms

UFPD Use of Taser Statistics 2001-2018

METHOD	TOTAL			TOTAL		TOTAL	
	2001-2017	2017		2018		2001-2018	%
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		1		13	52.00%
Darts Fired	12	0		0		12	48.00%
FACTORS DOCUMENTED FOR TASER INCIDENT							
Active Resistance	18	0		0		18	50.00%
Fighting	13	0		0		13	36.00%
Suicidal	0	0		0		0	0.00%
Drugs	5	0		0		5	13.8%
Alcohol	8	0		0		8	22.2%
Weapon	2	0		0		2	5.5%
Excited Delirium	1	0		0		1	4.17%
Injuries	0	0		0		0	0.00%

In 2018, there was one incident of the Taser being deployed (drive stun). The number of Taser deployments continues to be low over the last five years.

Analysis

An analysis of the data from 2018, excluding accidental discharges, revealed the following trends/patterns:

Officers were more likely to encounter resistance on Friday (38%) and during nightshift (87% 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: 1 assist other agency, 1 disturbance, 1 other offenses, 1 armed person, 1 aggravated assault, 1 criminal mischief, 1 suspicious person. One of the incidents involved a traffic stop. In 88% of the incidents, one subject was involved, and the other 12% involved two or more subjects. Only one-quarter 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 (88%) and were 62% black and 38% white. The minimum age of the subject was 18, with a maximum age of 79, providing a median age of 31 and average age of 39, indicating the subjects were all adults but most likely not of college age. In fact, the majority of the subjects were not students (75%). Additionally, 50% of the subjects were reported to be impaired. Of those who were impaired, 75% had consumed alcohol and 25% were considered mentally unstable.

Of the eight incidents, only one subject was injured (minor) during the use of soft empty-hand controls. No officers were injured in these incidents. 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 (7 instances), hostile/abusive subjects (5 instances), passive resistance and ran from LEO, both having three instances each. The most frequently used control measures were verbal direction and officer presence (7 instances each). There was no statistical significance 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 38% of the incidents.

All reviews determined the officer's actions were within department guidelines.

Since UFPD had such a small number of incidents, I also conducted a review of all incidents between 2014 and 2018, which revealed the following trends/patterns:

Officers were more likely to encounter resistance on Saturday (17%), during nightshift between 1800 hours and 0600 hours (72%), and when responding to an assist other agency (11%), suspicious person (11%), disturbance (9%) or during a traffic stop (8%). Most of the incidents involved one subject (66%) and two officers (41%).

Similarly to the 2018 statistics, the resisting subjects were mostly male (86%) and were 56% white and 43% 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 (73%). Different than 2018, 30% of the subjects were under the influence of alcohol and 22% 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 53 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 (67%); pushed/pulled away (35%); ran from law enforcement (32%); other (31%); hostile/abusive language (28%); hostile body language (23%), 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 (81%); verbal direction (74%), firearm displayed (36%), and handcuffs (30%). 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 (21%), and Taser display (11%). Officers encountered resistance most upon initial contact (49%). Weapons were involved or implied by the subject in 30% of the incidents. A vast majority of the reviews determined the officers' actions were within department guidelines (92%).

Results

Based on the reviews in previous years, 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 2018 incidents, new restraints were purchased and the Training Division provided training on leg restraints 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. The directive was updated to include a new paperless tracking system which improved the way Response to Resistance incidents are reported, tracked and analyzed. No other changes to directives or procedures are recommended at this time.