



## STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
E. R. GRAHAM BUILDING  
1350 N.W. 12TH AVENUE  
MIAMI, FLORIDA 33136-2111

KATHERINE FERNANDEZ RUNDLE  
STATE ATTORNEY

TELEPHONE (305) 547-0100  
[www.miamiSAO.com](http://www.miamiSAO.com)

May 11, 2020

Alfredo Ramirez III, Director  
Miami-Dade Police Department  
9105 NW 25<sup>th</sup> Avenue  
Miami, FL 33172

Dear Director Ramirez:

Enclosed is our final report regarding the investigation into the police-involved shooting of C.P. (a minor) on November 22, 2018. The police officer involved in this incident was Officer Ronald Neubauer.

Although the investigation concluded that Officer Neubauer's actions were negligent, the evidence demonstrates that he did not intend to use deadly force. Considering all of the facts, the required evidentiary threshold to support a criminal prosecution was not met. Therefore, no criminal charges will be filed against Officer Ronald Neubauer (030-1799).

If you have any questions, please do not hesitate to contact me.

Sincerely,

KATHERINE FERNANDEZ RUNDLE  
State Attorney

KFR:iah

cc: Listed Officer(s)  
Det. Daniel Aiken, MDPD Homicide  
Sgt. Kent Journey, Jr. – Professional Compliance  
Sgt. Steadman Stahl, PBA  
Andrew Axelrad, PBA  
Robert Senior (AUSA)  
Troy Walker (FDLE)

Enclosure



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INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE  
State Attorney

DATE: APRIL 21, 2020

FROM: STAFFING/REVIEW TEAM


RE: POLICE SHOOTING CLOSEOUT MEMO  
CASE # SAO #62/18/11/22/005  
INJURED: C.P. (a minor)

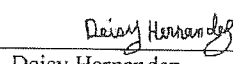
Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: MDPD Police officers were dispatched to a home reference a domestic dispute between a mother and son. The mother, a foster parent, advised that her 15-year-old son (C.P.) had mental problems and had not taken his medication. She further advised that the son was very agitated and had become aggressive with her; threatening to beat her. As a result, Officer Neubauer attempted to take C.P. into custody. C.P. refused to follow police commands to stand and remained seated on the couch. Despite warnings that he would be tased, C.P. remained non-compliant.

Officer Neubauer called for backup officers to respond to the scene. Three additional officers arrived, all fitted with BWC (body-worn cameras). Therefore, the entire incident was captured on multiple cameras. Officer Neubauer and two other officers grabbed C.P. and attempted to take him into custody. C.P. began to struggle and at one point, struck Officer Neubauer in the head. Consequently, Officer Neubauer drew his firearm. As the two officers continued to struggle with C.P., Officer Neubauer yelled "Clear!" multiple times before discharging his firearm and striking C.P. in the lower back. Instantly, Officer Neubauer cursed, holstered his firearm and unholstered his taser for a few seconds and placed it back in its holster. The BWC footage shows Officer Neubauer approaching Lt. Angelo seconds after the shooting and saying something inaudible. In his statement to FDLE, Lt. Angelo described Officer Neubauer as saying something to the effect of 'I didn't mean to draw my gun' or 'I didn't realize I drew my gun.' Officer Neubauer declined to provide a formal statement.

The evidence in this case is that Officer Neubauer did not intend to use deadly force; that he mistakenly drew his firearm instead of his taser. Although Officer Neubauer's actions were clearly negligent, they do not meet the evidentiary threshold required to support a criminal prosecution of culpable negligence or attempted manslaughter. Therefore, no criminal charges will be filed against Officer Ronald Neubauer (030-1799).

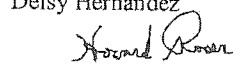
The members of the staffing/review team for this case are:

  
Don L. Horn

  
Deisy Hernandez

  
Kathleen Hoague

  
Stephen J. Talpins

  
Howard Rosen

J. Scott Dunn

  
Christine Zahraiban

Approved by State Attorney on this 14 day of May, 2020.

  
KATHERINE FERNANDEZ RUNDLE  
State Attorney

OFFICE OF THE STATE ATTORNEY  
ELEVENTH JUDICIAL CIRCUIT

KATHERINE FERNANDEZ RUNDLE  
STATE ATTORNEY



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: APRIL 21, 2020

FROM: J. SCOTT DUNN  
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO  
SAO: #62/18/11/22/005

OFFICER(S) INVOLVED:	Officer Ronald Neubauer #030-1799, MDPD
INJURED:	C.P. (a minor)
INJURIES:	Perforating gunshot wound (non-fatal)
DATE & TIME:	November 22, 2018 @ 11:42 a.m.
LOCATION:	30120 SW 146 Avenue, Miami, FL
WEAPONS:	Glock pistol, Generation 4, Model 17, Serial #RED804
LEAD:	FDLE Agent Alberto Borges
POLICE CASE #:	MDPD PD181122-424973
FDLE #:	MI-27-0095
SAO CASE #:	62/18/11/22/005

### STATEMENT OF FACTS

On Thursday, November 22, 2018 at approximately 11:30 a.m., uniform officers from the Miami-Dade Police Department (MDPD) South District were dispatched to 30120 SW 146 Avenue, Miami, Florida in reference to a domestic dispute between a mother and son. Upon their arrival, contact was made with Krystal Bradshaw, who advised that she was the foster parent of the victim, identified as 15-year-old C.P. (a minor). Ms. Bradshaw advised that C.P. had mental problems and had not taken his medication. She further advised that he became aggressive toward her. Uniform officers attempted to take C.P. into custody and a struggle ensued. At some point during the altercation, Officer Ronald Neubauer, ID #1799, discharged his county-issued firearm, striking C.P. in the lower back. Miami-Dade Fire Rescue (MDFR) personnel responded and transported C.P. to Kendall Regional Medical Center. He eventually recovered from his injuries.

The entire incident was captured on multiple body worn cameras (BWC) and all events occurred within the living room of the residence. Investigation and review of the BWCs revealed that Officer Neubauer and Lieutenant Paul D. Angelo XXVII, ID #5501, were riding as a two-person unit and responded to the domestic dispute between Ms. Bradshaw and C.P. Upon their arrival, Ms. Bradshaw advised that C.P. "charged at me...threatening to beat me and hurt me." She further stated that she had received C.P. about a week prior "from Baker Act", that he was "very aggressive...very agitated" and had not taken his medication.

After being advised of the above information, Officer Neubauer attempted to take C.P. into custody, but he remained seated on the couch and refused to comply with commands to stand up. Officer Neubauer repeated his verbal commands to C.P., even drawing his taser at one point and stating, "I'm not gonna fight with you. I'm just gonna tase you." C.P. continued to be non-compliant. Officer Neubauer requested that additional uniform officers respond to the location as backup. Ms. Bradshaw pleaded with C.P. to comply with the officers, but he continued to refuse. She also stated to the officers that C.P. was "diagnosed [REDACTED] and other mental illness."

About 4 ½ minutes after the call for backup, Officers Michelle Gonzalez, ID #8598, Orlando Gonzalez, ID #6321, and Oliver Morris, ID #6993, arrived at the location.<sup>1</sup> Every officer on scene was fitted with a BWC except for Lt. Angelo, and all the cameras were recording.<sup>2</sup>

Officers Neubauer, O. Gonzalez, and Morris move in simultaneously to grab C.P. and attempt to take him into custody, at which point he begins to struggle with them. None of the officers were holding any weapons initially. However, right at the beginning of the struggle, C.P. punches or strikes Officer Neubauer twice in the head. At that point, Officer Neubauer draws his firearm with his right hand while Officers O. Gonzalez and Morris continue their physical struggle with C.P. Officer Neubauer yells

<sup>1</sup> Officer Morris had been at the residence about an hour earlier (along with Officer Daniel Ramos-Aviles, ID# 7358) when Ms. Bradshaw called 911 to report that C.P. left home without permission. C.P. had returned by the time the officers arrived. Ms. Bradshaw advised them of C.P.'s mental health history. However, C.P. was behaving normally and the officers ultimately determined that there was no cause to arrest or detain him at that time. They cleared the scene after about 20 minutes. This first call-out was captured on both officers' BWCs.

<sup>2</sup> Officer Michelle Gonzalez's BWC provides the best overall view of the incident and is the one primarily relied upon in describing the following events.

"Clear!" multiple times. After the seventh time yelling "Clear!", Officer Neubauer discharges his firearm once, striking C.P. in the lower back.

Immediately after discharging his firearm, Officer Neubauer loudly exclaims, "Oh fuck!" Officer Neubauer then immediately holsters his firearm (located on his right hip) and momentarily unholsters his taser (located on his front). He holds onto the taser with his right hand for about two seconds, then places it back into its holster.

Approximately 25 seconds after discharging his firearm, while other officers are attending to C.P. and calling fire rescue, Officer Neubauer approaches Lt. Angelo and says something. Officer Neubauer's statement to Lt. Angelo is not audible on any of the BWCs.<sup>3</sup> However, in his sworn statement to Florida Department of Law Enforcement (FDLE) Agent Albert Borges, Lt. Angelo described the interaction as follows:

He said something like, and I'm paraphrasing, mind you, something along the lines of:  
'L.T., I'm really sorry. I didn't mean to draw my gun,' or, 'I didn't realize I drew my gun.'

The FDLE Critical Incident Team responded and assumed the operational direction of the investigation. FDLE Agent Borges was designated as the lead investigator.

Professional Law Enforcement Association Attorney Teri Guttman Valdes responded to represent Officer Neubauer, who declined to provide a statement.

### ANALYSIS

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, the State Attorney's role is to determine whether the actions of Officer Ronald Neubauer constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned attorneys have reviewed the entire FDLE file regarding the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, lab reports, 911 calls, BWCs, and other evidence compiled by FDLE under case number MI-27-0095. We find the FDLE summary and report to be complete and thorough. We adopt and attach the FDLE report into this memorandum and offer our conclusion based upon the results of our independent review of the evidence.

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<sup>3</sup> Officer Neubauer's BWC did not capture the statement because it deactivated at the very beginning of the struggle. From review of Officer M. Gonzalez's BWC, this appears to be the result of C.P. striking the camera as he was swinging at Officer Neubauer.

Police had probable cause to arrest C.P. for domestic misdemeanor assault in violation of section 784.011, Florida Statutes, based on Ms. Bradshaw's statement that he "charged at me...threatening to beat me and hurt me." Alternatively, based on Ms. Bradshaw's statements regarding his mental health history, police arguably had the legal authority under Florida's Baker Act (Chapter 394) to take C.P. into custody for a 72-hour involuntary mental health commitment. Officers were therefore engaged in the lawful execution of a legal duty in detaining or attempting to detain C.P.

C.P. was without question putting up violent resistance as the officers attempted to take him into custody. By striking Officer Neubauer twice in the head and physically struggling with the officers, he committed at least two separate felonies: battery on a law enforcement officer (Fla. Stat. 784.07) and resisting an officer with violence (Fla. Stat. 843.01). Notably, resisting an officer with violence is considered a forcible felony under Florida law. See *Walker v. State*, 965 So.2d 1281 (Fla. 2nd DCA 2007).<sup>4</sup>

Section 776.012, Florida Statutes, permits the use of deadly force when a person reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another, or prevent the commission of a forcible felony. Further, section 776.05, Florida Statutes, permits a law enforcement officer to use any force that he reasonably believes is necessary to defend himself or another from bodily harm while making an arrest. Were he to be charged in this shooting, Officer Neubauer could potentially claim that his use of deadly force was legally justified because C.P. was indeed putting up a fight.

However, statutes 776.012 and 776.05 both stipulate that deadly force is permissible only when a person "reasonably believes" that such force is necessary - and therein lies the problem. At bottom, this incident involved an unarmed 15-year-old boy versus five adults, all of whom were professionally trained and state certified Miami-Dade County law enforcement officers. Simply put, it would not have been remotely reasonable for Officer Neubauer to believe that deadly force was necessary in these circumstances, when he and his fellow officers had this adolescent contained in a small room and outnumbered 5 to 1. Granted, C.P. was being violent and unruly, and we in no way condone his behavior. But this child posed no real threat of bodily harm to these five police officers, and surely could have been safely subdued without being shot. We conclude that Officer Neubauer was not legally justified in the use of deadly force against C.P. under statutes 776.012 and 776.05.

This does not end the inquiry, however. The facts of this case do not support the intentional use of deadly force by Officer Neubauer. Rather, the evidence indicates that Officer Neubauer intended to use non-deadly force (i.e., his taser), but drew his firearm by mistake. Therefore, in any potential criminal prosecution, Officer Neubauer could defend himself on the alternative ground that he did not intend to use deadly force and that the discharge of his firearm was accidental. Given this evidence, the case must also be examined as a potential accidental firearm discharge prosecution. In Florida, accidental firearm discharge cases are analyzed under the legal theory known as culpable negligence.

The criminal offense of culpable negligence is codified in section 784.05, Florida Statutes. Subsection (2) provides: "Whoever, through culpable negligence, inflicts actual personal injury on another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083." The term culpable negligence is defined in the Florida Standard Jury Instructions in Criminal Cases as follows:

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<sup>4</sup> We would note, however, that C.P. was not arrested or charged for these offenses following the shooting.

Every person has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights. The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

Fla. Std. Jury Instr. (Crim.) 7.7; *see also Getsie v. State*, 193 So.2d 679, 681-82 (Fla. 4th DCA 1967).

Per this instruction, culpable negligence looks at both a defendant's actions and his state of mind (common law concepts known as *actus rea* and *mens rea*, respectively) The *actus rea* relates to the reckless behavior itself while the *mens rea* requires that the defendant be consciously aware that he is engaging in such reckless behavior. The state must satisfy each to prove a defendant guilty of culpable negligence. The evidence in this matter presents challenges on both fronts.

Looking first at the behavioral aspect of the offense, Florida case law holds that an accidental firearm discharge may be the product of simple or gross negligence by the accused, but cannot always rise to the level of culpable negligence so as to constitute a crime. For a defendant to be found guilty of culpable negligence, the evidence must show that the behavior was of "such a gross and flagrant character that it evidenced a reckless disregard for human life or safety equivalent to an intentional violation of the rights of others." *A.T. v. State*, 658 So.2d 662 (Fla. 3d DCA 1995) (quoting *Dominique v. State*, 435 So.2d 974, 974 (Fla. 3d DCA 1983)). Each case of culpable negligence is determined upon facts and circumstances peculiar to it. *Scarborough v. State*, 188 So.2d 877 (Fla. 2d DCA 1966).

In *Espinoza v. State*, 706 So.2d 111 (Fla. 3d DCA 1998), the Third District Court of Appeal (DCA) reversed a manslaughter conviction in which the defendant killed his friend when he accidentally touched the trigger of his pistol while cleaning it. The court stated that without additional aggravating circumstances, the evidence was insufficient to justify the conviction. In *A.T.*, the court reversed a conviction for culpable negligence where the evidence only supported the juvenile being careless or having an accident, stating that the prosecution had not met its burden of showing a reckless disregard for human life. *A.T.*, 658 So.2d at 662. The Third DCA also reversed a conviction of manslaughter by culpable negligence in *J.A. v. State*, 593 So.2d 572 (Fla. 3d DCA 1992), where a juvenile defendant shot and killed his friend while handling a loaded rifle. The facts in *J.A.* indicated that the defendant accidentally hit the trigger, there was no animosity between the victim and defendant, and there was no proof that the defendant was under the influence of drugs or alcohol.

The Fourth DCA likewise found the evidence insufficient to sustain a conviction of manslaughter by culpable negligence in the case of *In re J.C.D.*, 598 So.2d 304 (Fla. 4th DCA 1992). In that case, the

defendant had removed the ammunition magazine, as well as a bullet in the firing chamber, from the gun before the shooting. And, while the defendant did not describe the gun as slipping from his hands, he did state, without contradiction, that he engaged the trigger by accident when standing up to put the gun away. Citing the Third DCA's decision in *J.A.*, the Fourth District held that the defendant's actions may support a finding of some lesser form of negligence, but they did not support a finding of criminally culpable negligence.

Another accidental discharge case out of the Fourth DCA is *Getsie v. State*, 193 So.2d 679 (Fla. 4th DCA 1967). There, the defendant testified that he was releasing the hammer of his gun slowly with his index finger when it was about a foot and a half away from his wife. He knew the gun was loaded. He started to sit on his wife's lap or leg and the gun went off, fatally injuring her. The appellate court emphasized that "criminal responsibility for manslaughter should be determined by consideration of the act which resulted in death in its surroundings at the time of its commission and not consideration of the result alone." *Id.* at 682. The court also noted that a "defendant's version of a homicide cannot be ignored where there is absence of other evidence to contradict his explanation." *Id.* at 684. Accordingly, the court found that the evidence was insufficient to constitute culpable negligence manslaughter and reversed Getsie's conviction.

In *Parker v. State*, 318 So.2d 502 (Fla. 1<sup>st</sup> DCA 1975), the First DCA reversed a manslaughter conviction where the defendant shot and killed the victim (his cousin and friend) while the two were seated in the cab of a pickup truck. The defendant stated that he waved the pistol by the victim's head when it accidentally discharged. The hammer of the gun was positioned in the "safety notch," and the defendant did not believe that the gun would fire in that position. The state's firearm expert corroborated the defendant's account of the incident, testifying that the gun involved was known to fire randomly even with the hammer in the so-called safety notch position. Thus, despite the handling and waving of a loaded weapon near the victim's head, the appellate court reversed Parker's manslaughter conviction.

On the other hand, there are numerous Florida cases upholding convictions of manslaughter by culpable negligence based on an accidental firearm discharge. In *Sapp v. State*, 913 So.2d 1220 (Fla. 4th DCA 2005), the defendant was under the influence of alcohol, marijuana, Xanax and cocaine at the time of the incident. He admitted to police that he was "very, very messed up" and feeling "antsy." A witness asked Sapp to put the gun away. Instead of complying, the defendant began to wave the gun around, showing off and talking "trash" while repeatedly loading and ejecting bullets from the chamber. During one such loading and ejecting sequence, the gun accidentally discharged and killed the victim. The Fourth DCA held that "the sum total of appellant's actions demonstrated a high degree of recklessness sufficient to meet the standard for manslaughter by culpable negligence." *Id.* at 1225.

The *Sapp* court cited with approval several other Florida cases in which manslaughter by culpable negligence convictions based on an accidental firearm discharge were sustained. See *Dolan v. State*, 85 So.2d 139 (Fla. 1956) (affirming manslaughter conviction where defendant fired a shot into a trailer to "show off" during an encounter with his girlfriend's male friend, and while holding pistol in his right hand, shot male friend during struggle for pistol; defendant's actions "set the stage for the tragedy which ultimately and inevitably followed"); *Williams v. State*, 104 So. 782 (Fla. 1925) (affirming manslaughter conviction where shotgun which the defendant was shifting from one arm to the other accidentally discharged, killing an unintended victim); *Marasa v. State*, 394 So.2d 544 (Fla. 5th DCA 1981) (finding



evidence sufficient for conviction of manslaughter where at a drug and alcohol party defendant pointed what he mistakenly believed was an empty gun at victim and pulled the trigger, firing a bullet and killing the victim); *McBride v. State*, 191 So.2d 70 (Fla. 1st DCA 1966) (upholding manslaughter conviction where the defendant needlessly possessed a deadly weapon which he brandished in a careless and reckless manner while intoxicated).

The Third DCA sustained a conviction for manslaughter by culpable negligence based on an accidental discharge in *Cunningham v. State*, 385 So.2d 721 (Fla. 3d DCA 1980). In *Cunningham*, the defendant became upset at a gambling event where he had been drinking. In response to alleged insults, the defendant went home, retrieved a gun, and returned to the event. He then deliberately fired the gun into the air. His actions attracted the attention of the victim, who also became angry and tried to take the weapon from the defendant. As the victim tugged on the gun, it discharged and killed him. In this situation, the court held that "a drunken struggle over a lethal weapon [that] appellant recklessly brought, in anger, to a drunken and angry scene" rose to the level of a reckless disregard for human life or safety. *Id.* at 723.

The above-cited cases focus primarily on the actions of the accused, and whether those actions rise to the requisite level of recklessness. However, as previously mentioned, there is also a state of mind component to culpable negligence which must also be satisfied. At common law, all crimes consisted of both an act or omission coupled with a requisite guilty knowledge or *mens rea*. See *State v. Giorgetti*, 868 So.2d 512, 515 (Fla. 2004). Hence, as a general rule, guilty knowledge or *mens rea* was a necessary element in the proof of every crime. *Id.* Moreover, because of the strength of the traditional rule that requires *mens rea*, offenses that require no *mens rea* are generally disfavored. *Id.* As explained by the Florida Supreme Court, this policy "is consistent with the concept that criminal sanctions are ordinarily reserved for acts of intentional misconduct." *Id.* at 516.

Pursuant to the jury instruction on culpable negligence, the state would need to prove that the Officer Neubauer "consciously" did some act that he knew or reasonably should have known was likely to cause death or great bodily injury. See Fla. Std. Jury Instr. (Crim.) 7.7. The evidence in this case is that Officer Neubauer was not consciously aware that he was holding his firearm. His intent was to utilize his taser on C.P., not his firearm. This is corroborated by his loud expletive immediately after the discharge, his spontaneous statement to Lt. Angelo, and his threat to C.P. early in the encounter that, "I'm not gonna fight with you. I'm just gonna tase you." Therefore, if Officer Neubauer mistakenly believed that he was holding a taser and was not consciously aware that he was holding a firearm, the state cannot prove the *mens rea* required for culpable negligence.

This same rationale would preclude a prosecution of Officer Neubauer for attempted manslaughter by act pursuant to section 782.07, Florida Statutes. To prove attempted manslaughter, the state must prove that the defendant "intentionally committed an act which would have resulted in the death of the victim except that someone prevented the defendant from killing the victim or he failed to do so." See Fla. Std. Jury Instr. (Crim.) 6.6. The Florida Supreme Court has also stated that "a verdict for attempted manslaughter can be rendered only if there is proof that the defendant had the requisite intent to commit an unlawful act." *Taylor v. State*, 444 So.2d 931 (Fla. 1984). In this case, Officer Neubauer was legally authorized to take C.P. into custody; his actions in this regard were not unlawful. Moreover, based on all available evidence, Officer Neubauer's clear intent was to utilize his taser, not his firearm. It therefore

cannot be said that Officer Neubauer “intentionally committed” the act of discharging his firearm when he genuinely (but mistakenly) believed that he was holding his taser.<sup>5</sup>

### CONCLUSION

The above-cited cases demonstrate the high burden that the state must meet to convict a person of culpable negligence based on an accidental firearm discharge. There is no evidence that Officer Neubauer was under the influence of drugs or alcohol, that he was playing with or recklessly handling the firearm or that he had any prior animosity or ill will toward C.P. Those are some of the factors that courts have used in prior cases to analyze a defendant’s actions in culpable negligence prosecutions, and none of them are present in this shooting. Moreover, there is no evidence that Officer Neubauer was consciously aware that he was armed with a firearm instead of a taser, which would constitute an additional hurdle to proving the requisite state of mind for either culpable negligence or attempted manslaughter.

Officer Neubauer’s actions in this case were clearly negligent. However, simple negligence is not enough to convict a person of a crime in Florida. It is the opinion of the undersigned that the actions of Officer Neubauer in this incident would not meet the evidentiary threshold required to support a criminal prosecution under existing Florida statutes and case law.

Prepared by:

  
**J. SCOTT DUNN**  
Assistant State Attorney

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<sup>5</sup> While a taser is considered non-deadly force, we express no opinion on whether Officer Neubauer’s threatened or attempted use of the device on C.P. in these circumstances was appropriate or consistent with MDPD policies, procedures and training. We would simply note that an officer’s failure to comply with department policies, procedures and training, although admissible in a civil action, cannot be used as evidence in a criminal prosecution. See *Lozano v. State*, 584 So.2d 19 (Fla. 3d DCA 1991).



## STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

E. R. GRAHAM BUILDING

1350 N.W. 12TH AVENUE

MIAMI, FLORIDA 33136-2111

KATHERINE FERNANDEZ RUNDLE  
STATE ATTORNEY

TELEPHONE (305) 547-0100  
[www.miamiSAO.com](http://www.miamiSAO.com)

October 2, 2018

Juan J. Perez, Director  
Miami-Dade Police Department  
9105 NW 25<sup>th</sup> Avenue  
Miami, FL 33172

Dear Director Perez:

Enclosed is our final report regarding the investigation into the police-involved shooting of Jahmal Parker on March 29, 2018. The officers involved in this incident were Officers Richard Bellon (#7511) and Ronald Neubauer (#1799).

The investigation has determined that while driving his van, Jahmal Parker was involved in a crash and ended up in a canal. Police and Fire Rescue personnel responded to the scene. Mr. Parker appeared dazed, but refused to cooperate with Fire Rescue personnel or police requests to sit down so that his condition could be assessed. At one point, Mr. Parker reached out and grabbed Officer Bellon's Taser. Mr. Parker pointed the Taser at the officers and refused to follow verbal commands to drop it. Subsequently, both officers discharged their firearms.

Taking into account Mr. Parker's actions, it is reasonable to believe that the shooting officers considered it necessary to use deadly force to prevent injury to themselves and others. Therefore, we find that Officer Richard Bellon and Officer Ronald Neubauer were legally justified in using deadly force by firing their weapons. No criminal charges will be filed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KATHERINE FERNANDEZ RUNDLE  
State Attorney

KFR:iah

cc: Listed Officer(s)  
Det. Daniel Aiken, MDPD  
Sgt. Kent Jurney, Jr. – Professional Compliance  
Sgt. Steadman Stahl, PBA  
Andrew Axelrad, PBA  
Robert Senior (AUSA)  
Troy Walker (FDLE)

Enclosure



Please Recycle



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE      DATE: OCTOBER 2, 2018  
State Attorney

FROM: STAFFING/REVIEW TEAM      RE: POLICE SHOOTING  
CLOSEOUT MEMO

CASE #: FDLE MI-27-0083  
INJURED: PARKER, Jahmal








Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: The investigation has determined that Mr. Jahmal Parker was involved in a crash where he rear-ended a vehicle, lost control of his van and ended up in a canal. MDPD Officers Bellon and Neubauer responded to the scene.

Mr. Parker appeared dazed and would not permit Fire Rescue to assess his condition. Officers and Fire Rescue personnel encouraged the subject to cooperate, but to no avail. Officer Neubauer warned the subject that if he did not cooperate, he would be tased. At one point, the subject was able to quickly reach out and take Officer Bellon's Taser. Officer Neubauer deployed his taser at Mr. Parker. Mr. Parker pointed the Taser at the Officers as he backed away and refused to follow police commands to drop it. When he did not comply, both Officers discharged their firearms.

Considering Mr. Parker's menacing actions, it is reasonable to believe that the Officers considered it necessary to use deadly force to prevent injury to themselves and others.

We find that Officer Richard Bellon (#7511) and Officer Ronald Neubauer (#1799) were legally justified in the use of force by firing his weapon.

The members of the staffing/review team for this case are:

 Don L. Horn	 Kathleen Hoague	 Esther Jacobo
 Deisy Hernandez	 Frank Ledee	 Reid Rubin
 Christine Zahralban	Responding Member of Shooting Team	Responding Member of Shooting Team

Approved by State Attorney on this 4 day of Oct, 2018.

  
KATHERINE FERNANDEZ RUNDLE  
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: OCTOBER 2, 2018

FROM: DON L. HORN  
Chief Assistant State Attorney  
SUZANNE VON PAULUS  
Assistant State Attorney

RE: POLICE SHOOTING  
CLOSEOUT MEMO  
Case # FDLE- MI-27-0083

OFFICER(S) INVOLVED:	MDPD Officer Richard Bellon #7511 MDPD Officer Ronald Neubauer #1799
INJURED:	Jahmal Parker DOB: 12/01/1988 (29 Y.O.A.)
INJURIES:	Multiple Gunshot Wounds
DATE & TIME:	March 29, 2018
LOCATION:	Southbound U.S. 1 near Mile Marker 114, Miami, Florida
WEAPON:	Glock 17, 9mm semiautomatic pistol, Serial # REE581 - Off. Richard Bellon Glock 17, 9mm semiautomatic pistol, Serial # RED53 - Off. Ronald Neubauer Taser X26 Serial # X00-315106 - Off. Ronald Neubauer
LEAD:	Special Agent Confesor Gonzalez
CASE #:	FDLE Case Number MI-27-0083; FHP Case Number FHPE18OFF019758; and MDPD Case Number PD180329117179
SAO CASE #:	#62/18/03/29/003



## SUMMARY

On Thursday, March 29, 2018, just before Noon, a family driving a rental vehicle southbound on U.S. 1 near mile marker 114 was rear-ended while traveling approximately 50 mph. The driver of the rental vehicle did not see it coming and initially did not know what had happened. His daughter, in a rear seat, began screaming "he's in the air, he's in the water" at which point the driver pulled his vehicle over to the side of the road. Everyone exited the rental vehicle and ran to the location where a purple van had gone off into a canal and was sinking upside down.

Other motorists in the area observed the purple van swerving before it went off the side of the road. They were unaware that it had struck another vehicle on the roadway. They observed the purple van hit a fence and go airborne before landing in the water. Many motorists who observed this pulled off to the side of the road and exited their vehicles. Others called 9-1-1. Numerous citizens, assuming there was a family inside the purple van, got in the water and waded out to assist in removing the occupants from the overturned vehicle. They discovered there was only one person in the van; the driver, later identified as Jahmal Aristotle Parker, B/M/29, DOB: 12/01/1988.

With much coaxing, the citizens were eventually able to get Mr. Parker out of the van. Based on accounts from many witnesses Mr. Parker was very disoriented, dazed, confused and seemingly not aware of what was going on. Although he had a gash on his forehead, several of the witnesses did not attribute Mr. Parker's dazed and confused state to the accident. Once Mr. Parker got up on the roadway he started walking away from the scene of the crash.

Officer Michael McKay, a Florida Fish & Wildlife Commission Officer was the first law enforcement officer to arrive at the scene. He was in the area when he saw a number of vehicles off to the side of the road. He pulled over and saw the overturned van in the water. He requested Fire Rescue and Florida Highway Patrol. When he saw Mr. Parker, he realized he was not steady on his feet. He tried talking to Mr. Parker and tried to get him to sit down while Fire Rescue was enroute. Mr. Parker was walking around in circles and pacing. He refused to give his name and at one point said he didn't have a name. When Parker started walking northbound in the southbound lanes of traffic on U.S. 1 Officer McKay requested emergency back-up. Officer McKay was able to get Mr. Parker to stop walking, engaged him in limited conversation and got him to start heading back to the crash scene.

Later, Fire Rescue and several MDPD Units arrived, Officers Bellon and Neubauer. Fire Rescue personnel were talking to Mr. Parker and telling him they wanted to take his blood pressure and check him out. These discussions were taking place at the rear of the Fire Rescue truck. Officers Bellon and Neubauer were also at the rear of the Fire Rescue Truck. Officer Neubauer was engaged in conversations with Mr. Parker, trying to get him to cooperate with the Fire Rescue personnel. The body worn cameras were activated for both officers and all the following events were captured on the video footage from the body worn cameras.

Mr. Parker was refusing to cooperate with the Fire Rescue personnel. He was dazed, had a gash on his head and blood on several areas of his clothing. The police officers were telling him that if he did not cooperate, they would cuff him so that Fire Rescue would be able to evaluate and/or treat him. Parker kept saying he was okay. Rescue personnel specifically wanted to look under his shirt to see if there were any other injuries as Parker said he had not been wearing his seatbelt at the time of the crash.

At one point Officer Neubauer unholstered his Electronic Control Weapon (hereinafter referred to as a Taser), pointed at Mr. Parker and told him that if he didn't cooperate he was going to light him up (Tase him), cuff him and put him in the back of the truck to be assessed by the rescue personnel.

Officer Bellon got closer to Parker at that point and put his right palm against the rear door of the rescue truck. This position exposed the front of Officer Bellon's body to Mr. Parker. Within a split-second Parker grabbed Officer Bellon's Taser from his gun belt and backed away from the rear of the truck, moving along the driver's side of the rescue truck. In rapid succession, Officer Neubauer yelled "Taser" and deployed his Taser, which was already pointed at Parker; Officer Bellon unholstered his firearm and Officer Neubauer dropped his Taser and unholstered his firearm.

As Mr. Parker backed away along the driver's side of the rescue truck with Officer Bellon's Taser, both officers were giving commands to Parker and telling him to "drop it". When Parker raised the Taser in the direction of the officers both officers discharged their firearms striking Parker. Officer Neubauer had a malfunction of his weapon during the shooting and had to clear his firearm in the middle of the shooting, thereby ejecting a live round from his firearm. Once Parker was placed in handcuffs rescue personnel began treating him. A trauma helicopter responded and airlifted Mr. Parker to an area hospital.

In addition to the body worn cameras, portions of the shooting incident were witnessed by motorists and fire rescue personnel. Statements were taken from those witnesses.

Downloads and analysis of the two Electronically Conducted Weapons reveals that Officer Neubauer's Taser was deployed for one 5-second cycle. Officer Bellon's Taser data reflected a 1-second cycle. This is consistent with Parker pulling the trigger of Officer Bellon's Taser. Parker was treated for his gunshot wounds and released from the hospital. Mr. Parker was charged with two counts of Aggravated Assault.

Officer Bellon and Officer Neubauer decided to not provide a statement or proffer in connection with this investigation. As reflected on video footage from Officer Neubauer's body worn camera, at some point after the shooting Officer Neubauer approached Officer Bellon, asked him if he was okay, and then told him he was not sure whether Parker had grabbed Bellon's Taser or his firearm.

### **CONCLUSION AND ANALYSIS**

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, the State Attorney's role is to determine whether the actions of Officer(s) Richard Bellon and Ronald Neubauer constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

We have reviewed the Florida Department of Law Enforcement Investigative Summary into the Police Use of Force in this incident. We have listened to the audio statements and dispatch transmissions, reviewed the sworn statements, crime scene reports, photos, lab reports, and other evidence compiled by FDLE under FDLE Case Number MI-27-0083. We find the Investigative Summary to be complete, thorough and consistent with witness statements we sat in on which were taken on the day of the incident. We adopt and attach that Investigative Summary hereto and offer our conclusion based on the results of our investigation and review.

While driving a van southbound on U.S. 1 Jahmal Aristotle Parker rear-ended a vehicle traveling approximately 50-mph. The crash caused Mr. Parker to lose control of his vehicle, go off the roadway, hit a fence, go airborne and land in the canal. Concerned citizens assisted in getting out of his vehicle which was upside down and partially sunk in the canal. Police officers and Fire Rescue Personnel responded to the scene.

Mr. Parker appeared dazed and was not cooperating with Fire Rescue's efforts to assess his physical condition and determine what treatment he might need. Officers Richard Bellon and Ronald Neubauer encouraged Mr. Parker to cooperate and threatened to handcuff him if he did not. The officers and rescue personnel asked him to sit down at that point. He refused to do so. Officer Neubauer unholstered his Electronic Control Device (commonly referred to as a Taser) and told Parker if he did not cooperate he was going to light him up. At that point Officer Bellon got closer to Mr. Parker at the rear of the truck at which point Mr. Parker quickly reached out and grabbed Officer Bellon's Taser and moved eastward to the rear driver's side of the Fire Rescue truck. Officer Neubauer deployed his Taser at Mr. Parker. Mr. Parker pointed the Taser at the officers as he backed away (southbound) along the driver's side of the Fire Rescue Truck. Both officers shouted verbal commands to Mr. Parker to drop it. He did not comply with those commands and both officers discharged their firearms.

Section 776.012, Florida Statutes, permits the use of deadly force when a person believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. Based on these statutory provisions and the facts described above, we find that it is reasonable to conclude that Officers Bellon and Neubauer discharged their respective weapons in fear of their own safety and that of their fellow officer, and their actions were thereby, legally justified.

Prepared by:



Chief Assistant State Attorney  
Don L. Horn



Assistant State Attorney  
Suzanne Von Paulus



# Florida Department of Law Enforcement

Case Number: MI-27-0083

Eleventh Judicial Circuit of Florida

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## Investigative Summary

### Use of Force Investigation

Miami-Dade Police Department

Incident Date: March 29, 2018

Case Agent: SA Confesor Gonzalez

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Victim:

Jahmal Parker  
Black /Male  
DOB: 12/01/1988

Involved Officers/Deputies:

Richard Bellon  
Ronald Neubauer  
Miami Dade Police Department  
9105 NW 25 Street  
Miami, FL 33172

Incident Location:

South Dixie Highway and Mile Marker  
114, Miami-Dade County, FL.

**Initial Response****(IR # 1)**

On Thursday, March 29, 2018, at approximately 1325 hours, the Miami-Dade Police Department (MDPD) requested the Florida Department of Law Enforcement (FDLE) respond to Mile Marker 114 and US1, within Miami-Dade County, Florida in order to investigate a use of deadly force incident involving MDPD Officer Richard Bellon and Officer Ronald Neubauer against Jahmal Parker. Jahmal Parker sustained non-life threatening gunshot injuries and no officers were injured in this incident. (Cross reference MDPD case # PD180329-117260).

At approximately 1345 hours, Special Agent (SA) Confesor Gonzalez was notified by Special Agent Supervisor (SAS) Felipe Williams of an officer involved shooting at the above listed location. SAS Williams informed SA Gonzalez that he would be the case agent and directed him to respond to the scene.

At approximately 1408 hours, SA Gonzalez arrived on scene along with SAS Williams and met with MDPD Homicide Detective Jonathan Grossman who briefed SAS Williams and SA Gonzalez on the facts of the case. SA Gonzalez learned that a black male, later identified as Jahmal Parker (hereinafter referred to as Parker), was involved in a car accident where he rear-ended a vehicle and his vehicle went into the water. Parker was helped out of his vehicle and assisted out the water by several good Samaritans who witnessed the accident. Parker refused medical treatment by arriving first responders.

MDPD Officers Bellon and Neubauer responded to the scene and attempted to persuade Parker to allow the paramedics to examine him for possible injuries. Parker refused to cooperate and suddenly grasped and seized Officer Bellon's Conducted Electrical Weapon (CEW) which is known by the commercial name "Taser", from the front of Officer Bellon's gun belt. Officer Neubauer then deployed his CEW on Parker; however the CEW had no effect on Parker. Parker then pointed Officer Bellon's acquired CEW at the officers at which time Officers Bellon and Neubauer discharged their firearms at Parker.

Parker sustained two (2) gunshot wounds: one to his right knee and one to his left thigh. Parker was immediately treated at the scene by the Miami-Dade Fire Rescue (MDFR) paramedics who were present at the scene during the incident. Parker was subsequently airlifted to Jackson South Hospital where he was treated for non-life-threatening injuries and listed in stable condition.

**911 calls / Radio Communications / CAD report****(IR #2)****911 calls**

11:59:00 Numerous 911 calls received reporting a car in the water with one (1) occupant.

**Radio Traffic**

12:24:19: Officer Neubauer Unit 2506 advised "shots fired".

12:25:20: Officer Bellon, Unit 2502 advised "2502, shots fired, subject down, were trying to take him into custody".

**CAD Report**

Time:	Notes:
1159	Numerous citizens call 911 to report a car in the water occupied with one person
1202	MDFR and MDPD dispatched
1205	FHP notified by MDPD

1219	MDPD and MDFR arrived on scene
1224	Officers advised shots fired

<b>Hospital Response</b>	<b>(IR # 3)</b>
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On Thursday, March 29, 2018, at approximately 1325 hours, SA Dean Wellinghoff was advised by SAS Williams to respond to Jackson South Medical Center where Parker had been transported to evaluate his condition. SA Wellinghoff arrived at the trauma wing of the hospital and met with MDPD Homicide Detective Daphney Joseph and Trauma Nurse Vivian Campos. At the time of SA Wellinghoff's arrival, Parker had not yet been identified, due to his uncooperative behavior with hospital staff in their attempts to obtain personal information from him. According to Nurse Campos, Parker sustained two (2) gunshot wounds: one (1) wound to his right knee and the other to his right thigh (femur). Shortly thereafter, Parker was transported by hospital staff for a "CT Scan".

SA Wellinghoff subsequently made contact with Parker and attempted to communicate with him; however, Parker just stared at SA Wellinghoff and did not respond. SA Wellinghoff made the following observations: Parker was naked, wearing a neck collar, and lying on his back on a hospital gurney. There was an intravenous port in his right arm near his wrist and an intravenous port connected to an IV bag on his left arm near his wrist. Additionally, he had a hospital identification tag around his left ankle and his right knee was bandaged and he had what appeared to be a gunshot wound on the inside of his left thigh. According to SA Wellinghoff, Parker subsequently provided a social security number to hospital staff and was identified through the DHSMV driver's license database.

MDPD Crime Scene Unit (CSU) Detective Guillermo Besonias took photos of Parker and also swabbed Parker's hands for GSR. MDPD Officer Yarixalyne Loubriel remained in the hospital's trauma unit positioned just outside Parker's room.

<b>Crime Scene Activities</b>	<b>(IR #4)</b>
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The crime scene was documented by SA Mike Stein. SA Stein noted that the crime scene was located in the roadway of US1 at approximately Mile Marker 114, which is approximately two (2) miles north of the Monroe County jurisdictional line. The weather was clear and it had not been raining. US1 was closed to southbound traffic by the Florida Highway Patrol (FHP) in Florida City, Florida. Northbound traffic was heavy but flowing. There was a concrete dividing barrier separating northbound and southbound traffic. There was yellow crime scene tape erected, securing southbound US1 in the location where the shooting occurred.

There was a marked MDPD police vehicle # 5620A parked on the shoulder of US1 facing southbound, there was a chain link fencing on the west side of US1 that was pushed down consistent with a vehicle crash. There was a Dodge Caravan bearing Florida tag # IVM-X64, in the water to the west of US1 near the downed chain link fence. A Miami-Dade Fire Rescue Unit Rescue # 10 was parked on the southbound shoulder of US1. Five (5) spent shell casings were located in the roadway at the rear driver's side of the fire rescue unit. One (1) spent shell casing was located in the grass at the rear of the fire rescue unit.

There was a "Taser" with a wire and prong attached to it in the roadway at the rear of the fire rescue unit. A live 9mm cartridge was located in the roadway east of the driver's door of the fire rescue unit. Also in the roadway east of the driver's door of the fire rescue unit was a "Taser" and "Taser" cartridge. An MDPD body camera was in the roadway near the front left side of the fire rescue unit. There was bloody clothing located in the grass on the passenger side of the fire rescue unit along with a stretcher and medical equipment. At the foot of the stretcher, in the grass, was a "Taser" cartridge. The scene was photographed and evidence collected by MDPD Crime Scene detectives. SA Stein was provided with the two (2) "Tasers" that were collected as evidence by MDPD Crime Scene detectives. These "Tasers" were impounded by SA Stein at the FDLE Miami Regional Operations Center (MROC).

At approximately 1840 hours, the maroon Dodge Caravan (Florida tag # IVMX64) was removed from the water and towed by the MDPD from the scene as part of the predicate crime investigation relating to this police shooting incident. (NOTE: Florida tag # IVMX64 is not assigned to the impounded Dodge Caravan. A check of the vehicle's V.I.N. number revealed that there was a seize tag order for the correct vehicle tag due to a financial suspension on Jahmal Parker's driver's license).

It should be noted that no bottle of bleach was found inside Parkers vehicle.

#### **Officer Processing**

(IR #5)

SA Michael Stein was assigned the investigative task of documenting the status of the officers involved in this police shooting incident. SA Stein, with the assistance of MDPD Crime Scene Investigators (CSI) Alexandra Jordan, Carolina Garcia and Guillermo Besonias, documented the equipment and clothing worn by MDPD Officer Richard Bellon and Officer Ronald Neubauer, at the time of this police shooting incident.

#### **Processing of Officer Richard Bellon:**

Officer Richard Bellon was processed inside the MDPD Mobile Command Center (MCC). Officer Bellon was photographed in the uniform he was wearing at the time of this police shooting incident. It should be noted that Officer Bellon's body worn camera fell during this incident and was part of the crime scene; therefore, Officer Bellon was not photographed wearing his body worn camera.

Officer Bellon was wearing an MDPD "Class B" police uniform with a duty belt. The duty belt had a holster and firearm on the right side along with two (2) spare magazines in a magazine holder. There was a ""Taser"" holster on the left side of the duty belt missing the ""Taser"". There was a flashlight, radio, and handcuff pouch, along with a glove pouch also on the duty belt. It should be noted that the sole on the left boot of Officer Bellon's foot was separated from the upper portion of the boot. According to Officer Bellon, the damage to his boot occurred during this incident.

A gunshot residue kit (GSR) was collected from Officer Bellon and DNA swabs were also collected from the empty ""Taser"" holster. An inspection of Officer Bellon's firearm revealed that he possessed a county issued 9mm, Glock 17 (serial number REE581). There was a magazine inserted in the firearm. The magazine had a capacity of seventeen (17) cartridges and contained thirteen (13) cartridges. There was one (1) live cartridge in the chamber of the firearm, for a total of fourteen (14) live cartridges within the firearm. Officer Bellon advised that he "tops off" his magazine and carries eighteen (18) live cartridges of ammunition while on patrol. An inspection of the two (2) spare magazines on Officer Bellon's duty belt revealed both contained seventeen (17) live cartridges of ammunition. Officer Bellon could have fired as many as four (4) rounds from his weapon.

#### **Processing of Officer Ronald Neubauer:**

Officer Ronald Neubauer was processed inside the MDPD Mobile Command Center (MCC). Officer Neubauer was photographed in the uniform he was wearing at the time of this police shooting incident. It should be noted that Officer Neubauer was provided with the body worn camera he was wearing during this incident for these photographs. The body worn camera had been taken from his person before the arrival of FDLE on this police shooting scene for download.

Officer Neubauer was wearing an MDPD "Class B" police uniform with a duty belt. The duty belt had a holster and firearm on the right side along with three (3) spare magazines in a magazine holder. There was a ""Taser"" holster on the left side of the duty belt missing the ""Taser"". There was a radio and handcuff pouch also on the duty belt. A gunshot residue kit (GSR) was collected from Officer Neubauer as well as DNA swabs from the empty ""Taser"" holster. An inspection of Officer Neubauer's firearm revealed that he possessed a county issued 9mm, Glock 17 (serial number RED539). There was a magazine inserted in the firearm.

The magazine had a capacity of seventeen (17) cartridges and contained fourteen (14) cartridges. There was one (1) live cartridge in the chamber of the firearm, for a total of fifteen (15) live cartridges within the firearm. Officer Neubauer advised that he "tops off" his magazine and carries eighteen (18) live cartridges of ammunition while on patrol. It should be noted that during processing, Officer Neubauer stated that he had a malfunction during this incident and that he cleared his firearm, expelling one (1) live cartridge of ammunition. An inspection of the three (3) spare magazines on Officer Neubauer's duty belt revealed one (1) magazine contained eighteen (18) live cartridges of ammunition and two (2) magazines contained seventeen (17) live cartridges of ammunition. Officer Neubauer could have fired as many as three (3) rounds from his weapon.

Officers Richard Bellon and Officer Ronald Neubauer declined to provide a voluntary statement.

#### Conducted Electrical Weapon Analysis

(IR #14)

On Monday, April 2, 2018, SA Larry Andres inspected the Electronically Conducted Weapons (CEW) X26's, serial number# X00- 315106 and X00-597581 CEW serial number# X00-315106) was assigned to Officer Neubauer and CEW X00-597581 was assigned to Officer Bellon. The inspection of the X26 CEW (X00-315106) revealed activity on March 29, 2018 starting at sequence #1458 illustrating a 5 second trigger pull.

Sequence	Date	Time	Event	Duration	Temp.	Battery%	Notes
1458	3/29/18	12:25 hrs	Trigger	5 sec	30	53	
1459	4/2/18	13:54 hrs	Sync	Please note: upon download the CEW autocorrected to reflect the following date/time (4/2/18 13:36:10) to the listed date/time (4/2/18 13:54:01).			

SA Andres also inspected CEW serial number# X00-597581) assigned to Officer Bellon. The X26 CEW X00-597581 inspection revealed activity on March 29, 2018 and showed a one (1) second trigger pull.

Sequence	Date	Time	Event	Duration	Temp.	Battery%	Notes
380	3/29/18	12:28	Trigger	1 sec	30	76	
381	4/2/18	13:59	Sync	Please note: upon download the CEW autocorrected to reflect the following date/time (4/2/18 14:35:13) to the listed date/time (4/2/18 13:59:54).			

SA Andres placed the CEW's back into FDLE evidence. SA Andres forwarded an electronic copy of the CEW's history and a hard copy of the download to SA Confesor Gonzalez

It should be noted that Parker is seen on Officer's Neubauer's Body Worn Cameras (BWC) pointing the CEW Serial number# X00-597581) which he had previously taken from Officer Bellon, at both officers.

SA Gonzalez consulted with MDPD Captain (Capt.) Mario Knapp who is in charge of MDPD's CEW training. Capt. Knapp informed SA Gonzalez that based on his expertise with the CEW; it would only show a one (1) second pull if someone had intentionally pressed the trigger. Capt. Knapp said that he reviewed the video of Parker taking the CEW from Officer Bellon and it was his expert opinion that Parker pressed the CEW trigger as he was pointing it at Officers Bellon and Neubauer.

#### Area Canvass

No area canvas was conducted since the incident occurred on a desolate road with no structures nearby

## **Video Evidence**

### **Body Worn Cameras**

The involved officers' Body Worn Cameras were collected. The cameras recorded Parker suddenly grasping and seizing the CEW from Officer Bellon's Gun belt at which time Officer Neubauer deployed his CEW on Parker. The CEW had no effect on Parker who proceeded to point the CEW at Officers Bellon and Neubauer. The officers are then recorded discharging their firearms at Parker and subsequently taking him into custody.

### **Cellular phone footage**

A cellular video was recovered by MDPD which depicted Parker's car in the water with several citizens attempting to provide aid to Parker. MDPD downloaded the video from the Face Book (FB) Social Media site. The person who uploaded the video has not yet been identified; however, efforts are being made to identify him.

## **Law Enforcement Interviews**

### **Officer Michael McKay**

**(IR # 13)**

SA Alberto Borges obtained a sworn, audio recorded statement from Florida Fish and Wildlife Commission (FWC) Officer Michael McKay. Officer McKay stated that he is assigned to the Upper Keys, Key Largo area. He was traveling southbound on US 1 when he saw some vehicles stopped on the side of the road. He stopped and exited his vehicle and saw a maroon colored vehicle upside down in the water. Officer McKay said that he learned from multiple citizens on the scene that someone was in the car and they were trying to get him out. He then informed the dispatcher of the accident and requested fire rescue and the Florida Highway Patrol (FHP) to respond to the scene.

Officer McKay said that he observed a male (hereinafter referred to as Parker), come out of the vehicle and make his way to the rocks along the shoreline. Parker appeared to be off balance and almost fell several times. Officer McKay questioned Parker if he was okay; however, Parker appeared dazed/confused and was mumbling. Officer McKay added that Parker continued to wander as if walking in an unknown direction and would not respond to Officer McKay's request to sit down. Officer McKay said that he noticed a small laceration on Parker's head but did not see any other injuries. According to Officer McKay, Parker began to walk along the embankment and he told Parker to remain where he was, at which point Parker dove into the water and swam toward the opening in the fence damaged by the car crash, and then got out of the water and began walking around in circles.

Officer McKay said that he continued to ask Parker to sit and wait for fire rescue but he refused. Parker then told Officer McKay something to the effect of "I don't need this", and began to walk northbound in the southbound lanes of US 1. Officer McKay requested additional units to respond pending the arrival of FHP. Officer McKay said that he walked with Parker until the first MDPD unit arrived on the scene. Officer McKay told the MDPD Officer what had occurred and Parker stopped and sat at the rear of a flatbed truck parked on scene. At about this time, MDFR, as well as a second MDPD Officer, arrived on scene. The officers and firefighters began to speak with Parker, all positioned at the rear of the fire rescue truck. Officer McKay added that he then began to get information from surrounding bystanders to provide it to FHP for their crash report.

Officer McKay stated that as he was standing at the rear of the fire rescue truck stopping southbound traveling traffic so that another vehicle could leave, he heard the sound of a "Taser" discharge and simultaneously heard gunshots. Officer McKay then noticed Parker lying on the ground at the front of the rescue truck. Officer McKay observed the two MDPD Officers at the side of the rescue truck and told the civilians to get back to safety. Officer McKay said that he also told the fire fighters to stay back and he went to the front of the rescue truck.

According to Officer McKay, he then saw the MDPD Officers in the process of handcuffing Parker and he proceeded to assist them. Once Parker was handcuffed, fire rescue proceeded to treat him and he was eventually airlifted to the hospital for treatment. Officer McKay could not provide any details of the MDPD Officers' interactions with Parker leading up to the shooting. He heard one of the officers acknowledge that he was a shooting officer, but the officer did not say why he discharged his "Taser" or firearm.

#### **Fire Rescue Response and Interviews**

##### **Firefighter/Paramedic Diana Salazar**

**(IR #10)**

SA Alberto Borges obtained a sworn audio recorded statement from MDR Firefighter (FF) Diana Salazar. FF Salazar stated that she is presently assigned to Station 16, Rescue 16. Her rescue was dispatched to the incident location reference a car in the canal with someone inside the vehicle. Upon arrival at the scene, she was directed to a male subject (hereinafter referred to as Parker) to ask him about his injuries. Parker did not respond and appeared to be somewhat agitated. FF Salazar added that she believed that he may have been experiencing some stress as a result of the accident and continued to question him regarding any possible injuries. They wanted to examine Parker to ensure he did not have any unknown injuries that might require hospitalization. Parker said he was alright, and FF Salazar did not detect any major injuries on him. According to FF Salazar, Parker continued to be uncooperative and tried to walk into the lane of traffic and FF Selts tried to redirect him away from the traffic.

FF Salazar continued that there was an MDPD officer on scene and a second officer arrived shortly thereafter. The officers told Parker to let the firefighters check him out, and Parker continued to be uncooperative. FF Salazar added that the officers became "more firm" with Parker and told him to sit down so he could be examined by the paramedics, but Parker continued to refuse. FF Salazar witnessed Parker grab the "Taser" from one of the officer's holsters and she then walked away because the situation was now potentially dangerous. She went to the passenger rear side of the fire rescue truck and lost sight of Parker; however, she did see the officers pull their firearms.

FF Salazar said that she repositioned to the opposite side of the truck and then heard three or four gunshots. FF Salazar moved to the front of the truck and saw Parker on the ground with some officers trying to control him. Once the officers managed to control Parker, she and the other firefighters retrieved their medical equipment and proceeded to treat Parker for his injuries.

##### **Firefighter Captain Manuel Rodríguez**

**(IR # 12)**

SA Alberto Borges took a sworn audio recorded statement from MDR Captain Manuel Rodriguez. Captain Rodriguez stated that his rescue unit was dispatched to a call of a car involved in an accident which landed in a body of water. He arrived at the scene along with FF Brendan Selts and FF Diana Salazar. Capt. Rodriguez said upon arrival they parked past the location of the accident and spoke to several people at the scene who pointed to a male (hereinafter referred to as Parker). Rescue personnel approached Parker and escorted him to the back of the fire rescue truck to assess his condition. Capt. Rodriguez said that Parker appeared dazed and his responses were incoherent and continued telling them he was okay and refused treatment. Captain Rodriguez said he was concerned that Parker may have had a head or other injury that was causing his behavior. Capt. Rodriguez said that two (2) Miami-Dade Police Officers arrived on scene and began to speak with Parker.

According to Captain Rodriguez, the officers were telling Parker to cooperate with the firefighters or they would have to handcuff him. He then noticed that the officers deployed a "Taser" and saw one officer holding a "Taser" with the wires sticking out; however, Parker was out of his view on the other side of the truck. Captain Rodriguez said that he then continued to move to the other side of the truck when he heard the gunshots. He did not hear any commands or interaction between the officers and the Parker. After he heard the shots he told



his firefighters to standby until the all clear was given. Once they were told it was safe, they proceeded to treat Parker for the injuries he sustained following the shooting.

#### **Firefighter/Paramedic Brandon Selts**

**(IR #11)**

SA Alberto Borges obtained a sworn audio recorded statement from MDRFF Brandon Selts. FF Selts stated that his rescue was dispatched to the incident location reference a car in the water with someone possibly trapped inside.

FF Selts said that upon arrival, he began to assess patients and someone pointed out the driver of the vehicle in the water who was twenty to thirty feet behind the rescue truck. He began to walk towards the male (hereinafter referred to as Parker) and escorted him to the back of the rescue truck as FF Salazar joined him to assist. According to FF Selts, Parker appeared to be shaken but he responded to FF Selts request and informed FF Selts that his name was "Jamal" (Jamal Parker). He asked Parker if he was okay and Parker replied "I'm good." FF Selts said that Parker "began to act a little weird" and backed away every time they attempted to assess him repeatedly stating "I'm good." FF Selts said that they continued their efforts to help Parker as a MDPD Officer arrived to instruct Parker to let the firefighter help him; however, Parker continued to resist and appeared to have become more agitated.

According to FF Selts, the officers began talking with Parker, trying to get him to cooperate when Parker reached for the belt of one of the officers and retrieved a "Taser". He then saw Parker "back pedal" (with/holding the "Taser") toward the front driver side of the rescue truck. FF Selts stated Parker had the "Taser" in his possession and he then heard the officers shouting at Parker. FF Selts re-positioned forward and lost sight of the officers and heard the gunshots. He then went to retrieve his medical equipment to provide aid once they received the all clear. FF Selts proceeded to the front of the truck and saw Parker on the ground as they treated Parker for his injuries.

#### **Civilian Witness Interviews**

#### **Chester Tyson**

**(IR #6)**

On March 29, 2018, SA Mike Stein obtained a sworn audio recorded statement from Dr. Chester Tyson (hereinafter referred to as Dr. Tyson). Dr. Tyson stated that he was traveling south on US1 in route to Key West, Florida, when his vehicle was struck from behind by another vehicle which was later determined to be Parker's vehicle (hereinafter referred to as Parker's vehicle). He pulled his vehicle to the side of the roadway and observed a Parker's vehicle submerged in the water and also observed several people attempting to render aid to the occupant of the submerged vehicle (hereinafter referred to as Parker). Dr. Tyson further stated that he then observed Parker in the water and assumed he was the driver of the vehicle. Dr. Tyson subsequently confirmed that Parker was in fact the driver and noted that Parker was not being cooperative with the police officers who were attempting to render aid to him.

Dr. Tyson stated that Parker looked "dazed and confused" like he did not want anyone to help him. He then saw Parker being walked to the rear of a fire rescue unit that was on the scene, and saw two (2) police officers asking Parker to allow him to be examined by the paramedics. According to Dr. Tyson, he then saw Parker grab an officers "Taser or firearm" and then observed a police officer discharge his firearm, but did not actually see Parker get shot.

#### **Chester Tyson V.**

**(IR#7)**

On March 29, 2018, SA Raul Perez obtained a sworn audio recorded statement from Chester Tyson V (hereinafter referred to as Mr. Tyson). Mr. Tyson stated that he was in a vehicle, with his family, in route to the Florida Keys when their vehicle was hit in the rear by another vehicle. According to Mr. Tyson, the vehicle that hit them lost control went off the road and into the water. They then stopped their vehicle and went back to



where the vehicle went into the water when he observed several individuals trying to remove the driver (hereinafter referred to as Parker) from the vehicle.

According to Mr. Tyson, after Parker was out of the water, it appeared to Mr. Tyson that he was "wobbly and unstable" and began to run north, as if he was trying to escape. Mr. Tyson stated that Parker was stopped by a Florida Fish and Wildlife (FWC) Officer and other officers that had also arrived. According to Mr. Tyson, he then walked back to his car and shortly thereafter, he heard what sounded like shots; however, did not witness the shooting.

<b>Bellamy Tyson</b>
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<b>(IR # 8)</b>
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On March 29, 2018, SA Confesor Gonzalez obtained a sworn audio recorded statement from Ms. Bellamy Tyson. Ms. Bellamy Tyson stated that she was in route to Key West Florida with her family when a vehicle hit the rear of their car. She then saw the vehicle that hit them, lose control, flip, and fall into the water. They stopped their car and went to see if they could assist the occupant (hereinafter referred to as Parker) of the vehicle. Upon arrival, Ms. Bellamy Tyson saw other people already trying to help Parker get out of his car which was partially submerged in the water. According to Ms. Bellamy Tyson, Parker did not want to get out of the car, and she heard from someone that he was trying to drink out of a bottle of bleach, but she did not see him attempting to drink bleach. Ms. Bellamy Tyson went on to say that after Parker got out of his vehicle, he would not respond to multiple queries regarding his name, but then said that he did not have a name. Ms. Bellamy Tyson said that she believed that Parker had suffered a concussion as a result of the accident or "was on something"

Ms. Bellamy Tyson went on to say that Parker then began to walk away and she believed that he was trying to get away from a wild life officer that was on scene. Ms. Bellamy Tyson added that the "paramedics" (Miami-Dade Fire Rescue) arrived on scene and were attempting to assist Parker and asked him to sit down; however Parker refused to cooperate. According to Ms. Bellamy Tyson, by that time, police officers (Miami-Dade police) had also arrived on scene and were also attempting to convince Parker to allow the paramedics to examine him for injuries; however, Parker continued to be uncooperative and grabbed the officer's CEW which the witness referred to as "Taser" at which time an officer shot Parker.

<b>Susan Tyson</b>
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<b>(IR # 9)</b>
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On March 29, 2018, SA Alberto Borges obtained a sworn, audio recorded statement from Mrs. Susan Tyson. Mrs. Susan Tyson said she was the front seat passenger in a van with her husband driving; her two children and two of their friends were in the rear seats. They were driving southbound on US 1 at the speed limit when they were suddenly "rear ended". She said she felt a hard jolt and looked back as a van that hit them crashed through a fence and drove into the water.

According to Mrs. Susan Tyson, she and several other motorists stopped and jumped into the water in an attempted to rescue the occupants of the van. They then determined that there was only one occupant in the van. The male occupant (hereinafter referred to as Parker) appeared disoriented and would not respond to their request that he exits the van. She heard a woman who had jumped into the water telling Parker not to drink from a Clorox Bleach bottle that was inside the car. Parker refused to exit the vehicle but after a few minutes exited through the rear window. Parker then stood by the edge, near several rocks and refused to answer any questions from nearby bystanders. When asked his name, Parker's response was "I ain't got no name."

Mrs. Susan Tyson stated that Parker attempted to walk away but an officer who was at the scene, brought him back to the scene. Mrs. Susan Tyson noted that Parker was not violent; however, was uncooperative and "scary". Mrs. Susan Tyson continued that she walked to her vehicle and by then fire rescue had arrived and Parker was standing at the rear of the rescue truck. According to Mrs. Susan Tyson, the firefighters were attempting to treat Parker, but he refused treatment and his demeanor remained the same. Mrs. Susan Tyson

said that Parker then began to walk away from the rear of the rescue truck as one of the officers on scene told him to stop, but Parker continued to walk toward the front of the vehicle and she lost sight of him but could still see and hear the officer telling Parker to stop or he would be "Tasered".

Mrs. Susan Tyson added that she could not really recall when or how the officer transitioned from the "Taser" to his firearm and she did not have a view of Parker but maintained a view of the officer. Mrs. Susan Tyson said that the officer told Parker that he would shoot him and then fired approximately four shots and she saw Parker lying on the ground, in front of the rescue vehicle. Mrs. Susan Tyson said that she later learned that Parker had taken a "Taser" from one of the officers, but she did not witness that.

**Kathleen Ringdahl**

**(IR # 15)**

On March 29, 2018, SA Confesor Gonzalez obtained a sworn recorded statement from witness Ms. Kathleen Ringdahl. Ms. Ringdahl stated that as she was travelling south on South Dixie Highway, she saw a van (positioned in front of her) swerve to the right and go off the road. According to Ms. Ringdahl, the van then flipped over, hit a fence and fell into the bay. Ms. Ringdahl said that she immediately stopped and exited her vehicle because she was concerned for the safety of the occupants and particularly concerned there may have been children inside. As she began to approach the edge of the water, she was considering going into the water in an attempted to rescue the occupants; however, she then saw other people go into the water.

Ms. Ringdahl observed the occupant of the van (hereinafter referred to as Parker) emerge from the van as one of the men in the water attempted to talk to him. According to Ms. Ringdahl, she noticed that Parker was holding what looked to her like a bottle of bleach; however, she did not see him drink from the bottle. Ms. Ringdahl added that she noticed that Parker sustained what she described as an injury which she interpreted as a star shape bump, to his forehead area, and she assumed it was the result of the accident. Ms. Ringdahl went on to say that it appeared to her that Parker was confused because the man who was attempting to assist him would ask him questions and Parker would not respond and would make a grunting sound.

Ms. Ringdahl further stated that as Parker was attempting to get out of the water, she saw "an environmental officer" (FWC) attempting to talk to him and shortly thereafter, Miami-Dade Officers and Fire rescue arrived on the scene. According to Ms. Ringdahl, as the Miami-Dade Officers and Fire Rescue personnel were attempting to talk to Parker, she "heard the Taser" and then saw a Miami-Dade Officer pointing a gun at Parker and heard three (3) shots. Ms. Ringdahl witnessed Officers Bellon and Neubauer shoot Parker. Ms. Ringdahl said that from her position, she was unable to clearly see what Parker was doing when he was shot by the officers.

**Abigail Ringdahl**

**(IR # 21)**

On Thursday, March 29, 2018, SA Nathan Waibel obtained a sworn audio recorded statement Abigail Ringdahl. Abigail Ringdahl stated that she was in the back seat of her car while her sister, Kathleen Ringdahl, was driving and their friends (Hunter Chambers and Sarah Anne Miller) were also in the vehicle. According to Abigail Ringdahl, while they were driving they noticed a vehicle ahead of theirs that began to swerve out of control and go into the water. Abigail Ringdahl stated that her sister, Kathleen Ringdahl, then exited their vehicle and went to the water in an effort to assist anyone in the vehicle. Abigail Ringdahl stated that her sister was one of the first individuals in the water; however, other people were already assisting the driver of the vehicle in the water (hereinafter referred to as Parker).

According to Abigail Ringdahl, an FWC Officer arrived on scene and shortly thereafter, an EMS, Fire Rescue truck and multiple law enforcement officers arrived on the scene. Abigail Ringdahl added that Parker seemed to be okay. She then saw three (3) police officers near Parker, while Parker had what appeared to be a gun or Taser in his hand, pointed it at the officers. Abigail Ringdahl said that she then looked away and heard approximately two (2) or three (3) gun shots and looked/heard Parker yell as Parker fell to the ground. They remained in their vehicle for approximately fifteen (15) minutes as the area was taped off by police officers and Parker was airlifted.

It should be noted that in her sworn statement, Kathleen Ringdahl stated that she did not go into the water.

**Richard Westerman**

**(IR #18)**

On Thursday, March 29, 2018, SA Nathan Waibel obtained a sworn, audio recorded statement from Richard Westerman. Mr. Richard Westerman stated that he was driving South on US-1 with his wife, Marilyn Westerman, and his son, Kenrick Westerman, when they were forced to slow down due to traffic. Mr. Richard Westerman stated that he was forced to stop near mile marker 114 due to traffic and saw three (3) law enforcement officers and an individual, later identified as Parker near the front of an Emergency Medical Service (EMS) vehicle.

Mr. Richard Westerman said that he heard the officers giving loud verbal commands but could not understand what they were saying. Mr. Richard Westerman stated that he then saw Parker move further behind the EMS vehicle and could not see how Parker responded to the officers' commands. Mr. Richard Westerman said that he then saw three (3) officers draw their guns and shoot what he believed to be a total of 6 (six) shots. Mr. Richard Westerman stated that he could not see if Parker had a firearm or weapon when the officers shot.

**Kenrick Westerman**

**(IR # 19)**

On Thursday, March 29, 2018, SA Nathan Waibel obtained a sworn, audio recorded statement from Mr. Kenrick Westerman who was a passenger in Mr. Richard Westerman's vehicle. According to Mr. Kenrick Westerman, he was in the passenger seat while his father, Richard Westerman, was driving when they came to a stop around mile marker 114 due to traffic. Upon coming to a stop, he observed two (2) vehicles, an EMS vehicle, and two (2) officers walking around on the right shoulder of the road. Kenrick Westerman didn't know what had occurred and at first he assumed the two cars had been involved in a traffic crash.

Kenrick Westerman added that he saw the officers walk around the right side of an EMS vehicle and then saw "a large male", (Parker), emerge from behind the EMS vehicle. He then heard the three (3) officers giving verbal commands to Parker, who was standing near the front of the EMS vehicle but was unable to hear what specific commands they were giving Parker.

Kenrick Westerman stated that Parker began to slowly walk towards the officers and when he got near the officers, he moved his hands from a resting position at his sides up to his waistband area. At that moment, the officers drew their firearms and shot Parker approximately four (4) or five (5) times. He then saw Parker fall to the ground after being shot and the officers then handcuffed him. Kenrick Westerman said that he did not see anything in Parker's hands.

**Marilyn Westerman**

**(IR # 20)**

On Thursday, March 29, 2018, SA Nathan Waibel obtained a sworn audio recorded statement from Marilyn Westerman. Marilyn Westerman stated that she was in the back seat in a vehicle that her husband, Richard Westerman was driving while her son, Kenrick Westerman was sitting in the front passenger seat. Marilyn Westerman said she was reading the newspaper when they were forced to slow down and then stop due to traffic. She continued reading the newspaper when she heard gunshots.

Marilyn Westerman said that she then looked and saw three officers standing in front of a male (Parker), located in front of an Emergency Medical Services (EMS) truck. Marilyn Westerman stated that she did not see anything prior to the gunshots and all she saw could see was the officers and Parker feet "fluttering".

**Hunter Chambers**

**(IR # 22)**

On Thursday, March 29, 2018, SA Nathan Waibel obtained a sworn, recorded statement from Hunter Chambers. Chambers stated that she was sitting in the front passenger seat of the car that Kathleen Ringdahl

was driving. They were traveling south on US1 with two other friends, Abigail Ringdahl and Sarah Anne Miller. They observed the vehicle in front of them begin to swerve out of control and go into the water. Chambers stated that Kathleen Ringdahl stopped their vehicle and went to help the occupants of the vehicle in the water. According to Chambers, Kathleen Ringdahl went into the water while Anne Miller called 911.

Chambers stated that there were other individuals in the water attempting to help the occupant (Parker) in the vehicle. Chambers added that Parker would not tell the individuals his name and would not sit down and continued to walk around the scene. According to Chambers, law enforcement officers arrived on scene and tried to communicate with Parker; however, Parker was walking around and uncooperative. Chambers went on to say that she then heard someone shouting and saw Parker holding a "taser" and saw the law enforcement officers with their guns drawn and heard them giving Parker verbal commands, but Parker was not listening. Chambers said that Parker then fired the taser and the officers then shot Parker and she heard Parker yell "O my stomach."

**Sarah Ann Miller**

**(IR # 23)**

On Thursday, March 29, 2018, SA Nathan Waibel obtained a sworn, recorded statement from Sarah Ann Miller. Miller stated that she was a passenger in the back seat of a car that Kathleen Ringdahl was driving with two other friends (Abigail Ringdahl and Hunter Chambers). They were traveling south on US1 when they saw a vehicle ahead of them swerve out of control and go into the water. Miller stated that Kathleen Ringdahl stopped the vehicle and they went to help the occupants of the vehicle that fell in the water. According to Miller, she dialed 911 while Kathleen Ringdahl went in the water to help the occupant of the vehicle which was partially submerged.

Miller stated that after she got off the phone with the 911 operator, she went to watch what was going on and saw several men in the water helping the man in the van (hereinafter referred to as Parker) She stated the men helped Parker out of the car onto the water's edge. According to Miller, Parker seemed to want to get away from everyone and would walk around aimlessly. Miller stated that around this time Police, and Fire and Rescue arrived. She then saw Parker near the Fire Rescue truck, and everything seemed to be okay.

Miller added that she then heard a commotion and saw Parker with a taser in his hand. She believed that the taser had been deployed at some point because she saw the strands hanging out of the end of the taser. Miller stated that she then heard the law enforcement officers giving Parker loud commands; however, she was unable to determine what was being said. Miller said that she then saw the three (3) or four (4) law enforcement officers draw their weapons and she turned and began running away and heard three (3) gunshots and then heard Parker scream.

**James Keagan Butler**

**(IR # 24)**

On Thursday, March 29, 2018, SA Nathan Waibel obtained a sworn, audio recorded statement from Keagan James Butler. Butler stated that he was traveling with his family in their vehicle and was sitting in the back seat. As they were traveling south on US-1 near mile marker 114 their vehicle got rear-ended and the vehicle that hit them started to swerve out of control and went into the water. According to Butler, they stopped and got out of their vehicle in an effort to help the occupant of the vehicle in the water. He noted that of other vehicles had also stopped. Butler said that he saw the driver (Parker) of the vehicle in the water drinking from a bleach container.

According to Butler, one of the other people that went into the water to help Parker took the bottle of bleach away from him and threw it towards a bank. Butler stated that Parker seemed confused, uncoordinated, and in a dazed-state refusing help. Butler added that Parker attempted to walk away from a FWC Officer who had arrived on the scene. Butler said that when Fire EMS arrived, the paramedics attempted to help Parker however; he refused medical treatment. Butler added that he went back to check his family vehicle for damage

and while he was checking the vehicle he heard approximately five (5) or six (6) gun shots and turned to see Parker on the ground with two (2) law enforcement officers walking towards him in order to detain Parker.

### Laboratory Results

#### Firearms Analysis

(IR # 17)

Miami-Dade Criminalist John Mancini conducted a Forensic Analysis of Officer Bellon's and Neubauer's firearms. Criminalist Mancini concluded that casings labeled N through Q were fired from Officer Bellon's 9mm service issued Glock S/N REE581 and casings labeled R through S were fired from Officer Neubauer's service issued Glock S/N RED539.

#### Summary Analysis

In reviewing the witness statements, the following inconsistencies were noted:

Richard Westerman stated that he could not see if Parker had a firearm or weapon when the officers shot him. The other witnesses' stated that Parker had a "Taser" (ECW) in his hand. This is confirmed by Officer's Bellon and Neubauer's body cameras.

Susan Tyson said that an officer told Parker that he would shoot him and then fired approximately four (4) shots. The officers' body cameras audio and video recorded the incident. Neither Officer Bellon nor Neubauer are heard on the video audio telling Parker they would shoot him.

Richard Westerman said he saw three (3) officers draw their guns and shoot what he believed to be a total of six (6) shots. He also added that he could not see if Parker had a firearm or weapon when the officers shot him. Only Officers Bellon and Neubauer fired their weapons. FWC Officer McKay was the third officer on the scene but he did not fire his weapon.

#### Conclusion

The Florida Department of Law Enforcement has completed a comprehensive investigation into the use of deadly force by MDPD Officer Richard Bellon and Officer Ronald Neubauer. This presentation of facts is based on law enforcement witnesses, civilian witnesses and physical evidence. FDLE submits this investigative summary to the Office of the State Attorney for their review and disposition.

#### Notarizations

I swear that the foregoing is a true and accurate summary of facts either personally known to me, or derived from statements provided to me or to other law enforcement officers during the course of this investigation.

SWORN to and SUBSCRIBED

This 23<sup>rd</sup> day of August, 2018

*ASLE*

Special Agent  
Florida Department of Law Enforcement  
Miami Regional Operations Center  
1030 NW 111 Avenue  
Miami, Florida 33172

*Rosemary Willis*  
(Notary Public or LEO)

