

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

## **REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-14-012**

**PERIOD COVERED:** April 23, 2014  
**DATE REPORTED:** April 24, 2014  
**SUBJECT(S) NAME:** Sergeant Kenneth Vickery ID 2493  
**INVESTIGATING OFFICER:** Sergeant Thomas Tatum ID 2405

### **BASIS FOR INVESTIGATION:**

On April 23, 2014, Sergeant Kenneth Vickery was off duty and responded to 7 Amigos Road. in Debary, FL reference to the death of his girlfriend's father. The allegation suggested that Sergeant Vickery appeared intoxicated and his attitude was demeaning towards a deputy at the scene of the investigation.

Captain Paul Adkins, Commander of District 6 (Debary), conducted a supervisor inquiry into the allegation of misconduct by Sergeant Vickery. Captain Adkins spoke with Investigator Carl Eckberg who was on scene at the death investigation. Investigator Eckberg stated Sergeant Vickery arrived on scene and appeared intoxicated due to the odor of an alcoholic beverage and slurred speech. Investigator Eckberg stated Sergeant Vickery, at one point had a beer in his hand while speaking with them. Investigator Eckberg said Sergeant Vickery asked Deputy Wheeler to look up a relative of the decedent in the Record Management System (RMS). When Deputy Wheeler had difficulty researching the name provided, Sergeant Vickery allegedly said, "What are they teaching these fucking newbies?" According to Investigator Eckberg, Sergeant Vickery told Deputy Wheeler to get out of the car and he would look up the information. Investigator Eckberg explained that it appeared Sergeant Vickery was trying to, "push Deputy Wheeler's buttons". Investigator Eckberg intervened and told Deputy Wheeler to go in service to de-escalate the situation. Investigator Eckberg described the incident to Captain Adkins as "More awkward than disruptive" but overall embarrassing. Captain Adkins documented his finding in supervisor inquiry 054MDB0035.14. The supervisor inquiry was forwarded to the Internal Affairs Unit with a recommendation for follow up and investigation. *(See Tab C for Supervisor Inquiry)*

### **OFFENSE(S):**

**26.2.47 Courtesy** - Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors.

*(Violation subject up to a 1 day suspension.)*

**Volusia County Merit System Rules and Regulations 86-453 (13).** Any conduct, on or off duty, that reflects unfavorably on the County as an employer. This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.

#### **INVESTIGATIVE SUMMARY:**

On May 20, 2014, Chief Deputy Mike Coffin assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Thomas Tatum.

On May 21, 2014, Investigator James Gabriel served Sergeant Vickery with his Notice of Internal Investigation at Howland and Graves in Deltona, FL and provided him with a copy of the Law Enforcement Bill of Rights.

#### **Deputy Steven Wheeler**

On May 21, 2014, Sergeant Tatum and Investigator Glen Bennett conducted a sworn recorded interview with Deputy Steven Wheeler at the District 6 Office in Debary, FL. The following is a summary of the interview:

Deputy Wheeler has been with the Volusia County Sheriff's Office since November 2011 and currently is assigned to the patrol division in Debary, FL. Deputy Wheeler has previous law enforcement experience as a deputy city marshal with the City of Las Vegas Detention and Enforcement. Deputy Wheeler stated he was working on April 23, 2014, and responded to a death investigation at 7 Amigos Rd. in Debary, FL. Deputy Wheeler explained while he was on scene, a white pickup truck arrived and the daughter of the decedent got out and was trying to get to the front door. Deputy Wheeler said he and Investigator Eckberg had to control the female and calm her down. They then escorted the female to the back yard to see her mother. Deputy Wheeler said there was a male, later identified as Sergeant Vickery, with the female who asked to cross the crime scene tape with her. Deputy Wheeler told investigators Sergeant Vickery was the driver of the pickup truck.

Deputy Wheeler said he was later approached by Sergeant Ken Vickery who was off duty in plain clothes. Deputy Wheeler stated he did not know it was Sergeant Vickery initially because he has only seen him a few times. Deputy Wheeler stated Sergeant Vickery asked him to look up the name of a family member of the decedent. Deputy Wheeler said he was kind of standoffish with Sergeant Vickery because he only knew he was tied to the daughter of the decedent in some way. Deputy Wheeler stated other family members came up and told him the name he was provided was a brother of the decedent and they described him as a black sheep of the family. Deputy Wheeler thought he was doing the family a favor by looking up the information, but with only a name he was having trouble finding the relative. Deputy Wheeler stated he was seated in the driver's seat with the door open as Sergeant Vickery stood next to

him. Deputy Wheeler stated Sergeant Vickery asked him if he wanted him to get in the patrol car and look up the information. Deputy Wheeler, still not knowing who Sergeant Vickery was, said he was taken aback by the question and became standoffish. Deputy Wheeler described Sergeant Vickery as being on a mission but not demeaning. Deputy Wheeler explained that at some point during their conversation, Sergeant Vickery told him he was Ken from District 4. Deputy Wheeler said he didn't hear him say he was a sergeant and didn't catch his last name. Deputy Wheeler stated at no point did Sergeant Vickery enter his patrol car.

Deputy Wheeler told investigators that Sergeant Vickery was not in possession of an alcoholic beverage when he first arrived with the female, but when he spoke with him at the patrol car he was holding a 16 oz. can of Busch or Busch Light beer. Deputy Wheeler said he did not know where Sergeant Vickery obtained the beer from. Deputy Wheeler explained he could smell the odor of an alcoholic beverage on Sergeant Vickery. When asked, Deputy Wheeler said he did not hear any comments made by Sergeant Vickery in reference to being new to the agency or being a "fucking newbie." Deputy Wheeler said if that comment would have been made he would have stood up for himself because he is forty years old and will not be treated as a juvenile. Deputy Wheeler told investigators that Sergeant Vickery did not impede the investigation or any official business he was conducting, but Sergeant Vickery did make him feel uncomfortable. *(See Tab E for Official Transcript)*

### **Investigator Carl Eckberg**

On May 28, 2014, Sergeant Tatum and Lieutenant Erik Eagan conducted a sworn recorded interview with Investigator Carl Eckberg at the District 5 Office in New Smyrna Beach, FL. The following is a summary of the interview:

Investigator Eckberg has been with the Volusia County Sheriff's Office for the past twelve years and his current assignment is as an investigator for the District 5 Office in New Smyrna Beach, FL. Investigator Eckberg stated he was called to 7 Amigos Road in Debary, FL reference to a death investigation. Investigator Eckberg said while he was on scene Sergeant Vickery arrived in a pickup truck, off duty, accompanied by a female who was later identified as the daughter of the decedent. Investigator Eckberg observed Sergeant Vickery operating the vehicle and get out of the driver's seat. Investigator Eckberg stated he did not recognize Sergeant Vickery at first and was more focused on the female who was trying to make entry into the crime scene. According to Investigator Eckberg, when Sergeant Vickery exited the truck he was talking on the cell phone. Investigator Eckberg explained that the female was escorted to the back yard by Deputy Wheeler and Sergeant Vickery followed behind. Investigator Eckberg said he was speaking with Deputy Wheeler in front of the residence when Sergeant Vickery approached and began talking to them. Investigator Eckberg stated when Sergeant Vickery approached them he was holding a can of Busch beer. Investigator Eckberg could not confirm whether Sergeant Vickery had a beer in his possession when he exited his truck.

Investigator Eckberg stated Sergeant Vickery asked them to look up information in RMS on a brother or uncle who lived in Debary, FL. Investigator Eckberg said Deputy Wheeler sat in his patrol car and attempted to look up the information requested by Sergeant Vickery. Investigator Eckberg explained that Deputy Wheeler was having trouble finding the information requested

and Sergeant Vickery asked him if he knew how to use RMS and if he wanted him [Sergeant Vickery] to get in the car and look up the information. Investigator Eckberg told investigators that Sergeant Vickery said something to the effect, "*These fucking new guys, you know, what are they teaching them now?*" Investigator Eckberg stated Sergeant Vickery was not directing the comment directly at Deputy Wheeler, but it was loud enough for Deputy Wheeler to hear. When Deputy Wheeler found a similar name, Sergeant Vickery advised the first name was not correct. Sergeant Vickery continued making "barbs" at Deputy Wheeler's expense which Deputy Wheeler took up to a point. Investigator Eckberg said Deputy Wheeler was becoming agitated and shrugged it off until he had enough and began to speak up. Investigator Eckberg stated he thought things were going to get out of control and told Deputy Wheeler to leave in order to de-escalate the situation.

Investigator Eckberg said Sergeant Vickery was friendly and polite to him, but he was very condescending towards Deputy Wheeler. Investigator Eckberg said he thought Sergeant Vickery was trying to be funny at Deputy Wheeler's expense; however, he thought it was embarrassing for Sergeant Vickery to identify himself as a supervisor with the agency and treat Deputy Wheeler the way he did.

Investigator Eckberg described how Sergeant Vickery was unsteady on his feet, had the odor of an alcoholic beverage on his breath, slurred speech and could tell from the way he was walking that he appeared to be intoxicated. Investigator Eckberg explained how Sergeant Vickery told him he had been contacted by the Port Orange Police Department somewhere off Madeline Ave. in Port Orange earlier in the evening. The officer told him he had too much to drink and his son had to drive the truck into the driveway. Sergeant Vickery told Investigator Eckberg the Port Orange officer told him to park the truck due to his level of intoxication. Investigator Eckberg said Sergeant Vickery's son was not with him when he and the female arrived in Debary. (*See Tab F for Official Transcript*)

### **Danielle Landry**

On June 19, 2014, Sergeant Tatum and Lieutenant Eagan conducted a sworn recorded interview with Danielle Landry at her residence located at 7 Amigos Road in Debary, FL. The following is a summary of the interview:

Ms. Landry has been employed by the County of Volusia since August 2013 and is currently an emergency medical technician with EVAC. Ms. Landry stated she met Sergeant Vickery in January or February 2014, through a friend at EVAC. She described their relationship as acquaintances and strictly friends. Ms. Landry stated she drove her vehicle to the boat ramp on Dunlawton Ave. in Port Orange, FL and met with Sergeant Vickery who was off duty. Ms. Landry stated it was between 0430 and 0500 hours when she met with Sergeant Vickery. Ms. Landry said they went to Disappearing Island for the day. Ms. Landry stated Sergeant Vickery had not consumed any alcohol before they left the boat ramp. Ms. Landry explained she did not have any alcoholic beverages while on the boat and she did not see Sergeant Vickery consume any alcohol while on the boat or at Disappearing Island. Ms. Landry said there was a cooler on the boat but she did not see any alcohol in the cooler. Ms. Landry stated she brought a gallon cooler of her own and it had water and a cup in it. She and Sergeant Vickery were at



Disappearing Island until approximately 1800 hours when she received a phone call from her brother advising that her father had killed himself. Ms. Landry said she did not smell the odor of an alcoholic beverage on Sergeant Vickery and his attitude and demeanor did not change throughout the day.

Ms. Landry stated after receiving the phone call from her brother, she and Sergeant Vickery returned to the boat ramp at Dunlawton Ave. and Sergeant Vickery loaded the boat. Ms. Landry described Sergeant Vickery's truck as being a white Chevrolet. Ms. Landry said Sergeant Vickery began to drive her back to his house in Port Orange to drop off the boat and he was going to take her to her residence in Debary, FL. Ms. Landry said they stopped on the side of the road because she threw her cell phone out the window. Ms. Landry stated Sergeant Vickery was out of the truck looking for the cell phone when a Port Orange police officer pulled up behind them. Ms. Landry told investigators the Port Orange officer came up and contacted her. Ms. Landry said Sergeant Vickery was still looking for her cell phone when another officer arrived on scene. She said the officer and Sergeant Vickery were too far away for her to hear the conversation. According to Ms. Landry, she and Sergeant Vickery rode in one of the police officer's patrol cars but she did not know why. She told investigators the other police officer drove Sergeant Vickery's truck to his house. Ms. Landry said one of the officers commented how he believed Sergeant Vickery was intoxicated. Sergeant Tatum questioned Ms. Landry about her not having knowledge of Sergeant Vickery consuming alcoholic beverages for the eleven or twelve hours they were together. Ms. Landry explained that she saw Sergeant Vickery drinking from a cup, but did not know what he was drinking. According to Ms. Landry, she didn't see what was in Sergeant Vickery's cooler at any point during the day. Ms. Landry denied she consumed alcoholic beverages on April 23, 2014.

Ms. Landry said once they were at Sergeant Vickery's residence, she stayed outside and Sergeant Vickery's son backed up the truck and put the boat in the garage. The Port Orange officers left as soon as they dropped them off. Ms. Landry explained that Sergeant Vickery drove to her residence in Debary. Ms. Landry stated she and Sergeant Vickery were escorted to the back of the residence where she met with other family members. Ms. Landry said at some point Sergeant Vickery walked to the front of the residence but she did not hear any of the conversations he had with deputies. Ms. Landry stated during the time Sergeant Vickery was at her house she did not see him in possession or consuming any alcoholic beverages. *(See Tab G for Official Transcript)*

#### **Sergeant Jeremy Bird (Port Orange Police Department)**

On June 23, 2014, Sergeant Tatum conducted a sworn recorded telephone interview with Sergeant Jeremy Bird of the Port Orange Police Department. The following is a summary of the interview:

Sergeant Bird has worked for the Port Orange Police Department since October 2005 and is currently assigned to the patrol division as a supervisor. Sergeant Bird stated on April 23, 2014, he was working the night shift from 1830 to 0630 hours. Sergeant Bird advised he called out with a disabled vehicle at the intersection of Clyde Morris and Madeline in Port Orange, FL. Sergeant Bird described the vehicle as a white Chevy pickup truck pulling a boat. Sergeant Bird

stated the vehicle was parked on the shoulder of the roadway, but part of it was in the road by a few inches. Sergeant Bird said the only occupant in the vehicle at the time was a female who was in the passenger seat with the door open. Sergeant Bird had a short conversation with the female who was being vague on what was going on and she appeared to be intoxicated. Sergeant Bird advised he could smell the odor of an alcoholic beverage on her breath and her eyes were bloodshot. Sergeant Bird said the bloodshot eyes may have been from her crying because she was emotional over the news of her father's passing.

Sergeant Bird stated he then contacted the registered owner of the truck, Ken Vickery, on the sidewalk about ten or twenty yards away from the vehicle. Sergeant Bird said Sergeant Vickery was looking for a cell phone that the female had thrown out the window. Sergeant Bird explained that when he made contact with the female she told him the male she was with was a law enforcement officer. Sergeant Bird said Sergeant Vickery was also being very vague during their conversation and appeared to be intoxicated. Due to the statement made by the female, Sergeant Bird asked Sergeant Vickery where he worked and he said he was a sergeant in Deltona for Volusia County. Sergeant Bird stated he could smell the odor of an alcoholic beverage emitting from Sergeant Vickery's breath and his eyes were bloodshot, watery and glassy. He also described Sergeant Vickery as having slow response times to his questions and slurred speech. Sergeant Bird said as far as motor skills, Sergeant Vickery appeared to be walking fine. Sergeant Bird stated he has made approximately one hundred (100) DUI arrests in his career and could recognize the signs of impairment, and Sergeant Vickery appeared intoxicated.

Sergeant Bird stated Officer Nolan with the Port Orange Police Department arrived to assist and they looked for the cell phone for about five or ten minutes without finding it. Sergeant Bird told Sergeant Vickery to come back in the morning when he sobered up and look for the phone. Sergeant Bird explained how Sergeant Vickery wanted to stay and look for the phone and described his [Sergeant Vickery's] attitude as dismissive more than argumentative. Sergeant Bird stated he drove Sergeant Vickery's truck and boat to Sergeant Vickery's house a short distance away while Sergeant Vickery and the female rode in the back seat of Officer Nolan's patrol vehicle. Sergeant Bird said he parked the truck and boat in front of Sergeant Vickery's house because he did not feel comfortable backing it into the driveway. Sergeant Bird advised Sergeant Vickery to have somebody else park the boat and suggested he call a neighbor. Sergeant Bird said Sergeant Vickery displayed the same dismissive attitude as earlier and said he didn't want to call a neighbor. Sergeant Bird said he instructed Sergeant Vickery not to drive his vehicle because he was definitely impaired. Sergeant Bird said he and Officer Nolan left Sergeant Vickery's residence and had no further contact with him. Sergeant Bird informed Sergeant Tatum he may have the audio recording from the contact with Sergeant Vickery saved on his voice recorder. *(See Tab H for Official Transcript)*

Sergeant Bird contacted Sergeant Tatum a short time after his interview and provided the audio recording of his contact with Sergeant Vickery that occurred on April 23, 2014. *(See Tab J for Official Transcript and Audio Recording)*

**Officer Jonathan Nolan (Port Orange Police Department)**

On June 23, 2014, Sergeant Tatum conducted a sworn recorded telephone interview with Officer

Jonathan Nolan of the Port Orange Police Department. The following is a summary of the interview:

Officer Nolan has been with the Port Orange Police Department for approximately one year and is currently assigned to Charlie Platoon. Officer Nolan said he was working on April 23, 2014, and backed up Sergeant Bird on a disabled vehicle at the intersection of Clyde Morris and Madeline. Officer Nolan described the vehicle as a white truck pulling a boat. Officer Nolan stated there was nothing wrong with the truck but the occupants were outside the vehicle looking for a cell phone. Officer Nolan said he was told by Sergeant Bird that the male [Sergeant Vickery] worked for the Sheriff's Office but he did not know what rank or capacity. Officer Nolan stated he spoke with Sergeant Vickery and could detect the odor of an alcoholic beverage on his person. Officer Nolan said he was more concerned about the female passenger because she just found out her father committed suicide and she was distraught. Officer Nolan stated Sergeant Vickery told him he had been drinking on the boat. Officer Nolan stated he gave Sergeant Vickery and the female a ride in the backseat of his patrol car to Sergeant Vickery's house (two blocks from initial contact) while Sergeant Bird drove the truck and trailer. Officer Nolan stated once Sergeant Vickery and the female were in his patrol car he could smell the odor of an alcoholic beverage being emitted.

Officer Nolan stated once they arrived at the house he clearly heard Sergeant Bird tell Sergeant Vickery not to drive his vehicle the rest of the night due to his intoxication. Officer Nolan described Sergeant Vickery's demeanor as appreciative and calm. Officer Nolan advised at no time did Sergeant Vickery use his position as a deputy sheriff to benefit from the situation he was in. *(See Tab I for Official Transcript)*

### **Sergeant Kenneth Vickery**

On July 9, 2014, Sergeant Tatum and Lieutenant Eagan conducted a sworn recorded interview with Sergeant Vickery in the Sheriff's conference room located inside the County Administrative building, Deland, FL. Also present during the interview was Teamsters Representative Brodie Hughes. The following is a summary of the interview:

Sergeant Vickery has been with the Volusia County Sheriff's Office for the past twelve (12) years and is currently a supervisor in Deltona, FL on road patrol. Sergeant Vickery has previous law enforcement experience; four (4) years with the South Daytona Police Department, eight months with the Daytona Beach Police Department and four (4) years with the US Marine Corp military police.

Sergeant Vickery stated after working 12 hours, his shift ended at 0300 hours on April 23, 2014. While off duty, Sergeant Vickery drove his Chevrolet truck with his boat in tow. He arrived at the boat ramp on Dunlawton Ave. in Port Orange, FL at approximately 0600 hours. Sergeant Vickery stated Ms. Danielle Landry met him at the boat ramp and they put the boat in the water and drove to Disappearing Island. Sergeant Vickery said he has known Ms. Landry for approximately four or five months and they are just friends/acquaintances. Sergeant Vickery stated they went out early to see the sunrise.

Sergeant Vickery told investigators he and Ms. Landry were at Disappearing Island for approximately twelve hours and he consumed two or three 12 ounce Redd's Apple Ale alcoholic beverages. Sergeant Vickery stated he poured the alcoholic beverages into a plastic cup which he drank from. Sergeant Vickery stated he did not feel the effects of the alcoholic beverages. Sergeant Vickery advised he had two coolers on his boat which contained fruit, crackers non-alcoholic beverages and approximately five more Redd's Apple Ale's. Sergeant Vickery said he only brought a total of eight Redd's Apple Ale and he had five left in the cooler. Sergeant Vickery was not certain if Ms. Landry observed him consuming the alcoholic beverages during the day. Sergeant Vickery stated Ms. Landry brought her own cooler with but he was not sure what was in it. Sergeant Vickery stated Ms. Landry took a sip of his Redd's Apple Ale, but she doesn't really drink alcoholic beverages.

Sergeant Vickery told investigators Ms. Landry received a phone call from a family member at approximately 1800 hours advising her that her father had passed away. Sergeant Vickery stated Ms. Landry screamed and dropped the phone and basically shut down. Sergeant Vickery said Ms. Landry was not moving and he had to put her in the boat. Sergeant Vickery drove the boat back to the Dunlawton Ave. boat ramp and had to remove Ms. Landry from the boat and place her in his truck. Sergeant Vickery stated he was driving his truck back to his house and Ms. Landry told him her father killed himself. Sergeant Vickery said Ms. Landry was receiving phone calls and text messages that were upsetting her. She then threw the phone out the window and screamed for the people to leave her alone. Sergeant Vickery said he pulled his truck and trailer over near the intersection of Madeline Ave. and Clyde Morris Blvd. in Port Orange, FL and began looking for her cell phone. Sergeant Vickery said when he pulled over, he was completely off the roadway and had his emergency flashers on. Sergeant Vickery said a Port Orange police officer arrived and he began talking to Ms. Landry. Sergeant Vickery stated he only heard Ms. Landry tell the Port Orange officer that he [Sergeant Vickery] was a police officer. Sergeant Vickery explained that during his contact with the officer he was told not to drive his vehicle because he had too much to drink. When asked why the officer would have made that comment, Sergeant Vickery responded,

*"I don't know sir. I had been out on the boat all day. That's twelve plus hours, at that time of contact with him I had been up for thirty-one hours 'cause I had worked the day prior. Obviously my eyes were red, blood shot; I'd been in the salt water all day. I was emotionally and mentally just drained. I, you know, I was focused on trying to get her home to Debary and didn't really have a lot of interaction with him. I wanted to find the phone 'cause I don't know her brother's phone number. She's not helping me out with any information so that was my main concern at that time. I know that when he made the statement to me, I kind of questioned it and then the unfortunate part is I can revert to 2008 where I decided to question a officer on the side of the road and that turned into a huge embarrassment to not only myself but the agency. I tried to take the higher ground and just allow him to say whatever he wanted to say. He wasn't rude to me he was you know he seemed like he wanted to help and even tried to help me look for the phone for a few minutes. I didn't want to sit there and debate with him. It's not the time to do it. I didn't see a need to."*

In the recorded audio from Sergeant Bird's contact with Sergeant Vickery; you can hear Sergeant



Bird asking Sergeant Vickery if he had been drinking and Sergeant Vickery's response was, "Who Me?" Investigators asked Sergeant Vickery about his response to the question posed by Sergeant Bird and he replied,

*"Well my first inclination was I don't know why he thought I was impaired. I wasn't impaired. There was no alcohol impairment on me that day. I, I had a very long day. I thought I was doing just fine as far as conversating with him, driving. I never felt the effects of alcohol. I hadn't had that much to drink that day. I've learned my lesson, unfortunately through these instances not to put that into somebody else's hands and I wasn't gonna sit there and argue with him on the side of the road."*

Sergeant Vickery disputed the fact that Sergeant Bird believed he was too impaired to drive due to alcohol and said he was exhausted from being up for thirty plus hours. Sergeant Vickery told investigators that the signs of impairment may have been due to exhaustion. Sergeant Vickery could not explain why Sergeant Bird could have smelled the odor of an alcoholic beverage on his breath other than he had the two or three Redd's Apple Ale drinks during the day. Sergeant Vickery said he reviewed the transcript from Sergeant Bird; who noted that his physical abilities were fine.

Sergeant Tatum referred to the audio recording of Sergeant Vickery's encounter with Sergeant Bird on April 23, 2014 and discussed the speech pattern of Sergeant Vickery that evening. Sergeant Vickery said he was trying to choose his words wisely and did not want to get into a debate on the side of the road. Sergeant Vickery told investigators the last thing he wanted to do was wind up sitting in internal affairs as another embarrassment to the Sheriff's Office, but here he was. Sergeant Vickery said he did not believe his speech was slurred, but he agreed he was speaking slower than usual.

Sergeant Vickery agreed to have Sergeant Bird drive his truck back to his residence a short distance away. Sergeant Vickery advised it was Sergeant Bird's idea and he did not use his official position to get special treatment. Sergeant Vickery said he and Ms. Landry rode in the back seat of the second officer's patrol car back to his house. In response to the second Port Orange officer, Jonathan Nolan, providing the statement that he could smell the odor of an alcoholic beverage in his patrol car when he provided the ride to Sergeant Vickery and Ms. Landry; Sergeant Vickery advised it must have been from the two or three Redd's Apple Ale he drank that day.

Sergeant Vickery advised his son arrived home shortly after him and put the boat in the driveway. Sergeant Vickery said the Port Orange officers left his residence. Sergeant Vickery told investigators he was at his house for approximately ten minutes and then drove Ms. Landry to her residence in Debary. Sergeant Vickery said the warning not to drive from the Port Orange officers did not concern him; his concern was getting Ms. Landry to her residence and taking care of her. Sergeant Vickery stated if he would have been stopped by the officers he would have taken the field sobriety exercises and more than likely been let go. Sergeant Vickery reiterated that he was physically and mentally exhausted that evening.

Sergeant Vickery told investigators they arrived at Ms. Landry's residence in Debary and she ran

towards the house in a state of panic. Sergeant Vickery believed it was approximately 2100 hours when they arrived. Sergeant Vickery advised he went into the back yard with Ms. Landry and stayed with her and her family for about an hour to an hour and a half. Sergeant Vickery said he was asked by Ms. Landry's uncle if he was able to find the decedent's brother who they didn't have contact with. Sergeant Vickery said the uncle knew he worked for the Sheriff's Office because it came up in conversation while in the back yard. Sergeant Vickery said he spoke with Deputy Wheeler and asked him to look up the name he was provided. Investigator Eckberg was also on scene. He explained there were some issues with locating the name provided because they didn't know how to spell it because the relative is a step brother. Sergeant Vickery said there was some discussion because Deputy Wheeler was having difficulty looking up an address and he also checked DAVID with no results. Sergeant Vickery said he asked Deputy Wheeler if he wanted him [Sergeant Vickery] to look up the information, but based on the reaction he didn't think Deputy Wheeler realized he worked for the Sheriff's Office. Sergeant Vickery said at that point he told Deputy Wheeler who he was.

Sergeant Vickery advised at no point did he order Deputy Wheeler out of the vehicle. Sergeant Vickery was asked about the statement made by Deputy Wheeler of him being "large and in charge." Sergeant Vickery said, *"6'3", 250 lbs, authoritative and prior military. I mean I, I speak, I don't beat around the bush. If I, I was asking him for something, I didn't, I, I don't think I was rude to him at all. I don't know."* Sergeant Vickery denied the allegation of him saying "What are they teaching these fucking newbies?" Sergeant Vickery said he was not frustrated with Deputy Wheeler because he was trying his best to find the information. Sergeant Vickery said at no time was he trying to "push his buttons" as alleged by Investigator Eckberg. Sergeant Vickery clarified that he had a conversation with Investigator Eckberg on May 1, 2014 while on scene of a missing person and that is when he told Investigator Eckberg about his contact with the Port Orange Police, not while at the death call.

Sergeant Vickery stated he was holding a can of Busch Light beer when he was speaking with Deputy Wheeler. Sergeant Vickery said he was offered a beer by the decedent's brother and he felt coaxed into drinking it after telling him no. Sergeant Vickery advised he consumed two cans of Busch Light beer while at the residence. Sergeant Vickery said he was not impaired by the consumption of the two beers. In regard to Investigator Eckberg's description of Sergeant Vickery being unsteady on his feet, the odor of an alcoholic beverage on his breath and slurred speech; Sergeant Vickery stated he was holding the can of beer during his conversation with Investigator Eckberg and he was tired from being up for thirty-four hours so he was leaning against the patrol car. Sergeant Vickery told investigators he spent the night at Ms. Landry's residence, 7 Amigos Rd. Debary, FL, because he could not keep his eyes open due to fatigue.

Sergeant Vickery was asked if he felt he violated the following policies:

#### **26.2.47 Courtesy - No**

**Volusia County Merit Rules and Regulations 86-453(13)-** *"No sir. I think I actually on that one, I was doing my best to help with the family and it was courteous with Port Orange Police Department. I was doing my best not to make sure that I wasn't an embarrassment as I have been before."* (See Tab K for Official Transcript)

## **CONCLUSION:**

On July 18, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directive to be:

**26.2.47 Courtesy -**

**Not Sustained**

**Volusia County Merit System Rules and Regulations 86-453 (13).**

**Sustained**

On July 22, 2014, Sergeant Vickery was served with his Notice of Intent to Terminate and Suspension Without Pay at the District Four office in Deltona, FL by Investigator Bennett. Investigator James Gabriel was also present. His assigned vehicle, weapons and equipment were collected by investigators.

On July 24, 2014, Sergeant Vickery was served with an amended Notice of Intent to Terminate and Suspension With Pay by Investigator Bennett at the Sheriff's Office Administrative building in Deland, FL.

Sergeant Vickery scheduled a pre-discipline hearing with Sheriff Johnson for July 31, 2014. Sergeant Vickery canceled the hearing and tendered his letter of resignation which was received and accepted by Sheriff Johnson on August 4, 2014. In addition, Sergeant Vickery waived his rights to a hearing in front of the Personnel Board. The Sheriff's final decision was to issue Sergeant Vickery a letter of reprimand for his actions related to this investigation.

## **EXHIBIT(S):**

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint-Supervisor Inquiry
- D. Administrative Oath/Perjury Warning
- E. Official Transcript of Deputy Steven Wheeler
- F. Official Transcript of Investigator Carl Eckberg
- G. Official Transcript of Ms. Danielle Landry
- H. Official Transcript of Port Orange Sergeant Jeremy Bird
- I. Official Transcript of Port Orange Officer Jonathan Nolan

- J. Transcript of Audio Recording from Sgt. Bird's contact with Sgt. Vickery
- K. Official Transcript of Sergeant Kenneth Vickery
- L. Miscellaneous Documents
- M. Digital Media

**WITNESSES:**

Deputy Steven Wheeler  
Volusia County Sheriff's Office  
(386) 736-5961

Investigator Carl Eckberg  
Volusia County Sheriff's Office  
(386) 736-5961

Danielle Landry  
7 Amigos Rd.  
Debary, FL

Sergeant Jeremy Bird  
Port Orange Police Department  
4545 S Clyde Morris Blvd  
Port Orange, FL  
(386) 506-5800

Officer Jonathan Nolan  
Port Orange Police Department  
4545 S Clyde Morris Blvd  
Port Orange, FL  
(386) 506-5800



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: 08/04/14

**Sergeant Thomas Tatum  
Internal Affairs Investigator**

APPROVED BY:  DATE: 8/5/14

**Chief Deputy Mike Coffin  
SHERIFF BEN F. JOHNSON  
VOLUSIA COUNTY FLORIDA**