DeLand Police Department

Jason D. Umberger
Chief of Police

MEMORANDUM

TO:	**Officer Javon Kelly**
FROM:	**Lieutenant Michael Stacy**
SUBJECT:	**Letter of Counseling (DL25-1628)**
DATE:	**05/02/2025**

On April 22, 2025, at approximately 1810 hours, Officer Kelly was conducting an extra patrol in the 300 block of South Woodland Boulevard in the downtown DeLand area.

While monitoring the area from a marked patrol vehicle, Officer Kelly observed a black motorcycle being operated by a white male wearing a black helmet, traveling southbound on S. Woodland Blvd. The rider was observed repeatedly looking over his shoulder, appearing to check if the officer was going to pull out and follow him.

As Officer Kelly pulled out of the parking lot and began heading southbound, the motorcyclist continued glancing backward. The rider then suddenly accelerated, passing approximately three vehicles by crossing the double yellow line into the northbound lane, driving into oncoming traffic between the intersections of W. Walts Ave and E. Euclid Avenue.

Officer Kelly immediately advised Dispatch of the reckless driving, providing a description of the motorcyclist and motorcycle, last seen heading southbound on S. Woodland Blvd approaching W. Beresford Ave. While continuing southbound, Officer Kelly lost visual contact with the motorcycle and advised additional patrol units that it may have turned westbound onto W. Beresford Ave.

A responding unit posted at the intersection of S. Clara Ave and W. Beresford Ave reported they did not observe the motorcycle in that area. As Officer Kelly approached the 1200 block of S. Woodland Blvd, a black motorcycle matching the earlier description was seen traveling northbound. Officer Kelly updated Dispatch and made a U-turn near Wendy's (1203 S. Woodland Blvd) in an attempt to conduct a traffic stop.

While following the motorcycle, Officer Kelly observed the rider continuing to look back over his shoulder. As the rider entered the roundabout in the 900 block of S. Woodland Blvd, he maintained awareness of the officer's position. Upon exiting the roundabout, Officer Kelly activated emergency lights and siren in an attempt to initiate a traffic stop. The rider acknowledged the lights by continuing to turn around but did not pull over. He slightly accelerated but did not flee at high speed.

Believing the rider was failing to yield, Officer Kelly advised Dispatch that the motorcycle appeared to be fleeing. The officer deactivated the lights and siren but continued following the motorcycle due to what appeared that he was now trying to stop for Officer Kelly at which time he did eventually signaled intent to stop and pulled into the parking lot of Rodeo Whip, located at 1250 S. Woodland Blvd.

Once both vehicles came to a complete stop, Officer Kelly exited the patrol car and conducted a felony traffic stop. The officer drew a department-issued firearm and issued verbal commands for the rider to get on the ground, remove his helmet, and place his hands behind his back. Dispatch was advised that the suspect was being held at gunpoint until backup arrived. Upon arrival of an additional unit, the rider was safely detained and placed in handcuffs.

After being detained, the suspect was identified as Ethan Champion. Officer Kelly read Champion his Miranda Warnings, which he acknowledged and waived, agreeing to speak further.

Champion stated he had not been in the downtown area and had left work around 1730 hours. He explained that he realized he had forgotten his food at work and left his residence to retrieve it. He also stated he went for a ride because he hadn't ridden his motorcycle in some time. Champion said he resides in Victoria Park (east of Woodland Blvd) and works at Panda Express, located at 2599 S. Woodland Blvd.

Officer Kelly requested permission to inspect Champion's bag, which was granted. Inside the bag, the officer observed two plates of food in a plastic bag; the food was cold to the touch. Champion maintained that he had not been downtown and was simply out for a ride. He acknowledged seeing the officer's emergency lights but stated he could not hear the siren well and was nervous, which is why he delayed pulling over, stating he was looking for a safe place to stop.

Due to the nature of the fleeing vehicle incident and subsequent felony stop, Sergeant Bice and I responded to the scene to assess the situation. Upon arrival, I observed a male subject standing next to a motorcycle and no longer in handcuffs. I immediately inquired with Corporal Phillips regarding the status of the felony charge for fleeing and eluding.

Officer Kelly advised that, although the subject—later identified as Champion—initially fled, he ultimately pulled over a short distance away. Based on this, Officer Kelly made the decision to issue a criminal citation for reckless driving and document the incident in a report, rather than pursue a felony charge.

Area of Concern:

- During the initial reckless driving infraction, the subject was wearing a helmet that concealed his identity from Officer Kelly.
- While the subject was driving recklessly, Officer Kelly lost visual contact with the motorcycle.
- Officer Kelly later reacquired another motorcycle matching a general description and initiated a traffic stop. However, he could not positively confirm the identity of the rider as the same individual from earlier, stating he was approximately 90% sure.

On April 23, 2025, Corporal Phillips was able to obtain video surveillance footage from a downtown business, which captured the original reckless driving incident. The footage showed that the motorcycle involved was a black Suzuki Hayabusa with a distinctive stretched frame, meaning the rear tire extended beyond the rear of the bike.

In contrast, the motorcycle that Officer Kelly stopped had its rear tire positioned under the rear fender, indicating it was not the same vehicle involved in the earlier reckless driving incident. Based on this new evidence, it was determined that Champion was not the individual who fled earlier.

As a result, Officer Kelly contacted the Records Division and successfully had the criminal citation withdrawn before it was forwarded to the Clerk of Courts. He also authored a memorandum explaining the rationale for voiding the citation.

Based on the above mentioned BWC footage and findings, Ofc. Kelly violated several DeLand Police Department Policies

Policy Violations:

1.2.1 Members and employees shall not engage in any conduct which constitutes neglect of duty, conduct unbecoming of a member or employee, or any act which is likely to adversely affect the discipline, good order, or reputation of the Department.

1.2.24 Carelessness- A member may be determined to have impaired or jeopardized the proper and efficient operation of the department due to his/her carelessness or by his/her neglect of his/her job performance under this provision where he/she acts or fails to act;

- *Either in a deliberate or willful manner which reflects a reckless or wanton disregard for life, safety or property,*
- *In a manner contrary to acceptable standards of performance, or*
- *Which results or could have resulted in injury, danger, or damage to others or to their property.*

1.2.46 The conduct of an Officer or Member whether on or off duty reflects directly upon the department. Members must at all times conduct themselves in a manner that will not bring discredit to themselves, the department or the city. This demands exemplary behavior in respecting the law and the legal rights of all citizens.

Ofc. Kelly,

While we appreciate your contributions to the team, it is essential that you exercise greater caution and judgment in similar situations moving forward. If you have any questions or would like to discuss this matter further, please do not hesitate to reach out. I am here to support your professional development and success within the department.

Please understand that any incidents involving policy violations of a similar nature will be subject to progressive discipline up to and including termination of employment.

Thank you for your attention to this important issue.

Ofc. Javon Kelly

Signature: Javon Kelly

Lt. Michael Stacy

Signature: Michael Stacy 0L792