

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA-17-001

PERIOD COVERED: November 26, 2016
DATE REPORTED: December 3, 2016
SUBJECT(S) NAME: Deputy Jayson Richardson #8435
INVESTIGATING OFFICERS: Detective Glen Bennett #1452
BASIS FOR INVESTIGATION:

On December 15, 2016, the Volusia County Sheriff's Office was contacted by the Ocala Police Department in reference to an alleged complaint of excessive force and the inappropriate touching by the arresting deputy. The complainant, Carrie Rojas-Jackson, was at the time of her report, hospitalized at The Vines Hospital in Ocala, FL after being admitted as a Baker Act.

Ms. Rojas-Jackson claimed on November 26, 2016, while under arrest and in the custody of the Volusia County Sheriff's Office at the Florida Hospital Fish Memorial in Orange City, FL, she was "sucker punched" and wrestled to the ground by Deputy Jayson Richardson. As a result of Deputy Richardson's actions, Ms. Rojas-Jackson claimed to have suffered internal injuries.

Upon receiving the information from the Ocala Police Department, it was discovered that Deputy Richardson's incident report involving Ms. Rojas-Jackson's arrest, contained no documentation involving any type of force. Furthermore, since hospital policy prohibits the use of body worn cameras, there was no video footage of the alleged incident.

OFFENSES:

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit Rules and Regulations:

26.2.101 Excessive or Unnecessary Force Not Resulting in Injury - Deputies shall not use excessive force even though it does not result in injury to another. *(Violation subject up to a 5 day suspension.)*

26.2.134 Knowledge of Official Directives - Department personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives. *(Violation subject up to a 5 day suspension.)*

RE: 1.3 Use of Non-Deadly Force (report documentation)

Volusia County Merit System Rules and Regulations 86-453. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

RE: (2) Disregard for or frequent violations of Federal Laws, State laws, County ordinances, Departmental Standard Directives, and safety rules.

(13) Any conduct, on or off duty that reflects unfavorably on the County as an Employer.

INVESTIGATIVE SUMMARY:

On January 18, 2017, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit and Deputy Richardson was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. This report details the internal affairs investigation conducted by Detective Glen Bennett. *(See Tab – C for Official Correspondence)*

On January 19, 2017, Detective Bennett reviewed the Sheriff’s Office arrest report and Ocala Police Department incident report involving Carrie Rojas-Jackson. Ms. Rojas-Jackson was arrested on November 26, 2017, for domestic battery by Deputy Richardson. According to the Sheriff’s Office report (VCSO 16-029902), Ms. Rojas-Jackson resided with her father, Antonio Rojas, and on that Saturday evening the two engaged in a verbal argument over Mr. Rojas’s refusal to take her to the hospital for abdominal pain. Ms. Rojas-Jackson became violent and started hitting Mr. Rojas as he retreated to his bedroom where Ms. Rojas-Jackson began beating

on his door with a baseball bat. Mr. Rojas, in fear for his life, [REDACTED]. As a result of her actions, Deputy Richardson placed Ms. Rojas-Jackson under arrest for simple domestic battery.

Before being transported to the Volusia County Branch Jail, Ms. Rojas-Jackson informed Deputy Richardson she was experiencing stomach and kidney pain. While still in Sheriff's Office custody, Deputy Richardson had EVAC Ambulance transport Ms. Rojas-Jackson to Florida Hospital Fish Memorial where she received medical treatment and was released.

At the conclusion of Deputy Richardson's incident report and charging affidavit he wrote: **"Deputy Richardson placed Carrie [Ms. Rojas-Jackson] under arrest for simple battery (domestic violence) and who was later transported to the Volusia County Branch Jail without incident."** There was no mention of any use of force in Deputy Richardson charging affidavit or incident report. *(See Tab – K for Miscellaneous Documents)*

On December 2, 2016, Officer D. Collier with the Ocala Police Department (OPD) responded to The Vines Hospital in Ocala, FL for an alleged sexual assault. The complainant, Ms. Rojas-Jackson, was being held at the hospital in Ocala, FL after being Baker Acted. Officer D. Collier interviewed Ms. Rojas-Jackson, who advised she was struck in the face by an arresting deputy in Volusia County while in custody at Florida Hospital Fish Memorial in Orange City, FL.

According to the OPD report, Ms. Rojas-Jackson was un-cuffed from the bed, stood up and upon doing so was struck on the right side of her face by the deputy. Ms. Rojas-Jackson described it as a "sucker punch" to her right cheek with a closed fist. After being struck, the deputy then tackled her to the ground where she claimed to have been, "...*touched inappropriately and the officer [Deputy Richards] grabbed her buttocks, hair, and breasts while yelling and 'wrestling' her.*" Furthermore, as a result of the altercation, Ms. Rojas-Jackson claimed to have suffered injuries to the walls of her cervix resulting in bleeding. Ms. Rojas-Jackson further informed the officer that she was never penetrated or touched underneath her clothing. *(See Tab – K for Miscellaneous Documents)*

Officer D. Collier was unable to ascertain why Ms. Rojas-Jackson was taken into custody under Baker Act but she did tell the officer she was taking several types of medication to include [REDACTED] for [REDACTED]. Preliminary research using Drugs.com showed [REDACTED] to be [REDACTED] for treatment of symptoms related to [REDACTED].

Also in Officer D. Collier's report, while questioning Ms. Rojas-Jackson about information related to the incident she asked him, "*...if I [Officer D. Collier] was aware of the New York Embassy and espionage. When I [Officer D. Collier] advised her that I did not know about it she advised it was 'above me.'*" Officer D. Collier ultimately determined the sexual assault was unfounded and advised his command staff of the incident who in turn notified the Volusia County Sheriff's Office.

Upon receiving this information, Sheriff's Office command conducted an inquiry into the allegations made by Ms. Rojas-Jackson. *(See Tab – C for Supervisors Inquiry)*

Malissa Shepard

On January 31, 2017, Detective Bennett and Sergeant Justin Sawicki conducted a sworn recorded interview with Malissa Shepard at Florida Hospital Fish Memorial in Orange City, FL. The following is a summary of that interview:

Ms. Shepard is a registered nurse and has worked in the emergency department for approximately thirteen years. Ms. Shepard was on duty Saturday, November 26, 2016 and witnessed portions of the incident between Deputy Richardson and Ms. Rojas-Jackson.

Ms. Shepard said, "*I heard scuffling, yelling, nurses running into the room so and they called a 'code grey'.*" A 'code grey' is typically called when there is a violent out-of-hand patient and immediate assistance is needed. When Ms. Shepard arrived, "*...I went into the room; the patient was flipping back and forth. The officer [Deputy Richardson] had her [Ms. Rojas-Jackson] on the ground trying to restrain her and then my clinical leader [Rick McGough] went and assisted him with trying to restrain her.*"

While in the process of trying to restrain Ms. Rojas, Ms. Shepard recalled the deputy telling the female to calm down. She couldn't recall his exact words, but believed they may have been "stop resisting." Ms. Shepard observed her fellow co-worker, Mr. McGough, assisting the deputy because, "*The police officer needed help.*"

Ms. Shepard described the female's behavior as being very combative while she was on the ground with the deputy; however, she did not witness either the female or deputy strike one another. Based on Ms. Shepard's professional opinion, she believed Deputy Richardson handled the situation appropriately. (*See Tab – D for Official Transcript*)

Rick McGough

On January 31, 2017, Detective Bennett and Sergeant Sawicki conducted a sworn recorded interview with Rick McGough at Florida Hospital Fish Memorial in Orange City, FL. The following is a summary of that interview:

Mr. McGough has been a nurse at Florida Hospital Fish Memorial for approximately seventeen years and is currently the assistant nurse manager in the emergency department. Mr. McGough was on duty Saturday, November 26, 2017, and recalled the incident between Deputy Richardson and Ms. Rojas-Jackson.

Mr. McGough was with another co-worker when he heard some noises coming from outside his office. Mr. McGough exited his office and ran towards the commotion and saw two people lying on the ground. He described how the deputy was positioned behind the female patient, lying on their sides as the deputy struggled to get the handcuff on one of her wrists. Mr. McGough then assisted the deputy by grabbing her hand and putting it behind her back. During his involvement on the floor, Mr. McGough recalled yelling out, "*Can somebody call a 'code grey'.*"

According to Mr. McGough, the female was physically resisting the deputy by not allowing her hand to be placed behind her back. He did not witness the female patient actively trying to strike the deputy; however, "*The deputy said that she hit him.*" Neither the deputy nor the female complained of an injury but Mr. McGough did say, "*He [Deputy Richardson] might have been like you know 'She hit me in the face,' or something like that. I think she hit him in the face.*"

Mr. McGough remembered, "...prior in the [hospital] bed, if I recall, she did a couple like, punching the side rails very abruptly kind of actions." Mr. McGough described her behavior prior to the incident as, "Unpredictable."

After the female was properly restrained, Mr. McGough walked alongside Deputy Richardson and the female as they exited the emergency department. During that walk he never heard the female make any complaint of injury. All in all, Mr. McGough described Deputy Richardson's actions as "appropriate," he further stated, "You know, trying to control the situation, absolutely you know appropriate," from what he witnessed. (See Tab – E for Official Transcript)

Deputy August Custer

On February 16, 2017, Detective Bennett and Sergeant Sawicki conducted a sworn recorded interview with Deputy August Custer at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Deputy Custer has worked for the Sheriff's Office since 2013 and has been assigned to patrol duties in District - 6 DeBary for the last two years.

Deputy Custer was dispatched to Ms. Rojas-Jackson's residence where she was arrested for domestic battery. Deputy Custer said he and Deputy Richardson both arrived on scene together and spoke to Ms. Rojas-Jackson and her father, whom she allegedly battered. Deputy Custer was the first to make contact with Ms. Rojas-Jackson and he said, "She was out of her mind crazy." Mr. Rojas advised the deputies that his daughter had, "...all kinds of mental health issues."

According to Deputy Custer, Ms. Rojas-Jackson kept telling him she was going to have a seizure, "At which point she threw herself on the ground and started shaking." Deputy Custer told her it did not look like a real seizure, "At which point she stopped and looked at me and said yes I am having a real seizure this is what I do." EVAC Ambulance was requested and she was ultimately transported to Florida Hospital Fish Memorial in Orange City to be medically cleared.

Later that night Deputy Custer responded to the hospital at the request of Deputy Richardson to sign off on his reports. Deputy Custer walked into the emergency department through the ambulance entrance and witnessed several nurses running to the room Ms. Rojas-Jackson was being treated. As he approached, "[Deputy] Richardson is coming out of the room. He looks a

little disheveled.” When asked if he was all right, Deputy Richardson responded, “...no, she fought me.”

Deputy Custer did not observe Ms. Rojas-Jackson actively resisting Deputy Richardson as the two walked. He did however, recall Deputy Richardson telling him, “*He said that he ended up putting her on the ground and then he had to cuff her. She tried to bite him and she was hitting him I guess.*” As they walked Ms. Rojas-Jackson out of the emergency department, Deputy Custer did not observe any signs of injury to either Ms. Rojas-Jackson or Deputy Richardson.

Detective Bennett reviewed Deputy Custer’s Body Worn Camera (BWC) which documented his initial interaction with Ms. Rojas-Jackson. Nothing on the video indicated any type of physical altercation between deputies or Ms. Rojas-Jackson prior to being transported by medical personnel to the hospital. The video did confirm Ms. Rojas-Jackson’s behavior as mentioned by Deputy Custer. (*See Tab – F for Official Transcript*)

Carrie Rojas-Jackson

On February 22, 2017, Detective Bennett and Sergeant Sawicki conducted a sworn recorded interview with Carrie Rojas-Jackson at 1382 Bailey Avenue in Deltona, FL. The following is a summary of that interview:

Ms. Rojas-Jackson is twenty-seven years old and resides at 1382 Bailey Avenue in Deltona with her father Antonio Rojas. On Saturday, November 26, 2016, Ms. Rojas-Jackson and Mr. Rojas had a physical altercation which resulted in Ms. Rojas-Jackson being arrested for domestic battery. While deputies were on scene, Ms. Rojas-Jackson complained of stomach pain and claimed to have had a seizure. She was transported to Florida Hospital Fish Memorial via EVAC Ambulance while still in Sheriff’s Office custody.

According to Ms. Rojas-Jackson, she suffers from what doctors diagnosed as, [REDACTED]
[REDACTED] She was diagnosed [REDACTED]

[REDACTED] Ms. Rojas-Jackson believed her medication was not working that Saturday, November 26, 2017, which caused her violent outburst resulting in her arrest, “...*it was the wrong impulses in my brain and he [Mr. Rojas] would not take me to the hospital when I asked him about five times.*”

While in the emergency department at Florida Hospital Fish Memorial, Ms. Rojas-Jackson said she was punched in the face by the arresting deputy. Ms. Rojas-Jackson stated, *“He took me off the handcuff and I skimped [sic] him lightly. I didn’t mean to hurt him in any way and I tried to grab onto something and he was right there and then he (makes smack noise) punched me in my face...If anything I skimped [sic] him just trying to get off the bed and be apprehended.”* At that point Ms. Rojas-Jackson indicated she was punched on her left eye as she pointed towards the location on her head.

Ms. Rojas-Jackson said she never intentionally struck Deputy Richardson, *“If I skimped [sic] him it was not purposely to kick him. It was just to get my balance...”* Ms. Rojas-Jackson said she was having seizures on and off while in the emergency department and when she was being placed back into handcuffs, Deputy Richardson punched her. According to Ms. Rojas-Jackson, she never struck, kicked or bit Deputy Richardson.

Detective Bennett asked Ms. Rojas-Jackson to clarify the series of events that occurred in the emergency department, she claimed, *“He punched me. He threw me to the ground. My head hit the ground”* and as a result she suffered a fracture to the area around her left eye. She also stated, *“I had to have an ultrasound done to my uterus though not too long ago,”* after the incident, *“And on that night my period had, I was on my period by then I had to have the heaviest flow of my life that night.”*

After being medically cleared from Florida Hospital Fish Memorial, she was handcuffed and transported to the Volusia County Branch Jail for processing. There she was photographed and placed into a holding cell. According to Ms. Rojas-Jackson, she was then transported to Halifax Medical Center where she had a CAT scan of her head and the doctor told her she had a fracture. Since there were no beds available at Halifax, Ms. Rojas-Jackson was transported to The Vines Hospital in Ocala, FL for further psychological treatment. While at The Vines Hospital, Ms. Rojas-Jackson said she never met with a police officer nor did she file a report with the Ocala Police Department. *(See Tab – G for Official Transcript)*

It should be noted that this interview with Ms. Rojas-Jackson was approximately three months after the alleged incident. Detective Bennett did not observe any sign of injury to Ms. Rojas-Jackson’s left eye region and a photograph of her face was taken. Furthermore, Detective

Bennett reviewed Ms. Rojas-Jackson's booking photograph taken on November 26, 2017, and there did not appear to be any swelling or bruising which would normally be associated with a fractured eye socket. *(See Tab – K for Miscellaneous Documents)*

Antonio Rojas

On February 22, 2017, Detective Bennett and Sergeant Sawicki conducted a sworn recorded interview with Antonio Rojas at 1382 Bailey Avenue in Deltona, FL. The following is a summary of that interview:

Mr. Rojas is Ms. Rojas-Jackson's father and the two reside together at 1382 Bailey Avenue in Deltona. Mr. Rojas described Ms. Rojas-Jackson as a hypochondriac as well as being diagnosed with [REDACTED]

According to Mr. Rojas, Ms. Rojas-Jackson was transported from the Branch Jail to Halifax Medical Center in Daytona Beach, FL to be psychologically evaluated. After finding out there were no beds available, she was transported to The Vines Hospital in Ocala, FL to receive treatment. Mr. Rojas was unaware of Ms. Rojas-Jackson receiving treatment for a head injury she claimed to receive as a result of her arrest; however, he said he would have no knowledge of this treatment based on HIPAA laws.

Mr. Rojas said his daughter's seizures were fake, and she would often make up stories. On November 26, 2017, when she asked to be taken to the hospital for stomach pain, Mr. Rojas felt she was lying and refused to take her. *(See Tab – H for Official Transcript)*

Sergeant Brian Cobb

On February 23, 2017, Detective Bennett and Sergeant Sawicki conducted a sworn recorded interview with Sergeant Brian Cobb at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Cobb has been serving with the Sheriff's Office since June of 2008 and is currently assigned to District – 6 as a patrol sergeant. Sergeant Cobb is Deputy Richardson shift supervisor; however, when this incident occurred Sergeant Cobb was not on duty.

Sergeant Cobb learned after Ms. Rojas-Jackson was arrested for domestic battery, she was transported to Florida Hospital Fish Memorial to be medically cleared. Sometime while in the emergency department, there was an altercation between Ms. Rojas-Jackson and Deputy Richardson;

“The use of force took place inside the hospital and she was still released without injury and accepted at the Branch Jail...Ultimately what I discovered was she become combative during getting re-secured to get in the patrol car where she was kicking and swinging her arms around. I believe she had one handcuff on already. I know she was swinging it [handcuff] around as well. At that time Deputy Richardson tried to use some sort of counter measure and ultimately had to use a strike to the face with a closed fist to get her under control and re-secured.”

According to Sergeant Cobb, Deputy Richardson did not document the use of force nor did he make mention of any type of altercation between himself and Ms. Rojas-Jackson. Sergeant Cobb further added, *“Had Ocala police department not gotten a call from the defendant, no one would have ever known that there was a use of force.”*

Sergeant Cobb stated that normal protocol for a deputy using any type of force would have to have been documented in their report, a supervisor would have been notified and a Response to Resistance (RTR) would have been written.

Upon learning of the incident, Sergeant Cobb briefly spoke to Deputy Richardson, *“...when I spoke with him it was very brief because he interrupted me very rapidly and said I [Deputy Richardson] know I, before you ask me too many questions, this did occur. I did hit her in the face...”* Sergeant Cobb asked him if he told anybody about the incident and Deputy Richardson replied, *“...he said no and didn’t really even offer much of reason or explanation as to why. So to the best of my knowledge, he didn’t notify either of the on-duty sergeants in Deltona which is where this arrest came from.”* Deputy Richardson did offer an explanation as to why he struck Ms. Rojas-Jackson, *“...he said she was combative. That she was kicking and flailing and trying to strike him.”*

Sergeant Cobb spoke with hospital personnel in reference to the altercation between Deputy Richardson and Ms. Rojas-Jackson. Statements from hospital personnel, combined with Deputy Richardson's explanation lead Sergeant Cobb to the conclusion that the force was justified. Sergeant Cobb further added,

"...I believe that everything that took place would have most likely been, had it been documented and put on an RTR, all been justified and cleared correctly per policy. He just failed to initiate that string of events. I don't think there was any violation in policy or state statute where his force was unnecessary or unwarranted or excessive. I think his deficiencies and his short comings were not notifying his sergeant as policy indicates. Not putting anything in your report as far as the use of force that you know is per policy."

(See Tab – I for Official Transcript)

Deputy Jayson Richardson

On March 7, 2017, Detective Bennett conducted a sworn recorded interview with Deputy Jayson Richardson at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Deputy Richardson started with the Sheriff's Office in May of 2015 and has been assigned to patrol duties in District – 6 Debarry since February of 2016. On Saturday, December 26, 2016, Deputy Richardson was working his assigned patrol zone in District – 6 when he was dispatched to 1382 Bailey Avenue in Deltona.

While on scene at the residence, Deputy Richardson developed enough probable cause to place Ms. Rojas-Jackson under arrest for battery to her father, Mr. Rojas. Deputy Richardson described Ms. Rojas-Jackson's demeanor while at the residence; *"She was, she didn't seem to be in a clear state of mind. She faked a seizure while we were on-scene interviewing her."* Based on Ms. Rojas-Jackson's actions and complaint of stomach pain, EVAC Ambulance was requested and she was transported to Florida Hospital Fish Memorial to be evaluated.

Deputy Richardson escorted Ms. Rojas-Jackson to a private room within the emergency department and handcuffed her to the bed. Ms. Rojas-Jackson's demeanor remained unchanged,

according to Deputy Richardson, *“Still the same thing that I observed while I was on-scene with her; up and down, high low, going from calm to angry.”* It wasn’t until Deputy Richardson verbally advised Ms. Rojas-Jackson that she was under arrest that her behavior became a little more intense; *“And at some point when I wouldn’t answer her medical questions for her, she would get upset and she may have kicked the bed and flailed her arms a little bit.”*

Ms. Rojas-Jackson was eventually cleared by medical personnel to be released from the emergency department. Deputy Richardson un-cuffed Ms. Rojas-Jackson from the bedside railing and asked her to stand up; however, she wasn’t moving so he assisted her in sitting up in the bed, *“She’s passively resisting at this point. Not helping me take her into custody.”* Deputy Richardson described how she was going “limp” and he had to lift her full body weight up from the bed.

“As I get her almost all the way upright she then decides that she wants to come to life and turns into my body and started actively trying to pull away and get away from me. I escort her to the ground to gain a better advantage point and to safely take her into custody while verbalizing stop resisting. Stop fighting me; very loudly. I can I hear a nurse, a female; I don’t want to say a nurse, a female voice behind me calling for a code grey.”

Deputy Richardson took her to the ground, maintaining control of the handcuffed arm as he pressed his body against hers so, *“...she wouldn’t be able to get up and start swinging the handcuff.”* At that point Deputy Richardson described,

“I was able to maintain control of that [handcuff] during the encounter. I quickly surveyed my position related to her position and would; making a split second decision I decided I needed to deliver the distractionary strike to control her. She was kicking. Both feet were kicking. I believe she was trying to swing her left arm to, I don’t know if she was trying to hit me or just trying to get away but she was actively resisting.”

As the situation continued, Deputy Richardson said he was unable to control the handcuffed arm, *“...she was swinging it and I couldn’t trap it to gain control of it to take or to handcuff her left arm.”* That was when he struck her with a closed fist on her left cheek, lower jaw area, *“...once*

the distractionary strike was applied she, the resisting stopped and a male nurse approached from behind me and asked me how he could help and I asked him to gain control of her left arm. Which he did and I was successfully able to take her into custody, securing both arms with handcuffs.”

Deputy Richardson did not observe any injuries to Ms. Rojas-Jackson as a result of the physical encounter nor did she advise him of an injury. According to Deputy Richardson, medical staff was in the room and at no time did they advise him of potential injuries to Ms. Rojas-Jackson. She was medically cleared and escorted out of the emergency department in handcuffs by Deputy Richardson.

Deputy Richardson said he used the necessary force from which he was trained. He believed the strike to the face was a distractionary measure which proved effective in allowing him to handcuff Ms. Rojas-Jackson. According to Deputy Richardson, being on the ground with Ms. Rojas-Jackson restricted his ability to access any tool on his duty belt. Furthermore, had he possibly used his Freeze+P, he would have contaminated the environment within emergency department.

As for Deputy Richardson not documenting the use of force in his report, Deputy Richardson stated; *“After reviewing the policy, yes, I would have notified my supervisor to let him make the call on whether a reaction to resistance [Response to Resistance] needs to be completed and I would have documented this portion of the incident completely in my report.”*

Deputy Richardson was asked if he violated the following policies:

26.2.101 Excessive or Unnecessary Force Not Resulting in Injury	NO
26.2.134 Knowledge of Official Directives RE: 1.3 Use of Non-Deadly Force (report documentation)	YES
Volusia County Merit Rules and Regulations 86 – 453	
(2) Disregard for or frequent violations of Federal Laws, State laws, County ordinances, Departmental Standard Directives, and safety rules.	NO
(13) Any conduct, on or off duty that reflects unfavorably on the County as an Employer.	NO

(See Tab – J for Official Transcript)

EXECUTIVE SUMMARY:

On November 26, 2017, Ms. Rojas-Jackson was arrested for domestic battery by Deputy Richardson. While on scene, Ms. Rojas-Jackson complained of medical issues and was ultimately transported to Florida Hospital Fish Memorial in Orange City, FL. While in the emergency department, hospital personnel described her behavior as “*Unpredictable,*” because she would make abrupt actions and punch the side rails of the hospital bed. Deputy Richardson described her behavior as, “*Still the same thing I observed while I was on-scene with her; up and down, high low, going from calm to angry.*”

After being medically cleared, Deputy Richardson un-cuffed Ms. Rojas-Jackson and asked her to get out of the bed, which was when, “*She’s passively resisting at this point. Not helping me take her into custody.*” As Deputy Richardson sat her up in the bed, Ms. Rojas-Jackson began to actively resist as he tried to place her back in handcuffs.

According to Ms. Rojas-Jackson, “*He took me off the handcuff and I skimped [sic] (hit) him lightly. I didn’t mean to hurt him in any way and I tried to grab onto something and he was right there and then he (makes smack noise) punched me in my face...If anything I skimped [sic] him just trying to get off the bed and be apprehended.*” Deputy Richardson took Ms. Rojas-Jackson to the floor in order to gain control over her arms which only had one handcuff attached. While on the ground trying to gain control of her, Deputy Richardson said, “*I quickly surveyed my position related to her position and would; making a split second decision I decided I needed to deliver the distractionary strike to control her,*” which proved effective. Deputy Richardson struck her on the lower left cheek area of her face with a closed fist.

Emergency department personnel heard the commotion and began to enter the room and call a “*Code Gray,*” which alerts the medical staff to respond to an incident. All medical personnel interviewed stated they did not see Deputy Richardson strike Ms. Rojas-Jackson; furthermore, they believed Deputy Richardson handled the situation appropriately.

Ms. Rojas-Jackson was cleared by medical personnel and left in the custody of Deputy Richardson without further incident. Ms. Rojas-Jackson did not make any complaint to either

the medical staff or Deputy Richardson about being taken to the ground or being struck on her head.

Ms. Rojas-Jackson was diagnosed with [REDACTED] for which she is under a doctor's care and is prescribed medication. According to Ms. Rojas-Jackson, she was taking medicine that was not working for her which caused her to become violent the day of her arrest. She did tell investigators that she "*skimped [sic]*" (hit) Deputy Richardson, but claimed it to be unintentional.

After being booked into the Volusia County Branch Jail, Ms. Rojas-Jackson was sent to Halifax Medical Center for mental health treatment and was transferred to The Vines Hospital in Ocala, FL. While there, she contacted the Ocala Police Department (OPD) in reference to the physical altercation with Deputy Richardson along with an alleged sexual battery. Ms. Rojas-Jackson further stated that as a result of being taken to the ground by Deputy Richardson, she suffered internal injuries to her uterus. The OPD ruled the sexual battery unfounded and wrote a police information report documenting Ms. Rojas-Jackson's allegations towards Deputy Richardson. OPD contacted Sheriff's Office command staff to advise them of the allegations.

When internal affairs detectives questioned Ms. Rojas-Jackson about being struck in the face by Deputy Richardson, she pointed to the location above her left eye. Furthermore, when asked about the internal injuries she claimed to have suffered, Ms. Rojas-Jackson stated, "*And on that night my period had, I was on my period by then I had to have the heaviest flow of my life that night.*" Ms. Rojas-Jackson said she never met with a police officer while in Ocala, nor did she file a report with the Ocala Police Department.

During Ms. Rojas-Jackson interview with internal affairs, she told detectives she was struck in the area of her upper left eye which resulted in a fracture. Detectives photographed Ms. Rojas-Jackson's at the time of her interview and compared it to her booking photo taken the day of her arrest just two months prior. In both photographs, there did not appear to be any swelling or bruising to her head which would normally be associated with a fractured eye socket.

Deputy Richardson believed he utilized the appropriate amount of force necessary to gain control of Ms. Rojas-Jackson. Since Deputy Richardson was struggling to handcuff Ms. Rojas-Jackson on the floor of the emergency department, coupled with the environment which did not permit

the use of other incapacitating devices on his duty belt, Deputy Richardson believed he had no other option.

In Deputy Richardson original incident report and charging affidavit, he failed to properly document the level of force utilized in placing Ms. Rojas-Jackson in handcuffs while in the emergency department. Furthermore, Deputy Richardson did not notify his immediate supervisor of the incident which is required under departmental directives governing the Use of Non-Deadly Force.

Deputy Richardson stated, *“After reviewing the policy, yes, I would have notified my supervisor to let him make the call on whether a reaction to resistance [Response to Resistance] needs to be completed and I would have documented this portion of the incident completely in my report.”*

Conclusion:

On May 1, 2017, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

26.2.101 Excessive or Unnecessary Force Not Resulting in Injury **Not Sustained**

26.2.134 Knowledge of Official Directives **Sustained**
RE: 1.3 Use of Non-Deadly Force (report documentation)

Volusia County Merit System Rules and Regulations 86-453:
(2) Disregard for or frequent violations of Federal Laws, State laws, County ordinances, Departmental Standard Directives, and safety rules. **Not Sustained**

(13) Any conduct, on or off duty that reflects unfavorably on the County as an Employer. **Not Sustained**

On May 24, 2017, Deputy Richardson met with the Sheriff and took full responsibility for failing to document and report his Use of Non-Deadly Force. Deputy Richardson was issued a Letter of Reprimand as a result of his actions. *(See Tab – C for Official Correspondence)*

EXHIBITS:

- A. Report of Investigation
- B. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence/Supervisors Inquiry
- D. Official Transcripts of Malissa Shepard
- E. Official Transcripts of Rick McGough
- F. Official Transcripts of Deputy August Custer
- G. Official Transcripts of Carrie Rojas-Jackson
- H. Official Transcripts of Antonio Rojas
- I. Official Transcript of Sergeant Brian Cobb
- J. Official Transcript of Deputy Jayson Richardson
- K. Miscellaneous Documents
- L. Digital Media

WITNESSES:

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Carrie Rojas-Jackson
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Sergeant Brian Cobb
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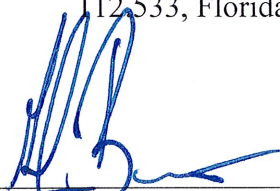
Deputy August Custer
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Deltona, FL 32761
386-917-5000

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.

INVESTIGATOR: _____



Detective Glen Bennett
Internal Affairs Investigator

DATE: _____

6/27/17

APPROVED BY: _____



Chief Deputy John Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA

DATE: _____

07/03/17