

# FREDERICK COUNTY SHERIFF'S OFFICE

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**CHARLES A. JENKINS**  
SHERIFF

## DETENTION CENTER/ CENTRAL BOOKING

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JLH/jlh

TO: Sheriff Charles A. Jenkins

FROM: Lieutenant Jeremy Holler  
Training Services Commander

REF: 2022 Annual Use of Force Analysis

DATE: February 15, 2023

### **Overview:**

In 2022 Frederick County Sheriff's Office deputies responded to 140,971 calls for service and made 3,328 arrests. The calls for service were a combination of 911 responses and self-generated calls by deputies, which can include traffic stops, patrol checks, directed patrols and other various call types. Force was used in 112 of these calls for service. This translates into force being used in approximately 0.08% of the total incidents and 3.7% 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) for 2021 and 2022 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

**Use of Force Policy:**

The Sheriff's Office revised its Use of Force policy to reflect the legislative changes that went into effect on July 1, 2022 (Maryland Public Safety Code 3-524 /Maryland Use of Force Statute). The only change to the policy under Use of Force specifically was the addition of the word "proportional" which is reflected below.

**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.

Employing de-escalation techniques is also part of the legislation changes effective July 1, 2022, however, our policy already incorporated de-escalation and it is part of our agency training. 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. Whether or not de-escalation was attempted is captured in our Use of Force (FACTS) reports. Deputies attempted de-escalation 250 times, and the data captured indicates that it was not attempted 23 times.

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.

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:

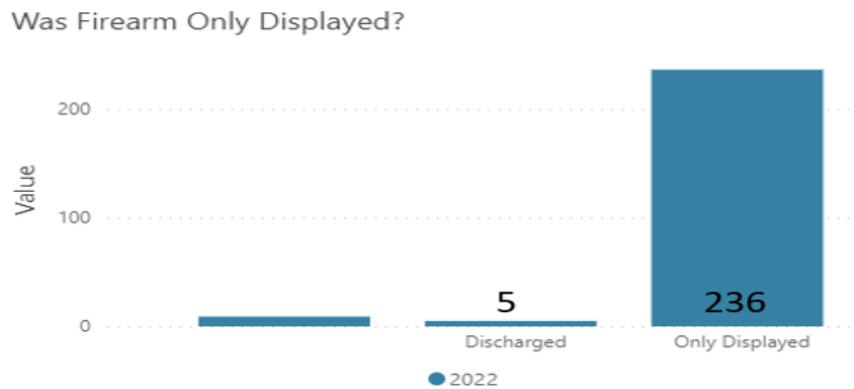
In 2022, deputies used force a total of 404 times in 112 incidents. This number captures the multitude of force options available to deputies. The significant difference in the total amount of times force was used versus the number of incidents can be attributed to multiple deputies on scene during the given incident. 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 99 times in the 112 incidents, which includes control holds and takedowns. A baton was used in 1 incident, but it was used for control purposes only, meaning no strikes. Hobble Restraints were used 7 times on combative subjects, and stop sticks were deployed 6 times. 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	236	5
Taser	21	8
OC	2	5
Impact Munitions	6	1
K9	7	0

The Sheriff’s Office was involved in three separate incidents involving the use of deadly force for a total of five officers discharging firearms. Two of the incidents involved a single deputy who discharged their firearm for that given incident, and the third incident involved three deputies who discharged their firearms. Of the three incidents, one resulted in a fatality. The Maryland Attorney General’s Independent Investigation Division (IID) was contacted for all three of the officer involved shooting incidents. IID did not assume responsibility for two of the investigations, however they did assume control of the investigation for the incident that resulted in death. This investigation is still ongoing.



**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**

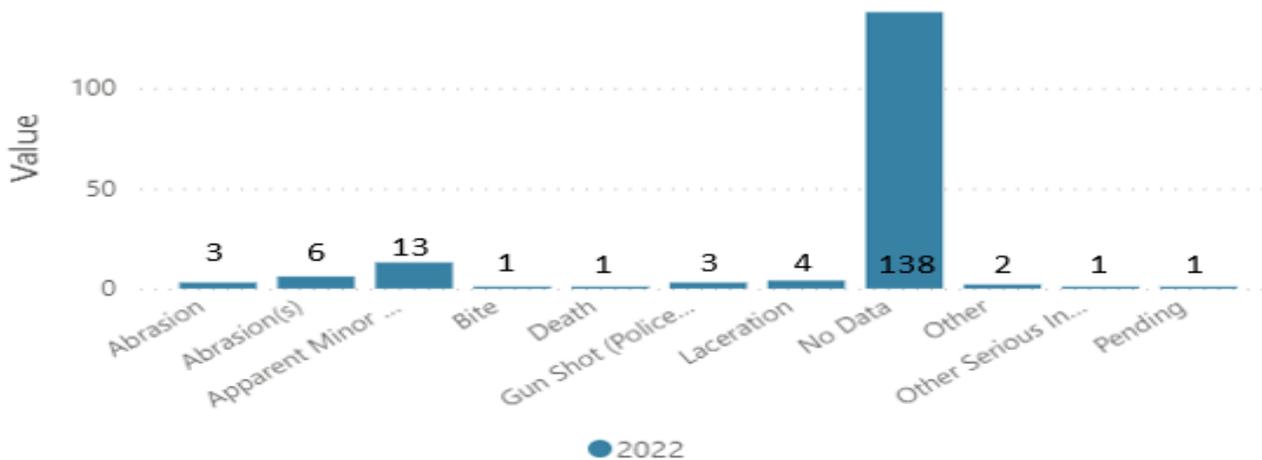
- A. Personnel will render appropriate medical aid consistent, with their training, as quickly as reasonably possible and safe to do so, for individuals;
  - 1. Who show signs of injury following any use of force
  - 2. Who complain of injury resulting from a use of force and the person requests it
  - 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)

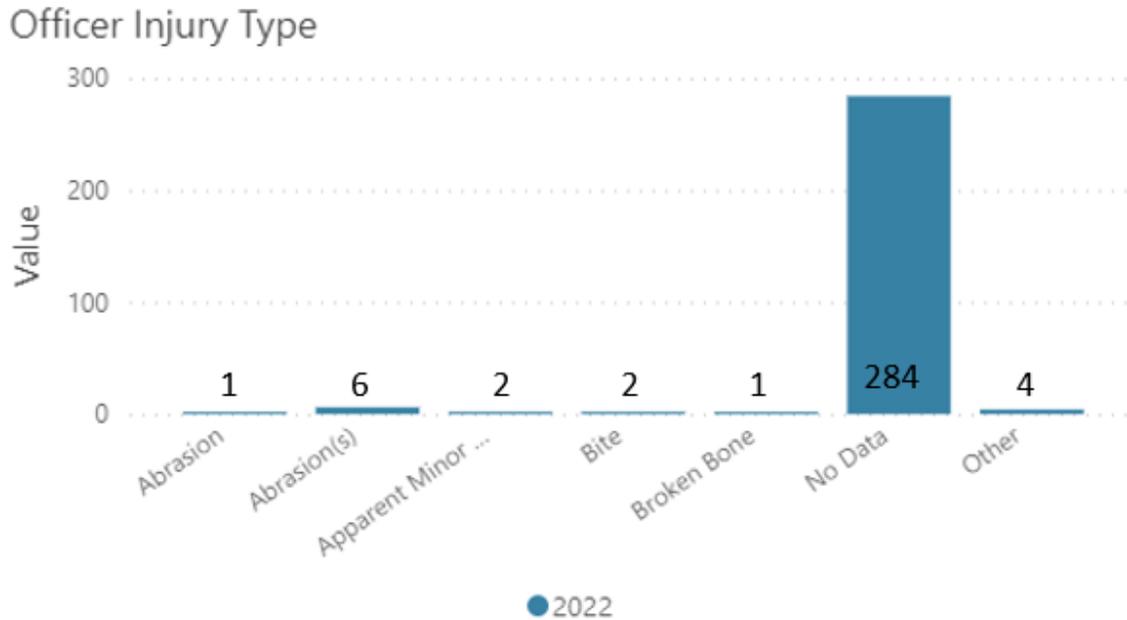
The majority of injuries reported by suspects during any Use of Force incident were minor in nature, including abrasions, lacerations, OC exposure, Taser probe contacts and complaints of pain. In 2022, three subjects were injured by gunshots, one resulting in death. One injury was sustained from an unintentional K9 bite causing a laceration to the subject’s head. The K9 was not “released” on the subject, however while the subject was on ground, he was able to lunge at the K9 who bit him in the head.

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.

Suspect Injury Type



The Sheriff’s Office had 16 reported deputy injuries during a Use of Force Incident. Many of the injuries sustained were categorized as abrasions or apparent minor injuries. The other categories listed below include “bite”, where a suspect bit an officer, broken bone, and other non-classified injuries. Further research of the Use of Force reports where “other” was listed as an injury included an incident where a suspect spit in the face of a deputy, another deputy was exposed to blood from a suspect, and two officers injured their backs during a physical confrontation with a suspect causing them to be on extended sick leave due to their injuries. The category titled “No Data” means that no deputies were injured.

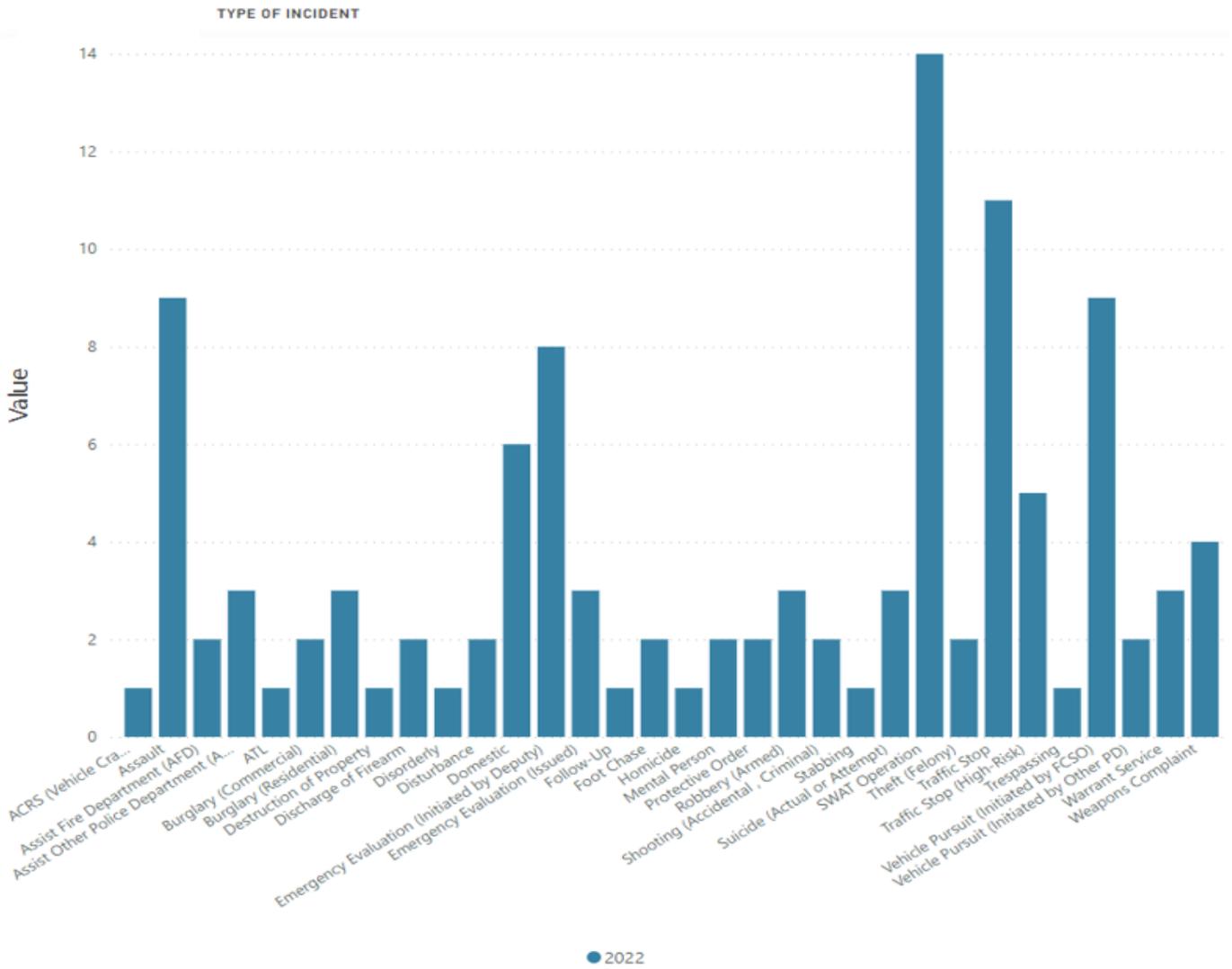


**Summary of Use of Force Incidents:**

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, race and ethnicity breakdowns, gender breakdowns, ages of suspects, day and time of the week, uses of force by month, location of incidents and whether the subject involved was a resident of Frederick County.

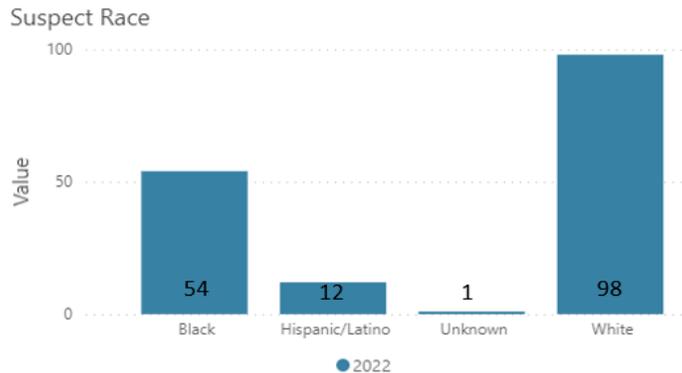
**Types of Incidents:**

In 2022 the leading number of Use of Force incidents were generated by calls for service related to mental persons (17). This includes mental person calls, suicide (actual or attempted), court ordered emergency evaluations, and calls for service resulting in an emergency evaluation initiated by deputies. The second highest Use of Force incidents were a result of SWAT operations (14). This includes search warrants and barricade operations. The SWAT team conducted 27 operations during 2022. SWAT’s use of force included one OC deployment during a barricade incident, and the remaining uses of force were display of weapons. No subjects were injured during any SWAT operations. Traffic stops accounted for the third highest type incident resulting in a Use of Force (11). The chart below includes all incident types that resulted in a Use of Force.



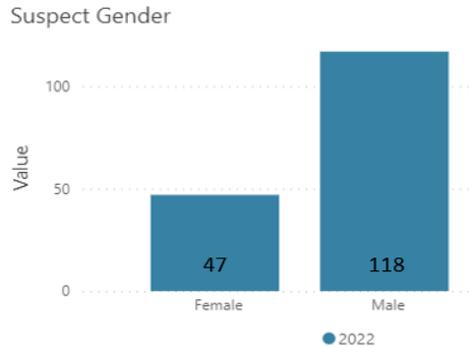
**Race and Ethnicity Breakdown:**

In 2022, a total of 165 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 165 people, 98 were white, 54 were black, 12 were Hispanic/Latino, and 1 was listed as an unknown race.



**Gender Breakdown:**

Of the 165 people included in FACTS reports of either having force used on them or were subject to display of lethal or less lethal weapons, 118 were male and 47 were female.



**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 21.21% of the uses of force. The second highest age group (26-30) accounted for 20.61% of the uses of force. The next age group (31-35) accounted for 15.15%, followed by the age group (21-25) at 11.52%. The remaining age groups were all less than 10% of the reported uses 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. Thursday was the day of the week with the highest number of Use of Force incidents (23). The time of day with the highest number of incidents (10) was 1600-1700 hours.

Hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Percent
00:00 < 00:59	1	1	1	2	1	0	0	6	5.36%
01:00 < 01:59	0	0	0	1	0	1	1	3	2.68%
02:00 < 02:59	0	1	0	0	1	2	0	4	3.57%
03:00 < 03:59	0	1	0	0	0	1	2	4	3.57%
04:00 < 04:59	1	0	0	0	0	0	0	1	0.89%
06:00 < 06:59	0	1	0	1	0	0	0	2	1.79%
07:00 < 07:59	0	1	0	0	0	0	0	1	0.89%
08:00 < 08:59	0	1	1	1	0	0	1	4	3.57%
09:00 < 09:59	1	2	2	1	1	0	0	7	6.25%
10:00 < 10:59	1	1	0	2	3	0	1	8	7.14%
11:00 < 11:59	1	0	1	0	0	0	1	3	2.68%
12:00 < 12:59	0	1	2	1	1	0	0	5	4.46%
13:00 < 13:59	2	0	0	1	0	0	1	4	3.57%
14:00 < 14:59	0	0	1	1	0	0	1	3	2.68%
15:00 < 15:59	0	1	1	2	1	1	1	7	6.25%
16:00 < 16:59	2	0	0	3	2	2	1	10	8.93%
17:00 < 17:59	0	0	1	1	1	0	0	3	2.68%
18:00 < 18:59	0	0	1	0	1	1	1	4	3.57%
19:00 < 19:59	2	0	0	1	1	0	1	5	4.46%
20:00 < 20:59	1	1	3	0	0	0	0	5	4.46%
21:00 < 21:59	2	2	0	3	1	0	1	9	8.04%
22:00 < 22:59	2	1	1	1	0	1	1	7	6.25%
23:00 < 23:59	1	2	0	1	2	1	0	7	6.25%
<b>Total</b>	<b>17</b>	<b>17</b>	<b>15</b>	<b>23</b>	<b>16</b>	<b>10</b>	<b>14</b>	<b>112</b>	<b>100.00%</b>

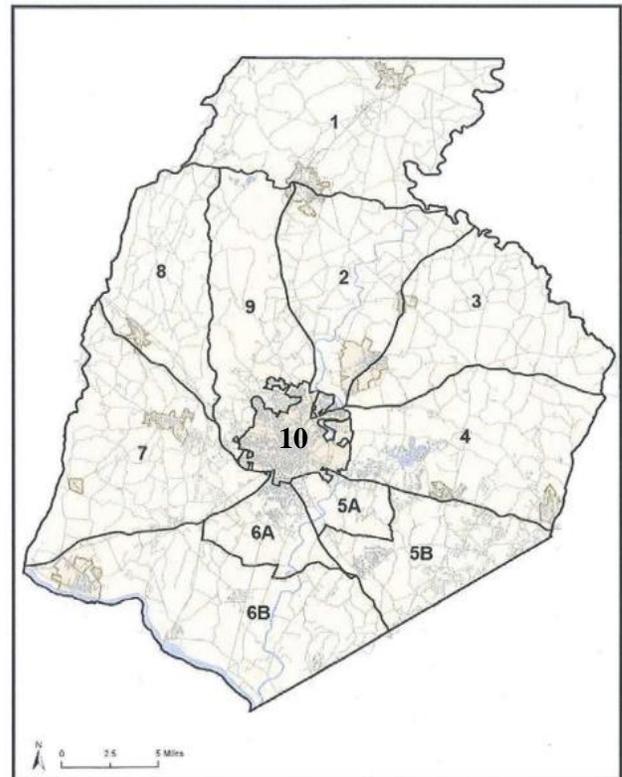
### Incidents by Month:

In 2022, the month of May accounted for the highest number of Use of Force incidents (15), followed by October (14), and September (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	8	9	8	9	15	8	9	9	11	14	8	4
Percent	7.14%	8.04%	7.14%	8.04%	13.39%	7.14%	8.04%	8.04%	9.82%	12.50%	7.14%	3.57%

### Incidents by Area:

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 10 accounted for the highest number of Use of Force incidents for the Sheriff's Office (27). Area 6A accounted for the second highest Use of Force incidents (19), followed by area 5A (16). 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 21,433 calls for service in area 6A, and 15,642 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.



**Area 10** encompasses Frederick City, which is primarily patrolled by the Frederick Police Department. The Sheriff's Office is however the primary agency responsible for the Frederick County Courthouse and three schools (Governor Thomas Johnson High School, Frederick High School, and Heather Ridge School) within Frederick City through our School Resource Officer (SRO) program. The Law Enforcement Center also falls within this area. The Sheriff's Office is the primary agency for the Great Frederick Fair which is located in this area. Our Criminal and Narcotics Investigation Sections all work investigations that include this area, which can result in the service of search and seizure warrants. The Sheriff's Office also assists the Frederick Police department if an incident occurs that requires additional resources. The Sheriff's Office generated 12,153 calls for service in this area. An initial analysis of the number of Use of Force incidents in this area is not consistent with the other statistics based on call volume related to uses of force. Each reported incident resulting in the use of force in area 10 was reviewed to clarify why the number of incidents wasn't consistent with the calls for service. The review of each incident revealed the type of incidents that generated uses of force was consistent with all of the other data captured during 2022. Below is a breakdown of each incident.

<b>Area 10 Incident Type/Location</b>	<b>Use of Force Incidents</b>
School incident (SRO)	3
Search and Seizure Warrant (SWAT)	6
Traffic Stop	10
Law Enforcement Center	2
Assist Frederick Police	3
Courthouse (Court Security)	2
Great Frederick Fair	1
<b>Total</b>	<b>27</b>

Traffic stops accounted for the highest number of Use of Force incidents in area 10. Not all stops were initiated within area 10 however, several traffic stops ended within that area, and that is where force was used, so that is the location captured. It should be noted 1 of the 3 reported Use of Force incidents while assisting Frederick Police involved an off-duty deputy. The deputy observed Frederick Police Officers pursuing a subject on foot, and later learned the subject was involved in discharging a firearm. The deputy assisted Frederick Police with taking the subject into custody by displaying his firearm. Even though the deputy was off duty, due to his intervention and taking police action, his intervention and Use of Force was documented per policy.

**Residency:**

In 2022, out of the 165 subjects that force was used on or were subject to display of weapons, 124 provided an address within Frederick County, 38 provided an address outside of Frederick County, and 3 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. 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 2022 compared to 2021. The higher Use of Force incidents in 2022 was a direct reflection of higher call volume and arrests during 2022. Higher calls for service means more contact with the public which provides explainability for a slight increase in Use of Force incidents in 2022. The area breakdown of Use of Force reports in this document shows that our more populated and higher call areas generated more uses of force compared to the areas that are less populated with lower calls for service. That statistical analysis reinforces the premise that more contact with the public and increased calls for service can generate more Use of Force incidents. Based on this, the increase in Use of Force incidents from 2021 to 2022 is probable due to call volume. 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 0.08% percent of our calls for service for 2022 versus 0.07% of our calls for service in 2021. While there is a very slight increase in that percentage, it is very minimal and 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 only recommendation would be to increase our agency training. In 2023 the Sheriff's Office will outfit all personnel with Body Worn Cameras (BWC) to further document public interaction. This will be an invaluable tool for the agency and will aid in Use of Force reviews and analysis. The footage captured during incidents will be used for debriefs with our personnel as well as releasing the footage to the public in the form of a Critical Incident Presentation. This will demonstrate transparency to the public and can be used to further educate the public on what Sheriff's Office personnel encounter. 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. This will increase the amount of training that Sheriff's Office personnel receive throughout the year. The VR system will not be used to replace our current scenario-based training, instead, it will be used to supplement it. Conducting scenario-based training has proven to be an effective form of training that starts in the police academy. It is however time and manpower intensive and requires a variety of locations to conduct the training. Hands-on scenario-based training will still be a priority, but the VR system will allow additional training to occur using limited space, limited instructors, and no "role-players". The VR system will be housed in the Training Services suite and will be available to personnel during their shifts. Personnel will be able to gain additional training time without reducing service to the citizens of Frederick County.

## **Summary:**

In 2022, the Sheriff's Office adapted to the new legislation related to Use of Force. Our policy was already consistent with the legislation, and our training had already addressed the legislative requirements prior to them becoming law. The most significant area was de-escalation. As captured in the document, de-escalation is part of our policy and has been a part of our training for several years. LEFTA systems affords the agency with the ability to track when de-escalation is attempted. The statistics in this document reinforce that de-escalation is a priority for Sheriff's Office personnel. It is important to note, that this document only applies to incidents that were documented as a Use of Force and it does not include all the calls for service where deputies utilized de-escalation techniques that were successfully resolved without using force. De-escalation techniques will continue to be a part of our training for 2023 and beyond. The Sheriff's Office teaches a class on de-escalation as part of in-service and reinforces the class with scenario-based training where those techniques are used to resolve the scenario. After the multi-layer review process of all the Sheriff's Office uses of force incidents in 2022, they were found to be consistent with training and policy. 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.