

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-17-022

PERIOD COVERED: July 4, 2017
DATE REPORTED: August 16, 2017
SUBJECT(S) NAME: Sergeant Michael Campanella #1429
Deputy Corey Charles #8318
Deputy Bryan Luoma #2513
INVESTIGATING OFFICERS: Detective Glen Bennett #1452

BASIS FOR INVESTIGATION:

On August 16, 2017, Lieutenant James Day, Assistant Commander District - 4, submitted a supervisor's inquiry (054.M0069.17), which documented his findings on Citizens Complaint CC-17-012. Lieutenant Day found no basis for the citizen's complaint and recommended the alleged use of excessive force be classified as Not Sustained and the complaint of rudeness be classified as Unfounded. However, during the course of his investigation, Lieutenant Day discovered the manner in which deputies handled the original call for service, may not have been in accordance with Sheriff's Office policy.

According to Lieutenant Day's findings, deputies on scene allegedly failed to conduct a proper investigation concerning domestic violence and failed to follow Sheriff's Office policy governing the use of body worn cameras.

OFFENSES:

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

26.2.134 Knowledge of Official Directives - Department personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives. *(Violation subject up to 5 day suspension)*

RE: 41.19 Domestic Violence

41.20.51 Body Worn Camera Criminal Investigation Contact

INVESTIGATIVE SUMMARY:

On August 29, 2017, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Detective Glen Bennett.

The Sheriff's Office received a written citizen's complaint from Latonya Duncan who resides on Tanner Court in Deltona, FL. In the complaint, Ms. Duncan, alleged to have been assaulted by Deputy Bryan Luoma on the evening of July 4, 2017. Lieutenant Day was directed to conduct a supervisor's inquiry into Ms. Duncan's allegations.

Documented in Lieutenant Day's report, he found no evidence to support Ms. Duncan's claim of assault by Deputy Luoma. Based on Lieutenant Day's findings, documented in his supervisor's inquiry, supported by video evidence and witness statements, he recommended the complaint be Unfounded and Not Sustained. However, during the course of Lieutenant Day's investigation, he determined there to be possible policy violations resulting in the mishandling of the original call for service; assault/battery with injuries. *(See Tab – C for Supervisors Inquiry)*

On September 13, 2017, Detective Bennett met with Detective Cordell Lemay, a Sheriff's Office District – 4 detective, and requested he review the incident to determine if there were appropriate criminal charges to be filed.

On September 20, 2017, Detective Bennett served Sergeant Campanella and Deputy Charles with a Notice of Internal Investigation and Officer Bill of Rights in Deltona, FL. Detective Lemay reviewed the incident and determined there to be enough probable cause to file an affidavit on Mr.

Duncan for domestic violence. (See Tab – N for Police Reports, See Tab – C for Official Correspondence)

Detective Bennett reviewed all Sheriff's Office reports, Computer Aided Dispatch (CAD) and evidence involving the original call for service. On July 4, 2017, at approximately 10:08PM, Sheriff's Office Communications Center (Communications Center) began receiving 911 calls in reference to an assault/battery in the area of the Kangaroo Convenience Store located at 1715 Doyle Road in Deltona, Fl. As deputies responded, CAD was being updated with information obtained from the callers. Updates like,

10:09PM - Male dragging a female into a car by the Kangaroo

10:10PM - Female is lying in the middle of the road on Doyle

10:10PM - Sounds like RP (reporting party) is confronting male

10:13PM - Female sitting in the middle of the street – hysterically crying, male is physically carrying her to veh – does not want to go with him [sic]

10:13PM - RP stating it looked like female was doing everything she could to get away...male was telling bystanders to get away

10:13PM - Female bleeding in the middle of the road

This information was sent to the deputies Mobile Data Computer (MDC) mounted in their patrol vehicles and portions were being broadcasted over the radio. Based on call records, [REDACTED]

[REDACTED] Matthew Sindle, described a female running down the street with a male chasing her, *“This girl just got out of the car, ran down the street and her boyfriend ran after her and is **beating the shit out of her** on the side of the road right now.”* (See Tab – J for Official Transcript of 911)

According to CAD, portions of this information was not entered by the call taker and as a result was not broadcasted over primary radio. This information, if documented in CAD and provided to responding deputies, could have played a part in the outcome of the incident. Mr. Sindle not only reported the incident to the Sheriff's Office, he challenged the male in the parking lot and later followed the suspect's vehicle to a residence where he stood by for arriving deputies.

██████████ Jeremy Strecker, described a similar scene, adding, *“She definitely does not want to be in the car... Yeah there’s like ten people around me calling,”* referencing the amount of other possible witnesses on scene. *(See Tab – J for Official Transcript of 911)*

A third unidentified 911 caller, who was at the Deltona Skating Rink near the intersection where the female was reportedly in, described, *“... Yeah the guy’s shirt was ripped. He was, she did not want to go. We heard her from like a block away and then we all ran over there.”* *(See Tab – L for Official Transcript of 911)*

According to CAD and 911 recordings, Mr. Sindle, who was near the Kangaroo Convenience Store with his family, was the first person to ██████████ report the incident. He provided the location, and situational update, all the while confronting the male in the parking lot and even retrieving the keys from the vehicle in an attempt to prevent them from leaving. *(See Tab – N for CAD Report)*

Mr. Sindle gave descriptions of both the male and female and followed the two as they exited the Kangaroo Convenience Store parking lot. He provided a vehicle description and direction of travel before arriving at an address on Tanner Court, approximately one-quarter mile from the Kangaroo Convenience Store, where he waited for deputies to arrive.

At approximately 10:19PM, Deputy Corey Charles arrived on Tanner Court and made contact with Mr. Sindle. According to Deputy Charles’ BWC recording, Mr. Sindle was asked what he observed, and he responded,

“The girl came out of the car running down the street, grabbed her by the hair, slammed her on the ground, kicking her, punching her, she was screaming help, help, help... I yelled what the hell are you doing...he picked her up over his shoulder, she screaming, punching her, slamming her into the seat of the car, I ran up, took the keys out of the vehicle, threw the keys on the ground and he approached me, where the fuck are my keys, where the fuck are my keys...”

Deputy Charles advised Mr. Sindle to stay where he was and he would come back and talk with him later. Deputy Charles continued towards 1785 Tanner Court, where the male and female were reportedly located as Deputy Bryan Luoma arrived on scene.

As Deputy Charles walked up the driveway, he approached a dark colored Cadillac with its lights out. Troy Duncan was seated in the driver's seat; Malicca Battle was seated in the front passenger seat crying, with Mr. Duncan's mother, Latonya Duncan, standing next to the open driver's door. Mr. Duncan was directed to exit the vehicle, as Ms. Battle stayed seated with Ms. Duncan still at the driver side door. *(See Tab – O for BWC Recording)*

Mr. Duncan stood at the rear of the vehicle with what appeared to be a ripped shirt, which he would later claim was a result of Ms. Battle trying to get up off the roadway. According to Mr. Duncan, Ms. Battle, his girlfriend who lives in Eustice, FL, was intoxicated and was sitting in the middle of the street. He was aware people were gathering around, and recording him in the roadway, so he decided to pick her up, put her in the car and drive her back to his house on Tanner Court where he resided. He claimed there was no physical violence and denied ever dragging or striking Ms. Battle. Deputy Charles documented his interview with Mr. Duncan in his original incident report.

At approximately 10:25PM, Deputy Charles contacted the Communications Center, via portable radio, to query both Mr. Duncan and Ms. Battle's name. He was later advised neither party was wanted nor did they have a valid driver's license in the State of Florida.

At the same time Deputy Charles was speaking with the Communications Center, Deputy Luoma was interviewing Ms. Battle, who had since been asked to exit the vehicle. Alongside Ms. Battle stood Ms. Duncan, who kept insisting Ms. Battle had to use the restroom inside her home. Several times, Deputy Luoma told Ms. Duncan to leave the area, and that she was interfering with a criminal investigation.

According to the BWC video, Ms. Duncan appeared to be interfering with Deputy Luoma's interview with Ms. Battle and was told several times to go inside her house. Furthermore, the video illustrated Ms. Battle's demeanor may have been impacted by Ms. Duncan's conversation

and presence prior to deputies' arrival. Evidence of this maybe found in Deputy Luoma's supplemental report, in which he primarily explains his actions in dealing with Ms. Duncan rather than what he did or observed while handling the call for service.

During Deputy Luoma's interview with Ms. Battle, it was apparent she was being defensive when answering Deputy Luoma's line of questions. According to the BWC video interview, Ms. Battle and Mr. Duncan have been boyfriend and girlfriend for approximately six months, and resided together in Eustice, FL. Based on reports and BWC video, this information was never conveyed to other deputies on scene, or documented in any report. Ms. Battle's account, as it pertained to their domestic relationship, contradicted Mr. Duncan's statement to deputies that he resided at his mother's house on Tanner Court, not in Eustice, FL.

Deputy Luoma identified dirt on the backside of Ms. Battle's legs, which she eventually claimed was a result of her sitting on the curb in front of the Kangaroo Convenient Store. Ms. Battle denied being hit or dragged by Mr. Duncan, which contradicted the initial witness statement made by Mr. Sindle to Deputy Charles. A possible piece of evidence, visible in Deputy Luoma's BWC video, was a lump above Ms. Battle's left eye. Deputy Luoma passed on this information to Deputy Charles during a briefing between both deputies on scene; however, never conveyed to Sergeant Campanella, according to BWC video or police reports.

During the initial interview with Ms. Battle, Ms. Duncan, stayed in close proximity as the questioning progressed. At one point Deputy Luoma directed her to go inside her residence, which she continually refused to do. After complying with his direction, Ms. Duncan entered her garage via an exterior door. As she walked in, Deputy Luoma placed his right hand on her shoulder and guided her all the while explaining her options, one of which was to be placed in custody for interfering with a criminal investigation. After Deputy Luoma closed the door behind her, she tried to reopen it with Deputy Luoma further refusing her to exit; as a result, Ms. Duncan opened the garage door and continued to disrupt Deputy Luoma's line of questioning.

Ms. Duncan would later file a written complaint outlining specific injuries to her body that she sustained, as a result of Deputy Luoma's actions. Her complaint of assault was recommended by

Lieutenant Day to be categorized as Not Sustained based on the findings documented in his supervisor's inquiry; internal affairs detectives concurred with this finding based on evidence gathered for this investigation.

Sergeant Michael Campanella arrived a few minutes before Ms. Duncan went inside her home. He first spoke to Mr. Duncan who explained numerous times that he lived at the address on Tanner Court. While speaking to Mr. Duncan, a commotion between Deputy Luoma and Ms. Duncan could be overheard. Sergeant Campanella walked over and directed Deputy Luoma to handle the interview with Ms. Battle as he entered the garage to speak with Ms. Duncan.

As Deputy Luoma was questioning Ms. Battle, Mr. Duncan leaves his position from behind the Cadillac and begins to involve himself in the questioning. It was at that time Deputy Charles walked over to him, placed him in handcuffs and sat him on the ground near the rear of the Cadillac. An action Deputy Charles did not document in his report.

After speaking to Ms. Duncan, Sergeant Campanella exited the garage and asked Deputy Charles for an incident update. He was given an abbreviated account of Mr. Sindle's statement involving Mr. Duncan dragging and putting Ms. Battle into the car against her will. Deputy Charles explained the dirt on Ms. Battle was a result of her sitting on the ground at the Kangaroo Convenience Store and they did not have a domestic violence situation. It wasn't until later in the call that Deputy Charles speaks to Deputy Luoma, and is advised of the lump above her left eye; however, according to BWC video, it is unknown if Deputy Charles ever advised Sergeant Campanella of this possible piece of evidence.

After being briefed by Deputy Charles, Sergeant Campanella walked down the driveway and made contact with Mr. Sindle who gave a similar account of what he told Deputy Charles. After hearing what Mr. Sindle observed of the incident, Sergeant Campanella advised him to wait at the Kangaroo Convenience Store until further notice. As Sergeant Campanella walked back up to the house, Deputy Luoma was still engaged in conversation with Ms. Battle and Deputy Charles was speaking with Mr. Duncan.

Sergeant Campanella approached Mr. Duncan, who since had his handcuffs removed by Deputy Charles, and was seated on the ground near the rear of the Cadillac. Sergeant Campanella asked him to close his eyes as he used his flashlight to look over Mr. Duncan's body for any sign of injury. After doing so, he walked over to Ms. Battle and examined the right side of her body using his flashlight; however, before completing an entire scan of her body, Ms. Duncan began making comments, not allowing him to finish his assessment; therefore, preventing him from possibly seeing the lump above her left eye.

After speaking to Ms. Duncan, Sergeant Campanella makes contact with Deputy Charles again and the two walk down the driveway as Sergeant Campanella directs Deputy Charles to turn off his BWC. After their conversation, Sergeant Campanella turns his BWC back on; however, Deputy Charles did not turn his BWC back on until a short time later when he is driving to the Kangaroo Convenience Store to again meet with Mr. Sindle.

During this time, Deputy Luoma is still engaged in conversation with Ms. Battle who continues to deny any physical altercation between her and Mr. Duncan, as well as sitting in the middle of the road. When asked about the lump above her eye, she stated that she was unaware of the lump and never offered an explanation. Ms. Battle continues to explain away any type of violence, providing a story involving her leaving the residence on Tanner Court to use the restroom at the Kangaroo Convenience Store because of the amount of people at the house. Mr. Duncan, realizing she was gone, drove her Cadillac to the store and the two engaged in conversation that did, according to her, get loud. Because of the crowd gathering, she got into the Cadillac with Mr. Duncan and he drove them back to the address on Tanner Court.

After questioning Ms. Battle, Deputy Luoma walked over and spoke briefly to Mr. Duncan before talking with Deputy Charles away from all parties involved. During this conversation between the two deputies, Deputy Luoma gave a briefing on his findings, explaining the dirt on her legs, which she said was a result of her sitting on the curb, and describing how she did not appear to have been dragged nor did her hair look as though it was pulled. Deputy Luoma did advise Deputy Charles on three occasions of the lump that was visible on Ms. Battle's forehead. At no time during this conversation, which was recorded on Deputy Luoma's BWC, did Deputy Charles convey any

information he initially obtained from Mr. Sindle. In addition, Deputy Luoma never advised Deputy Charles of the information he obtained on the relationship and living arrangements between Ms. Battle and Mr. Duncan. An important note, Deputy Luoma never spoke to Mr. Sindle; therefore, he was unaware of what occurred at the Kangaroo Convenience Store other than what was broadcasted via department radio. At the conclusion of the conversation between the deputies, Deputy Charles indicated no law enforcement action was going to be taken and Deputy Luoma concurred.

According to BWC recordings, Deputy Charles never advised Sergeant Campanella of the lump on Ms. Duncan's head, and Sergeant Campanella may never have seen the lump during his assessment of Ms. Battle since he appeared to have been interrupted by Ms. Duncan. Additionally, Deputy Luoma did not inform Deputy Charles that both she and Mr. Duncan resided together for approximately six months in Eustice, FL as boyfriend and girlfriend, a key element associated in Florida State Statute as it relates to domestic/dating violence. No arrest was made.

At approximately 11:12PM, Deputy Charles, being the primary deputy on scene, obtained a Sheriff's Office case number and would later write the original report with the nature of the call being labeled as an Information Report. Deputy Luoma, being the backup deputy, wrote a supplement report documenting his involvement; however, the majority of his report was devoted to his involvement with Ms. Duncan and her possible complaint.

At around 11:13PM, Deputy Charles left the Tanner Court address and drove to the Kangaroo Convenience Store to meet with Mr. Sindle who was standing by as instructed by Sergeant Campanella. According to his BWC, Deputy Charles contacted Mr. Sindle who was seated in his vehicle and asks, "...*how involved do you wanna be in this,*" and Mr. Sindle responded by asking if the female was going to press charges. Deputy Charles explained the situation did not meet domestic violence criteria and since neither party wanted to do anything, law enforcement was not going to take any action.

According to the BWC, Deputy Charles explained he was going to document everything in the call, including what Mr. Sindle initially told him. Mr. Sindle was never asked to complete a sworn

witness statement; therefore, he never had the chance to decline, which was what Deputy Charles wrote on line ten in his report, "*Sindle declined to complete a sworn written statement.*"

At approximately 11:52PM, Deputy Charles was parked behind the Kangaroo Convenience Store when a man, who identified himself as Ms. Duncan's husband, approached him and began asking questions about the incident. Deputy Charles explained the situation and if he wished to speak to a supervisor, he would provide one. Deputy Charles directed him to the Sheriff's Office District – 4 headquarters, where he later spoke to Sergeant Campanella.

At or around 12:20PM, Central Communications received a [REDACTED] call from a Loretta Bradley who resides in Sanford, FL. Ms. Bradley explained to the call taker that her stepdaughter, Malicca Battle, just called her and said she was hiding in a bathroom at a house in Deltona FL, and her boyfriend, Troy Duncan, was trying to "hop" on her. Ms. Bradley did not know where the house was but explained that deputies were in contact with her earlier on Saxon Boulevard. Ms. Bradley further explained to the call taker, "*She [Ms. Battle] was crying, saying I'm in the bathroom and I'm scared, he's trying to get in here and beat me.*" (See Tab – K for Official Transcript of [REDACTED] call)

Approximately ten minutes later, Ms. Battle approaches Deputy Charles on foot, who was parked behind the Kangaroo Convenience Store writing his report. Deputy Charles exited his patrol car and approached Ms. Battle to ask if she had a family member that could come get her. Ms. Battle explained that her family would come once they knew her location, and would drive her and her car home; however, her cell phone battery was dead so she was unable to get back in touch with them. Ms. Battle explained that she needed to leave the house because, "*...it's not getting any better.*" In the meantime, Deputy Charles offered his cell phone for her to speak to her family while hers charged in his patrol car. It should be noted, a portion of the conversation between Ms. Battle and Deputy Charles was not recorded based on the audio delay built into the BWC system; however, Ms. Battle can be seen at the passenger window of the patrol car prior to the audio recording.

Approximately three minutes after being contacted by Ms. Battle at the Kangaroo Convenience Store, the Communications Center notified Deputy Charles of an update to his call. On the BWC, Deputy Charles is seen looking at the update on his MDC in his patrol car. According to CAD, the update read:

“T/L (time lapse) less than 10 minutes, RP’s (reporting party) daughter [Ms. Battle] called her and adv’d (advised) that LEO [law enforcement officer] had responded to her on Saxon previously this evening. RP cannot adv (advise) the address where her daughter is now, but states she is hiding in the bathroom. Says the male with her is trying to beat her and she is hiding from him. [sic]”

The following is the conversation that took place between Central Communications and Deputy Charles after he read the call update:

Deputy Charles: *“Ok, I’m 10-25 (in contact with) with the female half from earlier, she walked up to the Kangaroo, um and we’re trying to get it sorted out again.”*

Central Communications: *“Ok, so she’s not hiding in the bathroom, she’s with you?”*

Deputy Charles: *“Yeah, no, that’s not, that’s not accurate. She’s with me and her phone battery has died so they [family] got disconnected, so we’re trying to get that resolved.”*

According to the BWC recording, Deputy Charles never asked Ms. Battle about her hiding in the bathroom after deputies left the residence on Tanner Court, nor is there any mention of her hiding from Mr. Duncan in a bathroom in his report as it pertained to the [REDACTED] call from her stepmother, Loretta Bradley.

A few minutes after speaking with Central Communications, a vehicle pulls up to Deputy Charles location. Mr. Duncan, who appeared to be the only occupant, drove Ms. Battle’s Cadillac from the house on Tanner Court to the Kangaroo Convenience Store. Deputy Charles explains to Mr. Duncan that Ms. Battle is waiting at the Kangaroo Convenience Store for her family to arrive and they will be taking her home as well as possession of the Cadillac. Mr. Duncan expressed his

concern about his belongings at her house in Eustice, FL and began to tell Deputy Charles that he did not want to be arrested for going into her house. This information was passed on to Ms. Battle, who did not want Mr. Duncan at her house for fear of another issue. Deputy Charles told Mr. Duncan that as long as she gets her vehicle back tonight they could work out the other property issue in the morning. Deputy Charles secured the Cadillac and took the keys, which were turned over to Ms. Battle. At no time during his discussion with Mr. Duncan did Deputy Charles question him about Ms. Battle hiding in a bathroom.

Ms. Battle established contact with her family members who agreed to drive to Deltona and pick her up. Since her family did not know where the Kangaroo Convenience Store was located, they decided to meet at Skips Boots on State Road 415 in Osteen, FL. Ms. Battle got into the patrol car and Deputy Charles drove her to Skips Boots to meet her family. As they drove away, Deputy Charles asked Ms. Battle, *“How long you guys been dating?”* and Ms. Battle tells him six months, as Deputy Charles confirmed by repeating, *“about six months.”* Deputy Charles continued driving to Skips Boots where he sat and awaited Ms. Battle’s family to arrive. At approximately 1:19AM, Deputy Charles was clear from the call with an Police Information Report.

Detective Bennett reviewed the original report authored by Deputy Charles, the primary deputy on scene. According to Deputy Charles report, he arrived on scene and made contact with Mr. Sindle who advised him of a black woman, Ms. Battle, sitting in the roadway screaming and a black male, Mr. Duncan, trying to get her in a vehicle. Deputy Charles further wrote;

“Sindle stated he then observed the male pick the female up over his shoulder and place her in the vehicle. Sindle stated the female appeared to be struggling and the male appeared to “punch” her, however Sindle could not be more specific about the strike. Sindle stated the male also drug the female by the hair. Sindle declined to complete a sworn written statement.”

Deputy Charles documented his interview with Mr. Duncan, describing his version of the incident. Mr. Duncan stated he picked up Ms. Battle and put her in the front seat of the Cadillac when people

began to gather around. After getting his keys back from an individual in the parking lot, he drove back to the house on Tanner Court. Deputy Charles wrote,

“Duncan denied striking Battle or dragging her by the hair...Deputy Charles observed Duncan’s shirt was torn. Duncan stated Battle held onto his shirt when she attempted to stand up, which led to it tearing. Deputy Charles did not observe any offensive or defensive injuries to Duncan’s person and he denied being injured.”

Deputy Charles documented his interview with Ms. Battle, who described a similar version of what Mr. Duncan described. She strongly denied being struck or dragged by Mr. Duncan or being battered in any way. He further wrote;

“Deputy Charles observed Battle did not appear to be injured and Battle had no complaint of injury. Deputy Charles further observed Battle was wearing a woven wig, which would not have been conducive to being dragged by the hair. Deputy Charles further observed dirt on the back of Battle’s legs, consistent with sitting on the ground. Deputy Charles did not observe any evidence of Battle having been battered.”

Deputy Charles wrote how both parties had a similar version of what occurred and it was consistent with the evidence. Ms. Battle and Mr. Duncan were released and told to go inside the residence. At the end of the report, Deputy Charles documented his interaction with Ms. Battle at the Kangaroo Convenience Store after leaving the residence; however, there was no mention of her hiding in a bathroom after deputies left the house.

Deputy Charles wrote that Ms. Battle approached his patrol car and advised him she was attempting to contact a family member to come and pick her up. She was having difficulty since her cell phone was losing battery power so Deputy Charles offered to charge it for her. He further documented, *“Battle stated she no longer wanted contact with Duncan,”* before explaining how he provided her a courtesy ride to Skip Boots to meet with her family. Deputy Charles ended the

report, closing out the case. Sergeant Campanella approved the original report authored by Deputy Charles.

Deputy Luoma, who responded as backup to Deputy Charles, wrote a supplement report documenting his actions and observations while on scene. The majority of Deputy Luoma's report focused on his actions and involvement with Ms. Duncan, who later filed a written complaint. Out of forty plus lines of narrative, approximately three were in reference to the incident between Mr. Duncan and Ms. Battle. In the narrative explaining the incident between the two, Deputy Luoma wrote, "*It was also determined nothing physical occurred between the two and medical assistance was not required.*" Sergeant Campanella approved the supplement report authored by Deputy Luoma.

Loretta Bradley

On October 12, 2017, Detective Bennett and Detective Tara Burke conducted a sworn recorded interview with Loretta Bradley at the Sanford Police Headquarters in Sanford, FL. The following is a summary of that interview.

Ms. Bradley, Ms. Battle's stepmother, was the individual who called [REDACTED] at approximately 12:24PM on the morning of July 5, 2017, to report her stepdaughter hiding in a bathroom at a house in Deltona, FL. Ms. Bradley explained to the call taker that deputies had been in contact with Ms. Battle earlier that same evening.

When Ms. Bradley answered the phone that morning she heard Ms. Battle screaming and crying. She immediately woke Ms. Battle's father and advised him something was wrong with his daughter. Ms. Battle explained that Mr. Duncan had hit her, and she was locked in a bathroom somewhere at a house in Deltona, FL. Ms. Battle's cell phone was about to run out of battery power, so Ms. Bradley advised her to hang up in order to save battery power so police would have the ability to track her. After doing so, Ms. Bradley looked up the Volusia County Sheriff's Office number and called, only to get a recording. After doing so, she [REDACTED] got

her in touch with a Volusia County Sheriff's Office [REDACTED] call taker, where she described the situation.

According to Ms. Bradley, Ms. Battle was screaming and crying, claiming to have been hit by Mr. Duncan and was now locked in a bathroom. She advised the [REDACTED] call taker, "...I said well, she [Ms. Battle] said she called y'all [Sheriff's Office] earlier for this same incident. And he's got her locked in the bathroom. She said she called y'all earlier, why didn't y'all just take him to jail then?" Communications Center personnel connected the previous call to what Ms. Bradley was describing and determined it was Ms. Battle who was believed to be locked in the bathroom. Telecommunicators updated Deputy Charles call and notified him of the new information.

Approximately fifteen minutes later, Deputy Charles called Ms. Bradley asking if she could come pick up Ms. Battle and her car. The two parties agreed to meet at Skips Boots in Osteen, FL on State Road 415. Ms. Bradley, along Ms. Battle's father, drove to meet with the deputy and their daughter. When Ms. Battle was in the car with Ms. Bradley, the two briefly discussed the incident,

"...she was just explaining to me that he [Mr. Duncan] had hit her. She had a knot on her head...I said Malicca, I'm not understanding this. If the officer saw the knot on your head why did they let Troy [Mr. Duncan] leave...She said I don't know Ms. Loretta. She [Ms. Battle] was crying. She said they was gonna take him to jail but they just let him go. I said why did they let him go if he's, if they saw a bruise on you? She said they just believed everything he said. I was like ok well. I was just trying to keep her calm. [sic]"

According to Ms. Bradley, Ms. Battle and Mr. Duncan resided together in Lake County; however, she did not know exactly where or for how long. (See Tab – G for Official Transcript)

Malicca Battle

On October 12, 2017, Detective Bennett and Detective Burke conducted a sworn recorded telephone interview with Malicca Battle from their internal affairs office. The following is a summary of that interview:

Ms. Battle explained she and Mr. Duncan had been in an argument near the Kangaroo Convenience Store in Deltona, FL. When asked if Mr. Duncan hit her she replied, *"No. Well I don't remember. I don't remember, from what I remember he didn't."* Ms. Battle denied ever being hit, kicked or dragged, by Mr. Duncan, as described by witnesses. When asked about the lump on her head, she stated, *"Mmm. Um, I, I honestly don't remember. I really don't remember."* Detective Bennett asked Ms. Battle, *"Ok, so you don't remember, but you're not denying the fact that it may have occurred?"* and she replied, *"Yeah."* According to Ms. Battle, the only thing she remembered was driving back to Mr. Duncan's house and asking his mother to use the restroom.

When Ms. Battle spoke to Deputy Luoma at the house on Tanner Court, she remembered being asked certain questions pertaining to her relationship with Mr. Duncan. Ms. Battle confirmed, she and Mr. Duncan resided together in Eustis, FL and the two had been boyfriend and girlfriend for approximately six months.

Ms. Battle was asked what happened after deputies left the residence on Tanner Court. According to Ms. Battle, she was alone in the residence with Mr. Duncan and, *"...he was raising his voice, I was backing up because, you know, I didn't want to get into another altercation with him."* Out of fear of a physical altercation, Ms. Battle backed into a bathroom and locked the door. She called her father and stepmother to come pick her up since Mr. Duncan would not give her the keys to her Cadillac. After speaking to her stepmother, Ms. Bradley, she exited out a side door attached to the bathroom, and ran barefoot to the Kangaroo Convenience Store where she contacted Deputy Charles parked in his patrol car.

Ms. Battle and Deputy Charles engaged in conversation, discussing her situation involving Mr. Duncan as he pulled up driving her Cadillac. During this conversation, she could not remember if Deputy Charles asked, or if she explained why she was locked in a bathroom after deputies left the house.

Ms. Battle claimed there was no physical violence between her and Mr. Duncan after deputies left the residence on Tanner Court. When asked if she was sure, Ms. Battle responded, *"Yes. I don't, I don't recall getting hit at all to be honest."* When questioned about the lump on her head, she replied, *"...I'm not saying I didn't [reference lump on head]."*

According to Ms. Battle, she and Mr. Duncan were no longer together as a couple. Detective Bennett reminded her of her rights and remedies associated with dating violence and/or domestic violence. *(See Tab – H for Official Transcript)*

On October 17, 2017, Detective Bennett provided Detective Lemay a copy of the interview he conducted with Ms. Battle for his criminal case file.

On October 18, 2017, Detective Bennett and Detective Burke served Deputy Luoma with a Notice of Internal Investigation along with a copy of the Officer Bill of Rights at 250 North Beach Street in Daytona Beach, FL. *(See Tab – C for Official Correspondence)*

Deputy Bryan Luoma

On October 25, 2017, Detective Bennett and Detective Burke conducted a sworn recorded interview with Deputy Bryan Luoma at the Sheriff's Office administrative offices in Deland, FL. Representing Deputy Luoma and present for the interview was Nancye Jones. The following is a summary of that interview:

Deputy Luoma has approximately twenty years of law enforcement experience. He has been serving with the Volusia County Sheriff's Office for the last fifteen of those twenty years. Presently he is assigned to the Judicial Services Division where he provides courthouse security at the Daytona Beach Courthouse Annex in Daytona Beach, FL. Prior to his courthouse assignment, Deputy Luoma was assigned to Alpha shift District – 4 patrol as a K9 handler.

Deputy Luoma was working patrol on the evening of July 4, 2017 and responded as backup to the incident in question. Deputy Luoma recalled the information from dispatch describing a male dragging a female across the parking lot by her hair kicking and screaming, before being forced into a car.

Deputy Luoma first responded to the Kangaroo Convenience Store and made contact with the store clerk. The clerk advised him of a female yelling in the parking lot and was unaware the police had been called. After a brief conversation with the clerk, Deputy Luoma went to the address on Tanner Court, and made contact with parties involved in the incident.

As Deputy Luoma walked up the driveway, he observed Deputy Charles speaking to Mr. Duncan, and Ms. Battle crying in the front seat of the car. Ms. Battle exited the car as Deputy Luoma began questioning her about the incident. According to Deputy Luoma, she appeared upset and was “*non-responsive*” to questions.

Deputy Luoma began questioning her about the incident and establishing whether there was a relationship between her and Mr. Duncan. Deputy Luoma asked how long they been dating, if they lived together, and if they had a child in common. According to Deputy Luoma, she said they had been dating for six months and resided together in Eustis, FL. When asked if he believed he had a dating/domestic violence situation, Deputy Luoma replied, “*Possibly;*” however, this information was not documented in his supplemental report. Since Deputy Charles was the primary deputy on scene, Deputy Luoma assumed he would have documented the relationship between both parties in his original report.

Deputy Luoma believed he advised Deputy Charles of the information, but without having to go back and review the BWC recording, he could not be 100% positive. When questioned, “*There was a domestic relationship between the two and at some point, you told him [Deputy Charles] that?*” Deputy Luoma responded, “*Yes.*” According to BWC recordings, internal affairs detectives found no evidence the dating/domestic relationship information offered by Ms. Battle was ever conveyed to Deputy Charles.

Deputy Luoma described a small bump above Ms. Battle’s left eye around her temple or eyebrow, and her appearance looked “*worn.*” When asked if Ms. Battle explained how she sustained the lump to her head, Deputy Luoma replied, “*No. I asked repeatedly and she wasn’t forthcoming with any information on how she got it.*” This information, pertaining to the lump above her left eye, was conveyed to Deputy Charles when the two deputies discussed the incident and their findings prior to leaving the scene.

During his questioning of Ms. Battle, Ms. Duncan, stood close by in such a manner that may have influenced her answers to Deputy Luoma’s questions. Ms. Duncan was asked multiple times to leave the area, and to go inside her home or face arrest. After multiple orders to leave, she finally entered the garage as Deputy Luoma directed her inside by placing his hand on her shoulder before the door closed. It was because of this incident Deputy Luoma devoted the majority of his

supplemental report documenting his actions in dealing with Ms. Duncan. She later filed a written complaint on Deputy Luoma alleging assault, for which this investigation found no evidence to support such a claim.

All the while Deputy Luoma was gathering information from Ms. Battle, he was unaware of what Mr. Duncan or Mr. Sindle had told deputies. The only information he had pertaining to what Mr. Sindle witnessed, was what he heard through radio transmissions as he responded. As far as Mr. Duncan, Deputy Luoma spoke briefly to him towards the end of the call, primarily explaining his actions involving Ms. Duncan, his mother.

Deputy Luoma did not dispute the relationship between Ms. Battle and Mr. Duncan was domestic in nature. It was later clarified in the interview that Deputy Luoma found no probable cause to support a domestic violence arrest of Mr. Duncan. Based on information gathered at the time, Deputy Luoma found no evidence Ms. Battle was battered, pulled by her hair or dragged, and believed the commotion at the Kangaroo Convenience Store was a result of her being intoxicated along with “over the top” behavior. According to Deputy Luoma, his belief was formed without having full knowledge of what Mr. Sindle, the reporting witness, or Mr. Duncan told other deputies on scene.

Deputy Luoma was asked if he violated the following Sheriff’s Office policy:

26.2.134 - Knowledge of Official Directives - Department personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives. *(Violation subject up to 5 day suspension)*

RE: 41.19 Domestic Violence

NO

(See Tab – D for Official Transcript)

Sergeant Michael Campanella

On November 2, 2017, Detective Bennett and Detective Burke conducted a sworn recorded interview with Sergeant Michael Campanella at the Sheriff’s administrative offices in Deland, FL. Representing Sergeant Campanella and present for the interview was Nancye Jones. The following is a summary of that interview:

Sergeant Campanella has been with the Sheriff's Office for approximately twenty-one years. Currently Sergeant Campanella serves as the Alpha shift patrol supervisor in District – 4 Deltona, FL. On the evening of July 4, 2017, Sergeant Campanella was the Alpha shift patrol supervisor and was on scene during the incident in question.

When Sergeant Campanella arrived on scene, both Ms. Battle and Mr. Duncan were giving statements to Deputies Charles and Luoma. He walked over to Deputy Charles, who was speaking to Mr. Duncan, and recalled Mr. Duncan's saying he resided at the house on Tanner Court with his mother, Ms. Duncan. During the time he was with Deputy Charles, Sergeant Campanella observed Mr. Duncan's ripped shirt, which Mr. Duncan claimed was a result of assisting Ms. Battle off the ground at the Kangaroo Convenience Store. While assisting Deputy Charles, he heard and observed Ms. Duncan, engaging in dialogue with Deputy Luoma as he was trying to interview Ms. Battle. Seeing that Deputy Luoma may have been in need of assistance, Sergeant Campanella walked over and began speaking to Ms. Duncan. He spoke to Ms. Duncan on two occasions while on scene for approximately an hour and a half combined attempting to resolve her allegations against Deputy Luoma.

At one point, Sergeant Campanella asked Deputy Charles for an update on the incident. As he and Deputy Charles walked down the driveway to discuss the incident, he told Deputy Charles to turn off his BWC. Sergeant Campanella explained his reasoning,

“At the time my understanding of our policy, my interpretation and understanding of the policy was that, that was allowed and so that's the only reason why I did it. I'll be more specific. The only reason why I asked him to do that...I thought I was within policy when I had done it...A conversation between two employees, that as I said, I thought I was completely within my limitations.”

Sergeant Campanella transferred from the Court Services Division to the Law Enforcement Operations Division (patrol) in March 2017, the same month the now current policy governing BWC's was implemented. According to Sergeant Campanella, he was unintentionally operating under the old policy, which had been in effect since June 2016 and states, “41.20.54 The BWC shall not be used to deliberately record: (B) - Conversations with other agency personnel that involve case tactics or strategy, or conducted while not in contact with members of the public.”

Furthermore, upon his transfer to patrol, he received no further training or direction on BWC operation, stating “...*I don't recall ever getting any specific direction from anyone in command staff that said once you arrive on a call, you will not, under any circumstances, turn it (BWC) off.*” Sergeant Campanella believed he was acting within department policy at the time he spoke to Deputy Charles off the BWC during their “strategy meeting.” Further stating, “*Or else I wouldn't have done it.*”

Documentation obtained from Sheriff's Office Professional Standards, showed Sergeant Campanella received notification of the BWC policy change/update in early March 2017. (*See Tab – N Miscellaneous Documents*)

It was either during this “strategy meeting” or sometime during the call that Deputy Charles advised Sergeant Campanella of the relationship between Ms. Battle and Mr. Duncan. Sergeant Campanella did not know when this information was relayed to him, but he was made aware at some point. As far as the living arraignments between Ms. Battle and Mr. Duncan, Sergeant Campanella recalled Mr. Duncan saying he resided at the house on Tanner Court in Deltona, FL and was unaware of any other information to refute his claim. Deputy Luoma interviewed Ms. Battle exclusively; it was during his questioning of Ms. Battle that she advised him she and Mr. Duncan resided together in Eustis, FL. Information Sergeant Campanella said was not passed on to him while on scene.

When Deputy Luoma was interviewing Ms. Battle, Sergeant Campanella checked her for injuries using his flashlight. According to Sergeant Campanella, he looked her over and did not find any sign of injury. When asked about the lump above her left eye, Sergeant Campanella stated he did not recall seeing it; however, Deputy Luoma did advise him of the possible injury some time during the call.

Sergeant Campanella did not speak to the witness, Mr. Sindle, until after his “strategy meeting” with Deputy Charles; however, according to Sergeant Campanella, Deputy Charles did inform him of what Mr. Sindle advised him. When Sergeant Campanella did speak to Mr. Sindle, nothing in his statement peaked his interest, “*It was similar to what I had already known about his involvement [from Deputy Charles].*”

Deputies did not make an arrest while on scene at the Tanner Court address. Sergeant Campanella based this decision on information deputies knew at the time, conflicting statements between parties involved, as well as the inability to match the evidence with the independent witness's statement.

"I did not feel there was sufficient evidence, probable cause to make an arrest. I didn't feel that a battery occurred because of their explanations as to what had happened and then everything else coupled with their demeanors. Given all the opportunities on-scene at that point in time they didn't present enough information to develop probable cause to make an arrest."

According to Sergeant Campanella, he was unaware Ms. Battle had walked to the Kangaroo Convenience Store and contacted Deputy Charles after they all left the residence on Tanner Court. Additionally, he did know Deputy Charles had driven Ms. Battle to Skips Boots to meet her parents until later on during the shift when the two discussed the report.

This incident occurred on July 4th, a national holiday, when the call volume was more than double a normal night shift. Sergeants were instructed to have their deputies respond to each and every fireworks complaint, which meant Sergeant Campanella was taxed with more than double his shifts call load. Sergeant Campanella believed this might have played a part in the decision-making during this incident.

Sergeant Campanella was asked if he violated the following Sheriff's Office policies:

26.2.134 - Knowledge of Official Directives - Department personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives. *(Violation subject up to 5 day suspension)*

RE: 41.19 Domestic Violence **NO**

41.20.51 Body Worn Camera Criminal Investigation Contact **NO**

(See Tab – E Official Transcript)

Deputy Corey Charles

On November 14, 2017, Detective Bennett and Detective Burke conducted a sworn recorded interview with Deputy Charles at the Sheriff's Office administrative offices in Deland, FL. Representing Deputy Charles and present for the interview was Nancye Jones. The following is a summary of that interview:

Deputy Charles has worked for the Sheriff's Office for approximately three and a half years. For the last two and a half years, he has been assigned to District – 4 patrol. At the time of the incident in question, Deputy Charles was working on Alpha patrol shift under the supervision of Sergeant Campanella.

Deputy Charles was working patrol zone 44 in Deltona, FL on July 4, 2017 when he responded to a disturbance in the area of Saxon Boulevard and Doyle Road next to a Kangaroo Convenience Store. A 911 caller, reported a man battering and dragging a woman to a car located at the Kangaroo Convenience Store near the intersection. Deputy Charles responded to Tanner Court, where the reporting party had followed the man and woman involved. Upon arrival, he made contact with Mr. Sindle, the witness who initially reported the incident to law enforcement. According to Deputy Charles, Mr. Sindle advised him,

“...he told me, I asked him first of all what he saw and he repeated that he saw a girl on the ground saying, “Help.” He said that another male was there hitting her, kicking her, dragging her to the ground by her hair. Picked her up, carried her to a car, threw her in the car and then they left.”

Deputy Charles told Mr. Sindle to stand by as he continued to the address on Tanner Court to contact the two parties involved.

As Deputy Charles exited his patrol and car walked up the driveway, he observed Ms. Duncan standing next to a vehicle occupied by Mr. Duncan in the driver's seat and Ms. Battle in the front passenger seat. Mr. Duncan was asked to exit the Cadillac and walk to the rear of the vehicle, where Deputy Charles began questioning him.

Mr. Duncan was reluctant to go into much detail about the incident; however, he stated his girlfriend, Ms. Battle, was at the house for his birthday party when she abruptly left. He had picked

her up earlier that day and drove her to the house on Tanner Court, where he insisted he lived. Her absence concerned Mr. Duncan since she was intoxicated, and being that she did not live in Deltona, FL, she was unfamiliar with the area.

While speaking to Mr. Duncan, Deputy Charles observed Mr. Duncan's ripped shirt, which he said was a result of Ms. Battle pulling on it as he picked her up off the roadway at the Kangaroo Convenience Store. Deputy Charles explained,

"He said Ms. Battle was sitting on the ground intoxicated, and he was trying to get her up to get her into the car... he was picking her up, she reached up and grabbed his shirt to have something to hold onto and that's what caused it to stretch out."

Deputy Charles, using his flashlight, conducted a physical assessment of Mr. Charles. He did not see any marks or scratches on his chest or arms that would lead him to believe something other than what Mr. Charles was describing occurred.

Deputy Charles did not speak directly to Ms. Battle, he only heard a portion of the interview conducted by Deputy Luoma as she explained her version of events. It wasn't until later on during the call, that Deputy Luoma would brief him on what Ms. Battle had told him. According to Deputy Charles, Deputy Luoma never told him Ms. Battle resided with Mr. Duncan in Eustice, FL. Therefore, at the time, Deputy Charles did not believe the two had a domestic relationship according to state statute. Deputy Charles determined, *"...they had probably been dating for about six months. So based upon that six months I would call it a dating violence situation, but not a domestic violence situation."* Deputy Luoma did pass on other pertinent information, to include the lump above Ms. Battle's left eye, a possible injury Deputy Charles did not see. Overall, Ms. Battle's version of events, which she explained to Deputy Luoma in its entirety, coincided with Mr. Duncan's story, according to Deputy Charles.

When Deputy Charles was asked by Sergeant Campanella to give him an update on the incident, he was told to turn off his BWC. Deputy Charles explained what the two discussed during their "strategy meeting,"

"We discussed that we have a witness, basically alleging that he saw Mr. Duncan, for lack of a better term, viciously beating Ms. Battle in the parking lot... Dragging

her by her hair to the car and throwing her in the car. But we have this gentleman's [Mr. Sindle] account comparing that to the evidence that we're seeing, which Ms. Battle does not look like she was beat up or drug to a car... Ms. Battle's injuries, Ms. Battle's clothing, her demeanor, the things she's saying does not match that at all. Mr. Duncan and Ms. Battle's stories match, the witness is sort of the odd man out here I guess.... we compare what the witness is saying to the evidence we have and the evidence is not matching what the witness is saying."

However, during this "strategy meeting," the lump above Ms. Battle's left eye was never mentioned.

According to Deputy Charles, since he was unable to determine a primary aggressor and could not establish probable cause to effect an arrest, the procedure was to consult a supervisor. During this "strategy meeting" with Sergeant Campanella, it was decided, "*...the course of action that we agreed upon, he told me to carry out, was to get everyone's information, write an information report...go make contact with the witness [Mr. Sindle], see if he would write a statement, put the witness's account in the report and write it as a 14[information] report."*

When questioned about Mr. Sindle writing a written statement, Deputy Charles claimed that he did ask; however, internal affairs detectives did not find the request for a witness statement on his BWC recording. Deputy Charles was asked why he did not put more importance into Mr. Sindle's account of what occurred, since he was a neutral party. Deputy Charles explained that both he and Sergeant Campanella spoke to Mr. Sindle, and the evidence did not support what he was telling them. Deputy Charles did not feel there was sufficient evidence to support a domestic/dating violence arrest of either party. No arrest was made and all deputies left the address on Tanner Court.

While writing his report at the Kangaroo Convenience Store, Ms. Battle approached his patrol car. Ms. Battle explained to Deputy Charles that things weren't getting any better between her and Mr. Duncan and she wanted her family to come pick her up. Since her cell phone battery was dead, he offered to charge it in his patrol car. While waiting for the phone to charge, Deputy Charles was contacted by Central Communications about an update to his call. Deputy Charles read the update about Ms. Battle being locked in a bathroom; however, he never questioned her about it. According

to Deputy Charles, he did not believe the caller was giving accurate information since so much time had elapsed since the call was received and the fact she was with him at the Kangaroo Convenience Store. Deputy Charles surmised, *“So my understanding of what happened is she was communicating to her family that she had an argument with Mr. Duncan, needed a ride and her phone died and they assumed the worst.”* Furthermore, Ms. Duncan never advised him of any physical altercation let alone being locked in a bathroom after deputies left the residence on Tanner Court.

Deputy Charles was asked about surveillance video at the Kangaroo Convenience Store where the incident allegedly occurred. According to Deputy Charles, he did not inquire about the surveillance video and offered an explanation, *“On that topic, I’m familiar with the store. I’ve worked several cases at the store before and I know that they don’t have video surveillance of the outside of the building from previous experience there.”*

On December 19, 2017, Detective Bennett met the store manager who advised the security video system had been operational for approximately five years. The system operated with twelve color cameras that recorded to a DVR, which is saved for approximately forty-six days before being overwritten. Of those twelve cameras, four provided recorded coverage of the store’s parking lot, to including portions of Doyle Road.

No arrest was made of either party involved in the incident, and Deputy Charles explained,

“...regardless of whether I had knowledge of them being in a domestic violence or dating violence type of relationship at that point, between the three of us [deputies] we did not feel that probable cause existed to make an arrest for battery. So I don’t think the issue here is whether or not I knew if it was domestic violence because that would not have changed the outcome here. At this point I still don’t think we have that.”

Deputy Charles was asked if he violated the following Sheriff’s Office policy:

26.2.134 - Knowledge of Official Directives - Department personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives. *(Violation subject up to 5 day suspension)*

RE: 41.19 Domestic Violence

NO

(See Tab – F for Official Transcript)

Michael Sindle

On December 19, 2017, Detective Bennett conducted a sworn recorded telephone interview with Michael Sindle. The following is a summary of that interview:

Mr. Sindle was driving down Doyle Road about to turn onto Saxon Boulevard when he saw a female, Ms. Battle, exiting a car parked in the middle of the road. Ms. Battle was running away from the car screaming, “*Help, help,*” as a male ran after her. The male, Mr. Duncan, tackled her to the ground, attacking her before dragging her as she screamed for help. According to Mr. Sindle, several people stopped and tried to help Ms. Battle, as Mr. Duncan was putting her in the car. Although it was dark outside, it appeared to him that Mr. Duncan was punching and kicking her, “*...I saw him physically assault her.*” Mr. Sindle recalled approximately fifteen to twenty people coming over from the skating rink, which was located a short distance away from the intersection.

Mr. Sindle did not write a witness statement and recalled, “*I want to say I asked if I had to and they [deputies] said no...So I had told him [deputy] no, I declined*” but he did recall being asked.
(See Tab – M for Official Transcript)

EXECUTIVE SUMMARY:

The following summary of events were the result of an internal affairs investigation that originated from a supervisor’s inquiry conducted by Lieutenant James Day, Assistant Commander of District – 4 Deltona. The inquiry was the result of a written complaint filed on Deputy Luoma and the actions while handling the original call for service. Having found no evidence to support the complaint, it was recommended both alleged policy violations be categorized as Not Sustained and Unfounded; however, during the course of his investigation, Lieutenant Day found several discrepancies, which included possible Sheriff’s Office policy violations governing the handling of the original call for service.

On July 4, 2017, Sergeant Campanella along with Deputies Luoma and Charles, responded to an alleged assault/battery call in the area of 1712 Doyle Road in Deltona, FL. It was reported, by multiple 911 callers, that a male, Troy Duncan, was beating and dragging a female, Malicca Battle, in an intersection before putting her in a car against her will. Several bystanders heard the

commotion and attempted to assist Ms. Battle as she was being put in a black Cadillac driven by Mr. Duncan. One bystander, Matthew Sindle, challenged the male by taking the car keys, only to return them after being challenged by Mr. Duncan. Upon being placed in the Cadillac, Mr. Duncan drove away with Ms. Battle as Mr. Sindle followed giving Sheriff's Office personnel updates of their direction of travel. Mr. Duncan eventually pulled into a driveway on Tanner Court, approximately one quarter mile from where the incident was reported to have occurred. Mr. Sindle stood by parked down the street awaiting Sheriff's Office deputies.

Deputy Charles was the first deputy on scene and he made contact with Mr. Sindle before making contact with the parties involved. Mr. Sindle told him, "*The girl came out of the car running down the street, [Mr. Duncan] grabbed her by the hair, slammed her on the ground, kicking her, punching her, she was screaming help, help, help...*"

Deputy Charles first made contact with Mr. Duncan who proceeded to give his version of what occurred at the Kangaroo Convenience Store parking lot. He did not have any obvious signs of injury; however, his shirt was stretched down from the front collar, which he explained was a result of Ms. Battle pulling on it as he helped her up off the roadway. Mr. Duncan and Ms. Battle were boyfriend and girlfriend, but according to Mr. Duncan they did not reside together. Mr. Duncan denied any physical altercation occurred and the whole situation was a misunderstanding.

Deputy Luoma was gathering information from Ms. Battle, who advised she and Mr. Duncan had been dating for approximately six months and lived together as boyfriend and girlfriend in Eustis FL; this contradicted Mr. Duncan's version of where he resided. Ms. Battle was crying, and appeared to be reluctant in answering Deputy Luoma's questions at first but as they talked, she appeared to become more forthcoming of information. Deputy Luoma met with Deputy Charles while on scene, and provided the information garnered from his interview with Ms. Battle; however, it is unknown as to when he passed on Ms. Battle's account of her relationship and living arrangements with Mr. Duncan.

During his questioning of Ms. Battle, Mr. Duncan's mother, LaTonya Duncan, began to disrupt the interview process. So much so, that Deputy Luoma advised her she could face arrest if she continued to disrupt the ongoing criminal investigation. It was during this time, Ms. Duncan was told to go inside her residence or face the possibility of being arrested. As she walked through the

threshold of the door, Deputy Luoma placed his hand on her shoulder and closed the door. Ms. Duncan attempted to open the door, but Deputy Luoma refused her to exit by placing his foot against the door. Ms. Duncan's interference with the interview appeared to distract not only Deputy Luoma, but Sergeant Campanella as well. After she went inside her residence, Sergeant Campanella spoke to her on two separate occasions for approximately one and a half hours in total. Ms. Duncan would later file a written complaint on Deputy Luoma for his actions, which led to the supervisor's inquiry.

During the time deputies were on scene, Sergeant Campanella had two situational briefings from Deputy Charles, the primary deputy on scene. During the second briefing, Sergeant Campanella had Deputy Charles turn off his BWC. Sergeant Campanella explained during his interview with internal affairs, he was operating under the prior policy, which allowed such "strategy meetings" to be conducted without the BWC recording. The new policy came into effect March 2017, the same month he was transferred to road patrol from court services. Sergeant Campanella stated, if he was aware of said policy, he would not have asked for the BWC to be turned off.

Sergeant Campanella spoke to Mr. Sindle after getting the second briefing from Deputy Charles. According to Sergeant Campanella, he was aware of Mr. Sindle's statement to Deputy Charles and when he spoke to him, nothing in his statement peaked his interest, "*It was similar to what I had already known about his involvement.*" No arrest was made on Tanner Court, all deputies left the residence and Deputy Charles completed a Police Information Report as told to by Sergeant Campanella. Deputy Luoma completed a supplement report but primarily wrote about his involvement with Ms. Duncan, only dedicating approximately three lines of narrative to the original call for service.

Deputy Charles went to the Kangaroo Convenience Store where he made contact with Mr. Sindle a second time. Documented on line three of his report, Deputy Charles wrote, "*Sindle declined to complete a sworn written statement.*" Upon reviewing the BWC recording of his conversation with Mr. Sindle, Detective Bennett could find no evidence Mr. Sindle ever declined to write a statement, nor was he asked. Deputy Charles described his second encounter with Mr. Sindle, offering an explanation as to why he did not write a witness statement. According to Deputy Charles Mr. Sindle stated,

“...well I don't know, if you guys [deputies] didn't really see anything then I guess it's not really, you know I don't really want to get involved. I don't really want to write a statement... And I [Deputy Charles] found that to be a little bit odd... I don't think he [Mr. Sindle] made up anything, but I think he might have perceived something different occurring from his vantage point and the evidence and the statements of the parties that were actually involved were providing they made more sense and they did not support what he [Mr. Sindle] saw.”

A short time later Deputy Charles was parked behind the Kangaroo Convenience Store writing the report, as Ms. Battle approached his patrol car on foot. Ms. Battle was explaining to Deputy Charles how she was trying to get in touch with her family but her cell phone died. She further explained, “...it's not getting any better” between her and Mr. Duncan. Deputy Charles plugged her phone into his charger, at the same time Central Communications contacted him advising there was an update to his call. The update indicated a 911 call was received from a family member explaining that their daughter, Ms. Battle, was hiding in a bathroom out of fear of being hit. Deputy Charles read this update on his MDC and advised Central Communications the information was not accurate, she was standing with him. Deputy Charles never questioned Ms. Battle about hiding in the bathroom, nor did she advise him of any altercation after deputies left the residence.

During this time, Mr. Duncan pulled up driving Ms. Duncan's Cadillac, after being informed his driver's license was suspended back at the house on Tanner Court. Mr. Duncan spoke to Deputy Charles explaining that he wanted his belongings back from Ms. Battle's residence in Eustice, FL. Deputy Charles explained the situation and secured the Cadillac.

Ms. Battle and her family agreed to pick her up at Skip Boots in Osteen, FL on State Road 415. Ms. Battle was placed in the back seat of the patrol car as Deputy Charles drove her to meet her family, leaving the Cadillac secured.

Internal affairs detectives interviewed Loretta Bradley, Ms. Battle's stepmother, who called [REDACTED] to report Ms. Battle hiding in the bathroom. Ms. Bradley received a call from Ms. Battle who was crying, and locked in a bathroom at a house in Deltona, FL out of fear of being hit by Mr. Duncan. Ms. Battle's cell phone battery was dying so Ms. Bradley advised her to turn it off to save the battery so police could track her. Ms. Bradley then contacted the Sheriff's Office and advised

them of the situation. It wasn't long after her conversation that Ms. Battle went out a door and ran barefoot to the Kangaroo Convenience Store where she eventually contacted Deputy Charles who was writing his report.

Ms. Bradley and her husband eventually spoke to Deputy Charles on the cell phone and agreed to pick up their daughter at Skip Boots in Osteen, FL. After picking her up, Ms. Bradley and Ms. Duncan discussed the incident as they drove back to Sanford, FL.

"...she was just explaining to me that he [Mr. Duncan] had hit her. She had a knot on her head...I said Malicca, I'm not understanding this. If the officer saw the knot on your head why did they let Troy [Mr. Duncan] leave...She said I don't know Ms. Loretta. She [Ms. Battle] was crying. She said they was gonna take him to jail but they just let him go. I said why did they let him go if he's, if they saw a bruise on you? She said they just believed everything he said. I was like ok well. I was just trying to keep her calm. [sic]"

Internal affairs detectives interviewed Ms. Battle, who explained she did not remember being hit by Mr. Duncan, *"No. Well I don't remember. I don't remember, from what I remember he didn't."* She also could not remember having a lump on her head as a result of being hit; however, she did not deny it occurred.

Ms. Battle claimed there was no physical violence between her and Mr. Duncan after deputies left the residence on Tanner Court. When asked if she was sure, Ms. Battle responded, *"Yes. I don't, I don't recall getting hit at all to be honest."* When questioned about the lump on her head, she replied, *"...I'm not saying I didn't [reference lump on head]."*

After deputies left the house, she described Mr. Duncan's demeanor, *"...he was raising his voice, I was backing up because, you know, I didn't want to get into another altercation with him."* Out of fear of a physical altercation, Ms. Battle backed into a bathroom and locked the door. She called her father and stepmother to come pick her up since Mr. Duncan would not give her the keys to her Cadillac. After speaking to her stepmother, Ms. Bradley, she exited out a side door attached to the bathroom, and ran barefoot to the Kangaroo Convenience Store where she contacted Deputy Charles who was parked in his patrol car.

Prior to beginning this investigation, internal affairs detectives sent what information and evidence they had to Detective Cordell Lemay, a Sheriff's Office District – 4 detective, for his review of possible criminal charges. A short time later, Detective Lemay completed a charging affidavit on Mr. Duncan and sent it along with his report to the State Attorney's Office for review.

Throughout the incident, there were questions as to whether information was being disseminated between the deputies and sergeant on scene. Information pertaining to the relationship between Ms. Battle and Mr. Duncan, their place of residency, eyewitness statements, as well as possible injuries sustained from the alleged altercation. Based on interviews conducted by internal affairs detectives, this information was received by all personnel on scene at some point during the investigation; however, some of this information exchange was not documented on BWC recordings.

A lot of emphasis was put on whether the deputies determined the relationship between both parties was domestic according to state statute, and if so why an arrest was not affected. It was explained to internal affairs detectives, that the nature of the relationship was not in question, it was the fact they could not develop enough probable cause to affect such an arrest of either party involved.

Conclusion:

On December 20, 2017, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department policies to be:

Sergeant Michael Campanella:

26.2.134 - Knowledge of Official Directives

RE: 41.19 Domestic Violence **Sustained**

41.20.51 Body Worn Camera Criminal Investigation Contact **Sustained**

Volusia County Merit System Rules and Regulations 86-453 -

RE: (1) – Willful neglect in the performance of the duties of the position to which the employee is assigned. **Not Sustained**

(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

(21) – Any other conduct or action of such seriousness that disciplinary action is considered warranted. Not Sustained

Deputy Cory Charles:

26.2.134 - Knowledge of Official Directives

RE: 41.19 Domestic Violence Sustained

Volusia County Merit System Rules and Regulations 86-453 -

RE: (1) – Willful neglect in the performance of the duties of the position to which the employee is assigned. Not Sustained

(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

(21) – Any other conduct or action of such seriousness that disciplinary action is considered warranted. Not Sustained

Deputy Bryan Luoma:

26.2.134 - Knowledge of Official Directives

RE: 41.19 Domestic Violence Not Sustained

Furthermore, based on evidence gathered for this investigation, the Sheriff determined the original complaint filed on Deputy Luoma be classified as:

26.2.102 - Excessive Use of Force Resulting in Injury Not Sustained

26.2.47 - Courtesy Unfounded

On February 8, 2018, Sergeant Campanella and Deputy Charles were issued a Letter of Reprimand as a result of the findings documented in this report. *(See Tab – C for Official Correspondence)*

EXHIBITS:

- A. Report of Investigation
- B. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence/Supervisors Inquiry
- D. Official Transcripts of Deputy Bryan Luoma
- E. Official Transcripts of Sergeant Michael Campanella
- F. Official Transcripts of Deputy Cory Charles
- G. Official Transcripts of Loretta Bradley
- H. Official Transcripts of Malicca Battle
- I. Official Transcript of 911 Call - Matthew Sindle
- J. Official Transcript of 911 Call - Jeremy Strecker
- K. Official Transcript of 911 Call - Loretta Bradley
- L. Official Transcript of 911 Call - Unknown Male
- M. Official Transcript of Matthew Sindle
- N. Miscellaneous Documents
- O. Digital Media

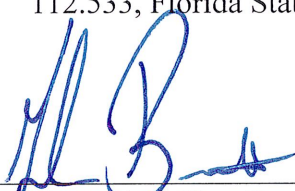
WITNESSES:

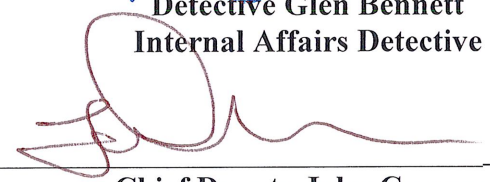
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I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR:  DATE: 2/16/18
Detective Glen Bennett
Internal Affairs Detective

APPROVED BY:  DATE: 2/16/18
Chief Deputy John Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA