

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-16-011**

**PERIOD COVERED:** October 2, 2016  
**DATE REPORTED:** October 3, 2016  
**SUBJECT(S) NAME:** Deputy Brandon Cobb #7738  
**INVESTIGATING OFFICERS:** Investigator Glen Bennett #1452

**BASIS FOR INVESTIGATION:**

On October 2, 2016, Deputy Brandon Cobb was dispatched to 1865 South Tanner Court in Deltona, FL for the report of an obscene call/message. According to dispatch records, the reporting party wished to file a report in reference to a photograph depicting adult male sexual organs which she and some of her friends received via Facebook messenger.

On October 3, 2016, a local media outlet made a public records request for all documents pertaining to the incident; however, no report was done. It was later discovered that Deputy Cobb allegedly failed to write an incident report, resulting in another deputy having to respond to the residence to conduct a second investigation.

**OFFENSES:**

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit Rules and Regulations:

**26.2.133 General Proficiency** - Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions. *(Violation subject up to dismissal.)*

**RE: 26.2.35 Submission of Reports and Documents** - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor. *(Violation subject up to a 1 day suspension.)*

**Volusia County Merit System Rules and Regulations 86-453.** *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.*

**RE:** (2) Disregard for or frequent violations of Federal Laws, State laws, County ordinances, Departmental Standard Directives, and safety rules.

(10) Incompetent or unsatisfactory performance of duties.

### **INVESTIGATIVE SUMMARY:**

On November 7, 2016, Chief Deputy Eric J. Dietrich assigned the above incident to the Internal Affairs Unit and Deputy Cobb was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. This report details the internal affairs investigation conducted by Investigator Glen Bennett. *(See Tab – C for Official Correspondence)*

On November 9, 2016, Investigator Bennett reviewed all reports including the Supervisors Inquiry (054M101.16) authored by Sergeant Daniel Shivers. According to the inquiry, Sergeant Shivers was directed by District-4 Assistant Commander Lieutenant Donaldson Taylor, to conduct the inquiry after discovering a report was not generated by Deputy Cobb. This was in relation to the obscene call/message on South Tanner Court in Deltona, FL. *(See Tab – C for Supervisors Inquiry)*

The reporting party, Jennifer Flinchum, notified the Sheriff's Office on the afternoon of October 2, 2016, after being sent a sexually explicit photograph on Facebook the prior evening. Ms. Flinchum received a Facebook friend request the evening of October 1, 2016, by a male she later identified as Matthew Taylor. Having noticed she and Mr. Taylor had several mutual friends, she accepted the friend request. A short time later Mr. Taylor sent her a private Facebook message with an explicit photograph attached, prompting Ms. Flinchum to immediately block Mr. Taylor from sending her anymore Facebook messages. *(See Tab – I for Miscellaneous Documents)*

The following morning, Ms. Flinchum posted Mr. Taylor's Facebook page on her message board warning her friends about his behavior. As a result of this warning, several of her friends commented about how they received similar photographs from the same individual. Ms. Flinchum decided to contact the Sheriff's Office to report the incident. On October 2, 2016 at 1500hours, Deputy Cobb was dispatched to Ms. Flinchum's residence.

Ms. Flinchum's Facebook post was subsequently posted on the Sheriff's Office Facebook page which resulted in a public records request from a local media outlet. In accordance with the public information request, Public Information Officer Gary Davidson conducted a search for a report pertaining to the incident, but was unable to find one. Upon further investigation it was learned that no report was written the day of the incident, resulting in Deputy Kyle Cowger having to respond back to Ms. Flinchum's residence for additional investigation.

According to the Computer Aided Dispatch (CAD) report, the original call was generated at 14:54hours with an entry made by dispatch at 14:58hours stating, **"She saved a screenshot of the pictures and wants to make a report about it."** Deputy Cobb arrived on scene at 15:15hours, and at 15:23hours wrote comments in CAD; **"RP (reporting party) just wanted LEO (law enforcement officer) to be aware...no comments made, no conversation just a "random" nude photo sent,"** prior to leaving the residence and going back into service. The CAD report also indicated that Deputy Cobb did not complete an incident report nor did he request a Sheriff's Office case number.

A search of the Report Management System (RMS) showed that the only report generated was by Deputy Kyle Cowger on October 3, 2016. The report also contained a written statement from Ms. Flinchum to include a copy of the explicit photograph which was entered into evidence.

Investigator Bennett reviewed the Facebook messages provided by Ms. Flinchum. On October 2, 2016 at 10:30AM, a screen shot of Mr. Taylor's criminal history from the Volusia County Corrections – Public Access website was posted by a friend of her's, and Ms. Flinchum wrote in response, *"That's him. Definitely reporting him."* This verified Ms. Flinchum had knowledge

of Mr. Taylor's criminal history prior to contacting the Sheriff's Office and speaking to Deputy Cobb.

### **Jennifer Flinchum**

On November 10, 2016, Investigator Bennett and Sergeant Justin Sawicki conducted a sworn recorded interview with Jennifer Flinchum at 1865 South Tanner Court in Deltona, FL. The following is a summary of that interview:

According to Ms. Flinchum, she accepted Mr. Taylor's friend request the night of October 1, 2016, because they had several mutual friends on Facebook. A short time later, she received a private Facebook message from Mr. Taylor which contained an explicit photograph. Ms. Flinchum immediately blocked Mr. Taylor and took a screen shot of the Facebook message and photograph. She then notified all her Facebook friends of the photograph she received from Mr. Taylor warning them of his behavior. Ms. Flinchum estimated approximately twenty of her Facebook friends responded to her post explaining they too had similar issues with Mr. Taylor. After receiving so many comments involving Mr. Taylor's behavior, Ms. Flinchum notified the Sheriff's Office.

Prior to the Sheriff's Office arrival, Ms. Flinchum conducted an internet search on Mr. Taylor, discovering he had a criminal history that included stalking. Ms. Flinchum printed out the explicit picture along with the screen shot of Mr. Taylor's Facebook profile and handed it to Deputy Cobb when he arrived. Ms. Flinchum remembered telling Deputy Cobb about Mr. Taylor's criminal history; however, she did not provide him the printout. Ms. Flinchum recalled Deputy Cobb asking if she knew where Mr. Taylor lived as he wrote Mr. Taylor's name in a notepad.

According to Ms. Flinchum, *"He [Deputy Cobb] was here probably less than a minute."* She said they exchanged information, *"He gave me the card [business card], said he would have to go pay him [Mr. Taylor] a visit and left."* The business card Deputy Cobb provided did not have a case number written on it and when Deputy Cobb left her residence, Ms. Flinchum was of the understanding that a report was going to be generated, *"I assumed that a police report was filed but I never been involved in filing a police report so I had no experience prior to that..."*

Ms. Flinchum was unaware Deputy Cobb did not complete a report until the following day when Deputy Kyle Cowger arrived inquiring about the same incident, *“He [Deputy Cowger] took all the information and so at that point I realized that he [Deputy Cobb] didn’t file a report because he [Deputy Cowger] did give me a sworn statement to fill out and it was completely different than the experience the day before, so at that point I knew that a report was not filed the day before.”* (See Tab – D for Official Transcript)

### **Sergeant Kyle Bainbridge**

On December 7, 2016, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Sergeant Kyle Bainbridge at the Sheriff’s administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Bainbridge has served with the Sheriff’s Office for approximately ten years and has been a patrol sergeant in District-4 for the last two. Sergeant Bainbridge is assigned to Alpha shift in District-4 and was Deputy Cobb’s supervisor on October 2, 2016.

At the time, Sergeant Bainbridge was unaware of the call for service; however, he did briefly discuss the call with Deputy Cobb later that same day in the parking lot of District-4. According to Sergeant Bainbridge, Deputy Cobb showed him the explicit photograph and recalled him saying, *“...something in jest about [Mr. Taylor] possibly being Deltona’s new case or something to that effect.”*

According to Sergeant Bainbridge, Deputy Cobb told him the male in the photograph, Mr. Taylor, was not yet identified. Additionally, Sergeant Bainbridge was not made aware of Mr. Taylor’s criminal history or the Facebook comments involving Ms. Flinchum’s friends.

Sergeant Bainbridge was under the impression, based on the conversation with Deputy Cobb, coupled with the photograph he collected; a report was going to be written. Sergeant Bainbridge further commented, *“...I don’t know why he would take a photograph if he wasn’t going to do a report, I don’t know why he would collect anything.”* At the time, Sergeant Bainbridge was unaware a report had not been written. Furthermore, Sergeant Bainbridge denied ever telling Deputy Cobb not to write a report or that there was no crime committed. (See Tab – for Official Transcript)

### **Deputy Kyle Cowger**

On December 19, 2016, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Deputy Kyle Cowger at the District-4 headquarters in Deltona, FL. The following is a summary of that interview:

Deputy Cowger has served with the Sheriff's Office for over a year and a half and has spent the majority of his career assigned to patrol in District-4.

Deputy Cowger was working on October 2, 2016 and recalled being asked by Sergeant Daniel Shivers to respond to 1865 South Tanner Court in Deltona to take a report of an obscene Facebook photograph.

Deputy Cowger made contact with the reporting party, Ms. Flinchum, who advised him of a man named Matthew Taylor whom she accepted a Facebook friend request. Not long after Mr. Taylor sent her an explicit photograph of himself, Ms. Flinchum blocked Mr. Taylor on Facebook stopping all communication between the two parties. Deputy Cowger completed an incident report (VCSO 16-25298) as directed, and entered the copy of the explicit photograph into evidence for further investigation.

On December 27, 2016, District-4 investigators concluded their investigation into the incident. Investigators made contact with Mr. Taylor who advised them his Facebook profile had been hacked; Furthermore, he denied sending explicit photographs to Ms. Flinchum or any other female. No charges were filed and the case was closed. *(See Tab – F for Official Transcript)*

### **Deputy Brandon Cobb**

On December 29, 2016, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Deputy Brandon Cobb at the Sheriff's administrative offices in Deland, FL. Present on Deputy Cobb's behalf was Teamsters Representative Joel Turney. The following is a summary of that interview:

Deputy Cobb has served with the Sheriff's Office since 2010 and has been assigned to District-4 patrol for the last six months.

Deputy Cobb made contact with Ms. Flinchum at her residence on October 2, 2016 where she advised him, "...she said that she sent somebody [Mr. Taylor] a friend request on Facebook and in response to that friend request, after accepted, one way or the other a picture of the male genitalia was sent [to her]." Ms. Flinchum handed Deputy Cobb the explicit photograph Mr. Taylor sent with the name "Matthew Taylor" written on the bottom. According to Deputy Cobb, the picture contained no other information nor did Ms. Flinchum provide any other documentation pertaining to his criminal history.

Deputy Cobb was unaware of the Facebook messaging conversation between Ms. Flinchum's Facebook friends who claimed to have received similar pictures from Mr. Taylor. Deputy Cobb only became aware of the Facebook messaging conversation when he received the packet of information from Investigator Bennett which pertained to his interview for this investigation.

Deputy Cobb said he spoke to Ms. Flinchum for approximately three to four minutes and researched Mr. Taylor in the Records Management System (RMS) in his patrol car for another four to five minutes. Deputy Cobb did not query Mr. Taylor's name in FCIC/NCIC or D.A.V.I.D., because he did not have Mr. Taylor's date of birth. Two other patrol deputies arrived on scene and according to Deputy Cobb; they were in agreement that no crime had been committed. Based on the information gathered from Ms. Flinchum and research he conducted in RMS and Florida State Statutes, Deputy Cobb believed no crime was committed and made the decision not to write a report.

Later that afternoon on October 2, 2106, Deputy Cobb, while at the District-4 headquarters, contacted Sergeant Bainbridge who was seated in his patrol car in the parking lot. According to Deputy Cobb, he informed Sergeant Bainbridge of the call, "*I told him I didn't write a report because there was no crime,*" showed him the explicit picture and, "*He handed me the picture back and said "OK" and drove off.*" Deputy Cobb was asked if he remembered telling Sergeant Bainbridge that Mr. Taylor was "Deltona's new case" or something to that effect and he replied, "*I never said that. To my knowledge at least, I don't remember ever saying that or making a jest comment to that effect.*"

According to Deputy Cobb, the statement Sergeant Bainbridge provided to internal affairs was not an accurate depiction of their conversation. When asked if he believed Sergeant

Bainbridge’s statement was inaccurate, Deputy Cobb replied, “*Yes, from my opinion yes, and my recollection yes.*” (See Tab – G for Official Transcript)

Deputy Cobb was asked if he violated the following policies:

**26.2.133 General Proficiency:**

26.2.35 Submission of Reports and Documents **NO**

**Volusia County Merit System Rules and Regulations 86-453:**

(2) Disregard for or frequent violations of Federal Laws, State laws, County ordinances, Departmental Standard Directives, and safety rules. **NO**

(10) Incompetent or unsatisfactory performance of duties. **NO**

**EXECUTIVE SUMMARY:**

The Facebook profile of an adult man who allegedly sent an explicit photograph of himself to an adult female was posted on the Sheriff’s Office Facebook page by Jennifer Flinchum. Sheriff’s Office PIO Gary Davidson received a public records request from local media outlets inquiring about the incident. Mr. Davidson was unable to locate a report pertaining to the incident so District-4 command staff began an inquiry which resulted in another deputy having to conduct further investigation into the incident. It was later determined that Deputy Cobb was dispatched to the residence and made contact with Ms. Flinchum, who advised him she received an unsolicited explicit photograph from an adult man. Deputy Cobb was on scene for approximately ten minutes and did not complete an incident report.

Ms. Flinchum identified the man as “Matthew Taylor,” using his Facebook profile along with an internet search which revealed a criminal history involving stalking. Before posting her findings on the Sheriff’s Office Facebook page, she posted his profile on her Facebook page and received numerous comments pertaining to Mr. Taylor’s behavior. According to Ms. Flinchum’s Facebook messaging account, several of her female friends complained about receiving similar photographs from Mr. Taylor and urged her to contact the Sheriff’s Office. According to Deputy



Cobb, he was unaware of the Facebook messages or the comments posted by Ms. Flinchum's friends.

Ms. Flinchum informed Internal Affairs investigators that she provided Deputy Cobb with a copy of the explicit photograph with the name "Matthew Taylor" written at the bottom. Statements from both Ms. Flinchum and Deputy Cobb contain conflicting accounts of what the two discussed along with documents related to the incident. In his sworn statement, Deputy Cobb denied being provided specific information pertaining to the suspect's criminal history which Ms. Flinchum claimed to have informed him of.

According to Deputy Cobb, he queried "Matthew Taylor" in FCIC/NCIC and searched RMS but was unable to make a positive identification without a date of birth. Based on his findings, Deputy Cobb made the decision that no crime had been committed and he was not going to write a report.

Deputy Cobb spoke to his supervisor, Sergeant Bainbridge, about the incident and provided him a copy of the explicit photograph. Deputy Cobb informed Sergeant Bainbridge that no crime was committed; therefore he was not writing a report. According to Deputy Cobb, Sergeant Bainbridge was in agreement with his decision.

Sergeant Bainbridge recalled a different conversation where he claimed Deputy Cobb made the comment that the suspect was the next "Deltona case." A statement Deputy Cobb denied ever making. Additionally, Sergeant Bainbridge believed Deputy Cobb was going to write a report since he had collected the explicit photograph as evidence.

**Conclusion:**

On January 23, 2017, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

**26.2.133 General Proficiency:**

26.2.35 Submission of Reports and Documents **Sustained**

**Volusia County Merit System Rules and Regulations 86-453:**

(2) Disregard for or frequent violations of Federal Laws, State laws, County ordinances, Departmental Standard Directives, and safety rules. **Not Sustained**

(10) Incompetent or unsatisfactory performance of duties. **Not Sustained**

On January 25, 2017, Deputy Cobb was served with a Letter of Reprimand. (*See Tab – C for Official Correspondence*)

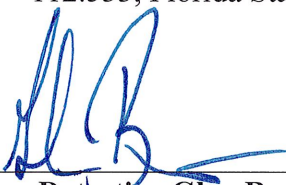
**WITNESSES:**

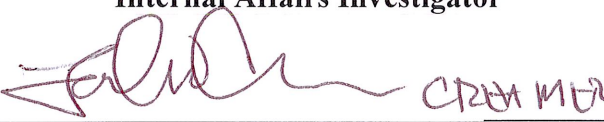
Jennifer Flinchum  
1865 South Tanner Court  
Deltona, FL 32738  
386-228-7588

Sergeant Kyle Bainbridge  
Volusia County Sheriff's Office  
386-736-5961

Deputy Kyle Cowger  
Volusia County Sheriff's Office  
386-736-5961

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: 1/26/17  
**Detective Glen Bennett**  
**Internal Affairs Investigator**

APPROVED BY:  DATE: 1/26/17  
**Chief Deputy John Creamer**  
**SHERIFF MICHAEL J. CHITWOOD**  
**VOLUSIA COUNTY FLORIDA**