



Florida Department of
Law Enforcement

INTERNAL INVESTIGATION REPORT

Incorporated by Reference in Rule 11B-27.003(2)a., F.A.C.



CJSTC

78

Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

1. Social Security Number:
2. Officer's Name: Alchison Nicholas A
Last First MI
3. Officer's Last Known Address:
Street City State Zip Code
4. Officer's Telephone Number:

AGENCY

5. Agency ORI: FL 0640100 6. Agency Name: Daytona Beach Police Department
7. Agency Contact Person: Sgt. Kelsy Harris 8. Agency Contact Person's Telephone Number: (386) 671-5121
9. Agency Fax Number: (386) 671-3984

VIOLATION - ALLEGATION

10. Nature of Allegation(s): 200.4 Unlawful Conduct (Sustained) 200.5 Unlawful Conduct (Sustained) 11B-27.0011 Moral Character (Sustained)
200.13 Professional Conduct and Responsibilities (Sustained)
11. Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.
Sustained - (Violation of Agency Policy): Not Sustained: Unfounded: Exonerated:
12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 05/30/2017 Date Internal Investigation Completed: 10/10/2017

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Tolerated
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input checked="" type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input checked="" type="checkbox"/> Multi-jurisdictional investigation	129
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____

13. Criminal Charges Filed: Battery 784.03(1)(A)1, False Imprisonment 787.02(2), and Indecent Exposure in Public 800.3
14. Agency Disciplinary Action: Termination
15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.
- Summary of the Facts Internal Investigation Report Name and Address of Witness
Witness Statement/Disposition Certified Court Documents Other Supportive Information

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

16. Agency administrator's signature: *S. J. Capri* 10/10/2017
17. Date signed
- Craig A. Capri, Chief of Police
18. Agency administrator's name and title

INSTRUCTIONS FOR COMPLETING FORM CJSTC-78

The Internal Investigation Report form should be completed any time an internal investigation has been completed.

- Use this form to report to the Commission any sustained allegation(s) of non-compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C., which does not result in the termination of the officer.
- Submit this form within 45 days of the date the allegation has been sustained.
- Submit this form to the Criminal Justice Professionalism Program if the circumstances meet the following criteria:
 - The officer pleads guilty, no contest, is found guilty, or is convicted of any felony or of a misdemeanor involving perjury or a false statement, regardless of withheld adjudication or suspended sentence.
 - The substantiated facts constitute a felony or enumerated misdemeanor offense, whether criminally charged or not.
- The substantiated facts involve an act or conduct which constitutes:
 - Excessive use of force;
 - Misuse of official position (Section 112.313(6), F.S.);
 - Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee;
 - Sexual harassment involving physical contact or misuse of official position;
 - Engaging in sex while on duty;
 - Falsely statements during the employment application process;
 - Violation of standards of test administration; or
 - Conduct which subverts or attempts to subvert the Criminal Justice Standards and Training Commission, criminal justice training school, or employment examination process.
 - Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others;
 - Willful failure of the agency head to comply with Chapter 943, F.S., as it pertains to Commission rule;
 - Intentional abuse of a Temporary Employment Authorization;
 - Testing positive for any controlled substances.
- Nature of Allegation(s). Enter a brief explanation of the officer's misconduct. Indicate in the narrative whether the elements of the misconduct constitute a felony or misdemeanor, whether criminally charged or not, or, constitutes a moral character violation.
- Agency Disposition. Indicate the findings of the internal investigation by entering an X beside the appropriate box.
 - Sustained: Violation of Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.** In this case, the Internal Investigation Report form should be forwarded to the Criminal Justice Professionalism Program along with supporting documentation.
 - Sustained: Violation of Agency Policy.** This indicates a violation of agency rules and/or regulations. These violations do not need to be reported to the Criminal Justice Professionalism Program.
 - Not Sustained:** Insufficient evidence available to prove or disprove the allegation.
 - Unfounded:** This indicates that the allegations are false or not supported by facts.
 - Exonerated:** This indicates that the Internal Investigation determined that the alleged activities occurred but were lawful and proper.
- Limitation Period for Disciplinary Action. Enter the date the internal investigation was initiated and completed. If any exceptions to the limitation period for disciplinary action exist, check all that apply and indicate the number of days tolled.
- Criminal Charges Filed. Enter whether or not criminal charges were filed against the officer for the sustained misconduct. If criminal charges were filed, indicate charge and disposition along with the court case number. In addition, attach copies of all available court documentation.
- Agency Disciplinary Action. Enter the type of administrative disciplinary action taken, if applicable (e.g., suspension, probation, etc).
- Attach and Forward the Following. If the allegations have been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., indicate which of the following information has been attached with this form by entering an X beside the appropriate box.
 - Summary of the Facts.** This should be in the form of letter and/or report giving a brief synopsis of the facts.
 - Internal Investigation Report.** This should be a copy of the internal investigation report regarding the officer's misconduct.
 - Witness Information.** This should include names, addresses and telephone numbers of individuals who witnessed the officer's misconduct.
 - Statements and Depositions.** This should include any and all sworn testimony from either the officer or witnesses.
 - Certified Court Documents.** This should include any evidence, pictures, audio or video tapes, etc., or any other information that would support the sustained allegation of officer misconduct.
- Agency Administrator's Signature. Agency administrator or designee's signature.
- Date Signed. The date the agency administrator or designee signed this form.
- Agency Administrator's Name and Title. Type or print in black ink the agency administrator or designee's name and title.

NOTE: DO NOT forward this form to the Criminal Justice Professionalism Program if the allegations have been sustained, but are violations of agency policy only, or other agency disposition has been found. If the allegations do not prove to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., a copy of this form should be made a part of the investigative package and kept on file at the agency.

HOW TO COMPLETE EACH ITEM

- Officer's Social Security Number.** Enter the officer's nine-digit social security number as in this example: 000-00-0000.
- Officer's Name.** Enter the officer's legal last and first name. If the officer has middle initial, enter it above MI.
- Officer's Last Known Address.** Enter the officer's last known street address including the apartment number or P.O. Box number and the city. Enter the two-digit U.S. Postmaster's abbreviation of state and nine-digit zip code for the last known address on the third line. Enter the first five digits of the zip code as in this example: 32314-8554.
- Officer's Telephone Number.** Enter the officer's last known personal telephone number as in this example: (123) 456-7891.
- Agency ORI:** Enter the last seven digits of the agency's originating agency identifier number. There are nine digits in agency ORI codes. The first two have been entered, which are FL. Enter as in this example: FL0370000.
- Agency Name.** Enter the agency's name.
- Agency Contact Person.** Enter the name of person in your agency who can provide additional information to the Criminal Justice Standards and Training Commission regarding the officer's misconduct.
- Agency Contact Telephone Number.** Enter the telephone number of the contact person whose name you entered in item 7.
- Agency FAX Number.** Enter the FAX number for the agency if the agency has one.

AGENCY REQUIREMENTS

Submit the completed name change form and attachments to: **Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1419, Tallahassee, Florida 32302-1419, Attention: Professional Compliance.**



The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

December 13, 2017

Police Department
"Protecting Our Great City"

Florida Department of Law Enforcement
Criminal Justice Professionalism Program
Post Office Box 1489
Tallahassee, Florida 32302-1489
Attention: Professional Compliance

Dear Professional Compliance,

Attached you will find a copy of an internal investigation from the Daytona Beach Police Department (DBPD). The report involves former DBPD Prisoner Transport Officer Nicholas Aitchison, and his involvement in violations of Florida State Statute, as well as DBPD directive violations. Although Aitchison has been terminated from our agency; his criminal case remains open with our local State Attorney's Office. If you have any questions or concerns, please contact me at 386-671-5102, or Sergeant Kelsey Harris of the Office of Professional Standards at 386-671-5121.

Sincerely,

Craig A. Capri
Chief of Police

CAC/kh
100.2017.7724

OFFICE OF THE STATE ATTORNEY

SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES

R.J. LARIZZA
STATE ATTORNEY



251 NORTH RIDGEWOOD
AVENUE
DAYTONA BEACH, FL 32114
Phone: (386) 239-7710
Fax: (386) 239-7742

January 12, 2018

TO: DAYTONA BEACH POLICE DEPARTMENT, Evidence Custodian

RE: STATE vs. NICHOLAS A AITCHISON
Case Number: 2017 304700 CFDB

Police Agency Number: DBPD170015192

Assistant State Attorney: MICHAEL WILLARD

Judge: MATTHEW M FOXMAN

Date of Disposition: 01/08/2018

Date of Sentence: 01/08/2018

Officer: DEP JOHN CORT

Please be advised of the following disposition in this case:

- COUNT I: DISORDERLY CONDUCT
COUNT II: EXPOSURE OF SEXUAL ORGANS
COUNT III: FELONY BATTERY (1 PRIOR)


VOLUSIA COUNTY BRANCH JAIL 30 DAYS
AS A CONDITION OF PROBATION DEFENDANT TO CHOOSE DAYS
COMPLETE WITHIN FIRST 6 MONTHS OF PROBATION AS TO COUNT III
PROBATION 30 MONTHS AS TO COUNT III
45 DAYS TO COMPLETE PSYCHO SEXUAL EVAL &
FOLLOW RECOMMENDED TREATMENT AS TO COUNT III
NO VICTIM CONTACT
SURRENDER LEO CERTIFICATE
COURT COSTS \$770.00
TIME SERVED 1 DAYS AS TO COUNTS I & II
ADJUDICATION WITHHELD ALL THREE COUNTS

Physical Evidence:

The evidence is no longer needed by this office and we have no objection to the release of said property and the disposition thereof according to law.

Hold for further court proceedings and/or instructions.

Hold for further proceedings and/or instructions for 90 days for the right of appeal, after which we have no objection to the release of said property and the disposition thereof according to law.


MICHAEL WILLARD
Assistant State Attorney
Bar No: 0670707

Daytona Beach Police Department

Office of Professional Standards

MEMORANDUM

TO: Nicholas Alitchison, Prisoner Transport Officer, Support Resources Division

FROM: Kelsey Harris, Sergeant, Office of Professional Standards
Michael Guglielmo, Detective, Office of Professional Standards

SUBJECT: DISPOSITION OF INTERNAL INVESTIGATION (102-IA 2017-005)

DATE: December 13, 2017

Re: Complainant: Chief Craig A. Capri
Date of Complaint: May 30, 2017
Nature of Allegation: Code of Conduct & Ethics / Oath & Canon of Ethics / IT Resources & Usage

You are hereby notified that a finding was reached in the above styled case. The case is officially concluded as listed:

200.1 General Responsibilities (**Sustained**)
200.4 Unlawful Conduct (**Sustained**)
200.5 Unlawful Conduct (**Sustained**)
200.6 Professional Conduct and Responsibilities (**Sustained**)
200.13 Professional Conduct and Responsibilities (**Sustained**)
200.42 General Conduct (**Sustained**)
200.110 Employee Actions (**Sustained**)
204.7 Utilization of Proper Means to Gain Proper Ends (**Sustained**)
310.64 Terminal Messages (**Sustained**)

I acknowledge that I have been notified of the official finding of the above case.

Terminated

Employee

Date _____


Witness

Date _____

Daytona Beach Police Department
Captain Lance C. Blanchette, Support Resources Captain

MEMORANDUM


TO: Chief Craig A. Capri (Via the Chain of Command)

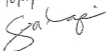
FROM: Captain Lance C. Blanchette 

SUBJECT: Officer Nicholas Aitchison-Separation of Service

DATE: October 11, 2017

On May 29, 2017 Officer Aitchison became the subject of an official Internal Affairs Investigation (IA Case # 102-IA 2017-005) in reference to allegations of misconduct while in an on-duty capacity. Officer Aitchison was a part-time employee and was not scheduled any working hours for the duration of the investigation. On October 6, 2017 a Volusia County warrant (2017183633) was issued for the arrest of Officer Aitchison, charging him with the felony charge of False Imprisonment for which he was subsequently arrested. Based upon this information, and the conclusion of the Internal Affairs Investigation, I recommend Officer Nicholas Aitchison be officially terminated from employment with the City of Daytona Beach Police Department with an ineligibility for re-hire status.

Received 10/11/17

J. Young

Received
10/11/17


C. A. Capri

200.2017.521

Cc: Personnel File: Aitchison, N.
Jim Sexton, Human Resource Director

DAYTONA BEACH POLICE DEPARTMENT
CRAIG A. CAPRI, CHIEF OF POLICE
ASSIGNMENT SHEET

Date: October 11, 2017

Assigned to: Sergeant Kelsey Harris

Project No: 102-IA2017-005

Operations Bureau

Due Date: N/A

Criminal Investigations Division

Extended to: _____

Support Bureau

Extended to: _____

Office of Professional Standards

Other

SUBJECT: Level One Complaint: PT Officer Nicholas Aitchison (IA2017-005)

Instructions:

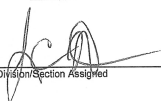
Attached you will find a Level One, investigative report from the Office of Professional Standards. You are directed to review this report and make disciplinary recommendations pursuant to your findings. The investigation, in its entirety, shall then be forwarded to this office for final review and action.

Finding(s)

- Unfounded
- Not Sustained/Resolved
- Exonerated
- Sustained
- Other

Disciplinary Recommendation(s)

- No Action
- Written Warning
- Written Reprimand
- Suspension-____ (Work hours)
- Demotion
- Termination
- Other (Non-Disciplinary Counseling, Training)


Division/Section Assigned

Date: 10/12/17


Deputy Chief of Police

J. Young

Date: 10-12-17

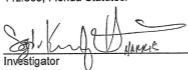
C. A. Capri


Chief of Police

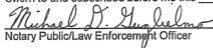
Date: 10/12/17

Level One Complaint: PT Officer Nicholas Aitchison (IA2017-005)

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.


Investigator

Sworn to and subscribed before me this 11th day of October, 20 17


Notary Public/Law Enforcement Officer

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



**INTERNAL INVESTIGATIVE REPORT
102-IA2017-005**

May 30, 2017

Investigator(s)

Kelsey Harris, Sergeant, Office of Professional Standards
Michael Guglielmo, Detective, Office of Professional Standards

Employee(s)

Nicholas Aitcheson, Prisoner Transport Officer, Support Resources

Complainant(s)

Craig A Capri, Chief of Police

Allegation(s)

- 200.1 GENERAL RESPONSIBILITIES
- 200.4 UNLAWFUL CONDUCT
- 200.5 UNLAWFUL CONDUCT
- 200.6 PROFESSIONAL CONDUCT AND RESPONSIBILITIES
- 200.13 PROFESSIONAL CONDUCT AND RESPONSIBILITIES
- 200.42 GENERAL CONDUCT
- 200.110 EMPLOYEE ACTIONS
- 204.7 UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS
- 310.64 TERMINAL MESSAGES

Daytona Beach Police Department

Office of Professional Standards

MEMORANDUM

TO: Craig A. Capri, Chief of Police

FROM: Kelsey Harris, Sergeant, Office of Professional Standards
Michael Guglielmo, Detective, Office of Professional Standards

SUBJECT: Project No: 102-IA2017-005 PTO Nicholas A. Aitchison

DATE: May 30, 2017

Synopsis and Investigative Summary

On May 29, 2017 at 2220 hours, [redacted] was arrested for Retail Theft and Violation of Probation-DUI (case# 20170010705). At that time, arresting Officer Luz Gonzalez transferred [redacted] to Part Time Officer Aitchison (Prisoner Transport Wagon driver) for prisoner transport to the Volusia County Branch Jail. Upon arrival at the Volusia County Branch Jail at approximately 0135 hours on May 30, 2017, [redacted], during the intake process, inquired about making a complaint to a corrections officer about Part Time Officer Aitchison. [redacted] relayed that Part Time Officer Aitchison while in route to the jail, stopped the wagon, took her off camera, and asked her to perform an oral sex act. [redacted] refused and they continued onto the jail. The correction officer notified his/her supervisor who also spoke with [redacted] as she relayed the same information. The correction's supervisor then notified DBPD Sergeant K. Burns of the allegations May 30, 2017 at approximately 0200 hours and provided her with a copy of their report. Part Time Officer Aitchison was notified of the allegation by a correction officer.

On May 30, 2017 at approximately 0150 hours, Part Time Officer Aitchison requested to speak with Sergeant K. Burns. Part Time Officer Aitchison telephoned Sergeant K. Burns in the Sergeant's office and stated that he had just completed transporting [redacted] to the jail and transferring custody when jail staff notified him that [redacted] wanted to formally make a complaint against him for stopping the van during transport and had requested oral sex from her.

At approximately 0215 hours, Part Time Officer Aitchison contacted Sergeant K. Burns in her office and explained that upon taking [redacted] into custody, she

was intoxicated and extremely emotional. While waiting in the precinct parking lot for the arresting officer to complete [redacted] arrest paperwork, he began giving her words of comfort to get her to calm down. During their conversation, [redacted] removed her handcuffs by slipping them over her hands. Aitchison noticed this and immediately placed the handcuffs back on. Once the paperwork work was complete, Aitchison left the precinct and proceeded to transport [redacted] to the Volusia County Branch Jail. Aitchison stated that as part of his route, he traveled north on Indian Lake Road, then drove west onto the dirt road behind the Women's Correctional Facility. Aitchison explained that while driving westbound, he noticed that [redacted] had once again removed her handcuffs. Aitchison then stopped the transport wagon and walked over to the compartment, opened the door and reapplied [redacted] handcuffs and proceeded to the jail, entering the sally port.

Aitchison advised to Sergeant K. Burns, that he has not had any issues with the cameras in the transport van and to his knowledge they were activated throughout his shift.

After speaking with Aitchison, Sergeant K. Burns contacted VCBJ Sergeant Squires about the incident and was provided a VCBJ unofficial report of the incident.

After learning of the alleged incident, Sergeant K. Burns completed a memorandum and forwarded it up the chain of command. This information was provided to command staff and on May 30, 2017, Chief Capri formally authorized the Office of Professional Standards (OOPS) to conduct an administrative investigation into this incident.

On May 30, 2017, the Office of Professional Standards was made aware of the incident and initiated a preliminary investigation. On May 31, 2017, OOPS served Prisoner Transport/ Part Time Officer Aitchison with a Subject Officer/ Notice of Internal Investigation and Interview Notice (time to be determined) in reference to IA2017-005. Aitchison was removed from any future scheduling on the assignment roster or work in any type of law enforcement capacity for Daytona Beach Police Department until the investigation was complete.

OOPS reviewed the prisoner transport wagon (PT-34/ #5659) that Aitchison was operating on May 30, 2017. Upon reviewing the transport wagon's cameras, the video shows [redacted] and Aitchison talking in the parking lot of the precinct for several minutes. At one point [redacted] did remove her handcuffs while still at the precinct. Aitchison is seen reapplying the handcuffs. At no time did [redacted] complain of her handcuffs being too tight while at the precinct or elsewhere. The video then shows [redacted] being transported to the jail. The transport wagon makes an unreported stop, Aitchison opens the compartment doors and contacts [redacted] asking her to exit the wagon. A conversation is heard between the two and [redacted] reenters the wagon and makes a silly face and comment towards the camera. Aitchison then closes the compartment door and proceeds to the jail

without any other stops. Once in the jail's sally port, Aitchison removes from the wagon to be processed in the jail.

On May 30, 2017 at approximately 1050 hours, Sergeant Harris and Detective Guglielmo interviewed [REDACTED] inside the Women's Correctional Facility. [REDACTED] appeared to be sober and in her right state of mind. [REDACTED] went over the incident that occurred earlier that morning with Aitchison. She stated that she and Aitchison were talking while waiting in the wagon at the precinct. At some point they left the precinct in route to the jail. She noticed that they stopped a short while later and Aitchison open the compartment door and had her exit the wagon out of the camera's view. [REDACTED] didn't know where they were, but it wasn't the jail. Aitchison asked [REDACTED] for oral sex. Aitchison then had his penis exposed through the zipper of his pants. Aitchison grabbed [REDACTED] hand and placed it upon his penis while handcuffed. [REDACTED] refused, but wasn't comfortable, didn't scream, and played cool. Aitchison, then asked [REDACTED] to show him her breast, she also refused. [REDACTED] got back into the wagon and Aitchison asked for her telephone number as she can be heard providing the number. He took the number and said he texted [REDACTED] cellular telephone so she would have his number. They then proceeded to the jail and she notified a corrections guard at booking. [REDACTED] stated that she never met Aitchison before or had any interactions with him, nor did she believe that she did anything to lead him on. [REDACTED] stated that Aitchison was pretty short and direct with his actions towards her. See taped interview for more details.

OOPS reviewed the prisoner transport wagon (PT-34/ #5659) that Aitchison was operating on May 30, 2017. Upon review, the transport wagon's GPS showed the transport wagon leaving the precinct and traveling west bound on International Speedway Boulevard. After leaving Daytona Beach city limits, the transport wagon makes an unreported stop for several minutes at the Volusia United Educators building, a closed business, located at 1381 Educators Road, Daytona Beach, FL 32124. The transport wagon then proceeds west bound on Old Deland Road to north bound onto Indian Lake Drive, then west bound on the service road in the rear of the Women's Correctional Facility, and into the jail's sally port, showing no other stops.

Upon reviewing this incident, it was discovered that the criminal act occurred outside of DBPD's jurisdiction. OOPS then contacted the Volusia County Sheriff's Office, Criminal Investigation Division to investigate this incident. All documents, audio, and video pertaining to this case was turned over.

The State's Attorney's Office advised that they will be filing charges against Aitchison for this incident. On October 6, 2017, VCISO notified OOPS that a felony warrant was issued for Aitchison's arrest. On October 6, 2017, Aitchison was taken into custody by VCISO at approximately 1810 hours (case# 20170015192).

The conduct in which Part Time Officer Nicholas Aitchison engaged in, while on duty as a uniformed officer violates numerous department directives, as well as Florida State Statutes. Part Time Officer Nicholas Aitchison's conduct has adversely affected the reputation and the public's respect of the Daytona Beach Police Department.

On October 12, 2017 Chief Capri via Captain Blanchette issued Part Time Officer Nicholas Aitchison a Memorandum informing him that his services are no longer needed with the City of Daytona Beach and the Daytona Beach Police Department, and as of October 10, 2017 he is considered terminated.

Had Part Time Officer Nicholas Aitchison not been terminated, the investigation would have presented violations of the following directives:

Findings

These are the findings of the Office of Professional Standards regarding the allegations against Part Time Officer Nicholas Aitchison:

1. **200.1 General Responsibilities:** *The Daytona Beach Within the City of Daytona Beach, all employees shall, within their discretionary powers, take appropriate action in accordance with departmental orders, rules and procedures to:*

- *Protect life and property;*
- *Preserve the peace;*
- *Detect and arrest violators of the law;*
- *Enforce Federal, State and local laws and ordinances coming within departmental jurisdiction;*
- *All personnel shall comply with all agency directives.*

SUSTAINED

2. **200.4 Unlawful Conduct:** *Employees shall not commit any act or crime which is defined by Florida Statutes as a misdemeanor, or which constitutes a municipal ordinance violation, whether chargeable or not, which brings discredit upon the Daytona Beach Police Department or otherwise impairs the operation and efficiency of the department, and/or which is likely to impair the ability of personnel concerned to perform assigned duties as determined by the Chief of Police.*

SUSTAINED

3. **200.5 Unlawful Conduct:** *Employees shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not.*

SUSTAINED

4. **200.6 Professional Conduct and Responsibilities:** *Employees shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the department, including, but not limited to, conduct prohibited by this directive.*

SUSTAINED

5. **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.*

SUSTAINED

6. **200.42 General Conduct:** *Employees shall answer all questions truthfully. This requirement extends to all official investigations and inquiries, criminal and administrative, conducted by the Department or by any other agency. Nothing in the section shall be construed to require an employee to waive any statutory or constitutional rights.*

SUSTAINED

7. **200.110 Employee Actions:** *Employees shall not make any false statement, verbal or written, to a superior.*

SUSTAINED

8. 204.7 UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS:

Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

SUSTAINED

- 9. 310.64 Terminal Messages:** *All requests will be made by voice radio transmission so that they are "time stamped" for logging purposes.*

SUSTAINED

- 10. 310.64 Terminal Message:** *All requests will be made by voice radio transmission so that they are "time stamped" for logging purposes.*

SUSTAINED

Witnesses/Interviews

The following individuals were interviewed concerning this investigation:

- [REDACTED] (Complainant)

Exhibits

- Memoranda
- Miscellaneous Investigative Documents from DBPD, VCSC, SAO and VCBJ
- Audio Recordings
- Videos
- Photographs