

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-15-006**

**PERIOD COVERED:** March 22, 2015  
**DATE REPORTED:** March 22, 2015  
**SUBJECT(S) NAME:** Deputy Austin Warensford #7958  
**INVESTIGATING OFFICER:** Lieutenant Jessica Paugh #6845

**BASIS FOR INVESTIGATION:**

On March 22, 2015, the Volusia County Sheriff's Office responded to 310 Steel Road, Seville in reference to a domestic disturbance. Responding units were advised that the female reporting party advised her husband had a gun and was pointing it at her. At approximately 1907 hours, Deputy Warensford arrived on scene and observed a physical altercation between a female and male on the porch of 310 Steele Rd. At 1911 hours, Deputy Warensford advised dispatch that he can see the subjects on the porch, a female is screaming "he's got a gun," and the subjects are not responding to Deputy Warensford's commands. At 1912 hours, Deputy Warensford advised that shots have been fired and the male has retreated into the house, while the female is hiding behind a truck in the yard. At approximately 1916 hours, Stephen Johnson was placed under arrest by Deputy Warensford after surrendering without further incident.

On call CID, members of the Major Case Unit, and the Internal Affairs Unit were notified and arrived on scene. The crime scene was secured and processed, while Investigator Amrhine and Investigator Pagliari conducted the criminal investigation.

**OFFENSE(S):** None.

**INVESTIGATIVE SUMMARY:**

On Sunday March 22, 2015, Lieutenant Jessica Paugh and Investigator Gabriel of the Internal Affairs Unit responded to 310 Steel Road, Seville, where Deputy Warensford had discharged his department issued Glock 35 firearm at a suspect involved in domestic dispute. Lieutenant Paugh arrived on scene and was briefed by Sergeant Hattaway of the events leading up to the use of deadly force by Deputy Warensford.

Sergeant Hattaway had retained Deputy Warensford's firearm immediately following the shooting to

preserve the evidence. Sergeant Hattaway turned Deputy Warensford's firearm over to Investigator Gabriel, who provided Deputy Warensford with the Internal Affairs's replacement firearm. Deputy Warensford's firearm was then turned over to Crime Scene Investigator David Dewees for processing. The weapon revealed that three shots had been fired, consistent with statements and the physical evidence located at the scene. The weapon was verified as Deputy Warensford's department issued firearm Glock 35, serial number HLG290. The weapon appeared to be in working order with no modifications noted.

Lieutenant Paugh confirmed all suspects had been apprehended and there were no injuries sustained from the bullet/fragments fired by Deputy Warensford. Lieutenant Paugh observed two projectile strikes to the south side exterior of the mobile home residence and three spent shell casings in the area described as the origin of fire. Lieutenant Paugh determined the crime scene to be consistent with the account of the incident as reported by Sgt. Hattaway. The scene was turned over to Crime Scene and the Major Case Unit for further processing and investigation.

The male suspect, identified as Stephen Johnson, had minor injuries as a result of the altercation with the victim, Wendi Ward. Ward was also found to have small injuries that occurred during the physical altercation with Johnson.

On March 23, 2015, the following events occurred:

- Chief Deputy Robert Jones assigned the above described incident to the Internal Affairs Unit for investigation. (See Tab B - Official Correspondence)
- Sergeant Sawicki met with Deputy Warensford in Pierson, FL and served Deputy Warensford with his Notice of Internal Investigation, Notice of Administrative Leave (With Pay), and provided him with a copy of the Law Enforcement Officer Rights. (See Tab B - Official Correspondence)
- Lieutenant Paugh obtained a copy of VCSO incident report 15-7939, and a copy of Deputy Warensford's annual firearms qualification for Deputy Warensford's assigned firearm, serial number HLG290, dated January 14, 2014. (See Tab C - Incident Reports, and Tab H-Firearms Qualification)

On March 25, 2015, Crime Scene Investigator David Dewees turned Deputy Warensford's firearm over to the training division.

On March 30, 2015, Lieutenant Paugh received and listened to a copy of the 9-1-1 call and radio traffic from the disturbance call. (See Tab J- Digital Media)

On March 30, 2015, Deputy Warensford was cleared from administrative leave and returned to full duty. (See Tab B - Official Correspondence)

On April 7, 2015, Lieutenant Paugh received supplement reports from Investigator Dewees and

Investigator Pagliari of the Major Case unit, as well as digital copies of the interviews conducted by Investigator Amrhine and the crime scene photos.

On April 13, 2015, Range Master Deputy Randy Post returned the firearm to Deputy Warensford noting the firearm to be in working condition without modifications.

### **Deputy Austin Warensford**

On April 17, 2015, Lieutenant Paugh and Sergeant Sawicki conducted a sworn recorded interview with Deputy Warensford in the Sheriff's Administrative Office conference room. The following is a summary of the interview:

Deputy Warensford has been with the Volusia County Sheriff's Office since November 2011, and is currently assigned to patrol in District 2. On March 22, 2015, Deputy Warensford advised he responded to a disturbance call at 310 Steel Road, Seville, where dispatch advised the caller indicated there was a firearm involved. Deputy Warensford stated upon arriving at the incident location, he observed an altercation on the outside deck of the first residential trailer he saw on the property. Deputy Warensford stated there was a male and female in a physical altercation. Upon his approach, Deputy Warensford announced himself as the Volusia County Sheriff's Office and demanded the two stop fighting. At that time, Deputy Warensford heard the female scream multiple times "he has a gun" and several pleas for help. Deputy Warensford continued his approach to the house, trying to ascertain where the firearm was by verbally calling out to the female "where is the gun?" As Deputy Warensford neared the residence, the female was observed running into the residence. Simultaneously, Deputy Warensford stated the male subject stood up, with a visible firearm in his hand. Deputy Warensford described the firearm as a black handgun, "possibly a revolver." Deputy Warensford described giving the male several clear, repetitive commands to drop the gun. The male reportedly did not drop the gun as ordered, and began walking toward the residential doorway, as to enter the home where the female had retreated. Deputy Warensford advised in attempt to stop the perceived threat, he fired his department issued firearm at the male subject three times. Deputy Warensford stated the shots were fired directly at the subject because he felt there was a well-founded fear that great bodily harm or death was imminent. Deputy Warensford advised he was unaware at the time if he had struck the male subject, reporting the male subject never broke stride and continued into the residence. Deputy Warensford stated the female was then observed quickly fleeing the residence, at which time he directed her to take cover by a parked vehicle in the yard. Deputy Warensford stated he began to gather information from the female subject, when an unknown male approached him, armed with a shotgun. This male advised he was a neighbor, and was there to assist Deputy Warensford. Deputy Warensford stated the male suspect was then observed exiting the residence when he immediately began giving the suspect verbal commands to comply. From a place of cover, Deputy Warensford commanded the suspect to the ground. The suspect complied with the orders and was taken into custody without incident. Deputy Warensford advised at the time the suspect was secured in handcuffs, he was no longer armed with a firearm. Deputy Warensford advised the suspect, identified as Stephen Johnson, did not appear to be injured or any indication he had struck by a bullet.

Deputy Warensford confirmed that at the time of the incident he was wearing his department issued uniform and had arrived in his marked patrol car with prominent sheriff's office insignia displayed. (See Tab E – Official Transcript and Tab D – Advisement of Rights/Oath Perjury Warning).

Deputy Warensford's sworn testimony was consistent with the physical evidence located at the domestic disturbance crime scene, statements provided by the witnesses, and all reports submitted by the deputies and investigators involved in the incident.

#### **CONCLUSION:**

On May 12, 2015, 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** as to prevent imminent death or great bodily harm to the victim of domestic abuse and found no violations of agency policy. (See Tab I- Review Committee)

#### **EXHIBIT(S):**

- A. Report of Investigation
- B. Official Correspondence
- C. Copies of Incident reports and supplements
- D. Advisement of Rights for Disciplinary Interview/Oath-Perjury Warning
- E. Official Transcript of interview with Deputy Warensford
- F. D.A.V.I.D. & Criminal History of Stephen Johnson
- G. CAD history of call # P1150811728
- H. Volusia County Firearms Qualification Log
- I. Use of Force Review Committee/Pursuit Review Committee
- J. Transcript of defendant Steven Johnson's interview
- K. Transcript of victim Wendi Johnson's interview
- L. Transcript of witness Marge McClain's statement
- M. Digital Media

**WITNESSES:**

Sergeant Jason Hattaway  
Volusia County Sheriff's Office  
(386) 736-5961

Investigator Seth Amrhine  
Volusia County Sheriff's Office  
(386) 736-5961

Investigator Albert Pagliari  
Volusia County Sheriff's Office  
(386) 736-5961

Investigator David Dewees  
Volusia County Sheriff's Office  
(386) 736-5961

Deputy Scott Gering  
Volusia County Sheriff's Office  
(386) 736-5961

Deputy Corey Charles  
Volusia County Sheriff's Office  
(386) 736-5961

Wendi Ward  
310 Steel Road, Seville  
386-717-7284

Travis Robinson  
696 Lawson Rd., Pierson  
386-804-0102

Andrew King  
PO Box 2425, Bunnell  
386-437-0366

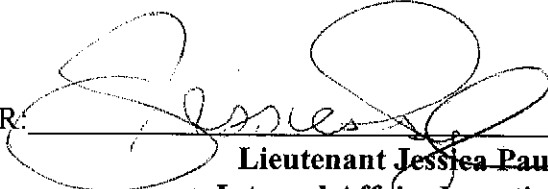
Billy Schneider  
310 Steel Rd., Seville  
386-983-1836

Richard McCoy  
310 Steel Rd., Seville  
386-649-8865

Stephen Johnson  
310 Steel Rd., Seville  
386-450-4575

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.

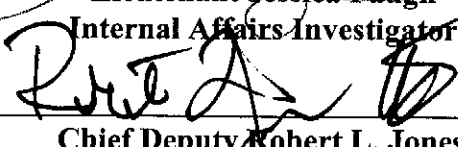
INVESTIGATOR:



DATE: 5-27-15

Lieutenant Jessica Paugh  
Internal Affairs Investigator

APPROVED BY:



DATE: 05-27-15

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