

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-15-016

PERIOD COVERED: September 14, 2015
DATE REPORTED: September 15, 2015
SUBJECT(S) NAME: Deputy John Provenzano #7362
INVESTIGATING OFFICERS: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On September 14, 2015, Deputy John Provenzano, while in the process of his duties, attempted to turn his patrol car around in a driveway located on Stevens Avenue in Deland. In the process of doing so, Deputy Provenzano allegedly struck a cinder block located on the side of the driveway which was part of a small retaining wall. As a result, the patrol car sustained damage to the front left wheel well and corner panel resulting in approximately \$1,069.07 in damages.

Furthermore, Deputy Provenzano allegedly never reported the incident to his supervisors nor did he make contact with the homeowner. The incident went unreported until the following day when a neighbor, who witnessed the event, advised the homeowner who in turn notified the Sheriff's Office.

OFFENSES:

This investigation is relevant to an alleged violation of Department Standards Directive:

26.2.23 Failure to Report Vehicle Accident - Employees shall immediately report accidents in which they are involved with a Department or County vehicle or equipment. Vehicle includes any form of sea, land or air transport. *(Violation subject up to a 5 days suspension.)*

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.)*

INVESTIGATIVE SUMMARY:

On September 21, 2015, Chief Deputy Robert L. Jones III assigned the above incident to the Internal Affairs Unit. Investigator Bennett served Deputy John Provenzano with a "Notification of Internal Investigation" memorandum at the Deland Courthouse. This report details the internal affairs investigation conducted by Investigator Glen Bennett.

According to Sheriff's Office reports, Sergeant Justin Stewart responded to 1504 Stevens Avenue in Deland on September 14, 2015 at 11:21PM in reference to damaged property. Sergeant Stewart made contact with the homeowner who advised him that he discovered damage to his retaining wall that runs alongside his driveway which he believed was caused by a Sheriff's Office patrol car. The homeowner pointed out several pieces of plastic lying on the ground that may have come from the vehicle that struck the cinder block. The homeowner was not concerned about the damage to his wall; he just felt the Sheriff's Office should know about the incident.

Sergeant Stewart collected the pieces of plastic and photographed the damaged cinder block. Later that evening a written statement was obtained from a neighbor who witnessed the incident earlier that morning.

Sergeant Stewart notified Sheriff's Office command staff and a search using the Automated Vehicle Locator (AVL) was conducted. The search yielded negative results and it was determined that the patrol car may have been assigned to a section within the Sheriff's Office with no AVL antennae's. An e-mail request went out to Sheriff's Office command staff to ascertain if one of their patrol cars may have been on Stevens Avenue on the date and time in question.

The following day, Tuesday September 15th, it was discovered that certain Civil Section deputies operate vehicles with no AVL antennae's. Command Staff within the Civil Section determined the zone in which the incident occurred was assigned to Deputy John Provenzano who was on duty that morning. Deputy Provenzano, whose patrol car has no AVL antennae, was contacted and he confirmed his presence on Stevens Avenue the prior morning. Deputy Provenzano was advised to respond to District-2 and make contact with Sergeant Stewart who was conducting the investigation.

When Deputy Provenzano arrived at District-2, his patrol car was inspected by Sergeant Stewart who determined it was involved in the incident. Sergeant Joseph Bryant, Deputy Provenzano's immediate supervisor was notified and he responded to District-2. The Florida Highway Patrol was also notified and a crash report was completed.

Sergeant Joseph Bryant

On September 28, 2015, Investigator Bennett and Sergeant Justin Sawicki conducted a sworn recorded interview with Sergeant Bryant at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Bryant started with the Sheriff's Office in April of 1990 and has been Deputy Provenzano's immediate supervisor in the Sheriff's Office Civil Section since April of 2011.

Sergeant Bryant was off on Monday September 14, 2015, the day of the incident. Sergeant Bryant pointed out that since he was not on duty, Deputy Provenzano would have reported to an east side Civil Section supervisor. Sergeant Bryant explained that deputies under his supervision have been instructed to contact him via telephone if an incident such as this was ever to occur. Sergeant Bryant further stated, "*...my personal phone number's available to all of the people that work under my supervision to include the civilians and the sworn officers and they all are very well aware that if you have any sort of incident that you even believe that may require paperwork or, or result in an inquiry of any kind at all to call me and we'll discuss it prior to it going further.*"

Sergeant Bryant received no correspondence from Deputy Provenzano on Monday September 14th. Sergeant Bryant stated that he first learned of the incident on Tuesday, September 15th when Sergeant Stewart, a Deland District-2 supervisor, contacted him via telephone. Sergeant Stewart requested that he ascertain whether a civil deputy was in the area of Stevens Avenue on the morning of September 14th.

Following Sergeant Stewart's request, Sergeant Bryant narrowed it down to two civil deputies on duty that morning, Deputies Christopher Beatty and John Provenzano. Deputy Beatty's patrol car was equipped with an AVL antennae and Deputy Provenzano's was not. Since the AVL on Deputy Beatty's patrol car did not place him on Stevens Avenue that morning, Deputy Provenzano was contacted and told to meet with Sergeant Stewart as part of his inquiry.

Brenda Hileman

On September 29, 2015, Investigator Bennett conducted a sworn recorded telephone interview with Brenda Hileman. This is a summary of that interview:

Ms. Hileman, who resides at 1506 Stevens Avenue, said she observed a marked Volusia County Sheriff's Office patrol car pull into her neighbor's driveway on September 14th at approximately 6:00AM. As the patrol car began to back out of the driveway she heard a loud noise, "*His bumper had caught a small brick wall that they [her neighbors] had made for to park their car by.*" After the patrol car was out of the driveway, "*... [The deputy] put it in park, got out, put the bricks back in place and got back in his patrol car and left.*" Ms. Hileman said the deputy did not make contact with her neighbor after replacing the bricks. He just got back into his patrol car and drove off. Later that morning Ms. Hileman spoke to the homeowner at 1504 Stevens Avenue about the incident.

Sergeant Justin Stewart

On September 29, 2015, Investigator Bennett conducted a sworn recorded interview with Sergeant Justin Stewart at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Stewart has served with the Sheriff's Office for approximately eleven years and has been assigned to District-2 as a patrol sergeant for the last eleven months.

Sergeant Stewart was on duty September 14th and responded to 1504 Stevens Avenue where he contacted the homeowner in reference to a small retaining wall that was allegedly damaged by a Sheriff's Office patrol car. The homeowner said he awoken that morning to find the wall damaged and discovered several small plastic pieces he believed to be from the vehicle. Furthermore, he was notified by his neighbor that a Sheriff's Office patrol car pulled into his driveway during the early morning hours and may have struck the wall.

Sergeant Stewart collected the plastic pieces believed to be from the patrol car and photographed the cinder block. Sergeant Stewart attempted to contact the neighbor, Brenda Hileman; however, she had already left for work. A message was left for her to contact the Sheriff's Office and a written statement was ultimately obtained. Sergeant Stewart notified the District-2 commander who began reviewing all AVL data for the date and time in question.

The following day, Tuesday September 15th, Deputy Provenzano responded to the District-2 headquarters and met with Sergeant Stewart. Deputy Provenzano was asked if he had any damage to his vehicle and he responded, "*...oh I hit a brick or something the other morning.*" Sergeant Stewart inspected Deputy Provenzano's patrol car and discovered minor damage, "*...the front driver's side tire around the inside of the wheel-well there was a large section of plastic piece missing and there was also some damage to the white part of the body and the paint right next to that.*"

Sergeant Stewart was the on duty patrol sergeant in District-2 when the incident occurred and he was never notified by Deputy Provenzano of the incident involving his patrol car.

Sergeant Tim Webster

On October 2, 2015, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Sergeant Tim Webster at the Eastside Civil Section headquarters in Daytona Beach, FL. The following is a summary of that interview:

Sergeant Webster has worked for the Sheriff's Office for approximately fifteen years and is currently assigned to the New Smyrna Beach civil office.

On Monday September 14th, Sergeant Webster was sent an e-mail from Lieutenant Thomas Bertolami requesting him to research the address on Stevens Avenue and to advise what civil

unit was assigned to that zone. Sergeant Webster reported back that it was Deputy Provenzano and never heard anything further of the incident until later in the week.

Sergeant Webster said he was never notified by Deputy Provenzano of the incident involving his patrol car.

Lieutenant Thomas Bertolami

On October 2, 2015, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Lieutenant Thomas Bertolami at the Sheriff's Office Civil Section headquarters in Daytona Beach, FL. The following is a summary of that interview:

Lieutenant Bertolami has worked for the Sheriff's Office for twenty three years and has been the Assistant Civil Section Commander for the last four years.

Lieutenant Bertolami received an e-mail on September 14th from Captain Eric Westfall, the Civil Section Commander, requesting him to ascertain whether the incident on Stevens Avenue involved a Civil Section deputy. Lieutenant Bertolami replied back stating that he would also have Sergeant Bryant find out if it was possibly a west side civil deputy.

At no time was Lieutenant Bertolami notified by Deputy Provenzano of the incident; furthermore, Lieutenant Bertolami said he checked with his civil sergeants who advised him that they also received no correspondence from Deputy Provenzano.

The following day, September 15th, Lieutenant Bertolami was notified by Sergeant Bryant that it was possibly Deputy Provenzano who was involved in the incident.

Deputy John Provenzano

On October 27, 2015, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Deputy John Provenzano at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Deputy Provenzano has been in law enforcement for thirty years and has worked at the Sheriff's Office for the last nine. He is presently assigned to the Sheriff's Office Civil Section where he is responsible for the service of non-enforceable civil documents. Deputy Provenzano reports directly to Sergeant Bryant at the west side civil office in Deland.

Deputy Provenzano was on duty Monday September 14th at 6:00AM on Stevens Avenue attempting to locate an address to serve a subpoena. Realizing he drove past the address, he pulled his patrol car into a driveway located at 1504 Stevens Avenue. Deputy Provenzano said it was still dark and he described the driveway as very thin, *"I went in on an angle and as soon as I backed out I heard this clunking sound under the front end of my vehicle, bum bum bum boom."* Deputy Provenzano said he didn't hear his patrol car hit anything as he pulled in; it was

only as he backed out that he heard the noise coming from his front left wheel well. It was then that he saw the cinder block lying on the driveway.

Deputy Provenzano exited the patrol car to see if he sustained any damage, *“I checked the front end basically because I heard it mostly under the front end and the wheel-well but I didn’t see the skirt you know the broken plate and I didn’t see the scratches until later on...so I said I didn’t, I didn’t damage the vehicle I said to myself I said the cinder block must have just been laying there.”* Being that it was still dark out, Deputy Provenzano said he did not notice the broken plastic pieces from the inside the wheel well lying on the ground. Deputy Provenzano moved the cinder block back to its original location but never made contact with the homeowner, *“That was my bad. I didn’t. I didn’t. I felt I didn’t damage the car. I felt maybe his thing [cinder block] was lying there loose.”* It wasn’t until later that morning that he noticed the scratches on the wheel well; however, upon finding the damage he never reported it to a supervisor.

The following day, Tuesday September 15th, Sergeant Bryant contacted him and advised him to report to District-2 to meet with Sergeant Stewart in reference to his patrol car. Upon arrival Sergeant Stewart looked over his patrol car and found the damage which he photographed for his report. Deputy Provenzano was asked how he didn’t see the damage while on scene and he replied, *“No I just, I, I, I just overlooked it. I was, I think mainly I was checking the front end of the car because I heard most of the noise there and then I heard it under the wheel-well and I’m looking and you know I had my little flashlight out and I’m looking and I didn’t see it.”*

During Deputy Provenzano’s interview, he was asked if he felt he violated department policy and he replied “No.” However, on October 28, 2015, Deputy Provenzano contacted Investigator Bennett and requested that his answer to whether he felt he violated policy 26.2.23, Failure to Report Vehicle Accident, be changed to “Yes.” Deputy Provenzano stated that had he done a thorough examination of the patrol car he would have discovered the damage, which he would have reported to his supervisor.

When questioned, Deputy Provenzano had the following response as to whether he felt he violated the following policies:

26.2.23 Failure to Report Vehicle Accident	YES
26.2.98 Careless Handling of Equipment and Vehicles	NO

CONCLUSION:

On November 10, 2015, 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:

26.2.23 Failure to Report Vehicle Accident **Sustained**

26.2.98 Careless Handling of Equipment and Vehicles **Sustained**

On November 17, 2015, Investigator Bennett served Deputy Provenzano with an “Intent to Suspend” letter at the Deland Courthouse in Deland, FL.

On November 24, 2015, Deputy Provenzano was served with a “Final Suspension” letter at the Deland Courthouse in Deland, FL.

EXHIBITS:

- A. Report of Investigation
- B. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence
- D. Official Transcripts of Sergeant Joseph Bryant
- E. Official Transcripts of Brenda Hileman
- F. Official Transcripts of Sergeant Justin Stewart
- G. Official Transcripts of Sergeant Tim Webster
- H. Official Transcripts of Lieutenant Thomas Bertolami
- I. Official Transcript of Deputy Prozenvano
- J. Miscellaneous Documents
- K. Digital Media

WITNESSES:

Sergeant Joseph Bryant
Volusia County Sheriff's Office
386-736-5961

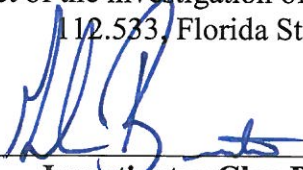
Brenda Hileman
1506 Stevens Avenue
Deland, FL 32720
386-717-9543

Sergeant Justin Stewart
Volusia County Sheriff's Office
386-736-5961


Sergeant Tim Webster
Volusia County Sheriff's Office
386-736-5961

Lieutenant Thomas Bertolami
Volusia County Sheriff's Office
386-736-5961

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

INVESTIGATOR:  DATE: 12/3/15

**Investigator Glen Bennett
Internal Affairs Investigator**

APPROVED BY:  DATE: 12.3.15
**Chief Deputy Robert L. Jones III
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA**