

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-15-018

PERIOD COVERED: September 07, 2014
DATE REPORTED: September 30, 2015
SUBJECT(S) NAME: Deputy Keith Baughman #7278
INVESTIGATING OFFICER: Sergeant Justin G. Sawicki #7179

BASIS FOR INVESTIGATION:

On October 08, 2015, Sergeant Justin Sawicki received a supervisor inquiry composed by Captain Paul Kammerer. The subject of the supervisor inquiry was Deputy Keith Baughman, regarding the alleged mishandling of a sexual battery complaint on September 07, 2014.

Chief Deputy Robert Jones, III assigned the case for investigation by the Internal Affairs Unit. The supervisor inquiry completed by Captain Kammerer is referenced by memorandum number: 057M1122.15 and is attached and made part of this investigation. *(See Tab - C)*

OFFENSE(S):

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 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: 26.2.41 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.

26.2.96 Processing Property and Evidence - Property and evidence which have been received in connection with official duties will be processed in accordance with the provisions of Chapters 83 and 84. Department personnel shall not convert to their own use, manufacture, conceal,

falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures.
(Violation subject up to dismissal)

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 October 08, 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 October 21, 2015, Lieutenant Jessica Paugh served Deputy Keith Baughman with a Notice of Internal Investigation in Deltona, Florida. Deputy Baughman 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 Captain Kammerer, the following is a summary of the inquiry:

On August 28, 2015, Sergeant Kurt Schoeps received a telephone call from a female regarding VCSO case number: 14-24311, which was reported on September 07, 2014, and was in reference to the female being the victim of several sex offenses when she was a juvenile. Sergeant Schoeps recognized the female's name from a separate sex offense case that the Child Exploitation Unit is actively investigating. The female informed Sergeant Schoeps that she may have pertinent information regarding the current sex offense investigation.

On September 04, 2015, Sergeant Schoeps and Investigator Dennis Miller made contact and conducted an interview with the female at the VCSO District Four Substation in Deltona, FL. The female informed investigators that on September 07, 2014, she reported being sexually abused by [REDACTED] from the ages of five to sixteen years old, in multiple jurisdictions to include Volusia County, FL. Investigators were informed by the victim that she had a recorded confession and social media messages from Facebook implicating the suspect's guilt. She also told investigators that she shared this information with Deputy Baughman at the time of his investigation in September of 2014.

Captain Kammerer reviewed Deputy Baughman's report (14-24311) and determined that he labeled the report as an "Information Purposes" report in lieu of "Sex Offense". In addition, Deputy Baughman failed to capture or preserve neither the social media messages nor the recording, and the report indicated that the female victim did not wish to prosecute; however, her sworn written statement indicated that she in fact did wish to pursue criminal charges. *(See Tab – C for Supervisor Inquiry)*

Sergeant Sawicki reviewed the report completed by Deputy Baughman. It was confirmed that the header of the report was "14 - Information." Under the Statute Violation Number and Description boxes, they indicate "7777777777" and "All other crimes" respectively. In the narrative portion, Deputy Baughman indicated he made contact with the victim and she advised him that when she was a juvenile, [REDACTED] molested and raped her approximately five times over a four year time period. Deputy Baughman wrote that the victim resides in Ohio and was in Florida at the time of investigation in 2014 to visit family. While in Florida, the victim confronted the suspect and taped the conversation, in which the suspect apologized to the victim, and he stated he never meant to hurt the victim. Below is an excerpt from Deputy Baughman's report found on lines sixteen and seventeen regarding the victim filling out a sworn written statement, "...completed and signed a sworn statement, advising she did not wish to pursue charges at this time...she wanted to think over her decision to pursue charges...[the victim] only requested the incident to be documented at this time." Deputy Baughman ended the report by indicating he provided the victim with a case number and advised her to contact the VCSO if she gathered additional information or decided to continue the investigation. The final line of the narrative stated, "Case status: Inactive."

Sergeant Sawicki next reviewed the sworn written statement completed by the victim. The sworn written statement was completed on September 07, 2014, at 1415 hours, the same time she was in contact with Deputy Baughman. Furthermore, on the lower right side of the two page statement is Deputy Baughman's handwritten signature and department identification number (DID) #7278. The two page narrative written by the victim articulates the numerous occasions in which [REDACTED] allegedly sexually abused her. The victim also wrote, "I feel like he has done this to others I know he tried with [REDACTED] but she didn't allow it to happen." In the final line the victim writes, "At this time I wish to pursue charges." Thus contradicting what was written in Deputy Baughman's incident report. (See Tab - J for Incident Report and Statement)

Sergeant Kurt Schoeps

On November 09, 2015, Sergeant Sawicki conducted a sworn recorded interview with Sergeant Kurt Schoeps at the VCSO Operations facility in Daytona Beach, FL. The following is a summary of that interview:

Sergeant Schoeps has been employed with the VCSO for twelve years. Sergeant Schoeps is currently the supervisor of the Child Exploitation/Sex Crimes Unit and has been in this position for the last four years.

The sergeant confirmed that in late August of 2015, he received a telephone call from the victim of VCSO case number 14-24311. The victim advised Sergeant Schoeps she had additional information regarding a new sexual abuse allegation into [REDACTED]. Sergeant Schoeps scheduled an interview with the victim on September 04, 2015.

On September 04, 2015, Sergeant Schoeps and Investigator Dennis Miller made contact with the victim at the District Four Substation in Deltona, FL. When questioned on what the victim

advised of her interaction with Deputy Baughman, Sergeant Schoeps stated the following:

"Well we actually asked her exactly how it came up and if she wished to pursue the criminal incident back then in 2014 and she did and she advised she did want to pursue the criminal charges against him. She advised that she provided him [Deputy Baughman] with a recording, I guess that was preserved on her cell phone and she also shown him some text messages from Facebook, instant messenger that were going back and forth in reference to the allegations where she confronted the suspect with the allegations."

Sergeant Schoeps confirmed that Deputy Baughman at no time made an effort to collect and/or duplicate neither the messages nor the recording by stating:

"I don't, I don't know why he didn't collect it. I don't know if she made any mention into why he didn't collect. She made mention in reference to Deputy Baughman pretty much advising that it was her word versus the suspect's word. There's really no evidence saying that the incidents actually occurred which there really was because of the recordings. So she was pretty much on the page of well nothing can be done so you know let's move on from it."

It was believed by Sergeant Schoeps that the victim felt that nothing could be done and she would not have a successful criminal court case, because Deputy Baughman persuaded her to feel that way.

The contradiction in the incident report completed by Deputy Baughman and the sworn written statement completed by the victim was pointed out to Sergeant Schoeps. The sergeant was asked if the victim ever relayed to him [Sergeant Schoeps] if there was ever a time that she did not wish to prosecute. The sergeant stated, *"No. Not at all. When we interviewed her on September fourth, I inquired with her on if she wanted to pursue the criminal investigation at that time and she said yeah absolutely and at no time did she ever not want to pursue it."*

It was also confirmed that Deputy Baughman at no point forwarded a copy of his report to the Sex Crimes Unit. Sergeant Schoeps advised it was his belief that Deputy Baughman merely completed the report and failed to forward the document to any investigative unit nor the Department of Children and Families (DCF).

(See Tab – E for Official Transcript)

Investigator Dennis Miller

On November 09, 2015, Sergeant Sawicki conducted a sworn recorded interview with Investigator Dennis Miller at the VCSO Operations facility in Daytona Beach, FL. The following is a summary of that interview:

Investigator Miller has been employed by the VCSO for approximately five years. Investigator Miller is currently assigned to the Child Exploitation/Sex Crimes Unit and has been assigned to

this position for over one year.

Investigator Miller confirmed he and Sergeant Schoeps conducted an interview with the victim of VCSO case number 14-24311 at the District Four Substation in Deltona, FL, on September 04, 2015. The victim informed Investigator Miller and Sergeant Schoeps that "...she had provided a written statement and wanted to pursue the, the criminal portion of the case. She also indicated that she had some physical evidence as far as recordings go of the suspect and, and I guess for lack of better terms, confessing to the previous information." Investigator Miller stated he was informed by the victim, that she had allowed Deputy Baughman to listen to a recording of the suspect and the deputy [Baughman] did not retrieve a copy nor duplicate the recording for the sake of evidence.

When asked whether the victim at any point declined to pursue charges, Investigator Miller stated, "No. She's been pretty consistent with the fact that she wants to pursue the case from the initial beginning." It was asked if the victim stated that she told Deputy Baughman that she declined prosecution and Investigator Miller said, "No. She did not. Based on my contacts with her I think she left that encounter thinking that the case would be pursued." According to Investigator Miller, the victim also informed him that Deputy Baughman had told her the case would be hard to prove from a prosecution standpoint; however, she did not say the deputy was overtly trying to sway her decision.

The investigator was asked if he had firsthand knowledge of Deputy Baughman forwarding a copy of his report to any branch of the Criminal Investigative Division (CID), Sex Crimes Unit, and/or the Department of Children and Families (DCF). Investigator Miller stated, "To my knowledge, no and that's just based on reviewing the original report which closes it out as inactive. As far as anything that was done after the fact, I don't know." Investigator Miller was asked if he felt Deputy Baughman handled the investigation properly per VCSO Directives and he stated, "No."

(See Tab – F for Official Transcript)

Sergeant Christopher Rego

On November 10, 2015, Sergeant Sawicki conducted a sworn recorded interview with Sergeant Christopher Rego at the VCSO District Four Substation in Deltona, FL. The following is a summary of that interview:

Sergeant Rego has been employed with the VCSO for over sixteen years. The sergeant is currently assigned to District Four as the Alpha shift patrol supervisor and has held this position for the last four years.

Sergeant Rego was the patrol sergeant on duty on September 07, 2014. When asked about reviewing call #P142500979, the sergeant stated he did not specifically remember the call or the report completed by Deputy Baughman. Sergeant Rego does not recall speaking to Deputy Baughman regarding the investigation on September 07, 2014.

Sergeant Rego was informed of the discrepancy in Deputy Baughman's report and the victim's written statement regarding the desire to prosecute the case she was reporting. Sergeant Rego stated he was not privy to reading the written statement completed by the victim when he approved Deputy Baughman's report. Sergeant Rego stated he was not sure when Deputy Baughman turned in the written statement, and he may not have been the supervisor that created the statement ledger that was forwarded to the Records Department. When asked if he had the opportunity to read and compare the written statement to the incident report, if he would have taken action, the sergeant stated, "I would have at least pointed the, the disparity between the two and questioned Deputy Baughman on that to find out why there was a discrepancy."

According to Sergeant Rego on September 07, 2014, Deputy Baughman had a department issued camera issued to him. The sergeant was unable to confirm if Deputy Baughman was issued a department owned digital voice recorder. Sergeant Rego did state that had Deputy Baughman needed to borrow a camera or voice recorder he [Sergeant Rego] would have ensured the equipment was acquired from another deputy or investigator for the sake of the investigation.

Sergeant Rego was asked if he felt the investigation was properly handled by Deputy Baughman according to VCSO Directives and he stated the following:

"No. I think he should have accurately portrayed in the narrative of his incident report that the female did wish to pursue charges as is reflected in her written statement. I also think that what was available to him with regard to texts even if he had to take a photograph of the, of the screen from the Facebook page or found some other way to duplicate the audio recording. I think those should have been collected in some form."

(See Tab – G for Official Transcript)

Sergeant Todd Smith

On November 11, 2015, Sergeant Sawicki conducted a sworn recorded interview with Sergeant Todd Smith at the VCSO District Four Substation in Deltona, FL. The following is a summary of that interview:

Sergeant Smith has been employed with the VCSO for fourteen years. Sergeant is currently a supervisor in the District Four Criminal Investigative Unit.

Sergeant Smith confirmed that on September 07, 2014, he was assigned to the District Four Investigative Unit as a supervisor. When asked if he read Deputy Baughman's report [14-24311] he stated, "Yeah I read it." Sergeant Smith stated when he read the report, it indicated that the victim did not wish to pursue charges, thus a follow-up investigation was not completed. The sergeant confirmed that he did not assign the case to an investigator because the report indicated a lack of victim cooperation.

The sergeant was asked if he had at any point read the victim's written statement, and he said "I've never read it." Sergeant Smith was asked if he had the opportunity to compare the incident report to the written statement and observed the discrepancies, would he have initiated an investigation, and his response was: "*We would have conducted an investigation to determine if she wanted to press charges and, and actually into the case itself too. We would have determined whether or not she wanted to press charges. And if she did we would have conducted an investigation.*"

(See Tab – H for Official Transcript)

On November 13, 2015, Investigator Miller provided Sergeant Sawicki with an audio/video recorded excerpt of his interview with the victim. Sergeant Sawicki was only provided with the portion of the interview in which the victim and the investigators spoke of the original case from 2014.

Sergeant Sawicki viewed the recorded interview excerpt and the following is a summary of that recording:

Sergeant Schoeps asked the victim if she wanted to go forward with prosecution when she reported the sexual abuse in 2014. The victim responded in the affirmative. The victim informed investigators that when she finally met with Deputy Baughman, she was nearing her departure time to travel back to Ohio. The victim stated she allowed the deputy [Baughman] to listen to the audio recording. Regarding the prosecution of the case the victim recalled her interaction with Deputy Baughman as:

"...he's like at the end of the day honestly it's your word against his. You know what I'm saying because it happened so long ago. He's like I will keep this report. If you have any more information use this case number and contact me back."

The victim later stated that she attempted to contact Deputy Baughman via Central Communications, however they transferred her to the Sex Crimes Unit and that is when she became in contact with Sergeant Schoeps on August 28, 2015.

(See Tab – K for Digital Media)

Deputy Keith Baughman

On November 17, 2015, Sergeant Sawicki and Lieutenant Jessica Paugh conducted a sworn recorded interview with Deputy Keith Baughman at the Sheriff's administrative offices in DeLand, FL. Also present during the interview was Teamster Representative Brodie Hughes. The following is a summary of that interview:

Deputy Baughman has been employed with the VCSO for nine years, and he had two prior years with the Daytona Beach Police Department. Deputy Baughman is currently assigned as a school

resource deputy. On September 07, 2014, Deputy Baughman was assigned to District Four Patrol on Alpha Shift.

According to Deputy Baughman on September 07, 2014, he responded to [REDACTED] in Deltona, FL, for what was later determined to be the report of sexual abuse that had happened over a decade ago. Upon arrival, Deputy Baughman made contact with the victim of the sexual abuse.

The victim informed Deputy Baughman that twelve to fourteen years ago, she was sexually abused by [REDACTED]. Deputy Baughman was informed the incident had occurred in the City of Deltona. Deputy Baughman was not made aware that the sexual abuse between the victim and [REDACTED] had happened in other jurisdictions. Deputy Baughman informed investigators that when he made contact with the victim, her mother and another family member were present at the time of the investigation. Deputy Baughman did advise he spoke with the victim away from her family members and he did not believe they overheard the conversation.

When asked if the victim wished to pursue criminal charges for the sexual abuse Deputy Baughman stated:

"She did not... Well I met with her. Started discussing the incident with her. Gathering information for a report. She basically told me that you know she was seeking counseling. The counselor told her to confront her problems and that she did not wish to pursue charges at this time. She just wanted it documented just for her uh, in my report, for her own conscience. To clear her conscience."

Deputy Baughman was asked if he in anyway persuaded the victim into not prosecuting and he advised, "No I did not." Investigators provided Deputy Baughman with a copy of VCSO incident report 14-24311. Deputy Baughman was asked to read lines sixteen and seventeen which stated the following: *"The victim completed and signed a sworn statement advising she did not wish to pursue charges at this time. The victim stated she wanted to think over her decisions to pursue charges. The victim only requested the incident be documented, to be documented at this time."* Deputy Baughman was then provided a copy of the sworn written statement in which the victim completed. It was confirmed by Deputy Baughman that the victim completed the written statement at the time of his contact with her on September 07, 2014, and that he [Deputy Baughman] was the person that administered the sworn written statement. Deputy Baughman was asked to read the final line of the narrative portion of the written statement, which said, *"At this time I wish to pursue charges."* Deputy Baughman was asked to explain the discrepancy between his incident report and the victim's sworn written statement regarding prosecution of the suspect. Deputy Baughman stated, *"I obviously didn't read the statement thoroughly. Um but after receiving, gathering the verbal gist of the story, I went totally on, on her verbal statement."* Deputy Baughman was asked if it was a normal practice for him to not compare verbal and written statements to ensure accuracy and he stated, *"I usually go by you know verbally."*

According to Deputy Baughman, he was not privy to hearing the recording the victim had on her cellular telephone of the suspect confessing to the sexual abuse. The victim attempted to play the

recording for Deputy Baughman, however he stated that her telephone had “...some sort of uh malfunction or difficulty.” Deputy Baughman stated at no time did he attempt to access the recording on the victim’s cellular telephone.

Deputy Baughman denied the fact that the victim neither alluded to nor showed him messages from social media between her [the victim] and the suspect. Deputy Baughman informed investigators that he did not attempt to collect the recording as evidence because of the malfunction of the victim’s telephone and because she did not wish to pursue criminal charges, thus he completed an information report.

Investigators asked Deputy Baughman if he had forwarded a copy of his report to the Department of Children and Families (DCF), and he advised he did not. Deputy Baughman also acknowledged that he failed to ask the victim pertinent questions regarding the suspect, such as his location and with whom he may be residing. Investigators read a line of the victim’s written statement in which she wrote, “I feel like he has done this to others. I know he tried with other [REDACTED] but she didn’t allow it to happen.” When asked what his course of action would have been if he had read this line, Deputy Baughman stated, “Contact DCF. Send a copy of the report to DCF.”

Deputy Baughman believes he handled the investigation properly, and advised the only thing he would change would be to read the victim’s written statement thoroughly. Deputy Baughman was asked what he would have done if he had observed the line in the written statement indicating that the victim wished to prosecute, and he stated he would have clarified whether or not the victim wished to prosecute.

It was also determined that since taking the initial report, Deputy Baughman has not been contacted by the victim. Deputy Baughman also stated that when he made contact with her on September 07, 2014, she seemed “rushed” as she had to fly out of state a few hours after the contact with Deputy Baughman.

Deputy Baughman acknowledged the fact that he has been disciplined in the past for not properly investigating a call for service and if he understood the progressive discipline directive. Deputy Baughman answered in the affirmative for both questions.

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

- | | |
|---|-----------|
| 26.2.33 Inattention to Duties, Loafing, and Sleeping | No |
| 26.2.41 Negligence Associated with Safety of Persons or Property | No |
| 26.2.96 Processing Property and Evidence | No |
| 86-453 (13) Volusia County Merit Systems Rules and Regulations | No |

On November 17, 2015, Sergeant Sawicki was provided with the full length interview of the victim that was conducted by Sergeant Schoeps and Investigator Miller. Upon reviewing the full length recording, the only new information pertinent to this administrative investigation was that the victim attempted to transfer the recording to her mother's cellular telephone via Bluetooth, however she was unsuccessful. After reviewing the full video it was determined there were no new potential directive violations regarding this investigation.

A copy of the entire interview was provided to Deputy Baughman along with a full transcription. A second interview was scheduled to ensure Deputy Baughman had no additional questions, comments, or concerns.

Deputy Keith Baughman (Second Interview)

On November 30, 2015, Sergeant Sawicki conducted a follow-up interview with Deputy Keith Baughman at the Sheriff's administrative offices in DeLand, FL. Also present during the interview was Teamster representative Brodie Hughes.

Deputy Baughman acknowledged he had received a copy of the interview and transcription with the victim that was conducted by Sergeant Schoeps and Investigator Miller. Deputy Baughman advised he had ample time to review the video and transcriptions and had no questions regarding both. Deputy Baughman stated that at no point during his encounter with the victim did she appear to be concerned with reporting the incident as her mother was the reporting party. Deputy Baughman stated the victim was impatient and in a hurry, as she had to be on time for a flight out of state. Deputy Baughman stood by his statement that the victim was unable to play the recording of the suspect confessing, which leads him [Deputy Baughman] to question whether the recording ever existed. Deputy Baughman stated that the victim informed him that she confronted the suspect regarding the sexual abuse and merely asked for an apology. The victim did not attempt to contact the VCSO regarding the investigation for almost a full year, thus Deputy Baughman believes this indicates she in fact did not wish to prosecute the suspect. Deputy Baughman was again asked if he felt he had violated any of the aforementioned directives to which he stated "no." (See Tab - I for Official Transcript)

CONCLUSION:

On December 15, 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:

26.2.33 Inattention to Duties, Loafing, and Sleeping	Sustained
26.2.41 Negligence Associated with Safety of Persons or Property	Sustained
26.2.96 Processing Property and Evidence	Sustained
86-453 (13) Volusia County Merit Systems Rules and Regulations	Not Sustained

On January 04, 2016, Investigator Bennett served Deputy Baughman with a Notice of Intent to Terminate (Suspension with Pay) letter at the VCSO District Six Substation in Debary, FL. *(See Tab B – Official Correspondence)*

On January 21, 2016, Sergeant Sawicki served Deputy Baughman with a Final Termination letter at his residence in Debary, FL. *(See Tab B – Official Correspondence)*

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint/Supervisor's Inquiry
- D. Administration of Oath/Perjury Warning
- E. Official Transcript of Sergeant Kurt Schoeps
- F. Official Transcript of Investigator Dennis Miller
- G. Official Transcript of Sergeant Christopher Rego
- H. Official Transcript of Sergeant Todd Smith
- I. Official Transcript of Deputy Keith Baughman
- J. Miscellaneous Documents
- K. Digital Media

WITNESSES:


Sergeant Kurt Schoeps
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386-423-3301

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Sergeant Christopher Rego
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Sergeant Todd Smith
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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: 01/21/16

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

APPROVED BY:  DATE: 01/27/16
**Chief Deputy Eric J. Dietrich
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA**