

FREDERICK COUNTY SHERIFF'S OFFICE

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CHARLES A. JENKINS
SHERIFF

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JLH/jlh

TO: Sheriff Charles A. Jenkins

FROM: Captain Jeremy Holler
Administrative Services Commander

REF: 2023 Annual Use of Force Analysis

DATE: January 22, 2024

Overview:

In 2023 Frederick County Sheriff's Office deputies responded to 139,098 calls for service and made 3,158 arrests. The calls for service were a combination of 911 responses and self-generated calls by deputies, which can include traffic stops, patrol checks, WIN (What's Important Now) patrols and other various call types. Force was used in 137 of these calls for service. This translates into force being used in approximately 0.09% of the total incidents and 4.3% of all arrest situations.

The Frederick County Sheriff's Office utilizes Law Enforcement Field Training Systems (LEFTA) as the platform to document and track Use of Force incidents. LEFTA provides a variety of systems used by the Sheriff's Office, and FACTS is the reporting platform specific to Use of Force. The Sheriff's Office Use of Force policy requires one Use of Force report (FACTS) to be completed for each incident that required force instead of separate reports for each deputy involved in the Use of Force, as well as only one report if multiple suspects were involved. For example, if multiple deputies were on scene during an incident and multiple types of force were used, only one FACTS report would be completed. The FACTS report captures all personnel who were involved in the Use of Force under one report, and each deputy is required

to complete their own supplement through I-Leads to further document their actions and their individual force justification for the incident. The I-Leads report, which includes each involved deputy's supplement, is submitted with the FACTS report. Each deputy's Use of Force is reviewed to determine if their action was consistent with training and policy. An extensive review of each FACTS report is conducted through several levels of the chain of command, which can include up to 6 different levels of review.

The Sheriff's Office implemented the use of LEFTA Systems in January of 2021 as the reporting format to track agency Use of Force. The chart below indicates the number of Use of Force reports submitted via LEFTA (FACTS) since its inception in comparison to calls for service and arrests generated by the Sheriff's Office for each year.

Year	Calls for service	Arrests	Use of Force Reports
2021	134,340	2,551	100
2022	140,971	3,328	112
2023	139,098	3,158	137

Use of Force Policy:

The Sheriff's Office Use of Force policy is consistent with Maryland Public Safety Code 3-524, known as the Maryland Use of Force Statute. The sections shown below are only a portion of the Sheriff's Office Use of Force policy.

FCSO General Order 1.3.2- Use of Force

- A. Deputies will use the amount of force which is reasonable to control a situation, effect and maintain an arrest, or defend themselves or others from bodily injury or death, and whenever possible, employ de-escalation techniques. (CALEA 4.1.1)

- B. Deputies must weigh the circumstances of each individual case and employ only the amount of force which is necessary, proportional, and reasonable to control the situation or individuals.

- C. Deadly force may only be used when the deputy reasonably believes the action is in defense of human life, including the deputy's own life, or in defense of any person in imminent danger of serious bodily injury, and, when possible, other means have been reasonably exhausted. (CALEA 4.1.2)

- D. Deputies will ensure appropriate medical aid is administered or provided when needed following any use of force.

De-escalation is also included in the Sheriff's Office Use of Force policy, and a regular part of the agencies training curriculum.

FCSO General Order 1.3.4 – Progressive Use of Force

B. De-escalation of conflict

1. When time, circumstances, and safety permit, officers shall take steps to gain compliance and control a situation without using physical force.
2. Examples may include but are not limited to:
 - a. the use of advisements, warnings, and persuasion;
 - b. attempt to slow down or stabilize the situation so that more time, options, personnel, and resources are available;
3. Deputies should consider whether a subject's lack of compliance is a deliberate attempt to resist or is caused by an inability to comply.

Deputies are taught to de-escalate a situation whenever possible through a variety of ways. This can include verbal communication, removing additional deputies from the immediate scene, or deputies completely withdrawing from the scene or incident depending on the situation. This is a common practice when encountering subjects during a mental crisis or a threat of suicide. Deputies are also trained to use additional resources outside of the agency to include Mobile Crisis. Members of Mobile Crisis routinely ride with deputies during their patrol shifts, and the Sheriff's Office has a designated phone line with Mobile Crisis. Whether or not de-escalation was attempted is captured in our Use of Force (FACTS) reports. Deputies attempted de-escalation 122 times, and the data captured indicates that it was not attempted 25 times. These totals don't match the overall number of FACTS reports. The difference in numbers can be attributed to multiple deputies on scene, and those incidents when the initial deputies on scene attempt de-escalation but deputies arriving mid-incident may immediately respond to assisting other deputies during a use of force that began prior to their arrival. The data comes from all deputies listed on a FACTS report, and each involved deputy has a selection "box" of whether or not de-escalation was attempted.

Police Officers in Maryland are also required to "intervene to prevent or terminate the use of force by another police officer beyond what is authorized" as part of Public Safety Code 3-524. This is also covered in the Sheriff's Office Use of Force policy and is part of our agency training.

FCSO General Order 1.3.8- Duty to Intervene

Any employee who observes another agency employee or public safety associate engaging in any unreasonable use of force or who becomes aware of any violation of departmental policy, state/provincial or federal law, or local ordinance must intervene and notify a supervisor.

Maryland Public Safety Code 3-524 also requires every police officer in Maryland to sign an "affirmative written sanctity of life pledge to respect every human life and act with compassion

toward others”. All sworn employees of the Sheriff’s Office signed the affirmation with the following language included:

“We do hereby pledge that at all times, whether on duty or off duty, we will respect every human life and act with compassion towards others.”

Types of Force:

The Sheriff’s Office documents and captures data related to all types of force used. This includes displaying a firearm or less lethal weapon, the use of those weapons, and weaponless force which can include strikes, control holds and takedowns. The use of our agency K9’s is also captured under a Use of Force report if the K9 is used for an apprehension or “displayed” on the scene of an incident. When additional restraint devices are used outside of the traditional handcuffs, those uses are also captured on a FACTS report.

Deputies have a multitude of less lethal weapons available to aid them in resolving a situation without having to use lethal force. The authorized less lethal weapons include Conducted Electrical Weapons (Taser), Oleoresin Capsicum (OC) spray, baton, impact munitions, chemical munitions, and the tire deflation device (stop sticks). On-duty, uniformed personnel at the rank of Sergeant and below are required to carry on their person at least two less lethal options, and on-duty, plainclothes personnel at the rank of Sergeant and below are required to carry on their person at least one less lethal option.

Force Used:

In 2023, deputies used force a total of 366 times in 137 incidents. This number captures the multitude of force options available to deputies. The significant difference in the total amount of times force was used versus the number of incidents can be attributed to multiple deputies on scene during the given incident or multiple suspects. An example would be 2 deputies displaying their firearms during an incident, and then both of those deputies use weaponless force to gain control of the suspect. This would account for 4 uses of force but would only be documented on one Use of Force (FACTS) report.

Deputies used hands/feet techniques to control and or subdue subjects 105 times in the 137 incidents, which includes control holds, takedowns and strikes. The Monadnock Expandable Baton was used four times in three incidents, but all uses of the baton were for control purposes only, meaning no strikes. The Sheriff’s Office uses additional restraint devices for combative subjects outside of traditional handcuffs. In 2023 these devices included the Hobble Restraint, leg irons, and Spit Hood which is more commonly referred to as a “spit sock”. These devices were used seven times on combative subjects for transport. The Hobble Restraint and leg irons were used three times and the “spit sock” was used once. The Sheriff’s Office discontinued the use of Hobble Restraints during 2023 and transitioned to the use of leg irons only. Personnel were trained on the proper application of leg irons when attempting to apply them to a combative subject. Stop Sticks are used as the primary tool for vehicle intervention. Vehicle intervention was used sixteen times. Fifteen of those were stop sticks, and on one incident a deputy used a Halligan tool to disable a tire on a Semi-Truck. The remaining statistics are captured in the chart

below. The chart indicates the type of force used and differentiates between display only and discharge/deployed of our firearms and less lethal weapons, including K9.

Type of Force	Display Only	Discharge/Deployed
Firearm	164	0
Taser	47	6
OC/Chemical Munitions	2	8
Impact Munitions	2	2
K9	4	0

It should be noted that one of the two discharge/deployments of impact munitions was done to break a car window in effort to gain access to a combative subject inside the vehicle. The subject had an open warrant, was believed to be intoxicated and had fled from the police multiple times. He also rammed an allied agency cruiser with his vehicle. Breaking the window from a distance was the safer alternative for all involved.

Injuries:

Per Sheriff’s Office policy, deputies will obtain medical aid for individuals who show signs of injury, complain of injury or request treatment as a result of the Use of Force.

FCSO General Order 1.3.7- Medical Aid

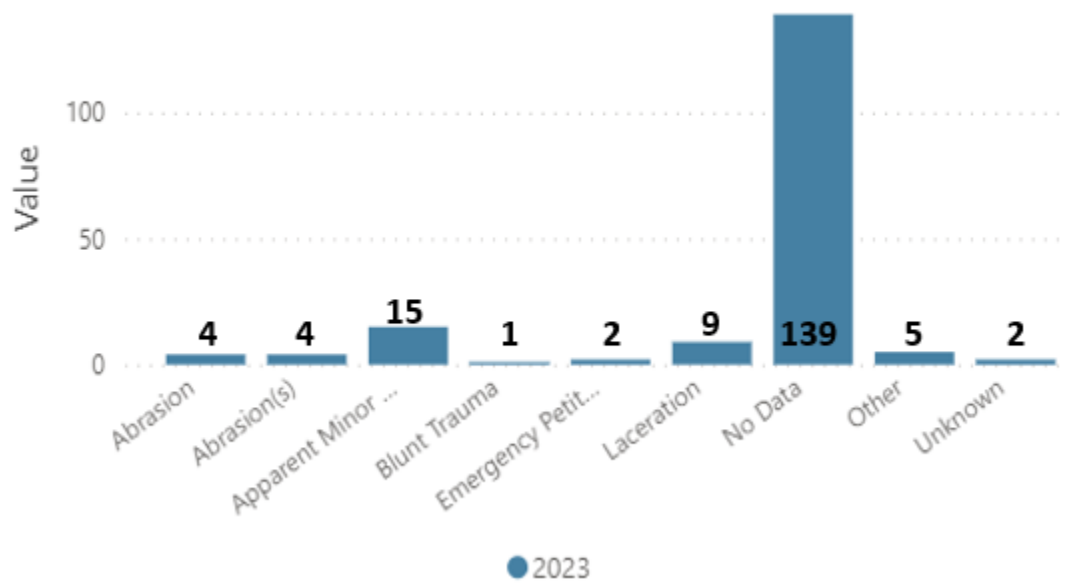
- A. Personnel will render appropriate medical aid consistent, with their training, as quickly as reasonably possible and safe to do so, for individuals
 - 1. Who show signs of injury following any use of force
 - 2. Who complain of injury resulting from a use of force and the person requests it
 - 3. When the involved personnel reasonably believe an individual is in need of medical attention following a use of force

- B. Personnel will request emergency medical response via Communications when:
 - 1. The subject has obvious severe injuries
 - 2. Medical distress is apparent
 - 3. The subject is unconscious
 - 4. In any other circumstance that the personnel on the scene feel the subject needs emergency medical services (CALEA 4.1.5)

Most of injuries reported by suspects during any Use of Force incident were minor in nature, including abrasions, lacerations, OC exposure, Taser probe contacts and complaints of pain.

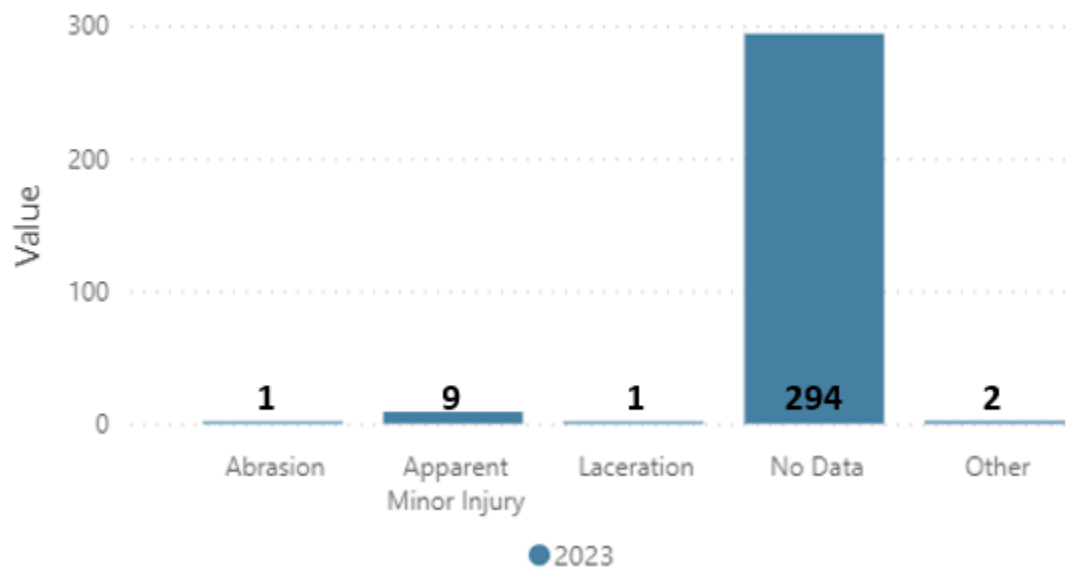
The chart below indicates the types and number of suspect injuries as a result of the Use of Force. The column labeled “no data” represents no injury was reported or observed as a result of the Use of Force. The “pending” category was generated based on how the data was entered for that specific Use of Force, further review of that specific report indicates the injury to the suspect occurred prior to police involvement. Further research into the “other” category revealed that one of the injuries also had abrasion listed as well, three were due to a crash during a vehicle pursuit, and the last one was listed because EMS was called to respond to the scene for a checkup. The injuries labeled “unknown” didn’t have any visible injuries but based on the subject’s erratic behavior deputies had EMS respond to the scene for a checkup.

Suspect Injury Type



The Sheriff’s Office had 13 reported deputy injuries during a Use of Force Incident. Many of the injuries sustained were categorized as abrasions, apparent minor injuries, or lacerations. The “other” category listed below included an incident where the suspect spit in the face of a deputy and kicked him. The remaining incident listed under “other” involved minor injuries to the deputy’s hands, wrist, and knee from a combative suspect. The category titled “No Data” means that no deputies were injured.

Officer Injury Type

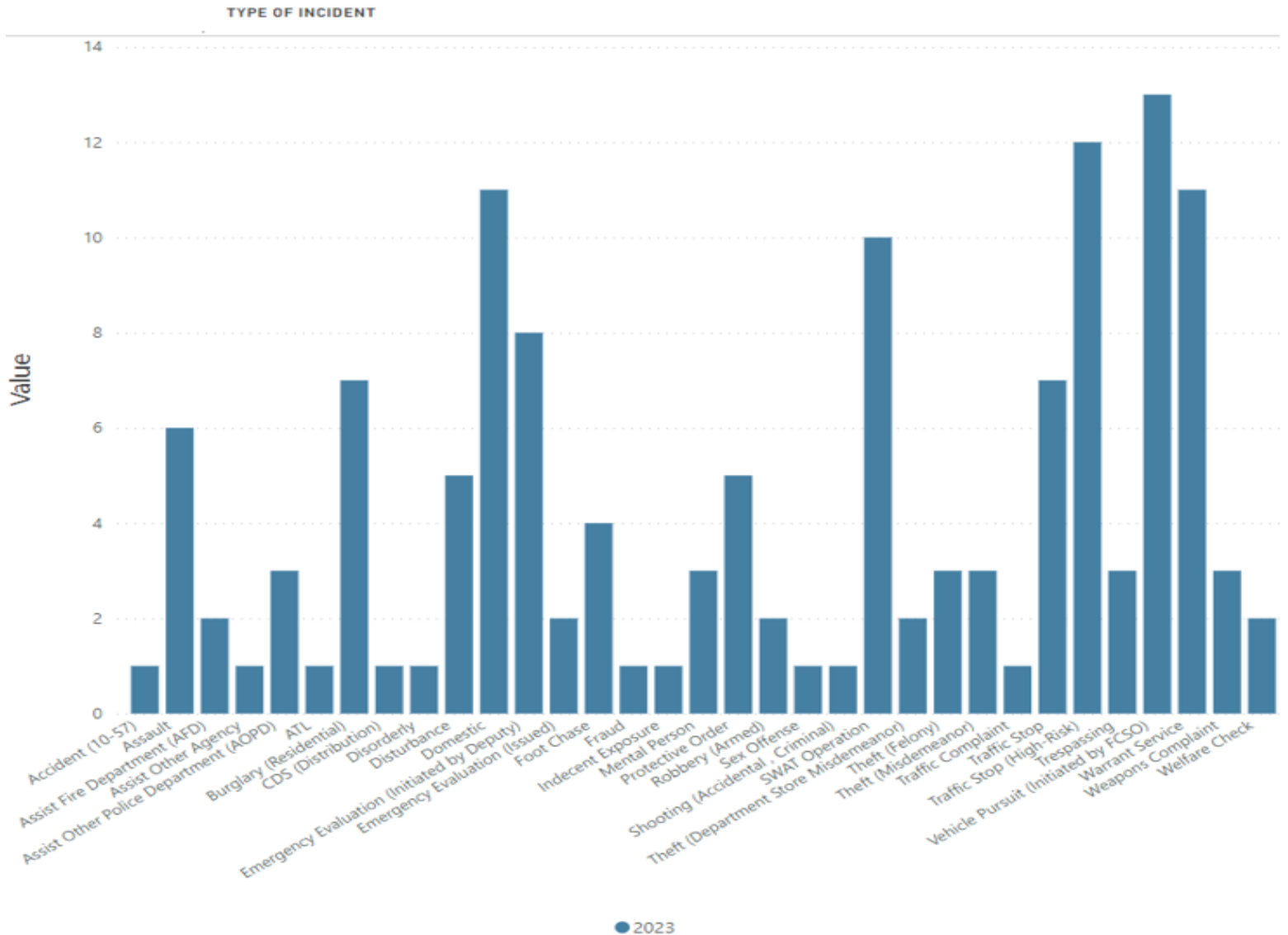


Summary of Use of Force Incidents:

The data captured in FACTS reports allows the Sheriff’s Office to conduct statistical breakdowns related to uses of force to include, types of incidents, day and time of the week, uses of force by month, location of incidents, race and ethnicity breakdowns, gender breakdowns, ages of suspects, and whether the subject involved was a resident of Frederick County.

Types of Incidents:

In 2023 the leading number of Use of Force incidents were generated by calls for service related to mental persons (15). This includes mental person calls, welfare checks, court ordered emergency evaluations, and calls for service resulting in an emergency evaluation initiated by deputies. The second highest Use of Force incidents occurred during vehicle pursuits (13). Domestic calls and Warrant Service calls both accounted for the third highest types of incidents resulting in a Use of Force (11). The chart below includes all incident types that resulted in a Use of Force.



Day and Time of the Week:

The below chart depicts the number of uses of force incidents per hour and day of the week. Tuesday was the day of the week with the highest number of Use of Force incidents (25). The time of day with the highest number of incidents (12) was 2300-2359 hours.

Hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Percent
00:00 < 00:59	1	0	2	0	1	2	3	9	6.57%
01:00 < 01:59	1	0	1	0	0	1	3	6	4.38%
02:00 < 02:59	0	0	1	0	2	1	1	5	3.65%
03:00 < 03:59	0	0	0	1	0	0	2	3	2.19%
04:00 < 04:59	0	0	0	0	0	1	1	2	1.46%
05:00 < 05:59	0	0	0	2	0	0	0	2	1.46%
06:00 < 06:59	0	0	1	1	0	0	0	2	1.46%
07:00 < 07:59	0	1	1	2	0	0	1	5	3.65%
08:00 < 08:59	0	0	1	1	1	0	1	4	2.92%
09:00 < 09:59	1	1	2	0	0	1	1	6	4.38%
10:00 < 10:59	0	1	0	1	1	1	0	4	2.92%
11:00 < 11:59	0	1	1	1	3	1	0	7	5.11%
12:00 < 12:59	0	0	0	1	0	1	0	2	1.46%
13:00 < 13:59	0	1	0	0	2	0	0	3	2.19%
14:00 < 14:59	2	4	0	2	0	0	2	10	7.30%
15:00 < 15:59	1	3	0	1	2	1	2	10	7.30%
16:00 < 16:59	1	2	0	1	1	1	0	6	4.38%
17:00 < 17:59	0	1	2	0	1	3	0	7	5.11%
18:00 < 18:59	1	1	1	1	1	1	0	6	4.38%
19:00 < 19:59	0	1	0	1	1	0	0	3	2.19%
20:00 < 20:59	0	1	1	1	3	1	0	7	5.11%
21:00 < 21:59	1	3	2	0	0	1	0	7	5.11%
22:00 < 22:59	0	2	1	0	3	1	2	9	6.57%
23:00 < 23:59	2	2	2	2	0	2	2	12	8.76%
Total	11	25	19	19	22	20	21	137	100.00%

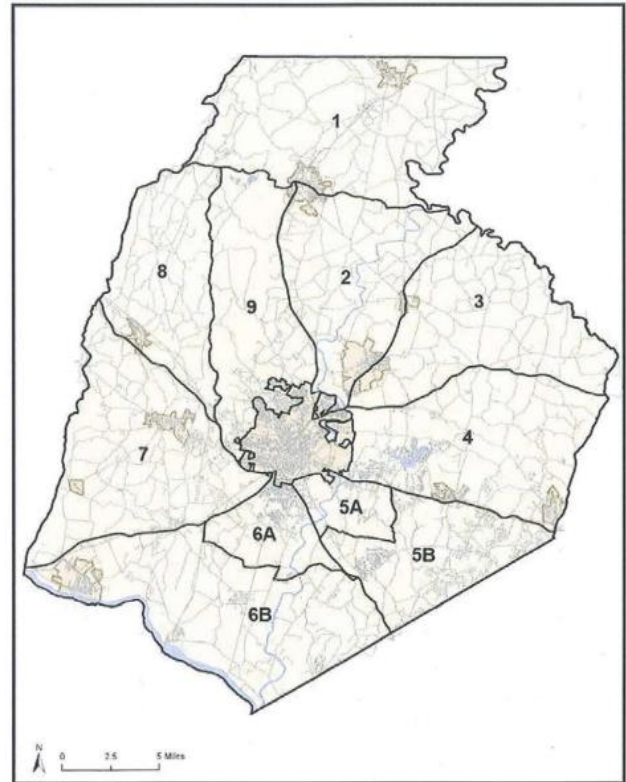
Incidents by Month:

In 2023, the month of May accounted for the highest number of Use of Force incidents (20), followed by March (17), August and September (13), July (12), January and June (11). The incidents in the remaining months were all below 10.

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Count	11	9	17	8	20	11	12	13	13	6	7	10
Percent	8.03%	6.57%	12.41%	5.84%	14.6%	8.03%	8.76%	9.49%	9.49%	4.38%	5.11%	7.3%

Location of Incidents:

The Sheriff’s Office divides Frederick County into 12 assigned patrol areas to deploy their personnel. This allows the Sheriff’s Office to effectively assign the appropriate number of personnel to each area based on call volume and the size of the geographic area. Area 6A accounted for the highest number of Use of Force incidents for the Sheriff’s Office (33). Area 5A accounted for the second highest Use of Force incidents (17), followed by area 10 (15). Areas 6A and 5A generate the highest number of calls for service and are staffed with the most deputies due to call volume. The Sheriff’s Office handled 19,995 calls for service in area 6A, and 17,854 calls for service in area 5A. Areas 6A and 5A are the more densely populated residential areas and also encompass a significant amount of commercial and retail industries within Frederick County. The higher number of Use of Force incidents in these areas is to be expected based on call volume and call type.



The chart below captures all use force incidents in the corresponding areas throughout Frederick County.

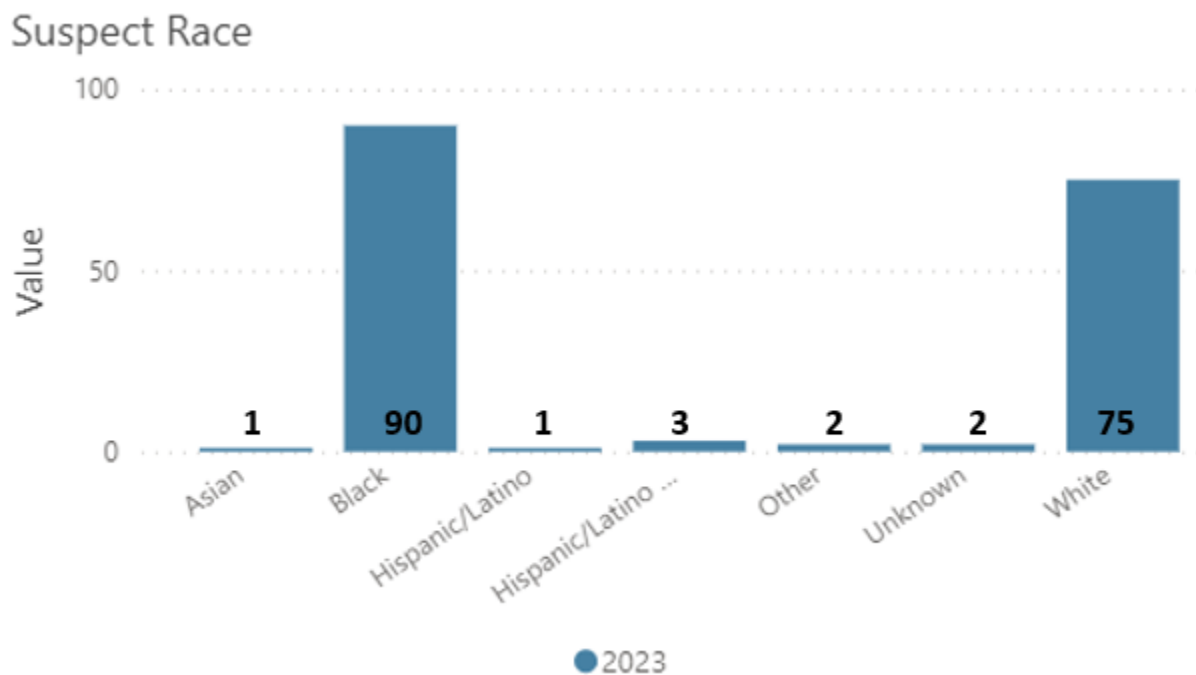
ANALYSIS BY AREA

Area	Percent	Incidents
1	7.30%	10
10	10.95%	15
2	9.49%	13
3	5.84%	8
4	9.49%	13
5A	12.41%	17
5B	4.38%	6
6A	24.09%	33
6B	2.92%	4
7	3.65%	5
8	1.46%	2
9	5.11%	7
Other Maryland County (describe in Narrative Section Below)	2.92%	4
Total	100.00%	137

There were four incidents where force was used by the Sheriff's Office that occurred outside of Frederick County. Three of the incidents involved the Sheriff's Office SWAT team. The SWAT team assists Washington County with various operations as part of our mutual aid agreement. The remaining incident occurred in Mt. Airy, Carroll County. The incident started with a call for service that involved Frederick County students on a school bus while in Frederick County. The students left the bus and walked to a business which was located on the Carroll County side of Mt. Airy. Deputies followed the students to that location, and the incident resulted in a use of force at that location.

Race and Ethnicity Breakdown:

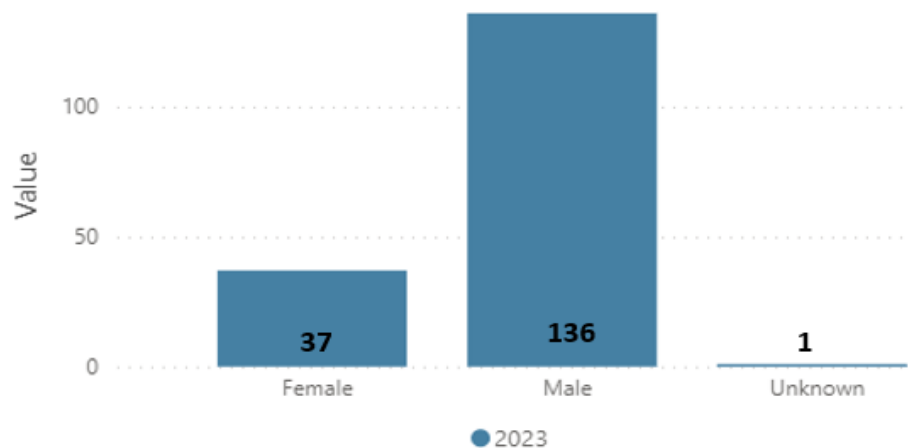
In 2023, a total of 174 people were included in FACTS reports of either having force used on them or were subject to display of lethal or less lethal weapons. Of the 174 people, 75 were white, 90 were black, 4 were Hispanic/Latino, 1 was Asian, 2 were listed as unknown race and 2 were listed as other.



Gender Breakdown:

Of the 174 people included in FACTS reports of either having force used on them or were subject to display of lethal or less lethal weapons, 136 were male and 37 were female. One was listed as unknown. After further research the unknown came from a vehicle pursuit where stop sticks were deployed. The stop sticks were ineffective, and the pursuit was terminated, and the suspect was never located or identified.

Suspect Gender



Ages of Suspects:

The statistical analysis conducted by LEFTA systems separates the ages of suspects whom force was used on or were subject to a display of firearms and or less lethal weapons in the FACTS reports by groups. The highest age group (10-20) accounted for 24.71% of the uses of force. The second highest age group (21-25) accounted for 16.67% of the uses of force. The next age group (26-30) accounted for 15.52%. The remaining age groups were all less than 10% of the reported uses of force.

Residency:

In 2023, out of the 174 subjects that force was used on or were subject to display of weapons, 102 provided an address within Frederick County, 61 provided an address outside of Frederick County, and 11 were listed with an unknown residency.

Use of Force Analysis:

The Frederick County Sheriff's Office has a stringent review policy regarding Use of Force reports. Once the report is completed and reviewed through the deputy's chain of command, the final report goes to Training Services for review, and to analyze the statistical data collected through LEFTA Systems FACTS reports. While conducting this review, there were no patterns or incidents based on the statistics that were out of the ordinary or raise any concerns regarding Use of Force by Sheriff's Office personnel. The number of Use of Force incidents was higher in 2023 compared to 2022. While the number of use of force incidents increased, meaning FACTS reports generated, the number of times force was used by deputies decreased from 404 times in 2022 to 366 times in 2023. On the surface it appears the Sheriff's Office used more force in 2023 based on the number of incidents that generated a FACTS report, but further research shows that less force was used in 2023 versus 2022. This demonstrates that deputies dealt with more incidents that required force but used "less" force to resolve the incident.

This document provides a variety of categories used to analyze and or identify any patterns concerning Use of Force, including race and ethnicity, gender, age, geographic areas, and days and times of the week. Review of these demographics shows that there are no discernable patterns on whom force was used against. Force was used on 0.09% of our calls for service in 2023 versus 0.08% in 2022 and 0.07% in 2021. These statistics show there has been an increase each year, however the increase is so minimal it doesn't raise a concern with our training and policies.

Recommendations:

After conducting this analysis, I do not feel that the Sheriff's Office needs to make any changes to our policies or our training. The training provided has proven to be successful in preparing our personnel to perform their duties at a high level. The recommendation in the 2022 Use of Force Analysis was to increase our agency's training which is not only a benefit to our personnel but to the public in general. Sheriff's Office sworn personnel received a cumulative total of 25,235 hours of training in 2022. In 2023 sworn personnel received 28,754 hours of training which is an increase of 3,519 hours. A significant portion of 2023 in-service training focused on de-escalation, critical thinking, identifying and working through stressful situations, decision making and use of force options. Policy reviews and current case law regarding use of force was also incorporated into training for 2023. The training was a combination of classroom instruction and practical exercises.

In 2023 the Sheriff's Office implemented their Body Worn Camera (BWC) program agency wide to all sworn personnel. The implementation of BWC's was extremely beneficial regarding use of force incidents. The footage from each incident and each deputy on scene is included with the FACTS report and viewed as part of the review process. This also proved to be a valuable training tool in 2023, because some of the footage captured was used to prepare training scenarios for all personnel. The footage captured has also been a valuable tool for agency personnel while conducting incident debriefs. As a part of our BWC program, the Sheriff's Office also received a Virtual Reality (VR) training system. The VR system will include a "library" of training scenarios that will further expose our personnel to a variety of incidents in a controlled environment. We were able to implement a portion of the VR training during 2023, however we are waiting on several updates to the software and VR equipment to make it more

beneficial to our personnel. Once the updates are implemented the Sheriff's Office will be able to include it as part of the training curriculum. It will not take the place of classroom and practical exercises but will be utilized as additional training for all sworn personnel. The VR "scenarios" will focus on de-escalation and appropriate use of force options.

Summary:

In 2023, the Sheriff's Office was consistent with training and policy regarding Use of Force which is consistent with state-wide legislation. As mentioned throughout this document, all aspects of Use of Force are part of the agency's training program. These include, de-escalation, policy and case law review, and the appropriate applications of force. The use and training of de-escalation is covered several times throughout this document and is an integral part of the Sheriff's Office training, policy, and daily practices. This document only captures data on calls for service resulting in a use of force, which was less than 1% of all calls handled by the Sheriff's Office. This document doesn't capture the "successful" uses of de-escalation with a chart or statistic on all the other calls for service where force was not used. De-escalation is always the goal of Sheriff's Office personnel when responding to calls for service. The statistics and analysis in this document support that our personnel are using force which is necessary, proportional, and reasonable to control the situation or individuals.