




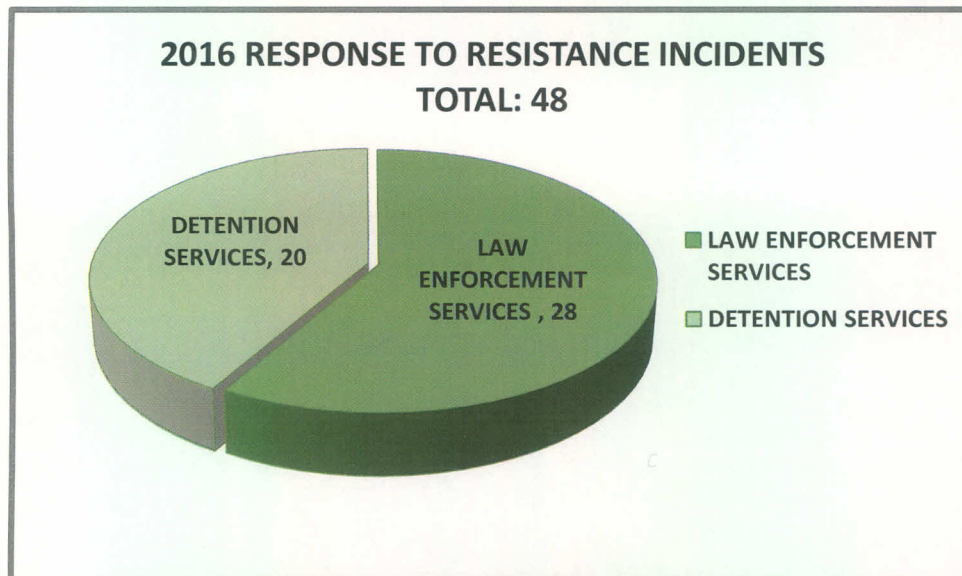
Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

MEMORANDUM

DATE: January 08, 2017
TO: Sheriff Rick Staly
VIA: Chain of Command
FROM: Chief P. Bovino 
RE: Use of Force Analysis – Response to Resistance (RTR)

In accordance with FCSO GO 051.VI.B.22 (Use of Force Analysis), the Training Unit Commander is required to submit via the chain-of-command an analysis of all use of force incidents for the previous calendar year. The purpose of this report is to identify any training deficiencies and/or general order recommendations. For the purpose of this report, Deputy Response levels 1 and 2 (presence and verbal direction) are not included as they occur on a daily basis and are not tracked. The report will be divided into four sections: **Law Enforcement Services**, **Detention Services**, **Analysis** and **Conclusion**. The records used to complete this report were obtained from the Integrity and Accountability Unit (IAU). It should be noted that on April 29, 2016 General Order 022 (Use of Force / Response to Resistance) was amended to reflect the creation of an RTR Matrix. The modification eliminated the need for an RTR report to be completed when deputies utilized techniques such as transporters, take downs, pain compliance and countermoves. These responses are documented in general incident reports only. General incident reports are not included in the following response to resistance analysis.



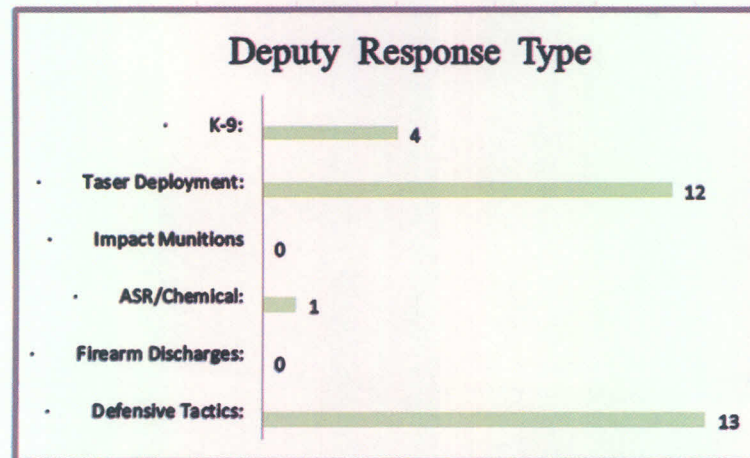
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Law Enforcement:

Deputies were involved in 28 documented response to resistance incidents (down from 30 in 2015). On one occasion, three separate RTRs were utilized on the same suspect due to suspect factors and resistance level. There were a total of 30 documented responses. They are broken down as follows:



Of the documented incidents, the following details were recorded:

- Sex of subject: 4 female and 24 male (28 total).
- Age of subject: The average age was 31, with the youngest being 15 and the oldest 62.
- Subject's Resistance Level: (Level 3=2) (Level 4=20) (Level 5=4) (Level 6=2)
- Deputy's Response Level: (Level 3=12) (Level 4=16) (Level 5=0) (Level 6=0)
- Medical treatment: Of the 28 incidents, 11 minor medical, 1 serious mouth injury
- Incident location: (Outdoor=17) (Indoor=10) (Courthouse=1)
- Subject under influence: Yes=9 No = 8 Unknown=11
- Subject injured: Yes=8 All minor and 1 more serious injury (mouth).
- Deputy Injured: Yes=3 All minor and no sustaining injuries.
- Supervisor review: All were within policy.
- Video recordings: There were 26 cases out of the 28 that were videoed by an Axon camera system. The reasons for no video on 2 incidents were the spontaneity of the event.

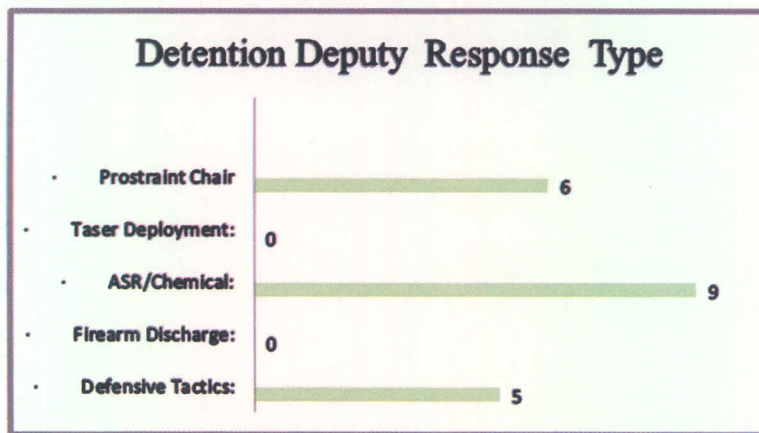
In regards to the **Taser** usages, of the documented 12, the following was recorded:

- Effect: Yes=11 / No=1 (missed probe)
- Deployment type: Probe=7 Drive Stun=5 Display =0
- Times used: (1 Cycle=8) (2 Cycles=4)
- Distance: (0-3Ft=6) (4-7Ft=1) (8-11Ft=3) (12-15Ft=1) (16-20Ft=1)

- Subject injured: 1 secondary injury - fall onto pavement (mouth injury). Unless it manifests into more than a normal probe penetration of the skin, we are not categorizing a probe penetration as an injury.
- Deputy injured: None.
- Supervisor review: All within policy.

Detention Services Division:

Detention Deputies were involved in 20 documented response to resistance incidents (an increase of 1 incident as compared to 19 in 2016). It should be noted that 4 inmates were responsible for 11 of the 20 documented incidents on separate dates. They are broken down as follows:



Of the documented incidents, the following was recorded:

- Sex of subject: 3 female and 17 male.
- Age of subject: The average age was 38, with the youngest being 18 and the oldest 61.
- Subject's Resistance Level: (Level 3=13) (Level 4=5) (Level 5=2) (Level 6=0)
- Deputy's Response Level: (Level 3=20) (Level 4=0) (Level 5=0) (Level 6=0)
- Medical treatment: Of the 20 incidents, there was 1 minor injury reported.
- Subject under influence: Yes=3 No =16 Unknown=1
- Subject injured: No recorded injuries.
- Deputy injured: 1 documented minor injury. No sustaining injury.
- Supervisory review: All within policy.
- Video recordings: All incidents were recorded. There are minor video outages document in the reports.

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Analysis:

Overall, these results reflect a low number of use of force incidents and are consistent with the 2015 statistics. The department had no documented reports of excessive force. All of the response to resistance incidents were within agency policy. Of the 48 incidents, there was one incident where a suspect received a serious dental injury due to a fall after a Taser deployment. Mitigating secondary injuries is part of the training curriculum currently taught at F.C.S.O. during annual Taser training. It is also understood that suspect actions are out of our control and we will have to react in the most prudent manor when taking them into custody. In the above case, the suspect ignored 6 commands by the deputy and then fled on foot after a physical disturbance. Based on the review, I see no specific area that requires a policy change or specific training.

Recommendation:

In 2016, the Training Unit concentrated on de-escalation based scenario training as well as intermediate weapon deployment and use. The agency should continue to use real life scenario based training and hands on force on force training. This type of training places deputies in realistic stressful situations that help prepare them to resolve high risk incidents successfully and with the least amount of force necessary.

In the 2015 analysis I documented the following:

The agency currently has no software installed to track and alert supervisors and command staff of any trends concerning use of force reports. We currently record all incidents in Aegis and this year (2016) I started an excel sheet to record basic details at a glance. We have not seen any issues in regard to excessive use of force. As the department grows it would be beneficial to be able to have a dashboard look at these types of events, so that supervisors and commanders can view them, at any time, within the year and intervene before an issue presents itself. Cpl. Davis has received quotes for this type of software and can be consulted for further information. End.

We have not made any improvements in this area and the creation of reports such as this one are extremely time consuming due to having to research many paper documents. This could be alleviated with a program designed to record all trackable information while running monthly or annual reports.

Conclusion:

There is consistency in response to resistance from members and all involved deputies demonstrated the ability to only use that level of force necessary to control the subjects and then de-escalate their response with no further incidents. The Training Unit has prioritized this approach over several years of in-service training. In-service training has continued to focus on the proper deployment of defensive tactics, impact weapons and less lethal options. We have

conducted role playing scenarios allowing officers to defuse tense situations and demonstrate proficiency with an array of simulated training weapons in force-on-force exercises.

The Axon video cameras are deployed with the majority of patrol deputies and supervisors are able to view a large percentage of these events. Accuracy of the events has increased and some footage has been used as training material. In conclusion, there are no outstanding events or trends that were recorded during the 2016 year.

CC: Accreditation File