

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 23, 2023

RE: Annual Use of Force Report (Field Services) – 2022

Pursuant to General Order 5.05, USE OF FORCE/ REPORTING AND REVIEW, all use of force reviews conducted for 2022 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.

Since the State of Wisconsin unveiled their Use of Force and Arrest Related Death Reporting system in March 2020, the Winnebago County Sheriff's Office has submitted a Use of Force and Arrest Related report form each month as per State requirements. The State's Use of Force and Arrest Related Death program is the conduit to the FBI's National Use of Force Data Collection program. These forms are submitted via the Traffic and Criminal Software (TraCS) program.

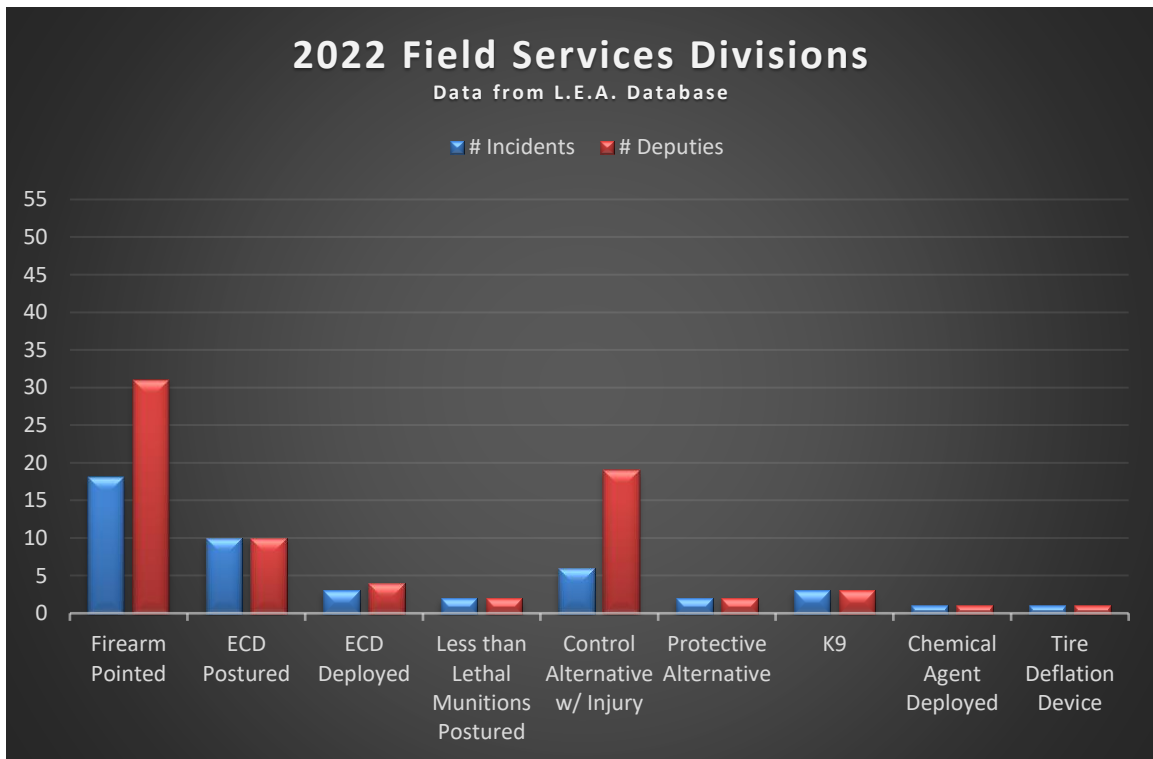
The information utilized for this annual review and analysis was collected from the L.E.A. Data Technologies software used to document use of force incidents for the Sheriff's Office. Individual reviews were conducted based on submitted use of force reporting forms as well as the associated incident reports and available squad and/or body worn camera footage. Twenty-nine (29) use of force reviews were conducted in 2022 for incidents that met the reporting criteria. This is a 12% increase from the 26 incidents for which a use of force review was completed in 2021. The 26 reviews in 2021 was a 16% decrease from the 31 use of force reviews completed in 2020.

During 2022, deputies from the Field Services Divisions of the Sheriff's Office responded to 43,167 incidents according to Computer Aided Dispatch (CAD) records. 29 of those incidents, or .067%, resulted in force being used.

A total of 73 deputies used force during these 29 incidents in 2022. 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 29 use of force incidents noted above:

| Force Option | # Incidents | # Deputies |
|--------------------------------------|--------------------|-------------------|
| Firearm Pointed | 18 | 31 |
| Firearm Discharged | 0 | 0 |
| ECD Postured | 10 | 10 |
| ECD Deployed | 3 | 4 |
| Less than Lethal Projectile Postured | 2 | 2 |
| Protective Alternative | 2 | 2 |
| Control Alternative with injury | 6 | 19 |
| Pursuit | 0 | 0 |
| K9 Posture | 1 | 1 |
| K9 Deployed | 2 | 2 |
| Chemical Agent Deployed | 1 | 1 |
| Tire Deflation Device | 1 | 1 |
| Total | 46 | 73 |



Pointing of firearms was the most common use of force used by Field Services Deputies in 2022. 62% of the 29-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.

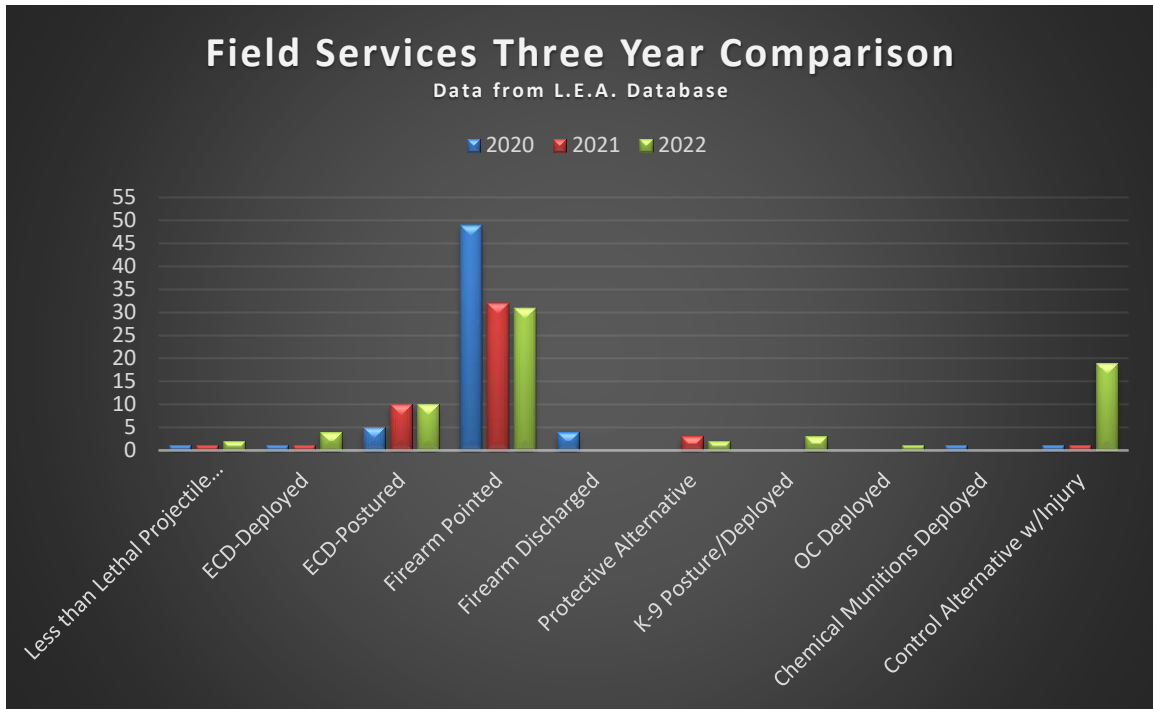
- 5 deputies pointed firearms at subjects during a subject search
- 10 deputies pointed firearms at subjects involved in high risk traffic stops
- 2 deputies pointed firearms at a subject involved in a weapons complaint
- 1 deputy pointed a firearm at a subject involved in a SWAT incident

The number is inflated based on multiple deputies responding to the same incident. There were 18 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 18 reviews completed for incidents in which deputies pointed a firearm, all were deemed objectively reasonable.

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 | 2020 Field Services | 2021 Field Services | 2022 Field Services |
|--------------------------------------|----------------------------|----------------------------|----------------------------|
| ECD-Deployed | 1 | 1 | 4 |
| ECD-Postured | 5 | 10 | 10 |
| Firearm Pointed | 49 | 32 | 31 |
| Firearm Discharged | 4 | 0 | 0 |
| Less than Lethal Projectile-Postured | 1 | 1 | 2 |
| Protective Alternatives | 0 | 3 | 2 |
| Control Alternatives w/injury | - | 1 | 19 |
| K-9 Posture/Deploy | 0 | 0 | 4 |
| OC-Deployed | 0 | 0 | 1 |
| Chemical Munitions Deployed | 1 | 0 | 0 |
| Pursuit | 0 | 0 | 0 |
| Total | 61 | 48 | 73 |

**Note: In 2022 there was a significant increase in the "Control Alternatives w/injury" category. In 2022 there were six incidents with 19 deputies involved. All six incidents involved deputies attempting to control or arrest uncooperative or combative subjects. All injuries were either minor (not requiring medical attention) or alleged (no visible injury present). All force used during these incidents were found to be objectively reasonable.*



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 37 deputies pointing firearms per year. Incidents of multiple deputies pointing their firearms at subjects during the course of their duties remained relatively consistent between 2022 and 2021, with 2022 seeing a 3% decrease.

Deputies utilizing an Electronic Control Device (ECD), whether an ECD posture or deployment, continues to be the second most consistent use of force over the previous three years. All use of force applications involving an ECD in 2022 were deemed objectively reasonable based on the specific details of each incident.

All use of force reviews completed in 2022 for the Field Services Divisions were found to be in compliance with agency policy and consistent with established best practices. In conclusion, I do not feel there are any specific 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