

Daytona Beach Police Department

Officer Justin Ranum,

MEMORANDUM

TO: Chief Michael J. Chitwood (via chain of command)

FROM: Police Officer Justin Ranum *J.R.*

SUBJECT: Resignation

DATE: 07-23-2013

I would like to take this opportunity to thank you for allowing me the opportunity to serve the residents of the City of Daytona Beach as a police officer since January of 2007. I would like to formally submit my two-week resignation which is required by city policy. I would also like to respectfully request that you waive the two-week resignation and make my last day 07-31-2013. Thank you for your consideration.

Received
7/23/13
Recommend
waiver of two week
notice -

Cpt. Guy *Guy* Orpinuk
61793

Received
7/23/13
[Signature]

Rec'd & Approved
2 wk waiver
MJC
7-23-13

FDLEFlorida Department of
Law Enforcement**FIDAVIT OF SEPARATION**Incorporated by Reference in Rule
11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.CJSTC
61

1. Social Security Number: [REDACTED]
 2. Name: Ratum, Justin Christopher
 3. Agency name: Daytona Beach Police Department
 4. Agency ORI: FLO640100
 5. Date employed: 1/21/2007
 6. Separation Date: 7/31/2013
 7. Separation Reasons

Employment Class & Type
Full-Time Law Enforcement

<p>7A. ADMINISTRATIVE - ROUTINE</p> <p><input type="checkbox"/> Voluntary separation not involving misconduct</p> <p><input type="checkbox"/> Transfer within agency. No break in service</p> <p><input type="checkbox"/> Retired. Not involving misconduct</p> <p><input type="checkbox"/> Deceased</p> <p><input type="checkbox"/> Budgetary Constraints. Local and Federal grants not renewed.</p> <p><input type="checkbox"/> Extended leave of absence Type: _____ Periods of Time: _____</p> <p><input type="checkbox"/> Military leave of absence Periods of Time: _____</p> <p><input type="checkbox"/> Suspension Periods of Time: _____</p> <p><input type="checkbox"/> Administrative termination not involving misconduct</p> <p><input type="checkbox"/> Special elected or appointed Position: _____ Anticipated term: _____</p> <p><input type="checkbox"/> Instructor request for change of affiliation</p>	<p>7B. ADMINISTRATIVE - NON-ROUTINE</p> <p><input type="checkbox"/> Failure to complete basic recruit training</p> <p><input type="checkbox"/> Failure to pass the State Officer Certification Examination</p> <p>7C. ADMINISTRATIVE - SUBSTANDARD PERFORMANCE</p> <p><input type="checkbox"/> Failure to satisfactorily complete agency field training program (training performance issues)</p> <p><input type="checkbox"/> Failure to perform assigned tasks satisfactorily</p> <p>7D. OTHER - EXAMPLE</p> <p><input type="checkbox"/> Excessive absenteeism; failure to report for duty and sleeping on duty, and etc.</p>	<p>7E. UNFAVORABLE - MISCONDUCT</p> <p><input checked="" type="checkbox"/> Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Terminated for violation of agency or training school policy (Not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.)</p> <p>7F. Form CJSTC-61A must be completed and submitted with form CJSTC-61 for any of the following:</p> <p><input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined by Rule 11B-27.0011, F.A.C.</p>
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NOTICE: Section 943.139(2), F.S., requires the execution of an Affidavit of Separation by the employing agency in a case of officer separation. If the officer is separated, whether voluntarily or involuntarily, for failure to comply with provisions of Section 943.13, F.S., the agency is required to so specify when completing the Affidavit of Separation Supplement form CJSTC-61A. **WARNING:** Intentional false execution of this Affidavit of Separation constitutes a misdemeanor of the second degree.

[Signature]
 8. Agency Administrator or Designee's Signature

Debra L. Session
 9. Agency Administrator or Designee's Printed Name

8/6/13
 10. Date signed

SEAGUANT
 11. Agency Administrator or Designee's Title

AFFIDAVIT

12. STATE OF FLORIDA, COUNTY OF Volusia The foregoing instrument was acknowledged before me this date

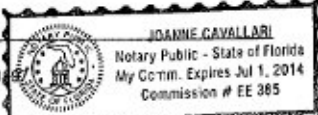
8/6/13 by Debra Session who is personally known _____ or who has

proposed identification. Type of identification: _____

[Signature]

Print, type, or stamp Commissioned Name of Notary

Notary Seal:



Upon witnessing the agency administrator or designee's signing of this affidavit, the notary public shall complete the notary block.

Form Effective Date 6/9/2006

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

**INTERNAL INVESTIGATIVE REPORT
CC2013-016**

November 18, 2013

Investigator(s)

John Creamer, Sergeant, Office of Professional Standards
Diana Shore, Detective, Office of Professional Standards
Nate Williams, Detective, Office of Professional Standards

Employee(s)

Justin Ranum, Officer, Patrol Division
Matthew Booth, Officer, Patrol Division

Complainant(s)

Christine Chippewa
20 S Grandview Avenue
Daytona Beach, Florida, 3218

Allegation(s)

Violations:

- 200.13 - Knowledge and Adherence to Laws and Directives
- 200.138 - False Statements
- 204.11 - Conduct in Arresting and Dealing With Law Violators
- 1006.24 - Use of Force (Strikes to the Head)
- 1006.39 – Unauthorized Actions Regarding Use of Force

Daytona Beach Police Department

Office of Professional Standards

MEMORANDUM

TO: Michael J. Chitwood, Chief of Police

FROM: John Creamer, Sergeant, Office of Professional Standards

SUBJECT: **Project No: 102-CC2013-016**

DATE: November 18, 2013

SYNOPSIS

On June 13, 2013, at approximately 0341 hours, Officers Justin Ranum and Matthew Booth encountered Ms. Christine Chippewa (complainant) near the boat ramps of the Seabreeze Bridge (eastern span). Both officers were in full uniform and in separate marked Daytona Beach Police Department vehicles. Chippewa was observed alone in her boyfriend's vehicle and appeared to have mechanical issues. The officers spoke to Chippewa and established that she was not in medical distress. This interaction was captured on Officer Ranum's Mobile Video Recorder (MVR).

Approximately ten to fifteen minutes after speaking with Chippewa, the officers noticed she continued to have issues with her vehicle. The officers re-approached Chippewa because they felt her behavior was suspicious. Chippewa said she realized the car was not out of gas as she originally suspected and she had forgotten to press in the clutch. During the second contact with Chippewa, Officer Ranum began to question why she was really at the boat ramp. Officer Ranum asked for and received oral consent to search Chippewa's vehicle and her purse. Officer Booth began searching Chippewa's vehicle as Officer Ranum began searching her purse.

While Officer Booth was searching Chippewa's boyfriend's vehicle, Officer Ranum observed Chippewa unbutton her shorts and wrote in his offense report that he felt like she was trying to hide something. Officer Ranum approached Chippewa and asked if she had anything in her shorts. As Chippewa answered "no", she turned her pockets inside out. Officer Ranum wrote in his report he saw a "large bulge" in Chippewa's left cheek area. Officer Ranum asked Chippewa what was in her mouth and she said "nothing." Officer Ranum asked

to see inside of her mouth. Chippewa opened her mouth and Officer Ranum saw what he suspected was illegal narcotics. Officer Ranum reported Chippewa began trying to chew and swallow the substance. Officer Ranum told Chippewa to spit out the substance and she attempted to pull away from him.

Officer Ranum said he took hold of Chippewa to keep her from tampering with evidence. Officer Ranum took the defendant to the ground to gain better control over her in an attempt to retrieve the suspected narcotics. The struggle between Officer Ranum and Chippewa continued and Officer Booth ran over and assisted Officer Ranum.

Officer Ranum wrote in his offense report that Officer Booth attempted to prevent Chippewa from destroying the suspected contraband and Officer Booth *"reached in the defendant's mouth with his fingers and also used his flashlight handle to keep the defendant from biting down on his fingers"*. Officer Ranum also wrote that the incident was captured on his MVR, but in actuality only the last few moments of the encounter were captured.

Officer Booth wrote in his report,

"I inserted the butt of my flashlight into the defendant's mouth in order to prevent her from biting my fingers as I attempt to recover the suspected drugs. I was unable to recover the suspected drugs while the flashlight was in her mouth, so I removed it and continued grabbing her cheeks. While grabbing the defendant's cheeks, she bit down on my thumb (through her cheeks) so hard that it caused me pain, as the defendant bit, I delivered one knee strike to her in order to get her to release. Due to my position, the knee strike landed at the left side of the defendant's head. After this, I could still see the defendant obviously chewing and swallowing. I again grabbed the defendant's cheeks and ordered her to spit it out. She again tried to bite me through her cheeks. As I was grabbing her, she was also trying to turn her head as it was being held against the pavement. This caused the defendant to give herself abrasions to her forehead."

Chippewa was transported to Halifax Hospital for aid and monitoring for the possible ingestion of narcotics, she never received treatment for the ingestion of narcotics. After being discharged, Chippewa was transported to the Volusia County Branch Jail.

ADDITIONAL INFORMATION

On June 15, 2013, Chippewa filed a formal complaint against Officers Booth and Ranum for excessive force. On Thursday, June 20, 2013, Detective Nate Williams interviewed Chippewa regarding her complaint. Chippewa provided a sworn taped statement surrounding her interaction with the officers. Chippewa adamantly denied having any illegal substance and denied resisting Officers Ranum and Booth. See the transcripts for further details.

OFFICER MELANIE MARCUM (WITNESS)

I interviewed Officer Marcum on July 10, 2013 regarding her involvement in this investigation. Officer Marcum provided a sworn, taped statement. Officer Marcum became involved when she relieved Officer Matt Booth at Halifax Hospital during shift change on June 13, 2013.

Officer Marcum met Officer Booth in the Emergency Room with Chippewa. Officers Marcum and Booth briefly discussed Chippewa's charges when Chippewa interrupted and described how she was the victim of excessive force during the incident. Chippewa said to Officer Booth *"you kicked me in the head"* and Officer Booth responded by saying *"You bit me."* Officer Booth finished his administrative duties at the hospital and left.

Officer Marcum stayed behind with Chippewa while she was medically evaluated. Officer Marcum described Chippewa's injuries and her complaints of injury. Officer Marcum said Chippewa looked *"rough"* and that she had *"road rash on her forehead."* Chippewa freely admitted that she had an addiction problem, but was adamant that she did not swallow or tamper with any evidence. Officer Marcum saw no injuries on Officer Booth.

Since Officer Marcum trained Officer Booth, I asked her if she ever taught him that it was acceptable to put a flashlight in someone's mouth. Officer Marcum said *"Absolutely not."* Officer Marcum said Officer Booth put the flashlight in Chippewa's mouth because *"he didn't want to get bit"* and *"we wanted to keep her mouth open."*

See TAB 6 for transcripts from Officer Marcum's interview.

OFFICER JUSTIN ELLIOTT (WITNESS)

I interviewed Officer Elliott on July 10, 2013 regarding his involvement in this investigation. Officer Elliott provided a sworn, taped statement. Officer Elliott was on duty and responded to the scene on June 13, 2013. Officer Elliott said he responded to the scene after Officer Booth requested assistance on the radio. When Officer Elliott arrived on scene he noticed other officers were already present. Officer Elliott observed Chippewa in handcuffs standing near a marked patrol car. Officer Elliott did not recall seeing any injuries on Chippewa, but said she appeared to be disheveled. Officer Elliott did not see any observable injuries to Officer Booth or Officer Ranum.

See TAB 6 for transcripts from Officer Elliott's interviews.

OFFICER MATTHEW HAMILTON (WITNESS)

I interviewed Officer Hamilton on July 10, 2013 regarding his involvement in this investigation. Officer Hamilton provided a sworn, taped statement. Officer Hamilton responded to the incident after Officer Booth asked for assistance. When Officer Hamilton arrived on scene he observed multiple officers on scene.

Officer Hamilton observed Chippewa in handcuffs. Sergeant Savitski asked Officer Hamilton to take photographs of Chippewa. Officer Hamilton took four photographs of her injuries and tagged only two (he said the other two were out of focus). Officer Hamilton described Chippewa's injuries as being multiple abrasions on her face, a swollen lip, and a knot on the top of her forehead. Officer Hamilton said Chippewa showed no signs of being intoxicated or under the influence of narcotics. Officer Hamilton had no additional information.

See TAB 6 for transcripts of Officer Hamilton's interview.

OFFICER CORTLAND LAMPE (WITNESS)

I interviewed Officer Cortland Lampe on July 10, 2013 regarding his involvement in this investigation. Officer Lampe provided a sworn, taped statement. Officer Lampe was on duty on June 13, 2013, and responded to Officer Booth's request for help. When Officer Lampe arrived he observed Officer Booth and Officer Ranum with a white female arrestee.

Officer Lampe said he was the first officer to arrive at the scene and met with Officers Booth and Ranum. Officer Lampe walked Chippewa to his car and stood with her. Officer Lampe recalled that Chippewa made statements about the way she had been treated by the officers and appeared to be upset. Chippewa complained about injuries on her head, face, and chest.

Officer Lampe talked to Officer Booth at the scene and Officer Booth explained that Chippewa was seated in a vehicle under the bridge. Officer Booth said Chippewa began trying to swallow something while they were talking to her. Officer Booth told Officer Lampe that he was bitten by Chippewa and "*was foolish for sticking his hands in her mouth*" and "*...it was stupid*". Officer Booth told Officer Lampe that he inserted his flashlight into Chippewa's mouth to keep Chippewa from biting his fingers. Officer Lampe also said Officer Booth told him he conducted a knee strike to Chippewa's head during the incident.

Officer Lampe said he was on scene with Chippewa for approximately ten to fifteen minutes. She appeared to be agitated at the time, but Chippewa did calm down. Officer Lampe said Chippewa did not appear to have slurred speech.

See TAB 6 for transcripts from Officer Lampe's interview.

OFFICER TIMOTHY SHORE (WITNESS)

I interviewed Officer Shore on July 16, 2013 regarding his involvement in this investigation. Officer Shore provided a sworn taped statement. Officer Shore recalled being on-duty as a K9 officer on June 13, 2013. Officer Shore heard Officer Booth asking for assistance under the Seabreeze Bridge. When Officer Shore arrived, he observed several officers on scene and noticed Chippewa was handcuffed. Officer Shore checked on the status of the officers and left. Officer Shore took no official action and did not write a supplemental report.

See TAB 6 for transcripts of Officer Shore's interview.

SERGEANT DAVID SAVITSKI (WITNESS)

I interviewed Sergeant David Savitski on July 16, 2013 regarding his involvement in this investigation. Sergeant Savitski provided a sworn taped statement. Sergeant Savitski was working as a patrol sergeant on June 13, 2013. Sergeant Savitski was at the precinct when he heard Officer Booth call for assistance on the radio. Sergeant Savitski responded and when he arrived on scene was met by several officers. Sergeant Savitski observed Chippewa as being handcuffed and being agitated. Sergeant Savitski observed that Chippewa had some facial injuries and she said she was kicked in the head by Officer Booth.

Sergeant Savitski said he did not see Chippewa swaying to and fro, nor did he hear her speaking with slurred speech. Sergeant Savitski did believe Chippewa was under the influence of something, based on his observation of her being fidgety and agitated.

Sergeant Savitski met with Officers Ranum and Booth and received a synopsis of what occurred. Officers Booth and Ranum indicated that Chippewa was acting suspicious. Sergeant Savitski could not provide specifics as to why the officers felt Chippewa was acting suspicious. However, the officers described the substance allegedly in Chippewa's mouth as being some type of narcotics, possible cocaine. Sergeant Savitski could not remember specifically how the encounter escalated into an application of force by Officers Booth and Ranum.

Sergeant Savitski said he was alarmed by the statements of Officer Booth where he stated he kicked Chippewa in the head. Sergeant Savitski said he was also alarmed when Officer Booth said he put his flashlight and fingers in Chippewa's mouth. Sergeant Savitski said he has never been trained or taught anyone to employ the methods used by Officer Booth against Chippewa. Sergeant Savitski said Officer Booth's actions were not acceptable.

Sergeant Savitski met briefly with both officers on the next working day in order to complete the Response to Resistance Report. Officer Ranum expressed concern to Sergeant Savitski about Officer Booth's use of flashlight and fingers in Chippewa's mouth.

Sergeant Savitski said Officer Ranum indicated he used force against Chippewa in order to prevent her from tampering with suspected evidence and the fact that she refused to comply and for no other reason.

Sergeant Savitski did not complete an Injury Report for either Officer Ranum or Officer Booth because neither employee told him or showed him any injuries they may have received in this incident, despite the fact Officer Booth said he was bitten by Chippewa.

See TAB 6 for transcripts of Sergeant Savitiski's interview.

OFFICER ANTHONY GALANTE (WITNESS)

I interviewed Officer Anthony Galante on October 30, 2013. Officer Galante provided a sworn taped statement. Officer Galante is the senior member of the DBPD Training Unit. Officer Galante is certified by the Florida Department of Law Enforcement as a general topics and high liability law enforcement trainer which includes defensive tactics and the application of use of force in police encounters. Officer Galante creates and instructs curriculum for all law enforcement at DBPD. Officer Galante is recognized within DBPD as a subject matter expert concerning defensive tactics and the application of force.

Officer Galante was interviewed because of his training, experience, and expertise. I asked Officer Galante if it was a common practice for an officer to place his/her fingers or an object in an orifice or mouth of a subject. Officer Galante said it was, indeed, not a common practice to do so. Officer Galante said the practice of an officer placing their fingers near a subject's mouth is "extremely dangerous and very hazardous". Officer Galante has never been trained to practice doing so, nor has he ever recommended this practice to anyone he has trained because of the inherent danger of the officer being injured.

Also Galante affirmed that the practice of striking or kicking a subject in the head is only permitted when the use of deadly force is authorized. Strikes, blows, and kicks to the head are not authorized by DBPD or FDLE unless the officer authorized to use deadly force.

See TAB 6 for transcripts of Officer Galante's interview.

OFFICER JUSTIN RANUM (SUBJECT)

Officer Justin Ranum resigned while being the subject of this investigation. His resignation took place on July 31, 2013. As a result of his resignation, Officer Ranum was unable to be interviewed. Therefore, the results of this investigation are based on interviews of witness officers, Christine Chippewa, photographs, arrests reports, video recordings from Officer Ranum's MVR, and Officer Booth's statements.

OFFICER MATTHEW BOOTH (SUBJECT)

I interviewed Officer Matthew Booth on November 14, 2013. Officer Booth provided a sworn taped interview regarding his involvement with Christine Chippewa on June 13, 2013. Officer Frank Geremia, Mr. Robert Walker, and Detective Diana Shore were present for the entire interview.

Officer Booth was on duty, in full uniform, and operating a marked DBPD patrol vehicle on the morning of June 13, 2013. Officer Booth was assigned as a late car (working 1800 to 0600) and assigned to 58 zone. At approximately 0341 hours Officer Booth met with Officer Ranum at the public boat ramp under the eastern span of the Seabreeze Bridge. Officer Booth intended to meet with Officer Ranum and simply talk. When Officer Booth arrived, Officer Ranum was already at the boat ramp. Officer Ranum was stepping out of his own patrol vehicle to investigate a suspicious vehicle. Officer Booth said he felt it was suspicious for Chippewa to be at the boat ramp alone at that hour of the morning even though the boat ramp is open to the public.

Officer Booth said Officer Ranum acted as the lead or primary officer when they approached the vehicle and identified the lone occupant as Chippewa. Officer Booth said Chippewa told them she was out of gas and was waiting for her boyfriend. Officer Booth said they ran Chippewa's name and tag number through FCIC/NCIC with negative results. Officer Booth said once they established that Chippewa was not in distress or wanted for a criminal violation, they ended the conversation and walked back to their patrol vehicles. Officer Booth said *"everything was fine"* and Chippewa was cooperative.

I asked Officer Booth why he and Officer Ranum approached Chippewa a second time. He said that about ten or fifteen minutes after initially speaking with Chippewa, he observed her moving around in the car. Officer Booth said Chippewa turned the headlights of the car on and off several times as well as opened and closed the driver's door several times. Officer Booth said Chippewa's behavior was *"highly strange"* and they decided to re-contact her.

According to Officer Booth, Chippewa told the officers that she wasn't out of gas like she first suspected. Chippewa told them the car was a stick shift that she was unfamiliar with and she forgot to push in the clutch. Officer Booth said that raised his suspicion even more and he felt Chippewa was at the boat ramp for nefarious reasons.

Officer Booth said Officer Ranum asked Chippewa why she was really at the boat ramp and if she had any drugs with her. Officer Booth said Chippewa denied having any drugs with her and consented to having her purse and her vehicle searched by the officers. Officer Booth described Chippewa as being cooperative with them during the second encounter.

Officer Booth began searching Chippewa's vehicle as Officer Ranum began searching Chippewa's purse. While searching her car, Officer Booth said his attention was drawn to Officer Ranum who appeared to be struggling with Chippewa on the ground. Officer Booth stopped searching the car and ran over to Officer Ranum and Chippewa. Officer Booth was told by Officer Ranum that Chippewa *"was trying to swallow dope"*. Officer Booth said he saw Chippewa *"chomping"* on something but said he never saw anything in Chippewa's mouth

as she lay on the ground face down away from him. Officer Booth later said he never saw Chippewa in possession of any narcotics or related paraphernalia.

Officer Booth said Officer Ranum was on top of Chippewa covering her legs and torso. Officer Booth said he *"grabbed her head...tried to control her head and told her to spit out the drugs. I grabbed her cheeks to force them open and continued to tell her to spit out the drugs"*. Officer Booth admitted that he put his metal flashlight in Chippewa's mouth after she refused his order to spit them out. Officer Booth said he inserted his flashlight into Chippewa's mouth to *"get into her mouth and fish out the drugs without getting bit...without her biting me"*. Officer Booth later called this *"the flashlight technique"*.

Officer Booth said Chippewa began turning her head which prevented him from getting his finger in her mouth to retrieve the alleged drugs. Officer Booth said the flashlight came out of Chippewa's mouth and he abandoned the idea of reinserting it. Officer Booth grabbed Chippewa's cheeks (from the outside) and at one point Chippewa bit down on Officer's Booth's fingers, through her cheeks, so hard it caused Officer Booth pain. Officer Booth said he tried to pull his hands away, but couldn't, so he conducted a knee strike to Chippewa's head.

Officer Booth was captured numerous times on video immediately following this incident informing his coworkers and his supervisor that he kicked Chippewa in her head. In fact, Officer Booth admitted in a sworn deposition with the Public Defender's office he kicked Chippewa in the head. Officer Booth said the statements he made (on the video) that he kicked Chippewa in the head were incorrect and he actually conducted a knee strike and not a kick. In addition, Officer Booth said Chippewa did not fight with him or Officer Ranum and only resisted them by failing to obey an order to spit out an alleged illegal substance which was never recovered.

Officer Booth said even after Chippewa bit him so hard that he delivered the knee strike to Chippewa's head he decided to then stick his fingers back in her mouth to retrieve the alleged drugs. Officer Booth said that once he didn't feel anything in Chippewa's mouth, he withdrew his fingers and he took her into custody with Officer Ranum. Officer Booth admitted on video that *"it was my own damn fault"* for getting bit by putting his fingers in Chippewa's mouth. Officer Booth said in his interview that he put himself in a dangerous position by placing his fingers in Chippewa's mouth. Although Officer Booth said he never was specifically trained not to put his fingers in a subject's mouth, he clearly realized that it was dangerous to have done so. Officer Booth said, *"it wasn't the smartest decision"*.

In the video, Officer Booth is observed withdrawing his fingers from Chippewa's mouth and wiping them on the left shoulder of her sweatshirt and the cuff of the left sleeve. Later in the video it is clearly visible that Chippewa has two bloody smears on the left shoulder and sleeve area of her sweatshirt. Officer Booth had

no recollection of this occurring and could not explain it. Officer Booth said he was never exposed to Chippewa's blood in anyway. Chippewa received numerous abrasions and bruises on her face, head, and torso. Officer Booth said Chippewa's injuries were a result of her rubbing her own head into the asphalt and not a result of his actions.

Officer Booth said he saw no abrasions or injuries to Chippewa other than her mouth bleeding. Officer Booth did not indicate that Chippewa showed any signs of a drug overdose during or after the encounter. In fact, medical aid was not summoned or offered at the scene. Some of Chippewa's injuries are clearly noted on the video captured by Officer Ranum in spite of Officer Booth saying she had *"no real complaints"* and after she reported that her chest hurt. However, later in the interview and at the urging of Officer Booth's union representative, Officer Booth said he saw Chippewa's facial injuries while at the scene of the incident.

In spite of using what Officer Booth called, the *"flashlight technique"*, Officer Booth said he was never specifically trained to insert a flashlight or his fingers in someone's mouth. Officer Booth said he was never trained not to do so in spite of the 544 hours of training he received in his law enforcement career at the Daytona Beach Police Department. When asked what resistance Chippewa offered during the encounter, Officer Booth clearly said she responded with *"active physical resistance"* not aggressive or aggravated which, per policy, might have justified Officer Booth applying deadly force. When asked what response level an officer is at when a strike to a suspect's head is authorized, Officer Booth said he did not know and *"It's up there...at the very top."* Officer Booth said he did not consider a kick, strike, or blow to the head to be deadly force.

After Chippewa was arrested, Officer Ranum eventually took her to Halifax Hospital after Sergeant Savitski told him to do so. Officer Booth remained at the scene completed a tow sheet and then drove to Halifax Hospital to confer with Officer Ranum. Officer Booth and Ranum were captured on video discussing the incident at Halifax Hospital. Officer Booth expressed some concern to Officer Ranum and told Ranum he was worried about what occurred because this was a *"use of force incident"* and they did not recover any evidence.

Officer Ranum asked Officer Booth if he had completed his report. Officer Booth said, *"I'm not writing anything until you write yours because God forbid we write something in the least bit different."* Officer Booth said in his interview that he wanted to *"rehash the incident with Officer Ranum and make sure all of their ducks in a row"* before writing his report. Officer Booth indicated that he wanted to make sure they both remembered the incident correctly before writing his report. Officer Booth also said his supervisor was meticulous about accurate report writing and he wanted to make sure that he and Officer Ranum *"were both on the same page"*.

Chippewa was only charged with "Resisting an Officer Without Violence" and "Tampering with Evidence". I asked Officer Booth why Chippewa was not charged with "Battery on a Law Enforcement Officer" since she bit him or "Resisting an Officer With Violence" since she would not let go of his finger which resulted with a strike to her head. Officer Booth said Chippewa did not fight him and therefore was not charged with "Resisting With Violence". Officer Booth admitted that he could not justify or prove Chippewa even bit him.

Officer Booth said he acted on his own by sticking the metal flashlight and his fingers in Chippewa's mouth and not at the direction of Officer Ranum as implied by Officer Booth's union representative, Mr. Walker. In fact, Officer Ranum was recorded chastising Officer Booth for doing so.

At the further urging of Mr. Walker, Officer Booth asserted he was concerned Chippewa would overdose and need medical treatment. Officer Booth readily admitted that he saw no signs that Chippewa was in medical distress from an alleged overdose and never called for EMS or paramedics.

See TAB 7 for transcripts of Officer Booth's interview.

INVESTIGATIVE SUMMARY

On June 13, 2013, at approximately 0330 hours, Christine Chippewa was approached by Officers Matthew Booth and Justin Ranum at the parking area of the Seabreeze Bridge (eastern span). Officers Booth and Ranum were on-duty, in uniform, and in marked DBPD patrol vehicles. Chippewa pulled into the area because she was having problems with a car she borrowed and was unfamiliar with. Chippewa was approached two times by Officers Ranum and Booth.

During the first encounter, neither officer was alarmed by Chippewa's demeanor or actions, in fact, Chippewa was described by Officer Booth as being "cooperative" and "fine". This encounter was recorded on Officer Ranum's MVR. During the second contact with Chippewa, Officer Ranum began to investigate "why she was really there" and asked for consent to search Chippewa's vehicle and purse. The beginning of the second incident was not fully recorded on Officer Ranum's MVR.

Based on Chippewa's verbal consent, Officer Booth began searching Chippewa's vehicle as Officer Ranum began searching Chippewa's purse. While doing so, Officer Ranum alleged he observed Chippewa make a furtive movement and place an item into her mouth. Officer Ranum confronted Chippewa and saw what he thought was suspected narcotics.

Officer Ranum told Chippewa to spit out the substance, but Chippewa refused. Officer Ranum conducted a defensive tactics maneuver and took Chippewa forcefully to the ground. Officer Booth ran over and assisted Officer Ranum. Officer Booth inserted his metal flashlight into Chippewa's mouth while she lay on the pavement in an effort to retrieve the alleged narcotics. Officer Booth

described his actions as *"the flashlight technique"* and said when it didn't work he put external pressure on the outside of Chippewa's mouth (between her teeth). Officer Booth said Chippewa bit him so hard, through her own cheeks, that it caused him pain. Officer Booth said he could not get his fingers free so he conducted a knee strike to Chippewa's head and she released her grip on his finger. Officer Booth said on video and numerous times he kicked Chippewa in her head, but in his written offense report he said he conducted a knee strike.

After employing the above techniques unsuccessfully and being bitten as a result, Officer Booth decided to put his fingers into Chippewa's mouth to retrieve the suspected narcotics and found none. Officer Booth, on video, admitted he kicked Chippewa in her head. Officer Booth admitted he forcibly inserted his metal flashlight into Chippewa's mouth. Officer Booth admitted he forcibly inserted his fingers in Chippewa's mouth.

Officer Booth also admitted he was concerned about his actions and the outcome of this incident. Officer Booth said he took time to confer with Officer Ranum before writing his report to assure the report was true and accurate, yet there are many inconsistencies with the written report compared to the video recordings.

FINDINGS

Officer Booth admitted and clearly demonstrated his lack of knowledge or adherence to Departmental Directives as they relate to conduct with a member of the public (suspected of a crime or not), his lack of knowing and following the Use of Force Directives, and presenting a truthful and accurate police report.

Officer Booth told his sergeant and co-workers that he kicked Chippewa in the head, yet wrote in his offense report that he delivered a knee strike. Officer Booth provided a sworn statement in an official deposition with the Public Defender's office and admitted he kicked Chippewa in the head, contrary to his written police report which he said was true and accurate. Furthermore, in his sworn interview with this office, Officer Booth said he conducted a knee strike to Chippewa's head, when he is clearly observed on video saying he kicked her in the head.

Officer Booth escalated his level of force with Christine Chippewa when other options were available. After being told by another officer that Chippewa swallowed suspected narcotics, Officer Booth inserted his flashlight into Chippewa's mouth in an effort to retrieve the alleged contraband. The Daytona Beach Police Department does not and has not trained an employee that this is an acceptable method in responding with a subject suspected of committing a crime.

After employing a technique not recognized as being reasonable in this incident, Officer Booth then forced his fingers against the outside of Chippewa's cheeks with the intent of retrieving the alleged narcotics. This practice is also not recognized by the Daytona Beach Police Department as a reasonable response

to a subject's actions unless it was to save a life, which Officer Booth admitted was not the case.

Officer Booth said Chippewa bit him so hard (through her own cheeks) and would not let go, he was forced to kick her in the head in order for her to release her grip. Officer Booth later changed his wording and said he only conducted a knee strike to Chippewa's head. Either method employed by Officer Booth is not considered an acceptable or reasonable action (in this case) as defined by the Daytona Beach Police Department.

Directive 1006 defines an officer's use of deadly force as:

"Deadly Force: Techniques used as a last resort, which may result in imminent death, great bodily harm, or permanent disfigurement, such as the use of a firearm or impact weapon strikes to the head."

It also defines the level of resistance offered by a subject

"Aggressive Physical Resistance: A subject makes overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the officer or others."

"Aggravated Physical Resistance: A subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the officer or others."

After being bitten by Chippewa, while his hand was outside of her mouth, Officer Booth used a strike (whether a kick or knee strike) and then put his fingers inside of her mouth. Again, a technique not deemed acceptable by the Daytona Beach Police Department unless it was in the course of saving a person's life, which Officer Booth admitted was not the case.

Officer Booth said Chippewa was not at either of the above levels of resistance and, in fact, Officer Booth said Chippewa was not even fighting him. Additionally, Chippewa was charged with "Resisting an Officer Without Violence" and "Tampering With Evidence", not "Battery on a Law Enforcement Officer" or "Resisting An Officer With Violence".

As a result of the investigation, these are the findings of Office of Professional Standards based on videos captured at the scene of the incident, radio recordings, photographs, interviews and a review of Departmental Directives:

200.13 *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

200.138 *Employees shall not knowingly make a false report or knowingly enter or cause to be entered any false information or misrepresentation in any personal or city records or reports, including accident, insurance, medical records, employment applications purchase orders, time sheets, or any other reports, records, or applications.*

SUSTAINED

204.11 *Law enforcement officers shall use powers of arrest strictly in accordance with the law and with due regard for the rights of the citizen concerned. Their office gives them no right to judge the violator nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of responsibilities and limitations regarding detention of the violator. They shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, they shall cultivate a dedication to the service of the people and the equitable upholding of the law whether in the handling of law violators or in dealing with law-abiding citizens.*

SUSTAINED

1006.24 *Intentional strikes to the head, face and neck are considered deadly force and shall be used only under those circumstances where deadly force is applicable.*

SUSTAINED

1006.39 *The Daytona Beach Police Department realizes and acknowledges that intense, uncertain, and/or rapidly evolving confrontations, an officer may have to:*

- *Reasonably use techniques, weapons, and/or improvised weapons that are not part of the agency's formal training program, or are not specifically covered in this policy;*
- *Use a technique or a weapon that is not in conformity to current training;*
- *Use a technique or weapon that due to the suspect's actions has an unintentional impact point, or an outcome that is not part of the agency's training curriculum.*

Lastly, as delineated in the above Directive there are exceptions to the Use of Force policy. An officers actions are deemed appropriate and in conformity when they are reasonable. Officer Booth's actions in this case were not recognized as being reasonable and within the intent of the policy.

SUSTAINED

INTERVIEWS

The following witnesses were interviewed regarding this investigation:

- Christine Chippewa (Complainant)
- Officer Melanie Marcum (Witness)
- Officer Justin Elliott (Witness)
- Officer Anthony Galante (Witness)
- Officer Cortland Lampe (Witness)
- Officer Tim Shore (Witness)
- Officer Matthew Hamilton (Witness)
- Sergeant David Savitski (Witness)
- Officer Matthew Booth (Subject)

EXHIBITS

- TAB 1 - Offense, Arrest, and CAD
- TAB 2 - Radio Transmissions/Video
- TAB 3 - Citizen Complaint Form
- TAB 4 - Photographs of Chippewa
- TAB 5 - Chippewa Transcript
- TAB 6 - Witness Officer Transcripts
- TAB 7 - Subject Officer Transcript
- TAB 8 - Deposition
- TAB 9 - IA Related Reports/Memoranda