

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-14-020**

**PERIOD COVERED:** August 16, 2014  
**DATE REPORTED:** August 16, 2014  
**SUBJECT(S) NAME:** Deputy Cory Freeburn #8190  
**INVESTIGATING OFFICER:** Sergeant Thomas Tatum #2405

**BASIS FOR INVESTIGATION:**

On August 16, 2014, at approximately 0526 hours, Deputy Cory Freeburn was enroute to Deltona traveling south on North Airport Road in New Smyrna Beach, and failed to stop at the stop sign at State Road 44. Deputy Freeburn traveled through the intersection, crossing four lanes of traffic and a divided median, before striking a ditch and coming to a stop in the grassy area south of State Road 44. The impact with the ditch resulted in substantial damage to the patrol vehicle and Mobile Data Computer (MDC). No other vehicles were involved and there were no injuries as a result of the crash.

Sergeant Jeffrey Wingard completed an Auto Incident Report documenting the crash. The report indicated there was heavy fog present at the time of the crash limiting visibility. Sergeant Wingard wrote that Deputy Freeburn admitted to looking down at his MDC prior to the crash. The vehicle was towed to the Volusia County Maintenance facility by Universal Towing. *(See Tab C for Auto Incident Report)*

Sergeant Tatum reviewed the original report authored by Deputy Freeburn (VCSO 14-22189). Deputy Freeburn wrote he was enroute from his place of residence to report for duty in District Four. Sergeant Tatum checked the emergency contact information for Deputy Freeburn in his personnel file and the Records Maintenance System (RMS) and found his place of residence was listed as [REDACTED]. Deputy Freeburn also wrote that he was looking down at his computer when he failed to properly stop at the intersection of North Airport Road and SR 44. *(See Tab C for Incident Report)*

On September 15, 2014, Chief Deputy Mike Coffin ordered a review of the Automated Vehicle Locator (AVL) on Deputy Freeburn's patrol vehicle. Sergeant Tatum conducted a search on Forcewatch for the date of crash and found the AVL was not connected until after the crash occurred; therefore, no information was obtained related to the speed of the vehicle prior to impact. Chief Deputy Coffin ordered Sergeant Tatum make arrangements to have information

from Deputy Freeburn's patrol vehicle's black box (Crash Data) downloaded for review.

On September 17, 2014, Sergeant Tatum met with Deputy Christopher LeCates at Celico Auto Body in Bunnell, FL, where the patrol vehicle was towed for an estimate. Deputy LeCates is certified in Crash Data Retrieval (CDR) and was able to successfully capture the data from the black box and forwarded the information to Sergeant Tatum.

Sergeant Tatum reviewed the data which began recording two and a half seconds prior to airbag deployment. The report indicated that the patrol vehicle was traveling at fifty-six (56) miles per hour two and a half seconds prior to impact and the brake was not activated until two seconds prior to impact. The report also indicated the driver safety belt was not buckled at the time of crash. The speed limit on North Airport Road is forty-five (45) miles per hour. *(See Tab C for Crash Data Retrieval Information)*

**OFFENSE(S):**

**26.2.98 Careless Handling of Equipment and Vehicles - Resulting in Damage/Loss -** Employees shall utilize Department or County equipment for its intended purpose in accordance with established procedures, and shall not subject such equipment to loss or damage through careless handling. *(Violation subject up to a 5 day suspension and/or loss or suspension of the equipment use privileges.)*

**26.2.139 Seat Belt Violations -** Refer to 41.3.65, which states All Department employees shall utilize seat belts when occupying any county vehicle, in accordance with State Statute 316.614. All drivers of Department vehicles will ensure that any passenger, employee or non-employee, is utilizing an installed seat belt, with the following exceptions:

A. *Prisoners transported in the rear of caged patrol vehicles or prisoner transport vans need not utilize seat belts.*

B. *When there is a pre-existing injury or medical condition that may be aggravated by the use of seat belts, the Deputy shall provide documentation from a medical physician to his/her division commander.*

This standard applies to the normal operation of a county vehicle and does not apply to situations where the use of seat belts would hinder apprehension or response to a particular call. Supervisors may grant exceptions for specific situations in which they deem efficiency of operations to outweigh the safety benefit. *(Violation subject up to a 1 day suspension.)*

**26.2.145 Texting/Use of Data Devices While Driving –** While driving a VCSO vehicle (rental, lease, owned), employees are prohibited from texting or typing into the cell phone, Blackberry, MDC, PDA or any other data device. Because of the inherent dangers associated with such behavior, employees found to violate this rule shall be subject to disciplinary action up to and including dismissal.

**INVESTIGATIVE SUMMARY:**

On September 17, 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 September 18, 2014, Sergeant Tatum served Deputy Freeburn with his notice of internal investigation on the fourth floor of the Sheriff's Administrative Office in Deland, FL. Deputy Freeburn was provided a copy of the law enforcement officer's rights. (See Tab B for Official Documents)

### **Deputy Cory Freeburn**

On October 16, 2014, Sergeant Tatum and Investigator Glen Bennett conducted a sworn recorded interview with Deputy Cory Freeburn in the Sheriff's conference room located in the TCK building in Deland, FL. Also present during the interview was Teamster Business Agent Bob Walker. The following is a summary of the interview:

Deputy Freeburn has been with the Volusia County Sheriff's Office for the past year and is currently assigned to District Four in Deltona as a patrol deputy. He has no previous law enforcement experience.

Deputy Freeburn stated he was scheduled to work 0600-1800 hours on August 16, 2014. He left his residence a few minutes after 0500 hours and didn't log on to the computer aided dispatch (CAD) until approximately 0520 hours. Deputy Freeburn advised his residence is located at [REDACTED]. He has lived at that residence since March or April of 2014. The home address listed for Deputy Freeburn in RMS and in his personnel file is [REDACTED]. Deputy Freeburn advised the Edgewater address is his father's residence and he was staying with him before moving to the current address in New Smyrna Beach. Deputy Freeburn was not aware of the Sheriff's Office policy governing the notification of a change in address on the Emergency Notification Form.

Deputy Freeburn stated he left his residence and followed his girlfriend to her place of employment in the Venetian Bay subdivision in New Smyrna Beach to ensure she arrived safely due to the time of day. Deputy Freeburn advised his girlfriend was driving her own vehicle and she was not a passenger in his patrol vehicle. The route he traveled was west on State Road 44 and North on North Airport Road. After his girlfriend arrived safely at work, Deputy Freeburn stated he logged on to CAD then traveled south on North Airport Road toward State Road 44. Deputy Freeburn advised he saw he was logged on as Charlie 92 and he assumed he was connected. Deputy Freeburn described that morning as dark and foggy with visibility at approximately 1/8 of a mile. Deputy Freeburn stated he was checking the status of the District Four deputies to see if anybody needed help and also to see what was going on in preparation for the day. During that time, Deputy Freeburn said when he looked up he was already in the intersection of State Road 44. Deputy Freeburn stated the only button he pressed during the time he was operating his patrol vehicle was the status button to update the deputies status. He was not aware if his Automated Vehicle Locator (AVL) was connected at the time of crash. Deputy Freeburn admitted he was distracted by his MDC while operating his patrol vehicle.

Deputy Freeburn said he was not aware how fast he was traveling on North Airport Road just prior to the crash until Sergeant Tatum provided him with the CDR information. According to

the CRD, Deputy Freeburn was traveling at fifty-six (56) miles per hour two and a half seconds prior to impact (airbag deployment) in a posted forty-five (45) mile an hour speed zone. Deputy Freeburn did not contest the speed he was traveling and agreed the speed was too fast for the conditions that morning. The CDR indicated the brake switch was not activated until two seconds prior to the impact which placed him well into the intersection of State Road 44.

The CDR also showed the driver safety belt as unbuckled at the time of impact. Deputy Freeburn could not be certain if he was wearing his safety belt at the time of the crash, but did not contest the CDR data. He stated after he arrived at his girlfriend's work, he got out of the patrol car for a short time, but did not recall if he put his safety belt on before driving away. He said he normally wears his safety belt when operating his patrol vehicle and he acknowledged that did not have any medical issues that would prevent him from wearing his safety belt.

Deputy Freeburn was asked if he was fatigued the morning of the crash and he said he was not. Deputy Freeburn stated he was not aware of any mechanical issues with his patrol vehicle that would have contributed to the crash.

As a result of the crash, Deputy Freeburn's vehicle was a total loss and his MDC was heavily damaged. He was not injured during the incident. Deputy Freeburn was asked to respond to the following alleged policy violations:

- 26.2.98 Careless Handling of Equipment and Vehicles** **Yes**
- 26.2.139 Seat Belt Violations** **Yes**
- 26.2.145 Texting/Use of Data Devices While Driving** **Yes**  
*(See Tab E for Official Transcript)*

**CONCLUSION:**

On October 28, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff and his staff determined the allegation to be:

- 26.2.98 Careless Handling of Equipment and Vehicles** **Sustained**
- 26.2.139 Seat Belt Violations** **Sustained**
- 26.2.145 Texting/Use of Data Devices While Driving** **Sustained**

Sheriff Johnson tentatively determined the discipline for Deputy Freeburn to be a thirty-six (36) hour suspension without pay and his probation will be extended for ninety (90) days. Deputy Freeburn was served with his "Intent to Suspend" letter on November 4, 2014. *(See Tab B for Official Correspondence)*

Deputy Freeburn scheduled his pre-discipline hearing with Sheriff Johnson on November 10, 2014. Attending the meeting was Sheriff Johnson, Chief Deputy Coffin, Major Jones,

Lieutenant Paugh and Teamsters representative Brodie Hughes. Deputy Freeburn took full responsibility for his actions and after earnest consideration, Sheriff Johnson's final decision was to suspend Deputy Freeburn for thirty-six (36) work hours without pay and extend his probation for ninety (90) days.

Deputy Freeburn was served his final notice of suspension on November 14, 2014, by Sergeant Tatum. (See Tab B for Official Correspondence)


**EXHIBIT(S):**

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint
- D. Administrative Oath/Perjury Warning
- E. Official Transcript of Deputy Cory Freeburn
- F. Miscellaneous Documents
- G. Digital Media

**WITNESSES:       None**

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: 11/17/14  
Sergeant Thomas Tatum  
Internal Affairs Investigator

APPROVED BY:  DATE: 11/17/14  
Chief Deputy Mike Coffin  
SHERIFF BEN F. JOHNSON  
VOLUSIA COUNTY FLORIDA