

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-15-003**

**PERIOD COVERED:** February 14, 2015  
**DATE REPORTED:** February 14, 2015  
**SUBJECT(S) NAME:** Deputy Ruben Escobar #8193  
**INVESTIGATING OFFICER:** Sergeant Justin Sawicki #7179

**BASIS FOR INVESTIGATION:**

On February 19, 2015, Sergeant Sawicki received a supervisor inquiry composed by Sergeant Kyle Bainbridge. The subject of the supervisor inquiry was a "Motor Vehicle Observation" involving Deputy Ruben Escobar. The incident occurred on February 14, 2015, in the city of Deltona. The inquiry alleged Deputy Escobar may have violated certain Department Standards and Directives, specifically in regards to the motor vehicle apprehension directive.

Chief Deputy Mike Coffin assigned the case for investigation by the Internal Affairs Unit. The supervisor inquiry completed by Sergeant Bainbridge is referenced by memorandum number: 054M013.15 and is attached and made part of this investigation. *(See Tab - C)*

**OFFENSE(S):**

**26.2.34 Failure to Follow Directive or Order** - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

**To Wit:**

**41.2.1** Any Deputy in an authorized emergency vehicle is justified in initiating a motor vehicle pursuit if the Deputy has reason to believe that the suspect has committed a serious felony involving an act of violence or the threat of serious injury or death, and has the apparent capability to carry out said act, i.e., robbery/attempted robbery, aggravated battery, firing into an occupied dwelling, murder, attempted murder, sexual battery, burglary of an occupied dwelling/structure, (excluding curtilage and outbuildings), or arson of an occupied structure.

**41.2.7** Deputies shall not pursue or assist in the pursuit of motor vehicles for traffic offenses.

**41.2.9** The “apprehension phase” of an attempted traffic stop becomes a pursuit whenever the violator knows that a Deputy is signaling him to stop and continues driving or attempts to elude the Deputy. If the violator has knowledge that they are being signaled to stop and speeds up or does anything else to evade the Deputy, it then becomes a pursuit. When the traffic stop becomes a pursuit it shall be discontinued following the procedures of this Directive.

**41.2.13** All Deputies involved will immediately terminate and disengage from a motor vehicle pursuit when they determine the pursuit is not within the guidelines of this policy or circumstances, as described in 41.2.24-.27, determine that course of action or when ordered to do so by the supervisor in charge.

*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 February 19, 2015, Chief Deputy Mike Coffin assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Justin Sawicki.

On February 20, 2015, Sergeant Justin Sawicki served Deputy Ruben Escobar with a Notice of Internal Investigation at the Sheriff’s Administrative Office in DeLand, FL. Deputy Escobar was provided with a copy of the law enforcement officer bill of rights. (*See Tab – B for Official Correspondence*)

Sergeant Sawicki reviewed the supervisor inquiry completed by Sergeant Bainbridge, the following is a summary of the inquiry:

On February 14, 2015, at approximately 0836 hours, Deputy Ruben Escobar was patrolling the area of Fort Smith Boulevard and Newmark Drive in Deltona, FL. Deputy Escobar observed a red Chevrolet Cavalier bearing Florida tag: A716NW. The vehicle was stationary at the stop sign on Newmark Drive at the intersection of Fort Smith Boulevard. Deputy Escobar turned his patrol vehicle onto Newmark Drive from Fort Smith Boulevard. As Deputy Escobar was turning onto Newmark Drive, he observed a black male driver [Mr. Shawn Hill], and sole occupant of the vehicle, was not wearing his seatbelt. As Deputy Escobar passed Mr. Hill’s vehicle, Mr. Hill turned southbound onto Fort Smith Boulevard. Deputy Escobar then conducted a U-turn in an effort to affect a traffic stop for the aforementioned violation [seatbelt infraction]. Deputy Escobar turned southbound onto Fort Smith Boulevard and commenced the apprehension phase of a traffic stop. As both vehicles approached the intersection of Fort Smith Boulevard and East Normandy Boulevard, Mr. Hill turned westbound onto East Normandy Boulevard. Deputy Escobar was able to position his patrol vehicle directly behind Mr. Hill’s vehicle in the 1800 block of East Normandy Boulevard. Deputy Escobar activated his emergency equipment [lights and siren] installed on the patrol vehicle. Deputy Escobar relayed via radio the attempted traffic

stop and that the vehicle was failing to stop. Sergeant Bainbridge then authorized the use of stop sticks and advised pursuit was not authorized for the fleeing vehicle. The inquiry states, "*Deputy R. Escobar then followed the vehicle to Saxon Boulevard...*" The vehicle turned northbound onto Saxon Boulevard from East Normandy Boulevard as Deputy Escobar continued to follow. As the vehicles approached Providence Boulevard, Deputy Escobar deactivated his emergency equipment and continued to travel in the same direction as the fleeing vehicle. According to the inquiry, Mr. Hill's vehicle continued to rapidly accelerate as it approached the intersection at Providence Boulevard. As Mr. Hill reached the intersection, the traffic signal was red for vehicles traveling westbound on Saxon Boulevard. Mr. Hill proceeded into the intersection contrary to the red signal. Mr. Hill's vehicle struck the front of a white 2006 Audi passenger vehicle. After the collision with the Audi, Mr. Hill's vehicle proceeded through the intersection crossing over the double yellow line and struck the mailbox at 1030 Saxon Boulevard. Mr. Hill's vehicle came to rest after impacting a palm tree in the yard of 1491 Landover Avenue [corner of Saxon Boulevard and Landover Avenue].

Sergeant Bainbridge made contact with the driver of the Audi, Mrs. Christina Tronconi. Mrs. Tronconi stated she was traveling southbound on Providence Boulevard approaching Saxon Boulevard, and she had a green signal. As Mrs. Tronconi proceeded through the intersection, she observed Mr. Hill's vehicle approaching rapidly on Saxon Boulevard from the east. Mr Hill's vehicle did not stop at the red signal and collided with Mrs. Tronconi's vehicle. Mrs. Tronconi stated she observed Deputy Escobar travel through the intersection, "*a short while later with his emergency lights activated – no siren.*" Sergeant Bainbridge also contacted Ms. Aileen Buell who was witness to the crash. Ms. Buell stated she observed Mr. Hill's vehicle rapidly approaching the intersection of Providence Boulevard and Saxon Boulevard from the east. Ms. Buell advised she observed Mr. Hill's vehicle fail to stop at the red signal on Saxon Boulevard and traveled into the intersection at a high rate of speed. Mr. Hill's vehicle collided with Mrs. Tronconi's vehicle and came to rest after colliding with a palm tree.

Mr. Hill was transported to Halifax Medical Center in Daytona Beach, FL, where Sergeant Greg Miles made contact with him. Mr. Hill stated when he was at the intersection of Newmark Drive and Fort Smith Boulevard; he observed Deputy Escobar and described him [Deputy Escobar] as, "*The deputy looked at me crazy as he drove past.*" When Mr. Hill observed Deputy Escobar conducting a U-turn, he believed "*the deputy was going to hassle*" him. Mr. Hill stated he had no further recollection of the incident.

Sergeant Sawicki traveled to Deltona and drove the route of the incident. Sergeant Sawicki noted from the intersection of Fort Smith Boulevard/Newmark Drive to the intersection of Fort Smith Boulevard/East Normandy Boulevard, the distance is approximately 1.0 miles; the speed limit for this segment is 35 miles per hour (MPH). From East Normandy Boulevard/Fort Smith Boulevard to East Normandy Boulevard/Saxon Boulevard, the distance is approximately 0.6 miles, and the speed limit is 35 MPH for this segment. From Saxon Boulevard/East Normandy Boulevard to Saxon Boulevard/Providence Boulevard, the distance is approximately 0.7 miles, and the speed limit for this segment is 35 MPH. Sergeant Sawicki determined the entire distance traveled was approximately 2.3 miles, and the speed limit for the entire route never varied from 35 MPH. Sergeant Sawicki also confirmed the distance for each segment and total distance traveled by utilizing Google Maps. (See Tab – F for copies of maps)

Sergeant Sawicki utilized Forcewatch to determine Deputy Escobar's speed during the incident. According to Forcewatch, the top speed during the apprehension phase by Deputy Escobar was on Fort Smith Boulevard near Peoria Street, and that speed was 101.3 MPH. It was determined the minimum sustained speed during the apprehension phase on Fort Smith Boulevard was 75.5 MPH, as Deputy Escobar approached the intersection of East Normandy Boulevard. The segment on East Normandy Boulevard was found to have a top speed of 83.8 MPH and a minimum sustained speed of 41.9 MPH. On Saxon Boulevard to Providence Boulevard, the segment had a maximum speed of 84.9 MPH and minimum sustained speed of 67 MPH. (*See Tab F- for Forcewatch printout*)

Sergeant Sawicki received a copy of the radio transmissions during the time of the incident from Central Communications. The recording was of radio channel LE-4. The following is a summary of the recording:

Deputy Escobar contacted the telecommunicator and advised her of the attempted traffic stop. Eighteen (18) seconds into the recording, Deputy Escobar advised he and Mr. Hill's vehicle were traveling on East Normandy Boulevard towards Providence Boulevard; it should be noted Deputy Escobar's siren is clearly audible in the background. Twenty-five (25) seconds into the recording, Deputy Escobar advised they were approaching Saxon Boulevard. Thirty (30) seconds into the recording, 1C90 [Sergeant Bainbridge] authorized stop sticks and advised pursuit is not authorized. Thirty-six (36) seconds into the recording, the telecommunicator acknowledged the sergeant's orders, and she asked for confirmation of Mr. Hill's vehicle's description with Deputy Escobar. Forty-six seconds (46) into the recording, Deputy Escobar confirmed Mr. Hill's vehicle was a red passenger car, during this transmission Deputy Escobar's siren was clearly audible and his vehicle engine could be heard revving. Fifty (50) seconds into the recording, Deputy Escobar provided the telecommunicator with the tag number from the vehicle Mr. Hill was operating. In the same transmission, Deputy Escobar advised they were approaching Providence Boulevard and his siren was still audible. One minute and five seconds into the recording, Sergeant Bainbridge ordered Deputy Escobar to "*shut it down*" [*deactivate emergency equipment*], and he asked Deputy Escobar to report the speed at which the vehicles were traveling. One minute and nine seconds into the recording, Deputy Escobar advised, "*I shut it down.*" One minute and twelve seconds into the recording, Deputy Escobar advised "*He's 4F*" [*4F being the Computer Aided Dispatch (CAD) code for motor vehicle crash*].

### **Deputy Ruben Escobar**

On March 03, 2015, Sergeant Sawicki and Investigator Glen Bennett conducted a sworn recorded interview with Deputy Ruben Escobar at the Sheriff's administrative offices in DeLand, FL. Also present during the interview was Teamster representative, Joel Turney. The following is a summary of that interview:

Deputy Escobar has been employed with the VCSO since August of 2013. Deputy Escobar since being released from the VCSO training program has been assigned to District Four patrol.

Deputy Escobar recollected working an overtime shift on Saturday February 14, 2015. At

approximately 0836 hours, Deputy Escobar advised he observed a red Chevrolet four door passenger vehicle at the intersection of Newmark Drive and Fort Smith Boulevard. Deputy Escobar advised it was later determined the driver and sole occupant of the vehicle was Mr. Shawn Hill. Deputy Escobar advised Mr. Hill's vehicle was stationary at the stop sign at Newmark Drive and Fort Smith Boulevard. Deputy Escobar stated he was traveling southbound on Fort Smith Boulevard and was turning left (eastbound) onto Newmark Drive. Deputy Escobar stated as he executed the turn onto Newmark Drive, he observed Mr. Hill was not wearing his seat belt. Deputy Escobar recalled Mr. Hill turning left (southbound) onto Fort Smith Boulevard from Newmark Drive. Deputy Escobar then conducted a U-turn. Deputy Escobar advised he lost sight of the vehicle for a short time, however when he turned southbound onto Fort Smith Boulevard, he was able to reestablish a visual of Mr. Hill's vehicle.

Deputy Escobar described Mr. Hill's driving pattern as: *"He was driving fast. I don't know if he was just driving fast because he was just that guy that has to drive fast or if he was actually getting away from me at that particular point and then we both turned onto East Normandy."* Deputy Escobar stated Mr. Hill's vehicle was, *"a couple hundred yards"* in front of his patrol vehicle on Fort Smith Boulevard.

Deputy Escobar advised he was able to position his patrol vehicle directly behind Mr. Hill's vehicle near the intersection of East Normandy Boulevard and East Lehigh Drive. Deputy Escobar was asked about his vehicle accelerating when he made the initial radio transmission for the attempted traffic stop. Deputy Escobar stated, *"I was still trying to get closer to him at that point."* Sergeant Sawicki made reference to the radio transmission at eighteen seconds, in which Deputy Escobar said they were on East Normandy Boulevard heading towards Providence Boulevard and his siren was audible. Deputy Escobar was asked if he believed Mr. Hill was actively fleeing from him at this time and he said, *"At that point I could probably say yes sir he was."*

Deputy Escobar was queried as to whether or not he had heard Sergeant Bainbridge state that pursuit was not authorized and his response was:

*"I was listening to the radio but I wasn't "listening" to the radio if that makes any sense. I was so focused on what the guy was doing in front of me. I've never experienced anything like that before in my short term with this service office. I should have known better. Probably what he said, obviously because that's what was happening."*

When asked if Deputy Escobar felt he initiated and engaged in a motor vehicle apprehension with Mr. Hill, he stated, *"Yes sir."* When asked why he engaged in an unauthorized motor vehicle apprehension, Deputy Escobar advised:

*"I didn't want; honestly I just didn't want him to get away. I mean it's, I mean; to see that happen in front of me and I mean I've had; experienced a lot of things working in Deltona that wasn't one of them which is kind of surprising as long as I've been there 'cause I do all my overtime in Deltona and I've never had a car flee like that before and I just, kind of catches me off guard for a minute and uh*

*just you know for a second there I'm just driving, not thinking to be honest with you, not even thinking to hit the brakes. I'm just going I'm like you know and uh it took me a minute to realize I guess I mean it seemed all happened in like 15, 20 seconds but clearly it didn't because now you know it was over 2 minutes you know that what I was doing was wrong."*

Deputy Escobar acknowledged that he was aware of the VCSO directives regarding motor vehicle apprehension prior to the incident. Deputy Escobar confirmed he allowed himself to "get caught up in the moment." When asked what he would have done differently, Deputy Escobar stated, "Probably would have kept going at Fort Smith and Normandy and never turned on Normandy. I probably wouldn't have even called it out knowing what I know now. I probably would have just said I've got a signal 12 driver headed this way and continued down Fort Smith."

Deputy Escobar was asked if he at any point deactivated his emergency equipment. Deputy Escobar advised, he deactivated his equipment as the vehicles were on Saxon Boulevard approaching Providence Boulevard. Deputy Escobar stated he only reactivated his lights when he came to the intersection and observed Mr. Hill had crashed.

Deputy Escobar stated he retrieved the tag number from the vehicle when they were traveling on Saxon Boulevard. Deputy Escobar advised he wanted to ascertain the tag so that if the driver was the registered owner, he would file charges for Aggravated Fleeing and Eluding. Deputy Escobar advised, he would have been able to identify the driver via a photograph because he had a clear view of his face prior to initiating the apprehension phase.

Deputy Escobar acknowledged that the speed limit for the entire route traveled was 35 MPH. Deputy Escobar openly admitted that he traveled above the posted speed limit for the duration of the incident.

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

**26.2.34 Failure to Follow Directive or Order** - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

**To Wit:**

**41.2.1** Any Deputy in an authorized emergency vehicle is justified in initiating a motor vehicle pursuit if the Deputy has reason to believe that the suspect has committed a serious felony involving an act of violence or the threat of serious injury or death, and has the apparent capability to carry out said act, i.e., robbery/attempted robbery, aggravated battery, firing into an occupied dwelling, murder, attempted murder, sexual battery, burglary of an occupied dwelling/structure, (excluding curtilage and outbuildings), or arson of an occupied structure. **Yes**

41.2.7 Deputies shall not pursue or assist in the pursuit of motor vehicles for traffic offenses. **Yes**

41.2.9 The "apprehension phase" of an attempted traffic stop becomes a pursuit whenever the violator knows that a Deputy is signaling him to stop and continues driving or attempts to elude the Deputy. If the violator has knowledge that they are being signaled to stop and speeds up or does anything else to evade the Deputy, it then becomes a pursuit. When the traffic stop becomes a pursuit it shall be discontinued following the procedures of this Directive. **Yes**

41.2.13 All Deputies involved will immediately terminate and disengage from a motor vehicle pursuit when they determine the pursuit is not within the guidelines of this policy or circumstances, as described in 41.2.24-.27, determine that course of action or when ordered to do so by the supervisor in charge. **Yes**

**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.* **Yes**

*(See Tab - H for Official Transcript)*

#### **CONCLUSION:**

On March 17, 2015, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directives to be:

**26.2.34 Failure to Follow Directive or Order** - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

#### **To wit:**

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**41.2.7** Deputies shall not pursue or assist in the pursuit of motor vehicles for traffic offenses. **Sustained**

**41.2.9** The “apprehension phase” of an attempted traffic stop becomes a pursuit whenever the violator knows that a Deputy is signaling him to stop and continues driving or attempts to elude the Deputy. If the violator has knowledge that they are being signaled to stop and speeds up or does anything else to evade the Deputy, it then becomes a pursuit. When the traffic stop becomes a pursuit it shall be discontinued following the procedures of this Directive. **Sustained**

**41.2.13** All Deputies involved will immediately terminate and disengage from a motor vehicle pursuit when they determine the pursuit is not within the guidelines of this policy or circumstances, as described in 41.2.24-.27, determine that course of action or when ordered to do so by the supervisor in charge. **Sustained**

**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.* **Sustained**

Sheriff Johnson tentatively determined the discipline for Deputy Escobar to be a twenty-four hour (24) hour suspension without pay, additionally Deputy Escobar’s probation would be extended for thirty (30) days. Deputy Escobar was served with his “Intent to Suspend” letter on March 19, 2015, at the VCSO District Four Office, Deltona FL.

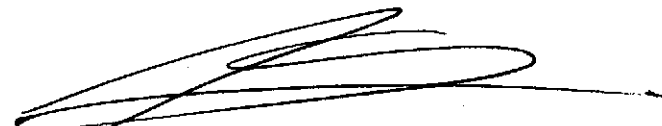
Deputy Escobar elected to not have a pre-disciplinary hearing with Sheriff Johnson. Thus, the discipline issued by Sheriff Johnson was made final. On May 20, 2015, Sergeant Sawicki served Deputy Escobar with his “Final Suspension” letter at the Graves Avenue Extension, Deltona, FL. Deputy Escobar will serve his twenty-four (24) hour suspension on June 22 and 23, 2015.



**EXHIBITS:**

- A. A. Report of Investigation
- B. Official Correspondence
- C. Complaint
- D. Administration of Oath/Perjury Warning
- E. Official Transcript of Deputy Ruben Escobar
- 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.

INVESTIGATOR:  DATE: 05/20/15

**Sergeant Justin Sawicki**  
**Internal Affairs Investigator**

APPROVED BY:  DATE: 05/20/15

**Chief Deputy Robert L. Jones III**  
**SHERIFF BEN F. JOHNSON**  
**VOLUSIA COUNTY, FLORIDA**