Sheriff's Office

Volusia County Ben F. Johnson, Sheriff

To:

Sheriff Ben F. Johnson

Date: May 5, 2008

From:

Bryan Barnard

File: 054M094.08

District Four

Alpha Shift Patrol Sergeant

Subject: Use of Force (Case#08-15251)

In accordance with directive 1.3 Use of Non-Deadly Force a supervisory investigation was conducted into the use of restraining force by Deputy David Higgins in reference to case 08-15251.

Summary of Incident

in reference to a domestic disturbance. Upon Deputy Higgins responded to arrival Deputy Higgins contacted Knudsen, Scott the victim, who advised his wife Knudsen, Mary (Defendant) had shut the rear hatch window to their SUV on him while he was half inside. Deputy Higgins then contacted the defendant outside in the driveway. Deputy Higgins asked the defendant her version of the events and the defendant refused to speak with Deputy Higgins and began to walk towards an open garage. Deputy Higgins commanded the defendant to stop and she failed to obey his verbal commands. Deputy Higgins then grabbed the defendant by her wrist. The defendant began to pull away and shake violently, disobeying verbal commands to stop resisting. Deputy Higgins took the defendant to the ground and was able to successfully gain control and handcuff her. As result of being taken to the ground, the defendant had struck her nose on the concrete driveway. The defendant also had complaint of neck and back injuries. The defendant was arrested and charged with battery simple DV, and resisting arrest without violence. The defendant was transported by EVAC to FL Hospital at 1055 Saxon Blvd. Orange City to be treated for her injuries.

Investigation

and spoke with the victim. The victim advised he was inside and I responded to did not witness any of the struggle between Deputy Higgins and the defendant. I spoke to Deputy Steven Shirah who had responded as backup to the call. Deputy Shirah advised he had not witnessed the physical struggle between Deputy Higgins and the defendant. Deputy Shirah indicated the incident happened just moments prior to him arriving on scene. I then responded to



FL Hospital and spoke with the defendant. The defendant advised she was slammed down for no reason and she was not resisting arrest. The defendant admitted that she had heard Deputy Higgins tell her to stop, and not to continue walking away from the deputy. The victim advised, she felt that she needed to sit down because of anxiety and was going to a chair in the garage. The defendant also admitted to pulling away from the deputy once he grabbed her arm. The defendant advised she was scared of Deputy Higgins due to past incidents in which he had responded to her residence. The victim had an avulsion on her nose, and an abrasion on her left arm near her elbow. Both injuries were photographed. The defendant also had complaint of pain in her neck, back, and left shoulder. The defendant was diagnosed with a broken nose at the hospital and received approximately 4 stitches in her nose. The hospital did not discover any additional injuries.

I reviewed the original incident report completed by Deputy Higgins. The report accurately depicts the facts and circumstances relating to the incident.

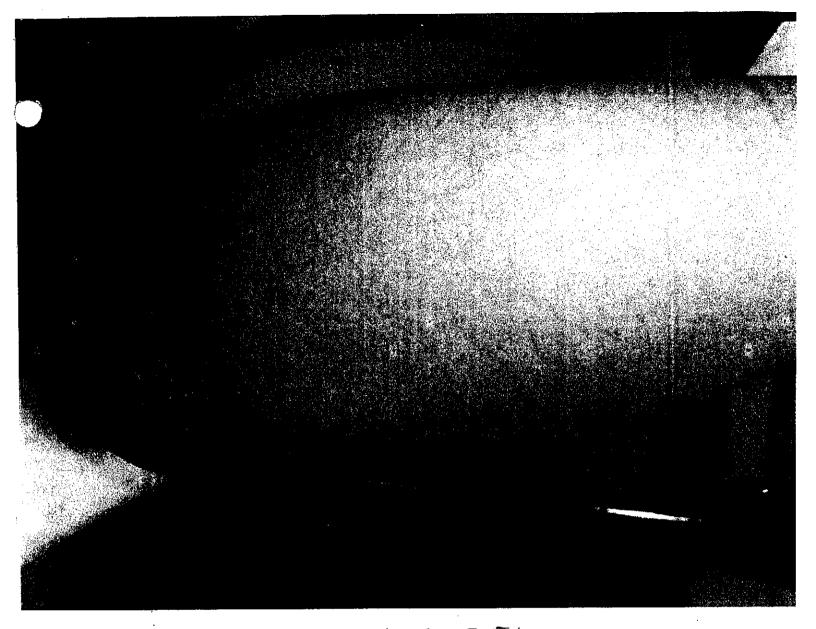
Conclusion

Based on my supervisory investigation into this incident the use of non-deadly force by Deputy David Higgins was justified and in accordance with department directives.

IIROSTAPOJ



CASE# 08- 1525/ KNUDSEN, MARY WIF 09-23-68



LEFT ARM

CASE# 08-15251.
KNUDSEN, MART WIF 9-23-68

VOLUSIA COUNTY SHERIFF'S OFFICE

| | _ | Juvenila Hate Crime | | INCID | ENT REP | ORT | | D /411 -1- | Page 1 | of 3 Pages |
|---------------|---------------------------------------|--|---------------------------|---------------------------------------|---------------------|--------------|---------------------------------------|--|--|-------------------------------------|
| 1 | | Gang Elderly Abuse / Exploitation | | | | Distr | 1 ~ | ncy ReportNumbe 815251 | | |
| . i | X | Domestic Violence VOR S - Spouse | Agency ORI Num | per | | | Zone# | | elephone Handled | 1. Yes |
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| | L | ocation Type Location Type Codes 01.Residence-Single 05.Convenience Store | 09 | | | 1 | DED YET | irt 2 | 5.Parking LoVGarage | 29,Motor Vehicle 30,Other Mobile |
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| <u> </u> | + | 01 04.Hotel/Motel 08.Bar/Nightclub | <u>12.1</u> Adc | 1910 | 10" | | _ | Structure 2 Resider | 28.Lake/Waterway | sidence Status |
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| g | | Means of Attack S. Adult 9. Other Extent of Injur | ry | NO | (~ | • | | lic Violence | Victim Refationsh | ipto Offender |
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COUNTY OF VOLUSIA AUTO/INCIDENT REPORT

| PARTMENT & DIVISION | DATE & TIME | LOCATION | REF | ORT # & AGENCY |
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| VCSO/LESD | 05-05-08 0900 HRS. | | TONA 08- | 15251 VCSO |
| | | | | |
| DESCRIPTION OF ACCIDENT Deputy Hi | ggins was investigating a | domestic violence call at abov | e location. Knudsen, Mar | y was contacted in the |
| driveway. As Higgins attempted to que leave. Higgins restrained Knudsen by g | rabbing her arm, and Kn | ndsen began to violently struct | t suspect of domestic batter | ont. pg 2) |
| leave. Higgins restrained Kiluusen by į | standing not aim, and Kir | and organico violona, saug | | |
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| DRIVER | | COUNTY VEH. YEAR & MA | KE | |
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| D/L NO | | I.D.·NO. | · · · · · · · · · · · · · · · · · · · | |
| D.O.B | | DAMAGES | · · · · · · · · · · · · · · · · · · · | |
| INJURIES | · . | REPAIR ESTIMATE | | |
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| • | <u>OTHER</u> | PERSON INVOLVED | | |
| OWNER | | VEH. YEAR & MAKE | | |
| ADDRESS | | I.D. NO. | <u> </u> | |
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| PHONE/HOME WORK | | DAMAGES | | |
| DRIVER | | REPAIR ESTIMATE | | |
| ADDRESS | | INSURANCE CO. | | |
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| D/LNO | | | · · · · · · · · · · · · · · · · · · · | |
| 7.B | | POLICY NO. | | |
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| | | INCIDENT | | |
| NAME & ADDRESS OF PARTY INVOLVE | ED KNUDSEN, MARY | | | |
| DELTONA | | PHONE NO. | | |
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| WAS MEDICAL TREATMENT NECESSA | RY? YES | DN 7 | | |
| WHERE? FL HOSPITAL 1055 SAXO | ON BLVD. ORANGE CIT | l Y | | |
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| NAME | ADDRES | s | | PHONE |

IF DIAGRAM IS NECESSARY, COMPLETE ON REVERSE SIDE OF THIS FORM.
PLEASE SUBMIT TO RISK MANAGEMENT WITHIN 24 HOURS OF DATE REPORTED

DIAGRAM OF ACCIDENT

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| , L | | <u> </u> | - Constant | Condition: | | | Mental Cor | ndition: | | Doctor N | ame; | | Dentist N | lame: | | |
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VOLUSIA COUNTY SHERIFF'S OFFICE

| | | | | | NARK | ATIVE / SU | PPLEWEN | | Page 3 of 3 Pages |
|----------------|---|--|---|--|---|--|---|--|--|
| ΣT | Report | Cale | Report Time | Orig. Reported Date | Nature of Call (for Incident | | gency ReportNumber | | 1.Origina) |
| ŀ | 05-05 | -2008 | 0855 | 05-05-2008 | BATTERY |]0: | 30015251 | | (4.Supplement)1 |
| Z | 05-05 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 | DEPUTY KNUDSI BAKER DEPUTY BAKER (D1) IN TEN FE DEPUTY WALKE THE GA WITH H COMMA TO BRE CONDL HAND (HER NO BASED HIGGIN WITH C | OBSS (HIGGINS CONTEN FOR HER VERACTING ME!!! Y HIGGINS HAS HACTED ON ONE THE DRIVEWAY, ET AWAY. Y HIGGINS ASKED TOWARDS THIS LEFT HAND. HANDED KNUDSEN CUFFS. AS A REDSE. ON DEPUTY HIGGINS CALL Y HIGGINS CALL Y HIGGINS CALL | 05-05-2008 ACTED KNUDSER SION OF EVEN IAD LAW ENFOR OCCASION WITH AWAY FROM KITT AWAY FROM MANEUVE SULT OF THE TOTAL FOR MEDICAL FOR MEDICAL AWAY FROM KITT AWAY FROM KIT | EN (D1) AT THE FR TS SHE REPLIED I RCEMENT CONTACT TH THIS IN MIND, I NUDSEN (V1) AND HAT HAD HAPPENE PUTY HIGGINS AD TY CONCERNS, DE THEN ATTEMPTED ISTING AND THEN VIOLENTLY SHAKI R. KNUDSEN (D1 AKE DOWN, KNUD HATION, KNUDSEN MPLE BATTERY (D | ONT OF THE RESERVED TO PULL AWARD OF THE POTENTION OF THE | HOUSE, ON THE D MY HUSBAND AN DSEN (D1) IN THE INS INTENDED TO AL HAZARDS OF I UDSEN (D1) TUR EN NOT TO WALK S RESPONDED B AY FROM DEPUTY UDSEN'S (D1) OTI JLDERS BACK AN DISSE IMPACTED THE TERMINED TO BE I (D1) WAS ADDITI ND TREAT TO KN | D YOU GUYS ARE AL PAST AND WAS PRES CONDUCT HIS INTE KNUDSEN'S (D1) OPE NED AWAY FROM DE AWAY, KNUDSEN CO Y GRABBING KNUDSEN HIGGINS HOLD, DE HER WRIST, KNUDSEN D FORTH, DEPUTY HOT TO THE GROUND HE DRIVEWAY, CAUSE THE PRIMARY AGGRONALLY CHARGED WORLLY CHARGED WORLL | 2. Supplement 1 EPUTY HIGGINS ASKED WAYS ARRESTING AND SENT WHEN SHE WAS RVIEW OF KNUDSEN IN GARAGE, WHICH WAS EPUTY HIGGINS AND ONTINUED TOWARDS EN'S (D1) LEFT WRIST PUTY HIGGINS EN THEN CONTINUED HIGGINS THEN AND SECURED INTO SING AN ABRASION TO ESSOR. DEPUTY VITH RESISTING ARREST (KNUDSEN (D1) |
| Y | 36 | COMP | AINED OF A NEC | CK INJURY AND | WAS TRANSPORT | ED TO ORANG | SE CITY HOSPITA | L FOR FURTHER EVA | LUATION. |
| / CONTINUATION | 37 38 39 40 | SCENE | AND CONTACT | ED, KNUDSEN (V | (1) . | | | | RESPONDED TO THE |
| : | 41 | DEPUT OBTAI | Y HIGGINS PRO N AN INJUNCTIO | VIDED KNUDSEI N FOR PROTEC | N (V1) WITH A DOM TION. : | MESTIC ABUSI | RIGHTS AND RE | MEDIES PAMPHLET A | AND EXPLAINED HOW TO |
| NARRAT | 43 | CASE | STATUS: CLOSE | D / CLEAR / ARR | EST / ADULT | | | | · |
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| ļ ų | Sta | itus 1 | | rrest/Adult 2.Arrest/ | Juv. 3.Exceptional/Adult | 4.Exceptional/Juv. | S.Closed 6.Unfounded | | Triad SA Referral |
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| TO | | CAC nnectingRe | Spoke With: port Number Agency | - T | Additional Forms Altached: Narral/ | Ve [38A707 [| Persons Property | Veh./TowSheet Other (| Describe; |
| TOUNIET | | ficer Reporti | ng - Printed | | | 103/014 | , | ID. Number Unil | Cate |
| Ş | | gins, Dav | id · | | 1 | 1/1 | | 7034 | 05-05-2008 |
| | | licer Review | ing - Printed (If Applicable) | | Officer Reviewing - Sig | gnalure (If Apolicable) | | ID Number Unit | Date |

VOLUSIA COUNTY SHERIFF'S OFFICE

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|---------------------|---|--------------------------|---|----------------------|---------------------|-----------------|---------------------------------------|----------------|----------------|--------------------|---------------|---------------------------------------|--|--------------|-------------|
| | Report Date | Report Time | Orig. 5 | Reported Date | Nature of Call (for | (ncident) | | | Agency Rep | ortNumber | | | | 1.Original | |
| - | 05-05-2008 | 0855 | 05-05 | -2008 | BATTERY | | | | 08001525 | 1 | | | | 2.Supplement | |
|)- | Incident Reported By: | | | - | | | | | Via: | 911 | \Box | On-view | | Non-Emergene | су |
| | NEIGHBOR | | | | | | | | | | | | | | |
| | Person Code # | D 1 V | ctim | Suspect | Arrest | | 므 | lavit Filed | | L Not | Present | | | | - 1 |
| z | Angry · | c | akm | Fearful | Threaténi | ng | | nant (explain) | | | | | ·· · · · · · · · · · · · · · · · · · · | | |
| 의 | Apologetic | □ ° | rying | Neryous | Alcohol C | onsumed | Othe | r ANXIO | US, RAPID | MOVEME | V 1 | | | | |
| <u></u> | INJURY | | Abrasion | 4. Frad | ture | 7. Complais | nt of Injury | | | • | | | | | 1 |
| 氫 | | ∏ 2. | . Contusion | 5. Swel | ling | 8. Other | INJURE | D DURING | ARREST | | | | | | |
| 입 | | | , Laceration | 5, Red | ness | 9. None | | | | | | | | | |
| Z. | MEDICAL TREATME | NT L | | Not No | eded | Personal P | hysician / | Name | , | | | | | | |
| 낊 | | · · | Refused | ☐ Rescut | | Olher | - | ••• | Hospi | tal / Name | | | | | |
| 3 | EVAC | | | | | | · · · · · · · · · · · · · · · · · · · | | | | | | | | |
| SUSPECT INFORMATION | STATEMENT | | | | | _ | حماً المعا | ble / Reason | | | ٠. | | | | |
| اعت | Written | <u> </u> | Recorded | Ļ | Admitted Offense | | = | eda by: | | | | | | | |
| 0 | Oral | | Relused | | | olence | ш | · · · — | | State | | Zip | L Conta | t Phone | |
| Ę | Crantact Person | n; Name | | Address (Street, | Apt, Number) | | CIP | , | | Jibie . | | | 00,,,,, | 217 11011 | |
| VICTIM | | | | | | | | | | | | | | | |
| - | have recei | ved a Domesti | c Abus e Paci | ket. My logaį rights | & remedies ha | ive been expla | ined to r | ne. | X: | | | | | | |
| Н | Parson Code # | ∨ 1 🛛 \ | /ictim | Suspect | Arrest | | Affi | davit Filed | | □ No | Present | | | | |
| _ | Angry | | Calm | Fearful | Threater | ening | Pre | onant (explain |) | | | | • | | |
| ₫ | Apologelic | | Crying | Nervous | Alcohol (| Consumed | Oth | ner | | | | <u> </u> | | | |
| INFORMATION | INJURY | <u> </u> | 1. Abrasion | | cture | 7. Compla | int of Injur | у | | | | | | | |
| ₹ | INJURY | | 2. Contusion | ☐ 5. Sw | | B. Other | • | | | · | | | | ., | <u>.</u> |
| P | | <u> </u> | 3. Laceration | 6. Res | - | 9. None | | | | | | | | | |
| | | _ <u>-</u> | J. C. | | | | | • | | | | | | | |
| PECT | MEDICAL TREATM | ENT | • | Not N | eeded | Personal ! | Physician / | Neme | | | | ···· | | | |
| ١٣ | EVAC | . [| Refused | Rescu | 18 | Other | | | Hos | pital / Name | | | | | |
| - ; | STATEMENT | | | - | | | | | | | | | | | - |
| É | Written | · [| Recorded | r | Admitted Offens | | Uni | able / Reason | | | | | | | |
| 12 | Oral | Ì | Refused | ī | Prior Domestic | Violence | MIr | anda by: | | | | | | | |
| VICTIM | Contact Pers | on: Name | <u> </u> | Address (Street | ,Apt. Number) | | Çi | ly | | State | | Zip | Conta | ct Phone | |
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| | | had a Damari | in Abusa Dac | ket. My legal right | s & remedies h | ave been expla | ained to | ne. | X: | | • | | | | |
| | maye rece | | | Net. My legal ngm | | | | | | | Cour | Case No. | | | |
| NOLL | Current | Issuin | ng County | | Judge | | | Date Signs | e q | | Count | C454 NO. | | ٠, | |
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| Įž | Expired | | • | | | | | | | | | | | | |
| NOCK! | ☐ Verified | | | | | | | <u> </u> | | | <u>. l</u> | · · · · · · · · · · · · · · · · · · · | | · | |
| _ | | Oral State | ment | Written | Name | | | Age | : | School | | | | | |
| 18 | | | | | Name | | | Age | | School | | | | | ···· |
| CHIL DREN | Present | Oral State | ment | , Written | | | | | | Cabasi | | | | | |
| 15 | Present | Oral State | iment | Written | Name | | | Age | . | School | | • | | | _ |
| <u> </u> | | Scene | | | | · · · · | | | | | | | | | |
| PHOTOS | Victim | | | Taken by: | | | | | | | | | | | |
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| L | <u></u> | | <u> </u> | NAME. | | //// | | <u> </u> | | ID, Number | <u>.:८.</u> | NAME Unit | | Date | |
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