

**POLICE RESPONSE TO
RESISTANCE:**

HOW FLORIDA'S SHERIFFS REACT TO VIOLENT ENCOUNTERS

NOVEMBER 2021



Unlike any other civilian profession, law enforcement officers are tasked with the responsibility and legal authority to make arrests, prevent escapes, and protect themselves and others from injury. These encounters can involve violent subjects who present a danger of physical harm to themselves, the officer, or others. On rare occasions, an officer must respond to violence or resistance by a subject. In these situations, officers must make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.¹

However, recent cases that have drawn national attention and a call for police reform cannot be ignored. The officer's actions in these cases were inconsistent with law enforcement policies and training. No matter how rare, the way in which officer's acted in these cases are inexcusable.

This paper is intended to inform readers about law enforcement response to resistance generally, the laws and agency policies that guide and restrict how officers may use control when resistance or violence is encountered, and the training officers are required to receive in legal and approved control methods.

¹ As cited in Kappeler, V. (2006). *Police civil liability: Supreme Court cases and materials* (2nd ed.). Long Grove, IL: Waveland Press, pg.s 213-14.

PUBLIC OPINION AND LAW ENFORCEMENT RESPONSE TO RESISTANCE

Most people never have contact with a law enforcement officer. The most common reasons to interact with an officer is a traffic stop or to report a crime.² Public perception of law enforcement is most often shaped by news reports, social media, and television or movie depictions, which often portray officers negatively. Despite these portrayals, violent encounters between law enforcement and the public and deaths from how officers respond to those encounters are extremely rare.

Most officers never fire their guns (except during training) throughout their entire career. Although many Americans believe officers fire their weapons at least once in their career or even several times a year, only about a quarter of all officers say they have ever fired their service weapon.³ One report concluded that officers chose not to shoot in 93% of violent situations where an officer could have fired their gun legally and ethically by law and department policy.⁴ The most recent national report indicated that just 2.8% of the roughly 61.5 million people who had contact with an officer in 2018 perceived the officer used any force during the encounter.⁵ The most reported type of force was handcuffing, and just 0.3% of people indicated a gun was *pointed* or *shot* at them.⁶

Regardless, the public often perceive an officer's response to an offender's determination to fight as excessive when the courts have repeatedly ruled it is not.⁷ The officer's response is most often considered reasonable and appropriate "by an officer sworn to uphold the law and maintain public safety and is an important action to minimize injury to both officers and suspects."⁸

Nationally, the chance of being shot by a law enforcement officer is .001%.⁹ Similarly, an analysis of shootings from 2015 to 2020 involving deputies from Florida Sheriff's Offices showed these agencies handled over 54 million calls for service with 587 deputy-involved shootings. This represents an overall shooting percentage of .001%.¹⁰

These reports suggest a stark contrast between what the public is led to believe and the reality of modern policing.¹¹ Officers are legally restricted and trained to respond to resistance directed at them or others. The ways in which an officer responds to resistance or violence is regulated several ways.

2 Bureau of Justice Statistics, Contacts Between Police and the Public, 2018 – Statistical Tables. <https://www.bjs.gov/content/pub/pdf/cbpp18st.pdf>.

3 Pew Research Center (Jan. 2017). Behind the Badge: Amid protests and calls for reform, how police view their jobs, key issues and recent fatal encounters between blacks and police. Pg. 79.
https://www.pewresearch.org/social-trends/wp-content/uploads/sites/3/2017/01/Police-Report_FINAL_web.pdf.

4 Pinizzotto, Davis, Bohrer, & Infanti (2012). Restraint in the use of deadly force. FBI Law Enforcement Bulletin.
<https://leb.fbi.gov/articles/featured-articles/restraint-in-the-use-of-deadly-force>.

5 Davis, D. and Whyde, A. (2018). Contacts between police and the public, 2015. Bureau of Justice Statistics. pg. 16.

6 Ibid at note 2. The report does not specify the type of agency (police, sheriff, state, federal) or identify police shootings only.

7 International Association of Chiefs of Police. (2012). Emerging use of force issues: Balancing public and officer safety.

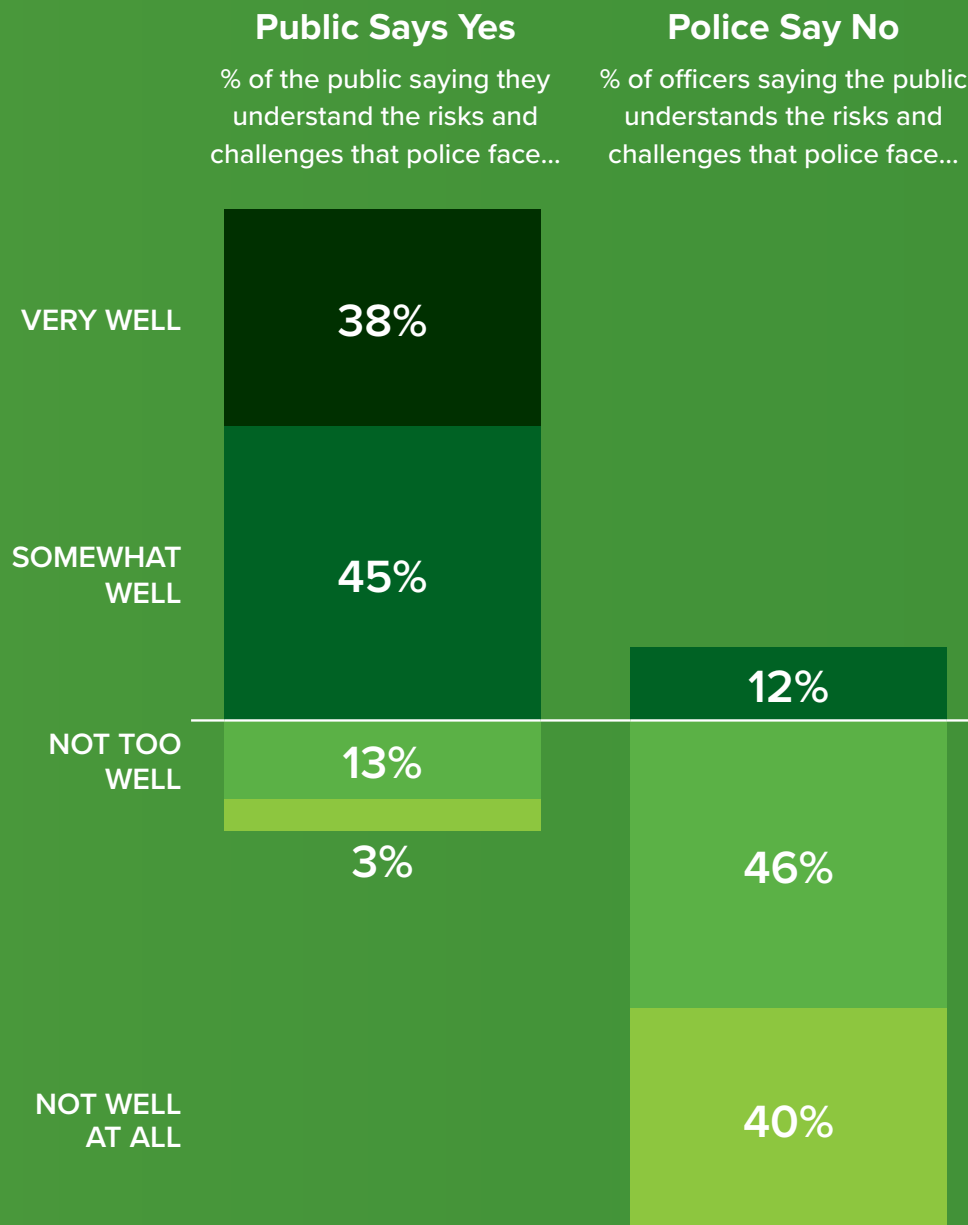
8 Ibid.

9 Washington Post Fatal Force, 2018 and U.S. Department of Justice, Contacts between police and the public, 2018.

10 Florida Sheriffs Association Survey Data & Analysis, October 2020.

11 We acknowledge reports exist that conclude police use more force than necessary. For a detailed discussion on the difficulties in obtaining and analyzing data in order to accurately measure police use of force, see Garner, Hickman, Malega, & Maxwell (2018). Progress toward national estimates of police use of force. National Institute of Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5813980>.

DO AMERICANS UNDERSTAND THE CHALLENGES POLICE FACE ON THE JOB?



Note: No answer category not shown. Source: Survey of law enforcement officers conducted May 19 - Aug. 14, 2016. "Behind the Badge"
PEW RESEARCH CENTER

THE LAW

Several federal and state laws regulate how police officers respond to an individual's resistance and violence. In two landmark rulings, the Supreme Court of the United States provided police with broad guidelines that protect citizens from unreasonable force.¹² Florida law also requires officers to use only the amount of force reasonably necessary to effect an arrest or protect themselves or others.¹³ Officers who violate these laws are subject to agency discipline or termination, arrest, and the inability to ever work as a law enforcement officer again.

OFFICER PRE-EMPLOYMENT TRAINING REQUIREMENTS

Florida law also requires that new law enforcement officers receive 166 hours of basic academy training in using a firearm, a Taser, and defensive tactics as well as the laws relating to these issues. Trainees must pass written competency tests and demonstrate proficiency with their defensive weapons in order to be certified as a Florida law enforcement officer. After the academy, all officers must complete additional in-service training in these areas on a regular basis. Many training academies and agencies create live training scenarios that simulate what an officer might encounter on the job.

AGENCY RESPONSE TO RESISTANCE POLICIES AND ONGOING TRAINING REQUIREMENTS

Policies detailing the laws and agency procedures applicable to an officer's job are commonplace. Most agency policies mandate only agency-issued defensive weapons may be carried by officers, the specific circumstances when each may be used, and the training required to use them.

These policies often include a response to resistance matrix as a training model. The matrix is a concept used for incident handling that simultaneously recognizes the level of subject resistance encountered and the level of control required by the officer for the situation.¹⁴ It is a decision-making model designed to help officers determine how to legally and reasonably respond to a subject's resistance. Officers are trained to understand the specific options they may use when faced with resistance or violence.

¹² In *Graham v. Connor*, 490 U.S. 386 (1989), the Court held all force must be reasonable. In *Tennessee v. Garner*, 471 U.S. 1 (1985), the court ruled that deadly force may be used only to prevent the escape or if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

¹³ See FSS 776, Justifiable use of force.

¹⁴ Dallas Police Department, Response to resistance philosophy. <https://dallaspolice.net/reports/Pages/response-resistance.aspx>.

Florida law also requires that new law enforcement officers receive 166 hours of basic academy training in using a firearm, a Taser, and defensive tactics as well as the laws relating to these issues.

Most agencies also have explicit Response to Resistance standards and training requirements that go beyond the state-mandated minimum requirements. These often include recent recommendations from evidence-based studies and symposiums held by national policing organizations and federal agencies.

For example, using choke holds, shooting at moving vehicles, and engaging in vehicle pursuits are often prohibited or limited to the most egregious situations. Furthermore, officers are often required to use de-escalation or other alternative techniques that have been shown to calm individuals and reduce resistance and violence.

Several recent reports recommended officers receive realistic training requiring a choice between several response options¹⁵ and on recognizing people suffering from mental illness, substance abuse, and other conditions that could cause them to behave erratically or threateningly.¹⁶ Others called for officers to use body-worn cameras, early intervention systems that alert supervisors that problems may exist, providing medical care for injured individuals, and officers intervening to prevent or stop the use of excessive force by another officer.^{17,18} Most agencies require officers to complete an official report of these incidents for supervisory and management review, and a comprehensive review of these reports. Additionally, these reports are reviewed annually to identify if agency policy should be changed or if training is required.

ORANGE COUNTY SHERIFF'S OFFICE

RESPONSE TO RESISTANCE MATRIX

RESISTANCE LEVELS

- 6 Aggravated Physical
- 5 Aggressive Physical
- 4 Active Physical
- 3 Passive Physical
- 2 Verbal
- 1 Presence

Levels of Resistance

✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				
✓	✓	✓	✓	✓	✓										
✓	✓	✓	✓	✓											
✓	✓	✓	✓	✓											
Presence	Interview Stance	Dialogue	Verbal Direction	Touch	Restraint Devices	Chemical Agent	Transporters	Take Downs	Pain Compliance	REACT	Counter Moves	Weapons/ECD	Incapacitation	Intermediate	DEADLY FORCE
Command Presence			Communication												
1			2									4	5	6	

Checked areas represent suggested, acceptable, beginning response levels. Any response in an unchecked area requires an explanation. Refer to the definitions for each level of resistance, response, and the determining factors when articulating the explanation.


RESPONSE LEVELS

15 U.S. Department of Justice (2012). Emerging use of force issues: Balancing public and officer safety. <https://cops.usdoj.gov/RIC/Publications/cops-p232-pub.pdf>.

16 Police Executive Research Forum, (2016). Guiding principles on use of force. <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>.
 U.S. Commission on Civil Rights (2018). Police use of force: An examination of modern policing practices. <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>.

17 U.S. Commission on Civil Rights (2018). Police use of force: An examination of modern policing practices. <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>.

18 National consensus policy and discussion paper on use of force (2020). https://www.theiacp.org/sites/default/files/2020-07/National_Consensus_Policy_On_Use_Of_Force%2007102020%20v3.pdf.



MOST AGENCIES ALSO HAVE EXPLICIT RESPONSE TO RESISTANCE STANDARDS AND TRAINING REQUIREMENTS THAT GO BEYOND THE STATE-MANDATED MINIMUM REQUIREMENTS.

These often include recent recommendations from evidence-based studies and symposiums held by national policing organizations and federal agencies.

THE SHERIFF'S ROLE

Many Florida Sheriffs have taken an active role in response to resistance issues through obtaining accredited status and participation in national committees.

Accreditation embodies the precepts of community-oriented policing, policing best practices, accountability, and transparency. It creates a forum in which law enforcement agencies and citizens work together to prevent and control challenges confronting law enforcement and provides clear direction about community expectations by ensuring an agency meets certain standards of quality through extensive self-study and external peer review. It standardizes police practices to improve written policies and directives, the delivery of police services, and relationships with the communities they serve by recognizing professional excellence and formalizing management procedures.¹⁹ Thirty-eight of Florida's 67 Sheriff's Offices have been awarded and maintain accredited status, and many have done so for more than 20 years.

Violent encounters and deaths resulting from police response to resistance incidents are extremely rare. But Florida's Sheriffs recognize improvements can be made in their policies and the training Deputies receive to ensure everyone's safety.

Sheriffs expect their Deputies and agency employees to treat all individuals with dignity and respect. They have taken many proactive steps to ensure Deputies understand the laws and agency policies governing response to resistance, receive adequate pre-employment and on-going training, recognize the various medical and mental health reasons that may cause individuals to react violently, and use techniques recognized nationally as policing best practices when they are confronted with these circumstances.

The sanctity of life, respect for Constitutional rights, and compliance with the law are foremost concerns for all law enforcement professionals and Florida's Sheriffs.

19 Commission on Accreditation for Law Enforcement Agencies (2020). Benefits of participation in CALEA accreditation. https://www.calea.org/sites/default/files/2018-08/Benefits_Infographic_0830.pdf.



ACTIVE SHOOTER

SIMULATOR TRAINING

The Florida Sheriffs Association maintains two MILO Range Mobile-Situational Awareness Training System (M-SATS) that are available for all sheriffs to utilize for training of their deputies. These M-SATS are virtual gun ranges that are designed to give law enforcement realistic training for active shooter scenarios. These scenarios include schools, places of worship, and workplace violence. M-SATS also offers training specific to areas to include domestic violence, traffic stops, jail incidents, as well as other shoot/don't shoot skill building exercises. M-SATS offers the most advanced feature set available for a portable use of force and tactical judgment training system. M-SATS provides fully interactive video scenarios and graphics-based firearms drills.

These M-SATS are a great resource that provide quality, realistic scenarios enhancing the law enforcement training experience. There several hundred diverse training scenarios; some stress inducing, others are more skill building, and many de-escalating scenarios. Since this program began in 2019 over 700 deputies have been trained using these M-SATS with 15 smaller to mid-sized sheriffs' offices using these systems.



CIT

TRAINING PROGRAM

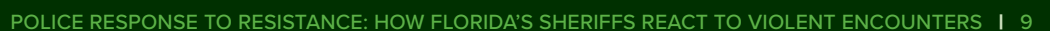
Crisis Intervention Team (CIT) training began in Memphis, Tennessee in the late 1980s and has been widely adopted around the country. CIT is an effective law enforcement response program designed for first responders who handle crisis calls involving people with mental illness including those with co-occurring substance use disorders. CIT training is a 40-hour course that emphasizes a partnership between law enforcement, the mental health and substance abuse treatment system, mental health advocacy groups, and consumers of mental health services and their families. CIT is both a training program, and a collaborative effort that builds community partnerships with mental health service providers.

Since 2004, stakeholders in Florida have been involved with developing CIT in their communities. In 2014, approximately 34 counties (Sheriff's Offices) were involved with CIT. In 2015, the Florida Sheriffs Association (FSA) obtained recurring general revenue funding of \$800,000 to initiate a pilot program to enhance training for Florida law enforcement and correctional officers. This training ensures that deputies are able to safely assess and interact with persons with mental illness in a crisis situation.

Since 2015, FSA has been able to have a CIT training class for every county that did not have trained CIT deputies as well as continually go back to underserved counties and train more deputies and correctional staff. By utilizing this state funding more than 2,000 law enforcement officers have successfully completed the 40-hour CIT course conducted by FSA staff.

CRISIS INTERVENTION TEAM (CIT)

TRAINING IN FLORIDA





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