

**New Smyrna Beach Police Department
Office of Professional Standards**

Report of Investigation

Report Number: IA 2018-001

DATE OF INCIDENT: November 9, 2017

DATE REPORTED: November 14, 2017

SUBJECT(S) NAME: Officer Beau Estrada

INVESTIGATING OFFICER: Deputy Chief Jessica Paugh

Basis for Investigation:

On November 9, 2017, Officer Beau Estrada failed to properly investigate, follow-up and document the report of a domestic battery as outlined in the City of New Smyrna Beach Policy and Procedures Directive 15-4, Domestic Violence Investigations.

Offenses:

This investigation is relevant to an alleged violation of The City New Smyrna Beach Personnel Policies and Procedures:

Group III (a) willful neglect in the performance of duties as it pertains to Directive 15-4 Domestic Violence Investigations

Investigative Summary:

On December 1, 2017, Chief M. Coffin assigned the above incident to the Office of Professional Standards to conduct an internal investigation. Officer Estrada was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights on January 4, 2018, at the New Smyrna Beach Police Department. This report details the Internal Affairs investigation conducted by Deputy Chief Jessica Paugh.

Deputy Chief Paugh reviewed the body worn camera footage worn by all officers involved, reviewed all reports associated with the incident and read the supervisor inquiry submitted by Sergeant Jason Reve. The below will outline the interviews conducted related to this investigation.

Sergeant Jason Reve

On January 18, 2018, Deputy Chief Paugh conducted a sworn recorded interview with witness Sergeant Jason Reve at the New Smyrna Beach Police Department. The following is a summary of the interview:

On November 9, 2017, Sergeant Jason Reve stated that Officer Estrada responded to 2569 Belmont Avenue in reference to a report of a battery. Sergeant Reve stated that in the Cad call generated for this incident, it specifically stated there was physical violence. While Sergeant Reve was checking reports that date, he discovered that no report from that incident had been generated. Sergeant Reve stated he contacted Officer Estrada to inquire as to why he had not drafted a report documenting the incident. According to Sergeant Reve, Officer Estrada advised during this initial inquiry that neither of the parties involved wished to pursue charges at the time. Officer Estrada advised Sergeant Reve he would write a report documenting the incident.

Sergeant Reve stated he was later contacted by Sergeant Morris who informed him that the report submitted by Officer Estrada indicated that the altercation between the parties on Belmont was determined to be domestic violence, however, Officer Estrada failed to do the proper paperwork or investigate the incident as domestic in nature.

Officer Estrada was immediately ordered to complete the proper paperwork, to include charging affidavits for the battery that had occurred. While Officer Estrada was completing the paperwork, another incident erupted at 2569 Belmont Avenue, where Officer Estrada was ordered to respond to effect the arrest of battery from the previous incident.

Sergeant Reve stated when he returned to work on November 13, 2017, he reviewed Officer Estrada's body worn camera footage from the initial response to 2569 Belmont Avenue, on November 9, 2017. Sergeant Reve stated that it was clear from the video one of the victims sustained a head injury, bleeding from the area of his left eye. Sergeant Reve describes Officer Estrada's actions as:

"he doesn't really ask what is going, if anybody wants to pursue charges; you can clearly see the older gentlemen which I believe is the uncle bleeding... you have an injury Doesn't really entertain anything....he talks to the uncle..... their both standing next to each other they admit they got into a physical; he doesn't really entertain any type of investigation ie: collecting statements or information or even asking any kind of relationship or what's going on."

Sergeant Reve stated that when he spoke with Officer Estrada about the incident on November 14, 2017, Officer Estrada advised he had dealt with the subjects from Belmont in the past and had been aware of the familial connection between the two, and had knowledge that they had resided there together. Sergeant Reve stated Officer Estrada informed him he was dealing with personal issues that affected his decision making.

Officer Beau Estrada

On January 31, 2018, Deputy Chief Paugh in the presence of Teamsters business agent Gary Conroy, conducted a sworn recorded interview with Officer Estrada at the New Smyrna Beach Police Department. The following is a summary of the interview:

Officer Estrada stated that on November 9, 2017, he responded to an altercation at 2569 Belmont Avenue where a battery had occurred. Officer Estrada admitted that he incorrectly documented the incident of domestic violence.

Officer Estrada recalls speaking with Sergeant Reve about the incident on November 14, 2017, and confirms that he advised Sergeant Reve that he was dealing with personal issues and his head was in clouds.

Deputy Chief Paugh advised Officer Estrada that while reviewing his body worn camera footage of the initial response to Belmont, she observed him texting with two different females just prior to suddenly shutting off the camera and abruptly leaving the scene. Deputy Chief Paugh asked Officer Estrada if this could be why his head was in the clouds. Deputy Estrada answered "yes".

At the conclusion of the interview Officer Estrada was asked the following questions:

Based on the fact that you knew there was a domestic violence battery that occurred, do you feel that leaving the scene without documenting the incident or effecting the arrest was the correct course of action as a police officer with New Smyrna Beach Police Department?

Officer Estrada responded "No".

This investigation states you allegedly violated the following City of New Smyrna Beach Policy and Procedures: Group III (a) willful neglect in the performance of duties as it pertains to Directive 15-4 Domestic Violence Investigation. Do you feel you violated this policy?

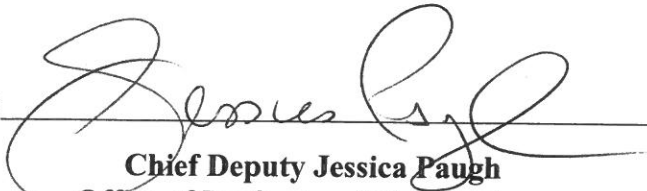
Officer Estrada answered "Yes".

On February 5, 2018, this investigation was presented to Chief Coffin for review. After review, Chief Coffin determined Officer Beau Estrada violated the following policy(s):

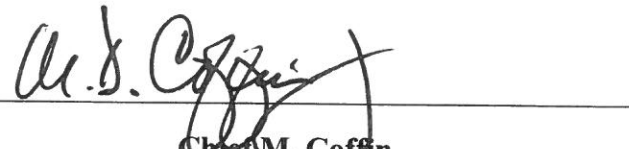
**Group III (a) willful neglect in the performance of duties
Pertaining to: Directive 15-4 Domestic Violations**

Sustained

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 subject of the investigation of any rights contained in ss.112.532 and 112.533, Florida Statutes.

Investigator: 
Chief Deputy Jessica Paugh
Office of Professional Standards

Date: 2-12-18

Approved by: 
Chief M. Coffin
CHIEF OF POLICE
NEW SMYRNA BEACH POLICE DEPARTMENT

Date: 02/19/18