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ATLANTIC BEACH POLICE
DEPARTMENT


Lieutenant E. Peck



CITY OF ATLANTIC BEACH POLICE DEPARTMENT ANNUAL RESPONSE TO RESISTANCE REPORT FOR 2020

Compilation and analysis of statistical data relevant to Officers' response to resistance offered by subjects being taken into custody and/or found to be in the commission of crimes.

Signature of Preparer:  Date: 1/31/2021

Reviewed By:  Date: 2/4/2021

Reviewed By: _____ Date: _____


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PURPOSE OF THIS REPORT

This is the annual report on incidents handled by the Atlantic Beach Police Department, which required Officers to use physical control in response to persons resisting the lawful actions of a police officer. The purpose of this report is to provide relevant statistics and meaningful analysis of any lethal or non-lethal force used by Atlantic Beach officers, provide an overview of the investigative process and enhance transparency between the Department and the citizens we serve.

MISSION STATEMENT

The Atlantic beach Police Department's Mission is to protect life and property, provide exceptional police service, and work in partnership with our community to improve the quality of life in the City of Atlantic Beach.

CORE VALUES

The three Core Values of the Atlantic Beach Police Department are intended to guide us and provide a foundation for all that we do. Making sure that our values become part of our day-to-day work life is our mandate, and they help to ensure that our personal and professional behavior can be a model for all to follow.

Courage: Mental and moral strength to act in the face of danger, fear, or difficulty while doing the right thing.

Integrity: Commitment to the Law Enforcement Code of Ethics and acceptance of individual responsibility and accountability for all of our actions and decisions. Being honest, trustworthy, fair and transparent.

Excellence: Meeting challenges and adversity with perseverance to attain individual and organizational goals. Maintaining a high degree of pride, professionalism, and respect for ourselves, our department, our citizens, and our community.

THE LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

DEFINITIONS

- 1. Active Resistance:** Attempts by a subject to prevent an Officer from lawfully taking the subject into Custody or detaining the subject. Examples of active resistance include, but are not limited to: assuming a “fighting stance” or resistive body posture, fleeing, tensing, or pulling away from an Officer’s grasp, actively fighting an Officer, or otherwise actively physically opposing an Officer’s attempts to secure or take the subject into custody.
- 2. Deadly Force:** Force or response to resistance which is likely to, or is intended to, cause death or great bodily harm.
- 3. Conducted Energy Weapon (CEW):** A CEW is a device that uses electrical signals to temporarily override the motor and sensory nervous systems and directly control skeletal muscles.
- 4. Great Bodily Harm:** A bodily injury that creates a substantial risk of death; causes serious permanent disfigurement, or results in the long term loss or impairment of any bodily member or bodily organ. Great bodily harm is distinguished from slight, trivial, minor moderate harm, such as mere bruises or abrasions that would be likely to result from a simple battery.
- 5. Hobble Restraint:** A restraint designed to bind the hands of a resistant subject to his or her feet, thereby limiting the subject’s mobility and ability to actively resist.
- 6. Non-Lethal Force:** Force or response to resistance that is not intended to or is not likely to cause death or great bodily harm.
- 7. Less Lethal Munitions:** means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating a person’s body (F.S. 776.06 (2)(a)).
- 8. Intermediate (Non-Lethal) Weapons:** Weapons designed to incapacitate or subdue a resisting subject, but which are not intended or anticipated to cause great bodily harm or death (i.e., OC Spray, Conducted Energy Weapon, Less Lethal Munitions, etc.)
- 9. Oleoresin Capsicum Chemical Agent (OC):** A manufactured chemical agent extracted from chili peppers, deployed in the form of a liquid, powder or gas.
- 10. Passive Resistance:** Non-compliance with lawful commands from a law enforcement officer without attempts to physically resist the officer.

11. Reasonable Belief: the conclusion a reasonably prudent Law Enforcement Officer in the same Circumstances, with the same information, could be expected to reach.

12. Totality of Circumstances: a term which refers to all the facts and circumstances known to an officer at the moment the officer makes a decision or takes action.

POLICY

The Atlantic Beach Police Department Order 200, effective August 23, 2012 (reviewed annually, last revised November 25th 2020) details the Department's Response to Resistance Policy. In all instances, the Officer must act within the law and consistently with the law enforcement code of ethics. In all situations, particularly those involving a response to resistance, Officers are required to act reasonably, based on all the facts and circumstances known to the officer at the time, in their response to resistance in order to enforce laws of the city and state. The Department provides training in response to resistance, defensive tactics and verbal de-escalation tactics to assist officers in this endeavor. Officers shall at all times comply with the training provided by the Department and shall use only those techniques taught in Department-approved training or otherwise approved by the Department. Officers shall not utilize response to resistance techniques that have not been approved by the Department except as a last resort when all other options have failed or cannot reasonably be employed by the Officer. As further explained in this policy, an Officer may use deadly force only when he or she has a reasonable belief, based on all the facts and circumstances known to the officer at the time that the Officer or another person will be likely to suffer great bodily harm or death if immediate action is not taken. Pursuant to F.S. 776.05, deadly force may also be used by an Officer against a fleeing felon if the use of deadly force is necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and: (a) The officer reasonably believes that the fleeing felon poses an imminent threat of death or serious physical harm to the officer or others; and (b) The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

Although Departmental training provides guidelines and tactics for Officers, the Department expressly recognizes that these guidelines and tactics cannot dictate the course of any given encounter- rather, the facts and circumstances of each individual encounter dictates the tactics that would be reasonable for an Officer to employ. The Department recognizes the need for an Officer to use sound discretion in selecting the appropriate tactic when responding to resistance in the performance of his or her duty. The standard by which any Officer's response to resistance is measured shall be whether it was a reasonable response considering the totality of the circumstances known to the Officer at the time. NOTE: This directive is intended to apply ONLY to actions by Atlantic Beach Police Department Officers and should not be construed to create a basis for a third party action or a higher standard of care than that required by the law. Violations of this policy will result in administrative censure or discipline.

RESPONSE TO RESISTANCE STANDARD

Objectively Reasonable: The legal standard used to determine the lawfulness and appropriateness of a use of force is the Fourth Amendment to the United States Constitution. See *Graham versus Connor*, 490 U.S. 386 (1989). *Graham* states in part, the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to 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. The test of reasonableness is not capable of precise definition or mechanical application. The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard, rather than a subjective standard.

Population Statistics (July 1, 2019 Census Data*)

Total Population (2019 Update)	13,872
Males	6,852 (49.4%)
Females	7,019 (50.6%)
Median Resident Age (2019 Update)	47.6
Estimated Median Household Income (2019 Update)	\$78,059

Population by Race (July 1, 2019 Census Data*)

White	11,735 (84.6%)
Black	1,012 (7.3%)
Hispanic	527 (3.8%)
Asian	430 (3.1%)
Two or More Races	554 (4.0%)
American Indian	29 (0.2%)

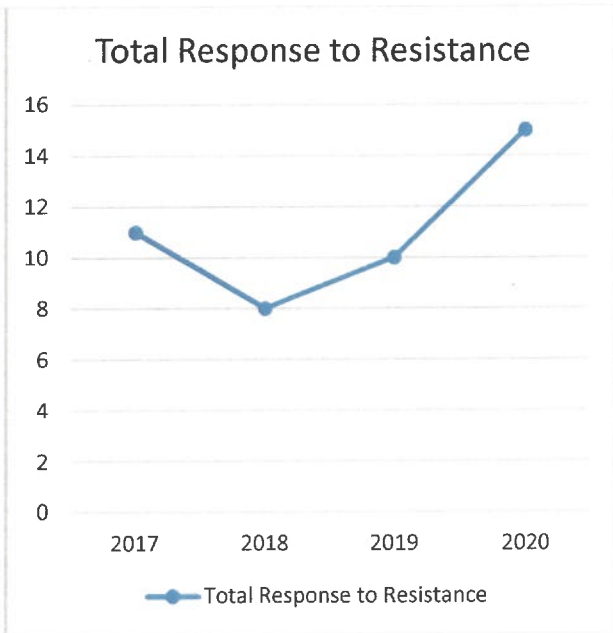
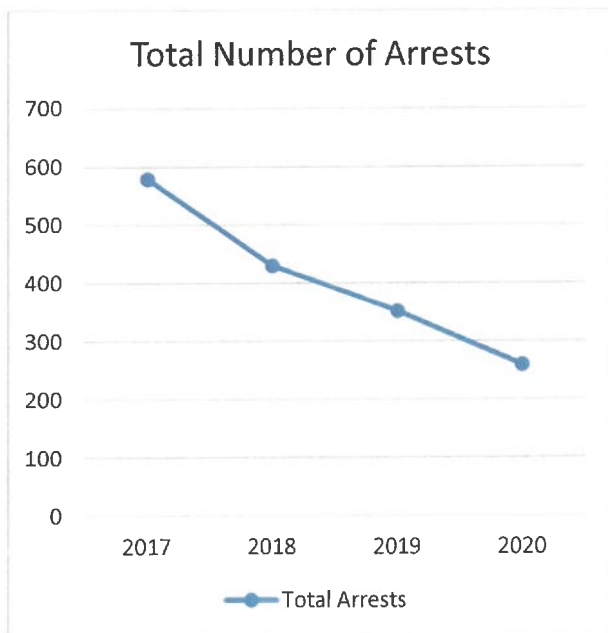
*<https://www.census.gov/quickfacts/atlanticbeachcityflorida>

2020 RESPONSE TO RESISTANCE STATISTICS TOTALS

Total Incidents Including, Calls for Service and Officer Initiated Calls	23,173
Total Response to Resistance Reports	16
Total citizen contacts which could potentially result in arrest and/or a custodial situation	9,845
Percent of Contacts Requiring Arrest	2.64%
Percentage of Total Contacts Requiring Response to Resistance	0.16%
Total Individuals Arrested	260
Percentage of Arrests Requiring Response to Resistance	6.15%

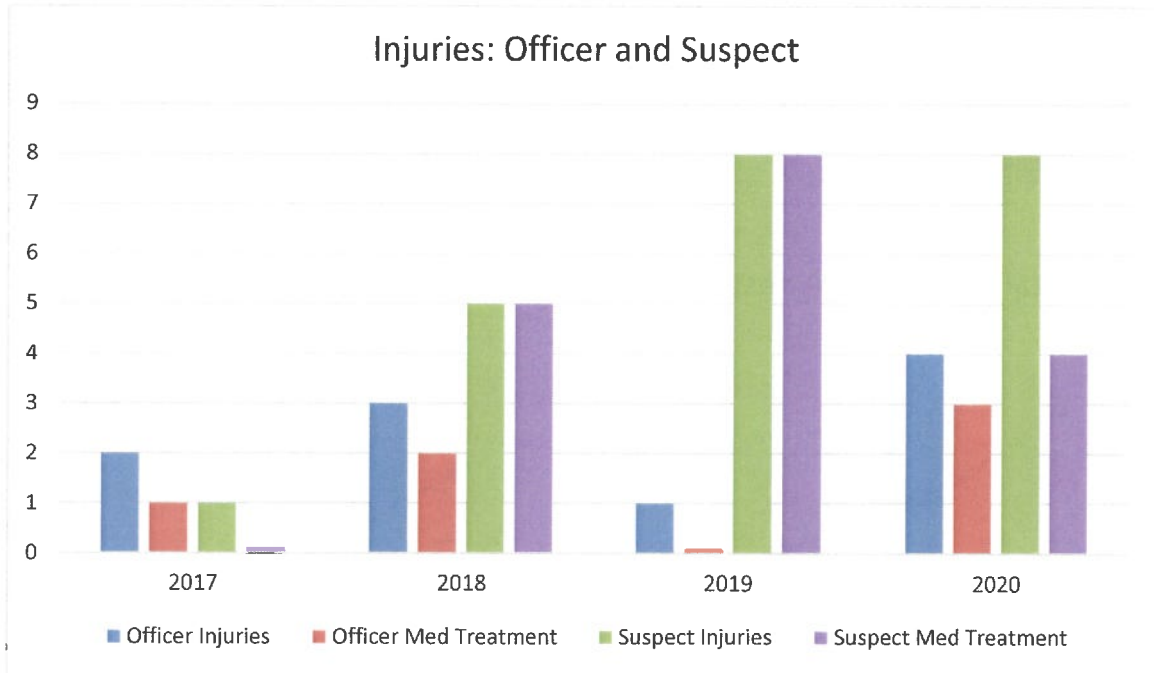
ANNUAL COMPARISON

Year	2020	2019	2018	2017
Total Incidents	23,173	22,173	21,226	22,146
Total Arrests	260	352	430	579
Total Citizen Contacts That Could Result in Arrest and/or Custody (Percent of Total Incidents)	9,845 (42.48%)	9,968 (44.96%)	9,530 (44.89%)	9,362 (42.27%)
Percent of Contacts Requiring Arrest	2.64%	3.5%	4.5%	6.18%
Total Arrest Requiring Response to Resistance	16	10	8	11
Total Percent of Arrest Requiring Response to Resistance	6.15%	2.84%	1.86%	1.90%



INJURIES: Officers and Suspects

	2020	2019	2018	2017
Officers Injured	4	1	3	2
Officers Requiring Medical Treatment	3	0	2	1
Officers Killed	0	0	0	0
Suspects Injured	8	8	5	1
Suspects Requiring Medical Treatment	4	8	5	0
Suspects Killed	0	0	0	0



RESPONSE TO RESISTANCE REQUIRING INTERMEDIATE WEAPON USAGE OR DEADLY FORCE

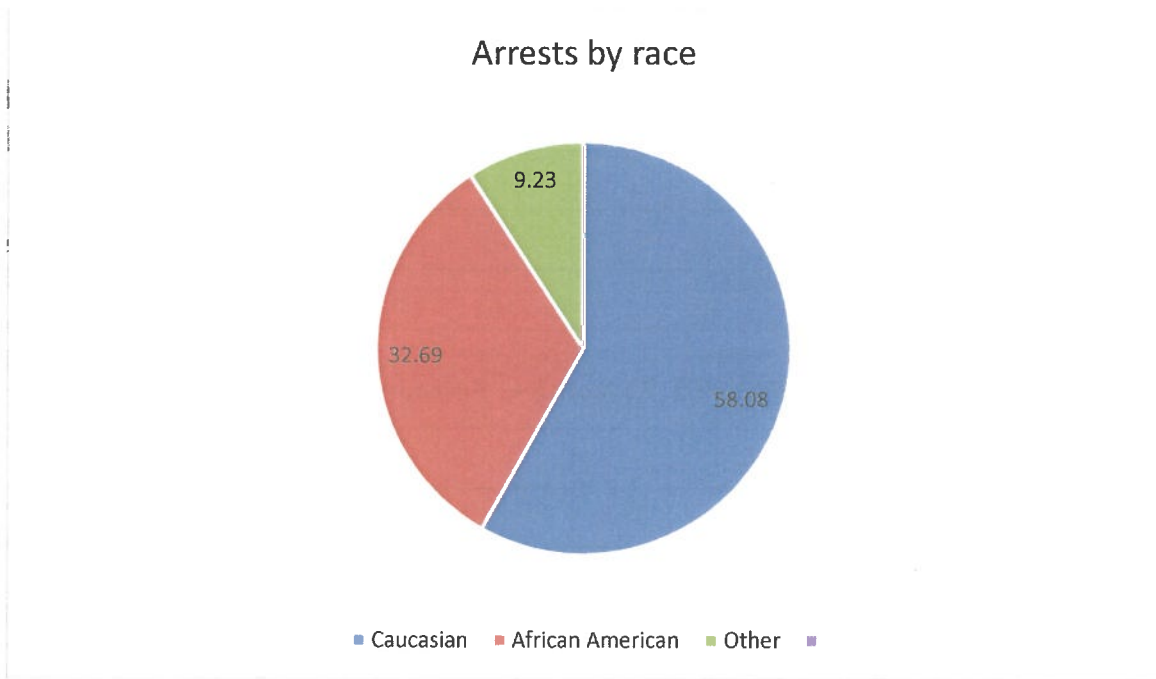
Conducted Energy Weapon (TASER) Deployment	5
Display and Verbal Commands Only	2
Probe Deployment	3
Drive Stun Mode	0
Probes Missed	1
Multiple/Extended Cycles (two or more)	0
Oleoresin Capsicum (Pepper Spray)	0
Baton	0
Impact Munition	1
Deadly Force	1

SUBJECT DEMOGRAPHICS: Response to Resistance by sex and race

Male	14
Female	2
Caucasian	10
African American	6
Asian/Pacific Islander	0
Native American	0
Hispanic	0
Average Age	36

SUBJECT DEMOGRAPHICS: Arrests by race (Percentages)

Caucasian	58.08%
African American	32.69%
Other	9.23%

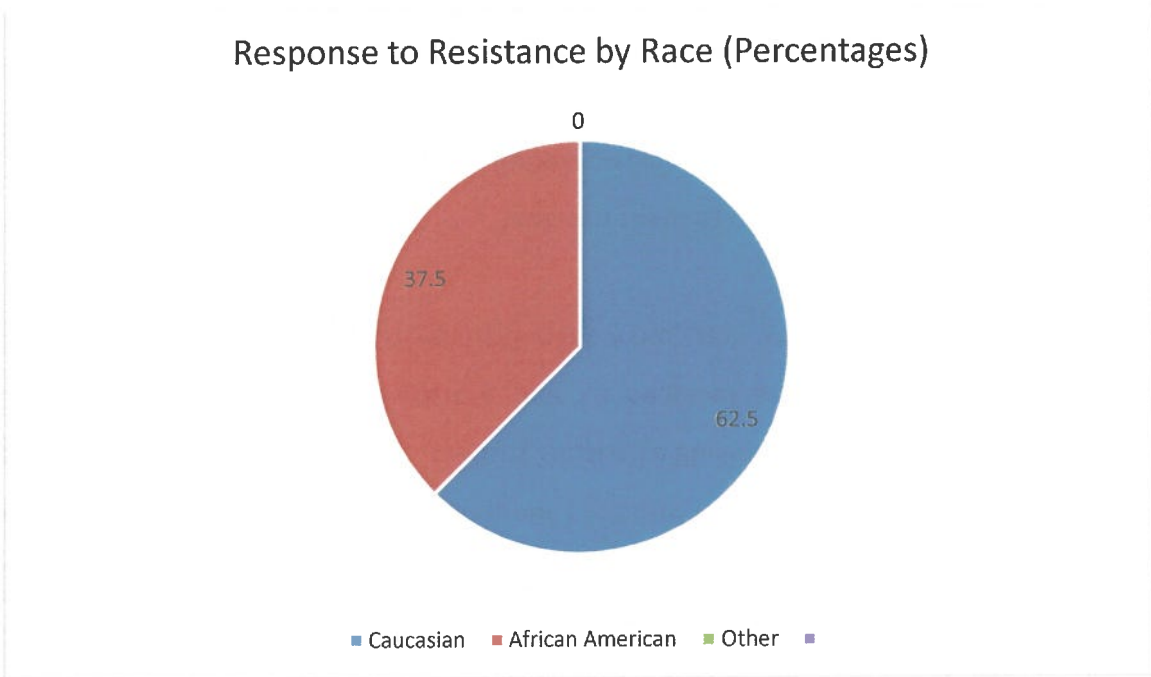


SUBJECT DEMOGRAPHICS: Arrests by sex (Percentages)

Male	79.23%
Female	20.77%

SUBJECT DEMOGRAPHICS: Response to Resistance by race (Percentages)

Caucasian	62.5%
African American	37.5%
Other	0



SUBJECT DEMOGRAPHICS: Response to Resistance by sex (Percentages)

Male	87.5%
Female	12.5%

Executive Summary and Analysis

The Atlantic Beach Police Department continues to hold its relationship with the community as one of its highest priorities. As stated in our Mission Statement, we strive to work in partnership with our community to improve the quality of life in the city. We continue to maintain the open lines of communication with the public that we have developed through face to face contact and social media. While maintaining our core values, our goal is to have an honest understanding of the needs of the community and to provide the level of service necessary to serve those needs. Even while operating under the social restrictions of the current pandemic, officers continue to meet this goal.

The department is completely invested in conducting annual training on many topics including techniques in verbal de-escalation, racial equity, and diversity in addition to the physical skills needed for handling situations involving a resisting suspect. This training is reviewed regularly to ensure it complies with current best practices and the Department policies are updated as necessary. In addition, the department reviews its activities and compiles annual reports on various topics including Response to Resistance.

Every effort was made to ensure the statistics reported are accurate. The total number of calls handled by the department reflects call types that have the potential to result in arrest or custody and calls that are of an administrative nature that are not criminal. Comparing the arrest and response to resistance numbers to the total call count does not reflect accurate percentages as a high percentage of those calls would never result in an arrest or custody situation. The call types were filtered to ensure only calls that have a potential for an arrest or a custody were used to calculate the percentages of incidents which resulted in a response to resistance.

The community within the jurisdiction of the Atlantic Beach Police Department consists of more than 13,800 residents living within its boundaries. During 2020, the Department employed thirty (30) full time and one (1) part time police officer at full staff. The Department handled 23,173 calls for service during 2020. This number rose by 1,000 calls over last year. Of the 23,173 calls, 9,845 of them were of the type that have the potential to result in an arrest or a custodial situation. In a little over two and a half percent (2.64%) of those contacts was a person(s) arrested. This is down a little less than one percent (1%) from last year and has trended downward over the last 4 years. As in past years, the number of persons contacted vs. persons arrested suggests a relatively stable and law abiding population.

This year Officers needed to respond to the resistance of citizens with physical control tactics or the use of an Intermediate Weapon in a little over 6 percent (6.15%) of total arrests. The number of Response to Resistance incidents was sixteen (16) this year which is an increase of 62.5% over last year. Although the percentage of arrests requiring force suggests that the Department's Officers continue to use force judiciously, the increase of Response to Resistance incidents is noteworthy. Of the sixteen (16) incidents requiring Officers to complete Response to Resistance reports, all were reviewed internally by their immediate supervisor and chain of command. All were found to be in compliance with policy. One incident involved the use of Deadly Force and as of the time of this report remains under investigation by the State Attorney's Office. In addition to adherence to policy and legal standards, these data demonstrate that Officers are acting morally, ethically and within the scope of their training.

Of the sixteen (16) incidents of response to resistance, eight (8) suspects suffered injuries. Two (2) required on scene first aid treatment and two (2) required transport to hospital facilities. Of those two one (1) suffered injuries to their mouth and teeth and one (1) suffered a gunshot wound to the upper torso. The remaining four (4) suffered only minor injuries not requiring treatment. Four (4) Officers were injured during these incidents. One (1) suffered major injuries to his face and eye requiring surgery and extensive rehabilitation. Two (2) suffered

knee injuries that required rehabilitation. One (1) suffered injuries to their hand requiring rehabilitation. No suspects or officers were killed.

Six (6) incidents required the use of an intermediate weapon. A Conducted Energy Weapon (CEW) was deployed in 5 of those incidents. Three (3) of the CEW uses were by probe deployment. Two (2) of the CEW uses were Red Dot Compliance only and did not require deployment of the probes. In one (1) incident a Special Response Team Officer deployed an impact munition on a criminal subject who was barricaded and thought to be armed with a firearm. The subject was struck in the abdomen area and was treated by emergency medical personnel on scene. One (1) incident required the use of Deadly Force by firearm. The suspect was treated by officers and Emergency Medical Personnel on scene and transported to the hospital. The remaining incidents required only empty hand techniques to stop the resistance.

This year the Special Response Team responded to 2 criminal, barricaded suspects. Both involved threats of firearms. Both incidents were resolved without major injuries to either suspects or officers.

The Atlantic Beach Police Department continues to stay up-to-date on the latest legal findings and trends in law enforcement related to response to resistance including, training documentation, case review and new technologies. As always, the Department will continue to review any incidents wherein our officers respond to resistance offered by suspects and review those cases with Officers to provide continual feedback and training as needed.