



GAINESVILLE POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATIVE REPORT

File Class:	Administrative Review	Date Occurred:	June 21, 2019
Comp Type:	External	IA#:	19-058
Date Received:	August 15, 2019	Date Closed:	August 27, 2019
Related Cases:	19-10214	Assigned to:	Sergeant Renee Guyan

LOCATION OF COMPLAINANT

Address:	545 NW 8 th Avenue	City:	Gainesville	Add Info:	
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ASSOCIATED NAMES

CO: Bobby Rentz	SEX/ RACE/ DOB:	B/M
SO: Corporal Jeff Kerkau	Findings/Actions:	Unfounded / None

RULE OF CONDUCT ALLEGED

City of Gainesville E-3 Rule 19 "Immoral, unlawful, or improper conduct or indecency, whether on or off the job which would tend to affect the employee's relations to his/her job, fellow workers' reputations or goodwill in the community."

SUMMARY / NOTES / COMPLAINT

Complaint:

On August 15, 2019 the Internal Affairs Office received a complaint written by Mr. Bobby Rentz. In the complaint Mr. Rentz claims that he was sitting in the back yard of a residence when a police K9 bit him. Mr. Rentz said that he told the officer he was there but the K9 still bit him for 5-6 minutes before the officer got there. He believes that an excessive use of force was used against him.

The investigation was assigned to Sergeant Renee Guyan.

Investigation:

For this investigation I reviewed the written complaint, the GPD reports/supplements, the Use-of-Force report, photographs, and any videos available from the incident to include in-car camera videos and body-worn camera videos.

The citizen complaint form states that on June 21, 2019 Mr. Rentz was sitting in the backyard of the residence at 1019 NW 42nd Avenue. He said that a K9 Officer and his dog (who was on a 6-10ft leash) entered the property. When Mr. Rentz heard them in the yard he states that he said to them, as loud as he could, "I'm right here sir...I'm not going to resist." Mr. Rentz said that he was sitting with his back against a wall, his knees bent in front of him, and his hands above his head. Mr. Rentz said that the officer made visual contact with him and started yelling at him to stop resisting and then commanded his K9 to attack him. Mr. Rentz claimed there were no other officers present at the time and that the K9 was attacking him for 5-6 minutes before Officer Burwell and two other officers arrived. Mr. Rentz believes that excessive force was used, constituting police brutality.

This incident is documented under GPD CR 19-10214. The original report is submitted by Officer Burwell and supplements from Officers Bailey, Boyett, Graham, and Corporal Kerkau were completed. On June 21, 2019 Officer Burwell conducted a traffic

stop at 913 NW 42nd Avenue. The driver was identified as Bobby Rentz. Mr. Rentz told Officer Burwell that he did not have a valid license. While Officer Burwell was conducting the stop two different citizens came up to him and were distracting him from what he was doing. Officer Burwell called for back-up. During this time he did a want/warrants check on Mr. Rentz which confirmed that he did not have a valid license. Rentz spontaneously took off running west on NW 42nd Avenue. Officer Burwell gave chase and warned Mr. Rentz that if he did not stop he would be tased. Mr. Rentz circled around a stop sign then shoved Officer Burwell to the ground and continued running east bound. Officer Burwell lost sight of Mr. Rentz in the 1000 blk of NW 42nd Avenue. A perimeter was established and a K-9 team was requested.

Corporal Kerkau and his K9 partner Roo arrived on scene. In his supplement Corporal Kerkau states that Officer Burwell showed him the last point where he saw Mr. Rentz which was going over a chain link fence in the front yard of 1017 NW 42nd Avenue. Corporal Kerkau and Roo began to track. K9 Roo took them down the side of the house and as they approached a six foot wooden privacy fence Corporal Kerkau said that he heard a moan to his left. Corporal Kerkau illuminated this dark area and observed Roo apprehending Rentz on his left leg. Mr. Rentz was lying in the corner where the house meets the fence attempting to conceal himself behind a chair.

Corporal Kerkau began to give loud verbal commands for Mr. Rentz to show his hands. Mr. Rentz did and as Corporal Kerkau began to approach him to remove Roo Mr. Rentz put his right hand down out of view so Corporal Kerkau encouraged Roo to maintain his hold. Corporal Kerkau again commanded Mr. Rentz to show his hands which he did and Corporal Kerkau removed Roo. Mr. Rentz was then secured in handcuffs by Officer Burwell.

There are two in-car camera videos and twelve body-worn camera videos that capture different portions of this incident. I viewed all of the videos. Corporal Kerkau has a body worn camera. It was activated during the track and also for two interviews with Mr. Rentz in the hospital. The video is consistent with the report written by Corporal Kerkau. They begin to track at the last seen point. Roo quickly takes them behind the home. It is very dark in this area. Roo located Mr. Rentz attempting to conceal himself up against the home behind a chair. At the 1:33 mark you can hear items being knocked over and then Mr. Rentz make an inaudible noise as Roo apprehends him. At 1:34 hours Corporal Kerkau begins to give loud commands for the unknown suspect at this time to show his hands. Corporal Kerkau is approaching the suspect and still telling him to show his hands. At the 1:53 mark on the video Corporal Kerkau has removed Roo's hold from Mr. Rentz.

Mr. Rentz was transported to the hospital via ambulance to receive care for the injury he sustained as a result of the K9 apprehension. Corporal Kerkau spoke to Mr. Rentz at the hospital. This interaction was also captured on his body-worn camera. Corporal Kerkau asked him if he heard him coming around the house with the K9 and Mr. Rentz said that he did. Corporal Kerkau asked him why he did not say anything and Mr. Rentz said he "couldn't think....he was just sitting there praying."

Sergeant Charles Owens completed a use of force review and forwarded it up the chain of command for review and approval. The Use of Force review is required whenever a member of the department applies force through a weapon, applies force that causes or is alleged to have caused an injury, or strikes an intentional blow to a person. The Use of Force report is a summary of the event that includes reviewing all reports and reviewing all available audio/video recordings. Based upon the provided information the supervisor will summarize the Use of Force to include the appropriateness of the force used and whether or not it met Department guidelines. The Use of Force report was submitted through the chain of command to Captain Schentrup. The report was approved at all levels. Had there been any concern about the appropriateness of the use of force then anyone in that chain of command could have denied the report and forwarded to the Internal Affairs unit for further review.

Conclusion:

On June 21, 2019 Officer Burwell conducted a traffic stop. During that stop the driver was identified as Bobby Rentz. Mr. Rentz fled on foot from Officer Burwell. During this foot chase Mr. Rentz reversed directions and shoved Officer Burwell down to the ground. Officer Burwell attempted to deploy his Taser but it was ineffective. Officer Burwell gave chase again and lost sight of Mr. Rentz when he jumped over a chain link fence. A perimeter was established and Corporal Kerkau and his K9 partner Roo responded. They tracked Mr. Rentz and located him concealing himself behind a house. The area where Mr. Rentz was located was very dark, he was tucked in close to the structure by a six foot privacy fence. Mr. Rentz attempted to further conceal himself behind a chair and used a small trash can to conceal parts of his body.

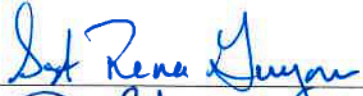





The use of a Police K9 to assist in the apprehension of Mr. Rentz was found to be within policy. Mr. Rentz had committed a forcible felony (battery on a Law Enforcement Officer). Lesser force was ineffective when he failed to comply with verbal commands to stop and the deployment of the Taser was ineffective. Mr. Rentz had a tactical advantage while hiding in the darkness concealing his location. Mr. Rentz had also not been searched prior to his flight so it was unknown if he was armed with a weapon. Mr. Rentz had an opportunity to alert law enforcement to his location and he made a choice not to.

Sergeant Owens completed a Use of Force Review that was submitted through his chain of command. The Use of Force review determined that the force used was appropriate and within department guidelines. Had there been any question on the appropriateness of the force used the supervisor (at any level of the review) would have referred the incident to the Internal Affairs office.

The video from Corporal Kerkau' s body-worn camera disproves Mr. Rentz' s claim that he surrendered prior to contact with the police K9. It also shows that K9 Roo had a hold of Mr. Rentz for approximately 29 seconds not the 5-6 minutes that Mr. Rentz claimed in his complaint. It also shows that during a conversation at the hospital Mr. Rentz tells Corporal Kerkau that he did not say anything as they approached him behind the house because he "couldn't think."

This investigation found the use of force to be appropriate and within department guidelines therefore the allegation of misconduct is **UNFOUNDED**.

"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#: IA 19-058		
Investigator:		DATE: 8/27/19
IA Commander:		DATE: 9/3/19
Bureau Commander:		DATE: 9-3-19
Chief Inspector:		DATE: 9-4-19
Assistant Chief:		DATE: 9-4-19
Chief of Police:		DATE: 9-4-19