

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA 19-006

PERIOD COVERED: March 18, 2019

DATE REPORTED: March 25, 2019

SUBJECT(S) NAME: Deputy Brandon Bivone #8552

INVESTIGATING OFFICERS: Detective Glen Bennett #1452

BASIS FOR INVESTIGATION:

On March 18, 2019, while conducting law enforcement operations in District – 2 Deland, Deputy Brandon Bivone arrested an adult male on multiple felony charges. Upon completing the charging affidavit on said arrestee, it was alleged he notarized the affidavit using the initials of another deputy without permission or consent.

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: (10) Any act of dishonesty, falsification, misrepresentation, concealment, or deception in any employment related matter.

INVESTIGATIVE SUMMARY:

On April 14, 2019, Deputy Chief John Creamer assigned the above incident to the Internal Affairs Unit for further investigation. This report details the internal investigation conducted by Detective Glen Bennett. *(See Tab – C for Official Correspondence)*

On April 15, 2019, Detective Glen Bennett reviewed the Supervisor Investigation Report (SI) authored by Captain Paul Adkins, which outlined the potential policy violations committed by Deputy Bivone. *(See Tab – B for Supervisors Investigation Report)*

On March 18, 2019, Deputy Bivone arrested Robert Benko in the 700 block of West Mansfield Street in Deland for narcotics possession and possession of concealed handcuff keys. Deputy Brent Jones responded to his location as a backup unit but went back in service prior to Deputy Bivone completing all required duties involving the arrest. Before going to the Branch Jail, Deputy Bivone transported the arrestee to the District – 2 headquarters to complete the required Sheriff's Office paperwork. Once his paperwork was complete, he transported the arrestee to the Branch Jail without incident.

On March 25, 2019, Deputy Jones contacted Sergeant Nick Shepard and advised Deputy Bivone had forged his signature as the notary public on the charging affidavit he completed on Robert Benko. According to the SI, Deputy Jones addressed the issue with Deputy Bivone and requested Sergeant Shepard keep the matter at the "shift" level; however, this was not done as Sergeant Shepard contacted Captain Adkins and briefed him on the incident.

Captain Adkins interviewed Deputy Jones for the SI. Deputy Jones responded as backup that evening and recalled Deputy Bivone making the arrest. He advised Deputy Bivone he would notarize the charging affidavit once the paperwork was completed. Since he was never contacted, Deputy Jones assumed Deputy Bivone obtained a notary from the sergeant on duty. At some point, Deputy Jones reviewed a copy of the charging affidavit and noticed his initials were in the notary section of the charging affidavit. He then confronted Deputy Bivone who admitted to completing the notary section of the charging affidavit himself using Deputy Jones initials. The charging affidavit's notary section contained the initials "BJ" without a corresponding department identification number or printed name.

On April 22, 2019, Deputy Bivone was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. Upon being served with said paperwork, Deputy Bivone wished to exercise his right under 112.532 (1) (d), of the Officer Bill of Rights, to voluntarily provide a statement.

On April 23, 2019, Deputy Bivone authored an email to Detective Bennett voluntarily requesting an interview without representation. *(See Tab – D for Miscellaneous Documents)*

Deputy Brandon Bivone

On April 24, 2019, Detectives Bennett, Detective Tara Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Deputy Bivone at the Sheriff's Office administrative offices in Deland, FL. The following is a summary of that interview:

On the evening of March 18, 2019, Deputy Bivone made a felony narcotics arrest that his zone partner, Deputy Jones, backed him up on. While in the process of completing paperwork, Deputy Jones was called away on an un-related call for service. Rather than complete the paperwork on scene, Deputy Bivone elected to take his prisoner to the District – 2 headquarters parking lot. While at the district headquarters, he messaged Deputy Jones using his Mobile Data Computer (MDC), asking if he would notarize the charging affidavit, which according to Deputy Bivone, he agreed to do.

While Deputy Bivone was finalizing his report, he recalled Deputy Jones being dispatched to another call for service, *"...so just being honest I signed his name in order to get out to the jail. There's no malicious intent behind it or anything else like that we're just super busy and I just wanted to get out to the jail."* Deputy Bivone admitted to placing Deputy Jones initials in the notary section of the charging affidavit.

Deputy Bivone was asked if he felt he violated the following Volusia County Merit System Rules and Regulations:

Volusia County Merit System Rules and Regulations 86-453.

(10) Any act of dishonesty, falsification, misrepresentation, concealment, or deception in any employment related matter.	YES
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(See Tab – D for Official Transcript)

CONCLUSION:

On April 25, 2019, this investigation was presented to the Sheriff and his command staff. After review, the Sheriff determined the violation of the below listed department policies to be:

Volusia County Merit System Rules and Regulations 86-453.

(10) Any act of dishonesty, falsification, misrepresentation, concealment, or deception in any employment related matter.

SUSTAINED

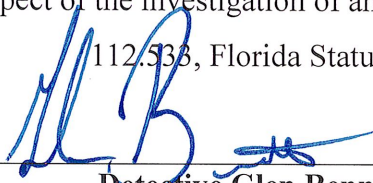
On May 1, 2019, Deputy Bivone was issued a written Employee Performance Notice (EPN) as a result of his actions.

EXHIBITS:

- A. Report of Investigation
- B. Supervisors Investigation Report
- C. Administration of Oath/Perjury Warning
- D. Official Correspondence
- E. Official Transcript of Deputy Brandon Bivone
- F. Miscellaneous Documents
- G. Digital Media

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:




**Detective Glen Bennett
Internal Affairs Detective**

DATE:

5/2/19

APPROVED BY:



**Chief Deputy John Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA**

DATE:

5/3/19