

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 18-017

PERIOD COVERED: December 2, 2018
DATE REPORTED: December 2, 2018
SUBJECT(S) NAME: Deputy David Teske #8160
INVESTIGATING OFFICERS: Detective Tara Burke #1465

BASIS FOR INVESTIGATION:

On December 2, 2018, Jose Balaguer-Garcia (Mr. Garcia) was in custody after an arrest for an act of domestic violence against his significant other (see VCSO report #18-27886). Mr. Garcia was arrested and transported to the Volusia County Sheriff's Office District-4 Office by Deputy Donovan Edwards. Mr. Garcia was handcuffed behind his back in the back seat of Deputy Edwards' patrol car, where he allegedly became combative and had to be further restrained. Deputy Edwards enlisted the help of Deputy David Teske and Deputy Brant Lickiss to assist with further restraining Mr. Garcia, using a seat belt restraint. While deputies were restraining Mr. Garcia further, he allegedly became agitated and spat on Deputy Teske in close proximity. After Deputy Teske was spat on, he allegedly struck Mr. Garcia one time in the face with a closed fist.

OFFENSES:

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit Rules and Regulations:

Volusia County Merit System Rules and Regulations 86-453. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

RE: (14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.

(22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

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

26.2.132 Job Knowledge and Performance- Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training. *(Violation subject up to a written reprimand.)*

26.2.134 Knowledge of Official Directives- Department personnel are required to possess a sound working knowledge of policies and procedures established by the Standards Directives *(Violation subject up to a 5- day suspension.)*

INVESTIGATIVE SUMMARY:

On December 14, 2018, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit.

Detective Burke reviewed the Supervisor Inquiry authored by Sergeant John McDonald, Sheriff's Office reports, along with Body Worn Camera (BWC) video of the deputies involved. *(See Tab – C for Supervisors Inquiry)*

According to Sergeant McDonald's Supervisor Inquiry, on December 2, 2018, at approximately 0335 hours, Mr. Garcia was in custody after an arrest for an act of domestic violence at the Travel Lodge Hotel in the City of Deltona (see VCSO report #18-27886). Mr. Garcia was transported to the Volusia County Sheriff's Office District-4 Office, located at 1691 Providence Boulevard, Deltona, for completion of the arrest paperwork. While in the parking lot of the District-4 Office, Deputy Edwards needed assistance restraining Mr. Garcia further to prevent him from harming himself, after Mr. Garcia began screaming and kicking inside the back seat of his patrol car. Deputy Edwards enlisted the help of Deputy Teske and Deputy Lickiss, who were present at the office. Mr. Garcia was handcuffed behind his back in the back seat, but was being restrained further with a seat belt restraint. Initially Mr. Garcia was calm, but as deputies were attempting to secure him he became more agitated. Mr. Garcia called Deputy Teske a "*Fucker*" and intentionally spat at him in close proximity, while Deputy Teske was assisting with restraining him. Deputy Teske

struck Mr. Garcia in the face one time with a closed fist, Deputy Teske then retreated, closed the door to prevent further interaction, and medical assistance was called.

On January 3, 2019, Deputy Teske was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. This report details the internal investigation conducted by Detective Burke. *(See Tab – C for Official Correspondence)*

Deputy Brant Lickiss

On January 17, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Deputy Lickiss at the District-4 Office, 1691 Providence Boulevard, Deltona. The following is a summary of that interview:

Deputy Lickiss has been employed with the Volusia County Sheriff's Office since July 2014. Deputy Lickiss is currently assigned to District-4, patrol.

During the interview with Internal Affairs Detectives, Deputy Lickiss recalled the arrest of Mr. Garcia for domestic violence, made by Deputy Edwards at the Travel Lodge in the City of Deltona on December 2, 2018. While in contact with Mr. Garcia, Deputy Lickiss observed blood around Mr. Garcia's mouth and his teeth; he reported he was struck by his wife. Deputy Lickiss advised Mr. Garcia was intoxicated and was not cooperative during the arrest. Deputy Lickiss explained he and Deputy Edwards had to remove Mr. Garcia from the hotel room because he was refusing to come outside to talk to them; Mr. Garcia was moved from the hotel room and secured in handcuffs. BWC video shows Mr. Garcia doesn't initially come out of the hotel room, he also continues shouting towards the hotel while deputies are trying to place him inside a patrol vehicle and has to be told several times to get into the car. In the BWC video Mr. Garcia appears to have an injury to his mouth and a significant amount of blood can be seen on his lips and inside of his mouth.

Mr. Garcia was transported to the District-4 Office by Deputy Edwards. While in the parking lot at the District-4 Office, Deputy Edwards needed assistance with restraining Mr. Garcia further because he was jumping around in the back seat. Deputy Lickiss advised the restraint belt was used to prevent him from harming himself, he explained that a restraint belt helps to hold a prisoner

in place against the seat. Deputy Lickiss was assisting with restraining Mr. Garcia from the back passenger side of the vehicle, to help hold him in place while deputies could put a restraint belt on him. Deputy Lickiss could not see everyone that was on the drivers' side of the vehicle but he knew Deputy Teske was over there. Deputy Lickiss advised Deputy Teske wasn't aggressive with Mr. Garcia, they (Deputy Lickiss and Deputy Teske) were just being stern with him and trying to get him in place to restrain him. Deputy Lickiss did not know what was being said, it was mostly in Spanish, but he heard Mr. Garcia's demeanor change from crying and being upset to having a more aggravated tone in his voice. Deputy Lickiss advised he also believes Mr. Garcia was very intoxicated, he could detect a strong odor of alcohol coming from him. Deputy Lickiss witnessed Mr. Garcia spit, he stated; *"From what I saw there was, the deputies had stepped back from the door a little bit, they were still in the doorframe of the vehicle. I was still holding Mr. Garcia and I heard him say something again, I believe it was in Spanish and he turned and when he turned I looked up and saw him spit in the direction of Dep. Teske."* Deputy Lickiss was not aware if Deputy Teske was spat on, he advised Deputy Teske immediately struck Mr. Garcia one time in the face, it appeared to be his nose. Medical personnel was immediately called, Deltona Fire Rescue responded to assist with Mr. Garcia.

Sergeant John McDonald took photographs and spoke with Deputy Lickiss briefly after the incident with Mr. Garcia. Deputy Lickiss also spoke with Deputy Teske, but it was just to check on him because he hurt his hand from striking Mr. Garcia. Deputy Lickiss confirmed Deputy Teske was concerned about blood being mixed in with Mr. Garcia's saliva, he stated; *"Absolutely because it wasn't just a little bit of a busted lip, I mean as he was talking to us his teeth were red. I mean he was bleeding in his mouth at some point and somewhere."*

During the interview Deputy Lickiss also stated; *"The only thing I'd add is that the time frame between the spit and the strike was so minimal. It wasn't a spit and then we're trying to restrain him and strike, it was instantaneous. It was almost as soon as he spit then his head was swinging back around from being struck."* (See Tab-D for Official Transcript)

Deputy Donovan Edwards

On January 17, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Deputy Edwards at the District-4 Office, 1691 Providence Boulevard, Deltona. The following is a summary of that interview:

Deputy Edwards has been employed with the Volusia County Sheriff's Office for approximately one year. Deputy Edwards is currently assigned to District-4, patrol.

During the interview with Internal Affairs Detectives, Deputy Edwards recalled the arrest of Mr. Garcia. He recalled the arrest being at the Travel Lodge in the City of Deltona on December 2, 2018. When Mr. Garcia was arrested, Deputy Edwards observed dry blood around Mr. Garcia's mouth; he advised this happened during a domestic violence incident with his wife. Deputy Edwards advised Mr. Garcia appeared intoxicated, he detected the odor of alcohol and he had glossy red eyes.

Deputy Edwards relocated Mr. Garcia to the District-4 Office to finish paperwork; while enroute Mr. Garcia was crying, there was a language barrier so he couldn't understand what he was saying. While in the District-4 Office parking lot Mr. Garcia needed further restraints due to kicking the back windows and doors, and to prevent him from injuring himself or damaging the vehicle. Deputy Teske, Deputy Lickiss, and Deputy Gondenzi came to assist Deputy Edwards with restraining Mr. Garcia further.

Deputy Edwards advised Deputy Teske and Deputy Lickiss were both calm and helpful when assisting with restraining Mr. Garcia in the back seat of the patrol car. Deputy Edwards advised Mr. Garcia seemed to get irritated as Deputy Teske was tightening the restraints, he heard a "*spitting sound*" in the direction of Deputy Teske. He advised it seemed the spitting was directed from Mr. Garcia towards Deputy Teske because he was in the door jamb at the time; Deputy Edwards was located near the trunk area when this occurred. Deputy Edwards wasn't certain if Deputy Teske was struck by the spit from Mr. Garcia. Deputy Edwards witnessed blood around Mr. Garcia's mouth prior to responding to the District-4 Office, he believes there was a possibility of blood being mixed in Mr. Garcia's saliva.

Deputy Edwards advised Deputy Teske struck Mr. Garcia one time after he was spit on. Deputy Edwards called for medical personnel immediately and Deltona Fire Rescue responded to assist with Mr. Garcia. Deputy Edwards advised Sergeant McDonald charged Mr. Garcia with battery on a law enforcement officer. *(See Tab-E for Official Transcript)*

Deputy Robert McCabe

On February 14, 2019, Detective Burke, Detective Glen Bennett and Sergeant Ryan Mills, conducted a sworn recorded interview with Deputy McCabe at the Volusia County Sheriff's Office Administrative Offices, Deland. The following is a summary of that interview:

Deputy McCabe has been employed with the Volusia County Sheriff's Office since December 2016. Deputy McCabe is currently assigned to District-4, patrol.

During the interview with Internal Affairs Detectives, Deputy McCabe recalled the arrest of Mr. Garcia on December 2, 2018. Deputy McCabe believes Mr. Garcia was banging his head up against the cage in Deputy Edwards' vehicle, Deputy McCabe responded to assist with restraining Mr. Garcia further. He advised Deputy Edwards, Deputy Teske, and Deputy Lickiss were assisting with Mr. Garcia.

Deputy McCabe advised Deputy Teske and Deputy Lickiss were very calm while helping restrain Mr. Garcia. He advised Mr. Garcia was irate, screaming, and cussing at deputies, he primarily spoke Spanish and appeared to be intoxicated. Deputy McCabe could detect the odor of alcohol, and Mr. Garcia had slurred speech. Deputy McCabe recalled seeing Mr. Garcia with blood around his lips and mouth area, he believes it was the result of the domestic violence incident he was involved in prior.

Deputy McCabe witnessed Mr. Garcia make what sounded like a spitting sound then spit at Deputy Teske from the back seat of the patrol car, stating; *"Both. I heard him; I heard it coming kind of and then saw him do it."* Deputy McCabe believes Deputy Teske was hit by Mr. Garcia's saliva, he stated; *"I think that was a concern after it happened that's why I ask did it get on you? Did it get on your mouth, did it just get on your uniform? Obviously, he had blood all over his lips so if it gets in his mouth it's a big deal."* Deputy McCabe advised after Deputy Teske was spit on he

“threw a reactionary strike” and Mr. Garcia was hit. Deputy McCabe advised medical personnel was immediately notified following the incident.

Deputy McCabe couldn't recall anything Deputy Teske said after he was spit on by Mr. Garcia, he stated; *“I don't think he said anything. He didn't say anything and it seemed the subject spitting and Deputy Teske throwing the strike was simultaneous.”* Deputy McCabe also stated; *“Very, it wasn't like he got spit on and then he punched him, it was as he was getting spit on he struck him.”* Deputy McCabe confirmed it was one strike and then the patrol car door was shut. Deputy McCabe confirmed he believes Mr. Garcia was charged with battery against Deputy Teske. *(See Tab-F for Official Transcript)*

Deputy Cameron Godenzi

On February 14, 2019, Detective Burke, Detective Glen Bennett and Sergeant Ryan Mills, conducted a sworn recorded interview with Deputy Cameron Godenzi at the Volusia County Sheriff's Office Administrative Offices, Deland. The following is a summary of that interview:

Deputy Godenzi has been employed with the Volusia County Sheriff's Office for approximately three years. Deputy Godenzi is currently assigned to District-4, patrol.

During the interview with Internal Affairs Detectives, Deputy Godenzi recalled the arrest of Mr. Garcia on December 2, 2018. Deputy Godenzi arrived at the District-4 Office when Deputy Teske, Deputy Edwards and Deputy Lickiss were around Deputy Edward's vehicle, he explained they were trying to restrain Mr. Garcia in the vehicle. Deputy Godenzi stated; *“As Lickiss went in I looked up from on top of the patrol vehicle and I saw Teske like try to avoid something and then swing at the same time and then Lickiss came out of the vehicle and I saw blood on his arm.”* Deputy Godenzi then realized Deputy Teske punched Mr. Garcia, he didn't see Mr. Garcia spit but he was told Mr. Garcia was spitting at Deputy Teske. Deputy Godenzi didn't see Mr. Garcia prior to the incident, he was not present initially when they arrived at the district, and he had no contact with Mr. Garcia.

Deputy Godenzi advised Deputy Teske and Deputy Lickiss both had calm demeanors when assisting with Mr. Garcia. Deputy Godenzi saw Mr. Garcia (after the incident occurred) , he stated;

“He looked at me because he thought I had done it and he was very threatening and at that point you know I could tell that he looked to be under the influence of alcohol.” Deputy Godenzi confirmed that medical personnel was immediately called to assist. *(See Tab-G for Official Transcript)*

Sergeant John McDonald

On February 19, 2019, Detective Burke and Sergeant Ryan Mills, conducted a sworn recorded interview with Sergeant John McDonald at the Volusia County Sheriff’s Office Administrative Offices, Deland. The following is a summary of that interview:

Sergeant McDonald has been employed with the Volusia County Sheriff’s Office for approximately seventeen years. Sergeant McDonald is currently assigned as a shift supervisor, District-4, Deltona.

During the interview with Internal Affairs Detectives, Sergeant McDonald recalled the arrest of Mr. Garcia at the Travel Lodge in the City of Deltona on December 2, 2018. Following his arrest, while Sergeant McDonald was in the District-4 office, Deputy Teske came in and informed Sergeant McDonald about Mr. Garcia spitting on him and him striking Mr. Garcia. Sergeant McDonald advised Deputy Teske seemed remorseful and shocked that the situation happened so quickly. Deputy Teske informed him that he and Deputy Lickiss were attempting to restrain Mr. Garcia due to him being non-compliant in the back of the patrol car, Mr. Garcia spit on Deputy Teske, and he struck him in reaction to being spit on. Sergeant McDonald was asked if Deputy Teske mentioned being concerned about blood, Sergeant McDonald stated; *“Yes. The individual had a bloody mouth from the incident, the DV incident, and when he spit on him he was concerned that there was blood in the spit that was directed towards him and actually, I observed on Deputy Teske.”* Sergeant McDonald saw blood on Deputy Teske’s left shoulder and sleeve area, he was not certain if the photograph taken of Deputy Teske captured the blood due to the dark green uniform and blood being red. Sergeant McDonald advised medical attention was provided at the scene for both Deputy Teske and Mr. Garcia, and they also both went to the hospital. Sergeant McDonald did not initially see blood on Deputy Lickiss, he saw it later on BWC video.

Sergeant McDonald advised when in contact with Mr. Garcia he appeared to be intoxicated, there was an odor, and his behavior was indicative of someone being intoxicated. Sergeant McDonald

explained Mr. Garcia's demeanor ranged from sobbing crying to being angry, he advised Mr. Garcia exhibited behavior of someone under the influence of something. Sergeant McDonald advised Mr. Garcia's speech was slurred and he would go off topic, Mr. Garcia said he was punched in the face but as they (Sergeant McDonald and Deputy Jose Leon) tried to clarify, he would talk about different topics, he uttered something about his lawyer and the interview ended.

Sergeant McDonald explained he used Deputy Leon to translate Spanish when he came on duty, Mr. Garcia initially agreed to speak with Deputy Leon. Mr. Garcia told deputies that he was punched in the face, but he didn't clarify or give many details as to what occurred. Sergeant McDonald advised a 707 Charging Affidavit was completed on Mr. Garcia for battery against Deputy Teske, Sergeant McDonald completed the arrest affidavit. *(See Tab-H for Official Transcript)*

Deputy Daniel Galarza

On February 20, 2019, Detective Burke, Detective Glen Bennett and Sergeant Ryan Mills, conducted a sworn recorded interview with Deputy Daniel Galarza at the Volusia County Sheriff's Office Administrative Offices, Deland. The following is a summary of that interview:

Deputy Galarza has been employed with the Volusia County Sheriff's Office for approximately five years. Deputy Galarza is currently assigned to District-4, patrol.

During the interview with Internal Affairs Detectives, Deputy Galarza recalled the arrest of Mr. Garcia at the Travel Lodge in the City of Deltona on December 2, 2018. He did not respond to the Travel Lodge and was not present when deputies were restraining Mr. Garcia.

Deputy Galarza assisted after being asked by Deputy Leon if he would read Mr. Garcia his Miranda warning. Deputy Galarza explained he turned on his BWC, went outside to the vehicle door and read Mr. Garcia his rights in Spanish. Deputy Galarza observed blood on Mr. Garcia's face and Mr. Garcia was saying he had a broken nose. Deputy Galarza was not certain if Mr. Garcia was intoxicated, he had no further interaction with him and did not witness anything prior. *(See Tab-I for Official Transcript)*

Deputy Jose Leon

On February 20, 2019, Detective Burke, Detective Glen Bennett and Sergeant Ryan Mills, conducted a sworn recorded interview with Deputy Leon at the Volusia County Sheriff's Office Administrative Offices, Deland. The following is a summary of that interview:

Deputy Leon has been employed with the Volusia County Sheriff's Office for approximately two years. Deputy Leon is currently assigned to District-4, patrol.

During the interview with Internal Affairs Detectives, Deputy Leon recalled the arrest of Mr. Garcia at the Travel Lodge in the City of Deltona on December 2, 2018. He did not respond to the Travel Lodge and was not present when deputies were restraining Mr. Garcia. Deputy Leon was present inside the District-4 Office and Sergeant McDonald requested his assistance. Deputy Leon was informed Mr. Garcia was arrested for domestic violence and a he was needed to help translate.

Prior to speaking with Mr. Garcia his rights were read to him by Deputy Galarza who was also assisting, Mr. Garcia agreed to speak with Deputy Leon. While Deputy Leon was speaking with Mr. Garcia he denied doing anything and kept saying he was hit and abused. Deputy Leon advised Mr. Garcia said a deputy hit him, he didn't know who, he just called him "*that guy.*" Deputy Leon stated, "*And then obviously he was threatening and saying a lot of things towards him about killing his family and killing his kids and stuff like that because of what he did.*" Mr. Garcia denied knowing why he was hit and continued to say he was abused. Deputy Leon advised Mr. Garcia was sobbing and crying during the interview, he was not certain if he was intoxicated. Deputy Leon could not recall if Mr. Garcia said anything further when he was in contact with medical personnel. While transporting Mr. Garcia he wanted to know who struck him and kept saying he was abused, Deputy Leon did not get any further details from Mr. Garcia. Deputy Leon advised he was made aware of Mr. Garcia spitting on someone prior to speaking with him, but Mr. Garcia denied any wrongdoing.

Deputy Leon advised he spoke to the doctor after Mr. Garcia was treated at the hospital. The doctor informed him Mr. Garcia's nose was broken in two spots. Mr. Garcia was released from the hospital and Deputy Leon transported Mr. Garcia to meet with Prisoner Transport. Mr. Garcia didn't tell Deputy Leon anything further. Deputy Leon later informed Sergeant McDonald of the

threats Mr. Garcia made towards Deputy Teske. Deputy Leon had no further involvement. (See Tab-J for Official Transcript)

Deputy David Teske

On February 28, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Deputy Teske. The following is a summary of that interview:

Deputy Teske has been employed with the Volusia County Sheriff's Office for approximately five years, including two years working in dispatch. Deputy Teske is currently assigned to District-4, patrol.

During the interview with Internal Affairs Detectives, Deputy Teske recalled the arrest of Mr. Garcia for domestic violence, made by Deputy Edwards at the Travel Lodge in the City of Deltona on December 2, 2018. Deputy Teske did not respond to the Travel Lodge, he was asked by Deputy Lickiss while inside the District-4 Office if he had a seatbelt restraint and he informed him that he did. Before Deputy Teske went into District-4, when he pulled up to the district, he heard hollering and screaming coming from Deputy Edwards patrol car, so he assumed the seatbelt restraint was for him.

Deputy Teske and Deputy Lickiss helped with restraining Mr. Garcia. Deputy Teske advised Deputy Edwards and Deputy McCabe were also present, and Deputy Godenzi showed up at some point. Deputy Teske advised when he initially made contact with Mr. Garcia he seemed calm, he was crying and going through a range of emotions, he advised he didn't appear to be irate like he was previously when he pulled up to the district office.

While Deputy Teske was helping with restraining Mr. Garcia, he observed what appeared to be dried blood all around his mouth and also inside his mouth on his teeth, he assumed it was from the blood. Deputy Teske knew Mr. Garcia had been arrested for domestic violence from looking at the call, he was not certain if he was intoxicated. Deputy Teske explained Mr. Garcia became aggressive toward him at some point, he stated; *"As I was trying to reposition him and just tighten up the straps in accordance with the policies and procedures of applying that application, that device, he just decided, he just flipped. He started crying and then he said he said, "hey fuck you, fuck you" and he started getting you could tell his, he was getting more and more agitated and*

then he turned and he made the noise and he spit in my direction, spit at me.” Deputy Teske advised after he was spit on, as an immediate defense trying to protect himself from getting Mr. Garcia’s bloody spit on him, he threw a *“reactionary strike”* and struck him to create distance between them. Deputy Teske advised he struck Mr. Garcia one time and the strike was immediate, he stated; *“It was just an automatic immediate just reaction.”*

Deputy Teske was uncertain if Mr. Garcia’s spit got on him initially, but after looking with flashlights, Sergeant McDonald found there was blood on his sleeve. Deputy Teske wasn’t certain if Mr. Garcia’s spit got in his mouth he stated; *“I knew that he spit, I knew that he was very close to my, he was face to face with me more or less.”* Deputy Teske also stated; *“I couldn’t tell, it was just kind of like an I hope not, if it’s in there let’s try and get it out so.”* In the BWC video Deputy Teske is heard being asked by Deputy McCabe if spit got on him, Deputy Teske said *“yep”* and can be observed in the video spitting a lot immediately after the incident took place.

Deputy Teske was very concerned that blood could have been mixed in Mr. Garcia’s saliva because of seeing his prior injury to his mouth. Deputy Teske was also concerned that Mr. Garcia could have had the opportunity to spit at him or Deputy Lickiss again, and exposed them to his blood, saliva, or other injury, if he hadn’t created distance between them by striking him. Deputy Teske immediately went to the other side of the patrol car and checked on Mr. Garcia, medical personnel was requested.

Deputy Teske advised Deputy Lickiss also had blood on his arm after the incident and was treated at the scene. Deputy Teske was treated for injury to his knuckle and Mr. Garcia was treated for injury to his nose. Deputy Teske received additional treatment for his injury at the hospital and a tetanus shot as well.

Deputy Teske advised Mr. Garcia received additional charges of battery for spitting on him, Sergeant McDonald completed the affidavit. Deputy Teske advised he wasn’t informed Mr. Garcia made threats to harm him or his family prior to this interview. Detectives informed him that statements were made during his conversation with Deputy Leon. Deputy Teske denied having any prior contact with Mr. Garcia or any contact with him since December 2, 2018.

Prior to completion of this interview, Deputy Teske was asked if there was anything he wanted to clarify or say in regard to the incident, Deputy Teske stated; *“Not clarify no. I mean I do want to*

say, and it should go without saying, that it's not something that I intended on doing it wasn't an intention. It was just simply kind of a defensive way of protecting myself, just an immediate reactionary strike. They teach you to protect yourself in the academy and stuff like that about infectious diseases and blood borne pathogens and stuff like that and that's obviously a huge concern because of the people that we see on the streets, which you guys are well aware of, and it's just, was just one of those things. And it was not my intention to cause physical harm to him. I didn't intend on hitting him in the nose it just was where it landed and."

Deputy Teske was asked if he felt he violated the following Volusia County Merit Rules and Regulations as well as Sheriff's Office policies:

26.2.102 Excessive Force Resulting in Injury	No
26.2.132 Job Knowledge and Performance	No
26.2.134 Knowledge of Official Directives	No
Volusia County Merit System Rules and Regulations 86-453 (14)	No
Volusia County Merit System Rules and Regulations 86-453 (22)	No

(See Tab –K for Official Transcript)

CONCLUSION:

On March 12, 2019, this investigation was presented to the Sheriff and his staff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

26.2.102 Excessive Force Resulting in Injury	Not Sustained
26.2.132 Job Knowledge and Performance	Not Sustained
26.2.134 Knowledge of Official Directives	Not Sustained
Volusia County Merit System Rules and Regulations 86-453 (14)	Not Sustained
Volusia County Merit System Rules and Regulations 86-453 (22)	Not Sustained

EXHIBITS:

- A. Report of Investigation
- B. Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence/Supervisors Inquiry
- D. Official Transcript of Deputy Brant Lickiss
- E. Official Transcript of Deputy Donovan Edwards
- F. Official Transcript of Deputy Robert McCabe
- G. Official Transcript of Deputy Cameron Godenzi
- H. Official Transcript of Sergeant John McDonald
- I. Official Transcript of Deputy Daniel Galarza
- J. Official Transcript of Deputy Jose Leon
- K. Official Transcript of Deputy David Teske
- L. Miscellaneous Documents
- M. Digital Media

WITNESSES:

Deputy Brant Lickiss
Volusia County Sheriff's Office
386-736-5961

Deputy Donovan Edwards
Volusia County Sheriff's Office
386-736-5961

Deputy Robert McCabe
Volusia County Sheriff's Office
386-736-5961

Deputy Cameron Godenzi
Volusia County Sheriff's Office
386-736-5961

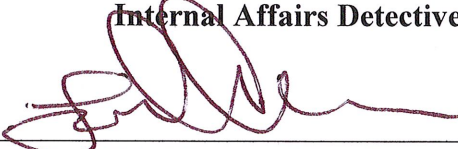
Sergeant John McDonald
Volusia County Sheriff's Office
386-736-5961

Deputy Daniel Galarza
Volusia County Sheriff's Office
386-736-5961

Deputy Jose Leon
Volusia County Sheriff's Office
386-736-5961

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE:  DATE: 03/20/19
Detective Tara Burke
Internal Affairs Detective

APPROVED BY:  DATE: 03/20/19
Chief Deputy John Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA