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## Analysis: Most Florida law enforcement officers disciplined for excessive force kept their jobs

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From 1985 to mid-2018, there were 1,671 cases in Florida in which deputies, police officers and jail and prison guards were disciplined by their agencies for using excessive force, according to the analysis of Florida Department of Law Enforcement data. Fewer than a third of the cases, or 515, resulted in an officer's termination or resignation.

Most Florida law enforcement and corrections officers who were disciplined for using excessive force on suspects and inmates kept their jobs, according to a USA TODAY Network-Florida analysis of the state's law enforcement complaint data.

From 1985 to mid-2018, there were 1,671 cases in Florida in which deputies, police officers and jail and prison guards were disciplined by their agencies for using excessive force, according to the analysis of Florida Department of Law Enforcement data.

That's the equivalent of nearly one excessive force case per week since the state's Criminal Justice Standards and Training Commission began tracking discipline cases in 1985.

More than 70,000 people work as law enforcement or corrections officers in Florida, and the data show that only a small fraction are ever disciplined for using excessive force. But they also reveal that officers who use unnecessary force are often spared the worst consequences.

Fewer than a third of the cases, or 515, resulted in an officer's termination or resignation. At least 104 of those officers, or about 20%, landed another law enforcement or corrections job in Florida, reporters found.

STORY>>Protesters, police have showdown in Lakeland

### DO YOU REMEMBER?

A point of interest during the unrest between protesters and Lakeland police officers on Sunday was the Salem's Gyros parking lot on Memorial Boulevard.

That spot was the scene of an officer-involved shooting in December 2018, when 17-year-old Michael Jerome Taylor of Winter Haven attempted to run over LPD Officer Markais Nealin with a stolen Camaro.

Taylor's death triggered protests by those concerned about police shootings involving young black men. Larry Giddens, who was police chief at the time, denied the shooting was racially motivated and investigators with the state attorney's office said the deadly force was justified.

The commission stripped law enforcement credentials from 141 officers, and 44 voluntarily relinquished them, representing about 11% of all the cases.

An additional 175 received penalties ranging from letters of guidance to suspension of their certificates but were not permanently barred from working in Florida law enforcement.

Derek Chauvin, the now-former Minneapolis police officer charged with the second-degree murder of George Floyd, had previously used deadly force. Between 2006 and 2011, the police department cleared Chauvin in three shootings, one that resulted in a death. And Chauvin and another officer involved in the Floyd case faced a complaint in 2013 for drawing their weapons on a teenager, USA TODAY reported.

It's unclear from the data how many of the excessive force cases in Florida were fatal, but media reports show some were.

PHOTOS>>Protesters create showdown with Lakeland Police

Matt Puckett, executive director of the Florida Police Benevolent Association, said there is no acceptable number of excessive force cases. But he noted that "the predominant number of interactions with law enforcement end without any type of physical altercation."

What happened to Floyd in Minnesota is "just unconscionable," Puckett said.

"Nobody wants bad cops in a police department or sheriff's department or a correctional facility. We don't want the bad apples."

### **Challenging authority**

The 1,671 excessive force cases are almost certainly an undercount of instances when officers used more force than necessary, experts say.

STORY>>Black Lives Matter Polk: 'We are completely disgusted' over violence at protest in Lakeland

They only include cases reported to the Florida Department of Law Enforcement and don't include those that were unsubstantiated due to insufficient evidence or violent encounters that were never reported.

Data on use of force incidents nationwide are also limited.

The FBI began collecting use of force data last year as part of an effort to create a national database, but less than half of local, state and federal law enforcement agencies have submitted data.

Puckett said he was “a little surprised” there weren’t more than 1,671 cases, considering the nearly 35-year period and that Florida is a heavily traveled state with more than 21 million residents.

“I don’t think that’s that bad,” Bobby Jenkins, president of the Florida Fraternal Order of Police, said of the 1,671 excessive force cases, considering they date back to 1985.

#### PHOTOS II>>Protesters’ showdown with Lakeland Police

But, he said, “there’s always room for improvement. That’s the reality.”

About 94% of the cases, or 1,563, involved male officers, according to the analysis. The average age of an officer accused of using excessive force was about 36.

The racial breakdown of officers disciplined for excessive force closely mirrors the racial breakdown of the state’s police force as a whole.

The majority of cases, 1,142 — or about 68% — involved white officers, while 19% involved black officers and 11% involved officers classified as Hispanic.

As of 2019, about 60% of law enforcement officers in Florida are classified as white and 21% are black, according to the FDLE.

While the state discipline data list the race of the officers involved, the race of the people subject to the excessive force is not included, making it hard to draw conclusions about race-based differences in police encounters.

Excessive force most often happens when an officer’s authority is challenged, said David J. Thomas, a senior research fellow with the National Police Foundation and professor in forensics at Florida Gulf Coast University in Fort Myers.

“Officers take this personally,” they can become angry and cross the line between use of force and excessive force, he said.

In Minnesota, officers couldn’t get Floyd into the car even though he was handcuffed and may have needed force to gain control. They could have used a Taser or pepper-spray, Thomas said. But once a suspect is under control, the officer must de-escalate, he said, which didn’t happen in this case.

#### STORY>>3 Polk residents commandeered peaceful Black Lives Matter protest

“He’s lying on the ground and pleading. It went from establishing control to excessive. And you can literally watch it happen,” Thomas said.

Officers receive de-escalation training in the academy, but unlike driving, defense techniques or use of firearms, officers don't regularly practice it nor do they use it often, so when they need to use force, they don't always do it correctly.

"Force is a perishable skill," he said. "If I don't use it, I lose the skill set."

## **Deadly encounters**

The 1,671 cases identified by USA TODAY Network-Florida include encounters where officers assaulted motorists after traffic stops, injured young people at youth shelters and in juvenile detention centers, and punched, kicked and used stun guns on handcuffed inmates, according to media reports.

The Jacksonville Sheriff's Office had 72 cases of officers being disciplined for excessive force, more than any other law enforcement agency in Florida since 1985, according to the analysis. Only the Florida Department of Corrections regions 1 and 2 had more cases.

One of those Jacksonville cases involved a white officer shooting and killing an unarmed black man in May 2012.

STORY>>Judd: 'Organized rioters' instigated unrest in Lakeland

In that case, Jacksonville police officer Jeffrey Edwards shot and killed Davinian Williams after Williams refused orders to put his hands on his steering wheel and instead was reaching under his seat, according to news reports from the Florida Times-Union in Jacksonville.

Then-Sheriff John Rutherford fired Edwards, saying he had other options than to shoot Williams, including retreating to his patrol car and waiting for backup. But an arbitrator ruled in Edwards' favor, ordering him reinstated to the force with back pay, the newspaper reported.

Edwards resigned from the department in 2016 after he was relegated to desk duties like answering telephones, according to the Times-Union.

In July 2019, Pensacola Police Department Detective Daniel Siemen shot and killed an unarmed black man, Tymar Crawford, who they had seen tossing drugs from the window of his car before a traffic stop, the Pensacola News Journal reported.

Crawford struggled with officers after the traffic stop, and Siemen shot him seven times after Crawford grabbed another officer's Taser, according to the newspaper.

Siemen was fired in October for violating the department's deadly force, use of force and use of physical force policies. An Escambia County Grand Jury declined to indict him.

The Supreme Court's landmark decision in the 1985 case, *Tennessee v. Garner*, established a new standard for the use of deadly force. The court found the use of deadly force to be "constitutionally unreasonable" when there was no immediate threat to officers or others.

Some criminal justice experts have questioned if the ruling has had an impact.

"We still have unarmed people being shot," said Craig Trocino, director of the University of Miami's Innocence Clinic. "It has changed the point of view of arresting agencies where they characterize things as being more dangerous than what they are."

## **Excessive force in Florida**

Most excessive force cases aren't deadly.

Clearwater police officer Michael Leonardo was fired for using excessive force after he slammed a 13-year-old boy's face into the sidewalk at a local youth shelter in 2017, according to the Tampa Bay Times.

Volusia County Sheriff's Office deputy Andrew Jenkins was fired after he used a leg sweep to take down a handcuffed man, breaking the man's leg in 2016. Jenkins was initially cleared of wrongdoing, but the case was reopened when the sheriff's office was provided a witness video, according to a Daytona Beach News-Journal report.

Puckett, with the Police Benevolent Association, said the details of many of the cases in Florida often reveal extenuating circumstances that help explain an officer's reaction.

Law enforcement work is "messy," especially in cases where a subject is combative, Puckett said.

"When that's captured on camera, it looks bad whether it was clean or not," he said.

About 59% of the excessive force cases, or 979, involved corrections officers who work in a prison or a local jail, according to the analysis.

Collier County deputy John Dennison was fired after a 2005 encounter in the Naples jail where he used his Taser on a handcuffed man who was being combative and spitting at a deputy. Dennison later pleaded no contest to a misdemeanor battery charge.

Richard Stotts, a Pinellas County corrections deputy, was fired in 2013 after he smacked a man yelling racial slurs and profanities on the head, and then pinned him to the ground in a headlock, according to a Tampa Bay Times report.

## **Policing minority communities**

Anthony Thomas, a community activist in Fort Myers, said he believes excessive force has been a problem with the local police department for decades.

When people do file complaints, he said, “nine times out of 10 they come back saying it was unsubstantiated.” And in cases where there is a finding of wrongdoing, he said, the police officers “never lose their jobs. They get promotions and raises.”

David Thomas, the FGCU professor and retired law enforcement officer, agreed that complaints of excessive force may not be investigated, and if they are, the actions taken against the officers involved can be inconsistent and appear arbitrary. He said he’s seen cases where officers from the same department commit the same infraction, yet “one gets fired and the other gets demoted.”

Thomas said the reason so few officers lose their credentials or jobs is because when the facts of the case are presented in a hearing, the panel may find that the violation did not rise to the level of termination.

“Keep in mind that just because an agency fires an officer for violation of department policy, that does not mean that they will automatically lose their credentials,” he said. “There has to be a preponderance of evidence to agree to support removing an officer’s credentials. If that doesn’t exist, then there is usually some penalty that is imposed, such as loss of credentials for a year and probation. However, it does not mean that the officer must be reinstated by the agency that terminated them. Termination is a separate issue that is dealt with in grievances and the union.”

Puckett acknowledged there are people who have been let down by the system and don’t trust it.

Since the tumultuous summer of 2014, when national protests erupted over the killings of unarmed black men in Missouri and New York, there has been a lot of focus in law enforcement circles on de-escalation training and diversity in hiring, Puckett said. Some officers are now joining with protesters, he said.

But there are still issues with policing in minority communities that need to be addressed, he said.

“I think all the things people are asking for are happening,” Puckett said. “They may not be happening as rapidly as they want. But I think Florida is adjusting as much as possible.”