

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-15-011**

**PERIOD COVERED:** June 16, 2015  
**DATE REPORTED:** June 18, 2015  
**SUBJECT(S) NAME:** Deputy Brandon Cobb #7738  
**INVESTIGATING OFFICER:** Sergeant Justin G. Sawicki #7179

**BASIS FOR INVESTIGATION:**

On June 25, 2015, Sergeant Justin Sawicki received a supervisor inquiry composed by Sergeant Daniel Genovese. The subject of the supervisor inquiry was Deputy Brandon Cobb. The incident occurred on June 16, 2015, in the District Six county area of Orange City. The inquiry alleged Deputy Cobb did not respond to a 911 call for service, rather he traveled out of the District Six area to the Osteen fuel pumps and refueled his vehicle. The 911 call was in reference to a white male on a bicycle shouting at another person to the extent that the male on the bicycle began making threats that he was going to shoot someone.

Chief Deputy Robert Jones, III assigned the case for investigation by the Internal Affairs Unit. The supervisor inquiry completed by Sergeant Genovese is referenced by memorandum number: 054MDB37.15 and is attached and made part of this investigation. *(See Tab - C)*

**OFFENSE(S):**

**26.2.24 Leaving Assigned Work Area** - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor.  
*(Violation subject up to a 1 day suspension.)*

**26.2.133 Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction** shall result in increasing the severity of disciplinary actions.  
*(Violation subject up to dismissal.)*

Re:

**26.2.33 Inattention to Duties, Loafing, Sleeping** - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.

**26.2.133** Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions.  
(Violation subject up to dismissal.)

Re:

**26.2.41 Negligence Associated with Safety of Persons or Property** - Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property.

*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 June 25, 2015, Chief Deputy Robert Jones, III assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Justin Sawicki.

On June 30, 2015, Sergeant Justin Sawicki served Deputy Brandon Cobb with a Notice of Internal Investigation at the VCSO District Four office in Deltona, Florida. Deputy Cobb was provided with a copy of the law enforcement officer bill of rights. *(See Tab - B for Official Correspondence)*

Sergeant Sawicki reviewed the supervisor inquiry completed by Sergeant Genovese, the following is a summary of the inquiry:

On June 16, 2015, all District Six deputies were at the scene of a fatal traffic crash on Dirksen Drive at the entrance to Interstate Four. After completing his tasks on the crash, Deputy Cobb placed himself back in service. At 0758 hours, Deputy Cobb was dispatched to call #P151670577 by Central Communications (Central) [REDACTED]

[REDACTED] advised the call-taker, that she heard an unknown male on a bicycle near her residence arguing with another person. The male on the bicycle made mention that the other person involved in the argument "had better change their locks and that he was going to shoot someone." At approximately 0807 hours, Investigator Stella Ott contacted Sergeant Genovese via telephone. Investigator Ott advised the sergeant she was in the area of Deputy Cobb's call for service and was unable to locate a marked unit in the area. Sergeant Genovese utilized his Mobile Data Computer (MDC)

to check Deputy Cobb's Automated Vehicle Locator (AVL). Sergeant Genovese determined Deputy Cobb was on Doyle Road at Champlain Drive in the city of Deltona, traveling the opposite direction of the call for service on Third Street in Orange City. Due to Deputy Cobb traveling the opposite direction of the call for service, and Ms. Vega reporting a disturbance, Sergeant Genovese traveled to Third Street to provide the necessary back-up for Investigator Ott. Sergeant Genovese later checked Deputy Cobb's AVL again several minutes later and he determined Deputy Cobb was now on State Road 415 in Osteen at the county fuel pumps. At 0813 hours, Deputy Cobb made a comment into the call via his MDC that stated:

*"MADE CONTACT WITH FEMALE VIA PX...RP STATED SHE OVER HEARD THE STATEMENTS MADE DOWN THE STREET AND IS NEW TO THE AREA, REQUESTING AN EP. RP ADVISED SHE DID NOT WANT LEO RESPONDING TO HER RESIDENCE AND WISH (sic) TO REMAIN ANON (sic)"*

It should be noted RP and EP in the above quote are acronyms for reporting party and extra patrol, respectively. At 0823 hours, Deputy Cobb placed himself en-route to the call for service via the MDC. At 0826, hours Sergeant Genovese arrived on scene and met with Investigator Ott. Investigator Ott advised she was unable to locate the subject in question, nor any signs of a disturbance in the area. Sergeant Genovese cleared himself from the call at 0833 hours, and at 0834 hours, Deputy Cobb made another comment in the call via his MDC that stated, "*will ep further.*" Deputy Cobb then cleared himself from the call. Deputy Cobb advised Sergeant Genovese he chose to refuel his patrol vehicle in lieu of making an immediate response to the call, because he was already in the area of the gas pumps. Deputy Cobb also stated to the sergeant that when he called Ms. Vega, she told him the male in question had left the area and there were no immediate threats to Ms. Vega. The inquiry later recites recent discipline received by Deputy Cobb which is as follows:

- October 19, 2013, Verbal Reprimand for 26.2.15 Failure to Respond to a Subpoena
- March 12, 2014, Verbal Reprimand for 26.2.33 Inattention to Duties, Loafing, Sleeping
- June 11, 2015, Letter or Reprimand for 26.2.40 Negligence Not Endangering

Sergeant Sawicki confirmed the discipline outlined in the inquiry by reviewing Deputy Cobb's discipline file. The inquiry is concluded by detailing the June 11, 2015, (just five days prior to the subject of this investigation) Letter of Reprimand, in which Lieutenant Michelle Newman advised Deputy Cobb, "*...he needed to improve his decision making and not blow off calls for service or that he would face progressive discipline.*"

*(See Tab-C for Supervisor's Inquiry)*

Sergeant Sawicki received a copy of the 911 call placed by [REDACTED] and the radio transmissions during the timeframe of the call from VCSO radio channel LE-4. The following is a summary of the audio recordings:

During the 911 call, [REDACTED] advises the call-taker, "*...there is a horrible argument...there's a guy on a bike riding up and down...and I came in the house because he is talking about shooting somebody.*" [REDACTED] and the call-taker next discuss the specifics of the location and [REDACTED]

██████████ ultimately gets on the telephone and advises the call-taker of the specific location and cross streets. ██████████ then returns to the telephone call. The call-taker continues to ask questions to ensure she enters the correct location. ██████████ advises the call-taker the male was white and riding a bicycle, however she did not see a firearm, because as soon as he made reference to shooting someone she retreated inside her residence. Additionally, ██████████ stated that the male yelled to the unknown other person in the argument that they better change their locks. The call-taker asks ██████████ for her name and to verify her telephone number. The call is then concluded.

Upon review of the audio from LE-4, Central contacts Sergeant Genovese and advises him that she is holding a suspicious person call at Third Street and Hamilton Avenue in Orange City, in which there is a male on a bicycle talking to a stranger advising that he is going to shoot someone and they need to lock their residence. Sergeant Genovese then responds by advising Central that he will get a deputy to respond as soon as possible. Deputy Cobb later advises Central that he would be en-route to the call for service; however, he needed to "get gas" first. Deputy Cobb then transmits that he made telephonic contact with ██████████ and that all units can cancel, because the male subject was "G.O.A." (Gone on arrival). Other units then return to service and Deputy Cobb advises he will remain on the call as he will "EP it in a minute."

*(See Tab - I for Digital Media)*

It should be noted Sergeant Sawicki reviewed Deputy Cobb's call history for the day and he did enter three extra patrols for the day, however none were in the location of this call for service.

██████████

On July 08, 2015 Sergeant Sawicki conducted a sworn recorded interview with ██████████ at her residence in Orange City, FL. The following is a summary of that interview:

Currently, ██████████ is employed at ██████████ in DeLand, Florida. For approximately two years, ██████████ has resided at ██████████ in Orange City.

██████████ confirmed on June 16, 2015, she placed a 911 call to the Volusia County Sheriff's Office. According to ██████████, she called 911 because when she got out of bed, she overheard arguing from outside. The arguing persisted and became louder. At that time, ██████████ took her dog outside and ██████████ recalled a male riding his bike in front of her house and described the yelling by stating, "You better change your locks, I'm gonna shoot you, and it just kept going on and he's like you know Fuck you and he just, it was just really intense." Once ██████████ overheard the comment about the firearm, she advised that she returned to her residence and called 911.

According to ██████████, she later received a telephone call from Deputy Cobb. Deputy Cobb advised ██████████:

*"...that there was some fatalities on Volusia here in Orange City and they would be tied up for a while. It was a really bad accident. He said is the arguing still*

*going on? I said yeah and the guys still you know still driving up and down. I said and it's just escalating. You can hear it. 'Cause now you can hear it inside my house. And um he said again that they were caught up in the fatality and I understand you know he said that they you know they'll be by as soon as they can."*

██████████ stated that was the only contact she had with law enforcement in regard to the incident and that the arguing went on for hours after she made the initial call to 911. ██████████ admitted that she made the 911 call because she was scared for her safety along with the safety of the parties involved in the disturbance. It was requested to not have personal contact with a deputy at her residence; however, ██████████ did state that she could have been contacted via the telephone or could have met law enforcement at a location away from her residence. Out of fear for retaliation, ██████████ did not want the subjects in the disturbance to know where she lived and that she called 911. ██████████ confirmed that at no time did she merely request an extra patrol in lieu of a deputy response to her neighborhood.

██████████ described Deputy Cobb's demeanor over the telephone as "genuine" and stated that he seemed very concerned with the call for service. ██████████ continued to describe Deputy Cobb by stating:

*"I think he was genuine. I think he was wrapped up, (dog whining) sorry, on what was going on over there and he was, you can hear it, he was genuine about it. I didn't for one second I did not get the feeling that I was brushed off or you know this is just somebody. I never got that impression."*

(See Tab – E for Official Transcript)

### **Sergeant Daniel Genovese**

On July 08, 2015, Sergeant Sawicki conducted a sworn recorded interview with Sergeant Daniel Genovese at the VCSO District Six Office in DeBary, FL. The following is a summary of that interview:

Sergeant Genovese has been employed with the VCSO for twenty-three years and has held the positions of patrol deputy, field training officer, investigator, patrol sergeant and CID sergeant. Additionally, Sergeant Genovese has two years of law enforcement experience with the City of Winter Park and four years with the City of Boca Raton. Currently, Sergeant Genovese is assigned to District Six patrol as the Delta shift supervisor.

Sergeant Genovese confirmed that on June 16, 2015, he was the on-duty Delta shift supervisor for District Six (southwest Volusia County). Sergeant Genovese confirmed that Deputy Cobb was working for him on June 16, 2015. Sergeant Genovese confirmed that he had a shift briefing at the District Six office at the start of the shift, and Deputy Cobb was present for the briefing. Shortly after dismissing from the briefing, Sergeant Genovese recalled a motor vehicle crash with a fatality was dispatched to District Six deputies, in the area of Interstate Four and Dirksen Drive in DeBary. Sergeant Genovese stated that Deputy Cobb ultimately traveled to the crash

scene, however the sergeant never asked him to respond. When asked what zone Deputy Cobb was responsible for, Sergeant Genovese stated he was 64 zone which is the unincorporated area of Orange City, which is not where the crash was located.

While at the crash scene, Sergeant Genovese recalled the telecommunicator advising him of a 911 call from Third Street in Orange City. Sergeant Genovese stated he advised he would "free up some units" to handle the call. Deputy Cobb ultimately cleared himself from the crash and was dispatched to the call on Third Street. Sergeant Genovese advised at no point did Deputy Cobb ask to leave the District Six area to refuel his patrol vehicle.

Sergeant Genovese stated he became aware that Deputy Cobb was not immediately responding to the call on Third Street when he received a telephone call from Investigator Ott. Sergeant Genovese recalled he checked Deputy Cobb's AVL and observed he was in the area of Doyle Road and Champlain Drive in Deltona. When the sergeant observed this, he responded to Investigator Ott's location due to the nature of the call.

Upon arrival on Third Street, Sergeant Genovese and Investigator Ott checked the area for the male and a disturbance; however, they were unable to locate anything out of the ordinary. Sergeant Genovese later made contact with [REDACTED] via telephone. [REDACTED] advised Sergeant Genovese that she had received a telephone call from Deputy Cobb advising her of the delay. [REDACTED] confirmed with Sergeant Genovese that the subject on the bicycle was still outside causing a disturbance when she was on the telephone with Deputy Cobb. The sergeant was informed by [REDACTED] that she relayed this information to Deputy Cobb over the telephone.

Sergeant Genovese advised he felt Deputy Cobb's actions and decisions regarding this incident were in fact a violation of department policy. Sergeant Genovese advised that Deputy Cobb received a Letter of Reprimand (SD-15-085) for a similar violation just five days prior to this incident. Sergeant Genovese was provided a copy of the Letter of Reprimand and confirmed it was the discipline Deputy Cobb signed on June 11, 2015. When Lieutenant Newman presented the discipline to Deputy Cobb, Sergeant Genovese advised he was present. When asked if Deputy Cobb asked any questions or if he understood what was written in the Letter of Reprimand, Sergeant Genovese stated, "He understood it. He made one comment that some of the statements attributed to the people in the investigation were not correct; however he did not contest it." Sergeant Genovese also confirmed that the subject of progressive discipline was brought up and Deputy Cobb also understood progressive discipline.

*(See Tab – F for Official Transcript)*

### **Deputy Brandon Cobb**

On July 14, 2015, Sergeant Sawicki and Investigator Glen Bennett conducted a sworn recorded interview with Deputy Brandon Cobb at the Sheriff's administrative offices in DeLand, FL. Also present during the interview was Investigator Glen Bennet and Teamster Representative Joel Turney . The following is a summary of that interview:

For nearly five years, Deputy Cobb has been employed by the VCSO. Deputy Cobb has been a patrol deputy and field training officer. Currently, Deputy Cobb is assigned to District Four patrol on Charlie shift. Deputy Cobb confirmed on June 15, 2015, his assignment was 64 zone on Delta shift in District Six.

Deputy Cobb recalled traveling to a fatal traffic crash near Dirksen Drive and Interstate Four in DeBary. Deputy Cobb could not recall how long he was on scene at the traffic crash. Deputy Cobb placed himself on the traffic crash by using his MDC. Deputy Cobb advised he did not recall Sergeant Genovese request his presence on the traffic crash. When asked why Deputy Cobb responded to a call out of his zone without the permission of his supervisor, he stated, *"Well I was gonna go get gas in Osteen....and then that came out prior to me even leaving District Six."*

Deputy Cobb stated he overheard Central notify Sergeant Genovese of the call for service on Third Street. Deputy Cobb confirmed that he was dispatched the call for service shortly after the notification to Sergeant Genovese. Deputy Cobb stated he acknowledged receiving the call for service and informed Central he would be en-route after refueling. Additionally, Deputy Cobb confirmed that he heard Central advise the sergeant of the details (male threatening to shoot someone) of the call. Deputy Cobb was asked if he recalled the fuel level of his patrol vehicle at the time of receiving the call on Third Street. Deputy Cobb stated, *"A hair below or right at a half of tank."* Deputy Cobb confirmed he did not request permission from his sergeant to exit his area of responsibility (leave District Six and travel through District Four to the gas pumps).

Sergeant Sawicki provided Deputy Cobb with a printout of his AVL from Forcewatch. Sergeant Sawicki pointed out that Forcewatch indicated Deputy Cobb stopped at a residence along his route to the fuel pumps. Deputy Cobb advised he stopped at his parents' residence to *"To pick up sunglasses and take three Ibuprofen."* Deputy Cobb confirmed he had a migraine at the time thus he took the Ibuprofen. Deputy Cobb stated he then made telephonic contact with [REDACTED]. When asked why he contacted [REDACTED] via telephone, Deputy Cobb stated, *"My original intentions were just to notify there was gonna be the delay. After I spoke with her and what she told me, it, I just was gonna go back throughout the day."* When questioned about [REDACTED]'s testimony in which she indicated she told Deputy Cobb the male was still outside causing a disturbance, Deputy Cobb indicated she never told him this detail. Upon being asked to elaborate, Deputy Cobb stated the following:

*"She told me the, that, when I called, when I called her I asked her what was going on and she said that she was, she overheard two gentlemen just like she mentioned in the 9-1-1 call that, talking about changing locks or a gun of some sort. During the conversation she mentioned that she was never threatened. She never saw a firearm displayed. She was in no immediate danger and that she was new to the area and requested a deputy drive by but refused to make face to face contact. She said I don't want anybody to come to my house because I'm nervous. I don't want them to find out who I am."*

Deputy Cobb stated he was aware Investigator Ott was in the area of the call on Third Street. Deputy Cobb acknowledged the fact that is inherently dangerous for an unmarked and plain

clothed deputy sheriff to be on a disturbance call possibly involving a weapon without back-up.

It was brought to Deputy Cobb's attention that he indicated in a CAD comment that he would conduct an extra patrol of the area later in his shift. When asked why he didn't conduct any extra patrols, Deputy Cobb said:

*"Because after I left and went to refuel I noticed that two other deputies had already been by there. One of them being an unmarked plain investigator and the sergeant had been there. And it's not that I didn't feel it needed to be extra patrolled it's, I got busy throughout the day and it totally slipped my mind."*

Deputy Cobb was asked about his prior discipline, specifically the Letter of Reprimand signed on June 11, 2015. Deputy Cobb indicated he read and signed all of the documents. Deputy Cobb stated he understood all of the past discipline documents and that he understood the progressive discipline policy.

Deputy Cobb advised he has learned from this incident and if presented with the same scenario, he would handle the call for service and refuel at a later time. Deputy Cobb acknowledged that he was negligent in his actions, and he was remorseful for the incident.

Deputy Cobb was questioned if he felt he violated the below listed policies regarding this investigation. The following are his responses to the alleged violations:

<b>26.2.24 Leaving Assigned Work Area</b>	<b>Yes</b>
<b>26.2.33 Inattention to Duties, Loafing, Sleeping</b>	<b>Yes</b>
<b>26.2.41 Negligence Associated with Safety of Persons or Property</b>	<b>Yes</b>
<b><i>Volusia County Merit System Rules and Regulations 86-453 (13).</i></b>	<b>Yes</b>

*(See Tab – G for Official Transcript)*



**CONCLUSION:**

On August 18, 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 Directives to be:

<b>26.2.24 Leaving Assigned Work Area</b>	<b>Sustained</b>
<b>26.2.33 Inattention to Duties, Loafing, Sleeping</b>	<b>Sustained</b>
<b>26.2.41 Negligence Associated with Safety of Persons or Property</b>	<b>Sustained</b>
<b><i>Volusia County Merit System Rules and Regulations 86-453 (13).</i></b>	<b>Sustained</b>

On September 03, 2015, Sergeant Sawicki served Deputy Cobb with an Intent to Suspend letter at Howland Boulevard and Elkcam Boulevard in Deltona, FL.

On September 09, 2015, Deputy Cobb met with the Sheriff and accepted full responsibility for his actions on June 16, 2015. The Sheriff's final decision was to suspend Deputy Cobb without pay for twelve hours. The Sheriff also suspended Deputy Cobb's status as a Field Training Officer for three months effective September 18, 2015.

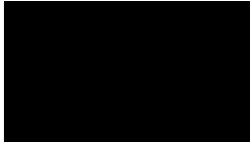
On September 17, 2015, Sergeant Sawicki served Deputy Cobb with a Final Suspension letter at the Deltona Regional Library in Deltona, FL.

**EXHIBITS:**


- A. Report of Investigation
- B. Official Correspondence
- C. Complaint/Supervisor's Inquiry
- D. Administration of Oath/Perjury Warning
- E. Official Transcript of Ms. Carmen Vega
- F. Official Transcript of Sergeant Daniel Genovese
- G. Official Transcript of Deputy Brandon Cobb
- H. Miscellaneous Documents
- J. Digital Media

**WITNESSES:**

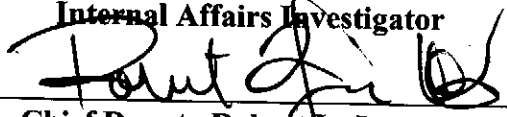
Sergeant Daniel Genovese  
Volusia County Sheriff's Office  
123 West Indiana Avenue  
DeLand, FL  
386-423-3301



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: 09/17/15

**Sergeant Justin G. Sawicki**  
**Internal Affairs Investigator**

APPROVED BY:  DATE: 09-21-15

**Chief Deputy Robert L. Jones, III**  
**SHERIFF BEN F. JOHNSON**  
**VOLUSIA COUNTY FLORIDA**