

## Declaration of Michelle Smith

I, Michelle Smith, am hereby submitting my resignation from the Daytona Beach Police Department. Due to the lack of an honest, complete, full, and thorough investigation for the incident that occurred on Thursday, September 8, 2016; as well as a conflict of interest with one of the interviewee's "John Harris" and a detective on the case, "Angel Chirillo", I feel I am left with no other course of action. Also, While the investigation was in its beginning stages, private and personal information between myself and my fiance was leaked to patrol officers who are currently employed by the Daytona Beach Police Department. This created embarrassment, mistrust, and dishonesty between myself and the Daytona Beach Police Department.

Please see below the factual discrepancies and lack of investigated inconsistencies, which were not reported in IA Chirco's final report or throughout the summary of events.

### Main Discrepancies:

#### IA : Chirco

- IA Chirco stated: "Officer Smith consumed alcoholic beverages Within an hour of the incident"
  - Rebuttal: Smith actually stated "I consumed alcohol over a 4 hour period and waited one hour before driving home."
- IA Chirco stated: "Three individuals described Officer Smith's weapon"
  - Rebuttal: A standard handgun black in color can be guessed or described by ANY individuals whether they are knowledgeable about guns or not
  - Witness Troutman stated: Officer Smith's weapon was "Big"
  - Rebuttal: Officer Smith's weapon is approximately as big as a female's palm
  - Witness Troutman stated: "Officer Smith racked her weapon and then shot which is also false (no round was found)"
- IA Chirco stated: "Officer Smith picked up her own shell casing based on Sergeant Monde's statement (as seen on Matt Smith AXON)"
  - Rebuttal: Officer Matt Smith's, stated in his supplement "the empty casing was still in the chamber of Smith's weapon" (as seen on AXON video)
- IA Chirco accused Smith of attempting to throw detectives off the case by allegedly providing false information with respect to identification of the vehicles
  - Rebuttal: Officer Smith was under immense stress from the incident and can not perfectly recollect the make and models of each vehicle from the series of events
  - Rebuttal: Officer Smith had the correct colors of the vehicles as well as partial tag of one of the vehicle
- IA Chirco stated: Officer Smith stated "I had alcohol in my system at the time of the shooting but did not **feel** intoxicated"
  - Rebuttal: Officer Smith stated (per the IA recording) "I had alcohol in my system but I was **not** intoxicated"
- IA Chirco stated: Officer Smith had her purse on her the entire night, with her gun located inside, while consuming alcohol
  - Rebuttal: Officer Smith did not carry her purse on her person the entire night while consuming alcohol
  - Rebuttal: Officer Smith had the purse on initially entering the friends' residence, placed the purse on the counter, then placed her purse back on her person as Officer Smith drove home to walk her dog.

- IA Chirco stated: "Why didn't you walk away"
  - Rebuttal: Officer Smith stated, "she walked around her entire complex with her dog before realizing individuals in two separate cars were following her.
  - Rebuttal: Officer Smith stated, "The individuals continued to follow her even after they stated Officer Smith allegedly attacked them"
  - Rebuttal: Officer Smith stated, "The individuals do not reside at Villages at Halifax.
  - Rebuttal: Officer Smith stated, "The individuals drove over to Smith after stating to Smith "put your dog up".
  - Rebuttal: Officer Smith stated, "I observed the two vehicles drive up to me from opposite directions, jump out of their vehicles, and surround me."
  - Rebuttal: Officer Smith stated, "The individuals decided after confronting Officer Smith that they did want to fight when Smith began to defend herself."
  - Rebuttal: Officer Smith attempted to walk away (as seen in the last snapchat video/ walking towards the camaro) which was not disclosed in the IA report
- IA Chirco stated, "Why did you walk towards the Camaro"
  - Rebuttal: Officer Smith stated, "My dog was located next to the Camaro behind the individuals around me"
  - Rebuttal: Officer Smith attempted to walk away from the situation the individuals continued to follow her (as seen in the last video of Smith walking away from the group/towards the Camaro)
  - Rebuttal: Officer Smith stated this information was not included in the investigation report for IA (unknown why)

#### Witness Nickia Lyons

- Witness Nickia Stated: "She was in fear of her life when Officer Smith allegedly pulled on her car door handle in an attempted to open the door and fight her, while holding her dog."
- Witness Nickia stated: "Officer Smith then followed her "on foot", in her vehicle, as they "tried to leave the complex."
  - Rebuttal: Officer Smith stated, "Nickia never exited the complex after Officer Smith allegedly attacked them."
  - Rebuttal: Officer Smith stated, none of the individuals reside at Villages at Halifax" and the individuals (as seen on interview with CID) stated they were at the same location as Officer Smith, Indigo Plantation, where Officer Puentes resides, prior to arriving at Officer Smith's residence, Villages at Halifax, where none of the individuals reside as well.
  - Rebuttal Officer Smith stated, none of the parties involved know one another, yet, they knew Officer Smith was a police officer and they knew where Officer Smith lived.
- Witness Nickia stated, "stated all vehicles left and decided to come back into the complex to Officer Smith."
  - Rebuttal: Officer Smith states, why didn't the individuals leave, in their vehicles, instead of going to Officer Smith?
- Witness Nickia stated: "the Camaro saw it, we didn't see it" (Officer Smith shoot)
- Witness Nickia stated: "We were told she got the gun from the purse."
- Witness Nickia stated: "We all met up together, a gas station, at 7/11 on beachside to talk about the situation."
  - Rebuttal: Officer Smith states, why did they meet up to discuss the situation, after being shot at and attacked by Officer Smith, INSTEAD of calling the Police?

- Rebuttal: Officer Smith states, Why were they monitoring the Police scanner?
- Witness Nickia stated: "We didn't call the police because it was shocking and it's gonna look bad, a lot of us and one of her (Officer Smith), and we would look like the perpetrators."
  - Rebuttal: Officer Smith states, if Officer Smith attacked these individuals and shot at these individuals, who are allegedly "in fear for their life" why would they not contact the police immediately?

#### Witness Teja Troutman

- Witness Troutman stated, "She observed Officer Smith cock her weapon back one time before shooting"
  - Rebuttal: Officer Smith stated no officers or detectives on scene located a round on the ground.
- Witness Troutman stated she did not contact the police because Witness John Harris and outstanding male Timothy Taylor (aka K.O.) told her and Witness Elizabeth not to contact the police because they will not be on this side of town (Daytona) for a while
- Witness Troutman stated, " Witness John Harris and Timothy Taylor (aka K.O.) stated, they did not want police involvement and wanted to let the situation go since no one was hurt.
- Witness Troutman stated, "She heard her license plate on the scanner." (per Witness Nickia interview)

#### John Harris

- Witness John Harris stated, "Officer Smith shot approximately 5 times and cocked the weapon back after each shot"
  - Rebuttal: Officer Smith stated, "None of the rounds are found on the ground and one casing was obtained from my weapon and one casing from a different weapon."
  - Rebuttal: Officer Smith stated, "There was a huge conflict of interest between Witness John Harris and Detective Angel Chirillo when Witness Harris stated during his interview (on video) that "Detective Chirillo is like a mother to me" and Detective Chirillo was also the Detective who picked Witness Harris up from his residence the day of his interview and also dropped him back off at his residence.
- Witness John Harris stated, "He didn't not contact the police because no one was hurt and wanted to "let it go".
  - Witness Troutman stated, "Witness Harris and outstanding male K.O. (Timothy Taylor) told her and Witness Elizabeth not to contact the police because they will not be on this side of town for a while and stated they wanted to let the situation go since no one was hurt."
- Detective Angel Chirillo states in her findings at the scene that one casing (not belonging to my weapon) was located, but stated it looked "dented" or "weathered"
  - Rebuttal: Officer Smith stated, "Based on the evidence photographs the round is not weathered at all, only dented and shiny."

#### Witness Elizabeth Stevens

- Witness Stevens stated, "I heard one gun shot"
  - Rebuttal: Officer Smith stated, "Witness Stevens statement contradicting witness John Harris' statement, who was in the same vehicle as witness Stevens, at the same time."
- Witness Stevens stated, "She repeated her vehicle tag to Officer Smith as they drove away."
  - Rebuttal: Officer Smith stated, confirmed this in her original statement provided which was not included in the investigation.
- Witness Stevens stated, "I heard one gun-shot (from Officer Smith)"
  - Rebuttal: Officer Smith states, witness Stevens statement is inconsistent from witness John Harris who stated, "Officer Smith cocked her gun back and shot multiple times."
  - Rebuttal: Officer Smith states, why are the stories completely inconsistent when John Harris, Troutman, and K.O (Timothy Taylor) were all in the same vehicle?
- Witness Stevens stated, "the individual in the other car who said "I'm going to shoot your dog" stayed by Officer Smith as the Camaro left the scene."
- Witness Stevens stated, "Witness Nickia and Witness Cummings are dating"
  - Rebuttal: Officer Smith states, why did witness Nickia claim to not know witness Cummings name, or claim to know him at all personally?
- Witness Stevens stated, "I don't know if the guy in the other car (witness Cummings" knew her (Officer Smith) because he kept saying you're 27 years old."
- Witness Stevens stated, "I wanted to call the police but didn't because I was scared but didn't know the whole story between Officer Smith and the other car (witness Cummings and Nickia) because they may know her (Officer Smith).

#### Witness Darrin Cummings

- Witness Darrin Cummings stated, "He informed Officer Smith if she wanted to fight then Officer Smith could fight him."
  - Rebuttal: Officer Smith stated, "Cummings actually stated, "I don't have no problem fighting a female."
- Witness Darrin Cummings stated, "At first I heard 2 shots but as we got further I heard one last one, to be honest with you, not sure if the 3rd shot came from Officer Smith."
  - Rebuttal: Officer Smith stated, "My weapon proves only one shot was taken although multiple witnesses, including the other parties involved, stated multiple shots were fired."
- Witness Darrin Cummings stated, "Honestly, we did leave, but came back to to "speak to Officer Smith like an adult" and "resolve the issue."
  - Rebuttal: Officer Smith stated, "Why did witness Cummings and witness Nickia claim they wanted to speak to Officer Smith even after witness Nickia stated Officer Smith "threatened them with her dog and pulled on her door."
  - Rebuttal: Officer Smith stated, none of the parties involved know one another and all parties involved were in vehicles while Officer Smith was on foot, yet none of the parties left the location of Villages at Halifax in which none of them reside.
  - Rebuttal: Officer Smith stated, when the individuals approached in their vehicles they were yelling at Officer Smith.

- Witness Darrin Cummings stated, "I told John to follow me because I didn't know what he was going to do like turn back around and provoke her (Officer Smith) more , so I just told him to follow me."
- Witness Darrin Cummings stated, "If Officer Smith fired, I never saw her fire."
  - Rebuttal: Officer Smith states, Witness Cummings is not even sure if Officer Smith shot her weapon.

#### Witness Timothy Taylor (Aka: K.O.) Still Outstanding

- Timothy Taylor (aka K.O.) has not been located or communicated with.
  - Rebuttal: Officer Smith stated, "All individuals involved stated they were all there for this individual, yet no one can provide a location for him."
  - Rebuttal: Officer Smith stated, "None of the recollections of the incident coincide from the individuals that were together, including individuals that were in the same vehicle."
  - Rebuttal: Officer stated, "Why did the outstanding black male have a police scanner?"
  - Rebuttal: Officer Smith stated, "No law abiding citizen would have a police scanner"
  - Rebuttal: Officer Smith stated, "No detectives on the case have continued or attempted to locate the one single witness Timothy Taylor (aka K.O.) that is outstanding.
  - Rebuttal: Officer Smith stated, "Only voicemail was left for the outstanding male Timothy Taylor (aka K.O.) on his cell phone and no further contact was attempted

#### Unidentified Black Male (On Matt Smith AXON)

- Unidentified Witness stated, "He observed vehicle's "fucking" with Officer Smith"
- Unidentified Witness stated, "I saw the vehicle pulling up towards Officer Smith"
- Unidentified Witness stated, " I heard shots being fired, approximately 5 shots"
  - Rebuttal: Officer Smith stated, "Why was this statement irrelevant to Detectives on the case due to the fact this is an independent witness."
  - Rebuttal: Officer Smith stated, "This male contacted Office Smith during her time walking her dog
  - Rebuttal: Officer Smith stated, "Unidentified Witness stated a missed call was received prior to the incident occurring
  - Rebuttal: Office Smith stated, "NO CONTACT after the incident occurred was made by Officer Smith or the unidentified male until the communication located on Officer Matt Smith's AXON Camera

\*\*\* This Unidentified Witness statements were not included in the final report\*\*\*

#### Officer Smith Rebuttals

- Did not "walk away"
  - Officer Smith stated, "Individual jumped out of their vehicles and surrounded her prior to the recordings beginning."
- Officer Smith stated, " She would not turn her back on individuals who jumped out of the vehicle from two opposite directions."

- Officer Smith stated, "The individual's blocked her path to her dog in order to "walk away."
- Officer Smith stated, " She did not risk the chance of turning her back on individuals who followed her around her entire complex when they could have left Villages at Halifax, in their vehicles, at any point in time."
- Officer Smith stated, "The individuals stated "she's the feds" and Officer Smith did not want to walk to her residence and give her actual residence location away to the individuals. (The residence number given on video is not the actual location of Smith's apt)
- Officer Smith stated, "The vehicle's make and models incorrect information was not given Intentionally."
- Officer Smith stated, "She was not focused on brand/make or model, Smith stated was concerned about the individuals inside of the vehicle."
- Officer Smith stated, "The colors of the cars were completely accurate"
  
- Officer Smith stated, "The Camaro's tag number was partially correct (V33) and the full tag was not accurate due to the stress of being shot at by unknown individuals who also followed her throughout the evening.
  
- Officer Smith stated, "I didn't call 911 due to the fact the situation was way faster than explained or seen on paper."
- Rebuttal: Officer Smith stated, "The fastest way to get information out quickly was to contact her last caller Officer Puentes (at the touch of one single button being pressed) who also knew her family's phone numbers, fiances number, as well as her place of residence."
- Officer Smith stated, "By the time the vehicles were gone and the situation was diffused Officers were already contacted by Officer Puentes."
  
- IA Chirco informed Smith she was out with the vehicle involved in this incident previously but Smith does not remember this vehicle
  - Rebuttal: Officer Smith stated, "She encounters multiple individuals on different calls and can't be expected to remember each person she comes in contact with."
  - Rebuttal: Officer Smith stated, "The individuals involved would know which officers they come in contact with unless they are in contact with officers often"
  - Rebuttal: Officer Smith stated, "The individuals were also at the same apartment complex (Indigo Plantation where Officer Puentes resides) earlier that same night/day that Officer Smith was. The individuals also ended up at Villages at Halifax where Officer Smith resides. (Please see La'zoya Watson CID Interview)
  - Rebuttal: Officer Smith stated, "None of the individuals reside at Villages at Halifax and stated they were searching for house keys which belong to the outstanding witness Timothy Taylor (aka K.O.)."
  - Rebuttal: Officer Smith stated, "Detectives still have yet to contact the outstanding male, Timothy Taylor (aka K.O.), only left one single voicemail."

## Closing Statement

IA Chirco viewed this case based on his personal perception of what "should have" taken place rather than what actually took place. IA Chirco failed to address the inconsistencies from both sides of the incident. IA Chirco failed to notice the conflict of interest between witness John Harris and Detective Angel Chirillo (i.e. personal ongoing relationship), as well as failed to notice there is still one outstanding male Timothy Taylor (aka K.O.) that was only left a single voicemail for and never contacted again. IA Chirco failed to investigate the situation further despite the conflict of parties involved stating no shots were fired from inside of the vehicles and then individuals in the surrounding area reporting multiple shots being fired, including an independent witness who was interviewed on Orlando Fox 35 News. IA Chirco failed to report in his findings that Officer Smith's weapon was, in fact, fired only one time. IA Chirco skewed Officer Smith's statements in the final IA report (i.e. Matt Smith's statement and Sergeant Monde's statement) as well as stating Officer Smith stated she "did not feel intoxicated" which is incorrect based on the IA recording provided. IA Chirco stated Officer Smith did not attempt to walk away at any point in time, however, Officer Smith (as seen on video) was observed walking away from the group, yet the group continued to follow, which IA Chirco also failed to state in his final report. IA Chirco asked Officer Smith, "Did you shoot because you were careless and intoxicated", Officer Smith responded no, yet, IA Chirco never disclosed Officer Smith's Blood Alcohol Content (BAC) based on his assumption. Another inconsistency that IA Chirco failed to report in his investigation as well as the final IA report. IA Chirco failed to put in his report that witness Nickia and witness Cummings are dating, yet in her interview she claims she does not know witness Cummings personally as well as did not know his name.

I wish I had been treated fairly and honestly so that I would not have to write this statement, however, I was embarrassed and humiliated by the individuals within the Daytona Beach Police Department who wanted me removed at any cost. It should be noted that these vital facts mentioned above were not included in the final IA report.

Submitted This 18th day of November 2016,

Michelle Smith

Officer Michelle Smith

RECEIVED  
11/18/16  
Sgt. Capri