

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 20-006

PERIOD COVERED: May 12, 2020
DATE REPORTED: May 12, 2020
SUBJECT(S) NAME: Deputy Graeme Foster #7826
Detective John Frazzini #1589
Detective Shawn Adkins #8479
Sergeant John McDonald #1636
INVESTIGATING OFFICER: Sergeant Brian Cobb #7550

BASIS FOR INVESTIGATION:

On Tuesday, May 12, 2020, at approximately 1444 hours, Deland Police Department conducted a traffic stop at South Clara Avenue, and West Beresford Avenue, DeLand. Throughout the course of the traffic stop, the driver, and sole occupant of the vehicle, was positively identified by his Florida Driver's License as Gregory Howe.

At 1501 hours, DeLand Police Officer Stacey advised Howe's vehicle fled southbound, and Deland Police Department had probable cause for fleeing and eluding charges against Howe.

Howe subsequently fled from responding deputies through Orange City and into Deltona. Deputy Graeme Foster successfully deployed stop sticks from the parking lot of the Firestone Automotive, located at 2680 Enterprise Road, Orange City. Howe continued to travel west on Saxon Boulevard, and ultimately came to a stop in the driveway of 501 Haversham Road, Deltona.

At that time, Howe pointed a multi-colored shotgun at Detective Shawn Adkins as he was seated inside his vehicle, and fired at least one round; striking the passenger side of Detective Adkins' windshield.

In response, Detective Adkins, Detective Frazzini, Deputy Foster and Sergeant McDonald fired their agency issued weapons at Howe. Howe was struck approximately 28 times, and pronounced deceased on scene.

Special Agent Ryan Bliss, with the Florida Department of Law Enforcement (FDLE), conducted the criminal investigation into the use of deadly force by Detective Adkins, Detective Frazzini, Deputy Foster and Sergeant McDonald. The completed FDLE Investigative Summary is documented under FDLE case # OR-27-0378.

Due to the nature of the incident, Chief Deputy J. Gallagher initiated an internal affairs investigation

OFFENSE(S): NONE

INVESTIGATION:

On May 12, 2020, at approximately 1517 hours, Detective Adkins, Detective Frazzini, Deputy Foster and Sergeant McDonald were involved in an officer involved shooting at 501 Haversham Road, Deltona.

Detective Adkins, Detective Frazzini, Deputy Foster and Sergeant McDonald submitted to a drug and alcohol urinalysis screening; per department policy. The results of the screen were negative for all four involved deputies.

On May 13, 2020, Chief Deputy J. Gallagher assigned the above-described incident to the Internal Affairs Unit for investigation. Detective Adkins, Detective Frazzini, Deputy Foster and Sergeant McDonald were served with a Notice of Internal Investigation, and placed on Administrative Leave with Pay. This investigation was then tolled until the Florida Department of Law Enforcement completed their criminal investigation into to the incident. Sergeant Cobb transferred to the Internal Affairs Unit in August 2020, and adopted this investigation. This report details the investigation conducted by Sergeant Cobb.

On May 20, 2020, a fitness for duty examination was conducted by Dr. Gregory Landrum, Psy.D., DABPS. The findings of the examination was that Detective Adkins, Detective Frazzini, Deputy Foster and Sergeant McDonald were fit to return to duty without restriction.

On October 28, 2020, Sergeant Cobb obtained the firearms qualification records for Detective Adkins, Detective Frazzini, Deputy Foster and Sergeant McDonald. Sergeant Cobb obtained this information from the Volusia Sheriff's Office Training Section. Below are the qualification records for the following personnel:

Detective Adkins:

1/24/2020	Adkins	Shawn	8479	4	2020 FDLE FIREARMS QUALIFICATION
1/24/2020	Adkins	Shawn	8479	0.5	2020 OFF DUTY FIREARMS QUALIFICATION
1/24/2020	Adkins	Shawn	8479	0.5	2020 RIFLE REQUALIFICATION

Detective Frazzini:

1/24/2020	Frazzini	John	1589	0.5	2020 RIFLE REQUALIFICATION
1/24/2020	Frazzini	John	1589	4	2020 FDLE FIREARMS QUALIFICATION
1/24/2020	Frazzini	John	1589	0.5	2020 OFF DUTY FIREARMS QUALIFICATION

Deputy Foster:

1/23/2020	Foster	Graeme	7826	0.5	2020 RIFLE REQUALIFICATION
1/23/2020	Foster	Graeme	7826	3.5	2020 FDLE FIREARMS QUALIFICATION

Sergeant McDonald:

1/15/2020	McDonald	John	1636	3.5	2020 FDLE FIREARMS QUALIFICATION
1/15/2020	McDonald	John	1636	1	2020 OFF DUTY FIREARMS QUALIFICATION
1/15/2020	McDonald	John	1636	0.5	2020 RIFLE REQUALIFICATION

Prior to Sergeant Cobb's transfer, Special Agent Bliss delivered his completed FDLE Investigative Summary, along with a complete copy of the related police use of force case file, to the Volusia Sheriff's Office Internal Affairs Unit. This was a comprehensive case file (OR-27-0378) in which the FDLE conclusion read:

"FDLE has completed a comprehensive investigation into the use of deadly force by Volusia County Sheriff's Office Sergeant John McDonald, Deputy Shawn Adkins, Deputy Graeme Foster, and Deputy John Frazzini. This presentation of facts is based on law enforcement witness, civilian witnesses, and physical evidence. FDLE submits this investigative summary to the Office of the State Attorney for their review and disposition."

On September 30, 2020, Sheriff Chitwood received a letter from State Attorney R.J. Larizza regarding the Office of the State Attorney's review of Detective Adkins', Detective Frazzini's, Deputy Foster's and Sergeant McDonald's use of deadly force on May 12, 2020. State Attorney Larizza wrote:

"This letter is to advise that this office has reviewed all of the investigative reports, officer statements and witness statements provided by your office regarding the "police use of force"

involving Sgt. John McDonald, Deputy Shawn Adkins, Deputy Graeme Foster and Deputy John Frazzini of the Volusia County Sheriff's Office that occurred on May 12, 2020.

Based on a review of the investigation and the information provided, no further action is warranted by this office."

CONCLUSION:

On October 29, 2020, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff, and his staff, determined the use of deadly force was **JUSTIFIED** to prevent imminent death or great bodily harm to the deputies, and found no violations of policy.

EXHIBIT(S):

- A. Report of Investigation
- B. Official Correspondence
- C. FDLE Summary OR-27-0378
- D. Incident/Supplement Reports
- E. CAD Report
- F. Drug Testing
- G. Sergeant John McDonald Firearm Qualification
- H. Detective John Frazzini Firearm Qualification
- I. Deputy Graeme Foster Firearm Qualification
- J. Detective Shawn Adkins Firearm Qualification
- K. Miscellaneous Documents
- L. Digital Media - FDLE electronic case file OR-27-0378.

WITNESSES: Per FDLE

Sergeant John McDonald
123 West Indiana Avenue
DeLand, FL
386-736-5961

Detective Shawn Adkins
123 West Indiana Avenue
DeLand, FL
386-736-5961

Deputy Graeme Foster
123 West Indiana Avenue
DeLand, FL
386-736-5961

Detective John Frazzini
123 West Indiana Avenue
DeLand, FL
386-736-5961

Deputy Gaige Bryant
123 West Indiana Avenue
DeLand, FL
386-736-5961

Detective Vincenzo Vento
123 West Indiana Avenue
DeLand, FL
386-736-5961

Detective David Clay
123 West Indiana Avenue
DeLand, FL
386-736-5961

FF/Paramedic Michael Drew
1865 Providence Boulevard,
Deltona, FL
386-575-6901

Daniel Bond
963 Leybum Drive,
Deltona, FL

Jeanna Bond
963 Leybum Drive,
Deltona, FL

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

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: [Signature] **COBB #153** DATE: Nov. 06, 2020

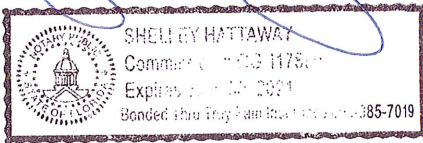
**Detective Sergeant Brian Cobb, 7550
Internal Affairs Detective**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 6th day of November, 2020 by Detective Sergeant Brian Cobb

[Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Signature] **2067** DATE: 11-13-2020
**CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY, FLORIDA**

Chief Deputy

JOSEPH GALLAGHER

OFFICE
(386) 736-5961




VOLUSIA COUNTY SHERIFF'S OFFICE

123 WEST INDIANA AVE • P.O. BOX 569 • DELAND, FLORIDA 32721-0569
(386) 740-5134 (FAX) • WWW.VOLUSIASHERIFF.ORG

TO: Deputy Shawn Adkins #8479
OPS/WSNTF

DATE: December 1, 2020

FROM: Joseph Gallagher 
Chief Deputy

FILE: 041M0095.20

SUBJECT: Disposition of Internal Investigation

REFERENCE: IA 20-006

On May 12, 2020, you were involved in an incident which resulted in the Use of Force as referenced by VCSO Case 200008856.

The Internal Investigation of the Incident was presented to the Sheriff and his Administrative Command Staff on October 29, 2020. The Sheriff determined the Use of Force to be **JUSTIFIED** as to prevent imminent death or great bodily harm.

The completed case file is retained in the files of the Volusia County Sheriff's Office, Internal Affairs Unit, DeLand, Florida.

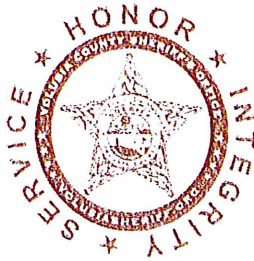
cc: Internal Affairs
File

JG/bc

Chief Deputy

JOSEPH GALLAGHER

OFFICE
(386) 736-5961




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TO: Sergeant Graeme Foster #7826
LEOD/District IV

DATE: December 1, 2020

FROM: Joseph Gallagher 
Chief Deputy

FILE: 041M0096.20

SUBJECT: Disposition of Internal Investigation

REFERENCE: IA 20-006

On May 12, 2020, you were involved in an incident which resulted in the Use of Force as referenced by VCSO Case # 200008856.

The Internal Investigation of the Incident was presented to the Sheriff and his Administrative Command Staff on October 29, 2020. The Sheriff determined the use of force to be **JUSTIFIED** as to prevent imminent death or great bodily harm.

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cc: Internal Affairs
File

JG/bc

Chief Deputy

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TO: Sergeant John McDonald #1636
LEOD/District IV

DATE: December 1, 2020

FROM: Joseph Gallagher 
Chief Deputy

FILE: 041M0097.20

SUBJECT: Disposition of Internal Investigation **REFERENCE:** IA 20-006

On May 12, 2020, you were involved in an incident which resulted in the Use of Force as referenced by VCSO Case # 200008856.

The Internal Investigation of the Incident was presented to the Sheriff and his Administrative Command Staff on October 29, 2020. The Sheriff determined the use of force to be **JUSTIFIED** as to prevent imminent death or great bodily harm.

The completed case file is retained in the files of the Volusia County Sheriff's Office, Internal Affairs Unit, Deland, Florida.

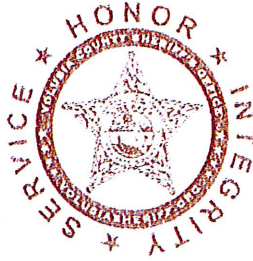
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JG/bc

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TO: Detective John Frazzini #1589
OPS/WSNTF

DATE: December 01, 2020

FROM: Joseph Gallagher 
Chief Deputy

FILE: 041M0098.20

SUBJECT: Disposition of Internal Investigation **REFERENCE:** IA 20-006

On May 12, 2020, you were involved in an incident which resulted in the Use of Force as referenced by VCSO Case # 200008856.

The Internal Investigation of the Incident was presented to the Sheriff and his Administrative Command Staff on October 29, 2020. The Sheriff determined the use of force to be **JUSTIFIED** as to prevent imminent death or great bodily harm.

The completed case file is retained in the files of the Volusia County Sheriff's Office, Internal Affairs Unit, Deland, Florida.

cc: Internal Affairs
File

JG/bc