DeLand Police Department

Jason D. Umberger
Chief of Police

MEMORANDUM

TO:	**Officer J. Kelly**
FROM:	**Lt. Stimpson**
SUBJECT:	**Incident- DL24005726**
DATE:	**11/5/2024**

On 10/22/2024, Corporal Johnson, Officers J. Fiore, R. Alfonso and yourself responded to a disturbance at [redacted] Officers spoke with both involved subjects who were only partially cooperative, both subjects accounts agreed that the male subject had pushed the female subject in her face with his finger because she was shouting at him. Their accounts differed on other details of the incident, the female alleging that the male had tried unsuccessfully to strangle her and that she had been able to push his hands away prior to him touching her neck. The male subject denied attempting to strangle her. There was no physical evidence or independent witnesses to corroborate either account.

Cpl. Johnson directed you to place the male subject under arrest for the charge of Domestic Violence Assault. You noted in your arrest affidavit that the female stated she was not in fear that you did not believe the incident met the elements for the charge of assault but had not communicated this to Cpl. Johnson on scene. After transporting the prisoner to the jail intake staff advised you had failed to properly complete the victim's notification card and then stated you had assumed a negative attitude while communicating with intake staff.

After you returned from the jail Cpl. Johnson and Cpl. Clark met with you in the Cpl Office. After asking you why your demeanor was unsatisfactory, you advised that you believed no arrest should have been made. Corporal Johnsons attempts to explain his reasoning to you did not convince you. You then asserted that there was no point in continuing to discuss the incident because you had both made your cases and that you intended to advise the state attorney that Cpl. Johnson had directed you to make the arrest. At this point you began to speak over Cpl. Johnson and he then stated "Would you stop fucking interrupting me". You then pointed your finger at Cpl. Johnson and stated that he would "not fucking talk to you like that" while standing up and stepping towards him. Corporal Clark stepped between you and asked you what you were doing. You advised that you were "fucking done" and proceeded to leave the office. Cpl. Johnson told you that you were not done and to return so you could finish the conversation, to which you stated "fuck you, I'm done" and walked out of the office and left the building.

You are currently one of the senior officers assigned to A squad, your success and the success of your squad depend on your ability to remain calm and communicate effectively and professional with both peers and supervisors. It is incumbent upon you to maintain a professional demeanor when speaking to supervisors regardless of your opinion of their behavior or the details of a particular situation. Demonstrating a lack of self-control, particularly when attempting to make a point undermines your position and insubordination is an extremely serious violation that negatively impacts the cohesion of the squad and the department as a whole.

DeLand Police Department
Jason D. Umberger
Chief of Police

Upon review of the relevant documents, body worn camera footage and speaking with all involved parties I have determined that you violated the following policies:

1.2.35 Members shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with one another. When in the presence of other members or the public, commanding officers shall be referred to by rank.

1.2.27 Any member who deliberately refuses or fails to obey any lawful or reasonable order given by a superior officer or who engages in mutinous conduct such as showing gross and direct disrespect to a superior officer shall be guilty of insubordination and in violation of this regulation and may be released from duty as outlined in the City Rules & Regulations.

Nothing in this letter should be construed to mean you have an obligation to obey an genuinely unlawful order and policy explains the procedure for addressing such a situation

1.2.43 Members who are given orders they feel to be unjust, unreasonable or contrary to Rules and Regulations, must first obey the order to the best of their ability and then may proceed to appeal as described in Departmental Policy 1.2.48.

This letter shall serve as a **letter counseling** and from this point forward progressive discipline will be adhered to.

Your signature signifies that you understand and accept this letter of counseling.

Signature

11/5/24
Date

219 W. Howry Avenue • DeLand, FL 32720 • Phone: (386) 626-7400 • Fax: (386) 626-6842
www.delandpd.org