

Sheriff
John F. Matz

Chief Deputy
Todd A. Christopherson



Winnebago County Sheriff

www.co.winnebago.wi.us



4311 JACKSON STREET
OSHKOSH, WISCONSIN 54901
(920) 236-7300 (920) 727-2888
JAIL (920) 236-7380
ADMINISTRATION FAX (920) 236-7333
RECORDS FAX (920) 236-7302

TO: Sheriff Matz and Chief Deputy Christopherson

FROM: Lt. Eichman

DATE: January 14, 2021

RE: Annual Use of Force Report (Field Services) – 2020

Pursuant to General Order 5.05, USE OF FORCE/ REPORTING AND REVIEW, all use of force reviews conducted for 2020 incidents in the Field Services Divisions have been reviewed. Field Services encompasses the Patrol Division, Detective Division, and Special Teams for the Sheriff's Office. A use of force review is completed for any of the following incidents:

- Reported injuries to a suspect based on use of force
- An Electronic Control Device (ECD) is pointed or discharged
- Chemical Agents are utilized (Oleoresin Capsicum)
- Intermediate weapons are used
- K-9 units are used as force
- Specialty impact munitions are pointed or deployed
- Vehicle Pursuits and/or induce or force to stop techniques are used
- A firearm is pointed or discharged
- While not specified, use of force reviews are completed on any use of force deemed to necessitate further analysis

Reviews are conducted to ensure that a deputy's actions are consistent with Winnebago County Sheriff's Office General Orders, applicable federal, state, and local laws, and the State of Wisconsin Defensive and Arrest Tactics (DAAT) system.

Additionally, the State of Wisconsin unveiled their Use-of-Force and Arrest-Related Death Reporting system in March 2020, which is the conduit to the FBI's newly created National Use-of-Force Data Collection program. This data is collected by the State via the Traffic and Criminal Software (TraCS) program. The Winnebago County Sheriff's Office has submitted a Use-of-Force and Arrest-Related Death Reporting form to the State each month this system has been operational.

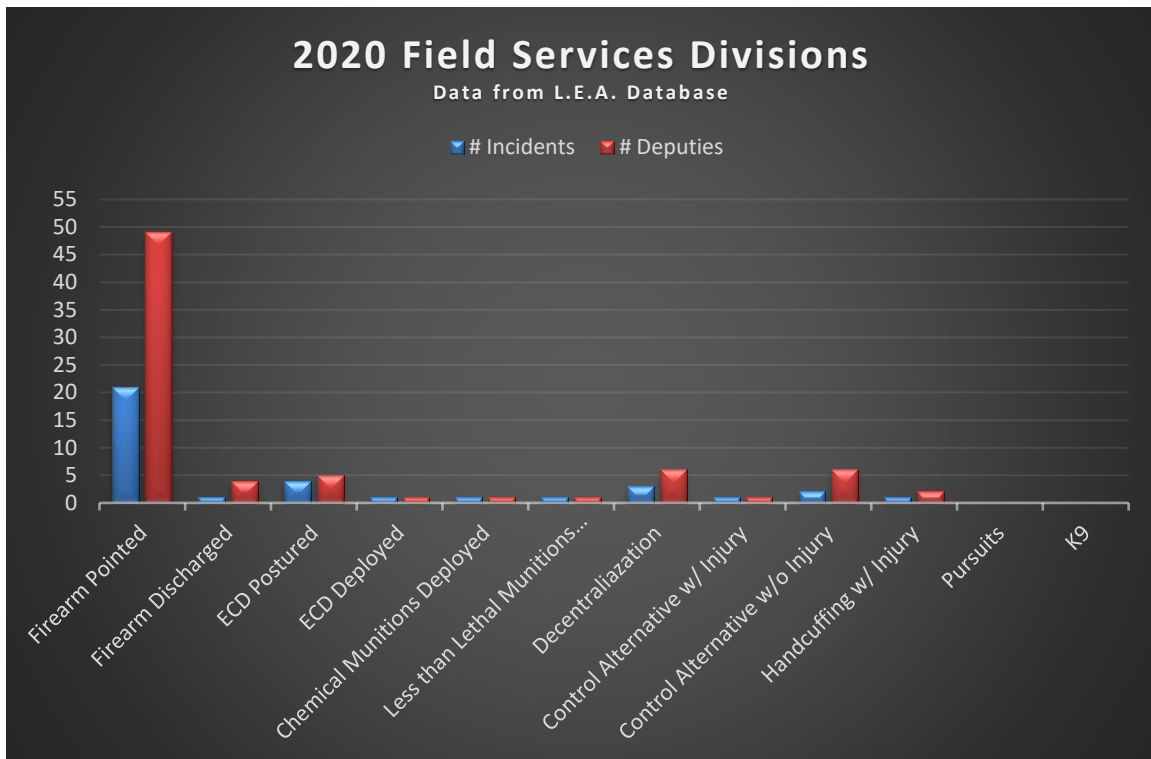
The information utilized for this annual review and analysis was collected from the L.E.A. Data Technologies software used to document use of force incidents for the Sheriff's Office. Individual reviews were conducted based on submitted use of force reporting forms and the associated incident reports. 31 use of force reviews were conducted in 2020 for incidents that met the reporting criteria. This is a 3% decrease from the 32 incidents for which a use of force review was completed in 2019. The 32 reviews in 2019 were a 19% increase from the 27 use of force reviews completed in 2018.

During 2020, deputies from the Field Services Divisions of the Sheriff's Office responded to 49,766 incidents according to Computer Aided Dispatch (CAD) records. 31 of those incidents, or .062%, resulted in force being used.

A total of 76 deputies used force during the 31 incidents in 2020. This figure also includes actions taken by members of the multi-jurisdictional SWAT team whose primary employment is with another agency. The following chart illustrates the types of force utilized that required a formal review.

Note: several incidents had multiple uses of force meeting the Sheriff's Office's General Order regarding use of force review. As such, the numbers below are higher than the total 31 use of force incidents noted above:

Force Option	# Incidents	# Deputies
Firearm Pointed	21	49
Firearm Discharged	1	4
ECD Postured	4	5
ECD Deployed	1	1
O.C. Deployed	0	0
Chemical Munitions Deployed	1	1
Less than Lethal Projectile Postured	1	1
Decentralization	3	6
Control Alternative with injury	1	1
Control Alternative (no injury)	2	6
Handcuffing with injury	1	2
Pursuit	0	0
K9 Posture	0	0
Total	36	76



Pointing of firearms was the most common use of force used by the Field Services Divisions in 2020. 58% of the 36-total uses of force for which a review was conducted involved a firearm, or multiple firearms, being pointed at a subject or subjects.

That percentage becomes clearer when considered in proper context.

- 9 deputies pointed firearms at subjects during a subject search
- 15 deputies pointed firearms at subjects involved in high risk traffic stops
- 3 deputies pointed a firearm at a subject involved in a weapons complaint
- 22 deputies pointed a firearm at a subject involved in SWAT incidents

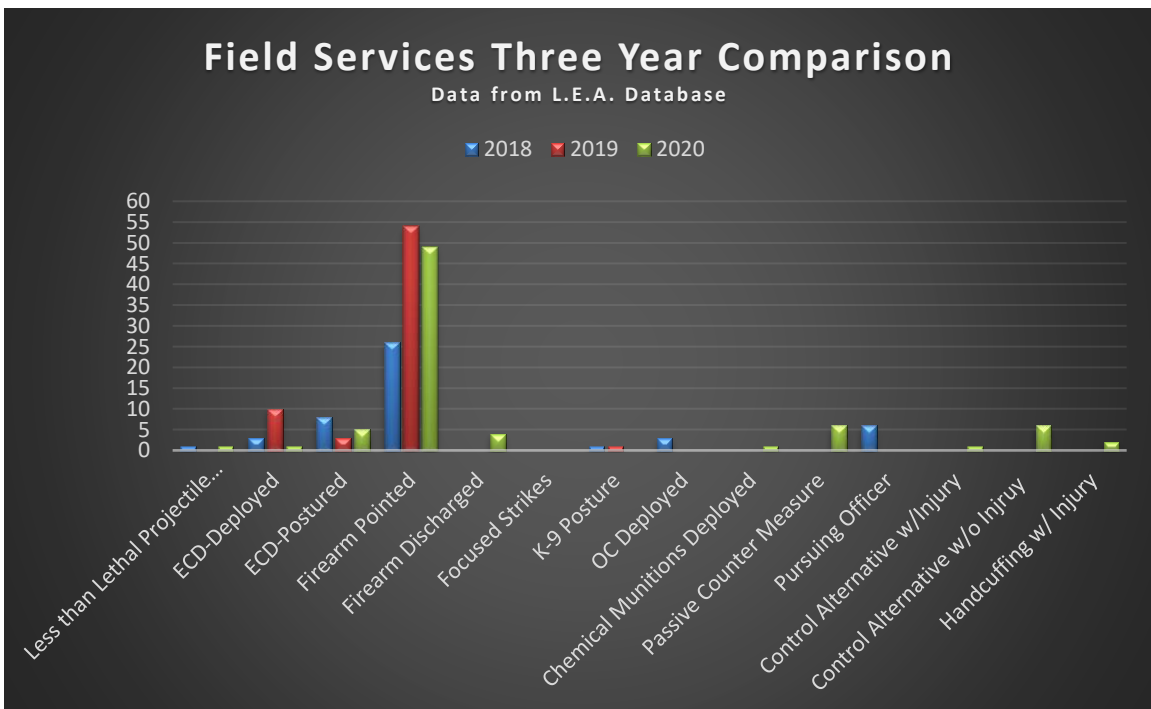
The number is inflated based on multiple deputies responding to the same incident. There were 21 incidents that resulted in deputies pointing firearms at the suspect, or multiple suspects. The threat level presented by the subject, or subjects, involved in the incidents justified the pointing of firearms. Of the 21 reviews completed for incidents in which deputies pointed a firearm, all were deemed objectively reasonable.

The one incident where deputies discharged their firearms involved the service of a high-risk arrest warrant by the Sheriff's Office's Multi-Jurisdictional SWAT Team. The suspect in this incident confronted deputies and fired multiple rounds at them. As a result, four (4) members of the Multi-Jurisdictional SWAT discharged their firearms fatally striking the suspect. An independent investigation was completed by the Wisconsin Department of Justice Division of Criminal Investigation regarding this incident. The Winnebago County

District Attorney's Office as well as the Winnebago County Sheriff's Office found all SWAT Team members engaged in an objectively reasonable use of force.

To further evaluate use of force for the Sheriff's Office, the following chart lists all actions taken by deputies for the previous three years. The most prevalent use of force option is the pointing of firearms each year.

Force Option	2018 Field Services	2019 Field Services	2020 Field Services
Decentralization	4	1	6
ECD-Deployed	3	10	1
ECD-Postured	8	3	5
Firearm Pointed	26	54	49
Firearm Discharged	0	0	4
Less than Lethal Projectile-Postured	0	0	1
Focused Strikes	0	0	0
Control Alternatives	-	-	7
Handcuffing w/ injury	-	-	2
K-9 Posture	1	1	0
OC-Deployed	3	0	0
Chemical Munitions Deployed	0	0	1
Pursuit	6	0	0
Total	51	69	76



Over the previous three years, pointing of firearms was the most common and consistent use of force action for the Field Services Divisions, with an average of 43 per year. Incidents of multiple deputies pointing their firearms at subjects during the course of their duties remained relatively consistent between 2020 and 2019. The following numbers show the differences for 2020 and 2019 of multiple deputies pointing their firearms: 15 to 15 during high-risk traffic stops, 10 to 9 during searches for subjects, 11 to 5 during domestic disturbances and incidents where weapons were involved or were believed to be involved.

The one area which the Sheriff's Office did see an increase in the number of deputies pointing firearms at subjects from 2020 to 2019 was during incidents in which search and arrest warrants were served. Here we see an increase from 4 deputies in 2019 pointing their firearms at one or more subjects to 22 deputies in 2020. The bulk of these incidents occurred during high risk incidents in which the Sheriff's Office Multi-Jurisdictional SWAT Team was activated.

Two categories that must be noted are the use of Electronic Control Devices (ECD deployments and posturing). Deputies utilizing the ECD in deployments and posturing are continuing to be the second most consistent use of force over the previous three years. The use of force actions have all been deemed objectively reasonable based on the specific details of the incident.

One of the 31 incidents resulted in formal counseling for the deputy involved. The deputy was found to have used an objectively reasonable amount of force, however, they failed to demonstrate proper follow through procedures once the subject was arrested. In this incident there was information provided the subject may have ingested an unknown substance during the course of their arrest. The deputy involved did not seek medical clearance for the subject prior to transporting them to the Winnebago County Jail. After the subject was at the Winnebago County Jail correctional staff became aware the subject had possibly ingested an unknown substance and medical attention was sought at that time. The subject involved in this incident did not suffer any adverse effects due to the delayed administration of medical care.

In conclusion, after reviewing all use of force incidents I do not feel that there are any training or equipment deficiencies, or systematic performance matters that need to be addressed. The Training Division will continue to monitor use of force incidents utilizing them as a guide for the development of new trainings for the agency.

Respectfully Submitted,

Lt. Tim Eichman