

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-17-023**

**PERIOD COVERED:** August 27, 2017  
**DATE REPORTED:** August 30, 2017  
**SUBJECT(S) NAME:** Sergeant Keith Peck #2358  
Deputy Kyle Cowger #8423  
Deputy Corey Rittenour #7756  
**INVESTIGATING OFFICERS:** Detective Tara Burke #1465

**BASIS FOR INVESTIGATION:**

On August 30, 2017, the Internal Affairs Unit received from Command Staff, copies of the Volusia County Sheriff's Office motor vehicle apprehension report, case number 17-21874. This was in reference to a fleeing and eluding incident that occurred on August 27, 2017, on I-95 northbound. Internal Affairs Detectives were informed that allegedly the body worn cameras of Sergeant Keith Peck and other deputies were not properly activated during this incident. *(See tab- C for Official Correspondence)*

**OFFENSES:**

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

**41.20.48 Body Worn Camera Emergency Response:** When responding to calls that require the deputy to engage in emergency vehicle operations and the activation of emergency lights and siren (i.e. Code 3), the BWC shall be activated as safely as possible upon being dispatched. *(Violation subject up to a 5 day suspension.)*

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

**RE: 41.20.50 Body Worn Cameras Enforcement Related Contacts**

**INVESTIGATIVE SUMMARY:**

On August 30, 2017, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Detective Tara Burke.

On September 15, 2017, Sergeant Peck was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. *(See tab- C for Official Correspondence)*

According to the vehicle apprehension report, deputies responded to I-95 northbound to assist with a fleeing vehicle, the suspect fled from Daytona Beach Police Department after attempting to hit one of their officers, he also had several felony warrants. Multiple agencies assisted with the apprehension of the suspect. Volusia County Sheriff's Office deputies were not involved in a pursuit but stop sticks were authorized by Sergeant Peck. Deputy Kyle Cowger did successfully stop stick the vehicle and the suspect was later apprehended by Flagler County Sheriff's Office without incident. *(See Tab-H Miscellaneous Documents)*

Detective Burke reviewed the incident reports and body worn camera videos in reference to Volusia County Sheriff's Office case numbers 17-21874 and 17-21875. No body worn camera video was located from Sergeant Peck during the motor vehicle apprehension incident on August 27, 2016. Furthermore, body worn cameras were not activated when Deputy Corey Rittenour and Deputy Cowger responded and set up for deployment of stop sticks. However, Deputy Rittenour and Deputy Cowger did activate their body worn cameras afterwards when they were following the suspect vehicle on I-95. Several other body worn cameras were activated during this incident, but none of them captured the stop stick deployment of Deputy Cowger or the incident involving Sergeant Peck making contact with the family of the other vehicle inadvertently hit by the stop sticks.

On October 31, 2017, Deputy Corey Rittenour was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. *(See tab- C for Official Correspondence)*

On November 10, 2017, Deputy Kyle Cowger was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. *(See tab- C for Official Correspondence)*

### **Deputy Stephen Corbin**

On October 3, 2017, Detective Burke and Detective Bennett conducted a sworn recorded interview with Deputy Stephen Corbin at the Volusia County Sheriff's Office, district three north headquarters, Ormond Beach FL. The following is a summary of the interview:

Deputy Corbin has been employed with the Sheriff's Office since 2015; he is currently assigned to district three north, patrol. He also has approximately ten years prior experience with the South Daytona Police Department.

During his interview with Internal Affairs Detectives, Deputy Corbin explained he did not have much involvement in the apprehension of the suspect but he responded to a disabled motorist as a result of the apprehension. Deputy Corbin was directed by Sergeant Peck to respond to the motorist, he completed the report for the damaged property and assisted the motorist. Deputy Corbin turned his BWC on while traveling on the interstate prior to being directed to meet with the family and it remained on throughout the entire call. Deputy Corbin did not witness the stop stick incident or the interaction between Sergeant Peck and the motorist prior to his arrival. *(See Tab-D for Official Transcript)*

### **Deputy Kyle Cowger**

On December 6, 2017, Detective Burke and Detective Bennett conducted a sworn recorded interview with Deputy Kyle Cowger at the Sheriff's administrative offices in Deland, FL. Also

present, representing Deputy Cowger, was Nancye Jones. The following is a summary of the interview:

Deputy Cowger has been employed with the Sheriff's Office for approximately two and a half years; he is currently assigned to district three north, patrol. He also has approximately eighteen months prior experience with Daytona Beach Shores, Department of Public Safety.

During his interview with Internal Affairs Detectives, Deputy Cowger recalled the incident involving the fleeing vehicle and deployment of stop sticks that occurred on August 27, 2017. Deputy Cowger explained he and Deputy Corey Rittenour were authorized to deploy stop sticks on I-95 after dispatch advised there was a fleeing vehicle that attempted to ram a law enforcement officer with his vehicle, the subject also had open warrants. A vehicle description for a "darker colored Ford Escape" was given out by dispatch, once the vehicle approached stop sticks were deployed and the vehicle tire was punctured. While Deputy Cowger was reeling in the stop sticks, a tire of another vehicle was inadvertently punctured. Due to the heavy traffic conditions, Deputy Cowger was unaware of the other vehicle being struck with the stop sticks during that time. Deputy Cowger retrieved his stop sticks and followed behind the vehicle in question. Due to the totality of the circumstances, Deputy Cowger admitted that he failed to activate his BWC, but while following the vehicle he realized it was not activated at which time he activated his camera.

Deputy Cowger advised his emergency lights were not activated while he was driving from the district three office to the location on I-95, where he deployed the stop sticks. Everything happened quickly while on I-95 and he could not give an exact time frame of how long he was there waiting on the interstate before the deployment of the stop sticks. Deputy Cowger did not capture on his BWC the deployment of the stop sticks, the stop sticking of the vehicle, retrieving his stop sticks, or putting them back in his vehicle; he was already mobile when he activated his BWC. Once Deputy Cowger realized he forgot to activate his BWC he immediately activated it.

During the interview, Deputy Cowger was asked if he violated the following policies:

#### **26.2.134 Knowledge of Official Directives**

Deputy Cowger admitted he violated the above mentioned policy; he added that the suspect attempted to ram a law enforcement officer, and due to the stop sticking of the vehicle the suspect was apprehended safely with no injuries. Deputy Cowger also advised the suspect had five outstanding felony warrants and the initial call was of a domestic violence situation in progress. Deputy Cowger stated, *“I would just like to say that due to the fact that I was able to get the correct vehicle and stop stick it he was able to be taken into custody with no issue.”*

Prior to ending the interview Nancye Jones explained that in the very beginning of the policy it refers to uncontrolled variables and circumstances that do not always give them opportunity to capture everything. Nancye stated, *“So while he, to the letter of the law, believes well that he violated it because he didn’t have it on when the stop sticks were deployed, our position is that you know it’s human nature for these things to happen.”* (See Tab-E for Official Transcript)

**Deputy Corey Rittenour**

On December 11, 2017, Detective Burke and Detective Bennett conducted a sworn recorded interview with Deputy Corey Rittenour at the Sheriff’s administrative offices in Deland, FL. Also present, representing Deputy Rittenour, was Nancye Jones. The following is a summary of the interview:

Deputy Rittenour has been employed with the Sheriff’s Office for approximately seven and a half years; he is currently assigned to district three north, patrol.

During his interview with Internal Affairs Detectives, Deputy Rittenour recalled the incident involving the fleeing vehicle and deployment of stop sticks that occurred on August 27, 2017. Deputy Rittenour explained he went on I-95 around the 274 mile marker along with Deputy Cowger. After a description of the vehicle was given, Deputy Cowger was able to deploy his stop sticks and the vehicle struck the stop sticks; however, Deputy Rittenour never deployed his stop sticks. After the vehicle was struck with the stop sticks, he and Deputy Cowger got into their

vehicles and followed the suspect vehicle along with the others. Deputy Rittenour realized his body worn camera was not activated and activated it while traveling on I-95.

Deputy Rittenour advised his emergency lights were not activated while he was driving from the district three office to the location on I-95, where they set up with the stop sticks. Deputy Rittenour explained everything happened within one or two minutes, there was a lot of traffic and it was loud which made it difficult to hear the radio with his earpiece. Deputy Rittenour did not have his body worn camera activated during the stop stick deployment by Deputy Cowger, he forgot to activate it, however once back in his vehicle when he realized it was not activated, he then activated it immediately.

During the interview, Deputy Cowger was asked if he violated the following policies:

#### **26.2.134 Knowledge of Official Directives**

**RE: 41.20.50 Body Worn Cameras Emergency Response            No**

Deputy Rittenour does not feel he violated the above mentioned policy; he added, *“The only thing I could think of is that was a fast-paced incident, we were able to get the guy. I had a successful shift that night, I did two DUI arrests in one shift which is probably the best, one of the best shifts that I’ve had since I was working in the agency so it was a good night for me.” (See Tab-F for Official Transcript)*

#### **Sergeant Keith Peck**

On January 18, 2018, Detective Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Sergeant Keith Peck at the Sheriff’s administrative offices in Deland, FL. Also present, representing Sergeant Peck, was Nancye Jones. The following is a summary of the interview:

Sergeant Peck has been employed with the Sheriff’s Office for twenty-four years; he is currently assigned to district three north, patrol supervisor. He has also worked with the State of Oklahoma,

Department of Public Safety, and the police department, totaling thirty-nine years in law enforcement.

During his interview with Internal Affairs Detectives, Sergeant Peck recalled the incident involving the fleeing vehicle and deployment of stop sticks that occurred on August 27, 2017. Sergeant Peck explained Daytona Beach Police Department had aggravated assault charges with a vehicle on an officer. Sergeant Peck was already on I-95 in the area of LPGA Boulevard, he authorized stop sticks and only used his rear lights to follow behind at a distance, acting as a “rolling road block,” attempting to slow down the traffic and keep it behind him to provide safety for the deputies attempting to stop stick the vehicle. Sergeant Peck was also communicating with Flagler County Sheriff’s Office, Air1, and direct other units on the radio during this time.

Sergeant Peck did stop on the side of I-95 with another vehicle matching the description of the suspect vehicle, because Ormond Beach Police Department was too far ahead when the vehicle went across all lanes of traffic and stopped off the roadway in the median. Sergeant Peck initially thought it was the suspect vehicle and a Hispanic male exited the vehicle, Sergeant Peck stated; “*He jumps out of the car and starts yelling and screaming. Throwing his hands up and yelling and screaming (unintelligible) I drew my weapon on him not knowing that initially it wasn’t him.*” Sergeant Peck realized it was not the suspect and it was not the correct tag number so he holstered his firearm, this entire incident occurred within five seconds or less. Sergeant Peck had trouble hearing the subject who exited the vehicle because of the traffic, but he advised him to stay off the roadway and a deputy would be sent to assist. Deputy Corbin responded and assisted the family, a wrecker was called, and Deputy Corbin helped escort the family to their home.

During the interview, Sergeant Peck was asked if he violated the following policies:

**41.20.48 Body Worn Camera Emergency Response**

**No**

Sergeant Peck advised he did not violate the policy because he never had his siren on and the policy states “*lights and siren.*” Sergeant Peck explained his rear emergency lights were only on to prevent traffic from passing him. During the interview Sergeant Peck stated; “*I was really more*

*concerned about all the other things I need to be doing to protect people and make sure that this call went the way it was supposed to go and one of the last things kind of on my mind was making sure that my camera was on considering I wasn't doing anything." (See Tab-G for Official Transcript)*

#### **EXECUTIVE SUMMARY:**

On August 30, 2017, the Internal Affairs Unit received copies of the Volusia County Sheriff's Office motor vehicle apprehension report, case number 17-21874. This was in reference to a fleeing and eluding incident that occurred on August 27, 2017, on I-95 northbound. Internal Affairs Detectives were informed that allegedly the body worn cameras of Sergeant Keith Peck and other deputies were not properly activated during this incident.

According to the vehicle apprehension report, deputies responded to I-95 northbound to assist with a fleeing vehicle, the suspect fled from Daytona Beach Police Department after attempting to hit one of their officers, the suspect also had several felony warrants. Multiple agencies assisted with the apprehension of the suspect. Volusia County Sheriff's Office deputies were not involved in a pursuit, but stop sticks were authorized by Sergeant Peck. Deputy Kyle Cowger did successfully stop stick the vehicle and the suspect was later apprehended by Flagler County Sheriff's Office without incident.

Detective Burke reviewed the incident reports and body worn camera videos in reference to Volusia County Sheriff's Office case numbers 17-21874 and 17-21875. No body worn camera video was located for Sergeant Peck during the motor vehicle apprehension incident on August 27, 2016. Furthermore, body worn cameras were not activated when Deputy Corey Rittenour and Deputy Cowger responded and set up for deployment of stop sticks. However, Deputy Rittenour and Deputy Cowger did activate their body worn cameras afterwards when they were following the suspect vehicle on I-95. Several other body worn cameras were activated during this incident, but none of them captured the stop stick deployment of Deputy Cowger, or the incident involving Sergeant Peck making contact with the family of the other vehicle inadvertently hit by the stop sticks.



During his investigation with Internal Affairs Detectives, Deputy Cowger advised his emergency lights were not activated while he was driving from the district three office to the location on I-95, where he deployed the stop sticks. Everything happened quickly while on I-95 and he could not give an exact time frame of how long he was there waiting on the interstate before the deployment of the stop sticks. Deputy Cowger did not capture on his body worn camera the deployment of the stop sticks, the stop sticking of the vehicle, retrieving his stop sticks, or putting them back in his vehicle; he was already mobile when he activated his body worn camera. Once Deputy Cowger realized he forgot to activate his body worn camera he immediately activated it.

Deputy Cowger admitted he violated policy; he added the suspect attempted to ram a law enforcement officer, and due to the stop sticking of the vehicle the suspect was apprehended safely with no injuries. The suspect had five outstanding felony warrants and the initial call was of a domestic violence situation in progress. Deputy Cowger stated, *“I would just like to say that due to the fact that I was able to get the correct vehicle and stop stick it he was able to be taken into custody with no issue.”*

During his interview with Internal Affairs Detectives, Deputy Rittenour advised his emergency lights were not activated while he was driving from the district three office to the location on I-95. Deputy Rittenour explained everything happened within one or two minutes, there was a lot of traffic, and it was loud which made it difficult to hear the radio with his earpiece. Deputy Rittenour did not have his body worn camera activated during the stop stick deployment by Deputy Cowger; he forgot to activate it, however once back in his vehicle when he realized it was not activated, he then activated it immediately.

Deputy Rittenour does not feel he violated policy; he added, *“The only thing I could think of is that was a fast-paced incident, we were able to get the guy. I had a successful shift that night, I did two DUI arrests in one shift which is probably the best, one of the best shifts that I’ve had since I was working in the agency so it was a good night for me.”*

During his interview with Internal Affairs Detectives, Sergeant Peck explained during this incident he was already on I-95 in the area of LPGA Boulevard, he authorized stop sticks, and only used his rear lights to follow behind at a distance acting as a *“rolling road block.”* He was attempting

to slow down the traffic and keep it behind him to provide safety for the deputies attempting to stop stick the vehicle. Sergeant Peck was also communicating with Flagler County Sheriff's Office, Air1, and directing other units on the radio during this time.

Sergeant Peck also stopped with the vehicle that was inadvertently struck by stop sticks, once he realized it was not the suspect and it was not the correct tag number he holstered his firearm, this entire incident occurred within five seconds or less.

Sergeant Peck advised he did not violate the policy because he never had his siren on and the policy states "*lights and siren.*" Sergeant Peck explained his rear emergency lights were only on to prevent traffic from passing him. During the interview Sergeant Peck stated; "*I was really more concerned about all the other things I need to be doing to protect people and make sure that this call went the way it was supposed to go and one of the last things kind of on my mind was making sure that my camera was on considering I wasn't doing anything.*"

**Conclusion:**

This investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department policy for Deputy Cowger to be:

- |  |                      |
|--|----------------------|
| <b>26.2.134 Knowledge of Official Directives</b>                     | <b>Sustained</b>     |
| <b>86-453 Volusia County Merit System Rules and Regulations (10)</b> | <b>Not Sustained</b> |

The Sheriff determined the violation of the below listed department policy for Deputy Rittenour to be:

- |  |                      |
|--|----------------------|
| <b>26.2.134 Knowledge of Official Directives</b>                     | <b>Sustained</b>     |
| <b>86-453 Volusia County Merit System Rules and Regulations (10)</b> | <b>Not Sustained</b> |

The Sheriff determined the violations of the below listed department policies for Sergeant Peck to be:

- |   |                      |
|---|----------------------|
| <b>41.20.48 Body Worn Camera Emergency Response</b> | <b>Not Sustained</b> |
| <b>26.2.134 Knowledge of Official Directives</b>    | <b>Sustained</b>     |

**86-453 Volusia County Merit System Rules and Regulations (10)**

**Not Sustained**

The decision of Sheriff Chitwood was to suspend Sergeant Peck, Deputy Cowger, and Deputy Rittenour each for 40 hours without pay.

On February 15, 2018, Deputy Rittenour was served with an Intent to Suspend Letter. *(See Tab-C for Correspondence)*

On February 16, 2018, Deputy Cowger was served with an Intent to Suspend Letter. *(See Tab-C for Correspondence)*

On February 22, 2018, Sergeant Peck was served with an Intent to Suspend Letter. *(See Tab-C for Correspondence)*

Deputy Cowger, Deputy Rittenour, and Sergeant Peck each met with the Sheriff for their pre-disciplinary hearings and took full responsibility for their actions, each made assurance to see this does not occur again. After earnest consideration, the Sheriff determined to reduce the discipline to Letters of Reprimand for Deputy Cowger, Deputy Rittenour, and Sergeant Peck. *(See Tab-C for Correspondence)*

**Exhibits:**


- A. Report of Investigation
- B. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence
- D. Official Transcripts of Deputy Stephen Corbin
- E. Official Transcripts of Deputy Kyle Cowger
- F. Official Transcripts of Deputy Corey Rittenour
- G. Official Transcripts of Sergeant Keith Peck
- H. Miscellaneous Documents
- I. Digital Media

**WITNESSES:**

Deputy Stephen Corbin  
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.

DETECTIVE:  DATE: 03/19/18  
**Detective Tara Burke**  
**Internal Affairs Detective**

APPROVED BY:  DATE: 3/20/18  
**Chief Deputy John Creamer**  
**SHERIFF MICHAEL J. CHITWOOD**  
**VOLUSIA COUNTY FLORIDA**