

Florida Department of Law Enforcement

Case Number: TM-27-0034

6th Judicial Circuit of Florida



Investigative Summary:

Officer Involved Shooting

TARPON SPRINGS POLICE DEPARTMENT

Incident Date:

May 6, 2017

Case Agent:

Special Agent Randy Camp

SUBJECTS:

Nicholas Anthony Provenza

W/M

DOB: 02/18/1992

INVOLVED OFFICER:

Officer Scott Maclsaac

Tarpon Springs Police Department

444 South Huey Avenue

Tarpon Springs, FL 34689

INCIDENT LOCATION:

E. Tarpon Avenue and N. Safford
Avenue.

Tarpon Springs, FL 34689

INVESTIGATIVE SUMMARY

Summary of Events

On May 6, 2017, at approximately 2:05 p.m., the Florida Department of Law Enforcement (FDLE) received a request to conduct an investigation, pursuant to a Memorandum of Understanding (MOU), from the Tarpon Springs Police Department (TSPD), in reference to a law enforcement use of force incident involving TSPD Officer Scott MacIsaac, resulting in the death of Nicholas Anthony Provenza. The incident occurred in the area of the intersection of N. Safford Avenue and E. Tarpon Avenue, in Tarpon Springs, Pinellas County, Florida.

In summary, on Saturday May 6, 2017, TSPD Officer Scott MacIsaac was working an off-duty assignment for a Tarpon Springs charity car show in downtown Tarpon Springs. Officer MacIsaac was in full TSPD uniform while he was working the event. At approximately 1330 hours, Officer MacIsaac obtained information that Provenza was acting erratic and bothering people in the Madhatter bookstore, in downtown Tarpon Springs. Based on a description provided by the owner of the bookstore, Officer MacIsaac located Provenza near the intersection of E. Tarpon Avenue and N. Safford Avenue. While Officer MacIsaac was talking to Provenza, and attempting to verify his identity, Provenza reached into his left pocket and removed a make-shift knife. Provenza charged towards Officer MacIsaac with the knife in his hand. Officer MacIsaac retreated backwards, in an attempt to distance himself from Provenza, drew his firearm, and shot Provenza three times. Provenza died as the result of multiple gunshot wounds.

It is important to note that just prior to this incident, on May 5, 2017, Provenza was involuntarily Baker Acted at the Largo Medical Center. Provenza absconded from the Largo Medical Center, on May 5, 2017, and was reported as a Missing/Endangered Person, by the Largo Police Department. Provenza has been involuntarily Baker Acted on twelve (12) occasions since 2011.

Officer Interviews

Officer Scott MacIsaac

FDLE Investigative Report Serial # 4

During a sworn and recorded interview, TSPD Officer Scott MacIsaac advised that he was working an off-duty assignment for a charity car show in downtown Tarpon Springs. On May 6, 2017, Officer MacIsaac was in full uniform and his patrol vehicle was parked nearby. While performing his duties, Officer MacIsaac encountered a citizen, who identified himself as the owner of a downtown bookstore. The citizen informed Officer MacIsaac about an individual that had been acting erratic and bothering customers in his bookstore. Officer MacIsaac began to look for the suspicious person and came into contact with an off-duty TSPD dispatcher, Doug Renker. As Officer MacIsaac was talking to Renker, he observed a person matching the description that the owner of the bookstore provided. That person, later identified as Nicholas Provenza, was walking with an unidentified white female. Officer MacIsaac, walking east on Tarpon Avenue, made contact with the suspicious male near the intersection of E. Tarpon Avenue and N. Safford Avenue. The white female told Officer MacIsaac, "There is something wrong with this person." Officer MacIsaac told Provenza that he needed to talk to him, Officer MacIsaac asked Provenza for his name and date of birth. Provenza provided several false names that Officer MacIsaac attempted to verify over his police radio. After conversing with Provenza for approximately five minutes, Officer MacIsaac advised Provenza that he was giving him false information and said to Provenza, "That's not going to go." Provenza stated, "I just want to go, you scare me." Officer MacIsaac was writing on his notepad when he heard Doug Renker say, "Get your hands out of your pocket. Get your hands out of your pocket." Officer MacIsaac looked up and saw Provenza reaching into his left pants pocket. Officer MacIsaac gave orders to Provenza to remove his hands from his pocket. As Officer MacIsaac reached towards Provenza, Provenza dropped his bicycle and removed a "silver knife" from his pocket. Provenza took a few steps back and then changed the knife from his left hand to his right hand. Officer MacIsaac heard Provenza say, "You're not going to ruin my dreams." Provenza then advanced rapidly at Officer MacIsaac with the knife in his right hand in a threatening manner. Officer MacIsaac "back-peddled", drew his firearm and shot once.

The first shot had no effect on Provenza and he continued to advance towards Officer Maclsaac. Officer Maclsaac fired another shot that still had no effect on Provenza. Provenza continued to move forward towards Officer Maclsaac and he fired once more, causing Provenza to fall to the ground. Officer Maclsaac stated that he fired all three shots because he was attacked with a "deadly weapon" and was "in fear for his life."

Officer Interviews

TSPD Officer Jacob Hollingsworth

FDLE Investigative Report Serial # 10

Officer Jacob Hollingsworth provided a sworn and recorded statement to FDLE. Officer Hollingsworth heard Officer Maclsaac report he was on a "suspicious person" call and Officer Hollingsworth began heading towards the reported location. Officer Hollingsworth was the first responding backup officer. As Officer Hollingsworth was nearing the area, he heard three gunshots, but did not witness the shooting. Upon arrival at Officer Maclsaac's location, Officer Hollingsworth observed a long metal object on the ground near Provenza's body.

TSPD Officer Robert Gomez

FDLE Investigative Report Serial # 11

Officer Robert Gomez provided a sworn and recorded statement to FDLE. Officer Gomez heard Officer Maclsaac report a "suspicious person" call. As Officer Gomez was responding to Officer Maclsaac's location, he heard over the radio: "shots fired." Officer Gomez arrived at the scene and saw Provenza laying in the street. Officer Maclsaac pointed at a knife that was in the street, located close to the Provenza's body. Officer Gomez donned latex gloves and cut clothing away from Provenza while Sergeant Crawford began rendering first aid. Officer Gomez picked up the knife that was located near Provenza's body. Officer Gomez placed the knife in paper bag and then secured it in the trunk of Sergeant Crawford's patrol vehicle.

TSPD Sergeant Jeffery Crawford

FDLE Investigative Report Serial # 26

Sergeant Jeffery Crawford provided a sworn and recorded statement to FDLE. Sergeant Crawford arrived on scene after the shooting had occurred. Sergeant Crawford observed Provenza on the ground and began rendering first aid to him. Sergeant Crawford immediately noticed a knife in Provenza's right hand, beneath his body. Sergeant Crawford moved the knife away from Provenza's body and instructed Officer Gomez to secure it.

Civilian Witness Interviews

Douglas Renker

FDLE Investigative Report Serial # 19

Douglas Renker provided a sworn and recorded statement to FDLE. Renker is employed as a dispatcher for TSPD. Renker was working in an off-duty capacity for the charity car show in downtown Tarpon Springs. Officer Maclsaac told Renker that he was looking for an individual, who looked a little questionable, according to a downtown bookstore owner, and he was going to check him out. Officer Maclsaac and Renker were walking on Tarpon Avenue when they observed an individual that matched the description, provided by the bookstore owner. Officer Maclsaac made contact with Provenza, near the intersection of Safford Avenue and Tarpon Avenue. Provenza appeared to be very nervous during the encounter with Officer Maclsaac. When Officer Maclsaac informed Provenza that the name he gave him was false, Provenza told Officer Maclsaac that he needed to be kind and then Provenza began speaking in another language. Renker saw Provenza reach into his left pants pocket and Renker verbalized to Provenza to stop messing around in his pocket. Renker alerted Officer Maclsaac that Provenza was doing something in his pocket. Officer Maclsaac asked Provenza what he was doing, with his hand in his pocket, and then ordered Provenza to show him what was in his hand. Provenza dropped his bike, stepped back, and then removed a "silver object that appeared to have a point on it." Provenza lunged at Officer Maclsaac with the object in his hand. Renker heard Officer Maclsaac repeatedly ordering Provenza to drop what was in his hand. Officer Maclsaac drew his firearm as he was retreating backwards. Renker saw Officer Maclsaac shoot three times as Provenza was moving towards Officer Maclsaac.

Tate provided a sworn and recorded statement to FDLE. Tate stated that she was approximately fifteen feet away when she saw Officer Maclsaac talking with Provenza. Tate heard Provenza tell the officer, "You know you're crazy." Tate saw Provenza push his bicycle down towards the officer and then Provenza stepped back. Provenza "screamed and cursed" at the officer. Provenza started patting down his clothes and Officer Maclsaac was telling Provenza to "stop." Tate observed Provenza pull out an item that she described as a short knife or gun. Provenza advanced towards Officer Maclsaac as Officer Maclsaac was backing up. Officer Maclsaac gave several orders to Provenza, "Don't do this, put it down." Tate estimated that Provenza was approximately six feet away from the officer when Officer Maclsaac drew his firearm and shot.

Witness Summary

FDLE Special Agents conducted sworn interviews with 20 other civilian witnesses. All of the interviews were recorded. The witnesses were consistent in their statements that Provenza charged, rushed, or attacked Officer Maclsaac. All witnesses were consistent in their statements that Officer Maclsaac moved, back-peddled, or retreated backwards as he was being attacked by Provenza. Four of the civilian witnesses observed Provenza possessing a knife or weapon in his hand during the incident. Only one witness, Carli Trewyn, made statements that were inconsistent with other witnesses. Trewyn stated that she did see Provenza with a knife in his hand. Trewyn said that Provenza dropped the knife, began to turn and walk away, and was shot in the side or back.

During the course of the investigation, numerous other potential witnesses were identified and interviewed by FDLE Special Agents. Many of the witnesses observed Provenza's prior behavior, heard the gunshots, or observed the scene after the shooting. Many of these alleged witnesses were identified from social media. FDLE Special Agents attempted to locate, and interview, all of the potential witnesses. FDLE Special Agents interviewed some people that posted comments on Facebook, but found they did not witness the shooting. FDLE TBROC Crime Analyst Brittany Hill created an Excel spreadsheet listing all witnesses and potential witnesses. The Excel spreadsheet is documented in Investigative Report Serial # 34.

Neighborhood Canvass

The scene is an intersection located in downtown Tarpon Springs. FDLE Special Agents located surveillance videos from the following businesses:

- 1 Mad Hatter General Store 161 E. Tarpon Avenue, Tarpon Springs, FL.
- 2 Currents Restaurant 200 E. Tarpon Avenue, Tarpon Springs, FL.

In summary, a series of surveillance videos from the Mad Hatters General Store captured video and audio of Provenza's behavior, prior to the shooting, and audio of the gunshots during the time of the shooting.

Currents Restaurant has a surveillance video camera inside the restaurant, pointed towards a window on the north side of the restaurant. Currents video footage recorded the shooting incident. The video is of poor quality but shows a portion of the incident.

Interviews with Medical and EMT personnel

Responding TSPD officers arrived at the scene and attempted to render first aid to Provenza. The Palm Harbor Fire Department personnel, Steve Gorby and Alex Hardman, responded to the scene and attempted life-saving rescue attempts on Provenza. Sunstar paramedics John Doanen and Robert Graham, transported Provenza to the Florida Hospital North Pinellas (FHNP). FHNP Doctor Raj Mathur advised that all treatment given to Provenza was unsuccessful. At 1426 hours, Doctor Mathur pronounced Provenza deceased.

Crime Scene

On Saturday, May 6, 2017, FDLE TBROC Special Agent (SA) Alvin Guzman, responded to an officer involved shooting involving the Tarpon Springs Police Department. Upon arrival at the shooting scene incident, at E. Tarpon Avenue and N. Safford Avenue, Tarpon Springs, FL, SA Guzman was assigned to coordinate the crime scene investigation. The Pinellas County Sheriff's Office (PCSO) Forensics Science Unit was called to photograph and collect evidence from the scene. PCSO utilized a Leica 3D scanner to map the scene.

The shooting scene was located within the intersection of E. Tarpon Avenue and N. Safford Avenue. Three .45 caliber shell casings were recovered from the middle of the intersection. A folding pocket knife was found in the middle of the intersection. The folding knife was identified as belonging to TSPD Officer Gomez, and was used to cut Provenza's clothing off. Provenza's orange bicycle, backpack and other belongings were located near the southeast corner of the intersection. A make-shift knife was recovered from Sergeant Crawford's patrol vehicle. The make-shift knife was approximately five inches long. The knife appeared to be plastic, coated with chrome, and sharpened with a point and a sharpened edge, resembling a knife. A search of the area, for projectile strikes, yielded negative results. The crime scene is documented in Investigative Report Serial # 2.

Following the shooting incident, Officer Scott Maclsaac was transported to the Tarpon Springs Police Department headquarters. TBROC SA Scott McCampbell met with Officer Maclsaac and performed a round count of the officer's duty weapon and magazines. PCSO Forensic Science Specialist (FSS) Jeff Richarz photographed and processed the officer's weapon and magazines. Officer Maclsaac's agency issued handgun was a Glock 21, S/N BCXN963, .45 caliber. The firearm had one round in the chamber and nine (9) rounds in the magazine. The firearm's magazine has the capacity of thirteen (13) rounds. Officer Maclsaac only loaded twelve (12) rounds in the magazine so the firearm was not loaded to full capacity. Officer Maclsaac's other two magazines were loaded to the full capacity of thirteen (13). Officer Maclsaac's firearm was taken into evidence by PCSO Forensic Science Specialist Richarz. The round count and processing of Officer Maclsaac's duty equipment is documented in Investigative Report Serial # 3.

Autopsy/ Medical Examiner Report

On May 7, 2017, FDLE SA Randy Camp attended the Autopsy of Nicholas Provenza. Provenza received three gunshot wounds. One projectile struck Provenza on the outer right elbow. The wound was non-life threatening. One projectile struck Provenza just below the navel area and was recovered from Provenza's spine. One projectile struck the victim in the chest, travelled through the heart, lungs, and liver, and lodged in Provenza's spine. Two (2) projectiles were recovered from Provenza's body. PCSO Forensic Science Specialist Rhonda Klein took custody of the projectiles. Blood was drawn for a toxicology analysis. The preliminary determination was manner of death, homicide: cause of death: multiple gunshots. The autopsy is documented in Investigative Report Serial # 5.

On May 31, 2017, SA Randy Camp received the final autopsy report, including the toxicology analysis. The toxicology report showed positive results for the presence of Cannabinoids. See Investigative Report Serial # 47.

Evidence Summary

The following evidence items were photographed, processed, and collected by the Pinellas County Sheriff's Office: Items 1 and 2 were collected at the TSPD Police Station by FDLE SA Scott McCampbell. Items 3 - 9 were collected by PCSO, from the shooting scene, and were photographed with marker numbers. Items 10 and 11 were collected from the autopsy by PCSO.

<u>Item #</u>	<u>Description</u>
1	.45 Glock 21, S/N BCXN963
2	Glock 21 magazine
3	Backpack, wallet and miscellaneous items from marker #1
4	Orange bicycle, black baseball cap, pillow from marker # 2

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|----|---|
| 5 | Blood stains, medical equipment, sunglasses, small stuffed animal, one pack of cigarettes, lighter, and pocket knife. (Pocket knife was used by first responders to cut clothing from the victim) from marker # 3 and 4 |
| 6 | Shell casing (Speer .45 caliber) from marker #5 |
| 7 | Shell casing (Speer .45 caliber) from marker #6 |
| 8 | Shell casing (Speer .45 caliber) from marker #7 |
| 9 | Make-shift knife (The knife was recovered by TSPD Officer Robert Gomez. The knife was removed from the scene prior to evidence marking) |
| 10 | Projectile recovered from Provenza's body. |
| 11 | Projectile recovered from Provenza's body. |

PCSO processed the make-shift knife for latent fingerprints. Prints were lifted from the knife but were of no comparison value. The knife was not tested for DNA because of possible contamination issues.

FDLE Laboratory Analysis

Officer Maclsaac's agency issued handgun, a Glock 21 4th Generation, S/N BCXN963, .45 caliber, (identified as FDLE exhibit # 1) was test fired and determined to be fully functional. No abnormalities were found during the analysis.

Witness List

Involved Officer:

Scott Maclsaac	TSPD Officer
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Responding Officers:

Jeffery Crawford	TSPD Sergeant
Robert Gomez	TSPD Officer
Jacob Hollingsworth	TSPD Officer
Brittany Rose	TSPD Officer

Crime Scene Personnel:

Stacey Wall	PCSO Forensic Science Specialist
Amber Camacho	PCSO Forensic Science Specialist
Lisa Murphy	PCSO Forensic Science Specialist
Veronica List	PCSO Forensic Science Specialist
Heather Meade	PCSO Forensic Science Specialist
Greg Mason	PCSO Forensic Science Manager

Civilian Witnesses:

Robert Bernstel	Investigative Report Serial # 7
Jeanette Monche	Investigative Report Serial # 8
Fidel Monche	Investigative Report Serial # 9
Gary Barbosa	Investigative Report Serial # 13
Myrtie Bernstel	Investigative Report Serial # 15
Carly Trewyn	Investigative Report Serial # 16
Ronald Pevehouse	Investigative Report Serial # 17
Wayne Zelinsky	Investigative Report Serial # 18
Doug Renker	Investigative Report Serial # 19
Richard Collins	Investigative Report Serial # 22
Veronica Kauchak	Investigative Report Serial # 23
Timothy Pendrys	Investigative Report Serial # 24
David Cunio	Investigative Report Serial # 27
Marcus Cunio	Investigative Report Serial # 29

James Warren
Deborah Tate
Robey Tate
Theodora Demertzis
Shawntee Smith
Nora Acobe
Ovidio Martinez-Santiago
Dennis Denninger

Investigative Report Serial # 30
Investigative Report Serial # 38
Investigative Report Serial # 39
Investigative Report Serial # 40
Investigative Report Serial # 41
Investigative Report Serial # 43
Investigative Report Serial # 44
Investigative Report Serial # 46

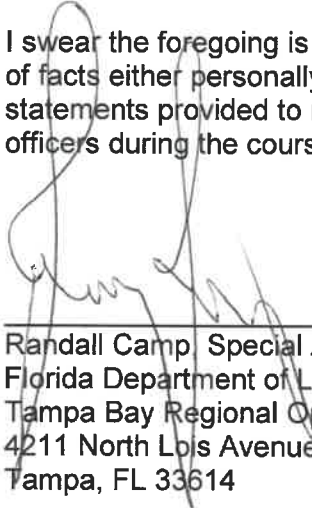
Conclusion

This comprehensive investigation into the use of force incident includes a crime scene examination, the review of statements provided by the involved officer, Scott MacIsaac, by officers who responded to the scene of this shooting, civilian witness, emergency responders, and medical personnel, a review of the physical evidence, and the FDLE analysis of that evidence. FDLE submits this investigative summary to the Office of State Attorney, 6th Judicial Circuit, in Pinellas County, for their review and disposition.

Notarizations

I swear 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 21 day of June, 2017



Randall Camp, Special Agent
Florida Department of Law Enforcement
Tampa Bay Regional Operations Center
4211 North Lois Avenue
Tampa, FL 33614



SAS [Signature] #887
(Notary Public or LEO)