

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 21-006

PERIOD COVERED: June 1, 2021

DATE REPORTED: June 1, 2021

SUBJECT(S) NAME: Sergeant Omar Bello, #7928
Sergeant William Maxwell, #7555
Detective David Winhoven, #8200
Deputy Donald Gray, #7828
Deputy Anthony Ray, #8769
Deputy Nicole Richardson, #8754
Deputy Michael Sawicki, #7633
Deputy Anthony Zimmerer, #2520

INVESTIGATING OFFICER: Lieutenant Daniel Shivers, #6842

BASIS FOR INVESTIGATION:

On June 1, 2021, deputies responded to a report of two missing juveniles, Nicole Jackson and Travis O'Brien, from the Florida Methodist Children's Home, located at 51 Main Street, Enterprise. The deputies conducted a search for the two juveniles, and spotted them on several occasions to which the juveniles fled on foot away from deputies.

Approximately an hour later, deputies were alerted to a possible burglary-in-progress at 1050 Enterprise Osteen Road, Enterprise, which was in the general area where deputies last saw the two juveniles. Deputies responded to the residence and observed the two runaway juveniles within the residence damaging the interior and breaking windows.

As deputies converged on the residence to establish a perimeter and contact the two juveniles, several gunshots were fired from the interior of the residence towards deputies' positions. Deputies maintained their positions of cover and gave numerous orders for the two juveniles to exit the residence and surrender.

A short time later, Jackson and O'Brien exited the residence into an open attached garage, where deputies observed Jackson armed with a shotgun, and O'Brien armed with an AK-47 rifle. Jackson exited the garage, pointed the shotgun at deputies, and fired at least one round from the shotgun. Jackson's actions caused Sergeants Omar Bello and William Maxwell, Deputies Donald Gray, Anthony Ray, Nichole Richardson, Michael Sawicki, Anthony Zimmerer, and Detective David Winhoven to fire their weapons at Jackson, striking her multiple times. Jackson sustained serious injuries because of the deputies' response to resistance.

O'Brien surrendered a few moments later, unharmed, at which time deputies began life-saving initial treatment of Jackson's injuries. Jackson was transported to Central Florida Regional Medical Center for further evaluation and treatment.

It should be noted, a 12-gauge shotgun and a .22 caliber handgun was recovered from Jackson's person upon making contact with her to provide medical care.

The Volusia Sheriff's Office Crime Scene Unit processed the scene, while Special Agent Scott Ratliff, with the Florida Department of Law Enforcement (FDLE), conducted the criminal investigation into the use of deadly force. The completed FDLE Investigative Summary is documented under FDLE case # OR-27-0395.

Both Jackson and O'Brien were arrested and charged with Attempted First Degree Murder (LEO), Armed Burglary – Dwelling/Structure/Conveyance, and Criminal Mischief (over \$1,000).

Due to the nature of the incident, Chief Deputy J. Gallagher initiated an internal affairs investigation

OFFENSE(S): NONE

INVESTIGATION:

On June 1, 2021, the above listed deputies were involved in a deputy involved shooting at 1050 Enterprise Osteen Road, Enterprise.

On the same date, Chief Deputy J. Gallagher assigned the above-described incident to the Internal Affairs Unit for investigation, and the involved deputies were placed on administrative leave with pay. Additionally, the aforementioned deputies submitted to a drug urinalysis screening immediately after the incident. The results of the drug screenings were negative.

Lieutenant Shivers also notified the deputies, through official correspondence, regarding the tolling of the internal investigation until the completion of FDLE's criminal investigation.

On June 10, 2021, all of the involved deputies were evaluated in a fitness for duty examination, conducted by Dr. Gregory Landrum, Psy. D., DABPS. All eight deputies were determined to be fit to return to duty without restriction.

On September 21, 2021, Lieutenant Shivers obtained the firearms qualification records for the involved deputies through VSO Training Section. Lieutenant Shivers observed the following –

Sergeant Omar Bello successfully requalified in the use of his agency issued Troy rifle as per the Volusia Sheriff's Office General Orders on April 28, 2021.

Sergeant William Maxwell successfully requalified in the use of his agency issued Glock 34 pistol as per the Volusia Sheriff's Office General Orders on January 4, 2021.

Detective David Winhoven successfully requalified in the use of his agency issued Troy rifle as per the Volusia Sheriff's Office General Orders on April 28, 2021.

Deputy Donald Gray successfully requalified in the use of his agency issued Colt rifle as per the Volusia Sheriff's Office General Orders on January 21, 2021.

Deputy Nicole Richardson successfully requalified in the use of his agency issued Glock 34 pistol as per the Volusia Sheriff's Office General Orders on January 15, 2021.

Deputy Anthony Ray successfully requalified in the use of his agency issued Colt rifle as per the Volusia Sheriff's Office General Orders on April 28, 2021.

Deputy Michael Sawicki successfully requalified in the use of his agency issued Colt rifle as per the Volusia Sheriff's Office General Orders on April 28, 2021.

Deputy Anthony Zimmerer successfully requalified in the use of his agency issued Glock 34 pistol as per the Volusia Sheriff's Office General Orders on January 11, 2021.

At the completion of his investigation, Special Agent Scott Ratliff delivered his completed FDLE Investigative Summary, along with a complete copy of the related police use of force case file, to the Volusia Sheriff's Office Internal Affairs Unit. This comprehensive case file (OR-27-0395) concluded, stating the following –

“The Florida Department of Law Enforcement (FDLE) has completed a comprehensive investigation in the use of force by Volusia Sheriff's Office employees Deputy Nicole Richardson, Deputy Michael Sawicki, Deputy Donald Gray, Deputy Anthony Zimmerer, Sergeant William

Maxwell, Sergeant Omar Bello, and Detective David Winhoven. This presentation of facts is based on law enforcement witnesses, civilian witnesses, and physical evidence. FDLE submits this investigative summary to the Office of the State Attorney for their review and disposition.”

On September 15, 2021, Sheriff Chitwood received a letter from State Attorney R.J. Larizza regarding the Office of the State Attorney’s review of the deputies’ use of force on June 1, 2021. State Attorney Larizza wrote:

“Dear Special Agent Ratliff,

This letter is to advise that this office has reviewed all of the investigative reports, officer statements and witness statements provided by your office regarding the “police use of force” involving Deputy Nicole Richardson, Deputy Michael Sawicki, Deputy Donald Gray, Deputy Anthony Zimmerer, Deputy Anthony Ray, Sgt. William Maxwell, Sgt. Omar Bello and Det. David Winhoven of the Volusia County Sheriff’s Office that occurred on June 1, 2021.

Based on a review of the investigation and the information provided, no further action is warranted by this office.”

CONCLUSION:

On September 17, 2021, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff, and his staff, determined the use of deadly force was **JUSTIFIED** to prevent imminent death or great bodily harm to the deputies, and found no violations of policy.

EXHIBIT(S):

- A. Report of Investigation
- B. Official Correspondence
- C. Office of the State Attorney R.J. Larizza Clearance Letter
- D. FDLE Report OR-27-0395
- E. Digital Evidence

WITNESSES: Per FDLE

Law Enforcement Witnesses

**Florida Department of Law Enforcement – Brevard/Volusia Field Office
6769 N Wickham Road, Suite 104, Melbourne, Florida 32940 – (321) 752-3107**

RAC Jason Kriegsman	SA Ryan Bliss
SAC Lee Massie	SA Chris Deardoff
ASAC Rich Piccininni	SA Ted Silberstein
SA Scott Ratliff (Case Agent)	SA Christopher Shephard
SA Lisa Gundrum	SA David Snowden

Volusia Sheriff's Office

123 W Indiana Ave, DeLand, Florida 32720

Deputy Nicole Richardson	Deputy Michael Sawicki	Detective Eric Cheek
Deputy Donald Gray	Detective Shon McGuire	Deputy Anthony Zimmerer
Deputy Brant Lickiss	Sergeant William Maxwell	Deputy Andrew Davis
Sergeant Omar Bello	Deputy Wes Brough	Detective David Winhoven
Deputy Tiffany King	Sergeant Graeme Foster	Deputy Dejhan Johnson
Sergeant Roy Galarza	Deputy Anthony Bota	Deputy Trevor Brown
Deputy Brandon Bivone	Deputy Billy Galarza	CSI Joshua Mott
Deputy Nickolas Smith	CSI Eugene Mefford	Lieutenant Nicholas Shephard
CSI Justin Stewart	Sergeant Jarett Wooleyhan	CSI Ericka Stammer
Sergeant Albert Pagliari	CSI Justin Ferrari	Deputy Steven Wheeler
Detective Cordell Lemay	Deputy Antonio Fernandez	Lieutenant Daniel Shivers
Deputy Jayson Richardson	Deputy Kletus Stubblefield	Deputy Katlyn Bender
Deputy Daniel Berriozabal	Detective Joel Medina	Deputy Megan Potosky
Deputy Michael Morgan	Deputy Daniel Galarza	Deputy Andrew Nelson
Deputy Eban Prado		

DeLand Police Department

219 W Howry Avenue, DeLand, FL 32720

Corporal Tony Tagle

Emergency Medical Witnesses

Deltona Fire Department

1685 Providence Boulevard, Deltona, FL 32725

Battalion Chief Brent Drexler	Lieutenant Mitchell Thurston
Engineer Kyle Oakes	Firefighter Ricardo Garcia

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

I, the undersigned, do hereby swear, under the 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 suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE: [Signature] DATE: 09/25/2021

**Lieutenant Daniel Shivers, #6842
Internal Affairs Detective**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 23rd day of September, 2021 by Lieutenant Daniel Shivers

[Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Signature] DATE: 09.30.2021

**CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY, FLORIDA**