



GAINESVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATIVE REPORT

FILE CLASS:	IA Investigation	DATE OCCURRED:	October 17, 2022
TYPE OF COMPLAINT:	Internal	INTERNAL AFFAIRS#:	23-010
DATE RECEIVED:	March 10, 2023	DATE CLOSED:	September 14, 2023
RELATED CASES:	02-22-015842	ASSIGNED TO:	Sgt. Tracy Fundenburg

LOCATION OF COMPLAINT					
ADDRESS:	1000 SE 2nd Ave	CITY:	Gainesville	ADDITIONAL INFO:	Bike Path

ASSOCIATED NAMES							
CO:	Captain P. Owens	RACE:	Choose Race	SEX:	Choose sex	DOB:	On File
SO:	Corporal J. Crews	FINDINGS:	Sustained	ACTIONS:	Written Warning Remedial Training		
SO:	Officer J. Snitselaar	FINDINGS:	Sustained	ACTIONS:	Written Warning Remedial Training		
SO:	Corporal A. Stemen	FINDINGS:	Sustained	ACTIONS:	Written Warning Remedial Training		
SO:	Lieutenant A. Lugo	FINDINGS:	Sustained	ACTIONS:	Written Warning Remedial Training		
SO:	Officer M. Henry	FINDINGS:	Sustained	ACTIONS:	Verbal Counseling		
SO:	Captain V. Young	FINDINGS:	Sustained	ACTIONS:	Written Warning Remedial Training		

APPLICABLE RULE OF CONDUCT

Gainesville Police Department General Order 1.5 *Response to Resistance*

Gainesville Police Department General Order 26.1 *Rules of Conduct (Inefficiency in Job Performance)*

Gainesville Police Department General Order 40.14 *Body Worn Camera Video Systems (BWC)*

Gainesville Police Department General Order 41.3 *Department Vehicles*

Gainesville Police Department General Order 41.4 *Vehicle Pursuits*

COMPLAINT / NOTES / SUMMARY

SUMMARY OF COMPLAINT

On March 10, 2023, I was assigned to investigate an Administrative Investigative Referral Form submitted by Captain P. Owens regarding an incident that occurred on October 17, 2022. Captain Owens alleges that Corporal J. Crews improperly used his patrol car door to strike a fleeing suspect Donald Small, who was on a bicycle. Additionally, Corporal Crews operated his patrol vehicle in close proximity to the suspect, which could have potentially resulted in injury. It should be noted that both Corporal Crews and Corporal A. Stemen were Acting Sergeants (A/Sergeant) the night of the incident.

Captain Owens also alleges that Officer J. Snitselaar was unprofessional during his contact with the suspect. She notes in the AIR, in response to the suspect repeatedly complaining of chest pain, Officer Snitselaar told him he was not going to get out of going to jail and would sit with him all day at the hospital because he "needs the overtime." The suspect tells Officer Snitselaar that he did not have chest pain until he was "run off the road." According to the AIR, after speaking with Mr. Small, Officer Snitselaar closes the trunk and says, "Fuck him." Furthermore, when the suspect continued to moan in the back seat of Officer Snitselaar's patrol car, Officer Snitselaar told him, "knock it off or I'm going to roll the windows down." Officer Snitselaar then proceeded to put his windows down, turn on music and increased the volume.

According to the AIR submitted by Captain Owens, both Lieutenant A. Lugo and A/Sergeant Stemen were deficient in their respective portions of the Use of Force Review. A/Sergeant Stemen noted he "reviewed the relevant portions of A/Sgt. Crews and Ofc. Snitselaar's body camera videos as well as the incident report and case supplements." A/Sergeant Stemen did not note any violations in his review, justified the officer's actions, and forwarded the review to Lieutenant Lugo. Approximately 9 minutes after receiving the Use of Force Review, Lieutenant Lugo approved it, noting "For your review, I agree with findings." Lieutenant Lugo then forwarded the review to Captain Young. On February 6, 2023, Lieutenant Durst reassigned the Use of Force Review to Captain Owens, who completed the AIR.

Captain Owens conducted an audit of Evidence.com and discovered A/Sergeant Stemen accessed Corporal Crews and Officer Snitselaar's BWC video. Lieutenant Lugo did not access any BWC videos related to the incident.

SUMMARY OF INVESTIGATION

I reviewed the following to complete this investigation:

- Administrative Investigation Referral Form (AIR)
- BlueTeam Use of Force Report
- Computer Aided Dispatch (CAD) notes
- Incident Report 02-22-015842
- Automated Vehicle Locator (AVL)
- Body Worn Camera videos
- Body Worn Camera Audit Logs
- In-Car Camera video

On October 17, 2022 at 0422 AM, officers responded to a report of a theft. The victim was in his vehicle, following the suspect, later identified as Donald Small, who was on a bicycle. Prior to officers arriving, Mr. Small returned the stolen item, a “Virgin Mary” statue, to the victim, then fled. At 0425 AM, Officer J. Snitselaar located Mr. Small, riding a bicycle south on NE 11th St. Officer Snitselaar followed behind Mr. Small, with his emergency lights activated, in an attempt to stop Mr. Small. Mr. Small continued southbound, across E. University Ave. then westbound on a bike path behind Auto Zone, 1341 E. University Ave. When Corporal Crews arrived to assist Officer Snitselaar, he got behind Mr. Small as he turned onto the bike path. Officer Snitselaar followed behind Corporal Crews.

I reviewed Corporal Crews and Officer Snitselaar’s Body Worn Camera (BWC) videos and Officer Snitselaar’s in-car video (ICV). The following is a summary of the events: Officer Snitselaar is following Mr. Small, who is on a bicycle that appears to have several items/bags hanging loosely from it. As Mr. Small travels behind Auto Zone and toward the bike path, Corporal Crews attempts to block Mr. Small’s route. Mr. Small is able to go around the patrol car and Corporal Crews follows him on to the bike path. When Officer Snitselaar turns onto the bike path, Corporal Crews’ vehicle is seen travelling closely to and slightly behind Mr. Small, who is on the east side of the path, riding at the edge of the asphalt path and the grassy right of way.

At 04:26:26, Corporal Crews turns onto the bike path, steering with his left hand. Corporal Crews then grabs the steering wheel with his right hand as he places his left hand on the door handle. Corporal Crews opens the driver’s door and holds it slightly open while the vehicle is moving at less than 20mph. Mr. Small’s back becomes visible between the door frame and the frame of the windshield. Corporal Crews opens the door wider and then quickly turns the wheel to 9 o’clock then back to 2 o’clock. At this time, some sort of impact and a quick grunt is heard. From the In-Car Camera video, Mr. Small is seen quickly veering away from the patrol car, but maintains his balance and continues to flee from the officers. On Corporal Crews’ BWC, the door bounces back, as if to close, but Corporal Crews holds it open. Corporal Crews turns the wheel back to 12 o’clock and he speeds up with his door open. Corporal Crews’ vehicle is parallel to Mr. Small’s bicycle as he continues along the bike path. Corporal Crews is then seen quickly turning the steering wheel from 12 o’clock to 7 o’clock then immediately clockwise to 3 o’clock. Simultaneously, the front bicycle tire of Mr. Small’s bike, abruptly turns toward the driver’s door of the patrol car, as

Corporal Crews opens the door wider. It appears the front tire of the bicycle impacts the open vehicle door. Another impact sound and quick grunt are heard, as Mr. Small flips off his bike onto the ground. Corporal Crews puts the patrol car in park and, as Corporal Crews is exiting, Mr. Small says, "Damn, man. What's the problem?" Mr. Small is seen laying on the ground, on his right hip and right elbow, facing Corporal Crews and his patrol car. Mr. Small's bicycle is upside down, at Mr. Small's feet, approximately 3-5' from Corporal Crew's vehicle.

As Corporal Crews exits his patrol car he grabs Mr. Small's right arm and says, "Lay on the ground. Put your hands back." Mr. Small repeats "What's the problem." Corporal Crews says, "Get on the fucking ground. Get on the fucking ground." A struggle ensues while Corporal Crews is trying to detain Mr. Small. According to Corporal Crews' report, Mr. Small was attempting to get up, so Corporal Crews used his "bodyweight to force the suspect to the ground and onto his belly." During this time, I can hear, what sounds like squeaks, similar to that of strained breathing. While on the ground, attempting to gain control of Mr. Small, Corporal Crews says, "Get on the ground. Get on the ground. Give me your fucking hands right now." Mr. Small says, "I can't breathe. I can't breathe." Officer Snitselaar arrives, and Corporal Crews can be seen laying on top of Mr. Small. As officers are attempting to detain Mr. Small, Officer Snitselaar states, "If you keep putting your fucking hands in your waist, I'm gonna tase your ass." Mr. Small put's his hands behind his back and says, "Here ya go, bro. I can't breathe." While Officer Snitselaar is attempting to handcuff Mr. Small, Corporal Crews' right and left forearms are against Mr. Small's back. Corporal Crews' right hand is holding his left wrist. Either Corporal Crews or Officer Snitselaar says, "You should've fucking stopped." When Mr. Small asks, "For what?" Officer Snitselaar says, "You know damn well what." When Mr. Small says he has "maniacs" running behind him, Corporal Crews says, "Well, you should've stopped whenever you got cops behind you telling you to stop." Once handcuffed, the officers assist Mr. Small in sitting up. Mr. Small continues to tell the officers he cannot breathe. Neither Corporal Crews nor Officer Snitselaar requested Emergency Medical Services (EMS) to respond to their location to assess Mr. Small. Mr. Small is searched and, at 04:34:16 AM, he is secured in Officer Snitselaar's patrol car.

A/Sergeant Stemen responded to the scene and made contact with Corporal Crews and Officer Snitselaar. Mr. Small was already in custody being searched at the front of a patrol car. As seen on A/Sergeant Stemen's BWC, Corporal Crews says he knew he would not be able to chase Mr. Small far on foot, so he was "getting ready and [Mr. Small] flipped over right here, flipped off of it." A/Sergeant Stemen is seen looking at Mr. Small's bicycle and the officers see a fabric reusable bag. A/Sergeant Stemen says, "It looks like it got tangled up. I think his little bike got tangled up, that's what flipped him off of it." Officer Christie is seen removing the torn reusable bag from the pedal and handlebars of the bicycle.

At various times during the investigation, Officer Snitselaar returned to his patrol car. Each time, Mr. Small would tell him that he could not breathe and/or his chest hurt. Mr. Small repeatedly told the officers he had sciatic nerve damage and was in pain. At one point, Officer Snitselaar is gathering items from the rear of his patrol SUV and Mr. Small tells him that his chest hurts. Officer Snitselaar explains to Mr. Small he is going to take him to the hospital and then to jail. Mr. Small

responds, "Okay." Officer Snitselaar then says, "I can tell you right now, you're not getting out of going to jail. I will sit with you all day." Mr. Small says, "Do what?" Officer Snitselaar responds, "You are not getting out of going to jail. I will sit at the hospital with you all day and then we can go right to the jail. Yeah, I need overtime." Officer Snitselaar and Mr. Small start going back and forth about Mr. Small's chest hurting and still being able to ride a bicycle. Officer Snitselaar then tells Mr. Small that his chest started hurting "after you got in handcuffs." Mr. Small responds, "Nah. That was after you rammed me off the damn road into the pine trees." Officer Snitselaar responds, "I didn't do it. I didn't do nothing." Officer Snitselaar shuts the trunk and walks toward the front of his patrol car. Officer Snitselaar then says "God dammit" and he returns to the rear of his patrol car to retrieve latex gloves.

From various officers BWC videos, Officer Henry is seen standing at the front of the patrol car where Mr. Small's property and potential evidence is. She is seen holding some of the items. She is also seen at the right rear passenger door of Officer Snitselaar's patrol car. I was unable to locate any BWC video for Officer Henry. From A/Sergeant Stemen's BWC, Officer Henry is heard asking Mr. Small to exit the patrol car so a "show up" could be done. Mr. Small initially refuses to exit, but does eventually slowly exit the patrol car, with no assistance. Officer Henry is heard repeatedly asking Mr. Small to stand up straight and Mr. Small responds, "My back, you rammed and hit me with the door." Mr. Small attempts to sit back down in the patrol car, but Officer Henry stops him. Mr. Small asks where the ambulance is. At 04:41:27 AM, Corporal Crews tells Mr. Small, "You want an ambulance? Alright. Stand up, let me get this done with. I'll call you an ambulance." During the show-up, Mr. Small would not stand up straight nor raise his head. Mr. Small tells the officers his back is hurting and he has sciatic nerve damage. He continues to refuse to stand up straight. Corporal Crews requests another officer to assist them and tells Mr. Small if he doesn't stand up, he will pick him up. Officer Christie approaches and tells Mr. Small to pick his head up. Corporal Crews then grabs Mr. Small in a bear hug and lifts him up. Officer Christie holds Mr. Small's legs. Mr. Small is heard moaning and yelling that something is sticking him. Officer Christie says, "You had the easy way. Now you get the hard way." After a positive identification was made by the victim, Mr. Small was put down. He remains bent over and asks the officers to see if his left hip is bleeding from whatever stuck him. Corporal Crews looks and verifies there is no injury. Mr. Small then slowly gets back into the patrol car, head first, unassisted. At no point were Emergency Medical Services requested to respond to the officer's location to assess Mr. Small.

Approximately 45 minutes after Mr. Small is initially secured in Officer Snitselaar's patrol vehicle, Officer Snitselaar gets in the car to transport Mr. Small to HCA Florida Millhopper Emergency, 4388 NW 53rd Avenue. Mr. Small is heard moaning. Officer Snitselaar tells Mr. Small to "Knock it off." He then says, "If you don't stop, I'm gonna roll the windows down, cause you're annoying." At 05:15:27 AM, as Officer Snitselaar begins to transport Mr. Small to the hospital, he puts the windows down and turns on music, at a loud volume. At 05:16:07AM, Officer Snitselaar turns off his BWC, while still enroute to the hospital.

At 05:31:56 AM, Officer Snitselaar activates his BWC. He is in the parking lot of HCA Florida Millhopper Emergency. A/Sergeant Stemen is with him. Due to the one minute buffer, there is no audio. Officer Snitselaar dons gloves and is waiting, with a wheelchair, by the right rear passenger door. Officer Snitselaar's left hand is seen waving toward himself, appearing to gesture for Mr. Small to exit the patrol car. When the audio engages, Mr. Small is heard moaning as he slowly begins moving his legs. At 05:33:14 AM, Officer Snitselaar grabs Mr. Small's ankles and pulls them out of the back seat. Mr. Small yells, "My hands are caught in the damn thing here." Officer Snitselaar grabs Mr. Small's upper right arm and pulls him out of the car. As Officer Snitselaar guides Mr. Small to the wheelchair, he says "I'm done playing your fucking games. Get in the chair." Officer Snitselaar continues to engage in Mr. Small's protests and allegations as they enter the hospital. At 05:37:32 AM, Officer Snitselaar turns his BWC off. Officer Snitselaar re-activates his BWC at 06:51:49 AM. He and A/Sergeant Stemen adjust the handcuffs to the rear and assist Mr. Small to a nearby wheelchair. They take him to Officer Snitselaar's patrol car and ask Mr. Small if he will get in the back seat unassisted or do they need to assist him. Mr. Small tells the officers "go right ahead." As A/Sergeant Stemen and Officer Snitselaar are helping Mr. Small to stand, Officer Snitselaar says, "You were riding your bike perfectly fine earlier." Mr. Small responds, "Yeah, until you all rammed me into that shit." Officer Snitselaar then transports Mr. Small to the Alachua County Sheriff's Office Department of the Jail without incident.

In his Supplemental Report, Corporal Crews documented that as he got ahead of Mr. Small he prepared to stop and get out of the patrol vehicle, before Mr. Small passed him. Corporal Crews noted that, before Mr. Small could pass him, he observed Mr. Small "run off the path and flip off his bike next to the wood line on the east side of the path."

On October 28, 2022, A/Sergeant Stemen completed a Use of Force Review. He noted he reviewed the "relevant portions of A/Sgt. Crew's and Ofc. Snitselaar's body camera videos as well as the incident report and case supplements." A/Sergeant Stemen documented Officer Snitselaar's attempt to stop Mr. Small using his emergency lights and siren, and Mr. Small's failure to stop. A/Sergeant Stemen documented Corporal Crews' involvement as it is written in Corporal Crews' supplemental report. He also noted, "A reusable shopping bag was found to be tangled up in the chainring and chain of Small's bicycle, which may have contributed to why he crashed." A/Sergeant Stemen notes that Corporal Crews "jumped out of his patrol vehicle and attempted to push Small, who was attempting to get up, to the ground while shouting verbal commands to get onto the ground." He added that when Mr. Small was trying to get up, Corporal Crews utilized his "bodyweight" and forced Mr. Small to the ground. A/Sergeant Stemen documented he was unable to interview Mr. Small due to his "belligerence." A/Sergeant Stemen notes "Though no intentional strikes or blows were delivered, Small claimed he had chest pain as a result of being taken into custody in the above manner." A/Sergeant Stemen added, "Small was actively resisting and attempting to flee from LEO after having committed a felony (grandtheft and fleeing and attempting to elude). A/Sgt. Crews and Ofc. Snitselaar would have been justified in using more force than they did (e.g. striking techniques) based on Small's resistance, but they were able to overcome his resistance using a lesser amount of force. Had Small not alleged injury, this review

would not have been necessary.” A/Sergeant Stemen noted the officer’s use of physical control was justified under Department policy and Florida State Statutes.

On October 28, 2023, A/Sergeant Stemen forwarded the completed Use of Force Review to Lieutenant Lugo. Nine minutes after receiving the review, Lieutenant Lugo forwarded the Use of Force Review to Captain V. Young, noting “For your review. I agree with findings.”

On December 20, 2022, Captain Young had not completed the review into this incident, along with other reports. Via email, Chief Inspector J. Kurnick requested Captain Young complete her assigned reviews. Captain Young responded “the Blue Teams will be completed well before the end of the year.” Note: Blue Team is the software that tracks and documents reviews such as the one involved in this incident.

On January 19, 2023, Captain Young had still not completed a review of this incident, along with others. Chief Inspector Kurnick emailed Captain Young confirming an agreed upon schedule and understanding that all the reviews would be completed by February 27, 2023.

This Use of Force Review remained with Captain Young until February 6, 2023, when it was re-assigned to Captain P. Owens. The Review was re-assigned due to Captain Young beginning an unexpected leave of absence.

On March 9, 2023, Captain Owens completed an AIR and forwarded the Use of Force Review regarding this incident to the Internal Affairs Unit.

I reviewed the BWC Audit Logs for Officer Snitselaar, Corporal Crews, and A/Sergeant Stemen. Prior to completing and forwarding his Use of Force Review, A/Sergeant Stemen reviewed Corporal Crews’ BWC video, however reviewed only one of three BWC videos assigned to Officer Snitselaar. The BWC Audit Logs indicated Lieutenant Lugo did not view any BWC videos before forwarding the Use of Force Review.

INTERVIEW – Mr. Donald Small

On July 13, 2023 I became aware that Mr. Small was incarcerated at the Alachua County Sheriff’s Office Department of the Jail. On July 20, 2023, I made contact with Mr. Small. Internal Affairs Sergeant, L. Hayes, was present for the interview. I read Mr. Small the Witness Admonition and a recorded interview was conducted. Mr. Small could not recall the names of the officers involved.

Mr. Small stated he had stolen a Virgin Mary statue from the victim’s residence. However, prior to the officer’s arrival he returned the statue to the victim and fled. An officer located and followed Mr. Small southbound, across E. University Avenue, into the parking lot of Auto Zone. Mr. Small said he did have several bags hanging on his bike, and found it harder to pedal as he fled. He recalled that “something hindered the bike from its normal movement,” but he was able to continue riding. Mr. Small said that when he rode to the rear of Auto Zone, a second patrol car attempted to block his path, but he was able to swerve around it and continue onto the bike path.

Mr. Small recalled he was riding on the edge of the bike path when his bicycle was struck from behind. Mr. Small said he was positive he was not struck by the front or the side of the patrol car. He explained that he had “flashes of moments” when he could see the patrol car’s driver’s door was open and believed it was used to strike his bicycle. Mr. Small could not recall if the patrol car “bumped” his body, but he was propelled off the bike after it was struck. Mr. Small said he was only struck once by the patrol car on the bike path. When I asked Mr. Small if he believed the officer struck the bike intentionally, Mr. Small said, “I felt he did what he needed to do to stop me. That’s what I think. Was it right or wrong? Ok. I’m a fleeing a suspect, but at the same time, I mean, you got to be professional. That’s how I feel about that.” I explained to Mr. Small that one of the bags was ripped and appeared to be entangled in one of the pedals. I asked if he felt that may have contributed to his falling and Mr. Small said it did not.

Mr. Small said that as soon as he was on the ground, the officer “had a hold, like on my windpipe and I couldn’t breathe at all, like for 3 seconds.” Mr. Small demonstrated that the officer was holding the front of his throat, with his fingers on either side of the windpipe and was kneeling over him. Mr. Small recalled being able to look between the officers legs. He said that the officer who was holding him, was the same officer who opened the door and struck him. Mr. Small said he then felt other officers on him and he was handcuffed, searched and placed in a patrol car.

I asked Mr. Small what injuries he sustained the night of the incident. He said his chest and throat were hurting. He said his throat was sore as if someone had been choking him. I then asked Mr. Small if he remembered anything the officers said during his contact. Mr. Small said he could not remember anything the officers may have said “word for word” during his arrest and did not want to “make up” anything. Mr. Small could not recall if the officers were cursing at him.

Mr. Small stated that he had been placed in a patrol car after being searched and then, at some point, he was “dragged” from the patrol car because he refused to get out. He said four officers picked him up, but he did not know why. Mr. Small said they then dropped him on his “behind” on the concrete and the officers then “threw” him back into the patrol car. Mr. Small did not recall an officer grabbing him in “bear hug” and another officer picking up his feet.

Mr. Small thought the incident could have been handled better. When asked if the officers involved were professional, Mr. Small said that during the time he was taken to the hospital and then to the jail, the officer(s) were professional. Mr. Small stated he was mainly concerned about the hold on his windpipe, being dragged from the patrol car and being picked up.

INTERVIEW – Officer Snitselaar

On July 12, 2023, I emailed Officer Snitselaar notifying him of the internal investigation. Later that day, I provided him with a disc containing the IA investigatory material and emailed him a link to access the associated BWC videos. After several interviews were postponed due to scheduling conflicts, I met with Officer Snitselaar and Fraternal Order of Police Union Representative Corporal Bertzyk on August 15, 2023. I read the Officer Admonition and a recorded interview was conducted.

Officer Snitselaar recalled he arrived in the area and located Mr. Small, who then fled on a bicycle. Officer Snitselaar stated he was following Mr. Small, with his emergency lights activated, and giving verbal commands for Mr. Small to stop. As Mr. Small went behind Auto Zone and onto the bike path, Corporal Crews got behind him, in front of Officer Snitselaar. Officer Snitselaar stated, "After that, I basically just kept my eyes on Corporal Crews' taillights so I didn't rear-end him." As it relates to Corporal Crews stopping of Mr. Small, Officer Snitselaar stated, "I was pretty much just locked in on Corporal Crews' taillights. I didn't see any physical contact, anything like that." Officer Snitselaar said he did see Mr. Small fall from his bike and Corporal Crews "turned in front [of Mr. Small] and jumped out." Officer Snitselaar said he did not see what his in-car camera shows. I played the portion of Officer Snitselaar's BWC video when Mr. Small was being taken into custody. I asked him to identify the voices of specific phrases used. Officer Snitselaar stated it may have been him who said, "If you keep putting your fucking hands in your waist, I'm gonna tase your ass." Officer Snitselaar could not identify who said "You should have fucking stopped." He said that when Mr. Small asked why he was being stopped, he responded, "You know damn well what."

Officer Snitselaar stated he did not recall Mr. Small saying he couldn't breathe. He said, "I don't know if it's directly after. Later in the patrol vehicle he was complaining of, I believe panic attack and shortness of breath and chest pain." Officer Snitselaar is familiar with the Department's policy as it relates to someone in custody saying "I can't breathe." When asked if emergency medical services were contacted, Officer Snitselaar stated, "Not to my knowledge." Officer Snitselaar stated he was not aware of "some of these complaints until I was getting ready to transport, anyways." Officer Snitselaar explained that when he heard the complaints he was "a few moments from leaving, anyways."

As it relates to Mr. Small's complaints of injury while secured in Officer Snitselaar's patrol vehicle, Officer Snitselaar stated he was intending to leave earlier than he did. I asked Officer Snitselaar what he meant when he told A/Sergeant Stemen that he was taking Mr. Small to the hospital and he was "Acting a fool and his chest hurts now." Officer Snitselaar stated Mr. Small was "making a lot of complaints. He was moaning and he was yelling. He was fine to run and make us chase him, and fight before that, and then he was just acting like that after, so" He said he did not summon EMS because Mr. Small was not "acting" like that while being searched. Officer Snitselaar stated, "It didn't start until he was put in the car, so I, in [my] mind was, you know, if you're hurt normally you would tell somebody right away, not wait five minutes." I asked Officer Snitselaar why he would tell Mr. Small "I need the overtime" and he responded, "Something dumb that I shouldn't have said." I asked if he was upset with Mr. Small and Officer Snitselaar said he was "irritated" because he had to "run and fight, and over something small." When asked what he was referring to when he told Mr. Small "I didn't do it. I didn't do nothing," when Mr. Small said "...you ran me off the damn road into the pine trees", Officer Snitselaar explained he assumed Mr. Small was referring to Corporal Crews "angling in front of him." Officer Snitselaar stated that, at the time, he was unaware Mr. Small had possibly been struck with a door. He could not recall when he became aware.

Officer Snitselaar said he told Mr. Small to “Knock it off” when he got into his patrol car because Mr. Small was moaning “really, really loudly. It was, like I said, I was irritated with him. Should I have been? No. I should have acted a little more professionally, but I was annoyed and irritated.” Officer Snitselaar said he did not remember putting the windows down but did recall turning up music to “drown out” Mr. Small’s moans. Officer Snitselaar said he leaves his in-car camera on when he transports, but did turn off his BWC. He explained he does this “sometimes to save batteries, sometimes just ‘cause it’s not needed.” When he arrived at the hospital, Officer Snitselaar said Mr. Small was refusing to get out of the patrol car. He said that what the BWC did not capture, was Mr. Small actively holding the seatbelt, not caught in it, as Mr. Small is heard saying on the BWC. Officer Snitselaar stated he should not have told Mr. Small, “I’m done playing your fucking games” or continued to engage him.

I asked Officer Snitselaar if Mr. Small said he was “knocked to the ground” as noted in the *Mittimus*. Officer Snitselaar stated he did not recall and “I don’t think I expounded upon it.” Officer Snitselaar did not recall A/Sergeant Stemen speaking with him about his specific involvement/observations. When asked if he thought his contact with Mr. Small was in accordance with the Gainesville Police Department General Order 26.1 “*Rules of Conduct*,” Officer Snitselaar responded, “No. I believe I was aggressive and impolite and disregarding of his needs. Like I said, I was irritated in the moment. It’s not something I look to replicate, ever.”

INTERVIEW – Corporal A. Stemen

On August 17, 2023, I emailed A/Sergeant Stemen notifying him of the internal investigation. Later that day, I provided him with a disc containing the IA investigatory material. After a delay due to a scheduling conflict, I met with A/Sergeant Stemen and Fraternal Order of Police Union Representative Corporal Bertzyk on September 1, 2023. I read the Officer Admonition and a recorded interview was conducted.

A/Sergeant Stemen stated he was in the area of the final stop of Mr. Small and responded to the scene. Mr. Small had already been taken into custody and was being searched at the front of a patrol car. A/Sergeant Stemen said he noticed the bicycle Mr. Small had been riding had a bag wrapped up in the chain rings and pedals. He said Corporal Crews told him that he got behind Mr. Small and, as he prepared to get out of his vehicle, Mr. Small crashed his bicycle into the ground or fell off the bicycle. A/Sergeant Stemen said he did not ask Corporal Crews or Officer Snitselaar any specific questions at that time because he was not aware the incident would necessitate a Use of Force Review. A/Sergeant Stemen stated it was not until Officer Snitselaar said he was taking Mr. Small to the hospital for chest pains, that he realized a Use of Force Review would have to be completed. He believed the chest pain was a result of Corporal Crews using his bodyweight to detain Mr. Small. A/Sergeant Stemen said he did not speak directly with Mr. Small due to his belligerence. A/Sergeant Stemen did not recall if he spoke with Mr. Small beyond hearing him say he had chest pain.

A/Sergeant Stemen said he used the information Corporal Crews and Officer Snitselaar provided on scene, the “relevant portions” of their BWC videos, the Incident Report and case supplements to complete the Use of Force Review. A/Sergeant Stemen explained the “relevant portions” of the BWC videos were “the part that it shows them still driving, Corporal Crews getting out of the car, and then the tussle on the ground with Mr. Small that would have, I guess, resulted in him complaining of the chest pains as a result of the, I guess, struggle on the ground trying to get him into custody.”

I asked A/Sergeant Stemen to describe what he saw and heard while viewing Corporal Crews’ BWC video. A/Sergeant Stemen said he saw Corporal Crews driving with his emergency lights activated. He said he could tell “it looked like he stopped pretty quickly, jumped out of the driver’s door, and then, I couldn’t tell exactly how he got onto the ground with him, but I assume he kind of just jumped on top of him, but...and then they’re struggling, he’s yelling.” A/Sergeant Stemen said he heard the officers yelling, “Give me your fucking hands.” He said he could tell the officers were struggling with Mr. Small, but were finally able to handcuff him.

When asked if he saw Corporal Crews open the door to his patrol car, A/Sergeant Stemen said, “I don’t know if I saw the hand on the lever, per se, but I mean, I saw the door come open, if that makes sense.” A/Sergeant Stemen estimated Corporal Crews was driving “maybe a few feet. I mean, relatively close” to Mr. Small. A/Sergeant Stemen said he did see Mr. Small “off to the corner of the window” prior to Corporal Crews’ exiting his vehicle. He agreed that Corporal Crews was behind Mr. Small the first time the driver’s door was opened.

A/Sergeant Stemen said he did not review Officer Snitselaar’s BWC video in its entirety, only the portions that involved Mr. Small being taken into custody. A/Sergeant Stemen stated that based on the GPD Supervisor Training he has received, specifically from Captain Fanelli, he only viewed the “relevant portions” of the BWC videos related to the Response to Resistance. A/Sergeant Stemen said, referring to Captain Fanelli, “... he even said for him – himself at supervisor training, that when he did or does Use of Force Reviews, that he watches the portions relevant, not necessarily all three hours or however long the video may run.” A/Sergeant Stemen said that to prepare for this interview, he did review additional portions of Officer Snitselaar’s BWC videos, unrelated to the physical detainment of Mr. Small. A/Sergeant Stemen said Officer Snitselaar seemed “frustrated and, I guess, taking it out on Mr. Small.”

A/Sergeant Stemen stated he did not note Corporal Crews’ use of the vehicle door in the Use of Force Review because “it wasn’t an instrumentality in the use of force.... Like it’s not relevant to the actual causation of the use of force.” A/Sergeant Stemen said he did not believe the door ever contacted Mr. Small prior to him falling off the bicycle.

While completing his review, A/Sergeant Stemen said he watched the BWC videos on his laptop and did not hear Mr. Small saying “I can’t breathe.” However, when he received the Internal Affairs disc containing the investigatory material provided to him prior to this interview, and played it via BlueTooth, he could hear Mr. Small say “I can’t breathe.” A/Sergeant Stemen

repeated he only became aware of Mr. Small's complaint of injury, on scene, when Officer Snitselaar told him he was going to take Mr. Small to the hospital.

I asked A/Sergeant Stemen if Lieutenant Lugo was with him when he was conducting his investigation or when he viewed the BWC videos. A/Sergeant Stemen said he did not believe anyone assisted him in writing the Use of Force Review and added that if this was not his first Use of Force Review, it was "pretty darn near." A/Sergeant Stemen said, looking back had he heard Mr. Small say "I can't breathe" he knew it would trigger an EMS response. He said he also would have reviewed the in-car camera video, had he known there was one. But, A/Sergeant Stemen maintained he would not make any changes to his Review because the vehicle door was "not relevant to the use of force that caused it." A/Sergeant Stemen did not speak with Mr. Small to ascertain what the cause of his chest pain was.

INTERVIEW –Corporal J. Crews

On August 17, 2023, I emailed Corporal Crews notifying him of the internal investigation. Later that day, I provided him with a disc containing the IA investigatory material. After a delay due to Corporal Crews' availability, I met with Corporal Crews and his Fraternal Order of Police Union Representative, Corporal S. Bertzyk on September 8, 2023. I read Corporal Crews the Officer Admonition and a recorded interview was conducted.

Corporal Crews explained that after he attempted to block Mr. Small's route behind Auto Zone, he followed Mr. Small onto the bike path. As he was "getting ready to pass [Mr. Small]," Corporal Crews said he removed his seatbelt and, as is his routine, "loads" the door, meaning when he is about to stop, he will open the door slightly, while still moving, so as to quickly exit the patrol car once stopped. Corporal Crews stated he did have his door open while driving on the bike path, but closed it slightly as he approached Mr. Small, because he realized he was "a foot or less" away. He said he then saw Mr. Small veer off the path. Corporal Crews' explained the noise that can be heard at that time was Mr. Small running off the path and "losing control of his bike." Corporal Crews said he opened his door again once he passed Mr. Small and then saw Mr. Small "flip off his bicycle." He stated it was "as if his front brakes locked up." Corporal Crews added he "knows for a fact that [Mr. Small's] bike flipped into the door when it was open." Corporal Crews said he stopped, exited his patrol car and ordered Mr. Small to lay down. Corporal Crews stated Mr. Small was not complying and was reaching in his waistband. He said he grabbed the back of Mr. Small's neck and forced his head to the ground. Once Officer Snitselaar arrived, they were able to detain Mr. Small.

We reviewed the ICV and Corporal Crews' BWC. I pointed out that Mr. Small was still upright and visible on Corporal Crews' BWC when the initial impact noise and grunt are heard. Corporal Crews said he did not think he hit Mr. Small and was now "second guessing" himself. Corporal Crews initially believed Mr. Small "flipped off his bike" immediately after he veered away from the patrol car, but then realized Mr. Small did continue to flee. Corporal Crews said he "vividly" remembers pulling his door in because he was close to Mr. Small and did not want to hit him. He did not remember any impact on the vehicle door. Corporal Crews said it was not his intention to

hit Mr. Small. He added, "It happened so fast." Corporal Crews said he had not received any training in the use of a patrol car to stop a bicyclist.

Corporal Crews stated he completed his report based on his recollection of how the incident unfolded. However, after reviewing the ICV and BWC footage during this interview, Corporal Crews realized his memory, and subsequent documentation, of the events were not as detailed as those revealed on video.

While being detained, Mr. Small says "I can't breathe" several times. Corporal Crews said, "in the moment" he did not hear Mr. Small say he couldn't breathe and was unaware of the complaint until he viewed the videos, provided by Internal Affairs, in preparation for his interview. He said he was aware of Mr. Small's complaint of sciatic nerve damage, but did not summon EMS because an officer was going to transport Mr. Small to the hospital. Corporal Crews is aware of the Department policy to summon EMS when a person in custody says, "I can't breathe."

When asked about the profanity used during the arrest of Mr. Small, Corporal Crews could not discern who said "you should have fucking stopped," but added "I'll own it. It could have been me, 100%." Corporal Crews said he did not think he said, "You know damn well what." Corporal Crews said he is aware of the Department's policy on the use of profanity as it relates to contact with citizens.

Corporal Crews could not recall speaking with A/Sergeant Stemen, in detail, about the arrest of Mr. Small. Corporal Crews said it was not his intention to hit Mr. Small with the door. Corporal Crews stated that, during the incident, he did not hear Mr. Small say he had been knocked off his bike, but did hear Mr. Small make mention of it, when he viewed the provided videos. Corporal Crews said that having viewed the video during the IA interview, it was "completely plausible" that he unintentionally struck Mr. Small with the patrol vehicle door.

INTERVIEW – Lieutenant A. Lugo

On September 5, 2023, I emailed Lieutenant Lugo notifying him of the internal investigation. Later that day, I provided him with a disc containing the IA investigatory material. On September 10, 2023, I met with Lieutenant Lugo and read the Officer Admonition and a recorded interview was conducted.

Lieutenant Lugo stated A/Sergeant Stemen gave him a brief synopsis of the incident and advised him a Use of Force Review was being forwarded to him. Lieutenant Lugo said his understanding of the incident was there was a chase and Mr. Small fell off his bike. As a result of Mr. Small complaining of chest pain, A/Sergeant Stemen completed a Use of Force Review. Lieutenant Lugo said he did read A/Sergeant Stemen's Review prior to adding his comments and forwarding the Review to Captain Young. He said the Review sounded "good and reasonable." Lieutenant Lugo said he had no concerns with the Review and did not speak with A/Sergeant Stemen before he forwarded his comments. He stated he did not remember having any discussions about the use of a patrol vehicle door to unseat Mr. Small. Lieutenant Lugo said he did not speak with Corporal

Crews or Officer Snitselaar about their involvement in the incident. Lieutenant Lugo said he did not review any BWC videos and was unaware there was in-car camera video.

When asked, Lieutenant Lugo stated he was unaware, at the time, what was expected of him when a Use of Force Review was forwarded to him. He said he was reading A/Sergeant Stemen's Review as if it was an incident report that needed to be approved or denied. He added, "Nobody had ever trained me or told me. In all the supervisor trainings that I ever sat in, they never said, 'When you do a Use of Force Review, your responsibility is to go through watch all the things over again.' Redo it, because that's basically what we're doing. We're redoing what the original supervisor did. I did not know that." Lieutenant Lugo said he did not know how many Use of Force Reviews he had completed, but had not done any prior to promoting to Lieutenant (January 24, 2022). He stated that Captain Fanelli did speak with him at a later date because he had forwarded a Review with similar comments and Captain Fanelli told him what was expected of him. Lieutenant Lugo said that since his conversation with Captain Fanelli he has reviewed videos, reports, etc. I asked Lieutenant Lugo if he had read GPD General Order 1.5 *Response to Resistance (formally Use of Force)* as it relates to his responsibilities as a supervisor and he said he had, but not in sometime. Lieutenant Lugo said he had not received any training, while employed with the Gainesville Police Department, on the use of a patrol vehicle door as a non-lethal or improvised weapon.

When asked if he had any concerns with the BWC video, Lieutenant Lugo said, "I mean, I could see how it looks, pretty, you know, it looks like he, may have. But, I mean you really can't, it's difficult." We then viewed Officer Snitselaar's ICV. After watching the ICV and BWC video, Lieutenant Lugo stated that had he reviewed the ICV prior to forwarding the Review to Captain Young, he would have spoken with A/Sergeant Stemen and Corporal Crews. Lieutenant Lugo stated he believed Corporal Crews was "tunneled in" on Mr. Small and "unfortunately, errors happen." He explained, "Maybe the intent was not to hit [the bicycle], but maybe he bumped it."

Lieutenant Lugo is aware of the GPD Rules of Conduct policy as it relates to contact with the public. However, in Lieutenant Lugo's opinion, he believes there's a difference in calling someone an "MF'er" (Mother Fucker) and Corporal Crews trying to "drive the point home." Lieutenant Lugo explained that officers can ask someone to do something but, sometimes, when using the word "Fuck," the individual has a better understanding of the immediate need to comply. Lieutenant Lugo is also aware of the policy related to those in custody who say "I can't breathe." Lieutenant Lugo said he heard Mr. Small, on the BWC video, repeatedly say he couldn't breathe, and was aware Mr. Small was taken to the hospital, but did not review the timeline of when that happened.

As it relates to A/Sergeant Stemen's Review, Lieutenant Lugo explained that although A/Sergeant Stemen stated Corporal Crews got ahead of Mr. Small, A/Sergeant Stemen failed to document Corporal Crews' previous action(s) before the arrest of Mr. Small. Lieutenant Lugo stated he was responsible for A/Sergeant Stemen's Review, because he had not provided any training in the completion of Use of Force Reviews.

Lieutenant Lugo said he did not review Officer Snitselaar's BWC prior to this interview. I explained a couple of statements made by Officer Snitselaar. I then showed him the video of Officer Snitselaar telling Mr. Small to "If you don't stop, I'm going to roll the windows down. You're annoying" and then transporting Mr. Small to the jail with the windows down and music on. When asked if he had any concerns with Officer Snitselaar's actions, Lieutenant Lugo said, "...these officers are very frustrated." He added, "I feel like these officers, they're cracking. They're just so frustrated, so worn out, that they're just acting out against the, when they don't need to. They're not keeping their cool heads. I mean, everyone's aware of the crisis of the staffing we have now. We have 10 of them showing up to do this job and they've had it. And this is proof."

INTERVIEW – Captain V. Young

On August 15, 2023, Lieutenant Durst notified Captain Young of the Internal Affairs investigation. He explained that based on the information included in this investigation, I did not need to interview her, but was offering the opportunity. On August 16, 2023, Captain Young respectfully declined this offer.

CONCLUSION

On October 17, 2022, Officer Snitselaar was following Mr. Small, who had just stolen a statue from the front porch of the victim's residence. Officer Snitselaar followed Mr. Small, who was actively fleeing law enforcement on a bicycle. Once behind AutoZone, Corporal Crews got behind Mr. Small and proceeded to follow him onto a bike path driving in close proximity. Corporal Crews then opened his vehicle door which made contact with Mr. Small's bicycle, however Mr. Small was able to maintain his balance. Corporal Crews slightly increases his speed until he is parallel with Mr. Small. It appears the front wheel of the bicycle turns toward Corporal Crews' patrol car and collides with the open driver's door of Corporal Crews' vehicle. As a result, Mr. Small and the bicycle fall to the ground.

In a review of Corporal Crews' BWC, Officer Snitselaar's ICV and the Automated Vehicle Locator, Corporal Crews' vehicle was in motion when the collision occurred and was travelling less than 20mph.

Once Mr. Small fell to the ground, Corporal Crews stopped and exited his patrol car. He ordered Mr. Small to the ground and to put his hands behind his back. When Mr. Small refused to comply, Corporal Crews used his bodyweight to prevent Mr. Small from getting up. It was at this time, Officer Snitselaar arrived to assist. During their attempts to detain Mr. Small, they used several expletives, such as "Get on the fucking ground" "Give me your fucking hands, right now" and "If you keep putting your fucking hands in your waist, I'm gonna tase your ass." During his arrest, Mr. Small stated several times "I can't breathe." Mr. Small also alleged his chest hurt and he was in pain from his sciatic nerve damage. EMS was not requested to respond to the scene.

While enroute to the hospital, Officer Snitselaar put down all the windows, turned music on at a high volume, and turned off his BWC. Once they arrived at the hospital, Officer Snitselaar turned his BWC back on and asked Mr. Small to the exit the patrol car. Mr. Small was not exiting and

Officer Snitselaar proceeded to grab Mr. Small's arm and pulled him from the back seat, stating, "I'm done playing your fucking games." Officer Snitselaar turned his BWC off shortly after arriving at the hospital.

In his interview, Officer Snitselaar stated he was "irritated" with Mr. Small for "having to run and fight and, over something small." He added, "I should have acted a little more professionally, but I was annoyed and irritated."

A/Sergeant Stemen completed the Use of Force Review documenting the pursuit and subsequent arrest of Mr. Small. In his interview, A/Sergeant Stemen stated he did not necessarily notice Corporal Crews' opening of the driver's door while in motion, Mr. Small's reactions or statements, or the fact that the vehicle door made contact with Mr. Small's bike. Although A/Sergeant Stemen states he did not ask Corporal Crews or Officer Snitselaar any specific questions because he did not know a Use of Force Review would be required, once he discovered this, he still did not interview Corporal Crews or Officer Snitselaar. He also did not attempt to interview Mr. Small. Even if Mr. Small was belligerent, he may have provided information that A/Sergeant Stemen was not aware of regarding this incident which is the same for Corporal Crews and Officer Snitselaar. Additionally, A/Sergeant Stemen did not take any action regarding the offensive language used by both officers during the arrest of Mr. Small.

On October 28, 2023 at 0549 AM, Lieutenant Lugo received the Use of Force Review from A/Sergeant Stemen. Lieutenant Lugo forwarded the Review nine minutes later, noting, "For your review, I agree with findings." Lieutenant Lugo did not speak with any involved officers nor did he review any BWC or In-Car Camera videos associated with this incident.

Gainesville Police Department General Order 41.4 *Vehicle Pursuits* states, in part, "Sworn personnel have the responsibility to operate vehicles in a manner which does not unnecessarily endanger the public while attempting to apprehend suspected violators of the law." Additionally, Gainesville Police Department General Order 41.3 *Department Vehicles* states, in part, "Department members shall operate Department vehicles in a safe and skillful manner as set forth within the guidelines of Department policies and Florida State Statute."

Corporal Crews operated his vehicle in a manner resulting in one or two collisions with a suspect on a bicycle. Therefore the allegation of violation of Gainesville Police Department General Order 41.4: *Vehicle Pursuits* and/or Gainesville Police Department General Order 41.3: *Department Vehicles* is **SUSTAINED**.

Gainesville Police Department General Order 26.1 *Rules of Conduct* states, in part, "Contact with the Public: All members shall 1. Be courteous, orderly, attentive, and patient in dealing with the public; 2. Not use course, violent, profane, or insolent language". Corporal Crews was unprofessional in his contact with Mr. Small. He disregarded Mr. Small's complaints of injury and used profane language. Therefore, the allegation of violating Gainesville Police Department General Order 26.1 *Rules of Conduct* is **SUSTAINED**.

Gainesville Police Department General Order 1.5 *Response to Resistance (Formerly Use-of-Force)* states in part, “Anytime a person in custody claims respiratory distress, the member shall immediately call for EMS to evaluate once the person is secured and the scene is safe.” Mr. Small told Corporal Crews several times that he could not breathe. At no time did Corporal Crews request emergency medical services respond to the scene to evaluate Mr. Small. Therefore, the allegation of GPD General Order 26.1: Rules of Conduct (Inefficiency in Job Performance) is **SUSTAINED**.

Corporal Crews will receive corrective action in the form of a written warning as well as remedial training for the violations. Furthermore, Corporal Crews should be reminded continued violations of this nature will result in progressive discipline, up to and including dismissal.

Gainesville Police Department General Order 26.1 *Rules of Conduct* states, in part, “Contact with the Public: All members shall 1. Be courteous, orderly, attentive, and patient in dealing with the public; 2. Not use course, violent, profane, or insolent language” Officer Snitselaar was unprofessional in his contact with Mr. Small. He disregarded Mr. Small’s complaints of injury, he made unnecessary demeaning comments and used profane language. Therefore, the allegation of violating Gainesville Police Department General Order 26.1 *Rules of Conduct* is **SUSTAINED**.

Gainesville Police Department General Order 1.5 *Response to Resistance (Formerly Use-of-Force)* states in part, “Anytime a person in custody claims respiratory distress, the member shall immediately call for EMS to evaluate once the person is secured and the scene is safe.” Mr. Small told Officer Snitselaar several times that he could not breathe. At no time did Officer Snitselaar request emergency medical services respond to the scene to evaluate Mr. Small. Therefore, the allegation of GPD General Order 26.1: Rules of Conduct (Inefficiency in Job Performance) is **SUSTAINED**.

Officer Snitselaar will receive corrective action in the form of a written warning as well as remedial training for both violations. Furthermore, Officer Snitselaar should be reminded that continued violations of this nature will result in progressive discipline, up to and including dismissal.

Gainesville Police General Order 40.14 *Body Worn Camera Video Systems (BWC)* states, in part, “Members issued BWC equipment shall record all contacts with citizens in the performance of official duties (exceptions listed in sections D and E).”

When Officer Henry is on scene, in several officers BWC videos, she is seen speaking with Mr. Small and standing near his property and potential evidence. There is no BWC video associated with this call for service for Officer Henry. Therefore, the allegation of violating Gainesville Police Department General Order 40.14 *Body Worn Camera Video Systems (BWC)* is **SUSTAINED**.

This is Officer Henry’s first violation of this rule and she will receive corrective action in the form of Verbal Counseling. Furthermore, Officer Henry should be reminded that continued violations of this nature will result in progressive discipline, up to and including dismissal.

Gainesville Police Department General Order 1.5 *Response to Resistance* states, in part, “Based upon the provided information, thoroughly review all member’s actions, and then complete a Response to Resistance Supervisory Review on the appropriateness of the response to resistance and whether or not it met Department guidelines. The supervisor may elaborate with needed details or comments.”

A/Sergeant Stemen failed to notice several facts during his review such as Corporal Crews opening and holding the vehicle door open while driving behind and next to Mr. Small, Mr. Small’s statements that he could not breathe, and/or Corporal Crew’s vehicle making contact with the bicycle. A/Sergeant Stemen also did not interview the involved officers or attempt to interview the suspect in order to complete the review. Therefore, the allegation of violation of Gainesville Police Department General Order 26.1: *Rules of Conduct (Inefficiency in Job Performance)* is **SUSTAINED**.

A/Sergeant Stemen will receive corrective action in the form of a written warning as well as remedial training. He is reminded future violations will result in progressive discipline.

Gainesville Police Department General Order 1.5 *Response to Resistance* states, in part, “Based upon the provided information, thoroughly review all member’s actions, and then complete a Response to Resistance Supervisory Review on the appropriateness of the response to resistance and whether or not it met Department guidelines. The supervisor may elaborate with needed details or comments.”

On October 28, 2023 at 0549 AM, Lieutenant Lugo received the Use of Force Review from A/Sergeant Stemen. Lieutenant Lugo forwarded the Review nine minutes later, noting, “For your review, I agree with findings.” Lieutenant Lugo did not speak with any involved officers nor did he view any ICV or BWC videos associated with this incident. Therefore, the allegation of violation of Gainesville Police Department General Order 26.1: *Rules of Conduct (Inefficiency in Job Performance)* is **SUSTAINED**.

Lieutenant Lugo will receive corrective action in the form of a written warning as well as remedial training. He is reminded future violations will result in progressive discipline.

Gainesville Police Department General Order 1.5 *Response to Resistance* states, in part, “14 days after receipt by the Captain or Acting Captain, they must submit a Response to Resistance report in Blue Team with comments and approval or disapproval to the Internal Affairs Unit and copy the Assisting Chief of their findings.”

Captain Young received the Use of Force Review related to this incident on October 28, 2022. She failed to review the document within 14-days, as it was still pending on February 6, 2023, when it was re-assigned to Captain Owens, which is a total of 101 days. Therefore, the allegation of violation of Gainesville Police Department General Order 26.1: *Rules of Conduct (Inefficiency in Job Performance)* is **SUSTAINED**.

During a concurrent Internal Affairs investigation (IA 23-012), it was discovered and noted that Captain Young failed to conduct a Use of Force Review within a timely manner (02-22-013411), as well as additional unrelated reports. On September 26, 2023, Captain Young received corrective action in the form of a Written Warning as well as remedial training for those deficiencies. Since the Review attached to this incident (02-22-015842) was among those entries overdue at the time the Written Warning was issued, that Written Warning will be attached to this case and serve as corrective action. She is reminded that future violations will result in progressive discipline.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true. Furthermore, I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. [112.532](#) and [112.533](#), Florida Statutes.

IA#: 23-010

Investigator:

Sgt. Tracy C. Ford

Date:

Sept. 18 2023

IA Commander:

T. DUEST

Date:

09-18-2023

Bureau Commander:

Patricia Duce

Date:

10/18/23

Chief Inspector:

Jaime Mulla

Date:

10/18/23

Assistant Chief:

Mike May

Date:

10/3/23