

Portsmouth Police Department

2020 Response to Resistance Analysis



Professional Standards Division

Introduction

The Portsmouth Police Department Standard Operating Procedure O-101 (Response to Resistance), provides our officers with guidelines on all aspects of Responding to Resistance and proper reporting. This department recognizes and respects the value and special integrity of each human life. Carefully balancing all human interests is required when investing police officers with the lawful authority to use force to protect the public welfare. Therefore, it is the policy of this department that police officers shall use only the force necessary to affect lawful objectives.

A police officer who responds to resistance in the performance of his or her duty takes many risks. Officers must not only answer to their own conscience, but to the law, the Police Department, and the public. A crisis situation gives little time for study and thought. Reactions must be based on sound principles and instilled through repeated training. An officer must be ready to act instantly, but with the sound judgment that comes with knowledge.

Summary

The Portsmouth Police Department is completing its Response to Resistance self-analysis phase as a continuing improvement process through the Commission on Accreditation for Law Enforcement Agencies (CALEA). The analysis is systematically structured to identify any patterns or trends. Analysis should reveal patterns or trends that could be predictive or could indicate a need for additional Response to Resistance training, equipment upgrade and or policy modifications.

The 2020 Response to Resistance analysis provides a critical process in reviewing departmental policies and procedures. The analysis provides an opportunity for process improvement in policy language, records management systems, capturing additional data in offenses, and supervisory oversight in Response to Resistance incidents.

The Portsmouth Police Department has implemented a Personnel Early Warning System through the Guardian Tracking software. This allows another level of systematic review of specific incidents to assist in the identification of employees who may exhibit signs of performance and/or stress related situations, and who may benefit from early intervention. In conjunction, supervisory staff must ensure all reports and forms are completed when required. A Response to Resistance Report Form is completed every time we respond to resistance as defined by policy.

The Portsmouth Police Department strives for improvement through personnel development, policy enhancement, and responsiveness in order to provide effective and efficient police services to the citizens of Portsmouth.

Portsmouth Police SOP O-101 *Response to Resistance*

“Response to Resistance Incident” means an incident in which any of the following occur:

- A. The intentional or accidental discharge of a firearm while on duty, or while off duty taking a police action (except animal euthanasia).
- B. When an officer draws their firearm and challenges a person, or otherwise points a firearm at another during any police action.
- C. The use of the ASP baton to strike another person.
- D. The use/display/accidental discharge of the Taser
- E. The use of the RIPP Hobble restraint
- F. The use of OC Spray
- G. The use of hand techniques to restrain, bring into control, or otherwise subdue a resistant person.
- H. The use of defensive techniques.
- I. The use of a flashlight, knife, or any other item used as a weapon in cases of extreme emergency.
- J. Intentional contact, while operating a city owned vehicle, with a person, other vehicle, or any other object.

K. K-9 Apprehension - For the purposes of this policy, K9 Apprehension is defined as “any incident in which the K9 was released by the handler to effect the arrest of a suspect, regardless if the apprehension was made or the K9 bit or scratched any individual.

Response to Resistance Review

The Portsmouth Police Department’s current management and review of Response to Resistance reporting is the responsibility of the Professional Standards Division. Officers who respond to resistance based on the criteria listed above, are required to complete a department RTR Form prior to the end of their tour of duty. The form is turned in to the Shift Commander who reviews it for completeness and accuracy. The form is then forwarded to the Captain of Patrol. After review by the Captain of Patrol, the form is forwarded to the Professional Standards Division. The Professional Standards Lieutenant enters the data from the forms in to Guardian Tracking. At the completion of each month, the Professional Standards Lieutenant runs an RTR report in Guardian Tracking and sends it to the RTR Committee. The RTR Committee analyzes each incident by reading the associated reports. The Committee members report back to the Professional Standards Lieutenant on whether or not the response to resistance used was appropriate and within the guidelines of state law and department policy. Any discrepancies are discussed and an appropriate disposition is delivered. Dispositions can range from remedial training, discipline, or policy modification. The Professional Standards Lieutenant adds a comment in each Guardian Tracking entry with the disposition of the Committee review, and if further action is needed, ensures that is followed through with. All hardcopy files are stored in the Professional Standards Division.

Response to Resistance Complaints

The Professional Standards Division reviews practices and procedures of the department in order to ensure compliance with its policies. The Professional Standards Division investigates all internal and external

complaints of misconduct. Police Supervisory personnel in conjunction with the Professional Standards Division investigate complaints of excessive Response to Resistance. The Professional Standards Division reviews each complaint/incident to determine if appropriate force was utilized. When a complaint of excessive force is filed, the investigating officer will file an appropriate report, which will indicate the appropriate adjudication and disposition upon the finding of fact. The adjudication shall be classified as one of the following:

- a. **Sustained:** The allegation(s) is/are substantiated.
- b. **Unfounded:** The allegation(s) is/are false or not factual.
- c. **Exonerated:** The incident occurred but, the member(s) employee(s) acted lawfully and in proper fashion.
- d. **Not sustained:** The allegation was not substantiated and there was insufficient evidence to prove or disprove the allegation(s).
- e. **Policy Failure:** The investigation discloses the alleged act was within the rules and regulations and policies of the department, and that the procedure was not consistent with federal or state law.

Conclusion

As displayed in the attached graph, the Portsmouth Police Department recorded 119 Response to Resistance reports in 2020 as compared to 2019 in which there were 144 Response to Resistance reports. This represents a 17% decrease from 2019. Of those 119 total RTR incidents, 85, or 74% were instances where the officers responded to resistance by utilizing Hands On Techniques. From a percentage standpoint, the difference between the two years represents no change. The next highest category was Challenge with a Firearm with 28 instances followed by utilizing the RIPP Hobble Restraint with 11.

There were 612 total in-custody arrests in 2020, which is a decrease by 25% when compared to the 821 in-custody arrests in 2019. To clear, in-custody arrest statistics were gathered using CrimeView and include only those arrests where someone was physically taken into custody and eventually bailed at the police station. The numbers do not reflect arrest reports which are completed when an arrestee is released on a hand summons while still on scene. Of the 612 custodial arrest in 2020, response to resistance was needed on 46 occasions which equates to 7%. By comparison, 7% of the 821 in-custody arrests in 2019 were also RTR related. It's important to note that among all 612 in-custody arrests in 2020, not one resulted in a citizen complaint for excessive force.

In looking at the statistics from 2020, it's important to recognize the significant impact the Covid-19 pandemic had on the core of the Portsmouth Police Department operations. In trying to keep our Officers and the public safe, Officers were instructed to have as little proactive contact with the public as possible. This included less motor vehicle stops and less self-initiated activity both of which usually yield statistically significant in-custody arrest numbers.

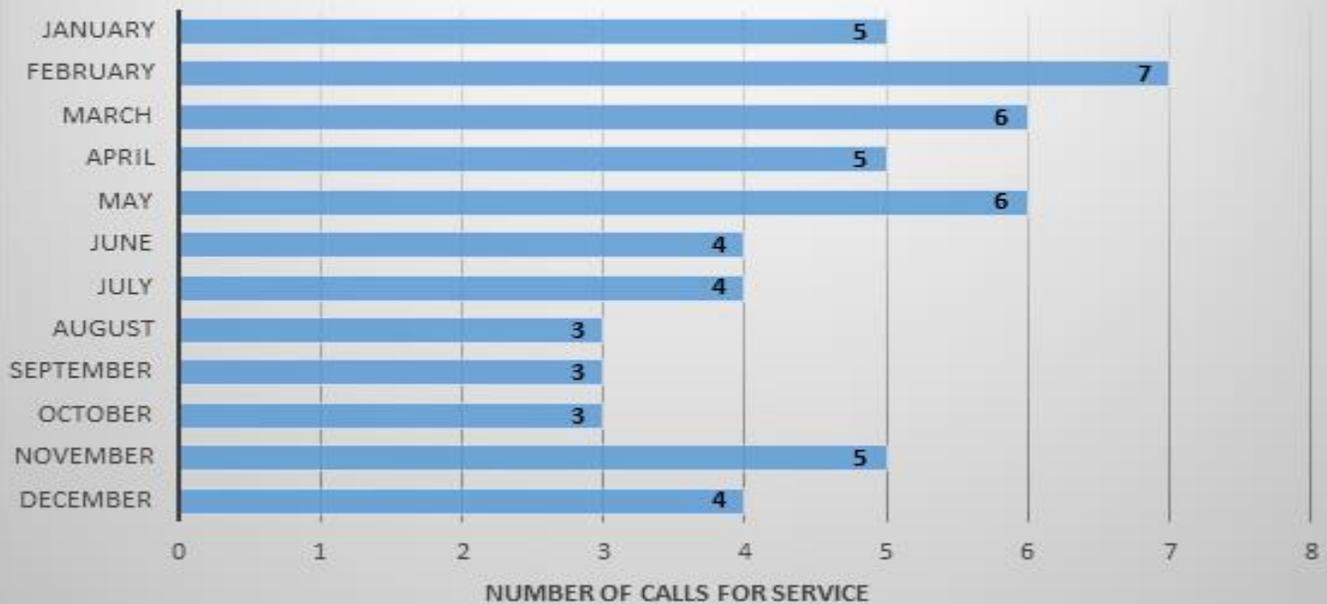
While last year was the first year the data was broken down into three different 8-hour periods which very closely match the department's daily shift deployment, an adjustment was made in 2020. The time frames were broken down into 4-hour increments with the hope to identify more specific trends. As displayed in the graph, it seems most of the RTR incidents occurred between the hours of 11am and 3am. There was an average of 26 RTR incidents during each of the four 4-hour blocks between 11am and 3am in the year 2020.

The Portsmouth Police Department has been collecting data reflecting age, gender and race since June of 2019. While all the data collected is displayed in the attached graph, it should be noted the majority of our RTR incidents occurred with white males between the ages of 18-29.

The Response to Resistance Analysis is an instrument the department utilizes to ensure compliance of federal and state law and departmental regulations. The department continues to provide annual Response to Resistance Training, which encompasses a classroom session, defensive tactics, handcuffing, Taser, Oleo Resin Capsicum, transition/escalation of force and any other contemporary and relevant topics as deemed appropriate by Personnel and Training. As a result of the policy related lessons which were learned after the death of George Floyd in Minneapolis, language regarding de-escalation, duty to intervene, and prohibiting strangulation and choke holds was added to improve the department's Response to Resistance policy. This was also covered in the annual RTR training in 2020.

The Response to Resistance Analysis is also designed as a building block for the department to help recognize, meet and create the challenges of the evolutionary process of training. Recognizing the need for this training will improve and enhance our strengths. The department continues to progress forward with basic skill building in the areas of low light firearms and force on force. We will also continue to provide training in handcuffing strategies, team control and arrest, and transporting officer subject control. While the pandemic in 2020 prevented the department from continuing with progressive in-person training, there remains to be a 100% commitment to RTR training regardless of its format. Reducing liability and employing well-trained officers will always be a top priority goal of the Portsmouth Police Department.

2020 Calls for Service Which Required an RTR



2019 vs. 2020 Comparison of Types of Responses to Resistance Used

