

Gainesville Police Department

2019

Annual Response to Resistance 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. This continued in 2019. Procedural Justice training is built into the training program for all new hires when they during part of their orientation training.

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.

In 2019, all GPD officers attended mandatory in-service training and received use of force training. This ensures that officers maintain their proficiency in the application of the available techniques and also gives training staff the opportunity to present new tactics that may be available.



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 discharge of a firearm constitutes deadly force and 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 Team. 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. The Training and Education Division, responsible for training all officers, also reviews cases to ensure proper tactics are followed and to potentially identify areas of improvement.



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. Canine Apprehensions are also included.

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 Response to Resistance report contains a summary of each of the uses of force, totaling 64, employed by members of the Gainesville Police Department in 2019. 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 133,857 in 2019 per the US census estimates. 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 52,000 students and Santa Fe College adds another 14,300 students to our metropolitan area.



In 2019, GPD responded to 92,762 Calls for Service. Officers and staff wrote 21,326 incident and crash reports. There were 2,185 custodial arrests made in 2019. 1,857 were adults and 202 were juveniles. There were 489 Notice to Appear issued in 2019. NTA's are not included in the custodial arrest category.

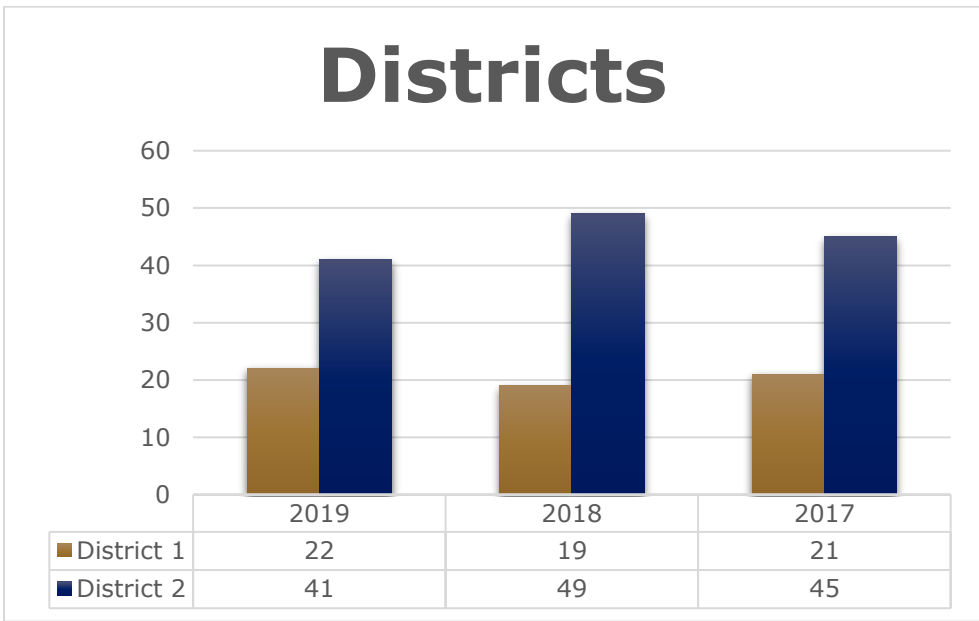
GPD officers used force a total of 64 times in 2019.

Of those 64 incidents, 29 ended with felony arrests and 20 resulted in misdemeanor arrests. Additionally, force was employed eight times in cases where a person was being taken into custody for an involuntary health exam (Florida's Baker Act/Marchman Act). In addition two situations occurred because a person was in a medical crisis that required immediate action to prevent further escalation. Five cases resulted in no criminal charges (4 juvenile incidents with discipline handled within the school). There were no Deadly Force incidents in 2019.

GPD used force in the 2.9% of the arrests made in 2019. (Excludes 15 incidents that did not result in criminal charges).



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



	2019	2018	2016
District 1	22	19	21
District 2	41	49	45

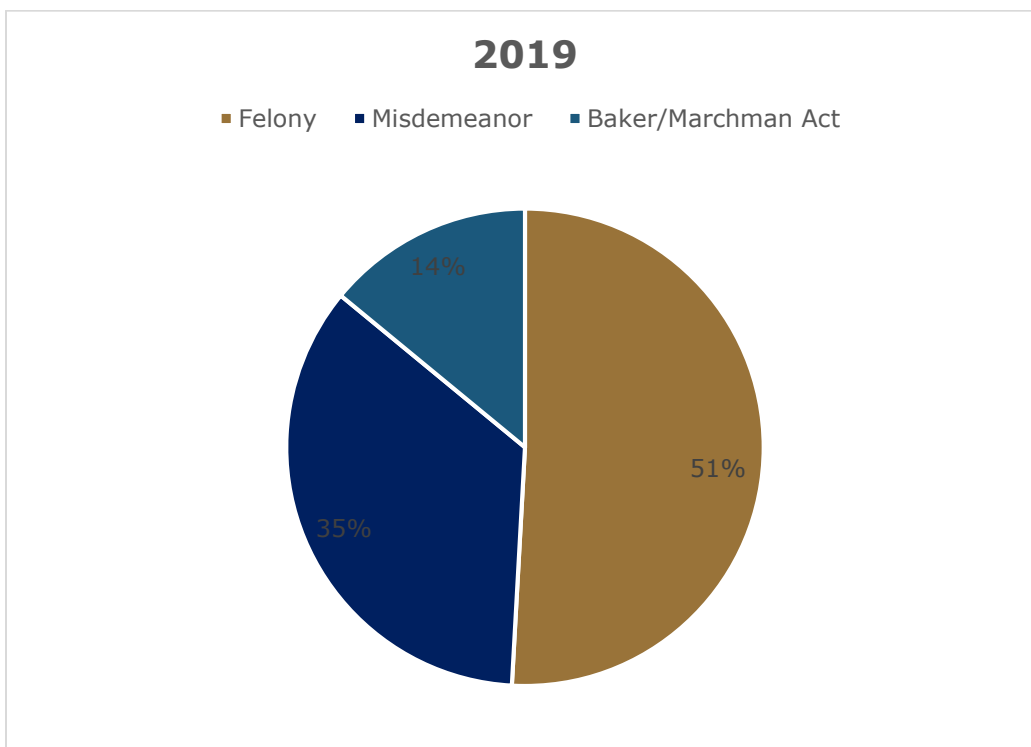
Of note, GPD also answered several calls for service outside of the city as we assisted other nearby agencies. One use of force incident occurred outside of the jurisdiction in the city of Alachua.



CRIMES COMMITTED BY SUSPECTS IN USE OF FORCE INCIDENTS

49 of the 64 Use of force incidents resulted in arrests.

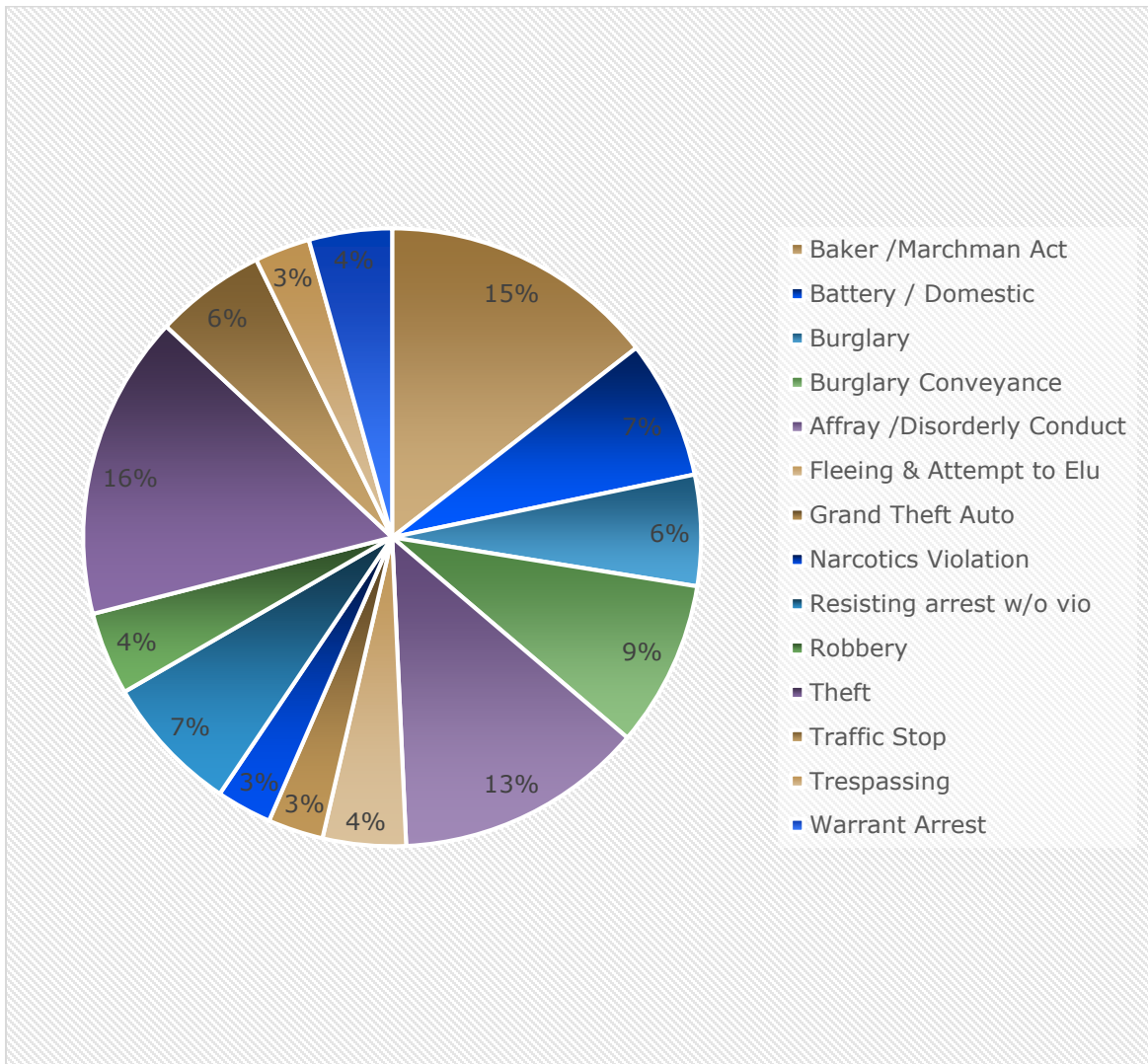
29 of these arrests were for felony offenses. 20 were for misdemeanor offenses. 8 were a Baker or Marchman Act.



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 is based on the State Curriculum and recognizes force as falling in one of three levels that can be utilized by officers:

(listed from least amount to greatest amount of force)

- 1) *Physical Control*
- 2) *Non-Lethal Weapon*
- 3) *Deadly Force*

Subject's resistance can fall into one of four categories:

(listed from least amount to greatest amount of resistance)

- 1) *Passive Resistance*
- 2) *Active Resistance*
- 3) *Aggressive Resistance*
- 4) *Deadly Force Resistance*

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.

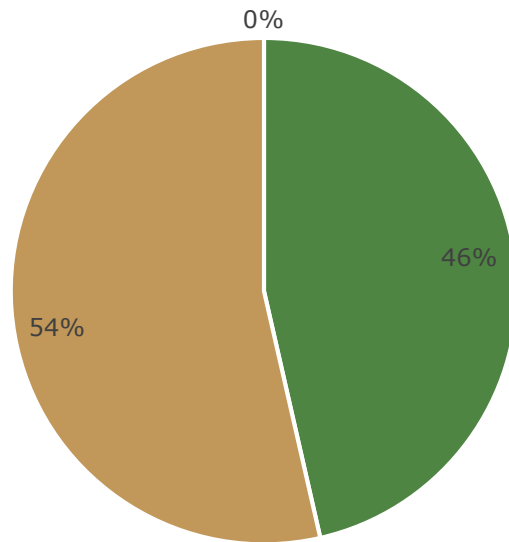
The charts following show the highest level of resistance used in each of the 64 Use of force incidents.

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.



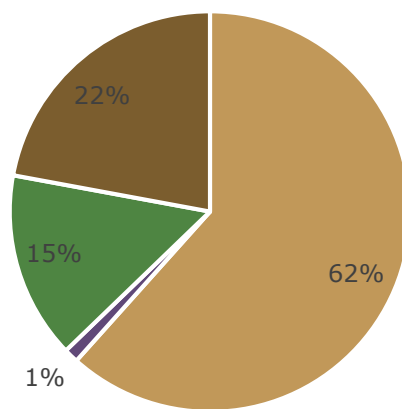
Level of Force Employed by Officer

■ Deadly Force ■ Non-Lethal Weapon ■ Physical Control



Subject Level of Resistance Offered

■ Active Resistance ■ Deadly Force Resistance
■ Passive Resistance ■ Aggressive Resistance



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, take downs, tackles, joint manipulation, knee strikes and punches fall in the Physical Control category. Taser, ASP Baton, Improvised Weapons, Less Lethal Ammunitions and Chemical Subject Control Spray all fall into the Non-Lethal Weapon category. Police K-9 Apprehensions are included in this analysis but fall into their own category. K-9 Apprehensions are considered a Use of Force.

A more detailed and specific view of the force officers employed indicates Taser was the most frequently used force mechanism with 20 uses. Strikes and kicks were used 13 times, Police K-9 Apprehensions 12 times, controlled take downs 12 times, 6 tackles, and chemical subject control spray was used 2 times.

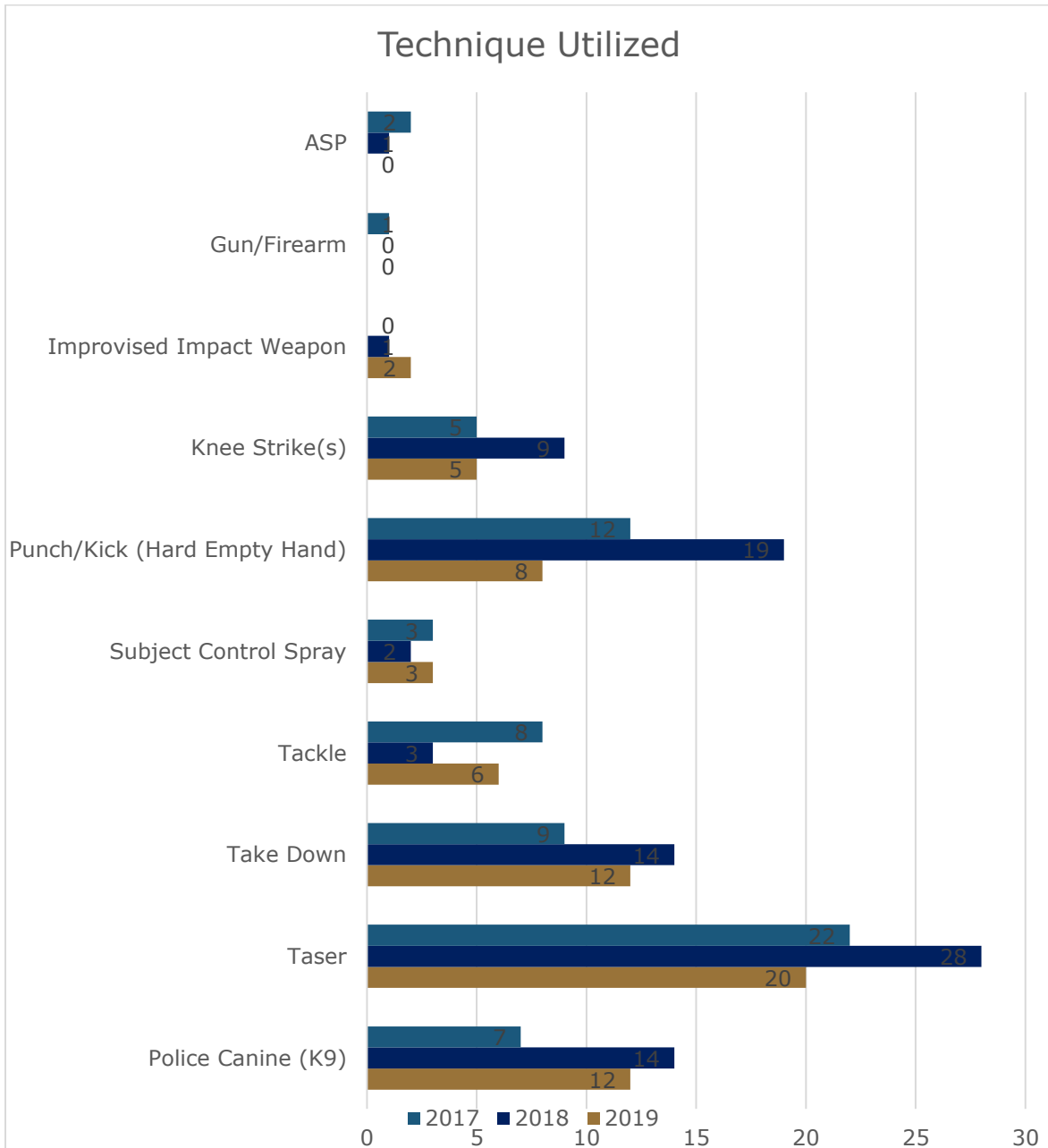
There were no instances where GPD officers used the expandable batons but two cases with the use of an improvised impact weapon (flashlight).

There were no deadly force incident involving firearms in 2019.

(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. This number may be higher than the total number of use of forces because more than one technique could be utilized in one event.





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.

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
2009	131	53	76
2010	114	47	95
2011	115	55	96
2012	114	45	72
2013	103	36	56
2014	87	18	60
2015	69	22	49
2016	73	23	47
2017	67	22	53
2018	68	28	49
2019	64	20	49



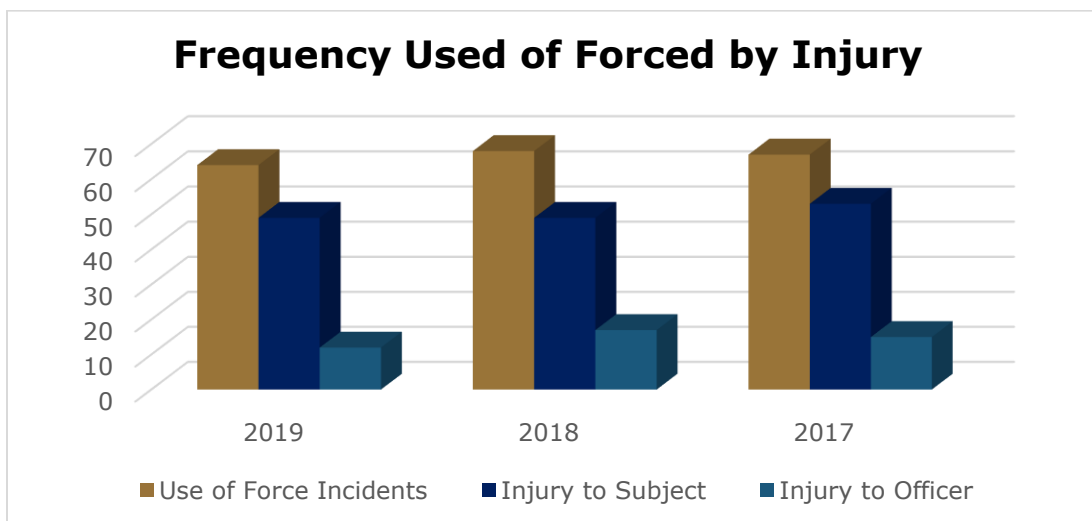
OFFICER AND SUBJECT INJURIES

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 force utilized on subject can become injured.

In 2019, there were 49 subjects who received injured in the 64 Use of Force incidents. The number of injured individuals was the same as 2018 although. The rate of injury to subjects per use of force incident was 76%. This is a slight increase from 2018 where the rate of injury was 72%. Both K-9 Apprehensions and Taser usages decreased during 2019. Although generally minor in nature, the use of the Taser itself will always result in an injury as a result of the probes piercing the skin. In all Taser incidents it is required that EMS check on the suspect. Medical treatment is always required in K-9 Apprehension cases.

In 2019, officers were injured in 18% of the cases. Rates of injuries for officers were 25% in 2018 and 22% in 2017. This is relatively consistent.

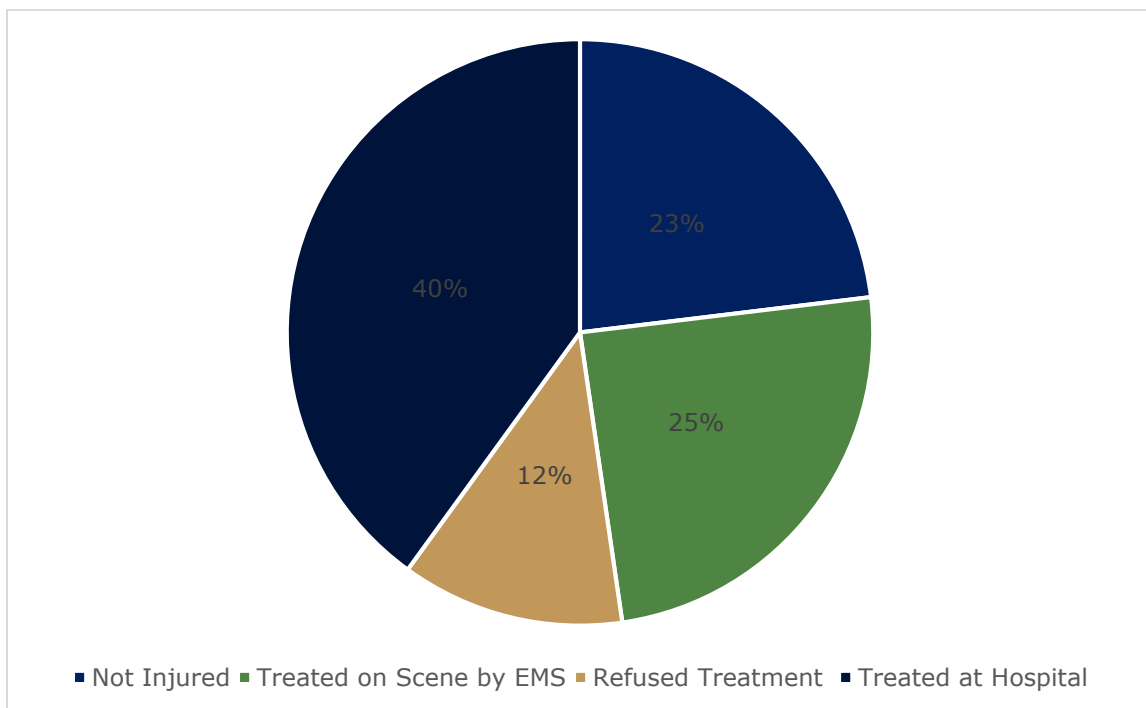


Many factors are considered when considering injury to include the severity of the injury or the potential for injury to the officer.

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

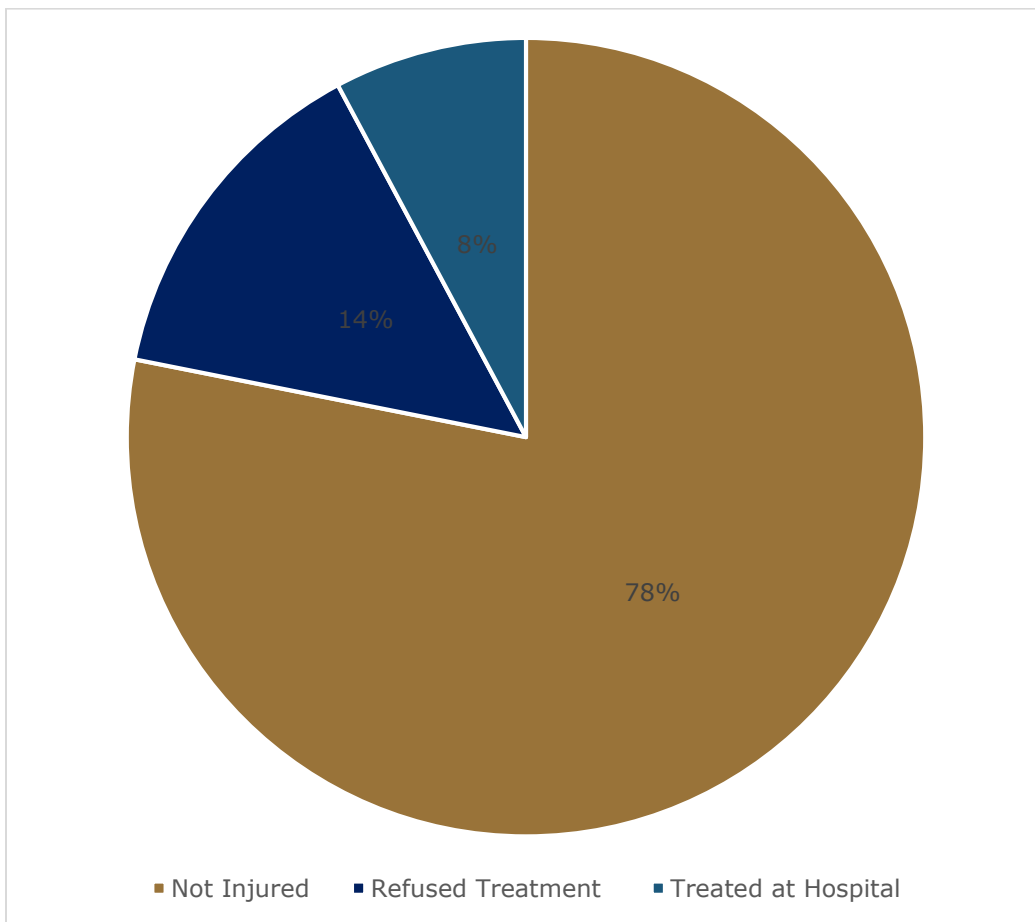
In the 64 Use of force incidents in 2019, 15 subjects sustained no injury, 16 people were treated on scene by EMS, seven refused treatment, and 26 received treatment at an area hospital emergency room. Hospital treatment is sometimes required as a result of underlying issues such as existing medical issues and / or drug or alcohol related conditions that would have required treatment even if force was not implemented.

Severity of Subject Injury in 64 UOF Cases in 2019



In the 64 Use of force incidents in 2019, 50 Officers sustained no injury, 9 refused or did not require treatment, and 5 received treatment at an area hospital emergency room.

Severity of Officer Injury in Use of Force Cases in 2019



ASSAULTS ON POLICE

In 2019 the assaults committed against Gainesville Police Officers was 31 total incidents. There were 30 assaults against GPD officers in 2018 and 45 in 2017. The past two years have seen an overall decrease in assault on GPD members from the previous years. De-escalation techniques being reinforced and implemented are likely the reason.

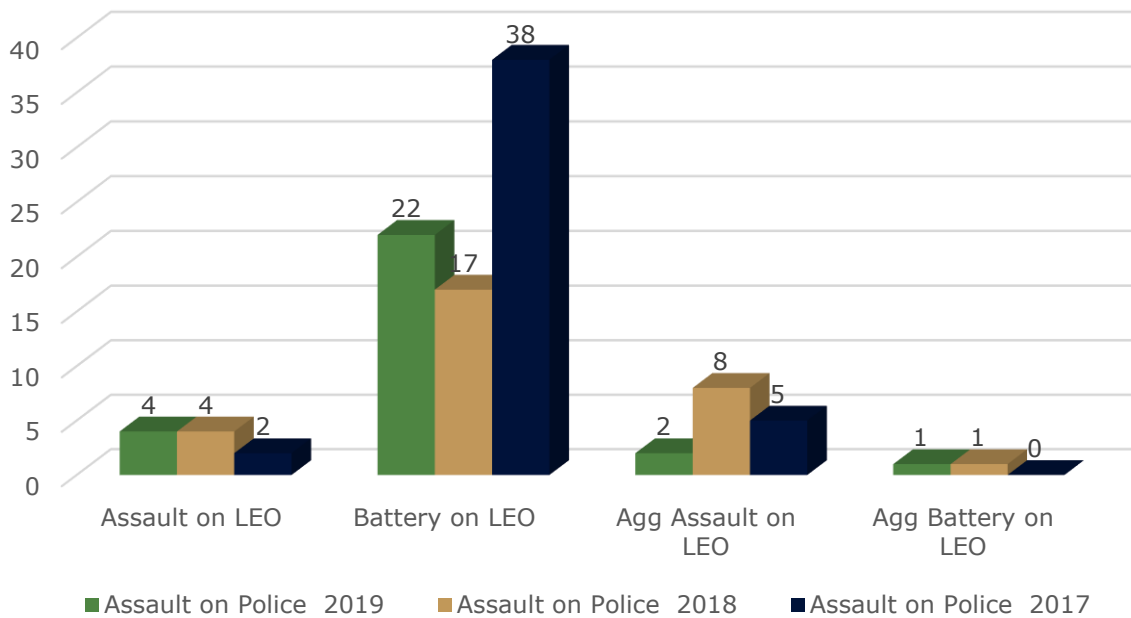
Criminal charges made against those that commit criminal assaults on police vary. The chart that follows represents the most serious final charge levied against assailants.

Different weapons have been used to assault police officers. A break down on the types of weapons used to assault officers over the last three 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.

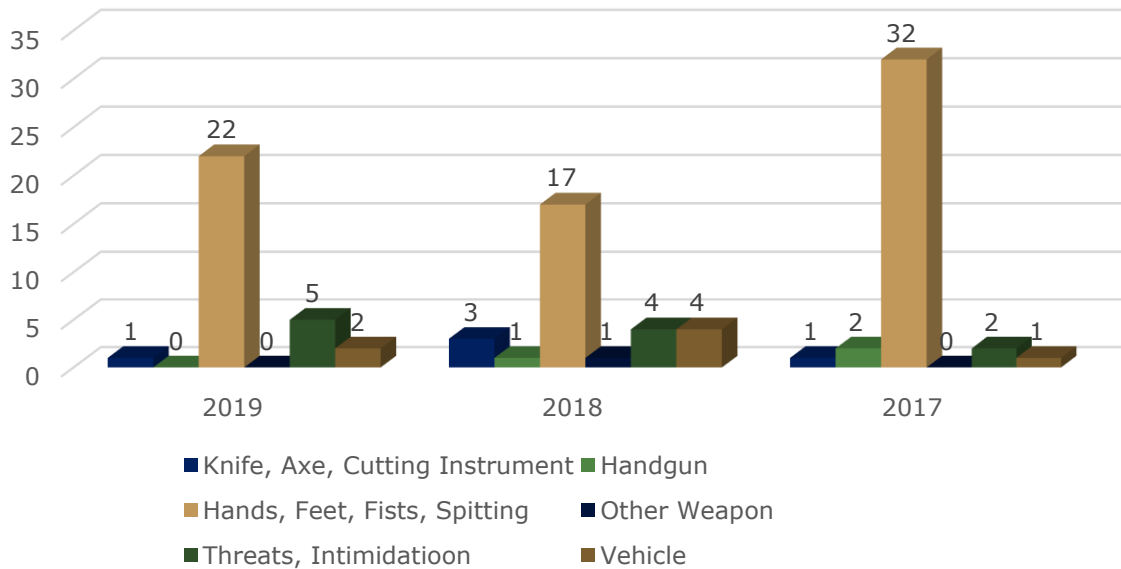
Note, in cases where a minor assault occurs against an officer, the officer may use discretion and not charge the offender with the crime against the officer and instead only charge the crime that led to the contact.



Assault on Police



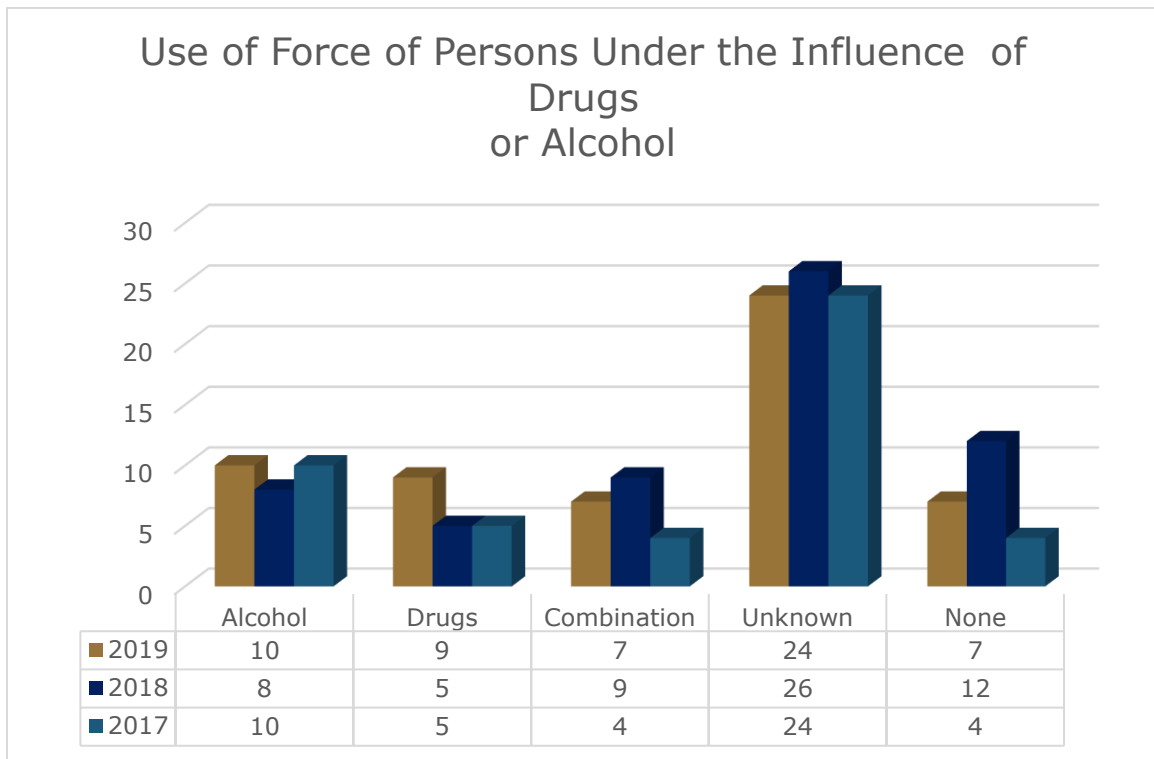
Weapons Used



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. At times there also may be some other underlying condition that is not apparent.

In the 68 cases where force was employed in 2019, ten people were impaired by alcohol, nine by illicit drugs or legally prescribed medication, 7 by a combination of substances and 24 affected by unknown means.



MENTAL HEALTH CONCERNS

The Gainesville Police Department has been collaborating with other local law enforcement agencies and mental health care providers since 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.

TO NOTE: Recognizing the impact that mental health has on both law enforcement and the criminal justice system, in 2018 GPD collaborated with Meridian Behavioral Health and implemented a full time Mental Health Co-responder Team made up a GPD Officer and mental health clinician from Meridian. This continued in 2019. The team works together and proactively deals with persons that are in need of assistance. The team is also forwarded referrals from other GPD personnel when their services can be utilized. The team has been overwhelming successful diverting a substantial amount of persons from the criminal justice system and has had a positive impact on the community and Department overall.



OFFICER AND SUBJECT DEMOGRAPHIC DATA

In 2019 members of the Gainesville Police Department arrested 1857 adults and 202 juveniles. Of the adult arrests, 29% were Caucasian men, 48% were African American men, 10% were Caucasian women, and 12% were African American women. This number does not include Notice to Appear. There were 489 NTA's issued in 2019.

The table below shows a breakdown of the arrests and use of force incidents related to the citizen demographic.

	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 2019	539	899	184	218	16	132	9	45
Use of Force 2019	17	33	3	1	0	4	0	2
Arrested 2018	713	1107	270	277	10	185	7	39
Use of Force 2018	16	33	2	4	0	6	0	1
Arrested 2017	820	1182	330	309	48	186	9	47
Use of Force 2017	16	37	8	1	2	3	0	1



The City of Gainesville population is estimated to be 66% Caucasian, 22% African American, and 9% Hispanic 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 69% Caucasian, 22% African American and 3% Hispanic. 19.4% of the sworn members are women.

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. GPD continues to see a necessity to focus on this issue using various diversion and education campaigns.

ALLEGATIONS OF EXCESSIVE OR IMPROPER USE OF FORCE

In 2019, the Gainesville Police Department Internal (IA) Division received a total of five 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 four complaints of improper or excessive force in both 2017 and in 2018.

DEADLY FORCE INCIDENTS

In 2019, there were no deadly force incidents involving any GPD members.



USE OF FORCE ANALYSIS

The use of force incidents utilized by Gainesville Police members reduced slightly in comparing 2019 and 2018. In 2019 there were 64 incidents compared to 68 in 2018. At the same time, total number of arrests in 2019 decreased from 2,185 compared to 2,615 in 2018. The data indicates that officers used force in 2.1% of arrests in 2018 and 2.9% in 2019, a slight increase. Although a 0.8% increase in the instances of use of force incidents, this increase is not readily indicative of a disproportionate application of force, as every instance of the application of force is based upon the varied resistance levels of the individual.

Also analyzed was the time of day when Use of Force was occurring to determine if time had any influences on when force was being implanted. 42 incidents or 66% of all applications of use of force incidents took place on night shifts compared to 22 incident or 34% on day shift. This would be consistent with the greater number of calls for service and arrests that statistically occur during the nighttime hours. It was also noted that District 2 continues to have more use of force incidents compared to District 1 which has been consistent from previous years. The likely reason for the difference is District 2 encompasses the urban areas of Gainesville which includes the downtown district, resulting in a more dense population and higher call load.

In 2019, there were 49 subjects who received injury in the 64 Use of Force incidents. This is the same number as 2018 although there were less use of force incidents in 2019. K-9 Apprehensions and Taser usages both reduced slightly in 2019. Both account for some of the injuries. Although generally minor in nature, the use of the Taser itself will always result in an injury as a result of the probes piercing the skin. EMS is required to assess subjects when the Taser has been utilized. Medical treatment is always required in K-9 Apprehension cases.



Twenty-six subjects received medical treatment at the hospital. The fact that this many subjects received medical treatment at hospitals following a use of force incident, would indicate that officers are following policy requirements when persons claim or receive injury as a result of the force implemented.

In 2019, officers were injured in 21% of the cases. Rates of injuries for officers were 25% in 2018 and 22% in 2017. Officer injury reduced slightly but is still relatively consistent.

A review of the statistical data related to use of force incidents in relation to race and gender, revealed that incidents of use of force were slightly greater for black males in comparison to white males. Officers used force in 3.1% of arrests involving white males and 3.6% of arrests involving black males. Additionally officers used force in 1.6% of arrest involving white females and 1.1% of arrests involving black females.

This analysis is forwarded to the Training and Education Division so that specialized training relating to use of force tactics, de-escalation techniques and public engagement could be better addressed. De-escalation and the improvement of communication skill was built into use of force training in 2018 and continued in the 2019 curriculum. Overall, the statistics, support that this training has had a positive impact over the last two year, with decreasing total number of use of force, assaults and injuries to officers. This is in addition the Procedural Justice training that began in 2016 where it was implemented that all members of the Department, both sworn and non-sworn, attend the training. The Procedural Justice Core principles focus on respect, legitimacy and the concept of fairness in interactions between law enforcement and the community. Critical Intervention Training (CIT) also continues to be an asset that is utilized for better communication for people in crisis or other mental health situation.

Based upon the analysis there are no recommended changes to either the Use-of-Force policy or available equipment that is currently in use.



VEHICLE PURSUITS

Although not technically a Use of Force, Vehicle pursuits are an important means of apprehending fleeing felons. All GPD officers receive pursuit and driving training.

The Gainesville Police Department's policy permits pursuing cars that meet a certain criteria or threshold, predominantly a violent felony offense. The policy also mandates that all initiated pursuits be reviewed and analyzed by a supervisor to ensure incidents are within compliance of Department guidelines.

Towards the latter end of 2018, an internal committee was established to review the GPD Pursuit policy to ensure the policy was consistent with current case law and law enforcement practices. While the review of the policy was ongoing the use all pursuit tactics to include the Precision Immobilization Technique (PIT), Channeling, Stop Sticks were suspended. In August, a revised policy was implemented. The new policy created different categories of pursuits and required an analysis and review of all incidents. It also lifted the suspension of available tactics.

One particular change that was implemented was that a review would now be required on all instances where a driver knowingly refused to stop. In the previous policy, there was no requirement to complete a pursuit review if the offender continued but did not violate any other traffic offenses. Because of the revised policy and the new requirement, cases that were once not considered a pursuit now fell into this new Low Risk category. The update in the policy would result in an increase in the number instances that now met the pursuit review criteria which in turn would increase the number of pursuit reviews completed.

In 2019, GPD members initiated nine situations that met the vehicle pursuit criteria. This was an increase from previous two years. In 2018, GPD initiated six vehicle pursuits and in 2017 engaged in five. Four of



the cases would not have met the definition of a pursuit in the previous policy.

In all of the cases pursuit reviews completed either the officer whom initiated the pursuit or one of the other involved officers had a vehicle equipped with an in-car video system. The in-car video footage is beneficial in completing the pursuit reviews and identifying potential areas of improvement.

Of the nine pursuits reviews complete in 2019, only three would be considered moderate or high risk and were initiated for forcible felonies. The forcible felonies were Aggravated Assault on a Law Enforcement Officer, Aggravated Assault and Armed Robbery / Sexual Battery / Kidnapping. The remaining six cases were considered a low risk pursuit offenses. Two of the low risk pursuits were stolen vehicles and other four were began as a result of a traffic infraction.

Of the six cases that met the new category of a Low Risk, it was determined that three cases were within policy requirements. In two of the cases the driver never violated any other laws and simply drove several blocks before finally stopping and being taken into custody. One case started out as a low speed pursuit but was terminated immediately once the driver started driving more erratically so within policy.

The other three Low Risk Pursuit cases were referred to Internal Affairs for potential violations of the existing policy. All three started as a low speed pursuit that progressed to higher speeds. The officers involved failed to properly disengage as required. In all three cases the suspects were taken into custody without any negative consequence. Of the three cases that were referred to Internal Affairs, one has been concluded and was determined to be a violation and resulted in corrective action. The other two cases are still being investigated as of this writing, but will likely result in some kind of corrective action as well.

The other three cases that were considered high or moderate risk and all involved forcible felonies. All of the high risk pursuits occurred prior



the implementation of the updated pursuit policy being in August. They will be discussed below:

In the first incident the driver intentionally backed into a police vehicle after a traffic stop, committing an aggravated assault (Forcible Felony) and an authorized pursuit was initiated. This pursuit lasted a minute and 20 seconds and was inevitably terminated after high speeds were reached in (50 mph) in a residential neighborhood. After the pursuit was terminated the driver eventually returned to his residence where he was arrested. There were no crashes or other negative consequence during this incident.

The second was a pursuit initiated on a subject that was involved in a sexual battery, armed robbery, and armed kidnapping, all forcible felonies. An officer located the vehicle and the suspect immediately fled. Speeds on city streets were below 60 mph but upon making it to the Interstate reached speeds in excess of 100 mph. The pursuing officer backed off due to high speeds and lost visual on the driver. Moments later the suspect lost control while trying to get off of the interstate and struck a guard rail and fled on foot. He was apprehended shortly after. The only damage was the suspect vehicle.

The third was initiated after a detective was struck from behind in a rear-end crash. Upon contacting the driver he fled nearly striking the detective (Aggravated Assault) and a pursuit initiated. The pursuit lasted about three minutes and reached speeds of 60 mph in both a 35 mph and 45 mph zones. During the pursuit the suspect vehicle was involved in two minor crashes. Inevitably a PIT maneuver was utilized to end the pursuit and the suspect was arrested. A pursuit review was completed and a referral made to Internal Affairs regarding potential policy violations. Although the pursuit met the criteria to be initiated there were some issues identified that were outside of the policy related to a non-descript GPD vehicle participating and some other safety related concerns. The investigation resulted in a sustained finding with Discipline implemented.



Of the nine pursuits that took place, two ended when the suspect driver striking a fixed object. One pursuit resulted in damage to uninvolved citizens vehicles. One ended with a PIT Maneuver. Two pursuits were terminated by the shift commander. The remainder resulted in the suspect driver stopping on their own and being taken into custody.

Although four pursuit cases were referred to Internal Affairs and resulted in violations being identified, overall compliance with pursuit requirements is being adhered to and followed. Vehicle pursuits are inherently dangerous not only to the general public to the officer(s) and suspect as well. Keeping this in mind, the updated policy will result in an increase in the number of pursuits being reviewed to ensure that the policies are being adhered to which will result in more accountability on the part of officers, involved supervisors and the agency overall.

