



Department of Public Protection

Report of Incident

TO: Terry Sanders, Director
Department of Public Protection

FROM: David Vanis, Captain
Public Protection Administration
Internal Affairs

DATE: June 5, 2017

SUBJECT: IA2017-04, Officer Christopher Hatton, Beach Safety Division

Witnesses:

1. Captain Tamra Marris
2. Lifeguard Supervisor Alex Miller
3. Lifeguard Supervisor Frederic Urquhart
4. Lifeguard Supervisor Scott Wise
5. Investigator Joshua Marlett
6. Officer Stephen Meerman
7. Officer Neal Kelly
8. Officer Edward Gross

References:

1. Request for internal investigation from Dir. Sanders. DPP17-032 (Dated April 4, 2017).
2. Request for internal investigation from Dir. Manchester. BS-RM-17-02 (Dated March 31, 2017).
3. Beach Safety incident reports. Case number BC170000478.
4. CAD history case number BC170000478.
5. AVL histories (Dated March 20, 2017).
6. Radio audio case number BC170000478.
7. Notice of internal investigation address to Ofc. Hatton from Captain Vanis (Dated April 6, 2017).
8. Miscellaneous memos/forms.
9. Lifeguard Supervisor Alex Miller interview transcript (Dated April 7, 2017).
10. Lifeguard Supervisor Frederic Urquhart interview transcript (Dated April 7, 2017).
11. Lifeguard Supervisor Scott Wise interview transcript (Dated April 12, 2017).
12. Officer Stephen Meerman interview transcript (Dated April 7, 2017).
13. Officer Neal Kelly interview transcript (Dated April 12, 2017).
14. Captain Tamra Marris interview transcript (Dated April 13, 2017).
15. Officer Edward Gross interview transcript (Dated April 13, 2017).
16. Investigator Joshua Marlett interview transcript (Dated April 6, 2017).
17. Officer Christopher Hatton subject interview transcript (Dated May 4, 2017).

Complaint:

On March 31, 2017, Beach Safety Director Raymond Manchester requested an Internal Investigation regarding Officer Christopher Hatton's actions during an incident that occurred on March 20, 2017. Dir. Manchester's request indicated that Ofc. Hatton may have violated the Division's pursuit policies following an attempted vehicle stop documented under Beach Safety Case number 170000478. Dir. Manchester provided incident reports, radio audio, and GPS information relating to this incident.

Background:

Beach Safety incident reports relating to this incident indicate that Ofc. Hatton observed two vehicles southbound on the beach at a high rate of speed. Ofc. Hatton attempted to tell the vehicles to slow as they passed his location in the 2500 Block South the Beach, Daytona Beach Shores. A black passenger car complied with his directions but the silver Acura proceeded south at a speed greater than the posted 10 MPH speed limit. Ofc. Hatton returned to his marked patrol vehicle and attempted to conduct a traffic stop on the silver Acura. Ofc. Hatton's report indicates that after he activated his emergency lights and siren, the Acura accelerated to greater speed. Ofc. Hatton notified central dispatch of the fleeing vehicle and states in his report that he deactivated his emergency equipment. He also states that he "continued southbound at a safe distance and speed." Ofc. Hatton states that the Acura's speed slowed and he attempted another traffic stop. The Acura accelerated southbound again as it passed Supervisor Miller's location near the Florida Shores Approach.

Ofc. Hatton states in his report that he continued southbound on the beach with his lights and siren activated while attempting to maintain visual contact with the Acura. He was also checking the area for injured pedestrians. Ofc. Hatton estimated the Acura's speed to be 60 MPH. Ofc. Hatton states in his report "at no point in time was I in pursuit of the silver vehicle."

The Acura continued south on the beach as stated by Supervisors Wise and Urquhart who were stationary near the Van Avenue Approach. The vehicle veered east around the Officers at Van Avenue and continued southbound. Sup. Wise followed the vehicle with his lights and siren activated and stated near the 3100 Block South the beach, the Acura slowed and a passenger exited the vehicle. The Acura proceeded south at a high rate of speed (Estimated 60 MPH per Sup. Wise) and the passenger was detained by a Daytona Beach Shores Public Safety Officer and Sup. Urquhart. Sup. Wise continued south behind the Acura and was passed by two DBSPS vehicles and Ofc. Hatton. Sup. Wise instructed Ofc. Hatton to "watch his speed." Sup. Wise indicates that Ofc. Hatton "responded by slowing."

Ofc. Meerman's report indicates that he observed the silver vehicle south bound from the Dunlawton approach at "an extremely high rate of speed." He described the Acura as "weaving through beach goers and other motor vehicles on the beach." Ofc. Meerman stated that he witnessed the Acura travel south of the Sunglow Pier and into the natural area south of the Emilia Approach. He lost sight of the vehicle near the 4100 Block South the Beach.

Ofc. Neal Kelly's report indicates that once the Acura entered the natural area, he responded from the Beach Street Approach, Ponce Inlet to the North Turn Approach to clear beach patrons from the path of the Acura. As he arrived at the North Turn Approach, a Ponce Inlet Police vehicle was blocking the approach. Ofc. Kelly observed the Acura proceed south at a visually estimated 80 MPH. The Ponce Inlet officer returned to his vehicle and drove south on the beach. Ofc. Kelly activated his emergency lights and siren and checked the area for injured persons. Ofc. Kelly states that he lost visual contact with the Acura in the 4600 Block still travelling south.

Ponce Inlet Police Officer Rodriguez stopped the Acura near the Beach St Approach, Ponce Inlet. The driver, Joseph Santiago, was arrested without incident and turned over to Ofc. Hatton. Santiago was charged with Fleeing or Attempting to Elude with Lights/Siren Activated, reckless driving, possession of alcohol under age 21, and several traffic/ordinance violations. Several witness statements were obtained by Beach Safety Officers relating to the incident. Beach Safety Inv. Marlett obtained surveillance video from a residence in the 4800 Block of South Atlantic Avenue that shows the Acura, a Ponce Inlet Police Vehicle, and Ofc. Kelly's vehicle southbound on the beach.

A review of the radio audio provided by VCSO Communications confirmed what was documented by Beach Safety Officers and Supervisors. Beach Safety Inv. Marlett is heard several times telling the involved officers to stay away from the fleeing vehicle so the vehicle can exit the beach. Inv. Marlett also made the request for AIR1 and stop sticks should the vehicle exit the beach. At approximately 2:30 into the recording, Ofc. Hatton states on the radio "Shores unit, can you take over the pursuit so we can go faster." The DBSPS Sergeant instructs his personnel that "Pursuit is not authorized," but no direction is given by Beach Safety Supervisors other than Sup. Wise stating "3Delta, you need to back it down."

Dir. Manchester provided AVL information for the involved Beach Safety Officers. This was added to the case file as item 5. Ofc. Hatton's speeds from the start of the incident at 2500 South the Beach, Daytona Beach Shores to his exit at Dunlawton Approach range from 34-68.6 MPH. Officer Meerman's speeds from Dunlawton approach to his exit at North Turn Approach range from 24.9-43.5 MPH. Ofc. Kelly's speeds from North Turn to the vehicle stop at Beach Street Approach range from 33.1-43.9 MPH. AVL information was not available for Sup. Wise's vehicle due to previously documented connection issues. Sup. Urquhart was operating an ATV not equipped with an AVL. Sup. Miller's location was nearly static through the duration of the incident.

Dir. Manchester requested the investigation based upon the following Beach Safety Policies:

VCBS Policy 17.25.14 Employees operating in a code 3 (emergency) situation on the beach shall operate in the designated traffic lanes unless conditions cause greater danger not to do so, they shall never exceed 20 miles per hour, and they shall illuminate emergency lights and activate an audible siren during this mode of operation.

VCBS Policy 17.07 It is the policy of the Volusia County Department of Public Protection, Beach Safety Division to prohibit motor vehicle pursuits under all

circumstances due to the safety of beach goers who would be at greater risk than if the pursuit were not to occur. (CFA Std. 17.06 B)

VCBS Policy 17.07.13 Upon terminating the pursuit, the officer will disengage all emergency lights and siren and proceed back to the beach, obeying all traffic laws, and taking the shortest route possible to return to original duty status before the pursuit began.

Due to Ofc. Hatton initiating the stop and admitting to not following prescribed policy for fleeing vehicles I notified him that he was the subject of this investigation on April 6, 2017. However, all officers interviewed during this investigation were afforded the opportunity to review all documentation relating to the incident prior to their interview based upon possible policy violations by several of the involved officers.

Supervisor Alexander Miller:

I conducted a sworn and recorded interview with Sup. Miller on April 7, 2017 at Beach Safety Headquarters. Sup. Miller has been a sworn officer for 11 years and a supervisor for 2 years. On March 20, 2017, Sup. Miller was the shift supervisor for the area where Ofc. Hatton initially tried to stop the silver Acura.

Sup. Miller told me that on Monday March 20, 2017, he was in the process of securing the beach for closing near the Florida Shores Approach. He overheard radio traffic from Ofc. Manhart who was in the Daytona Beach area about vehicles travelling southbound operating in a reckless manner. As Sup. Miller turned north to look for the vehicles, he observed Ofc. Hatton's vehicle with it's emergency lights and siren activated behind a silver vehicle. Sup. Miller overheard Ofc. Hatton "call out" with the vehicle over the radio and watched the silver vehicle accelerate toward him (Miller). Sup. Miller positioned his vehicle facing north, out of the vehicle's path, with his emergency equipment activated. The silver vehicle passed Sup. Miller's and he turned behind the Acura. Ofc. Hatton drove next to Sup. Miller and advised that the black vehicle coming from the north was with the Acura. Sup. Miller deactivated his emergency equipment and waited for the black car. The black car was complying with the speed limit at this point and stopped to ask Sup. Miller if the other car was "still going." Sup. Miller confirmed that he knew the operator of the silver Acura and asked him to pull over. The driver of the black car completed a witness statement and provided the identity of the Acura's operator, which was relayed by Sup. Miller prior to the Acura stopping in Ponce Inlet.

Sup. Miller confirmed that he observed Ofc. Hatton's lights and siren activated when the Acura accelerated away from him. He confirmed that Ofc. Hatton continued south behind the fleeing vehicle after it was apparent the vehicle had no intention of stopping for Ofc. Hatton. When asked, Sup. Miller told me that he did not give Ofc. Hatton any direction to deactivate his emergency equipment and stop following the fleeing vehicle, even though he is aware of the policies governing pursuits on the beach.

This interview was transcribed and added to the case file as item 9.

Supervisor Frederic Urquhart:

I conducted a sworn and recorded interview with Sup. Urquhart on April 7, 2017 at Beach Safety Headquarters. Sup. Urquhart has been a sworn officer for 11 years and a supervisor for 2 years. Sup. Urquhart was working an overtime shift in District V on March 20, 2017. His supervisor that day was Sup. Wise.

Sup. Urquhart was pulling up traffic signs for beach closing near the Van Avenue Beach Approach when he overheard Ofc. Hatton's radio traffic indicated a fleeing vehicle was south bound on the beach at a high rate of speed. Once he determined the vehicle was nearing his location, he positioned his ATV behind Sup. Wise's truck which was positioned facing north on the east side of the traffic lanes. As the silver Acura approached, it veered to the east of the truck and ATV to go around the officers. Shortly after passing his location, the vehicle slowed and appeared to be stopping. Sup. Urquhart drove toward the vehicle but prior to coming to a complete stop, the passenger door opened and the passenger of the vehicle jumped out of the Acura. A DBSPS vehicle passed Sup. Urquhart and he, with the assistance of a DBSPS Officer, secured the passenger without incident. The silver Acura rapidly accelerated and continued south.

By the time Sup. Urquhart was able to continue south, the Acura was out of sight south of the Sunglow Pier according to radio traffic. Sup. Urquhart continued south, checking for injured persons or wildlife, to Beach Street, where the vehicle was eventually stopped. He estimated his speed on the ATV at 15-20 MPH. Sup. Urquhart told me that both vehicle and pedestrian traffic was light during the incident and no injured persons were located. Sup. Urquhart told me that he was focused on the Acura and could not recall seeing Ofc. Hatton nor Sup. Wise's actions.

This interview was transcribed and added to the case file as item 10.

Supervisor Scott Wise:

I conducted a sworn and recorded interview with Sup. Wise on April 12, 2017 at Beach Safety Headquarters. He was the Shift Supervisor in District V on March 20, 2017.

Supervisor Wise was heading south on the beach securing signs for beach closing when he overheard radio traffic on the lifeguard channel indicating that two vehicles were driving recklessly in the Daytona Beach area. Once he overheard radio traffic indicating that the vehicle was fleeing, Sup. Wise cleared pedestrian traffic from the area and positioned his vehicle just south of the Van Avenue approach. Sup. Wise told me that he positioned his vehicle, activated his emergency lights, facing northeast, blocking some of the traffic lane. Sup. Wise told me that there was 30-40 feet of dry sand to the east of him but he chose this position to attempt to force the vehicle off the beach at Van Avenue. Shortly after parking, Sup. Wise saw the silver Acura heading toward him and the vehicle drove to the east of his stationary position. Sup. Wise told me that he did not see any beach vehicles behind the Acura at that point. As the vehicle passed him at a visually estimated 60 MPH, Sup. Wise turned his vehicle around to head south, a DBSPS vehicle passed him, and the DBSPS Officer stopped with the passenger who got out of the vehicle. After the passenger exited the vehicle, Sup. Wise was behind the vehicle by a

distance of 75-100 yards with his lights and siren activated. Sup. Wise estimated his vehicle's speed at 20 MPH at this point and heard over the radio "Shores get in front. You can go faster." At that point, Sup. Wise was passed by two DBSPS units and Beach Unit 3D (3 Delta). Sup. Wise was unsure who was in 3D at the time but later learned it was Ofc. Hatton. Sup. Wise told 3D to slow down over the radio, which was confirmed by the radio recording. Sup. Wise estimated Ofc. Hatton's speed to be 40-45 MPH and after instructed, he slowed to approximately 35 MPH.

When asked if he observed any Beach Safety vehicles pursuing the suspect vehicle, Sup. Wise responded that he did not due to the large distance between the suspect vehicle and law enforcement vehicles. By the time that Ofc. Hatton passed his vehicle, the suspect vehicle was already south of the Sunglow Pier, nearly half a mile south of his location. After hearing the DBSPS Sergeant instruct his officers not to pursue, Sup. Wise didn't repeat the order to Beach Safety Officers because he believed they had all exited the beach at and the suspect vehicle was already in the natural area south of Emilia Approach. Sup. Wise continued south on the beach to clear pedestrians from the sand in case the suspect vehicle turned around and headed back north on the beach. By the time he reached the Toronita Beach Approach in Wilbur-by-the-Sea, the vehicle had stopped at Beach Street. Sup. Wise returned to the passenger who had jumped out of the vehicle, obtained a witness statement from him, and released him.

After the interview was concluded, I was contacted by Sup. Wise and advised that up until the time of the interview, he believed that Officers Meerman and Kelly were the only Officers in his district that day involved in the incident. After the interview, he learned that Ofc. Edward Gross was also present for a small portion of the incident. Sup. Wise directed Ofc. Gross to document his involvement in an incident report and would forward the report to me when complete.

This interview was transcribed and added to the case file as item 11.

Officer Stephen Meerman:

I conducted a sworn and recorded interview with Ofc. Meerman on April 7, 2017 at Beach Safety Headquarters. He has been a sworn officer for approximately 2 years.

Ofc. Meerman told me that he overheard Ofc. Hatton's radio transmission indicated that a silver vehicle was fleeing from officers north of his location. Ofc. Meerman believed the vehicle had exited the beach but then saw the silver Acura heading his direction from the north at "a very high rate of speed." Ofc. Meerman turned his vehicle south with his emergency lights already activated and drove south. Ofc. Meerman advised that he never attempted a traffic stop on the vehicle because by the time he was able to turn around, the Acura was already south of the Sunglow Pier. He maintained visual contact with the vehicle till it passed the area of the Toronita Approach. Ofc. Meerman told me that he continued south bound looking for injured pedestrians until he exited the beach at the North Turn Approach in Ponce Inlet. This was around the same time that Santiago was taken into custody.

Ofc. Meerman told me that he did not see any Beach Safety vehicles following the Acura as it approached Dunlawton. When questioned regarding his speed indicated by AVL, Ofc. Meerman

told me that he didn't think that he had exceeded 40 MPH as indicated but confirmed that he was travelling in the upper thirties.

This interview was transcribed and added to the case file as item 12.

Officer Neal Kelly:

I conducted a sworn and recorded interview with Ofc. Kelly on April 12 2017 at Beach Safety Headquarters.

On March 20, 2017, Ofc. Kelly was assigned to the Ponce Inlet area of District V. Ofc. Kelly told me that he had been monitoring the radio traffic regarding the fleeing Acura. Once the Acura was reported to be south of Emilia Approach, and still south bound in the no-driving natural area, Ofc. Kelly traveled from the beach St. Approach to the North Turn Approach. He told me the purpose of changing his location was because he had recently patrolled the area around the North Turn and had seen a large family group gather in the area. He wanted to have them clear the area prior to the Acura travelling through. Upon his arrival to the North Turn Approach, he found an unattended Ponce Inlet Police vehicle parked on the approach and blocking the entrance to the beach. The Ponce Inlet Officer walked up to his vehicle from the beach and about the time he got in the vehicle, Ofc. Kelly saw the Acura travel south on the beach. Ofc. Kelly visually estimated the Acura's speed to be 80 MPH. The Ponce Inlet Officer entered the beach and headed south, in the same direction as the suspect vehicle. Ofc. Kelly activated his lights and travelled south on the beach to clear pedestrians from the area in case the vehicle headed back north. Once Ofc. Kelly reached the 4700-4800 block, he could see the suspect vehicle stopped near the Beach Street Approach. Ofc. Kelly responded to the area and assisted in processing the prisoner.

Officer Kelly acknowledged that Beach Safety Policy indicates that the maximum speed during emergency vehicle operation on the beach is 20 MPH. Ofc. Kelly told me that he wasn't paying attention to his speed and didn't think he was going as fast as indicated by the AVL (Maximum Speed of 44.1 MPH). Ofc. Kelly told me:

To be honest with you, I really wasn't even paying attention to my speed. I was looking for...at that time...listen, I've been doing this job for you know as long, well 18 years, 19 years now, and this is the most frightened I've ever been for anybody's safety... ever.

This interview was transcribed and added to the case file as item 13.

Captain Tamra Marris:

I conducted a sworn and recorded interview with Capt. Marris on April 13, 2017 at Beach Safety Headquarters. Capt. Marris has been a sworn officer for 19 years and a supervisor for 10 years. Her position on March 20, 2017 was District Supervisor.

On March 20, 2017, Capt. Marris over heard radio traffic regarding the fleeing vehicle while she was securing her vehicle for the day at the storage compound located at 118 Dunlawton Av. She

responded to the Dunlawton approach and parked on the west side of the gate. She stated that within seconds, the Acura drove by the approach at a high rate of speed and that she never saw any other Beach Safety or law enforcement vehicles. Capt. Marris drove south on Atlantic Avenue while monitoring the vehicle's location on the radio. She never entered the beach until she arrived at Beach Street Approach where Santiago was arrested. Once there, she received a synopsis of the incident from Ofc. Hattton and Inv. Marlett. Capt. Marris told me that she specifically asked Ofc. Hatton if he was pursuing the Acura. Ofc. Hatton responded "...he had gotten off the beach. He didn't tell me where or give me any details." Capt. Marris told me that Ofc. Hatton never responded with a "yes" or "no."

Capt. Marris acknowledged that she heard the DBSPS Sergeant tell his officers that pursuit was not authorized but that was not repeated by any Beach Safety supervisors or her. She did state that Sup. Wise had told a unit to slow down. Capt. Marris told me that she was hearing location updates on the suspect vehicle from officers who, she assumed, were stationary on the beach. She did not believe that any officers were following or pursuing the vehicle. Capt. Marris told me that she utilizes her mobile terminal to monitor officers AVL but did not use it during this incident because she was driving during her involvement in the incident.

This interview was transcribed and added to the case file as item 14.

Officer Edward Gross:

I conducted a sworn and recorded interview with Ofc. Gross on April 13, 2017. Ofc. Gross has been working in a sworn capacity for 24 years. He was working in the area near Dunlawton Approach on March 20, 2017. Ofc. Gross was contacted by Sup. Wise on April 12, 2017 and advised to document his involvement in this incident as it had not been previously known that Ofc. Gross was involved.

Ofc. Gross told me that he overheard radio traffic indicating that a vehicle was heading south toward his location, just north of the Dunlawton Approach, at a high rate of speed. Ofc. Gross made several announcements over his PA system for pedestrians to move away from the traffic lanes. Within 30 seconds of becoming aware of the fleeing vehicle, the Acura passed his location heading south. As the vehicle passed, Ofc. Gross also headed south, with no intention of attempting a traffic stop, to clear pedestrians from the beach. Ofc. Gross told me that he saw Ofc. Meerman's vehicle south of him but did not remember seeing any other Beach Safety vehicles.

This interview was transcribed and added to the case file as item 15.

Investigator Joshua Marlett:

I conducted a sworn and recorded interview with Inv. Marlett on April 6, 2017 at Beach Safety Headquarters. He has been a sworn officer for 8 years and assigned as the Division's investigator for a year.

Inv. Marlett heard the call regarding the fleeing vehicle on the radio while he was at Beach Safety Headquarters (515 S. Atlantic Av, Daytona Beach). Based upon the radio traffic, Inv.

Marlett didn't believe the vehicle was exiting the beach so he responded via South Atlantic Avenue to assist. While en route, he continued to monitor the vehicles location. Inv. Marlett inquired on the radio if AIR1 was available and attempted to contact the DBSPS Sergeant to set up officers with stop sticks once the suspect vehicle exited the beach. He attempted to have all officers involved at stationary locations south of the suspect vehicle to monitor the vehicle's location, but due to the large volume of radio traffic involved in the call, he was unable to organize his plan. Inv. Marlett told me:

Pretty much my whole theory behind it was we have him going south. We know he's going to come out at some point. So, either A...we get to point on Atlantic or Peninsula, or B...we get to an approach where they're going to come off where it would be an effective stick hit.

At one point during the incident, Inv. Marlett heard a siren in the background of a Ponce Inlet officer's radio transmission that he was behind the vehicle. Inv. Marlett replied on the radio "shut it down on the beach; he doesn't have anywhere to go." Inv. Marlett entered the beach at the Beach Street Approach after Santiago had been arrested and assisted with processing the prisoner. He stated that this was the first time he had seen the suspect vehicle. Inv. Marlett added that the day after the incident, he met with one of the witnesses who owns a house in the 4800 Block of South Atlantic Avenue and obtained video surveillance from the incident. The video shows the Acura, 30 seconds later a Ponce Inlet Police Vehicle, and 54 seconds later Ofc. Kelly's vehicle southbound on the beach.

This interview was transcribed and added to the case file as item 16.

Officer Christopher Hatton:

I conducted a sworn and recorded interview with Ofc. Hatton on May 5, 2017 at Beach Safety Headquarters. He was accompanied by his representative, Teamsters Business Agent Gary Conroy. Prior to the interview, Ofc. Hatton was provided all documentation relating to this incident including incident reports, CAD reports, AVL, and interview transcripts. Ofc. Hatton has been a sworn officer for 2 years.

After I asked Ofc. Hatton to describe his involvement in this incident, he made the following statement:

Before we start, can I just say like after you know all this stuff, obviously I did everything that is on paper, reports, CAD, all that. I'm not trying to argue. I'm not trying to defend. I'm not trying to say I didn't do it. I obviously did it. It was in the heat of the moment. Totally just blown away. Obviously, I just messed up.

Ofc. Hatton told me that while pulling signs for beach closing, he heard a radio transmission from Ofc. Manhart regarding two vehicles driving reckless near the Silver Beach area. After hearing the radio transmission, Ofc. Hatton heard what he described as "two loud tuner cars" heading his direction. Then he sees the cars approaching and shouts at them to slow down since he was out of his vehicle. The silver Acura remains heading south at the excessive speed but the

darker car stops with Ofc. Hatton. Ofc. Hatton tells the driver of the darker car to slow down. After speaking with that driver, the silver Acura slows down and Ofc. Hatton gets in his vehicle to stop the Acura. As Ofc. Hatton approaches the Acura he activates his emergency lights to conduct a traffic stop. After he activates his lights, the Acura rapidly accelerates south on the beach. Ofc. Hatton deactivated his lights and notifies VCSO Communications of the fleeing vehicle by stating "2Beach13 Fleeing vehicle. Not in pursuit." Ofc. Hatton remained heading south. After he deactivated his lights, the Acura slowed down again near Florida Shores Approach. Ofc. Hatton accelerated toward the Acura and activated his emergency lights again resulting in the Acura rapidly accelerating away from Ofc. Hatton. As he nears Sup. Miller's location, Ofc. Hatton tells him that the other car coming from the north is with the Acura. Ofc. Hatton continued south with his lights and siren activated. At this point, the Acura is nearly out of sight. Sup. Wise states on the radio that the vehicle is still southbound from Van Avenue. The Acura slows and the passenger jumps out south of Van Avenue. As Ofc. Hatton approaches Van Avenue, a DBSPS vehicle pulls in front of him. As they approach the location where the passenger exited the Acura, Ofc. Hatton gives the following description of events:

And then we passed the bailout. We passed that. Now we're like three deep and later find out 2 Beach 50 is leading. We're going southbound. At the time, in my head, we weren't going crazy fast. It didn't feel like we were going crazy fast. I was never looking down at my speed. So, at this point in my head, I'm thinking...totally heat of the moment... policy in my head. If a different agency requests mutual aid or assistance in pursuit, maybe we can pursue. But, I totally just didn't even have it in my head that...obviously, now I know. We can't pursue at all on the beach. But, that's what I was thinking in my head. I was like okay, well the Shores are here so they'll take over you know or this and that. So, I keyed up on LE5. Shores unit in front of me, can you go in front or take over pursuit or something like that so we can go faster or so we can do this? No response right away, but the Shores unit in front of me was around...our 2 Beach 50 was around. I'm still following. So, we both go around 2 Beach 50. That's when he keys up and says whoever's in 3 Delta slow down

After the DBSPS officer pulled in front of Sup. Wise (2 Beach 50), the Acura accelerated and pulled away from Ofc. Hatton and the other officers in the immediate area. Ofc. Hatton complied with Sup. Wise's instructions to slow and exited the beach at Dunlawton Approach. After exiting, he travelled to Beach Street via S. Atlantic Avenue. Once at Beach Street, Ofc. Hatton took custody of Santiago and processed his arrest.

Ofc. Hatton confirmed that tried to conduct a traffic stop two separate times on Santiago's Acura. He told me that he did not change direction after Santiago failed to stop during either stop as dictated by VCBS Policy. Ofc. Hatton also confirmed that following the second attempted stop, he failed to deactivate his emergency equipment as required. Ofc. Hatton confirmed that his speed indicated by AVL is accurate even though he doesn't recall looking at his speedometer throughout the incident. Ofc. Hatton told me that Sup. Wise's instruction to slow down was the only direction he received from a supervisor during the incident. He did state that Inv. Marlett was attempting to have officers back away from the suspect vehicle but that was once the vehicle was already in the Ponce Inlet area. When asked what he would do differently given the same set of circumstances during another incident, Ofc. Hatton told me:

Now I know pretty much exact policy what to do, so I mean I would call out with it. Turn off my lights and sirens. Turn around. Go back to pulling signs. Or I mean unless I was requested to keep an eye on it, something like that. But, policy wise and what I would do if I didn't get any direction, call out with it, turn my lights off. I might even get in my car and park. Probably would. I wouldn't do that again.

Ofc. Hatton confirmed that he believed he violated all policies listed on his notice of investigation.

This interview was transcribed and added to the case file as item 17.

Conclusion:

Ofc. Hatton attempted to stop a silver Acura twice on March 20, 2017 at approximately 1840 hours. After activating his emergency equipment, the Acura fled the officer on both occasions. On the first attempt, Ofc. Hatton partially complied with policy by deactivating his lights but failed to stop his vehicle or change his direction of travel. The second attempted stop, the Acura fled at a high rate of speed and Ofc. Hatton's emergency lights and siren remained activated as his vehicle travelled in the same direction as the suspect vehicle. While testimony indicates that the Acura rapidly accelerated and was nearly ¼ mile ahead of Ofc. Hatton, his speed indicated by AVL in this area was as high as 68.4 MPH.

The suspect vehicle travelled nearly 8 miles on the beach, according to visual estimations, reaching speeds up to 80 MPH during this incident. Other vehicle traffic on the beach was relatively light according to the officers interviewed but there were still pedestrians present on the beach. Reports and testimony indicate that pedestrians had to jump out of the way of the suspect vehicle. Ofc. Hatton's speed following the suspect vehicle further enhances the danger to the beach patrons walking on the beach. By his own admission, he wasn't paying attention to his speed and was "in the heat of the moment." Ofc. Hatton travelled 2.5 miles on the beach during this incident with his lights and siren activated. During this span, his speeds ranged from 34-68.6 MPH.

Officers Meerman, Gross, and Kelly all admit to driving in excess of the allowed speed for emergency vehicle operation on the beach (20 MPH). According to their testimony, none of these officers were attempting to stop the fleeing vehicle. They were driving in emergency mode to check for injured persons.

Sup. Wise observed Ofc. Hatton speeding and instructed him to slow; however, Sup. Wise did not gain complete compliance with his order. His own testimony indicates that Ofc. Hatton slowed from 40-45 MPH to 35 MPH which is still faster than the allowable speed. Based upon Sup. Wise's and Urquhart's testimony, neither observed anything that would suggest Ofc. Hatton was in violation of the division's pursuit policy. Ofc. Hatton was too far behind the fleeing vehicle.

Sup. Miller failed to address several policy violations that he had observed. Sup. Miller watched the Acura flee from Ofc. Hatton. Ofc. Hatton's speed as indicated by AVL when he passed Sup.

Miller's reported location near the Florida Shores approach was between 34 and 39.9 MPH. Sup. Miller should have ensured that Ofc. Hatton had slowed, disengaged his emergency lights and siren, and returned to his normal duty status as prescribed by policy.

Findings:

Based upon supporting documentation and sworn testimony, I recommend the following allegations against Officer Christopher Hatton **sustained**:

***VCBS Policies and Procedures 11.01.35 Negligence Associated with Safety of Persons or Property** – Employees shall be attentive to job duties and shall not violate official directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property. (Violation subject up to a demotion).*

***VCBS Policies and Procedures 17.07 Policy** - It is the policy of the Volusia County Department of Public Protection, Beach Safety Division to prohibit motor vehicle pursuits under all circumstances due to the safety of beach goers who would be at greater risk than if the pursuit were not to occur. (CFA Std. 17.06 B)*

***VCBS Policies and Procedures 17.07.13** Upon terminating the pursuit, the officer will disengage all emergency lights and siren and proceed back to the beach, obeying all traffic laws, and taking the shortest route possible to return to original duty status before the pursuit began.*

***VCBS Policies and Procedures 17.25.14** Employees operating in a code 3 (emergency) situation on the beach shall operate in the designated traffic lanes unless conditions cause greater danger not to do so, they shall never exceed 20 miles per hour, and they shall illuminate emergency lights and activate an audible siren during this mode of operation.*

VC Merit Rules and Regulations, Sec. 86-453. Reasons for disciplinary action.

- (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.*
- (2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.*
- (8) Criminal, dishonest or **other conduct** which interferes with effective job performance or has an adverse effect on the efficiency of county service.*
- (10) Incompetent or unsatisfactory performance of duties.*

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

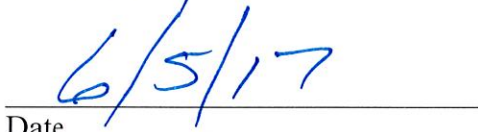
Concluding Statement:

Unless otherwise directed, this investigation is considered closed, and is submitted for review and action as deemed appropriate. The original attachments of interviews and other documents pertaining to this investigation remain on file with the Internal Affairs Unit.

“I, the undersigned, do hereby swear, under 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 of the rights contained in ss.112.532 and 112.533, Florida Statute.”



Captain David Vanis



Date

Amended to change date of suspension and return to work date due to Division need during Hurricane Irma. No other changes to memo. No extension to appeal from original date delivered/received.



INTER-OFFICE MEMORANDUM
Department of Public Protection
125 W. New York Ave., Suite 183
DeLand, Florida 32720
386-740-5120 - FAX 386-740-5283

TO: Christopher Hatton, Senior Lifeguard
Division of Beach Safety

DATE: September 19, 2017

FROM: Terry A. Sanders, Director
Department of Public Protection

FILE NO: DPP17-068AMENDED

SUBJECT: Notice of Suspension Without Pay

REFERENCE: DPP17-061 NOIS W/O
Pay 86-455 (c) (1)

Purpose: The purpose of this memorandum is to provide notice of your suspension without pay for five (5) twelve (12) hour shifts. This action is the result of your violation of County Policies and Procedures and Division Directives. The dates of your suspension without pay will be Monday, September 25, 2017, Tuesday, September 26, 2017 and Friday, September 29, 2017. You will return to work on Saturday, September 30, 2017. The final two dates of your five shifts of suspension will be Monday, October 9, 2017 and Tuesday, October 10, 2017 and you will return to work from these two dates on Friday, October 13, 2017.

You received my notice of intent to suspend you without pay on Friday July 7, 2017. Later that same day you contacted my office requesting to meet. On Monday, July 24, 2017, you and I met along with Deputy Directors Patricia Bythwood and Mark Swanson and Division Director Raymond Manchester. You elected not to bring a representative with you.

In our meeting you took responsibility and apologized for your actions on March 20, 2017. You also concurred with the information that was provided regarding your actions and statements in the internal investigation report, IA2017-04. I felt you were sincere and understood the severity of what you had done. Therefore I have reduced your suspension without pay from seven (7) twelve (12) hour shifts, to five (5) twelve (12) hour shifts and will be served over two (2) pay periods. Your suspension is to be served as noted above, and you are advised that there shall be no voluntary overtime allowed in these pay periods to make up the time.

Background: On March 20, 2017, you attempted to initiate a traffic stop of two vehicles on the beach. One vehicle had stopped and complied while the other vehicle fled at a high rate of speed. You engaged in a pursuit of the fleeing vehicle, violating Volusia County and Beach Safety policies.

Information: On Monday, March 20, 2017, you attempted to initiate a traffic stop of two vehicles moving at a high rate of speed on the beach. While one vehicle complied, the other vehicle continued driving at a high rate of speed down the beach. Due to the policies that you potentially violated during this incident, Beach Safety Division Director Raymond Manchester requested an internal investigation into your actions during this incident.

Upon conclusion of the internal investigation, and by your own admittance in your interview with Internal Investigator Captain Dave Vanis and your representative, Teamsters Business agent Gary Conroy, you admitted to violating the County and Division policies that were listed on your notice of investigation, and as provided below in this notice of intent to suspend without pay memorandum.

The internal investigation report states that on your first attempt to stop the silver Acura, after activating your

(Continued)

emergency equipment, the Acura fled. At that time you partially complied with policy and deactivated your emergency lights but you had failed to stop or change your direction of travel. On your second attempt to stop the Acura, you again activated your emergency equipment and continued to travel in the same direction as the silver Acura. Again the Acura accelerated and did not stop. You continued to follow the fleeing vehicle, and did not deactivate your emergency equipment per policy. Also, while you admitted that you were not "looking down at my speed..." it was confirmed through your vehicle's GPS (Force Watch), that you were traveling in excess of the posted 10 MPH speed limit. During this incident, you had traveled 2.5 miles behind the fleeing vehicle on the beach with lights and siren activated. Your speed during this 2.5 miles had ranged from 34-68.6 MPH as verified in Forcewatch. The fleeing vehicle travelled nearly eight (8) miles on the beach reaching excessive and high speeds based on visual estimates. Reports and testimony indicate that beach goers had to jump out of the way of the fleeing vehicle and your speed following the suspect vehicle further enhanced the danger to the beach patrons walking on the beach.

While I am aware that Supervisor Alexander Miller had failed to address the policy violations he had observed during your attempted traffic stop, it is your responsibility as a Beach Safety Senior Lifeguard to be cognizant of County and Division policies regarding pursuit. The safety of the citizens on the beach are your first and foremost responsibility. This lapse in performance of your duties does not meet the standards expected of a person in this position.

Violations: Your actions on March 20, 2017, violated the Volusia County Merit System Rules and Regulations and the Division of Beach Safety Directives.

Volusia County Merit System Rules and Regulations—Division 13 Disciplinary Actions Sec. 86-453 Reasons for disciplinary action (1) (2), (8), (10) and (13)

Sec. 86-453:

- (1) *Willful neglect in the performance of the duties of the position to which the employee is assigned.*
- (2) *Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.*
- (8) *... other conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service.*
- (10) *Incompetent or unsatisfactory performance of duties.*
- (13) *Any conduct, on or off duty, which reflects unfavorably on the county as an employer.*

Volusia County Division of Beach Safety – Departmental Standards Directive Sec. 11.01, Standards of Conduct – Safety Requirement 11.01.35,

11.01.35 Negligence Associated with Safety of Persons or Property – Employees shall be attentive to job duties and shall not violate official Directives, orders, Supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property. (Violation subject up to a demotion.)

Volusia County Division of Beach Safety – Departmental Standards Directive Sec. 17.07, Motor Vehicle Pursuit 17.07.01, 17.07.13 and Beach Vehicle Operation 17.25., Procedure - General Vehicle Operation 17.25.14.

It is the policy of Volusia County Department of Public Protection, Beach Safety Division to prohibit motor vehicle pursuits under all circumstances due to the safety of beach goers who would be at greater risk than if the pursuit were not to occur. (CFA Std. 17.06 B)

(Continued)



17.07.01 Pursuits on the beach will be prohibited under all circumstances due to the nature of the beach and the amount of pedestrians present throughout the year...

17.07.13 Upon terminating the pursuit, the officer will disengage all emergency lights and siren and proceed back to the beach, obeying all traffic laws, and taking the shortest route possible to return to original duty status before the pursuit began.

Volusia County Division of Beach Safety – Departmental Standards Directive - Beach Vehicle Operation 17.25., Procedure - General Vehicle Operation 17.25.14.

17.25.14 Employees operating in a Code 3 (emergency) situation on the beach shall operate in the designated traffic lanes unless conditions cause greater danger not to do so, they shall never exceed 20 miles per hour, and they shall illuminate emergency lights and activate an audible siren during this mode of operation.

A review of your personnel file shows the following past incidents as it relates to your history of motor vehicle related occurrences:

02/06/16 EPN ISSUED Failure to properly secure speed sign towed resulting in vehicle damage.

Conclusion: You have been employed with the County as a Beach Safety employee for over two years. To your credit, when contacted by the Internal Affairs Investigator regarding this matter, you cooperated and admitted to your actions on March 20, 2017. Given the serious nature of this misconduct, and with the recommendations of your supervisors, I have reduced your suspension without pay from seven (7) twelve (12) hour shifts to five (5) twelve (12) hours shifts to be served over two pay periods. The dates of your suspension without pay will be Monday, September 25, 2017, Tuesday, September 26, 2017 and Friday, September 29, 2017. You will return to work on Saturday, September 30, 2017. . The final two dates of your five shifts of suspension will be Monday, October 9, 2017 and Tuesday, October 10, 2017 and you will return to work from these two dates on Friday, October 13, 2017. Your suspension is to be served as noted above, and you are advised that there shall be no voluntary overtime allowed in these pay periods to make up the time.

Continuation of this behavior is detrimental to the standards of professionalism expected from Beach Safety personnel. Your conduct sets an extremely poor example and unfavorably reflects on the Division of Beach Safety and Volusia County Government. You are advised that any continued adverse performance may result in more severe disciplinary actions to include dismissal. If there is anything that I or Division Director Ray Manchester can do to assist you to improve performance, please let me know.

Action: In accordance with section 86-485 (d) (2) of the Merit System Rules and Regulations, you have ten (10) working days from receipt of this notification (or effective date of the suspension) to appeal this action through the Volusia County Merit System Rules and Regulations. You must submit your written request for appeal to the County Human Resources Office, 230 N. Woodland Blvd. Suite 262, DeLand, FL 32720. Please see Section 86-485 of the Volusia County Merit System Rules and Regulations that outlines the appeal procedures.

If you do not file your appeal by the time stated herein, it will be assumed that you have waived this right.

Pursuant to Merit Rule 86-455, the Legal Department and the Human Resources Director have reviewed this notice and concur with the proposed action.

(Continued)



I certify that I have read this notification and acknowledge receipt of the original copy.



Employee Signature (Or Witness, if Employee Refuses to Sign)

09-20-17
(Date of Signature)

TAS/tab

- cc: Patricia Bythwood, Public Protection Deputy Director
 Mark Swanson, Public Protection Deputy Director
 Ray Manchester, Beach Safety Div. Director
 Tom Motes, Human Resources Director
 Joseph Pozzo, Human Resources Assistant Director
 Tammy King, EEO Coordinator
 Charles Hargrove, Deputy County Attorney
 Michael Moore, Assistant County Attorney

