

**MINUTES  
CITY OF ORMOND BEACH  
CITIZENS LAW ENFORCEMENT ADVISORY BOARD**

**June 23, 2020**

**6:00 PM**

Ormond Beach Police Department  
Training Room  
170 W. Granada Blvd.  
Ormond Beach, Florida 32174

Note: Due to the impact of the Coronavirus, all Board members had their temperatures checked prior to entering the training room. Masks were worn by several members.

The meeting was called to order by Mr. Shumaker at 6:00 p.m.

**ROLL CALL**

Members present: Matthew Pittman, Matt Coleman, Ed Shumaker and Jonathan Kaplan

Excused absence: Ken Kimble

Also present were: Captain Chris Roos, Sergeant Michelle Willis and Recording Secretary Sandy Smith

**APPROVAL OF MINUTES from February 11, 2020**

Mr. Pittman made a motion to approve the minutes as written; seconded by Mr. Kaplan. All were in favor; motion passed unanimously.

**REVIEW OF FILES:**

Internal Affairs: #19-005, 19-008, 20-001

Response to Resistance Reports: #20-001, 20-002, 20-003, 20-004, 20-005, 20-006, 20-007, 20-008, 20-010, 20-011, 20-012, 20-013, 20-014, 20-015, 20-016

\*20-009 still in progress

Vehicle Pursuits: NONE

Professional Standards Inquiry:  
20-001, 20-002, 20-003, 20-004

**DISCUSSION:**

Section 1 Internal Affairs:

Mr. Shumaker asked what the status of the officer in IA19-008 was. Captain Roos responded the officer is no longer employed and discussed the boundaries of the City limits for meal breaks while on duty. Mr. Shumaker asked if an officer is assigned to the beachside are they allowed to come over to the mainland side. Captain Roos said yes as long as they have permission from their supervisor and someone else is able to cover the zone. Mr. Coleman asked how long do officers have for a meal break and Captain Roos responded 30 minutes to 1 hour depending on the shift you work.

Section 2 Response to Resistance Reports:

Mr. Shumaker asked whether Use of Force problems occurring over the past several months caused a change to our policies. Captain Roos noted that several of the policy changes being sent to us for review, we are already in compliance such as Body Worn Cameras for all, No Choke Holds- we do not teach choke holds nor do we allow our officers to use a choke hold.

Mr. Pittman asked what is the policy if a subject takes the officer's taser? Captain Roos noted our policy does not say if someone takes your taser – it's a deadly force situation. It's classified as less lethal.

Mr. Shumaker noted before 2018 there were 1009 deaths caused by Police Officers using tasers. In 2018 there were 49 deaths caused by Police Officers using tasers. "That's not a deadly weapon". Captain Roos said that a lot of those deaths were caused by Officers actions after the use of the taser. Mr. Shumaker said if you shoot someone in the head or chest the taser itself could put someone in heart failure. Sergeant Willis responded that typically happens if they have an underlying medical condition or they have something on board that they shouldn't. Captain Roos noted there is an inherent danger to everything an officer wears on their belt.

Mr. Coleman asked what is a drive stun? Captain Roos responded it is when they take the cartridge off the taser, it basically becomes a touch weapon that doesn't shoot the darts out. More of a pain compliance tool.

Sgt. Willis responded it doesn't have the range like when the probes go out providing a larger range to incapacitate more muscles. Drive stun is only going to hit one muscle.

Mr. Pittman asked if Daytona Beach, Holly Hill and VCSO consider tasers less lethal or deadly force. Captain Roos responded that is less lethal throughout the country.

Mr. Shumaker asked in our Deadly Force policy the part about a fleeing felon that says unless necessary to prevent the escape of a felon and when feasible some warning is given and the officer reasonably believes that the suspect poses an immediate significant threat of death or serious physical harm to the officer or another, how is that interpreted? Captain Roos responded just as it is written. Just because they are running as a felon doesn't mean you are allowed to use deadly force. They have to have the ability to carry out some kind of harm to someone else at that immediate time. Mr. Shumaker – like with a taser.

Mr. Kaplan asked if at some point the Chief chooses to modify the Use of Force policy, I feel there is a deficiency in that it doesn't address putting down a wild animal it only talks to domesticated pets. I can see where there might be an injured deer or some other animal that poses a threat or just out of compassion to put the animal down and the policy right now does not appear to permit our officers to use force. Captain Roos will check our policies as he believes it might be listed under a different policy pertaining to wild animals. We don't consider deadly force on a wild animal in a humane situation. Note: Captain Roos did follow up by email to Board members.

In Case # 20-006 (a vehicle that was wanted out of Daytona Beach for an armed robbery came in to our City and the driver fled) Mr. Shumaker wanted to know why Daytona Beach PD not want to press any charges. Captain Roos responded because they wanted the driver of the vehicle not the occupants. The driver fled on foot prior to the traffic stop by OBPD and the male subject was not located.

Mr. Coleman asked about the shooting case on Beach St. Captain Roos responded this case is still an active investigation and is currently with the State Attorney's Office.

Mr. Shumaker commented on the restraint shown by our officers in these resistance cases has been very good. He said he hopes and prays our department here continues to do as good a job as they have been doing. Captain Roos acknowledged new hires receive a six-hour block on de-escalation training during their first four weeks of training and also periodically during annual in-service training as a refresher. We review policies and make changes as necessary. We need to receive compromise from the Community. Captain Roos recently advertised a Citizens Police Academy program to get the word out about what we do but with COVID-19 there is not a lot of interest at this time. We also use social media platforms to educate the public.

### Section 3 Vehicle Pursuits: – NONE

### Section 4 Professional Standards Inquiry:

Mr. Coleman asked what the process was to having a citizen come in to review body worn camera footage (Case # PSI 20-004). Captain Roos responded in this case, a citizen filed a complaint that 4 or 5 of our officers pointed a gun and tasers at her juvenile son's head. Captain Roos reviewed body cam footage and after reviewing the first few - showed officers never went inside and then after about the 5<sup>th</sup> one, it showed one officer going inside – his gun was holstered and he had his taser was out, the good thing about the taser is it has a red dot and you can see where it was pointed and it never went above the chest and the only reason why it was there was because the juvenile was on the floor between the wall and the bed it never showed the taser being pointed at his head or face. We called the mother and asked her to come in to review the video footage. She came in and watched it and said that is not how it was explained to me and said thank you.

### OPEN DISCUSSION:

Mr. Shumaker noted at the beginning of the meeting that this is a trying time for everyone including police departments.

Mr. Kaplan said he did not see any signage advising people that their admittance to this facility is subject to videotaping or audio surveillance. Captain Roos responded we do not do audio in the building unless it is on the body cameras. When the general public comes in to our facility before we do audio or video recording they are told. Example would be like in an interview room.

Mr. Kaplan noted that Chief Godfrey might want to out of a sense of caution advise employees to be careful and tread lightly on any far side comments or political comments or postings in there cubicles or around the station. Captain Roos noted we are prohibited from any political comments while at work.

Mr. Kaplan asked if an employee is subject to a CVSA, Psychological or Polygraph after 5 or 10 years of service. Captain Roos noted we do not after the initial hiring process. Mr. Shumaker asked what about drug testing to which Captain Roos responded – with cause and the City does require random drug testing.

**ADJOURNMENT / NEXT MEETING:**

Next meeting August 11, 2020 6:00 pm

There being no further business, Mr. Kaplan made a motion to adjourn, seconded by Mr. Coleman, motion carried. The meeting adjourned at 6:38 pm

  
Ed Shumaker, Chairman