

**DAYTONA BEACH POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS**



INTERNAL INVESTIGATIVE REPORT
102-IA2021-002

May 11, 2021

Investigator(s)

Angel Chirillo, Sergeant, Office of Professional Standards
Abisai Roman, Detective, Office of Professional Standards

Employee(s)

Jason Raynor, Officer, Charlie Platoon, District Two

Complainant(s)

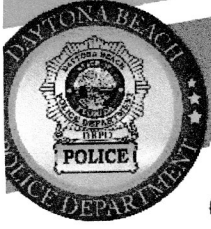
Jakari E. Young, Chief of Police

Allegation(s)

Officer Jason Raynor

- 200.12 Professional Conduct and Responsibilities
- 200.13 General Conduct
- 200.30 Department Morale
- 518.10 Contacting a Citizen
- 1006.8 Improvised Actions
- 1006.9 Improvised Action

Report has Editorial Highlights



POLICE

DAYTONA BEACH

Office of Professional Standards

MEMORANDUM

TO: Jakari Young, Chief of Police

FROM: Angel Chirillo, Sergeant, Office of Professional Standards
Abisai Roman, Detective, Office of Professional Standards

SUBJECT: Project No: 102-IA2021-002

DATE: May 11th, 2021

Synopsis

→ Six months prior to being SHOT
In the Othai WALLACE encounter

On January 20, 2021, the Office of Professional Standards received a Citizen's Complaint Form filed on January 13, 2021 by Selina Scott. Scott complained of improper arrest, improper stop, and excessive force, contact was made as a result of a traffic stop. The complaint was forwarded through the chain of command and Chief Jakari E. Young then authorized an internal investigation, and the Office of Professional Standards began this investigation.

Selina Scott (Complainant)

Office of Professional Standards attempted to contact the complainant several times, in reference to conducting an audio interview. This internal investigation proceeded without the cooperation and interview of Selina Scott.

NOTE: Ms. Scott had pending criminal charges -
Why would she wish to speak to the police?

COOPERATION = waiving ¹ Constitutional Rights?

Both ofc. Tucker & Pauth have their own significant Disp. history. Tucker was fired for excessive use of force.

Officer Jorge Pauth (Witness Officer)

On April 7th, 2021, at approximately 1706 hours, Officer Jorge Pauth responded to the Office of Professional Standards for the purposes of a recorded audio interview. Upon arrival, Officer Pauth read and signed the internal investigation pre-interview notification, stating that he understood. Officer Pauth was also sworn in by Detective Abisai Roman prior to questioning.

Pauth stated the following, Raynor requested leg irons over the radio and all he heard when Raynor transmitted was screaming. When he arrived on scene everything had calmed down and he did not need to put the leg irons on Scott. Pauth said he searched the vehicle but did not find anything illegal. Pauth further explained he wasn't on scene very long because when Sergeant Cerce arrived on scene he was instructed to go back in service.

Please see audio and transcription for a more accurate detail of interview.

Officer Marville Tucker (Witness Officer)

On April 6th, 2021, at approximately 1739 hours, Officer Marville Tucker responded to the Office of Professional Standards for the purposes of a recorded audio interview. Upon arrival, Officer Tucker read and signed the internal investigation pre-interview notification, stating that he understood. Officer Tucker was also sworn in by Detective Abisai Roman prior to questioning.

Tucker stated he was on a call when he heard Raynor on the radio and it sounded as if he was in trouble. When he arrived on scene Scott was already in handcuffs but she was being loud and carrying on. Tucker attempted to calm Scott down but he was unable to. Tucker said he walked away to speak with Scott's family members and explain to them what was going on. Tucker said he did remember hearing Scott say that she was slammed onto the hood of the car. Tucker did not hear Scott complain about injuries on scene of the incident.

Please see audio and transcription for a more accurate detail of interview.

Officer Ryan Herstein (Witness Officer)

On April 6th, 2021, at approximately 1850 hours, Officer Ryan Herstein responded to the Office of Professional Standards for the purposes of a recorded audio interview. Upon arrival, Officer Herstein read and signed the internal investigation pre-interview notification, stating that he understood. Officer Herstein was also sworn in by Detective Abisai Roman prior to questioning.

Herstein said from what he remembers he assisted Raynor in handcuffing Scott and then attempted to calm her down. Herstein did not recall Scott complaining of any injuries while on scene.

Please see audio and transcription for a more accurate detail of interview.

Sergeant Joseph Cerce (Witness Officer)

← WITNESS CALLED BY THE STATE in the WALLACE PROSECUTION

On April 6th, 2021, at approximately 1900 hours, Sergeant Joseph Cerce responded to the Office of Professional Standards for the purposes of a recorded audio interview. Upon arrival, Sergeant Cerce read and signed the internal investigation pre-interview notification, stating that he understood. Sergeant Cerce was also sworn in by Detective Abisai Roman prior to questioning.

Cerce stated he was at the precinct when he heard Raynor call out with a traffic stop. He then heard Raynor key up and a female screaming in the background. Cerce said he thought he heard Raynor say he had someone in custody but the lieutenant got on the radio and directed units to go to Raynor's location. Cerce said Scott did not complain of injuries until she was at the precinct. Cerce said he did not notice any visible injuries on Scott.

Please see audio and transcription for a more accurate detail of interview.

Officer Amanda Dickens (Witness Officer)

← ALSO STATE WITNESS in WALLACE PROSECUTION

On April 14nd, 2021, at approximately 1752 hours, Officer Amanda Dickens responded to the Office of Professional Standards for the purposes of a recorded audio interview. Upon arrival, Officer Dickens read and signed the internal investigation pre-interview notification, stating that he understood. Officer Dickens was also sworn in by Detective Abisai Roman prior to questioning.

Dickens stated she arrived on scene searched Scott and then left. Dickens said Scott did not mention any injuries to her.

Please see audio and transcription for a more accurate detail of interview.

Officer Jason Raynor (Subject Officer)

On April 28th, 2021, at approximately 1902 hours, Officer Raynor along with his P.B.A. representative Mike Scuderio responded to the Office of Professional Standards for the purposes of a recorded audio interview. Upon arrival, Officer Raynor read and signed the internal investigation pre-interview notification, stating that he understood. Officer Raynor was also sworn in by Detective Abisai Roman prior to questioning.

Raynor stated he was on patrol when he witnessed a vehicle commit a stop bar infraction. He got behind the car and pulled it over at the Budget Inn parking lot on South Ridgewood Avenue. Raynor said when he made contact with the driver (Scott) she was already irate. He asked Scott for her driver's license and she replied by asking him why did he pull her over. Raynor stated he asked Scott for her driver's license, registration, and insurance, a couple of times. Raynor explained as Scott looked for her driver's license, registration, and insurance he asked her if there was anything in the vehicle he needed to be worried about. Raynor said Scott replied that she had her medical marijuana card and Raynor asked if he could see it. While Scott looked for her card Raynor said he asked Scott if there was any marijuana in the car. Raynor said Scott replied yes that it was on her person. Raynor stated when he asked Scott if he could see the marijuana to insure that it was properly packaged she became irate and stated we're not doing this. Raynor said Scott then grabbed her phone and started to make a phone call. He told Scott that she was not allowed to be on her phone because it was an officer safety issue. Scott asked Raynor if his camera was rolling and he replied yes. Raynor said Scott went back to using her phone at which point he took the phone out of her hand and told her to get out of the vehicle. Raynor said Scott attempted to roll up her window, at which time he grabbed the window and told Scott she needed to get out of the car. Raynor stated that Scott was not listening to his orders so he reached into her car unlocked it, got her out of the vehicle and cuffed her. Raynor went to key up on his radio at which point Scott began yelling for help. Raynor said he tried to key up several times but Scott kept yelling. After a few attempts, central gave him the air and units went to his location with lights and sirens activated. Raynor said because the time of day and amount of traffic on the roads the response was a safety issue. So he pushed Scott down to the hood of his car in order to be able to transmit on the radio and let units know he was fine. Raynor said while on scene Scott did not complain of any injuries it was not until they were at the precinct for about an hour that she stated she had a headache.

Please see audio and transcription for a more accurate detail of interview.

Investigative Summary

On January 12th, 2021, Officer Jason Raynor conducted a traffic stop in the 600 block of South Ridgewood Avenue. (Begin Axon review) Officer Raynor approached the car and made contact with the driver Selina Scott. Officer Raynor asks Selina Scott for her driver's license which she produces with no issue. Once Selina Scott hands her license to Officer Raynor she asks Officer Raynor the reason for the traffic stop. Officer Raynor replies by asking for Selina Scott's registration and insurance. Selina Scott reaches for the documents and asks again the reason for the stop. Officer Raynor does not answer Selina Scott but asks again for the documents and tells her it is the last time he will ask. As Selina Scott is searching Officer Raynor tells her he pulled her over for a stop bar violation. They exchange words and the conversation becomes argumentative. Officer Raynor asks if there is anything in the car he should be worried about and Selina Scott state she has her "weed license", Officer Raynor asks to see it and she begins to look for it. Officer Raynor then asks if there is any weed in the car and Selina Scott replies yes that it is on her person. Officer Raynor asks if he can see it, Selina Scott replies no and starts to make a phone call to which Officer Raynor objects. Officer Raynor orders Selina Scott to get off the phone and she refuses. Officer Raynor then reaches in the vehicle to grab the phone from her, removing the phone from her hand and placing it on the dash board. Officer Raynor then orders Selina Scott out of the car at that time, Scott attempts to start to roll up her window. Officer Raynor then threatens to break the window while holding onto the glass, if she does not exit the vehicle. Selina Scott refuses to and Officer Raynor reaches in the car unlocks and opens the door. Selina Scott then exits the car and Officer Raynor handcuffs her. Officer Raynor escorts her to the front of his patrol car and she begins to protest by yelling she is being violated. As Officer Raynor attempted to transmit on the radio Selina Scott continued to yell resulting in dispatch holding radio traffic for him. Officer Raynor tells her to stop and pushes her down onto the hood of his patrol car. Officer Raynor is then able to transmit and tells units to slow down. Officer Tucker arrives on scene and attempts to calm Selina Scott down. Selina Scott asks to be let up and after almost three minutes of being held down on the hood of the patrol car, Officer Raynor finally allows her to stand upright. None of the AXON videos show Selina Scott complain of injuries while and seen nor does any officer recall her doing so. It's only after approximately after an hour of being at the precinct that officers are notified that her head hurts and she requested medical attention.

This investigation found that Officer Raynor failed to attempt to de-escalate the situation. According to Officer Raynor he did not want Selina Scott to make a phone call because it was an officer safety issue. Officer Raynor failed to request a backup unit. Officer Raynor instead reached into her vehicle to grab her phone. When asked why he did, Officer Raynor was unable to give an answer.

Findings

These are the findings of the Office of Professional Standards regarding the allegations against Officer Jason Raynor:

1. 200.12 Professional Conduct and Responsibilities:

- *Employees shall always be courteous, civil, and orderly in their contacts with each other and with the public in general. They shall refrain from the use of profane or disrespectful language or adopting an attitude of officiousness or superiority.*

From the onset of Officer Raynor's contact with Selina Scott his demeanor was that of superiority. Officer Raynor's use of profanity and threats towards Scott to do property damage to Scott's vehicle was not of civil or courteous nature. Officer Raynor's attitude was officious.

This allegation is therefore:

SUSTAINED

- ### **2. 200.13 Professional Conduct and Responsibilities:** *Every employee and member shall be required to establish and maintain a working knowledge of the Federal, State and local laws and ordinances that he/she is charged with enforcing. Every member and employee is expected to observe and obey laws and ordinances, and the rules, orders and directives of the Department.*

The original traffic violation that officer Raynor observed was not Axon recorded. Officer Raynor advised he witnessed the violation and activated his axon to begin the traffic stop. No evidence provides that the traffic stop was improper.

This allegation is therefore:

NOT SUSTAINED

- ### **3. 200.30 Department Morale:** *No employee shall engage in conduct on or off duty, which has a tendency to destroy public respect for the employee and/or the Department and/or destroy confidence in the operation of the municipal service.*

~~Officer Raynor's unprofessional conduct~~ destroyed Selina Scotts respect and confidence in the department so much that she felt the need to file a formal complaint.

This allegation is therefore:

SUSTAINED

4. 518.10 Contacting a Citizen: *The Department recognizes that with experience, individual officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. Given some better approach, the following is recommended, in the order specified below:*

- Give a greeting, such as "Good morning, ma'am", "Good evening, sir", etc.

- State the reason why the person is being stopped or detained, i.e.: "I stopped you because I saw your vehicle drive through the stop sign at the last intersection without coming to a complete stop". (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.)

- ~~It may defuse tension to ask a motorist if there was some reason for the violation.~~ This gives them the opportunity to "have their say" and sometimes leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If the officer chooses not to ask, but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.

- Politely ask for identification and any required documents, such as "May I see your license?"

- After completing any necessary paperwork, inform the citizen as to what action is being taken and what action, if any, the citizen is required to do as a result, such as how to pay a fine, how to obtain a traffic court hearing, etc.

- Give an appropriate closing, i.e.: "Thank you for your cooperation". Do not use trite expressions such as "Have a nice day", which would be inappropriate under these circumstances. "Please drive carefully: your safety is important to us" is a more appropriate closing statement.

- Make sure the motorist is able to merge safely back into the flow of traffic.

Officer Raynor's approach did not minimize conflict between him and Selina Scott. Officer Raynor's refusal to initially state his reason for the traffic stop, allow Selina Scott to stay on her phone, or even give her time to produce the documents he asked for went beyond keeping control of the scene.

This allegation is therefore:

SUSTAINED

5. 1006.08: Improvised Actions: *The Daytona Beach Police Department realizes and acknowledges that intense, uncertain, and/or rapidly evolving confrontations, an officer may have to:*

- Reasonably use techniques, weapons, and/or improvised weapons that are not part of the agency's formal training program, or are not specifically covered in this policy;
- Use a technique or a weapon that is not in conformity to current training;
- Use a technique or weapon that due to the suspect's actions has an unintentional impact point, or an outcome that is not part of the agency's training curriculum.

Officer Raynor did not take into account the totality of the circumstance and at no time did he attempt to de-escalate the situation. Officer Raynor did not control the situation or attempt to resolve the situation by using resources that could have been called upon, to gain control or resolve the situation without use of force.

This allegation is therefore:

SUSTAINED

6. 1006.09: Improvised Actions: *All actions that are deemed reasonable in retrospect will not subject the officer to disciplinary action, even though the specific action and/or operation are not specifically addressed in this policy.*

Upon gaining physical control over Scott and placing her in handcuffs behind her back. Scott continued to meet Officer Raynor with resistance verbally by screaming for help and asking questions. Scott was not physically resisting. Central dispatch heard the incident and called for additional units to respond on Raynor's behalf. Officer Raynor became agitated because he could not transmit to central due to the yelling and without warning, aggressively shoved Scott into the hood of his patrol car. Raynor kept Scott bent over the hood of his patrol car for approximately three minutes until his first back up officer arrived on scene and asked to stand Scott up in an attempt to calm her down. Officer Raynor unnecessarily performed this tactic while Scott was under physical control in handcuffs.

This allegation is therefore:

SUSTAINED

Asking questions is "verbal resistance" ?

Witnesses/Interviews

- Officer Jorge Pauth (Witness Officer)
- Officer Marville Tucker (Witness Officer)
- Sergeant Joseph Cerce (Witness Officer)
- Officer Ryan Herstein (Witness Officer)
- Officer Amanda Dickens (Witness Officer)
- Officer Jason Raynor (Subject Officer)

Exhibits

- Memoranda
- Interview Transcripts
- Miscellaneous Investigative Documents

Raynor became "Agitated" because he could not transmit his radio because of Scott's yelling - "And without warning Aggressively shoved Scott into the hood of his patrol car." (while Scott was handcuffed)
How is that NOT excessive force?