

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-016

PERIOD COVERED: June 12, 2014
DATE REPORTED: June 17, 2014
SUBJECT(S) NAME: Deputy Peter Bethea #7279
Deputy Wesley Blum #8181
INVESTIGATING OFFICERS: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On June 12, 2014, Deputies Wesley Blum, Peter Bethea and Dennis Dearborn served a felony arrest warrant on Donovan Wood, a juvenile, in Debarry. According to arrest reports, Mr. Wood was contacted at his residence and placed into custody without incident. Mr. Wood was processed at the District-6 headquarters and then transported to the Division of Juvenile Justice (DJJ) in Daytona Beach.

On June 17, 2014, Mr. William White submitted a written complaint to the Sheriff's Office District-6 headquarters. Mr. Williams alleged that his juvenile grandson, Donovan Wood with whom he has legal custody, was "man handled" by Deputy Peter Bethea while in the process of being arrested for a felony warrant. Also documented in the complaint, Mr. White alleges that Deputy Wesley Blum, while transporting his grandson, was text messaging on his personal cell phone. Captain Paul Adkins, the District-6 commanding officer, completed a supervisor's inquiry into the allegations. *(See Tab - C for Complaint)*

OFFENSES:

This investigation is relevant to an alleged violation of Department Standards Directive:

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

26.2.145 Texting/ Use of Data Devices While Driving - While driving a VCSO vehicle (rental, lease, owned), employees are prohibited from texting or typing into the cell phone, Blackberry, MDC, PDA or any other data device. Because of the inherent dangers associated with such behavior, employees found to violate this rule shall be subject to disciplinary action up to and including dismissal. *(New 11/09)*

INVESTIGATIVE SUMMARY:

On June 30, 2014, Chief Deputy Mike Coffin assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Investigator Glen Bennett.

On July 1, 2014, Investigator Bennett served Deputy Peter Bethea with his Notice of Internal Investigation and a copy of the Law Enforcement Officer's Rights at McGregor Road and State Road 17 in Deland. *(See Tab – B for Official Correspondence)*

On July 2, 2014, Investigator Bennett served Deputy Wesley Blum with his Notice of Internal Investigation and a copy of the Law Enforcement Officer's Rights at McGregor Road and State Road 17 in Deland. *(See Tab – B for Official Correspondence)*

Investigator Bennett reviewed the Sheriff's Office reports written by Deputies Blum and Bethea. A felony warrant was issued for the arrest of Donovan Wood on June 9, 2014 for: Retaliating Against a Witness (FSS 914.23) and Petit Theft 1st Offense (FSS 812.014(3) (A) with no bond and a nationwide pickup.

Deputies Blum, Bethea and Dearborn went to Mr. Wood's residence located at 14 Floridana Drive in Debarry to serve the warrant on June 12, 2014. According to Deputy Blum's report (VCSO 14-15971), he knocked on the front door and Mr. Wood answered. Deputy Blum obtained the appropriate identifying information from Mr. Wood confirming his identity and he was placed in handcuffs. After being placed into custody, Deputy Blum escorted Mr. Wood into the residence where contact was made with adult members of Mr. Wood's family. After Deputy Blum obtained the appropriate clothing for Mr. Wood he was secured in his patrol car and transported to District-6 for fingerprinting. After fingerprinting, Mr. Wood was transported to the DJJ in Daytona Beach.

Donovan Wood (Juvenile)

On September 5, 2014, Investigator Bennett and Sergeant Tom Tatum conducted a sworn recorded interview with Donovan Wood at 14 Floridana Drive in Debarry. Present on Mr. Wood's behalf was his legal guardian and grandfather, William White. The following is a summary of that interview:

Mr. Wood was home on June 12, 2014 when deputies came to the front door of his residence. Mr. Wood said he answered the front door and was asked his name. After identifying himself a deputy grabbed his arm and pulled him out of the doorway and advised him he was under arrest for a warrant. Mr. Wood said the deputy placed his hands behind his back and proceeded to handcuff him. Mr. Wood said he did not resist the deputy as he was handcuffed.

Mr. White explained he was upset that his grandson was being arrested because he was told they were going to receive a letter from parole and probation as to when to turn him in. Prior to transporting Mr. Wood, deputies explained to family members that Mr. Wood was being transported to the Division of Juvenile Justice in Daytona Beach and would see a judge.

Mr. Wood explained that when the arresting deputy, later identified as Deputy Wesley Blum, handcuffed him at his residence, the handcuffs were not tight and caused no discomfort. According to Mr. Wood's description of how he was handcuffed, it was described in a manner in which Deputy Blum may have possibly double locked the handcuffs. Double locking the handcuffs prevent them from closing down and squeezing the wrists of the subject. Assuming the handcuffs are initially placed on the subject appropriately, double locking them could avoid pain or a possible injury while handcuffed.

After being placed in the backseat of Deputy Blum's patrol car, Mr. Wood was transported to the District-6 headquarters for fingerprinting. Upon their arrival, Mr. Wood was removed from the patrol car and placed into the holding cell still handcuffed behind his back. Approximately fifteen minutes later, a second deputy, later identified as Deputy Peter Bethea, advised him he needed to be finger printed.

Deputy Bethea removed the handcuffs and fingerprinted Mr. Wood. After fingerprinting, Mr. Wood was placed back in handcuffs and put back into the holding cell to await transport. Mr. Wood said Deputy Bethea put the handcuff's on really tight and he stated, *"And I don't know why I didn't say anything at the time..."*

Approximately fifteen minutes later, Mr. Wood said he was taken out of the holding cell and placed back into Deputy Blum's patrol car. At no time, while at District-6, did Mr. Wood advise deputies the handcuffs were too tight on his wrists. Mr. Wood said, *"I didn't really notice [tight handcuffs] until we got into the car and started driving..."*

It wasn't until Deputy Blum arrived in the area around State Road 44 and Interstate-4, to meet prisoner transport, did Mr. Wood inform Deputy Blum the handcuffs were too tight. Upon arrival, Deputy Blum asked Mr. Wood if there was anything he could do for him and Mr. Wood asked to have the handcuffs loosened. According to Mr. Wood, Deputy Blum was surprised by how tight the handcuffs were and that his hands had turned purple in color. Mr. Wood said he sustained bruising to his wrists as a result of the handcuff's being too tight.

Additionally, Mr. Wood explained that while being transported by Deputy Blum to meet with prisoner transport, Deputy Blum was sending and receiving text messages. Mr. Wood said they were traveling north on State Road 17/92 when Deputy Blum was, *"Driving and looking down and he was going over the line. He did it multiple times going over the line a little bit."* Mr. Wood said Deputy Blum crossed over the middle turn lane in both the City of Debary and Orange City. Mr. Wood believed Deputy Blum may have sent and received approximately five or six text messages while he was driving the patrol car. According to Mr. Wood, Deputy Blum

started to text less than a minute after leaving the district headquarters. Mr. Wood also stated that he was able to see Deputy Blum's fingers press the keyboard of the iPhone from his vantage point in the passenger side backseat.

Mr. Wood stated, "*He [Deputy Blum] had an iPhone 5 and I seen the little keyboard, the touch screen keyboard and I seen the messages.*" Deputy Bennett asked Mr. Wood if he could see the name of the person being messaged by Deputy Blum and he replied, "*No. I have had seeing to be honest with you.*" It was clarified that Mr. Wood was far sighted and he is prescribed glasses which he was not wearing. Mr. Wood explained that he never said anything to Deputy Blum about the texting because he didn't feel it was the smartest thing to do since he was already in trouble. *(See Tab - E for Official Transcript)*

Mr. White submitted two digital images of what he stated were injuries Mr. Wood sustained to his wrists as a result of the handcuffs being too tight. Investigator Bennett was able to identify one of the images as a possible wrist with what appears to be potential redness; however, the image is blurry and unclear. The second image is of an unknown body part with no clear defining physical features and appears to have the same red coloration. Investigator Bennett was unable to validate whether the digital images were in fact taken of Mr. Wood's wrists. The digital images were reportedly taken by a member of Mr. Wood's family sometime after being released from DJJ. *(See Tab - H for Photographs)*

In the supervisor's inquiry, Mr. Wood advised that Deputy Blum had sent two or three text messages while in transit from 14 Floridana Drive to District-6. Mr. Wood described how he observed Deputy Blum look down at his cell phone, text a few words, then look back up at the roadway. During his interview with internal affairs investigators, Mr. Wood made no mention of texting while in transit to the District-6 headquarters. The only mention of Deputy Blum texting was when they were in transit from District-6 to State Road 44 and Interstate 4 to meet prisoner transport. *(See Tab - C for Supervisors Inquiry)*

Deputy Peter Bethea

On October 1, 2014, Investigator Bennett and Investigator James Gabriel conducted a sworn recorded interview with Deputy Peter Bethea at the Sheriff's Office administrative offices in Deland. The following is a summary of that interview:

Deputy Bethea has been with the Sheriff's Office for approximately eight years where he is presently assigned to Charlie patrol shift in District-6. Deputy Bethea remembered serving a felony warrant at 14 Floridana Drive in DeBary on June 12, 2014.

Deputy Bethea confirmed that he, along with Deputies Dearborn and Blum, went to 14 Floridana Drive to execute an arrest warrant on Donovan Wood. The warrant, which had no bond and a nationwide pickup order, was issued by Judge Clayton for retaliating against a witness and petit theft. Deputy Bethea said he had been at 14 Floridana Drive approximately one year prior; however, he could not recall if he had any interaction with Mr. Wood at that time. Deputy

Bethea further commented that he did not recall there ever being a problem with Mr. Wood or his family in the past.

Deputy Bethea said he and Deputy Blum both approached the front door as Deputy Dearborn went around to the back yard. After knocking, Mr. Wood opened the front door and upon identifying himself, was taken into custody by Deputy Blum; who handcuffed him behind his back. It was unknown to Deputy Bethea if Deputy Blum double locked the handcuffs behind Mr. Wood prior to securing him in the back of the patrol car. Deputy Bethea said Mr. Wood made no complaints of his wrists hurting him after he was placed in handcuffs by Deputy Blum.

After explaining the warrant and providing information to Mr. Wood's family, Deputy Bethea drove to District-6 headquarters. Deputy Bethea stated that Deputy Blum arrived at the district a short time later with Mr. Wood. While Deputy Blum was doing paperwork, Deputy Bethea fingerprinted Mr. Wood. Prior to fingerprinting him, he removed the handcuffs from behind Mr. Wood's back. After he was done fingerprinting, Deputy Bethea said, "*I placed them [handcuffs] back behind his back and double locked them.*" After being handcuffed, Mr. Wood was placed back into the district holding cell to await transport. Deputy Bethea said at no time did Mr. Wood complain about the handcuffs. Deputy Bethea was asked if Mr. Wood ever advised him that the handcuffs were too tight and he replied, "*No. Otherwise I would have adjusted them.*" Deputy Bethea said he did not observe any type of injury on Mr. Wood's wrist; furthermore, when asked if he applied the handcuffs according to policy and procedure, he advised he did.

Deputy Bethea explained that part of his duties when he first started with the Sheriff's Office was prisoner transport. He said he gained a lot of experience removing and putting on handcuffs. *(See Tab - F for Official Transcript)*

When questioned, Deputy Peter Bethea had the following response as to whether he felt he violated the following policy:

26.2.102 Excessive Force Resulting in Injury - Deputies shall not use No excessive force resulting in injury to another. *(Violation subject up to dismissal.)*

Deputy Wesley Blum

On October 13, 2014, Investigator Bennett and Investigator Gabriel conducted a sworn recorded interview with Deputy Blum at the Sheriff's Office administrative offices in Deland. Also present for the interview was Teamsters Representative Brodie Hughes and Joel Turney.

Deputy Blum has been with the Sheriff's Office since June of 2013 and is assigned to patrol duties at District-6 in Debary. Deputy Blum recalled arresting Mr. Wood for a warrant on June 12, 2104 at 14 Floridana Drive in Debary.

Deputy Blum stated that he, along with two other deputies, went to 14 Floridana Drive to arrest Mr. Wood on a felony warrant. Deputy Blum said he has never been to the address prior to that day nor has he ever had any interaction with Mr. Wood prior to June 12th. According to Deputy Blum, it was Deputy Bethea who initially contacted Mr. Wood in the doorway; however, he handcuffed Mr. Wood behind his back. Deputy Blum stated that Mr. Wood never complained about the handcuffs being too tight. After handcuffing Mr. Wood, Deputy Blum escorted him to his patrol car and placed him in the driver side backseat. At that point, Deputy Blum drove Mr. Wood to District-6 for fingerprinting.

Deputy Blum indicated that he never received nor did he send any text messages while in transit to the District-6 headquarters. Upon arriving at the district, Mr. Wood was fingerprinted by Deputy Bethea as Deputy Blum typed his arrest report. When Deputy Blum finished his report he removed Mr. Wood, who was handcuffed behind his back, from the holding cell and placed him in the driver side backseat of his patrol car. At no time did Mr. Wood complain to Deputy Blum that his handcuffs were too tight or that he sustained any type of injury. Deputy Blum then proceeded to meet prisoner transport in the area of Interstate 4 and State Road 44 in Deland.

While Deputy Blum was in transit, he stated that he received text messages on his iPhone. When asked if he responded to the text messages, Deputy Blum said that he did; *"Not in the conventional term of texting...I utilized my Siri function on my phone to actually speak the text to the phone and have the phone send the text."* Deputy Blum stated that he was aware of the Sheriff's Office policy governing the use of cell phones while operating a patrol car. Deputy Blum utilized the hands free feature on his iPhone to send two text messages to his wife. Deputy Blum advised that he was stopped on Saxon Boulevard at either Marketplace shopping plaza or Enterprise Road in Orange City when he sent the text messages.

Deputy Blum described how he sent two text messages utilizing the Siri hands free function on his iPhone: *"There is a microphone button in the lower left hand corner of the keyboard and you press that, you speak the text and you click done. I can push it and I know exactly where the buttons are in order to complete the text message using the hands free application."* Deputy Blum indicated that the hands free function allows him to text without looking down at his cell phone. Furthermore, Deputy Blum explained that at no time did the text messages that he sent interfere with his operation of the patrol car.

Deputy Blum volunteered his cell phone records for the date and time he was alleged to have sent and received the text messages. The phone records confirmed that Deputy Blum did in fact send two text messages on his cell phone while in his patrol car while Mr. Wood was in custody. The text messages sent by Deputy Blum were at 02:47PM and 02:54PM on June 12, 2014, according to cell phone records.

When Deputy Blum arrived at the meeting location for prisoner transport, he stated that Mr. Wood asked him to adjust the handcuffs. Deputy Blum stated that he adjusted the handcuffs as

requested by Mr. Wood. Deputy Blum indicated that the handcuffs were double locked and he did not observe any discoloration on or around Mr. Wood's wrists. Deputy Blum described what he saw when he adjusted the handcuffs on Mr. Wood, "*What I seen on his [Mr. Wood] wrists were the normal handcuff lines from sitting on your handcuffs.*" (See Tab – G for Official Transcript)

When questioned, Deputy Blum had the following response as to whether he felt he violated the following policy:

26.2.145 Texting/ Use of Data Devices While Driving – While driving a VCSO No vehicle (rental, lease, owned), employees are prohibited from texting or typing into the cell phone, Blackberry, MDC, PDA or any other data device. Because of the inherent dangers associated with such behavior, employees found to violate this rule shall be subject to disciplinary action up to and including dismissal. (New 11/09)

On October 15, 2014, Investigator Bennett reviewed the Computer Aided Dispatch (CAD) printout, and confirmed that when the two text messages were sent, Deputy Blum was in transit from District-6 to meet prisoner transport. Investigator Bennett also reviewed Forcewatch which verified that Deputy Blum's patrol car traveled east on Saxon Boulevard during the time in which he sent the text messages. In that stretch on Saxon Boulevard, Deputy Blum would have encountered two traffic lights, one at the parking lot entrance of the Marketplace shopping plaza and the second at Enterprise Road. (See Tab – H for Copies of Cell Phone Records)

Deputy Blum's Automated Vehicle Locator (AVL) sent five position and speed updates while traveling on Saxon Boulevard until the time he reached the intersection at Enterprise Road. According to Forcewatch, the speed at which Deputy Blum's vehicle traveled ranged from 28.6mph – 45.2mph with no clear indication of being stopped. However, the times Deputy Blum's AVL sends the location and speed updates on Saxon Boulevard; neither of the updates are directly at the intersection from where he indicated the text messages were sent. (See Tab – H for Forcewatch Printout)

CONCLUSION:

On October 21, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directive to be:

- | | |
|--|----------------------|
| 26.2.102 Excessive Force Resulting in Injury | Not Sustained |
| 26.2.145 Texting/ Use of Data Devices While Driving | Unfounded |

EXHIBITS:

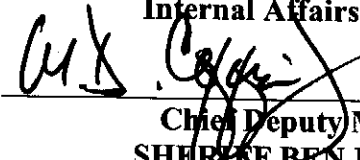
- A. Report of Investigation
- B. Official Correspondence
- C. Supervisors Inquiry and Complaint
- D. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- E. Official Transcripts of Donovan Wood
- F. Official Transcripts of Deputy Peter Bethea
- G. Official Transcripts of Deputy Wesley Blum
- H. Miscellaneous Documents
- I. Digital Media

WITNESSES:

Donovan Wood
14 Floridana Drive
Debary, Florida 32713
386-479-5303

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.

INVESTIGATOR:  DATE: 10/23/14
Investigator Glen Bennett
Internal Affairs Investigator

APPROVED BY:  DATE: 10/29/14
Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA