



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

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

MEMORANDUM

DATE: January 13, 2021

TO: Sheriff Rick Staly

VIA: Chain of Command *RDE 1-13-21 # 589*

FROM: Commander Ryan Emery

RE: Use of Force Analysis – Response to Resistance (RTR)

In accordance with FCSO GO 051.VI.B.22 (Response to Resistance Analysis), the Training Unit Commander or designee 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 five sections: **Law Enforcement Services**, **Detention Services**, **Taser Deployments**, **Analysis** and **Conclusion**. The records used to complete this report were obtained from Employee Track, where all agency response to resistance incident reports are filed within the Aegis Records Management System. General Order 022 (Response to Resistance) contains a Response to Resistance Matrix (RTR) and does not require a RTR report to be completed when deputies utilized techniques such as transporters, take downs, pain compliance and countermoves unless the subject receives, or complains of injury. These responses are documented in general incident reports only. General incident reports are not included in the following response to resistance analysis.

2020 Response to Resistance Incidents



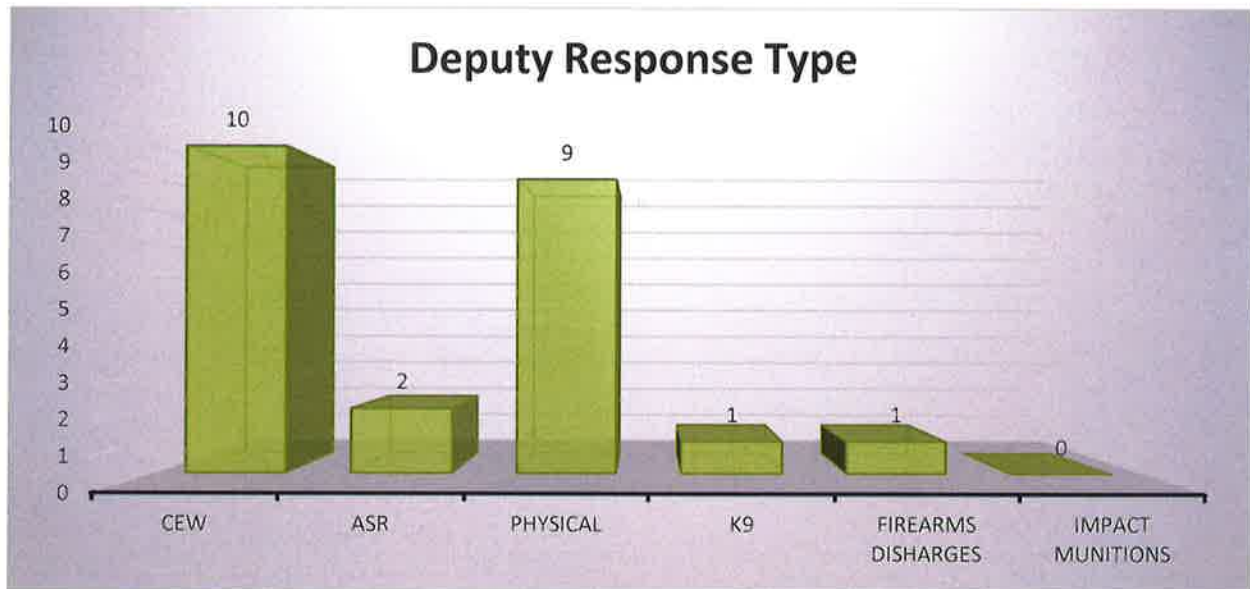
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Law Enforcement:

Deputies were involved in 18 documented response to resistance incidents (15 in 2019 and 21 in 2018). They are broken down as follows and several incidents had more than one response type.



Of the documented incidents, the following details were recorded:

- Sex of subject: 2 female and 16 male (12 Caucasian, 5 African American, 1 Hispanic)
- Age of subject: The average age was 38, with the youngest being 16 and the oldest 63.
- Subject's Resistance Level: (Level 3=1) (Level 4=10) (Level 5=7) (Level 6=1)
- Deputy's Response Level: (Level 3=8) (Level 4=11) (Level 5=0) (Level 6=1)
- Medical treatment: Of the 18 incidents, 11 received medical attention
- Subject under influence: Yes=6 No=2 Unknown=8
- Subject injured: Yes=9 7 minor, 1 major (OIS)
- Deputy Injured: Yes=6 Minor
- Supervisor review: All were within policy.
- Video recordings: 18 out of 18 cases were video recorded and reviewed by a supervisor

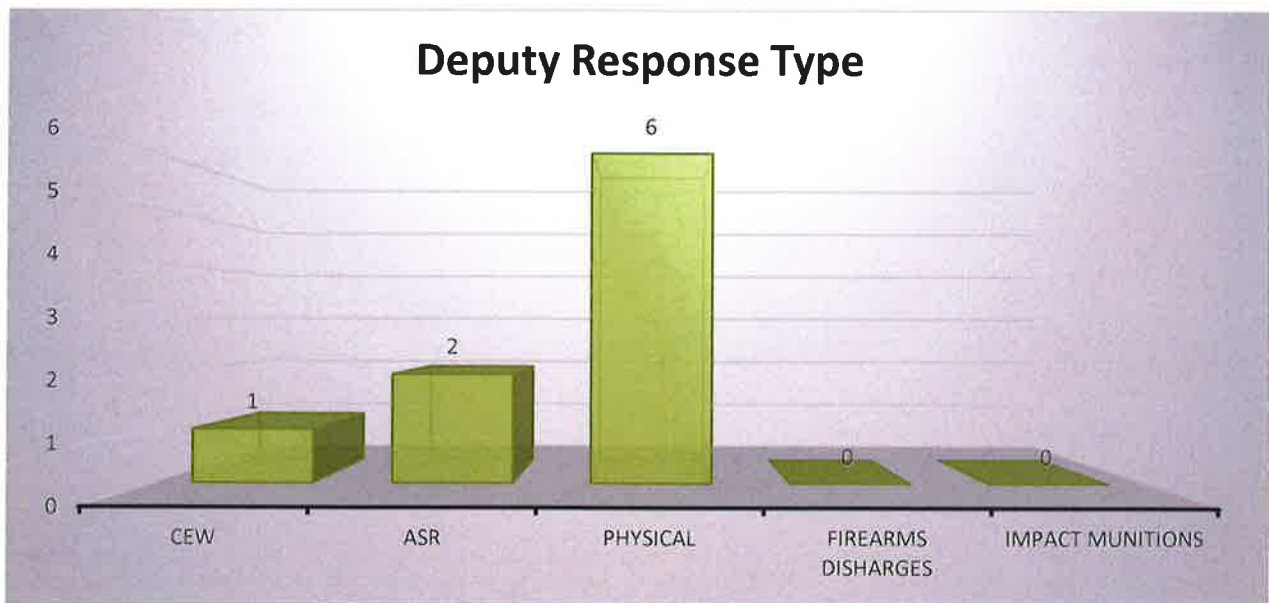
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Detention Services Division:

Detention Deputies were involved in 9 documented response to resistance incidents (11 in 2019, 21 in 2018) with one incident involving the use of ASR and a CEW.



Of the documented incidents, the following were recorded:

- Sex of subject: 3 female and 6 male. (3 Caucasian, 4 African American, 2 Hispanic)
- Age of subject: The average age was 31, with the youngest being 20 and the oldest 54.
- Subject's Resistance Level: (Level 3=3) (Level 4=5) (Level 5=1) (Level 6=0)
- Deputy's Response Level: (Level 3=8) (Level 4=1) (Level 5=0) (Level 6=0)
- Medical treatment: No subjects were transported to the hospital
- Subject under influence: Yes=1 No =4 Unknown=3
- Subject injured: 3 recorded injuries
- Deputy injured: 2 recorded injuries
- Supervisory review: All within policy.
- Video recordings: 8 of 9 incidents were captured on video.

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Taser:

In reference to the Taser usages (Road and Detention), of the documented 11, the following were recorded.

- Effect: Yes=6 / No=5
- Deployment type: Probe Only=7 / Drive Stun Only=4 / Combination=0
- Times used: (1 Cycle=6) (2 Cycles=4)(3 Cycles=0)(4 Cycles=0)
(5 Cycles=0)
- Distance: (0-3Ft=1) (4-7Ft=4) (8-11Ft=1) (12-15Ft=1) (16-20Ft=1)
(21+=0) (N/A=3)
- Subject injured: 1 minor injuries
- Deputy injured: 1
- Supervisor review: All within policy.

Analysis:

Overall, these results reflect a low number of use of force incidents with no change from the 2019 in the total number of Taser incidents. The department had no documented reports of excessive force. All of the response to resistance incidents were within agency policy. Of the combined 27 incidents, there were no significant injuries reported on any of the suspects with the exception of one officer involved shooting. 6 Road Deputies sustained minor injuries and two Corrections Deputies also sustained minor injuries. In 2020, the Training Unit conducted Use of Force training to include General Order review, Taser, Less Lethal Shotgun, and ASR training with a written exam.

The Training Unit conducted decision making simulator training, active shooter training, and first aid training during Deputy Refresher Training in 2020. This training also included de-escalation techniques and appropriate response to resistance to violent encounters.

Recommendation:

All new hire classes receive extensive use of force scenario training prior to being released to the road phase of training and Crisis Intervention Training within their first year of employment. I recommend continual training on the above areas and specifically a continued focus on Crisis Intervention Training.

Conclusion:

There is a consistency in response to resistance from all sworn agency members. All involved deputies demonstrated the ability to use the appropriate amount 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

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demonstrate proficiency with an array of simulated training weapons in force-on-force exercises.

While reviewing the use of force reports within the Community Policing Division, the greatest number of incidents involved a conductive electrical weapon (CEW) or commonly known as a Taser. Axon video cameras are deployed to Sergeants and below within the Community Policing Division and supervisors are able to view a large percentage of these events to ensure accuracy of response to resistance reports. Some footage captured from the Axon video cameras have been used as training material.

In conclusion, there are no outstanding events or trends that were recorded during the 2020 calendar year. The sole recommendation for improving the current procedures is to improve the reporting method to allow standardization of information between all divisions.

CC: Accreditation File