

Gainesville Police Department

2017

# Annual Use of Force Report



# OVERVIEW AND REPORT PURPOSE

**In 2014, Chief Tony Jones instituted the “3 C’s” philosophy for the Gainesville Police Department.**

**The 3 C’s stand for Consistency, Compassion and Constitutional Policing.**

**These concepts apply to every individual and facet of the Gainesville Police Department, but likely have the most gravity when considered in the frame work of incidents involving use of force by police officers.**

**The United States Constitution and Florida law allow police officers to use force to effect arrests and ensure public order and the safety of citizens and their property.**



As a part of following the “3 C’s” it has been implemented that all members of the Department, both sworn and non-sworn, will be attending Procedural Justice training. The Procedural Justice Core principles focus on respect, legitimacy and the concept of fairness in interactions between law enforcement and the community. During 2017, 150 personnel attended the training bringing the total number of personnel up to 184 to date.

These same principles are utilized in the Departments Use of Force Policy. GPD ensures a high level of transparency both within the agency and for the community as it reviews and explains use of force incidents that occur in the course of police work.



For over ten years the Gainesville Police Department utilized Pressure Point Control Techniques (PPCT) as the basis for the Department use of force tactics. A Department evaluation of the PPCT system was completed in 2016 by a Use-of-Force committee. Based upon that assessment, a plan was employed to transition from PPCT to a system utilizing tactics in line with both State curriculum Guidelines and principles and pillars that are within the foundation Procedural Justice.

In 2017, every GPD officer was mandated to attend in-service training to receive training regarding the updated use of force guidelines and techniques. In 2018, the new Use-of-Force policy will be implemented and the updated guidelines enacted.

Police officers with GPD are directed to use force based on a member's perception at the time of the resistance and the danger of that resistance. Officers are encouraged to de-escalate when possible and/or practical and are encouraged to never use more force than is necessary to bring a suspect into control and custody.

Many GPD officers are provided dart firing stun guns commonly referred to by the product name, Taser, and chemical subject control spray, also known as pepper spray.

All GPD officers are issued a firearm. The use of firearms constitutes deadly force which is only to be used in life-threatening emergencies.

Some GPD members have received special, extensive and on-going training in specialized weapons such as impact munitions, which fire less than lethal projectiles. GPD currently has 3 Special Response Group teams to include the Special Weapons and Tactics (SWAT) team, the Negotiations Response Team and the Emergency Services Unit. Members of these tactical teams have advanced equipment and training and are prepared to respond to critical incidents where standard police techniques may not be sufficient.



Each time an officer uses force, they are governed by internal policy that is designed with numerous checks and balances:

For each use of force, a supervisor will respond to the scene, ensure medical attention is given, if needed, and complete a review of the use of force. That review and the facts of the force deployed are then reviewed by several layers of supervisors and commanders and are then sent for review to GPD's Operational Skills Unit which is responsible for training all officers.

The use of force review process is triggered any time an officer uses force that causes an injury (whether verified or alleged), strikes an intentional blow, or applies force through use of any weapon.

In each case reviewed, photographs are taken and a report is completed assessing the force employed, the resistance offered, environmental factors that influenced the scene and the relative factors between the officer and the subject.

This use of force report contains a summary of each of the 67 uses of force employed by members of the Gainesville Police Department in 2017. The report will also explain the current Use of force continuum and offer some explanations on actions that are taken in these encounters.

In addition, although not specifically noted as a use of force by Gainesville Police policy, vehicle pursuits will be discussed as they are an important tool that must be employed from time to time to capture dangerous offenders. Pursuits must be very carefully considered as they also constitute a great risk to the community.



# **GAINESVILLE POLICE OVERVIEW**

Gainesville, Florida encompasses 62.4 square miles and had an estimated population of 130,128 in 2015 per the US census. The culture and demographics of Gainesville are most certainly influenced by the two large colleges in the area; the University of Florida has a current enrollment of over 50,000 students and Santa Fe College adds another 16,000 students to our metropolitan area.

In 2017, GPD responded to 116,830 Calls for Service. Officers and staff wrote 24,254 incident and crash reports. There were 2,954 arrests made in 2017. 2664 were adults and 290 were juveniles.

## **GPD officers used force in 2017 a total of 67 times.**

Of those 67 incidents, 37 ended with felony arrests and 24 resulted in misdemeanor arrests. Additionally, force was employed five times in cases where a person was being taken into custody for an involuntary mental health exam (Florida's Baker Act).

Deadly force was used in a single incident in 2017.

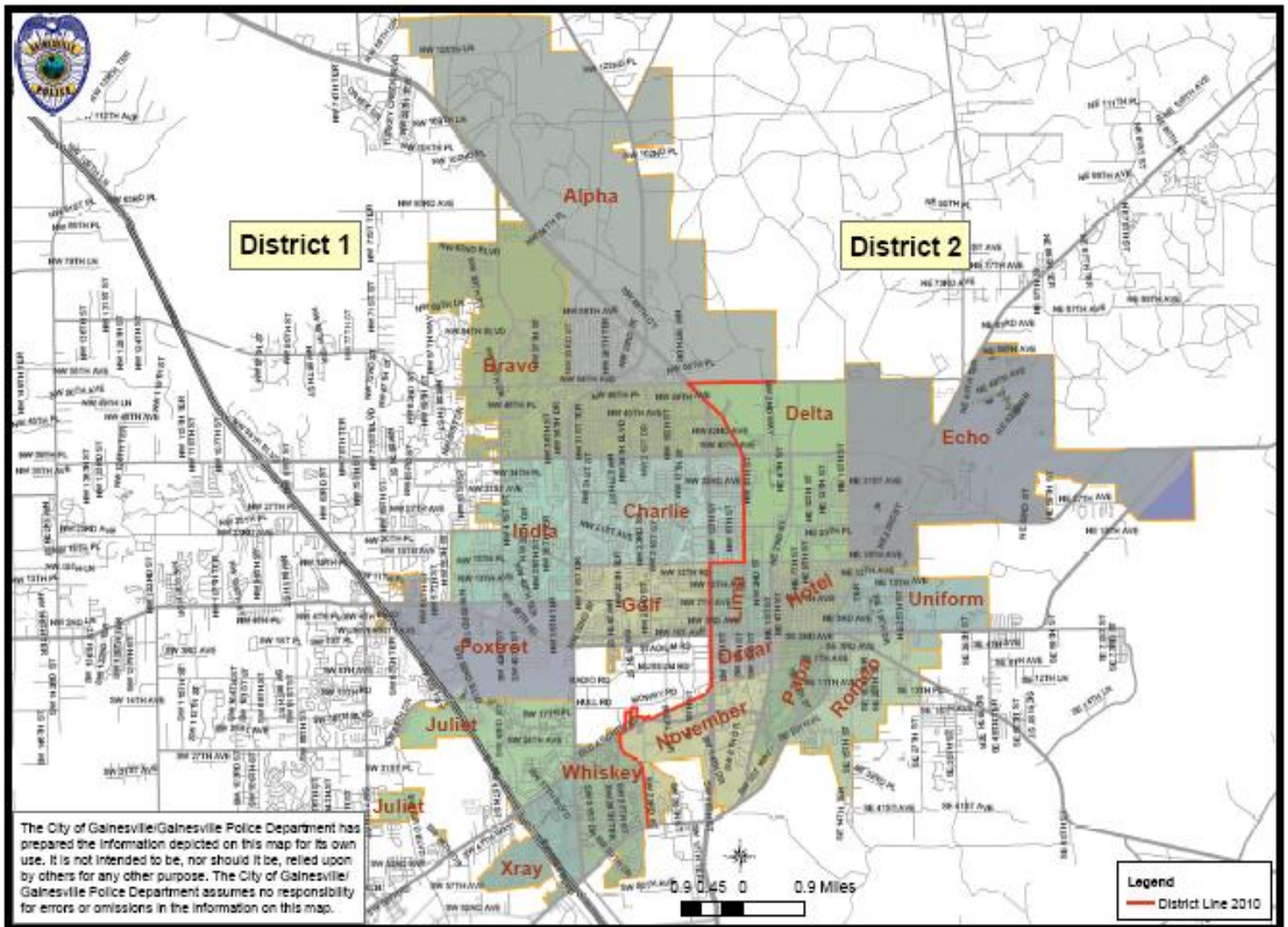
**GPD used force in the 2.1% of the arrests made in 2017. (Excludes 5 Baker Act incidents where an arrest was not made)**



# Gainesville Police Department Patrol Districts

The City is broken up into two Patrol Districts. In 2017 an extensive call and work load analysis was completed. The review resulted in a change in District and Zone boundary lines. This change took place in October.

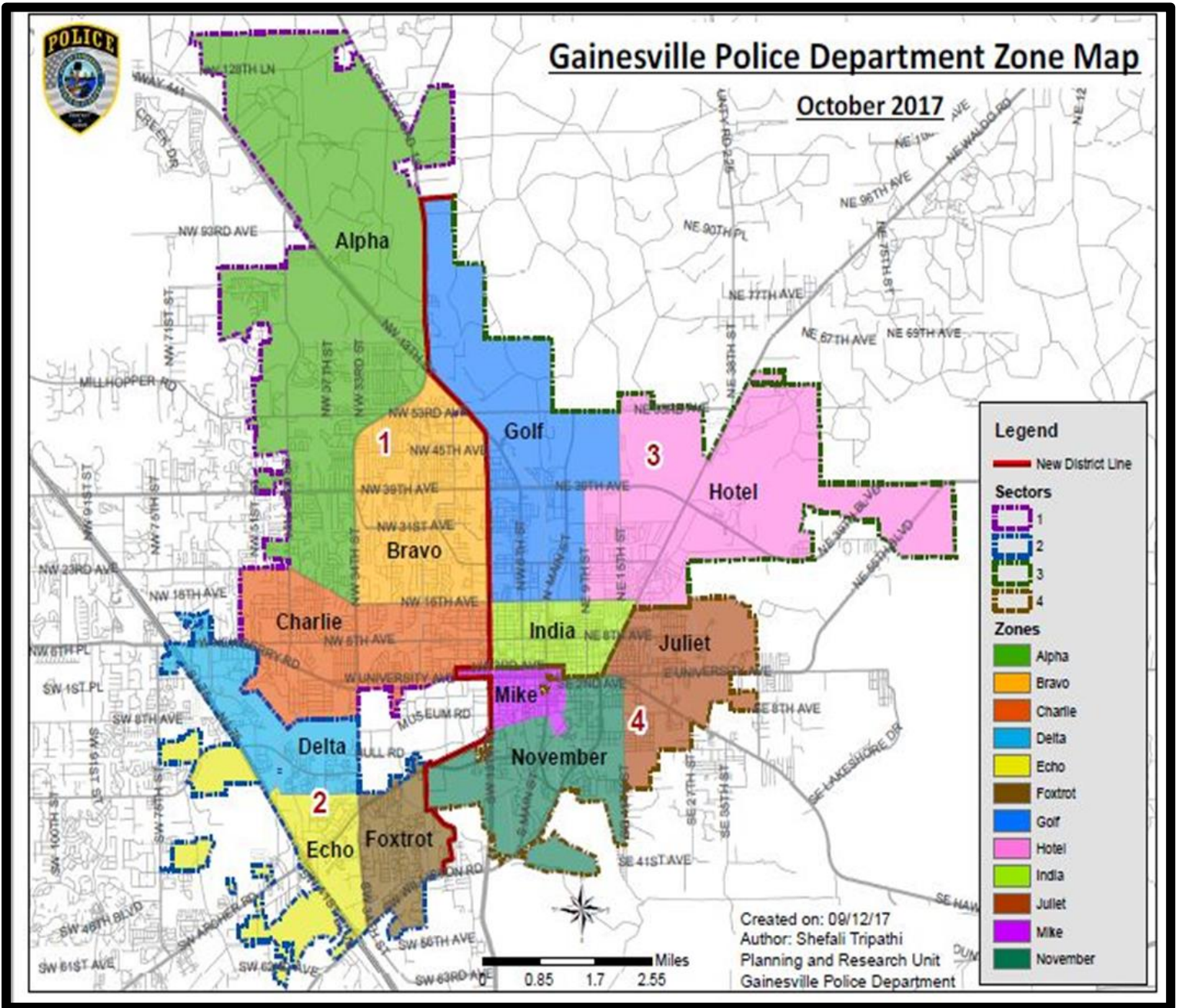
## District and Zone Boundaries from January until October



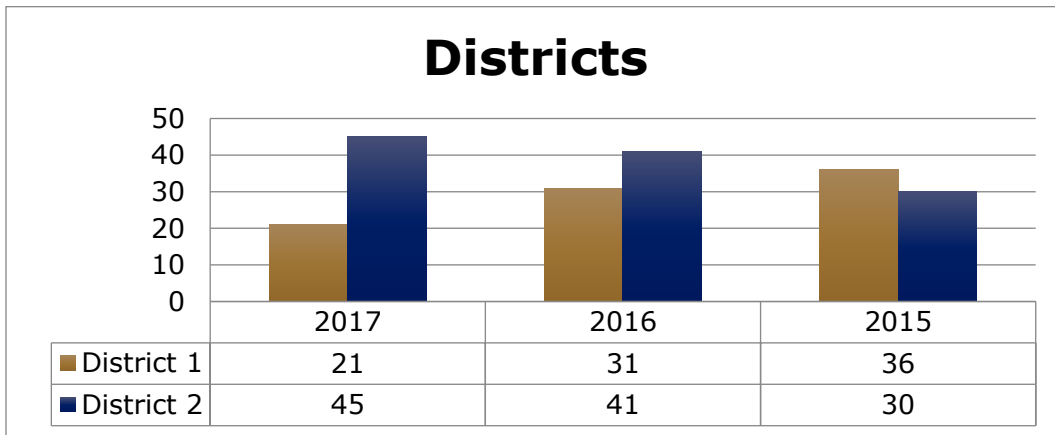
Prepared by: GPD Crime Analysis Unit - February 20, 2010



## District and Zone Boundary Lines after October



The chart below shows GPD Use of force incidents in each of the 2 districts over the last 3 years.



	2017	2016	2015
<b>District 1</b>	21	31	36
<b>District 2</b>	45	41	30

Of note, GPD also answered several calls for service outside of the city as we assisted other nearby agencies.

On one occasion a Use of force incident was documented outside of the city limits.

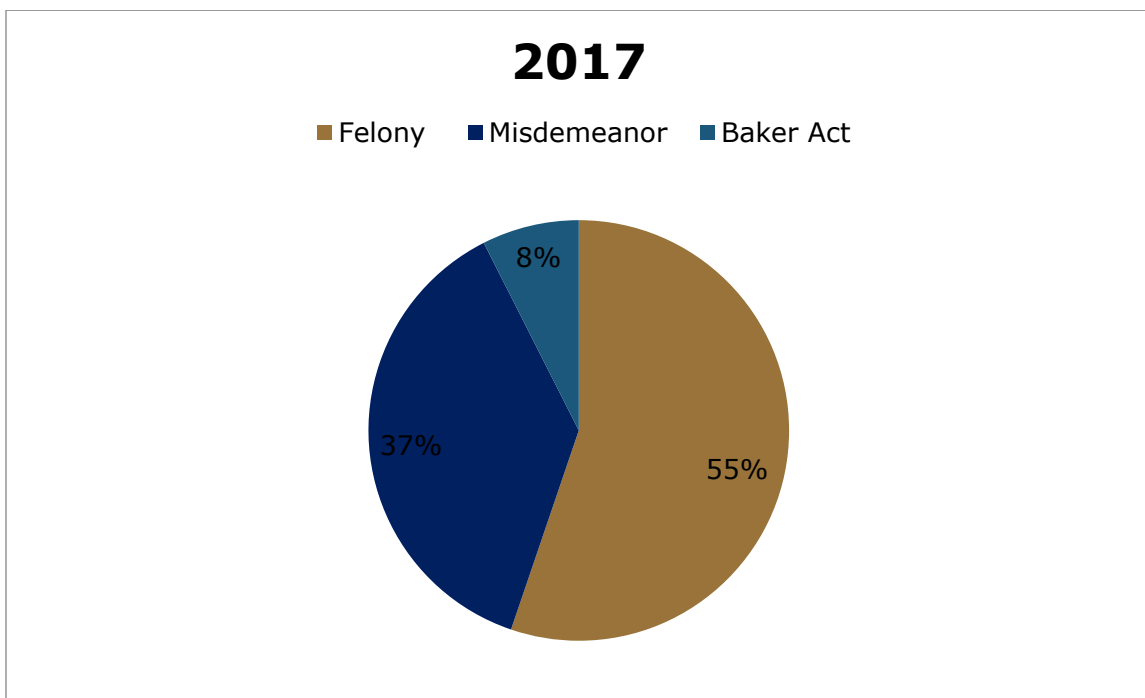




# CRIMES COMMITTED BY SUSPECTS IN USE OF FORCE INCIDENTS

59 of the 67 Use of force incidents in 2017 resulted in arrests.

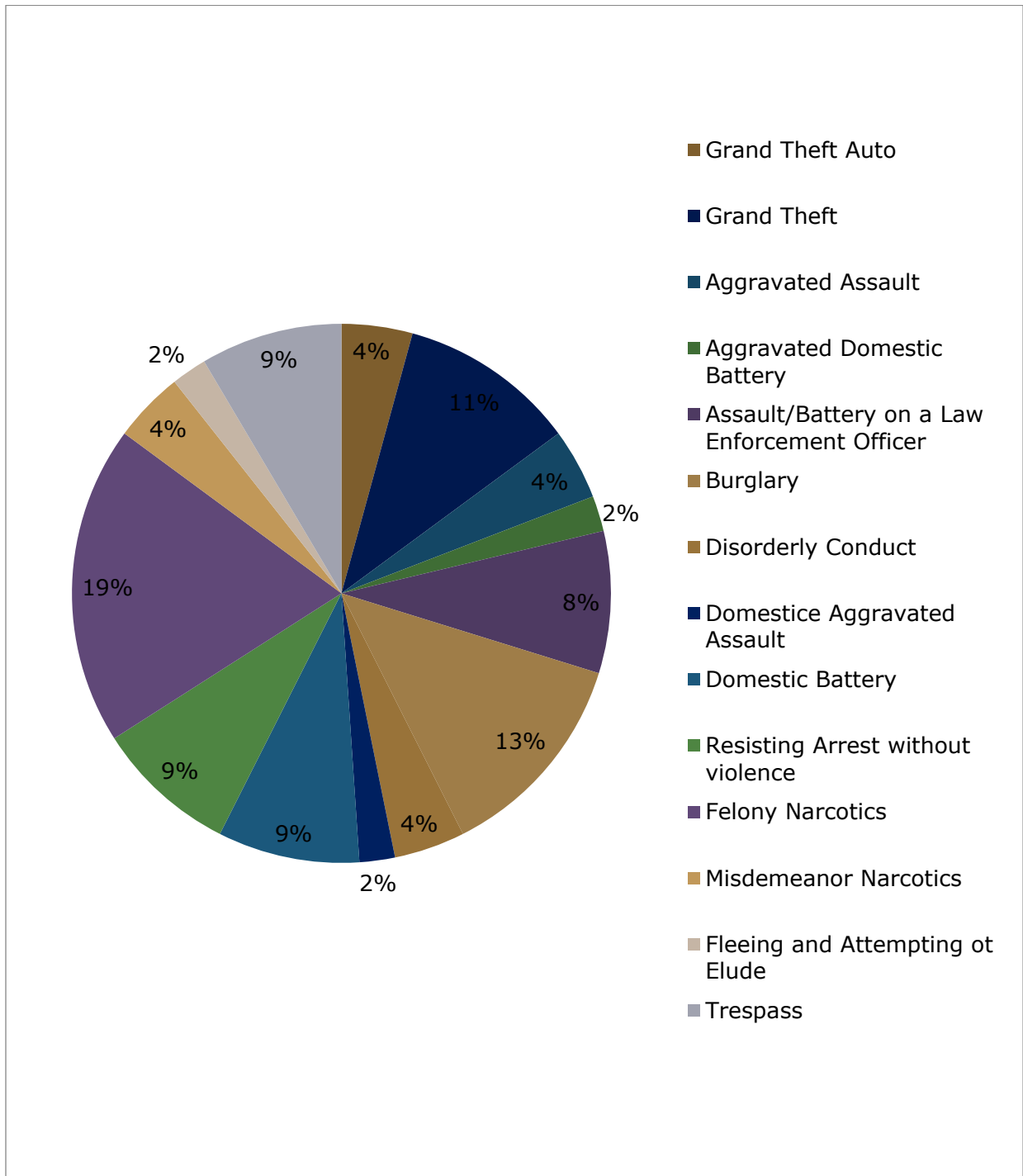
37 of these arrests were for felony offenses. 25 were for misdemeanor offenses. 5 were a Baker or Marchman Act.



*Most subjects were charged with multiple crimes, but the highest level of offense charged is measured.*



# Breakdown of Crimes Committed by Suspects during Use of Force Encounters



# TYPE OF FORCE USED

**The use of force continuum used by GPD and supported by PPCT recognizes force as falling in one of five levels that can be utilized by officers:**

*(listed from least amount to greatest amount of force)*

- 1) *Verbal Direction*
- 2) *Soft Empty Hand*
- 3) *Hard Empty Hand*
- 4) *Intermediate Weapon*
- 5) *Deadly Force*

**Subject's resistance can fall into 1 of five categories:**

*(listed from least amount to greatest amount of resistance)*

- 1) *Verbal Non Compliance*
- 2) *Passive Resistance*
- 3) *Defensive Resistance*
- 4) *Active Aggression*
- 5) *Deadly Force Assault*

Most subjects will engage in behavior that meets more than one of the resistance categories. Conversely, officers also will generally utilize lower levels of force before escalating to a higher level. This hierarchy is not required if circumstances clearly show that lower levels would be impractical or ineffective.

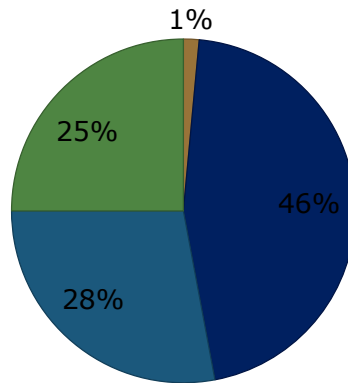
The charts to following show the highest level of resistance used in each of the 67 Use of force incidents and the highest level of force used in each of the 67 incidents.

*Note that the resistance level and force level do not always match. This is because there are often many other factors to consider when applying force, such as environmental considerations, availability of back up and the relative size and age of the subject.*



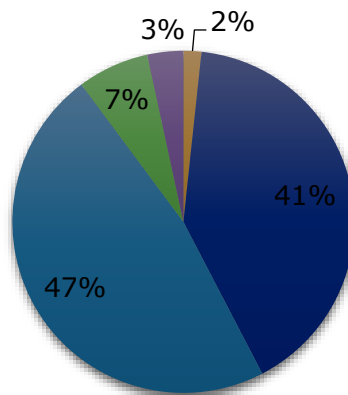
## Level of Force Employed by Officers

■ Deadly Force ■ Intermediate Weapon ■ Hard Empty Hand ■ Soft Empty Hand



## Subject Level of Resistance Offered

■ Deadly Force Assault ■ Active Aggression ■ Defensive Resistance  
■ Passive Resistance ■ Verbal Non-Compliance



Different weapons and methods fall into different levels on the force continuum and present a different way of looking at the force employed.

For example, Taser, knee strikes and punches typically (but not always) are Hard Empty Hand Controls. Pressure Points, Take Downs, Tackles, and chemical subject control spray are generally all Soft Empty Hand Controls.

A more detailed and specific view of the force officers employed indicates Taser was the most frequently used force mechanism with 22 uses. Police K-9 was used 7 times, tackles were employed 8 times with controlled take downs used 9 times, knee strikes were used 5 times, other unspecified Hard Empty Hand techniques were used 14 times and chemical subject control spray was used 3 times.

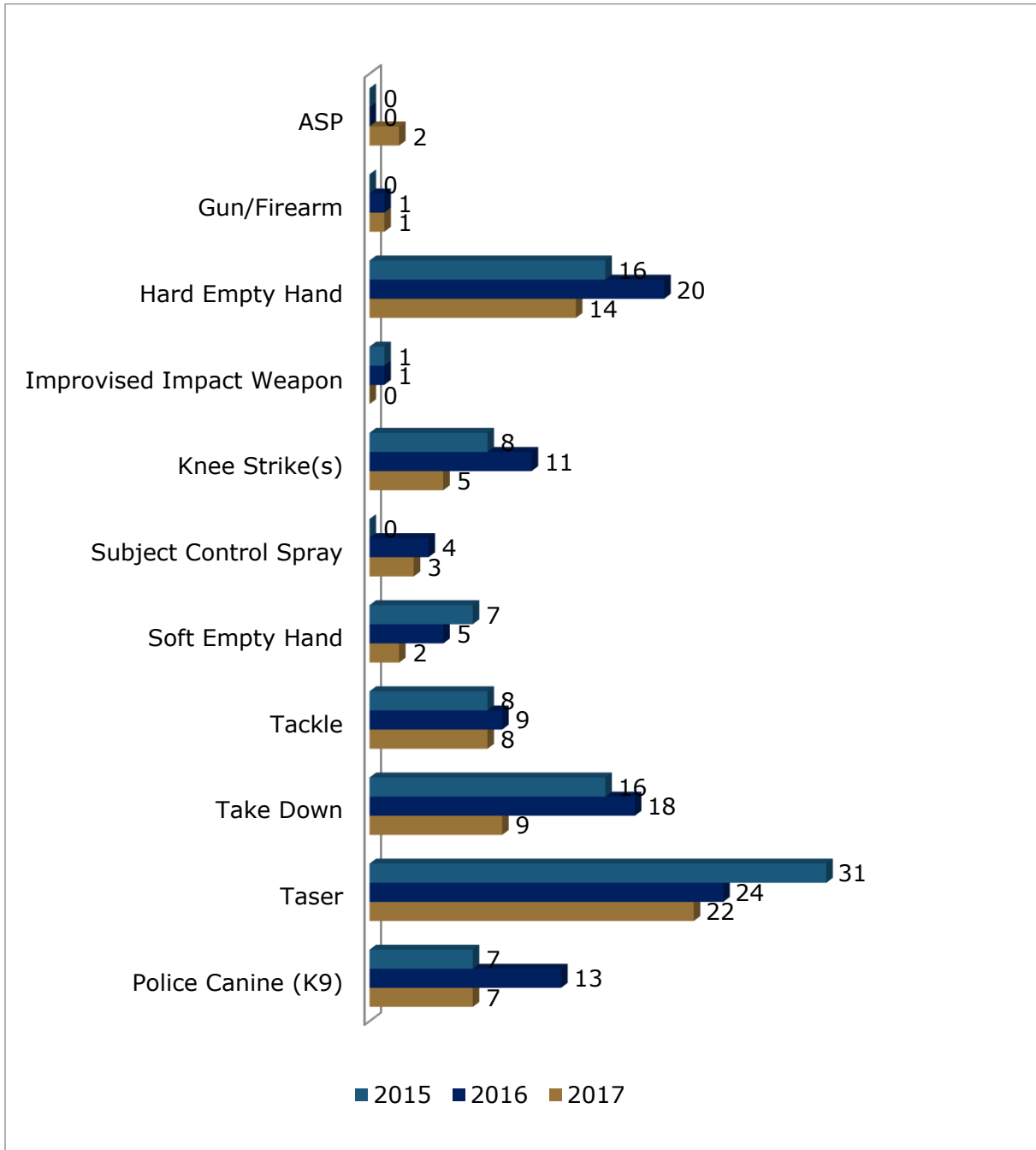
Firearms were used in one case in 2017 (see deadly force section.)

GPD officers used the expandable batons three times.

**(See chart on next page for comparison data)**



The chart below shows the number of times each specified techniques or tools were the highest level of force in each case in a year to year comparison for the last three years.



# USE OF TASER



As police equipment and tactics have evolved, the use of the different weapons has evolved. In the last decade, the Conducted Electrical Weapon (brand name Taser) has proven to be a very effective weapon in gaining control of volatile people resisting police in a manner that minimizes the risk of injury to either the subject or the officer.

Tasers were incrementally introduced at GPD beginning in 2008. The table below shows a progression on the use of the Taser at GPD over a 10 year period.

Please note that each time the Taser is used effectively, the subject is injured. However, this may only result in the Taser probe injury to the skin. It is impossible to tell from historical records the severity of the injury that the subjects sustained.

To provide a possible context, the UCR crime rate for the city is also included in the table. Additionally, the severity of the injury can be better understood as injuries are discussed in the next section.

Year	UOF	Taser Use	Injuries to Suspects	Crime rate for Gainesville
2006	72	0	19	0.5481
2007	74	0	34	0.5255
2008	74	22	11	0.4986
2009	131	53	76	0.5004
2010	114	47	95	0.421
2011	115	55	96	0.4249
2012	114	45	72	0.4108
2013	103	36	56	0.3739
2014	87	18	60	0.3625
2015	69	22	49	0.3495
2016	73	23	47	0.4441
2017	67	22	53	

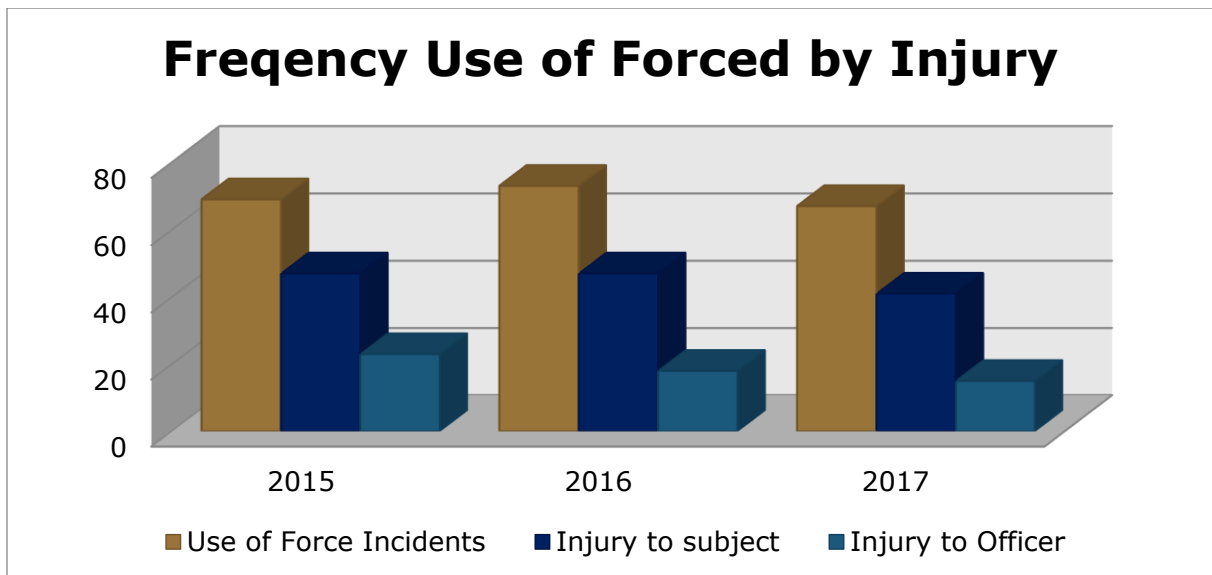


# OFFICER AND SUBJECT INJURIES

Although injuries to both officers and members of the public have decreased in recent years, use of force is still inherently dangerous.

Both police officers employing force and the subjects force is used on become injured.

In 2017, the rate of injury to subjects per use of force incident was 61%. This is a slight decrease from 2016 with 64%, but a substantial decrease from 2015 where the rate of injury was 79%. In 2017 officers were injured in 22 % of the cases. Rates of injuries for officers were 25% in 2016 and 33% in 2015.



*Many factors are considered when considering injury to include the severity of the injury or the potential for injury to the officer.*

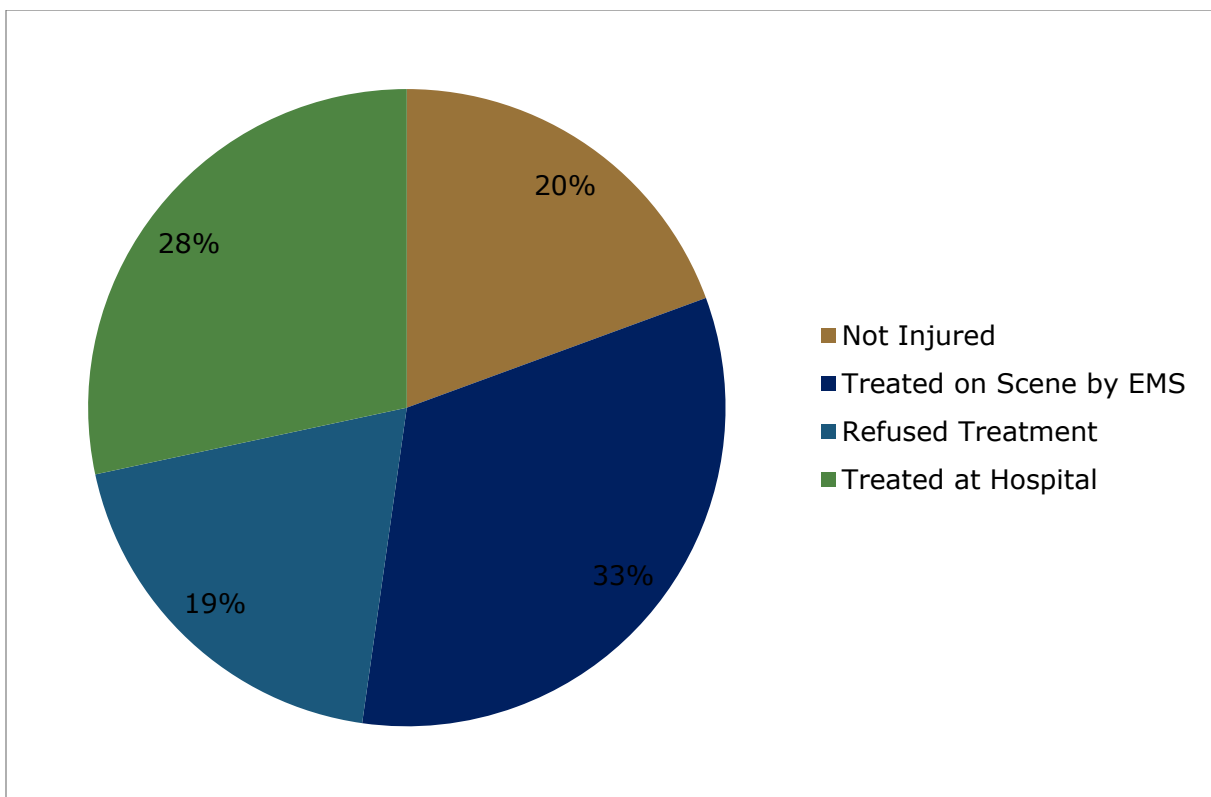
*Potential threat to the officer can be considered with Assault Data which is covered in the next section of this report. The severity is not specifically known, but the treatment obtained in each case may be considered.*





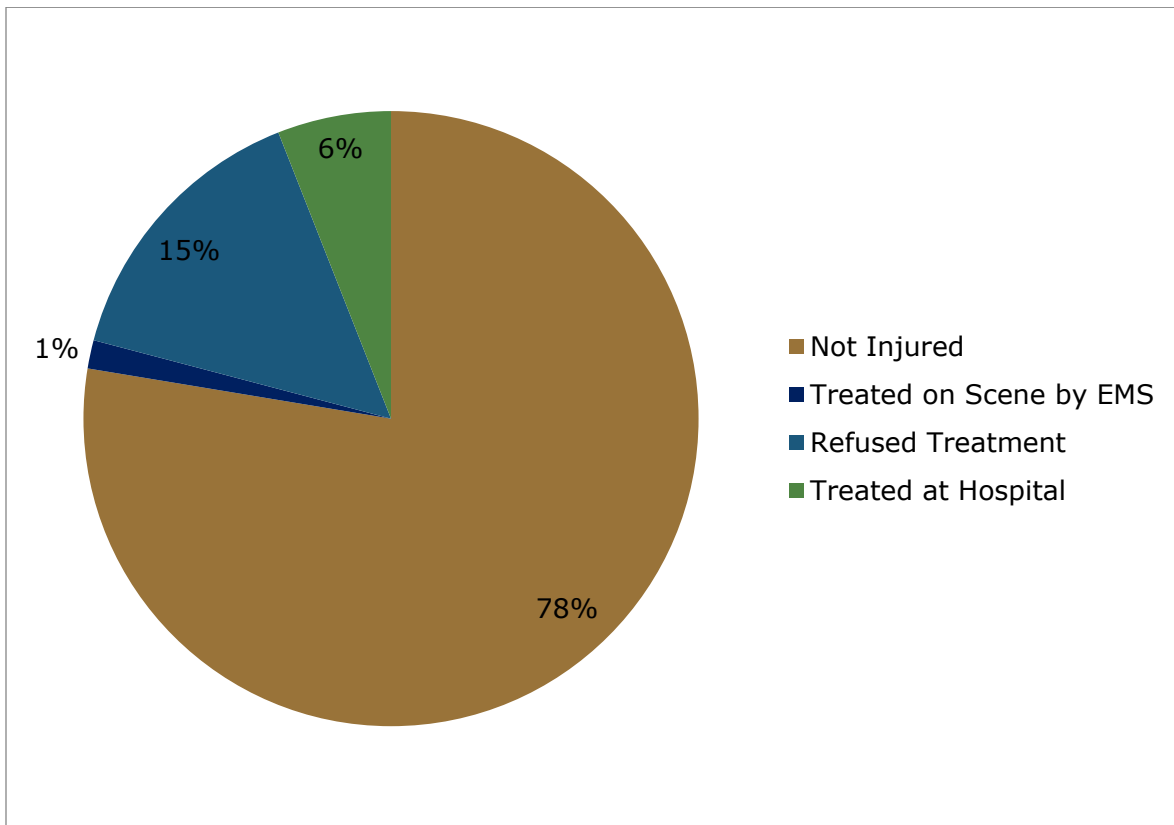
In the 67 Use of force incidents in 2017, 13 subjects sustained no injury, 22 people were treated on scene by EMS, thirteen refused treatment, and 19 received treatment at an area hospital emergency room as a result of force employed by GPD officers.

## Severity of Subject Injury in 67 UOF Cases in 2017



In the 67 Use of force incidents in 2017, 52 Officers sustained no injury, ten refused treatment, 1 officer was treated on scene by EMS, and four received treatment at an area hospital emergency room.

## Severity of Officer Injury in Use of Force Cases in 2017



# ASSAULTS ON POLICE

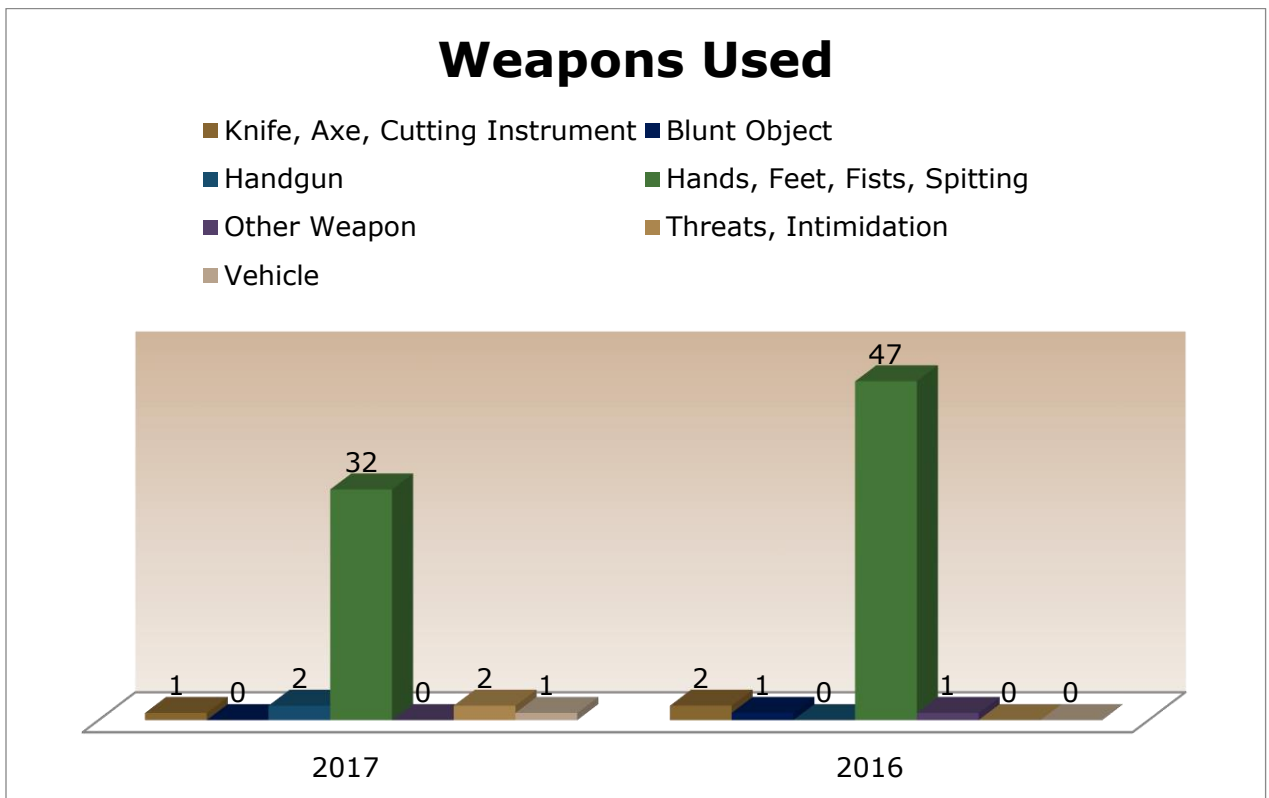
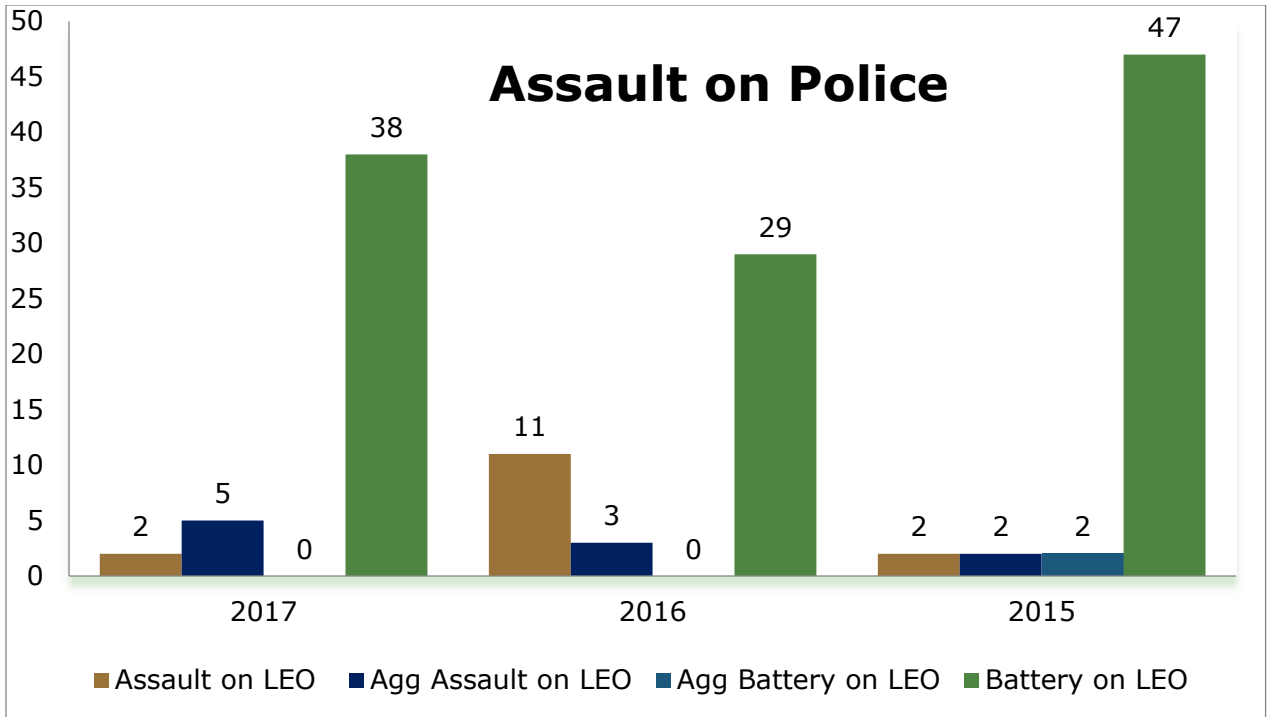
2017 saw a slight decrease in assaults committed against Gainesville Police Officers with 45 total incidents. There were 51 assaults against GPD officers in 2016 and 72 in 2015.

Criminal charges made against those that commit criminal assaults on police vary. The chart that follows represents the most serious final charge levied against assailants.

Different weapons have been used to assault police officers. A break down on the types of weapons used to assault officers over the last 2 years is also displayed. It is clear that we are most commonly assaulted with “hands, feet and spitting” and also most often charge the parallel crime of Battery on a Police Officer.

*Note, in cases where a minor assault occurs against an officer, the officer may use discretion and not charge the offender with the crime against the officer and instead only charge the crime that led to the contact.*

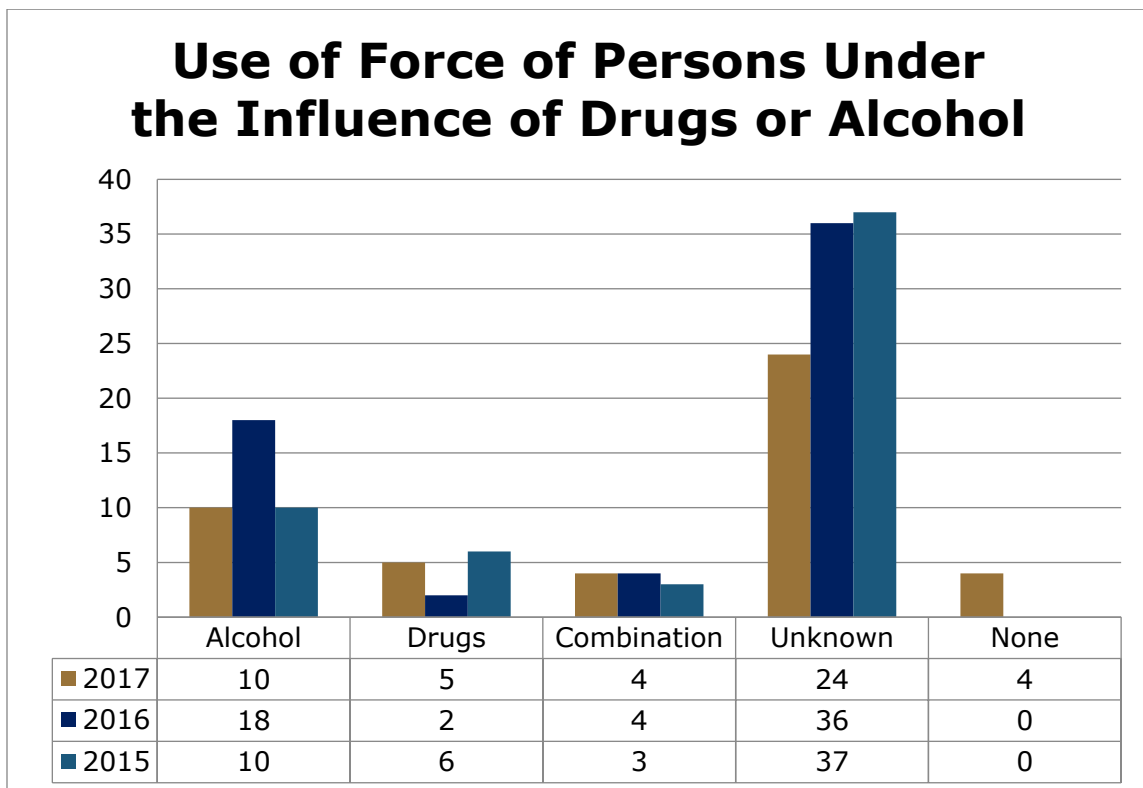




# SUBJECTS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

Many subjects on whom force is used are under the influence of alcohol, drugs, a combination of both or an unknown substance.

In the 67 cases where force was employed in 2017, 10 people were impaired by alcohol, five by illicit drugs or legally prescribed medication, four by a combination of substances and by affected by unknown means in 24 cases.



# MENTAL HEALTH CONCERNS

The Gainesville Police Department began collaborating with other local law enforcement agencies and mental health care providers in 2004 to bring Crisis Intervention Team (CIT) training to local law enforcement officers.

CIT training covers a wide variety of topics concerning mental health issues to include etiology, medicines, co-occurring issues, stigma, community resources, the Baker Act and de-escalation. **GPD continues to strive to de-escalate calls involving those with mental health concerns.**

There is no means of tracking how many times GPD personnel truly uses force on those suffering from mental illness as it is often an underlying issue in other criminal cases.

Police are becoming much more adept at recognizing mental health issues, de-escalating when possible, and trying to get persons with mental illness help instead of incarcerating them whenever possible.

According the Alachua County Sheriff's Office Department of the Jail, 33 % of the jail population is diagnosed with some sort of mental health issue. This number fluctuates between 30-35%, but has steadily increased since 2009.



## OFFICER AND SUBJECT DEMOGRAPHIC DATA

The Gainesville Police Department continues to work on issues related to disproportionate minority contacts through numerous community based programs and well established youth intervention programs.

Although GPD received national recognition this year with a Department of Justice award for strides made in this area, GPD continues to see a need to work towards improvement.

Of the 2,663 adults GPD arrested in 2017, 30.7 % were Caucasian men, 44.4% were African American men, 12.4 % were Caucasian women, and 11.6% were African American women. This number does not include Notice to Appear. There were 828 NTA's issued in 2017.

	Caucasian Male Adults	African American Male Adults	Caucasian Female Adults	African American Female Adults	Caucasian Male Juveniles	African American Male Juveniles	Caucasian Female Juveniles	African American Female Juvenile
Arrested 2017	820	1182	330	309	48	186	9	47
Use of Force 2017	16	37	8	1	2	3	0	1
Arrested 2016	927	1255	366	326	26	220	9	47
Use of Force 2016	23	36	1	1	3	6	0	2
Arrested 2015	1042	1493	397	389	38	264	15	48
Use of Force 2015	26	33	4	3	0	3	0	0



The city of Gainesville population is estimated to be 65% Caucasian, and 23% African American per the most recent US Census. The Gainesville Police Department strives to hire police officers to reflect the diversity of the community.

Currently, sworn demographics reflect 21% African American members and 73.8 % are Caucasian. 20.3 % of the sworn members are women.

## **ALLEGATIONS OF EXCESSIVE OR IMPROPER USE OF FORCE**

In 2017, the Gainesville Police Department Internal (IA) Division received a total of four complaints alleging improper or excessive use of force.

All of the complaints were made by citizens and alleged improper or excessive force during the process of making an arrest.

All of these complaints have been cleared without a finding of excessive or improper force. Although force was utilized it was determined to be appropriate and justified.

IA investigated six complaints of improper or excessive force in 2016 and 2015. Eleven of those cases concluded without a finding of excessive or improper force.

In one of those cases, the force was found to be improper and the officer was disciplined.





# DEADLY FORCE INCIDENT

In 2017, there was a single deadly force incident involving a GPD member.

On February 19<sup>th</sup>, officers were investigating the report of four subjects in a vehicle that were on their way to TB McPherson Park to shoot an individual that was involved in a previous shooting. A vehicle description was provided. An officer located the vehicle as it was approaching the area. Upon sight of the marked unit the driver made an abrupt turn into Woodland Park Apartments and began driving erratically. The officer initiated a high risk traffic stop.

The vehicle stopped and the driver exited the vehicle with a gun in hand and turned towards the officer. The driver started to run but again towards the officer. The officer fired two shots at the subject. The subject was not struck and fled on foot. A large perimeter was established and the suspect was located later and taken into custody. The gun was recovered along his flight path.

The officer was placed on Administrative assignment. The criminal investigation was conducted by the Gainesville Police Department Criminal Investigations Bureau and reviewed by the State Attorney's Office. Multiple charges were filed on the suspect as a result.

In addition, Sergeant Robinson of the Internal Affairs Division conducted an Administrative Review of the incident. On October 14<sup>th</sup>, 2017, the matter was closed internally with a finding that the use of force was appropriate by the involved GPD employee and that no policy violations occurred during the incident.

The suspect in the case was charge with multiple offenses to include Aggravated Assault on a Law Enforcement Officer and is awaiting trial.

A police use of deadly force is never routine. The officers involved, and the entire department, feel the gravity of these situations.



# VEHICLE PURSUITS

Although not technically a Use of Force, Vehicle pursuits are an important means of apprehending fleeing felons. The Gainesville Police Department's policy permits pursuing cars that flee from us while continuing to violate other traffic laws only in cases where a forcible felony has occurred or the driver displays recklessness that is so egregious it would be more dangerous to allow them to continue without an attempt to stop them. All GPD officers receive pursuit and driving training at least once a year.

In 2017, GPD initiated five vehicle pursuits. One of those cases resulted in a referral to Internal Affairs. The subsequent IA investigation resulted in a sustained violation as the pursuit did not meet the policy criteria. Corrective action was taken in that case. In 2016, GPD initiated nine vehicle pursuits. One of these pursuits was referred to IA for possible policy violations. The violation was not the pursuit itself but a safety concern identified during the review. Discipline was implemented in that case. In 2015, GPD officers engaged in six pursuits with no policy violations determined in any of those cases.

In all five of the pursuits there was in-car dash cameras video footage available for review. In two of the cases the primary officer did not have in-car video but the secondary officer did. The in-car video footage is beneficial in completing the pursuit reviews and identifying potential areas of improvement.

Of the four pursuits in 2017 that were authorized all were for forcibly felonies. The forcible felonies were the following: False imprisonment (Hostage situation), Aggravated Assault on a LEO (ASO was the victim) / Stolen Vehicle, Armed Home Invasion Robbery and an Attempted Homicide where the victim was shot.



The top speed was 120 MPH. In that case those speeds were reached after the suspect left the city limits and was travelling an open road area along US 441 adjacent to Payne's Prairie. The average speed for the five pursuits was 78 MPH.

The duration of the pursuits ranged from one to ten minutes. Three of the pursuits lasted less than three minutes.

Two of the pursuits ended when the suspect driver stopped on their own accord, one when the suspect vehicle ran out of gasoline, one when the fleeing car struck an uninvolved citizen's car (minor injury involved), and one was stopped after the effective use of the Precision Immobilization Technique (PIT) maneuver. Three suspects fled on foot after the pursuit ended.

None of the five pursuits resulted in an additional Use-of-Force.

