

POLK COUNTY SHERIFF'S OFFICE

**OFFICE OF THE SHERIFF
CHIEF OF STAFF**

ADMINISTRATIVE INVESTIGATIONS SECTION



2009 Protective Action Annual Report

April 1, 2010

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INTRODUCTION

Pursuant to P.C.S.O. General Order 1.5 – Protective Action and CALEA Standard 1.3.13, an annual review and analysis regarding the agency use of protective actions has been completed.

The 2009 Protective Action Annual Report provides a comprehensive review of all reported protective actions by agency members during 2009 and provides a detailed summary and analysis of protective action incidents within each department/office, division, and bureau/district component of the agency.

The Sheriff's Office Protective Action Policy is delineated in General Order 1.5 – Protective Action. “It shall be the policy of the Sheriff’s Office to maintain stringent guidelines on the use of protective action by agency members. Authorized members shall be trained in approved methods of self-defense and the agency use of protective action policy prior to assignment to duties where protective action may be used. Members acting within their official capacity may use only that amount of protective action which is reasonably necessary to effect lawful objectives. Justifications for using protective action are those facts known or perceived by a member at the time protective action is utilized. All members shall act in good faith in the exercise of use of protective action to conform with the provisions of Florida Statutes, and with this General Order.”

All members, sworn and certified, are required to report and document the use of a protective action pursuant to General Order 1.5. Department of Law Enforcement and Department of Detention members are required to report, document and compile agency Form #206A – Protective Action Report. All Protective Action Reports are reviewed by supervisory/command staff for policy compliance. All Protective Action Reports are either approved by command staff and/or referred to the proper authority for further review and inquiry/investigation regarding policy compliance and/or training issues.

All approved Protective Action Reports are forwarded to the Administrative Investigations Section (AIS) for review and entry into the Administrative Investigations Management (AIM) System. The data is then tracked for contemporaneous review and reporting purposes in conjunction with the agency’s Early Intervention Program (EIP).

A copy of all approved Protective Action Reports is forwarded to the Training Section for subject matter expert review regarding training/proficiency requirements, equipment, and officer safety issues.

All reported protective action incidents during 2009 involved members assigned to the Department of Law Enforcement and the Department of Detention. There were no reported uses of protective action within the Office of the Sheriff and the Office of Business Affairs during 2009.

2009 PROTECTIVE ACTION INCIDENT SUMMARY

A total of 540 protective action incidents were documented in the Polk County Sheriff's Office for the period from January 1, 2009 through December 31, 2009. This represents an increase of 119 from 2008 (421) as summarized below (Table 1).

Table 1 summarizes the total number of 2009 protective action incidents occurring within the Polk County Sheriff's Office.

2009 PROTECTIVE ACTION INCIDENTS POLK COUNTY SHERIFF'S OFFICE

OFFICE/DEPARTMENT	YEAR 2007	YEAR 2008	YEAR 2009	DIFFERENCE 2007/2008	DIFFERENCE 2008/2009
Office of the Sheriff	0	0	0	<i>No Change</i>	<i>No Change</i>
Department of Law Enforcement - DLE	212	156	208	-56	+52
Department of Detention - DOD	335	265	332	-70	+67
Office of Business Affairs - OBA	0	0	0	<i>No Change</i>	<i>No Change</i>
TOTAL PROTECTIVE ACTION INCIDENTS	547	421	540	-126	+119

TABLE 1
Note: Excludes Accidental Discharge Incidents

SOURCE: PCSO AIM SYSTEM 2010

A review of the reported 2009 protective action data revealed the following:
[CALEA 1.3.13]

Training Issues

Analysis by Training Section subject matter experts did not reveal any patterns or trends that identified any specific training/proficiency issues regarding member use of protective action.

The Training Section subject matter experts revealed during 2009 there had been no accidental discharges during weapon cleaning and they give credit in part to preventive steps taken in 2008 such as placing a chain and signs across the entrance to the cleaning station to serve as reminders to members to ensure their weapons are unloaded.

Policy

Analysis by Command/Supervisor subject matter experts did not reveal any patterns or trends that could indicate the requirement for policy review/modification regarding protective action.

Equipment

Analysis by Training Section subject matter experts did not reveal any patterns or trends that could indicate the requirement for protective action equipment upgrade/acquisition. However, there are plans to add a shooting simulator in 2010 for enhanced officer safety.

2009 PROTECTIVE ACTION INCIDENTS BY BUREAU/DISTRICT
DEPARTMENT OF LAW ENFORCEMENT

A total of 208 protective actions were reported and documented in the Department of Law Enforcement between January 1, 2009 and December 31, 2009. This represents an increase of 52 from 2008 protective action incidents of 156. Table 2 below summarizes the total number of the 208 Department of Law Enforcement protective action incidents occurring within specific divisions and bureaus/districts.

The total number of activity calls in 2009, which includes citizen calls for service as well as self-generated calls for service decreased by 3,358 (273,751 in 2009 versus 277,109 in 2008).

2009 PROTECTIVE ACTION INCIDENTS BY BUREAU/DISTRICT
DEPARTMENT OF LAW ENFORCEMENT

BUREAU/DISTRICT	PHYSICAL CONTACT	NON-LETHAL WEAPON	DEADLY PROTECTIVE ACTION	TOTAL
Bureau of Criminal Investigations – BCI	0	0	1	1
Bureau of Special Investigations – BSI	0	1	0	1
<i>CRIMINAL INVESTIGATIONS DIVISION</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>2</i>
Bureau of Support Services - BSS	0	3	0	3
Bureau of Support Operations - BSO	0	0	4	4
<i>SPECIAL OPERATIONS DIVISION</i>	<i>0</i>	<i>3</i>	<i>4</i>	<i>7</i>
Central District - CEN	0	31	3	34
Northeast District - NE	0	18	9	27
Southeast District - SE	3	33	5	41
<i>EAST DIVISION</i>	<i>3</i>	<i>82</i>	<i>17</i>	<i>102</i>
Northwest District - NW	4	42	5	51
Southwest District - SW	1	36	9	46
<i>WEST DIVISION</i>	<i>5</i>	<i>78</i>	<i>14</i>	<i>97</i>
TOTAL EACH LEVEL – 2009	8	164	36	208

TABLE 2
 Note: Excludes Accidental Discharge Incidents

SOURCE: PCSO AIM SYSTEM 2010

2009 PROTECTIVE ACTION INCIDENTS BY BUREAU/FACILITY
DEPARTMENT OF DETENTION

A total of 332 protective action incidents were reported and documented within the Department of Detention between January 1, 2009 and December 31, 2009. This represents an increase of 67 from 2008 protective action incidents of 265.

The total number of Department of Detention housed inmates in 2009 decreased by 232 inmates (30,037 in 2009 versus 30,269 in 2008.)

Table 3 summarizes the total number of 2009 Department of Detention protective action incidents occurring within specific divisions and bureaus/facilities.

2009 PROTECTIVE ACTION INCIDENTS BY BUREAU/FACILITY
DEPARTMENT OF DETENTION

BUREAU / FACILITY	PHYSICAL CONTACT	NON-LETHAL WEAPONS	DEADLY PROTECTIVE ACTIONS	TOTAL
Central County Jail - CCJ	70	36	0	106
South County Jail - SCJ	85	96	0	181
<i>SECURITY DIVISION</i>	<i>155</i>	<i>132</i>	<i>0</i>	<i>287</i>
Court & Support Services - C&SS	8	0	0	8
Intake and Records Bureau - I&RB	35	2	0	37
<i>SUPPORT DIVISION</i>	<i>43</i>	<i>2</i>	<i>0</i>	<i>45</i>
TOTAL-EACH LEVEL – 2009	198	134	0	332

TABLE 3
Note: Excludes Accidental Discharge Incidents

SOURCE: PCSO AIM SYSTEM 2010

2009 DEADLY PROTECTIVE ACTION SUMMARY

There were no deadly protective actions reported in the Office of the Sheriff, the Office of Business Affairs, or in the Department of Detention in 2009.

The Department of Law Enforcement reported two (2) instances of deadly protective action (firearms) against individuals and thirty-four (34) deadly protective actions involving injured or dangerous animals, equaling a total of thirty-six (36) instances of deadly protective action in 2009. This represents an increase of 15 from 2008 (21).

An analysis of the thirty-four (34) deadly protective action incidents involving injured or dangerous animals revealed the following: that all involved the use of agency-issued firearms and that all were properly reported, documented and approved by supervisory/command staff, requiring no further inquiry/investigation. Further, it was determined that no policy violations occurred during these protective actions.

The two (2) instances of deadly protective action (firearms) against individuals were documented and assigned a complaint referral (CR) number. In accordance with G.O. 52.1 – Administrative Inquiries and Investigations, these incidents were investigated by the Administrative Investigations Section and resulted in the following:

1. AI09-16. On 3/22/09, two PCSO law enforcement deputies utilized deadly protective action during a call for service involving a subject who was a suspect in an unrelated shooting earlier that night. Upon making contact with the subject who was in possession of a pistol, the deputies identified themselves as law enforcement officers. The subject then pointed the pistol at the two deputies and both deputies then utilized agency-issued firearms and shot the subject who was pronounced dead at the scene. The administrative investigation concluded on 7/24/09 with a finding of “Other; No Violation Noted.”
2. AI09-41. On 5/14/09, three PCSO law enforcement deputies utilized deadly protective action while they were attempting to locate a suspect who was in possession of a firearm. The deputies identified themselves as law enforcement officers. The suspect then pointed the firearm at two of the deputies and the three deputies then utilized their agency-issued firearms and shot the suspect who was later pronounced dead at Winter Haven Hospital. The administrative investigation concluded on 10/23/09 with a finding of “Other; No Violation Noted.”

Table 4 summarizes the total number of 2009 Department of Law Enforcement deadly protective action incidents occurring within specific districts/bureaus.

2009 DEADLY PROTECTIVE ACTION INCIDENTS BY BUREAU/DISTRICT
DEPARTMENT OF LAW ENFORCEMENT

DISTRICT/BUREAU	2007		2008		2009		DIFFERENCE- DEADLY P/A AGAINST PERSONS		DIFFERENCE- DEADLY P/A AGAINST ANIMALS	
	AGAINST PERSONS	AGAINST ANIMALS	AGAINST PERSONS	AGAINST ANIMALS	AGAINST PERSONS	AGAINST ANIMALS	2007- 2008	2008- 2009	2007- 2008	2008- 2009
	Bureau of Criminal Investigations - BCI	0	0	0	0	0	1	N/C**	N/C	N/C
Bureau of Special Investigations - BSI	0	0	1	0	0	0	+1	-1	N/C	N/C
Bureau of Support Operations- BSO	0	4	0	3	0	4	N/C	N/C	-1	+1
Bureau of Support Services - BSS	0	2	0	0	0	0	N/C	N/C	-2	N/C
Central District *	0	0	0	0	1	2	N/C	+1	N/C	+2
Northeast District - NE	0	0	0	5	0	9	N/C	N/C	+5	+4
Southeast District - SE	0	4	1	5	0	5	+1	-1	+1	N/C
Northwest District - NW	0	2	1	2	0	5	+1	-1	N/C	+3
Southwest District - SW	0	2	0	3	1	8	N/C	+1	+1	+5
TOTAL DEADLY PROTECTIVE ACTION INCIDENTS	0	14	3	18	2	34	+3	-1	+4	+16

*Central District originated as a result of redistricting and did not exist prior To 2009.

**N/C = No Change

TABLE 4
Note: Excludes Accidental Discharge Incidents.

SOURCE: PCSO AIM SYSTEM 2010

2009 ELECTROMUSCULAR DISRUPTION (EMD) DEVICE PROTECTIVE ACTION INCIDENTS

There were no reported protective action incidents involving the use of Electromuscular Disruption (EMD) devices (Taser®) within the Office of the Sheriff or the Office of Business Affairs during 2009.

There were 118 reported Department of Law Enforcement protective action incidents in 2009 involving the use of EMDs. This represents an increase of 31 from 2008 (87) as summarized below (Table 5). All incidents were properly reported and documented. All Protective Action Reports were reviewed and approved by supervisory/command staff, requiring no further inquiry/investigation. No policy violations were noted.

There were 3 reported Department of Detention protective action incidents in 2009 involving the use of EMDs. This represents a decrease of 4 from 2008 (7) as summarized on Page 11 (Table 6.) All incidents were properly reported and documented. All Protective Action Reports were reviewed and approved by supervisory/command staff, requiring no further inquiry/investigation. No policy violations were noted.

An analysis completed by the Training Section subject matter experts of all reported 2009 EMD protective action incidents revealed no patterns or trends that would require equipment upgrades, in-service training and/or policy modifications.

Table 5 summarizes the total number of 2009 Department of Law Enforcement EMD protective action incidents occurring within specific divisions and bureaus/districts.

**2009 EMD PROTECTIVE ACTION INCIDENTS BY BUREAU/DISTRICT
DEPARTMENT OF LAW ENFORCEMENT**

BUREAU/DISTRICT	YEAR 2007	YEAR 2008	YEAR 2009	DIFFERENCE 2007/2008	DIFFERENCE 2008/2009
Bureau of Criminal Investigations– BCI	0	0	0	<i>No Change</i>	<i>No Change</i>
Bureau of Special Investigations – BSI	1	0	1	<i>-1</i>	<i>+1</i>
Bureau of Support Services - BSS	0	0	0	<i>No Change</i>	<i>No Change</i>
Bureau of Support Operations - BSO	0	0	0	<i>No Change</i>	<i>No Change</i>
Central District – CEN *	0	0	28	<i>No Change</i>	<i>+28</i>
Northeast District - NE	21	22	13	<i>+1</i>	<i>-9</i>
Southeast District - SE	63	26	25	<i>-37</i>	<i>-1</i>
Northwest District - NW	26	20	26	<i>-6</i>	<i>+6</i>
Southwest District - SW	32	19	25	<i>-13</i>	<i>+6</i>
TOTAL EMD PROTECTIVE ACTION INCIDENTS	143	87	118	<i>-56</i>	<i>+31</i>

*Central District originated as a result of redistricting and did not exist prior To 2009.

TABLE 5

Note: Excludes Accidental Discharge Incidents.

SOURCE: PCSO AIM SYSTEM 2010

Table 6 summarizes the total number of 2009 Department of Detention EMD protective action incidents occurring within specific divisions and bureaus/facilities.

2009 EMD PROTECTIVE ACTION INCIDENTS BY BUREAU/FACILITY
DEPARTMENT OF DETENTION

BUREAU / FACILITY	YEAR 2007	YEAR 2008	YEAR 2009	DIFFERENCE 2007/2008	DIFFERENCE 2008/2009
Central County Jail - CCJ	1	6	2	<i>+5</i>	<i>-4</i>
South County Jail - SCJ	1	1	0	<i>No Change</i>	<i>-1</i>
SECURITY DIVISION	2	7	2	<i>+5</i>	<i>-5</i>
Court & Support Services - C&SS	0	0	0	<i>No Change</i>	<i>No Change</i>
Intake and Records Bureau - I&RB	0	0	1	<i>No Change</i>	<i>+1</i>
SUPPORT DIVISION	0	0	1	<i>No Change</i>	<i>+1</i>
TOTAL EMD PROTECTIVE ACTION INCIDENTS	2	7	3	<i>+5</i>	<i>-4</i>

TABLE 6

Note: Excludes Accidental Discharge Incidents.

SOURCE: PCSO AIM SYSTEM 2010

2009 CANINE PROTECTIVE ACTION INCIDENTS

There were 35 reported Department of Law Enforcement protective action incidents in 2009, involving the use of agency canines. This represents an increase of 5 from 2008 (30) as summarized below (Table 7). All incidents were properly reported and documented. All Protective Action Reports were reviewed and approved by supervisory/command staff, requiring no further inquiry/investigation. No policy violations were noted.

Table 7 summarizes the total number of 2009 Department of Law Enforcement canine protective action incidents occurring within specific divisions and bureaus/districts.

2009 CANINE PROTECTIVE ACTION INCIDENTS BY BUREAU / DISTRICT DEPARTMENT OF LAW ENFORCEMENT

DISTRICT/BUREAU	YEAR 2007	YEAR 2008	YEAR 2009	<i>DIFFERENCE 2007/2008</i>	<i>DIFFERENCE 2008/2009</i>
Bureau of Criminal Investigations - BCI	0	0	0	<i>No Change</i>	<i>No Change</i>
Bureau of Special Investigations - BSI	0	0	0	<i>No Change</i>	<i>No Change</i>
Bureau of Support Services - BSS	0	0	0	<i>No Change</i>	<i>No Change</i>
Bureau of Support Operations - BSO	0	0	0	<i>No Change</i>	<i>No Change</i>
Central District – CEN *	0	3	3	<i>+3</i>	<i>No Change</i>
Northeast District - NE	3	5	3	<i>+2</i>	<i>-2</i>
Southeast District - SE	2	6	6	<i>+4</i>	<i>No Change</i>
Northwest District - NW	4	6	14	<i>+2</i>	<i>+8</i>
Southwest District - SW	12	10	9	<i>-2</i>	<i>-1</i>
TOTAL CANINE PROTECTIVE ACTION INCIDENTS	21	30	35	<i>+9</i>	<i>+5</i>

*Central District originated as a result of redistricting and did not exist prior To 2009.

TABLE 7

SOURCE: PCSO AIM SYSTEM 2010

EARLY INTERVENTION PROGRAM (EIP) ALERTS

A comprehensive Early Intervention Program (EIP) system is an essential component of good discipline in a well-managed law enforcement agency. The EIP is a supervisory/management tool to systematically assess various factors related to a member's performance and behavior.

The EIP is designed to identify potential below standard performance issues and resolve them by early intervention. The early intervention of these potential below standard performance issues and appropriate follow-up intervention/remedial actions shall increase the agency's accountability and offer members a better opportunity to achieve the agency's Core Values and Mission.

During the year 2009, there were two (2) EIP alerts initiated involving the use of protective actions as outlined below:

1. TN09-001, a combination alert was generated regarding three (3) disciplinary actions, one (1) administrative inquiry and one (1) protective action utilizing a non-lethal weapon, within a consecutive 365-day period. The Tracking Notification was forwarded to the member's district captain for review and disposition. The member's command/supervisory chain of command reviewed the tracking notification with the member and no further action was required.
2. TN09-006, a protective action alert was generated regarding four (4) uses of non-lethal weapons (3-canine and 1-EMD (Taser®) and one (1) use of a handgun on an animal, all within a consecutive 180-day period. The Tracking Notification was forwarded to the member's district captain for review and disposition. The member's command/supervisory chain of command reviewed the tracking notification with the member and no further action was required.

2009 ARRESTS INVOLVING THE USE OF PROTECTIVE ACTION

A total of 19,363 arrests by PCSO Law Enforcement Deputies were reported and documented between January 1, 2009 and December 31, 2009. This represents an increase of 795 from 2008 (18,568). During the course of these arrests, PCSO Deputies utilized 161 protective actions involving the use of non-lethal weapons or that were deadly protective actions. This represents an increase of 45 from 2008 (116) as summarized below (Table 8). While the one-year comparison of the number of arrests involving protective actions in 2008 is significantly lower than 2007 and 2009, a check of the percentage of overall arrests involving the use of protective actions has remained within one half of a percent.

Table 8 compares the number of 2007-2009 the number of Law Enforcement arrests involving the use of protective action occurring within the Polk County Sheriff’s Office.

2007-2009 ARRESTS INVOLVING THE USE OF PROTECTIVE ACTION
POLK COUNTY SHERIFF’S OFFICE
DEPARTMENT OF LAW ENFORCEMENT

YEAR	NUMBER OF ACTIVITY CALLS (CALLS FOR SERVICE)	NUMBER OF ARRESTS	NUMBER OF ARRESTS INVOLVING USE OF PROTECTIVE ACTION	PERCENTAGE OF ARRESTS INVOLVING PROTECTIVE ACTION
Year 2009	273,751	19,363	161	.8%
Year 2008	277,109	18,568	116	.6%
Year 2007	271,637	16,673	176	1.1%

TABLE 8

SOURCE: PCSO AIM SYSTEM 2010

2009 PROTECTIVE ACTION INCIDENTS DEMOGRAPHIC SUMMARY

Table 9 summarizes the total number of 2009 protective action incidents by day of week occurring within the Department of Law Enforcement.

2009 PROTECTIVE ACTION INCIDENTS BY DAY OF WEEK
DEPARTMENT OF LAW ENFORCEMENT

PROTECTIVE ACTION INCIDENTS BY DAY OF WEEK DEPARTMENT OF LAW ENFORCEMENT		
DAY OF WEEK	NUMBER	APPROX. % OF TOTAL
Monday	29	13.9
Tuesday	21	10.1
Wednesday	23	11.0
Thursday	47	22.6
Friday	22	10.6
Saturday	33	15.9
Sunday	33	15.9
TOTAL	208	100.0

TABLE 9

SOURCE: PCSO AIM SYSTEM 2010

Note: Excludes Accidental Discharge Incidents. Percentages rounded to nearest tenth percent

Table 10 summarizes the total number of 2009 protective action incidents by day of week occurring within the Department of Detention.

2009 PROTECTIVE ACTION INCIDENTS BY DAY OF WEEK
DEPARTMENT OF DETENTION

PROTECTIVE ACTION INCIDENTS BY DAY OF WEEK DEPARTMENT OF DETENTION		
DAY OF WEEK	NUMBER	APPROX. % OF TOTAL
Monday	51	15.4
Tuesday	53	16.0
Wednesday	37	11.1
Thursday	60	18.1
Friday	50	15.1
Saturday	37	11.1
Sunday	44	13.2
TOTAL	332	100.0

TABLE 10

SOURCE: PCSO AIM SYSTEM 2010

Note: Excludes Accidental Discharge Incidents. Percentages rounded to nearest tenth percent

Table 11 summarizes the total number of 2009 protective action incidents by subject age group occurring within the Department of Law Enforcement

2009 PROTECTIVE ACTION INCIDENTS BY SUBJECT AGE GROUP
DEPARTMENT OF LAW ENFORCEMENT

PROTECTIVE ACTIONS BY SUBJECT AGE GROUP DEPARTMENT OF LAW ENFORCEMENT		
SUBJECT AGE GROUP	NUMBER	APPROX. % OF TOTAL
14-17 Years of Age	13	7.4
18-25 Years of Age	46	26.3
26-30 Years of Age	30	17.1
31-35 Years of Age	21	12.0
36-40 Years of Age	24	14.
41-45 Years of Age	17	9.7
46-50 Years of Age	13	7.4
51-55 Years of Age	6	3.4
56-60 Years of Age	4	2.3
60-68 Years of Age	1	.6
TOTAL	175*	100.0

TABLE 11

SOURCE: PCSO AIM SYSTEM 2010

Note: Percentages rounded to nearest tenth percent.

*Total includes instances of protective action wherein there were multiple subjects and excludes protective actions involving animals.

Table 12 summarizes the total number of 2009 protective action incidents by subject age group occurring within the Department of Detention.

2009 PROTECTIVE ACTION INCIDENTS BY SUBJECT AGE GROUP
DEPARTMENT OF DETENTION

PROTECTIVE ACTION INCIDENTS BY SUBJECT AGE GROUP DEPARTMENT OF DETENTION		
SUBJECT AGE GROUP	NUMBER	APPROX. % OF TOTAL
10-14 Years of Age	1	.3
15-18 Years of Age	103	26.5
18-25 Years of Age	113	29.0
26-30 Years of Age	67	17.2
31-35 Years of Age	39	10.0
36-40 Years of Age	19	4.9
41-45 Years of Age	22	5.7
46-50 Years of Age	17	4.4
51-55 Years of Age	2	.5
56-60 Years of Age	4	1.0
61-79 Years of Age	2	.5
TOTAL	389*	100.0

TABLE 12

SOURCE: PCSO AIM SYSTEM 2010

Note: Percentages rounded to nearest tenth percent.

*Total includes instances of protective action wherein there were multiple subjects.