

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA- 14-025

PERIOD COVERED: September 23, 2014
DATE REPORTED: September 23, 2014
SUBJECT(S) NAME: Deputy Breck Sanders #8179
INVESTIGATING OFFICER: Lieutenant Jessica Paugh #6845

BASIS FOR INVESTIGATION:

On September 23, 2014, Deputy Adamczyk responded to the Volusia County Branch Jail in reference to a complaint being filed by inmate Chevez Price. Deputy Adamczyk contacted the reporting party, Sergeant Christopher Stormer, who advised that Mr. Price reported he was sexually battered by a member of the Volusia County Sheriff's Office at the time of his arrest. Sergeant Stormer provided a written statement containing the information provided by inmate Price. *(See Tab – D for Complaint/Incident report)*

Deputy Adamczyk spoke with Mr. Price and obtained a written statement of the allegations and circumstances surrounding the incident. Deputy Adamczyk then conducted a sworn recorded interview with Mr. Price, going over the statement, to ensure the information was a true and accurate account of the complaint he was making. *(See Tab – I for Digital Media/Transcription)*

Deputy Adamczyk completed an incident report based on the information provided by Mr. Price. According to the incident report, after being arrested on September 23, 2014, Mr. Price alleged one of the deputies forced his penis in Mr. Prices' mouth. Mr. Price also stated that an unknown "metallic tasting" object was placed down his throat. Mr. Price reports that these intentional acts were committed upon him while he was handcuffed, and in the back of the patrol vehicle. Mr. Price was unable to provide names of either deputy present at the time of his arrest, referring to them as "D1" and "D2". *(See Tab - D for Complaint/Incident Report)*

On October 1, 2014, Lieutenant Paugh reviewed Deputy Adamczyk report and the statement provided by Mr. Price. Utilizing Computer Aided Dispatch (CAD) printouts and the reports submitted for the arrest of Mr. Price, Lieutenant Paugh identified the two arresting deputies

as Deputy Breck Sanders and Deputy David Winhoven. Further review of the statement submitted by Mr. Price and the events described within, indicated that the allegations were directed at Deputy Breck Sanders. *(See Tab - H for AVL/CAD Query)*

OFFENSE(S):

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

Volusia County Merit System Rules and Regulations 86-453 (13). Any conduct, on or off duty that reflects unfavorably on the County as an employer. *(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).*

INVESTIGATIVE SUMMARY:

On October 17, 2014, Chief Deputy Coffin assigned the case to the Internal Affairs Unit for an administrative investigation. This report details the investigation conducted by Lieutenant Jessica Paugh.

On October 20, 2014, Lieutenant Paugh served Deputy Breck Sanders with a Notice of Internal Investigation at S.R. 44 and S.R. 415, in New Smyrna Beach, FL. Deputy Sanders was provided a copy of the law enforcement officer bill of rights. *(See Tab - C for Official Correspondence)*

Chevez Price

On October 28, 2014, Lieutenant Paugh and Sergeant Tatum went to the Volusia County Branch Jail to conduct an interview with Mr. Price. Mr. Price refused to give a statement, indicating that he would like his attorney present during any future contact. Mr. Price did not have an attorney at the time; therefore, he was given the necessary information to reach Lieutenant Paugh or Sergeant Tatum, to reschedule the interview when one was obtained. Mr. Price stated he would consult with his attorney and schedule a time to interview based on the advice of his counsel. Mr. Price never contacted Lieutenant Paugh or Sergeant Tatum for interview.

Deputy David Winhoven

On November 20, 201, Lieutenant Paugh conducted a sworn recorded interview with Deputy David Winhoven in the Internal Affairs Office, Deland, FL. The following is a summary of the interview:

Deputy Winhoven has been with the Volusia County Sheriff's Office since August 2013 and is currently assigned to District Two as a patrol deputy. Deputy Winhoven has prior law

enforcement to include (6) six years with the City of Deland and (3) three years with the Florida Department of Corrections.

Deputy Winhoven advised that he conducted a traffic stop on Mr. Price the morning of September 23, 2014, after observing Mr. Price commit a traffic violation. Deputy Winhoven initiated the traffic stop in the vicinity of S.R. 44 and S.R. 4139, conducting the stop on the side of the roadway. Deputy Sanders arrived on scene as backup shortly after. During the stop, Mr. Price was found to be operating the vehicle on a suspended license, and showing an active felony probation status. The registered owner of the vehicle could not be located and a tow truck summoned to the scene. While Deputy Winhoven was preparing the citations for Mr. Price, Deputy Sanders conducted an inventory of the vehicle. During the inventory of the vehicle, Deputy Sanders discovered a bag on the front seat containing a firearm. Deputy Sanders advised Deputy Winhoven to secure Mr. Price, which he did. Mr. Price was handcuffed and escorted by Deputy Sanders to the backseat of Deputy Sanders' vehicle. Deputy Winhoven recalls:

"I heard the screaming. I went back. Mr. Price was on the edge of the seat, had his feet hooked under the door. Deputy Sanders went around the other side. I explained to him I'll hold the door on this side so he can't push out. Deputy Sanders went around the other side and I told him I was like if he doesn't go in there just pull him in there. We can't, we can't let him run out in the road."

Deputy Winhoven stated that Mr. Price was making threats that he was going to run out into the road and comments on how he didn't want to go back to jail. Deputy Winhoven described Mr. Price as:

"When I first met him; at first contact he was just super nervous and then as things progressed he reminded me of somebody that was on meth. He had the extreme swing from calm to the shakes, gitters and just super amped up. So that's what he reminded me of just somebody that's taking meth or on meth. Yeah he just started freaking out when he was put in handcuffs. Total, total like excited delirium. Total, total mood swing like from one person to Dr. Jekyll to Mr. Hyde."

Deputy Winhoven stated after Mr. Price was secured in Deputy Sanders' vehicle he did not see or hear any other confrontation arise between Deputy Sanders and Mr. Price. After both Deputy Winhoven and Deputy Sanders left the scene and returned to the District Office, Deputy Winhoven advised Mr. Price never attempted to speak with him, ask for assistance, or indicate a complaint against Deputy Sanders.

Deputy Winhoven denied knowledge or active participation in any sexual contact between Deputy Sanders and Mr. Price. Deputy Winhoven denied anyone placing any object down Mr. Price's throat. (See Tab – E for Official Transcript)

Deputy Sean McRae

On December 4, 2014, Lieutenant Paugh made contact with Deputy Sean McRae, the deputy responsible for transporting Mr. Price to the jail the morning of September 23, 2014. Deputy McRae could not recall the transport, or Mr. Price. Deputy McRae stated at no time does he recall a sexual allegation made against any deputy or any complaint of impropriety. Deputy McRae advised he would immediately notify his supervisor in any instance that a complaint against a deputy is made or inferred.

Deputy Breck Sanders

On December 10, 2014, Lieutenant Paugh and Sergeant Sawicki conducted a sworn recorded interview with Deputy Sanders at the Sheriff's administrative office in Deland, FL. The following is a summary of the interview:

Deputy Sanders, a probationary deputy, has been with the Sheriff's Office for approximately one and a half years and has been assigned to patrol duties in District Two since December of 2013.

On September 23, 2014, Deputy Sanders assisted Deputy Winhoven with a traffic stop on S.R. 44 near S.R. 4139. The driver of the vehicle, Chevez Price, was ultimately placed under arrest and secured in the rear of Deputy Sanders patrol vehicle. At the time of the arrest there was an incident where Deputy Sanders and Deputy Winhoven had to forcible place Mr. Price in the vehicle due to his erratic behavior. At one point, Mr. Price hooked his feet under the passenger door, refusing for the door to be shut to secure Mr. Price inside. Deputy Winhoven assisted with holding the door tight while Deputy Sanders reached from the other side and pulled Mr. Price in. During this encounter no one was injured and no further contact was made between Mr. Price and either deputy on scene.

Mr. Price was ultimately transported to the District Two office and later transported to the Volusia County Branch Jail by Deputy McRae. At no time while in the presence of Deputy Sanders did Mr. Price make any allegations or complaints, ask to speak to a supervisor, request medical assistance for any injuries received, or indicate his dissatisfaction with Deputy Sanders.

Deputy Sanders denied any knowledge, or active participation in any sexual contact with Mr. Price. Deputy Sanders denied anyone placing any object down Mr. Price's throat.

Deputy Sanders was questioned if he felt he violated the below listed policy regarding this investigation. The following are his responses to the alleged violations:

Volusia County Merit System Rules and Regulations 86-453 (13) No
(See Tab – F for Official Transcript)

Lieutenant Paugh checked the Automated Vehicle Locator (AVL) history Deputy Sanders and Deputy Winhoven for the times surrounding the incident on September 23, 2014. According to the data, both Deputy Sanders and Deputy Winhoven were on scene from 0108 hours until 0211 hours. Upon departing the scene, Deputy Sanders' AVL indicates he traveled directly from the scene to the District Two office arriving at 0219 hours. The speeds indicate that Deputy Sanders' vehicle was traveling in a direct path to the district office with no prolonged stops or diversion from the road way. (See Tab – H for AVL/CAD Query)

CONCLUSION:

On December 16, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the alleged violations of the above listed Department Standards Directives to be: **Unfounded**

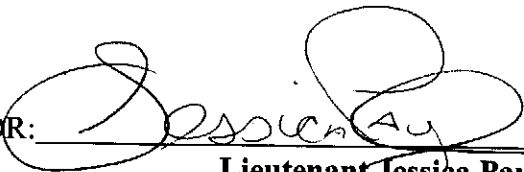
EXHIBIT(S):

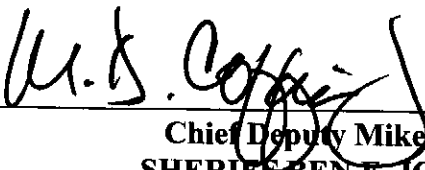
- A. Report of Investigation
- B. Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Documents
- D. Complaint-Incident Report
- E. Official Transcript of Deputy Winhoven
- F. Official Transcript of Deputy Sanders
- G. Miscellaneous Documents
- H. AVL/CAD Query
- I. Digital Media

WITNESSES:

Deputy David Winhoven
Volusia County Sheriff's Office
386-736-5961

Deputy Sean McRae
Volusia County Sheriff's Office
386-736-5961

INVESTIGATOR:  DATE: 12-18-14
Lieutenant Jessica Paugh
Internal Affairs Investigator

APPROVED BY:  DATE: 12/19/14
Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA