

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-15-012

PERIOD COVERED: June 28, 2015
DATE REPORTED: June 28, 2015
SUBJECT(S) NAME: Deputy Wesley Blum #8181
INVESTIGATING OFFICERS: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On June 28, 2015, Deputy Wesley Blum arrested a juvenile male for grand theft auto without incident and transported him to the Sheriff's Office District-2 headquarters in Deland for paperwork and processing. Deputy Blum reportedly backed his patrol car up to the rear entrance of the district headquarters and propped open the door to the deputy briefing room where he would write the report. The door was kept open in order to maintain visual contact with the juvenile whom, according to Deputy Blum, was properly restrained in the back seat. The patrol car's engine was running, the rear windows were down approximately five inches and the doors were locked.

Deputy Blum reportedly made contact with the prisoner and observed the handcuffs still properly secured behind his back. A short time later, Deputy Blum heard the sound of tires screeching and ran out to see the prisoner in the driver's seat of his patrol car driving through the parking lot. Deputy Blum drew his handgun and began giving verbal commands to stop the car as it sped in his direction. The vehicle continued on its path causing Deputy Blum to jump out of the way in order to avoid being struck.

The patrol car was later recovered abandoned approximately ten minutes later and the juvenile was taken back into custody without further incident.

OFFENSES:

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

26.2.5 Neglect of Duty - Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect. *(Violation subject up to 5 day suspension)*

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

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.
(Violation subject up to a demotion.)

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 July 2, 2015, Chief Deputy Robert L. Jones III assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Investigator Glen Bennett.

Investigator Bennett reviewed the Computer Aided Dispatch (CAD) report, Forcewatch and Sheriff's Office incident report #15-17631 which was authored by Deputy Blum. According to the reports, Deputy Blum arrested the juvenile for grand theft auto at the corner of W. Beresford Avenue and S. Adelle Avenue in Deland at 2:48PM. Deputy Blum then transported the juvenile to the District-2 headquarters for paperwork and processing where he arrived and called out at 3:11PM.

Upon Deputy Blum's arrival, he backed the patrol car up to the rear door at District-2. Deputy Blum explained in his report that he propped open the rear door of the district and sat with his patrol car and prisoner in direct sight, approximately ten feet away. Deputy Blum described how he left his patrol car running to provide air conditioning to the handcuffed prisoner in the backseat. Additionally, Deputy Blum left the rear windows open approximately five inches to allow fresh air to circulate throughout the patrol car.

At 4:30PM, Deputy Blum wrote that he contacted the prisoner and explained the arrest procedure and how he would most likely be released to his guardian with a court date to follow. Deputy Blum documented that during their conversation he observed the prisoners hands still handcuffed securely behind his back.

At 4:48PM, Deputy Blum heard the sound of tires screeching in the rear parking lot of District-2. The patrol car started to travel north out of the parking lot towards Taylor Road as Deputy Blum ran in an attempt to intercept. Deputy Blum drew his handgun and began giving verbal orders to stop the car. Deputy Blum described how the prisoner turned the car in a direction as if it was coming at him. The patrol car continued north through the parking lot and onto Taylor Road.

According to Forcewatch, Deputy Blum arrived at District-2 at 3:17PM with the prisoner and Sergeant Michael Hattaway arrived at 3:21PM. As Deputy Blum's patrol car is reported stolen at 4:48PM, Sergeant Hattaway leaves the district in an attempt to locate the patrol car. Deputy Blum's Automated Vehicle Locator (AVL) showed stationary at the district because his Mobile Data Computer (MDC), which contained the tracking antenna, was in the briefing room.

Deputy Blum's patrol car was recovered approximately a quarter mile from the District-2 headquarters by Sergeant Hattaway. All items in the patrol car, to include firearms were accounted for and recovered. The prisoner was later apprehended not wearing handcuffs at a residence on South Delaware Avenue in Deland, a short distance from where the patrol car was recovered.

Sergeant Jason Michael Hattaway

On July 7, 2015, Investigator Bennett and Sergeant Justin Sawicki conducted a sworn recorded interview with Sergeant Jason Michael Hattaway at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Hattaway has been with the Sheriff's Office for approximately thirteen years and held the rank of sergeant for the last six. He has spent the last year and a half as a patrol sergeant assigned to the Sheriff's Office District-2 headquarters in Deland. Deputy Blum has been assigned to his patrol shift for approximately four months.

On Sunday June 28, 2015, Sergeant Hattaway was the patrol sergeant on duty when Deputy Blum arrested the juvenile for grand theft auto. Sergeant Hattaway did not respond to the scene of the arrest; however, he did go to the District-2 headquarters. Upon his arrival, he said he observed Deputy Blum's patrol car backed up to the rear of District-2. The prisoner was seated in the backseat, arms handcuffed behind his back with the rear passenger window down approximately four inches. The door going into the briefing room was propped open; Deputy Blum was alone, seated inside typing on his MDC. According to Sergeant Hattaway, from where Deputy Blum was seated he could clearly see the prisoner in the back of the patrol car.

Sergeant Hattaway was in the briefing room while Deputy Blum worked on his arrest report and remembered Deputy Blum going out to his patrol car at least once to check on the prisoner. According to Sergeant Hattaway, there was nobody else in the district and the holding cell was empty.

While in the briefing room, Sergeant Hattaway heard the screeching tires as Deputy Blum ran into the briefing room advising his patrol car had just been stolen. Sergeant Hattaway got into his patrol car and began searching for the stolen patrol car which he recovered a short time later.

Sergeant Hattaway was unaware of any policy requiring deputies to use the holding cell while at the district headquarters nor was there a policy stating that a prisoner couldn't sit in the patrol car

while a deputy writes the report inside the district. When asked about leaving prisoners alone in the patrol car while deputies wrote their report in the district, Sergeant Hattaway responded, *"Unfortunately it is common practice."*

Sergeant Hattaway said the district holding cell was not occupied at the time and he didn't know why Deputy Blum chose to keep the prisoner in the patrol car. Sergeant Hattaway explained that when a juvenile is taken into custody, deputies go to the district to obtain fingerprints and to fax the report to the Division of Juvenile Justice (DJJ). This process takes time since the deputy has to wait for a response from DJJ as to whether or not the juvenile prisoner will be accepted at the facility.

On July 9, 2015, Investigator Bennett reviewed the Sheriff's Office Auto/Incident Report on Deputy Blum's assigned patrol car, PN #191326. Photographs of the patrol car confirmed the rear windows were down approximately five inches. Also illustrated in the photographs were the security bars fitted to the interior windows on the rear passenger doors. The report further stated that the patrol car sustained approximately \$3,000.00 in damages as a result of the prisoner driving through a barbed wire fence before abandoning the car and taking flight on foot.

Deputy Wesley Blum

On July 15, 2015, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Deputy Wesley Blum at the Sheriff's administrative offices in Deland. Also present for the interview was Teamsters Representative Joel Turney. The following is a summary of that interview:

Deputy Blum has worked for the Sheriff's Office for approximately two years and has been assigned to patrol duties at District-2 since March of 2015. Deputy Blum's assigned patrol car contained a department issued Remington model 870 12-gauge shotgun, personally owned Spikes tactical AR-15 rifle; both of which were secured between the front passenger and driver seat. Deputy Blum also had a personally owned Glock 27 handgun in the driver's compartment which was unsecured along with other personal and department issued items necessary to perform his duties.

On Sunday June 28, 2015, Deputy Blum, while conducting patrol duties in District-2, arrested a juvenile male for grand theft auto without incident in the area of South Delaware Avenue and Beresford Road in Deland. The juvenile, complied with Deputy Blum's requests, [REDACTED]. The prisoner was handcuffed behind his back and placed in the backseat behind the driver. Deputy Blum transported the prisoner to District-2 arriving at 3:11PM, and backed his patrol car into a parking spot to the right of the back door. According to Deputy Blum he was the only deputy at the district until Sergeant Hattaway arrived approximately fifteen minutes later.

Before exiting the patrol car, Deputy Blum put both rear windows down approximately five inches to allow fresh air to circulate. Upon exiting the patrol car, Deputy Blum left the car running with the air conditioner on and locked all the doors. According to Deputy Blum, the prisoner was handcuffed behind his back and seated in the backseat behind the driver. As Deputy Blum entered the district he propped open the rear door with a traffic cone, in order to maintain visual contact on the prisoner from inside the district.

Deputy Blum took his Mobile Data Computer (MDC) inside the district where he sat and typed his arrest report. Deputy Blum explained where he sat, "*At the end of the briefing table next to the door.*" From where he was seated at the briefing table, "*I [Deputy Blum] could look off to the right hand side and see out the door.*" Sergeant Hattaway was seated at the other end of the room and at no time expressed any concern with the prisoner being left in the patrol car.

From Deputy Blum's vantage point at the briefing room table, he said he could see the prisoner from the shoulders up, seated in the backseat of the patrol car approximately ten feet away. The only time Deputy Blum said he could not see the prisoner was when he was actively typing his report on the MDC.

When arresting a juvenile, the deputy must follow certain procedural steps unlike that of an adult. Deputy Blum had to fingerprint the juvenile, write the arrest report, fax a copy of the report to DJJ and wait for a response from DJJ to advise if they were going to take the juvenile into custody. Deputy Blum said it would typically take DJJ anywhere from fifteen minutes to an hour to respond with their answer.

According to CAD, Deputy Blum was at the district for approximately one hour and thirty minutes before the prisoner stole the patrol car. In that time, Deputy Blum said he completed the original incident report for grand theft auto, which was two pages of written narrative; however, the prisoner had yet to be finger printed nor was the report faxed to DJJ.

It should be noted that equipment necessary for finger printing was located at a work station inside the district across from the holding cell which was unoccupied. Located at that same work station is a computer which is provided to the deputies for report writing purposes. A deputy seated at that work station could use a window to his or her right which would provide visual access to a prisoner secured inside the holding cell. The room, in which the holding cell is located, has its own access door to the back parking area approximately thirty feet from where Deputy Blum's patrol car was parked.

When asked why he didn't utilize the holding cell, Deputy Blum responded, "*It's a discretionary decision and I personally did not do it so I could have it direct line of sight on him [prisoner] rather than sitting in the briefing room and having to actually walk around and make eye contact with the juvenile.*" As per department policy, when a prisoner is placed into a holding cell they are to be logged in and checked every thirty minutes. Deputy Blum was asked if he kept the

prisoner in his patrol car in order to avoid filling out the prisoner log and he responded, *"There is no reason. It was just a discretionary decision that I made to keep him in the patrol car."*

Deputy Blum said he exited the district on several occasions to speak to the prisoner while he was seated in the backseat of the patrol car. During these conversations he stated that the prisoner was handcuffed behind his back. Furthermore, the prisoner's demeanor gave Deputy Blum no indication he was a threat to escape custody.

According to CAD, at 4:48PM central was advised the patrol car was stolen by the prisoner. Deputy Blum explained, *"...I noticed that he [prisoner] was getting out of my patrol car, I was discussing with Sergeant Hattaway the actual, original 707 [arrest report]."* Deputy Blum was asked how did the prisoner steal the patrol car if, as he stated earlier, the car doors were locked. Deputy Blum explained, *"At this time, when I went and spoke with him and I was explaining the process and how he was most likely gonna be released back to his mother, I did not lock the doors."* Deputy Blum had opened the rear passenger door to speak directly to the prisoner.

Deputy Blum described the prisoner as, *"Tall and lanky and extremely thin"* and *"He had extremely long arms...."* Furthermore, Deputy Blum did not dispute the possibility that the prisoner may have removed the handcuffs, reached through the opening in the window and then opened the rear passenger door.

Deputy Blum stated that if he had to do it all over again, *"I would have either sat in the vehicle [patrol car] or moved him inside."* When asked if it would have been more practical to keep an eye on his prisoner had he put him in the district holding cell Deputy Blum agreed. According to Deputy Blum, DJJ was not going to take custody of the prisoner for his initial auto theft charges. This meant that after Deputy Blum completed the paperwork, the prisoner would have been released back to his family to await further information from the court.

Deputy Blum described the practice of leaving prisoners in the patrol car while at the district headquarters as common practice. This occurred at both District-2 and District-6, from where he was previously assigned. Deputy Blum agreed that the overall consensus as to why deputies don't secure prisoners in the holding cell was to avoid filling out the prisoner log. The log requires the deputy to check on the wellbeing of the prisoner every thirty minutes.

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

26.2.5 Neglect of Duty - Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect. **NO**

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. **NO**

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. **NO**

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. **NO**

CONCLUSION:

On August 26, 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:

26.2.5 Neglect of Duty	Sustained
26.2.33 Inattention to Duties, Loafing, Sleeping	Not Sustained
26.2.41 Negligence Associated with Safety of Persons or Property	Sustained
Volusia County Merit System Rules and Regulations 86-453 (13)	Not Sustained

On September 1, 2015, Investigator Bennett served Deputy Blum with an Intent to Suspend letter at the Sheriff's administrative offices in Deland.

On September 21, 2015, Investigator Bennett served Deputy Blum with a Final Suspension Letter at the Sheriff's administrative offices in Deland. Deputy Blum was ordered to serve a twelve hour suspension without pay on November 9, 2015.

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- D. Official Transcripts of Sergeant Mike Hattaway
- E. Official Transcripts of Deputy Wesley Blum
- F. Police Reports
- G. Miscellaneous Documents
- H. Digital Media


WITNESSES:

Sergeant Mike Hattaway
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: 9/23/15

Investigator Glen Bennett
Internal Affairs Investigator

APPROVED BY:  DATE: 09.24.15

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