



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

LETTER OF REPRIMAND

Name: Hernandez, Joel ID# 1651 Case# SD-13-051

Division: Investigative Services/CST Date: 05/09/2013

District: Operations

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

26.2.102 Excessive Force Resulting in Injury – Deputies shall not use force resulting in injury to another. (Violation subject up to dismissal.)

2. Specific behavior and dates of the behavior that support the charge.

On February 17, 2013 at 2240 hrs. you responded as backup to assist a deputy with a suspicious person at the intersection of W. Carter St. and S. Volusia Ave. in Deland, FL. Upon arrival you observed a black male identified as Daniel Rockmore take a fighting stance when he was speaking with the deputy. The deputy took Mr. Rockmore to the ground where he began to resist arrest by flailing his arms around and refusing to comply with verbal commands. You made contact with Mr. Rockmore who was on the ground actively resisting and by your own admission intentionally kicked Mr. Rockmore in the face as a distraction and pain compliance maneuver. Mr. Rockmore continued to resist efforts by you and the other deputy to be secured in handcuffs. As a result of Mr. Rockmore's actions, you deployed your department issued Taser several times during the incident. At one point, Mr. Rockmore grabbed your Taser and you struck him in the face with the butt-end of the Taser. The strike to the face with the Taser was found to be within department policy given the escalation in force by Mr. Rockmore's actions and the likelihood that the Taser would be turned on you or the other deputy rendering you temporarily incapacitated.

PS-0149-1197

VCSO FORM # 092997.15 REV.10/03

LT. RG
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JTH
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(continued)
JTH
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RA

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Deputy Hernandez, I appreciate your forthrightness during the incident and in your internal affairs interview; however this type of behavior cannot and will not be tolerated. During your internal affairs interview you stated you could not see Mr. Rockmore's hands and did not know if they were empty after the deputy took him to the ground. You stated you stopped, assessed the situation and delivered a short kick to the left side of Mr. Rockmore's face. The injury sustained by Mr. Rockmore was minor and he was treated on scene by Fire Rescue and EVAC personnel. Given the circumstances, the alternative solution would be to have the other deputy disengage from Mr. Rockmore and deploy your Taser. While each incident is different, an intentional kick to the head or face should not be the first course of action unless the subject is violently resisting deputies and the risk for great bodily harm is imminent. You admitted that you were not taught by Volusia County Sheriff's Office training staff to kick a suspect in the face, but you reverted to your military training in close quarter combat to neutralize the threat. You are reminded that any strikes to the head or face may be considered deadly force and should be used in accordance with department policy and the use of force continuum.

Deputy Hernandez, you have over 10 years of law enforcement experience and training. The report you authored did not detail the actions in an articulate manner. During your internal affairs interview, you provided a copy of a word document that was consistent with your original report; however it was much more detailed to what you observed and the actions taken by Mr. Rockmore. As a law enforcement officer with extensive experience in close quarter combat and martial arts, it is imperative that you are detailed in your report as to why you took the actions you felt necessary to neutralize the threat.

Mr. Rockmore did not file a complaint on the incident, nor did he cooperate with this investigation.

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: [Signature]

Date/Time: 05-17-2013

Supervisor: [Signature]

Date/Time: 05-17-13

Reviewed by:

Lt. RA Date 05-17-13

Capt. [Signature]

Date 05/31/13

Major RA Date 060413

Sheriff [Signature]

Date 6/5/13

Distribution:

White-Employee

Pink-District or Section/Unit

Yellow-Division

Goldenrod-Sheriff/IA

