

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-18-004**

**PERIOD COVERED:** July 2017 – February 2018  
**DATE REPORTED:** March 8, 2018  
**SUBJECT(S) NAME:** Sergeant Keith Peck #2358  
**INVESTIGATING OFFICERS:** Detective Glen Bennett #1452  
**BASIS FOR INVESTIGATION:**

Captain Shane Summers authored a Supervisor Inquiry (053M0012.18) which encompassed three incidents involving Sergeant Keith Peck's alleged deficiencies in the performance of his supervisory duties. Sergeant Peck's alleged pattern of defiance towards his supervisors, refusal to follow orders and inability to perform his duties as a supervisor prompted a review by the Internal Affairs Unit.

**OFFENSES:**

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit Rules and Regulations:

**Volusia County Merit System Rules and Regulations 86-453.** *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.*

- RE:** (1) – Willful neglect in the performance of the duties of the position to which the employee assigned.
- (2) - Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.
- (5) – Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or other acts of insubordination.

(10) – Incompetent or unsatisfactory performance of duties.

(13) – Any conduct, on or off duty, that reflects unfavorably on the county as an employer.

(21) – Any other conduct or action of such seriousness that disciplinary action is considered warranted.

**26.2.34 Failure to Follow Directive or Order** - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

**26.2.124 Compliance With Direct Order of a Superior or Competent Authority** - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)*

**26.2.125 Criticism of Orders or Policies** - Employees shall not publicly criticize or ridicule the County or Department, its policies, orders or personnel in speech, writing or by other expression where such interferes with the maintenance of discipline or otherwise undermines the effectiveness of the Department or County. *(Violation subject up to a demotion.)*

**26.2.133 Job Knowledge and Performance** - 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.)*

#### **INVESTIGATIVE SUMMARY:**

On March 8, 2018, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. This report details the internal investigation conducted by Detective Glen Bennett.

On March 22, 2018, Sergeant Keith Peck was served with a Notification of Internal Investigation and was emailed a copy of the Officer Bill of Rights. *(See Tab – B for Official Correspondence)*

Detective Bennett reviewed the Supervisor’s Inquiry drafted by Captain Summers, which contained supporting documents outlining several alleged deficiencies involving Sergeant Peck’s job performance as a supervisor. The Inquiry consisted of three separate memorandums involving Sergeant Peck and his job performance as a supervisor. This report is broken down into three categories and details the internal affairs investigation in order of the date the alleged violations occurred. *(See Tab – B for Supervisors Inquiry)*

**Lieutenant Albert Pagliari's Memorandum 053M039.17**

Lieutenant Albert Pagliari, then Assistant Commander District -3 North, authored memorandum 053M039.17, which outlined a complaint he received on October 5, 2017, involving the mishandling of a call for service. Back on July 23, 2017, Deputy Jemille Johnson, a member of Sergeant Peck's patrol shift, responded to a hit and run reference Sheriff's Office case 17 – 19073. The reporting party, Charles Tackett, advised a known subject, Daniel Lilly, intentionally backed into his garage door causing approximately \$1,200.00 in damage and drove off. It was determined to be an act of vandalism and Deputy Johnson contacted a neighbor, the only witness, who observed a white Hyundai drive away at a high rate of speed; however, she was unable to positively identify the driver. Deputy Johnson wrote the report and kept the case active for further follow-up investigation, which was never done.

On October 5, 2017, the Sheriff received an email from Mr. Tackett inquiring about the status of his case. According to Sheriff's Office documents, Mr. Lilly was arrested the following morning on July 24, 2017 by the Port Orange Police Department and Mr. Tackett wanted to know why he was not charged with the damage to his garage door. A review of the Computer Aided Dispatch (CAD) report, revealed Sergeant Peck and Deputy Johnson were aware of Mr. Lilly's arrest on unrelated charges; however, neither responded to the location of his arrest for any follow-up investigation on the alleged crime of vandalism. Sheriff's Office reports further stated that a deputy from District – 3 South was on scene at the location of Mr. Lilly's arrest, but was not requested to conduct a follow up investigation on behalf of Deputy Johnson or Sergeant Peck.

It should be noted that the original call for service was within District – 3 North's jurisdiction and Mr. Lilly was taken into custody in District -3 South; however, both areas of the county are patrolled by Sheriff's Office personnel who maintain communication between one another. Since a District – 3 South deputy was on scene at the time Mr. Lilly was taken into custody, it could have been possible for that deputy to assist in any follow-up investigation had it been requested. At the time of the incident, Sergeant Peck was backing up other Sheriff's Office units on a separate disturbance call, where he ultimately took an individual into custody for driving under the influence (DUI). According to CAD, Sergeant Peck's involvement in the disturbance call and DUI arrest lasted approximately seven hours, which would have prevented him from responding to Deputy Johnson's location in Holly Hill.

Detective Bennett reviewed Deputy Johnson's Body Worn Camera (BWC) video footage of the incident in question. The video proved inconclusive on whether Sergeant Peck was consulted on the investigation. *(See Tab – Q for Digital Media)*

### **Lieutenant Albert Pagliari**

On April 2, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Lieutenant Albert Pagliari at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Lieutenant Pagliari has been serving with the Sheriff's Office for approximately thirty-seven years and has held the rank of Lieutenant since 2006. Prior to his current duty assignment with Support Operations Division, he served as the Assistant Commander of District – 3 North where Sergeant Peck served under his command as a patrol sergeant.

Documented in Lieutenant Pagliari's memorandum to Captain Summers, he outlined his findings involving the citizen's complaint received from Mr. Tackett. Sergeant Peck was Deputy Jemille Johnson's immediate supervisor when he responded to the vandalism call on July 23, 2017. According to Sheriff's Office records, the case had since remained open, with no documentation of any follow up investigation. Lieutenant Pagliari researched the incident, and emailed Sergeant Peck on October 9, 2017 requesting an update on the status of the case. According to Lieutenant Pagliari, Sergeant Peck replied stating, *"I will have Deputy Johnson complete a 707 on the subject [Daniel Lilly] for a crime no one saw him do."* Lieutenant Pagliari explained, *"An answer like that to me is bordering on insubordination..."*

After exchanging emails with Sergeant Peck, the two met on October 13, 2017 where Lieutenant Pagliari asked him for an explanation. Sergeant Peck explained there were no eyewitnesses to the crime nor could anybody positively identify the alleged suspect, Mr. Lilly. Lieutenant Pagliari researched CAD and discovered the Port Orange Police Department, in District – 3 South, arrested Mr. Lilly several hours later after a pursuit. Furthermore, CAD showed Deputy Johnson was informed of the arrest, but never responded to the location nor did he request assistance to complete his investigation. Lieutenant Pagliari questioned Deputy Johnson, *"...why he [Deputy Johnson] did not respond to the Port Orange location and he advised me he was working at the direction of*

*Sgt. Peck.*” To leave the District – 3 North patrol parameters, Deputy Johnson would have to seek approval from Sergeant Peck.

Lieutenant Pagliari explained, when Mr. Lilly was taken into custody in District -3 South, there was a deputy on scene who could have assisted with Deputy Johnson’s investigation should he not had been able to respond. They also could have responded to Universal Towing and inspected the vehicle, or gone to the Branch Jail and questioned Mr. Lilly, but none of this was done and the case status remained open.

Since Sergeant Peck was at the conclusion of his shift on October 9, 2017 and was not do back to duty in few days, Lieutenant Pagliari directed Deputy James Green, a member of the opposite patrol shift, to conduct the follow up investigation. Deputy Green completed his investigation and ultimately filed a charging affidavit on Mr. Lilly.

Since deputies took no investigative action at the time of Mr. Lilly’s arrest, no evidence was collected from the vehicle, which was possibly used to perpetrate the crime. Lieutenant Pagliari stated, *“I explained to Peck, had we gone down there and talked to Mr. Lilly when this happened the results may have been different because he had been caught right then. Plus we would have had physical evidence from the car into the garage matching it up, paint transfer all that stuff.”*

Lieutenant Pagliari explained, Sergeant Peck did not defy orders or instructions; he just failed to supervise his subordinates on the date of the incident in question. According to Lieutenant Pagliari, he believed Sergeant Peck set a bad example and, *“...failed to mentor a brand new deputy [Deputy Johnson].”* Because of this incident, *“We transferred Deputy Johnson from Sgt. Peck’s shift to Sgt. Jones’s shift to give him a better role model to follow and teach him a little bit better than I think Keith failing to teach a brand new deputy [sic].”*

Lieutenant Pagliari explained how Sergeant Peck, *“...was doing so many DUI arrests I don’t think he was supervising the shift to the way a supervisor should be...not mentoring them or guiding them, you know, in other cases besides a DUI.”* A review of Sergeant Peck’s call history during the incident in question showed he was busy conducting a DUI investigation during the time Deputy Johnson was involved with the vandalism call.

As Sergeant Peck's immediate supervisor, Lieutenant Pagliari was responsible for writing his evaluations. The annual evaluations authored by Lieutenant Pagliari were all graded at "Exceeds Standards." When questioned about Sergeant Peck's evaluations, Lieutenant Pagliari stated, "*I felt the evaluation was fair in that he is capable of being a supervisor. He normally makes the right decision.*" The area he believed Sergeant Peck was deficient in, was his report writing skills, "*... his documentation on reports, supervisor reports, his reports, supervisor reports, use of force, response to resistance, stop sticks deployment. Stuff like that.*" He further added, "*He would fail to articulate in the report exactly what was going on... his grammar and spelling didn't meet the standards that we would really expect...[Annual Evaluation period April 2016 – April 2017]*" Lieutenant Pagliari documented these report-writing deficiencies in Sergeant Peck's annual evaluations.

Lieutenant Pagliari described Sergeant Peck as a "*unique individual...old school*" supervisor. Lieutenant Pagliari further commented, "*He's knowledgeable but he doesn't always make the right decisions,*" as referenced in a few of Sergeant Peck's annual evaluations pertaining to citizen complaints filed against him. Lieutenant Pagliari received no more citizen complaints on Sergeant Peck than any other sergeant under his command, "*I did not have more [complaints] on him than any other sergeant where people would complain and you know, voice a concern about a supervisor. He didn't get any more complaints than anybody else.*" (See Tab - D for Official Transcript)

### **Deputy Jemille Johnson**

On April 5, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Deputy Jemille Johnson at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Deputy Johnson has been with the Sheriff's Office for approximately three years and is currently assigned to patrol in District – 3 North. Up until October 2017, Sergeant Peck was his immediate supervisor.

Deputy Johnson recalled working on July 23, 2017 and responding to the report of vandalism on Olen Drive in Holly Hill, FL. Deputy Johnson made contact with the reporting party, Mr. Tackett, who advised him a known subject, Mr. Lilly, had intentionally damaged his garage door with a

white passenger car. Mr. Tackett advised he and his current girlfriend, Mr. Lilly's ex-girlfriend, were not at home when the incident occurred; however, his next-door neighbor heard the noise and observed headlights drive away from his residence. This same neighbor, according to Deputy Johnson, was unable to confirm the driver's identity. During the course of Deputy Johnson's investigation, he was unable to locate an eyewitness to identify Mr. Lilly as the driver. It was Mr. Tackett's belief, based on his neighbor's description of the vehicle, Mr. Lilly who damaged the garage door.

Deputy Johnson contacted Mr. Lilly via cell phone from a number provided by Mr. Tackett's girlfriend. When the two spoke, Mr. Lilly began making suicidal comments. Deputy Johnson contacted Sergeant Peck, who gave him permission to issue a BOLO for Mr. Lilly, as well as ping his cell phone. At some point during the call, Deputy Bradley Schindelheim arrived on scene to assist Deputy Johnson. Both deputies went to an address where Mr. Lilly was known to reside; however, he could not be located. According to Deputy Johnson, even though Sergeant Peck was not on-scene, he was still communicating and providing him updated information as the case progressed.

Sometime later, the Port Orange Police Department (POPD) apprehended Mr. Lilly on unrelated charges and Deputy Johnson was notified of the arrest. Deputy Johnson spoke to a POPD officer on scene and at some point; made the decision not to respond to the location where Mr. Lilly was taken into custody. At first, Sergeant Peck requested he go to the scene in Port Orange; however, *"...he advised that I wasn't needed to go down there after I had had several conversations with Deputy Schindelheim and then I was contacted by Sgt. Peck again [sic]."* According to Deputy Johnson, *"...they [Sergeant Peck and Deputy Schindelheim] advised that I didn't have enough to make any type of arrest for Lilly for the vandalism."*

Deputy Johnson was unaware another deputy from District – 3 South was on scene at the Port Orange location. At the time, having another deputy conduct a follow-up investigation at the Port Orange location was not discussed. Deputy Johnson believed the call for service was handled appropriately; however, looking back now, he should have responded to the Port Orange location where Mr. Lilly was apprehended in order to collect further evidence. *(See Tab - E for Official Transcript)*

## **Deputy Brad Schindelheim**

On April 12, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Deputy Schindelheim at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Deputy Schindelheim has been with the Sheriff's Office for approximately nineteen years and is currently assigned to patrol in District – 3 North as a Field Training Officer. For the past three years, he has served under the command of Sergeant Peck on Alpha patrol shift.

On July 23, 2017, Deputy Schindelheim responded to assist Deputy Johnson in regards to the incident in question. According to Deputy Schindelheim, *"He [Deputy Johnson] was new on the shift; if Sgt. Peck doesn't go [to the scene] usually I go because I'm the senior one on the shift so."* Sergeant Peck did not respond to this incident and Deputy Schindelheim stated, *"...how it works is either he goes or I go and if there's something that I think he needs to be there I'll call him or tell him he needs to be there."* Deputy Schindelheim was unaware why Sergeant Peck never responded to the scene and could not recall ever speaking directly to him while he was on scene.

According to Deputy Schindelheim, he had limited involvement in the call for service, stating he never got out of his patrol car; however, he did go with Deputy Johnson to an address where Mr. Lilly previously resided. Deputy Schindelheim believed the call was handled correctly based on what he was being told by Deputy Johnson, *"From what Deputy Johnson told me and from what he said. He said there was no witnesses. They only heard a car and I figured that was enough. If they didn't hear anything and he said he went to the neighbors and nobody saw anything."* (See Tab - F for Official Transcript)

## **Lieutenant Bryan Barnard's Memorandum 053M009.18**

Lieutenant Bryan Barnard, Assistant Commander District – 3 North, submitted memorandum 053.M009.18 on February 14, 2018, to Captain Shane Summers, the Commanding Officer of District -3, explaining Sergeant Peck's inability to conduct a satisfactory investigation into a citizen's complaint against one of his deputies. Sergeant Peck did not properly investigate the citizen's complaint, nor did he follow specific instructions given to him from a competent



authority. Lieutenant Barnard described how Sergeant Peck was not receptive and argumentative when given direction on how to conduct the investigation.

In December of 2017, Sheriff's Office command staff received a citizen's complaint (FN2017-032) on a patrol deputy assigned to Sergeant Peck's patrol shift. Based on the nature of the complaint, Sergeant Peck was tasked by Sheriff's Office command staff to conduct a Supervisor's Inquiry (Inquiry).

Sergeant Peck submitted his Inquiry to Lieutenant Barnard on February 8, 2018, which outlined his investigation to include any evidence or witness statements collected. According to Lieutenant Barnard's memorandum, the Inquiry, "*...was lacking in overall detail and he had not contacted the complainant,*" was "*poorly written*" and contained, "*...an overall lack of information.*" At one point during his investigation, Sergeant Peck had to be given direction by Lieutenant Barnard to contact the complainant, something Sergeant Peck disagreed with.

After seeing the complainant was not interviewed, Lieutenant Barnard then, "*...ordered Sergeant Peck to contact the complainant.*" Sergeant Peck responded by telling him, "*...contacting the complainant was silly and it was only going to result in a complaint on himself.*" Lieutenant Barnard advised how contacting the complainant was an important aspect of a complete and thorough investigation as well as customer service, which Sergeant Peck did not agree with.

Lieutenant Barnard articulated several points throughout his memorandum on how Sergeant Peck failed to perform his duties as a front line supervisor in conducting the Inquiry. One such example was when Lieutenant Barnard explained, how his Inquiry lacked certain detail in describing the deputy's interactions with the complainant. During this process Lieutenant Barnard described, "*Sergeant Peck was very argumentative in response to my comments*" and how, "*Sergeant Peck reiterated his negative opinion of my direction calling it 'nonsense' and a 'waste of time.'*" Lieutenant Barnard ultimately explained, "*I told him he had been provided clear direction and he would bear the consequences if he chose not to follow them.*"

Lieutenant Barnard closed the memorandum by writing,

*“Based on a review of all the documents, Sergeant Peck’s memo is inaccurate and unacceptable. Sergeants are expected to recognize deficiencies in their folks, and counsel as needed. This is an example of Sergeant Peck’s inability to perform the basic functions of his assignment. This was a simple citizen complaint not a complex task. Sergeant Peck’s lack of receptiveness to direction and constructive feedback from his supervisors prohibits his ability to improve his performance. Furthermore, his failure to take ownership in incidents where there are obvious deficiencies creates a break down in the chain of command and fosters negativity.”*

### **Lieutenant Bryan Barnard**

On April 24, 2018, Detective Bennett, Detective Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Lieutenant Bryan Barnard at the District – 3 North headquarters in Ormond Beach, FL. The following is a summary of that interview:

Lieutenant Barnard has been with the Sheriff’s Office for approximately twenty-two years and currently is assigned to District – 3 North as the Assistant Commander where he has been since January of 2018. Sergeant Peck serves as a patrol supervisor under his command.

Prior to Lieutenant Barnard’s arrival at District – 3 North, Sergeant Peck was assigned the task of investigating citizen complaint FN2017-0032. According to Lieutenant Barnard, the investigation of a citizen complaint on a front line deputy is well within the scope of a sergeant’s duties.

When Sergeant Peck submitted the first draft of his Inquiry, Lieutenant Barnard noted, *“It was lacking in overall content, thoroughness, lots of grammar issues. It was, it was to be honest probably the worst one [Inquiry] I’ve ever seen.”* It had no format, and was missing a lot of administrative content that needed to be answered. After reviewing the document, Lieutenant Barnard gave the Inquiry back, and provided direction to Sergeant Peck on what was expected. Lieutenant Barnard went to the extent of giving him a copy of another sergeant’s Inquiry, to use as a template, or a go by, explaining, *“You know, say this is kind of the direction these [Inquiries] go. This is, you know, the level of thoroughness and detail you need to have.”*

According to Lieutenant Barnard, Sergeant Peck submitted approximately six drafts of what was expected to be the final report. Lieutenant Barnard would convey his instructions to Sergeant Peck via email, placing each draft in his mailbox located at the district headquarters for the proper corrections to be made. When the two first spoke about the corrections, Sergeant Peck was “not receptive” to Lieutenant Barnard’s instructions. Lieutenant Barnard received an email from Sergeant Peck, which Lieutenant Barnard interpreted was, “...*kind of a derogatory email,*” pertaining to his direction on following another sergeant’s inquiry as a template. Lieutenant Barnard explained his intention behind providing the template as, “...*to help the guy out.*” Overall, Lieutenant Barnard explained, Sergeant Peck’s demeanor, as it related to receiving instruction on his assigned task was, “...*very argumentative and had an overall just negative tone.*”

Lieutenant Barnard spoke to Sergeant Peck about the corrections needed, and tried to reiterate the purpose of the template and what was expected of him. According to Lieutenant Barnard, he had a negative attitude and was somewhat non-receptive to his advice or direction. Sergeant Peck was, “...*trying to downplay the need for giving this complaint this amount of attention. Didn’t think it was warranted or justified,*” and seemed to take it as a personal attack. Lieutenant Barnard assured him, this was not a personal issue and he was not being singled out, “*I was just holding him to the same standard everybody in the agency is held to.*”

The assignment of conducting the Inquiry into this citizen complaint was a rather simple task, according to Lieutenant Barnard. The situation rose to its current level because of Sergeant Peck’s inability to follow instructions from his supervisor. At one point, Sergeant Peck advised Lieutenant Barnard, that if he felt the citizen complaint was such an issue, the Internal Affairs Unit should conduct the investigation. Lieutenant Barnard explained,

*“Handling a citizen’s complaint is a basic function of a sergeant, a supervisor, a first line supervisor and this is minor complaint and he needs, especially his tenure as a supervisor there’s no reason he couldn’t handle this properly and for it to go as far as it did was just totally unacceptable.”*

In the end, Lieutenant Barnard took over the Inquiry after Sergeant Peck had submitted approximately six drafts, “*I took it [Inquiry] over and did it myself. It was just obvious that he was not receptive to any of my direction and I did it myself.*”

According to Lieutenant Barnard, Sergeant Peck was attempting to discredit the citizen's complaint, never fulfilled the task for which he was assigned and was disrespectful when given direction. Lieutenant Barnard was trying to help Sergeant Peck in the writing and proper investigation of the citizen's complaint. That being said, Lieutenant Barnard did not feel Sergeant Peck defied any direct orders related to this incident. *(See Tab - G for Official Transcript)*

### **Captain Shane Summers**

On April 24, 2018, Detective Bennett, Detective Burke and Sergeant Mills conducted a sworn recorded interview with Captain Shane Summers at the District – 3 headquarters in Ormond Beach, FL. The following is a summary of that interview:

Captain Summers has been with the Sheriff's Office for approximately twenty-four years and is currently the Commander of District – 3. Part of his duties as the Commander of District - 3, is the review and approval of work performance evaluations for all employees under his command.

Sergeant Peck has worked at District – 3 North under the command of Captain Summers for approximately one year and for a short time several years back at District - 5. Captain Summers described Sergeant Peck's job performance as *"...for the most part he does a pretty good job,"* however, *"He's a difficult employee to manage."*

Captain Summers authored the Supervisor's Inquiry encompassing the three incidents involving Sergeant Peck. The first incident, documented in Lieutenant Pagliari's memorandum, *"...was a fairly egregious violation involving the lack of investigation on the part of the deputy,"* according to Captain Summers. He further stated, *"...Sergeant Peck refused to take any ownership of the deficiencies by the deputy and himself..."*

The second incident documented in Lieutenant Barnard's memorandum involved, *"...another citizen's complaint where the incident was not handled correctly by the deputy. He [Sergeant Peck] again refused to take ownership...would not do what he needed to do as a supervisor..."*

The third incident documented in Lieutenant Schoeps' memorandum centered on, *"...supervisory issues with Sergeant Peck in his capacity as the THI supervisor..."* Captain Summers described why he combined these three incidents together into one Inquiry, *"...it showed a pattern of, how should I say this, diminished work product on his [Sergeant Peck's] part."*

Documented in Sergeant Peck's annual evaluation in 2013, which Captain Summers endorsed, he noted in the comments section, "...please work to reduce the number of citizen complaints." For as long as Captain Summers had been a commander over Sergeant Peck, he has always had an issue in getting complaints in some capacity. According to statistics related to Sergeant Peck's work productivity; he was very proactive in making arrests, specifically for driving under the influence (DUI) for which he has received several awards. It is this high level of proactive work and citizen contacts that could very well pre-dispose him to the possibility of receiving more complaints; however, Captain Summers explained he has another sergeant that does a tremendous amount of proactive work and does not receive any complaints.

Captain Summers had supervised Sergeant Peck a few times prior to being assigned to District – 3. Since that time, Captain Summers has seen a diminished work product from Sergeant Peck as it relates to his performance as a supervisor. *(See Tab - H for Official Transcript)*

**Lieutenant Kurt Schoeps Memorandum 057M0548.18**

On February 27, 2018, Lieutenant Kurt Schoeps authored memorandum 057.M0548.18, which contained his assertion that Sergeant Peck failed to perform his duty as a supervisor in overseeing and reporting specific details associated with a traffic homicide investigation.

Sergeant Peck was assigned to the Traffic Homicide Unit (THI) as a supervisor and was responsible for overseeing all aspects of the investigation. On November 19, 2017, the THI unit responded to an address in Debary, FL in reference to a single vehicle crash involving a fatality. After conducting their investigation on scene, Deputy Jimmie Stone, the case agent, attempted to review the photographs taken of the crash scene; however, the photographs taken were not captured due to a missing memory card in the camera. Deputy Stone notified Sergeant Peck of the issue later in the evening of November 19, 2017. After receiving this information from Deputy Stone, Sergeant Peck failed to notify his chain of command regarding the issue with the collection of photographic evidence.

On November 20, 2017, Sergeant Joel Turney, another THI supervisor, notified Captain Brian Henderson of the issue pertaining to the collection of photographs. Upon learning of this issue, Captain Henderson emailed Sergeant Peck on November 21, 2017, requesting an update on the

investigation. Sergeant Peck responded, providing an update of the investigation; however, he made no mention of the failure in obtaining the photographic evidence.

On February 13, 2018, Lieutenant Schoeps contacted Sergeant Peck by phone requesting an update on all THI cases that he had active. After receiving the information requested, Lieutenant Schoeps asked for further information related to the incident that occurred on November 19, 2017, specifically related to evidence collection. On February 18, 2018, Sergeant Peck emailed the case update information, but information pertaining to the incident in question contained nothing about the photographs not being taken while on scene.

### **Lieutenant Kurt Schoeps**

On April 13, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Lieutenant Kurt Schoeps at the Sheriff's Operations building in Daytona Beach, FL. The following is a summary of that interview:

Lieutenant Schoeps has been with the Sheriff's Office since 2003 and was recently assigned to Investigative Services in December of 2017, where he holds the position of Assistant Commander. Lieutenant Schoeps oversees various investigative units in the Sheriff's Office, to include the Traffic Homicide Unit. At the time the incident in question occurred, Captain Henderson was the Assistant Commander in charge of the THI unit and he initiated the investigation into the incident, which was passed on to Lieutenant Schoeps.

Lieutenant Schoeps made contact with Sergeant Peck via telephone and asked about a case update on his two active THI investigations. He specifically referenced the case where no photographs were taken the night of the incident, "*...I questioned him if all the evidence was obtained the night of the incident, at which time he said he wasn't sure.*" Sergeant Peck, honoring Lieutenant Schoeps request, forwarded him an email that he received from the case agent, Deputy Stone. This email contained no information about the failure to obtain photographic evidence at the time of the incident.

The case update received by Lieutenant Schoeps not only contained no mention of the photographs, it made no mention of Deputy Stone going out the following day to collect photographs of the scene as well as the vehicle involved. Lieutenant Schoeps learned from Captain

Henderson that Deputy Stone was instructed by Sergeant Peck to go back out to the location of the incident the following day, in order to obtain photographic evidence. According to Lieutenant Schoeps, “...Sergeant Peck instructed Jimmie [Deputy Stone] to go back out and obtain photographs the next day, but nothing was obtained the night of the incident, which could be critical for the investigation.” Lieutenant Schoeps believed the photographs, later taken by Deputy Stone, were entered as evidence; however, the photographs of, “...the initial incident weren’t taken and we [command staff] were never notified that they weren’t taken.” (See Tab - I for Official Transcript)

At the time of the incident, there was no Sheriff’s Office policy outlining the procedures on how a THI investigation should be conducted.

### **Sergeant Joel Turney**

On April 13, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Sergeant Joel Turney at the Sheriff’s administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Turney has been with the Sheriff’s Office for approximately fifteen years and is assigned to the motor unit in District – 4 Deltona. Since 2010, Sergeant Turney has been a member of the Traffic Homicide Unit, which was recently placed under the command of Lieutenant Shoeps.

On November 20, 2018, Deputy Stone contacted Sergeant Turney about not capturing the photographic evidence while at the scene of the THI. According to Sergeant Turney, “He [Deputy Stone] told me that they didn’t have any photographs because the memory card was not in the camera.” Sergeant Turney was unaware of when Sergeant Peck was advised of the issue; nonetheless, he was made aware at some point.

Not capturing photographic evidence at the scene of a THI, according to Sergeant Turney, is worthy of notifying the chain of command and he stated, “...as soon as I received the information that’s exactly what I did [notify command staff].”

Sergeant Turney was asked whether the gathering of photographic evidence after the fact was an issue and he replied, “You could still get...evidentiary photographs of the vehicle but as far as

*memorializing the scene, the scene's been cleaned up, the car's been moved, roadway evidence has been cleaned up, glass has been swept up, all of that is gone... It can't be recreated."*

At present time there is no Sheriff's Office policy dictating how a THI investigation should be conducted. According to Sergeant Turney, each member of the THI unit has to attend an approved basic THI class. Some members of the unit have gone to more advanced classes, one of them involving the photographing of crash scenes. *(See Tab - J for Official Transcript)*

### **Deputy Jimmie Stone**

On April 17, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Deputy Jimmie Stone at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Deputy Stone has been with the Sheriff's Office for approximately eleven years and has spent the last two assigned to the motors unit. For the last year and a half, Deputy Stone has been a member of the THI unit and has attended an approved traffic homicide school. This was Deputy Stone's first THI investigation where he was assigned to be the case agent.

Deputy Stone was on call the night of November 19, 2017, and responded to the scene on South Shell Road in Debarry, FL to conduct the investigation. Being assigned the case agent, Deputy Stone's responsibilities include overseeing all aspects of the investigation to include submitting the final report.

According to Deputy Stone, he and another deputy both photographed the accident scene. Later that afternoon, Deputy Stone went to the district office at approximately 1:30PM on November 20, 2017, *"I turned on the camera to review the photographs prior to me ending my shift for that day and there was no photographs there."* Deputy Stone explained, *"So, whenever you took a picture it displayed it on the front of the camera, but as soon as you turned the camera off it deleted all. It did not retain any photographs...there was no memory card in the camera."* After discovering pictures of the accident were not saved on the camera, he tried calling Sergeant Peck.

Deputy Stone got hold of Sergeant Peck at approximately 6:00PM that evening to inform him of the situation. According to Deputy Stone, Sergeant Peck advised, *"...he said the next day go back [to the scene] in the morning. Photograph the scene see what we can get..."* as well as *"...contact*



*the M.E.'s [Medical Examiners] office and obtain a copy of their scene photos.*" The following day Deputy Stone informed Sergeant Turney of the photograph incident, who in turn notified Captain Henderson.

Deputy Stone was able to go back to the scene the following day, *"Actually, we were able to recover quite a substantial amount of photographs and in the early morning hours the skid marks were still on the ground...or the tire marks were still in the grass that you could see."* He believed the photographic evidence collected the following day, coupled with the medical examiners photographs were adequate for his report. *(See Tab - K for Official Transcript)*

### **Captain Brian Henderson**

On April 24, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Captain Brian Henderson at the Sheriff's Office Operations Facility in Daytona Beach, FL. The following is a summary of that interview:

Captain Henderson has been with the Sheriff's Office for approximately sixteen years and serves as the Commander of Investigative Services. Prior to his current assignment, Captain Henderson was the Assistant Commander of Investigative Services where he oversaw the Traffic Homicide Unit (THI).

According to Captain Henderson, the THI unit is broken up into teams, each with a sergeant in charge. Captain Henderson explained the role of the sergeant during a THI callout,

*"The line supervisor is responsible for the oversight of the personnel assigned to his team. They're responsible to respond and provide oversight at the crime scene [accident scene]...assign one of the deputies to be the case agent and then their purpose there is to insure that they have the appropriate resources, equipment and assign the deputy to the case agent based upon their experience level...[sic]"*

Captain Henderson directed Lieutenant Schoeps to conduct the Inquiry into Sergeant Peck's failure on reporting why photographic evidence was not collected the day of the incident. Captain Henderson was notified a day or so later by Sergeant Turney that photographs of the accident were not captured, *"That sergeant actually came to me and made me aware of this...He saw the severity of it that it was something that I needed to know about."* This information, according to Captain

Henderson, should have come from Sergeant Peck, but it did not. Initial reports about the photographs were that it was done accidentally, based on the memory card not being in the camera.

Captain Henderson was concerned Sergeant Peck had purposely omitted this information about the photographic evidence, since they had discussed the incident and exchanged emails about the case. Furthermore, *“...in light of previous interactions with Sgt. Peck as a watch commander knowing that these tend to turn adversarial with him.”* Captain Henderson was asked why he did not just pick up the phone and speak to Sergeant Peck about the issue,

*“No, that ship had already sailed based upon the fact that there was a couple conversations that occurred and he didn’t make me aware of this for several days. So I felt he was purposely withholding this information from me at that point. And then knowing this could be adversarial I decided not to question him about it [sic].”*

Being that the two had discussed the case by phone and email, Captain Henderson felt Sergeant Peck had multiple opportunities to advise him of the situation. Captain Henderson stated, *“... that’s why I didn’t question him on this because there was several chances for him to bring me up to speed or make me aware of this and he chose not to do so.”*

Captain Henderson was unaware if Sergeant Peck notified any other members of the command staff. Furthermore, he was unsure if Sergeant Peck knew Sergeant Turney already advised him of the issue sometime after the incident. According to Captain Henderson, failing to collect photographic evidence at the scene in a timely manner is a, *“...pretty big deal.”*

Captain Henderson did not know why Sergeant Peck never advised him of the issue related to the collection of photographic evidence,

*“I mean I can theorize it, maybe he was looking out for his guys you know, which I understand but again this is something that I should have been made aware of and again he had multiple times to tell me. I don’t feel as a lieutenant and now as a captain that I should have to worry about a sergeant that’s been a cop for a long time to make me aware of a mistake but a big mistake. I don’t feel that I should have to probe and prod on that. I think that defies common sense in this job.”*

*(See Tab - L for Official Transcript)*

### **Captain Brian Bosco**

On March 29, 2018, Detective Glen Bennett and Detective Tara Burke conducted a sworn recorded interview with Captain Brian Bosco at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Captain Bosco has been with the Sheriff's Office for approximately twenty years and presently serves as the Commander over the Sheriff's Office Training Section. Prior to that, Captain Bosco was the District -3 Commander and District - 5 Assistant Commander where Sergeant Peck served as a road patrol supervisor under his command for a total of approximately three years. As the Commanding officer of District - 3, he would approve Sergeant Peck's evaluations, which were authored by his Assistant Commander Lieutenant Albert Pagliari. Sergeant Peck's annual evaluation for 2016, endorsed by Captain Bosco, was graded "Exceeds Standards" with no derogatory notations.

While under his command, Captain Bosco described Sergeant Peck as a "*hard worker*" and very dependable, further stating, "*He was a very proactive sergeant when it came to self-initiated activity.*" The biggest issue Captain Bosco had with Sergeant Peck was his inability to write reports. According to Captain Bosco, whenever Sergeant Peck authored a supervisory document, it was pretty much a guarantee the report would contain either grammatical or content errors. When these errors were brought to Sergeant Peck's attention, Captain Bosco believed they were corrected without incident.

Sergeant Peck was assigned to District – 5 prior to being transferred under Captain Bosco's command at District -3. According to Captain Bosco, "*Sergeant Peck came from District – 5 where he had problems with the captain there.*" Upon his arrival to District -3, Captain Bosco explained to Sergeant Peck, "*I told him that I look forward to having his time and experience in the district. He had a good [patrol] shift and he went to work...He did his job.*" *(See Tab - M for Official Transcript)*

### **Lieutenant Justin Sawicki**

On April 23, 2018, Detective Bennett and Detective Burke conducted a sworn recorded interview with Lieutenant Justin Sawicki at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Lieutenant Sawicki has been with the Sheriff's Office for approximately twelve years and currently serves as the Assistant Commander for Investigative Services. Prior to his present assignment, Lieutenant Sawicki served as the Assistant Commander at District – 3 North where Sergeant Peck served under his command for a brief time.

Lieutenant Sawicki described Sergeant Peck as being, "...*very abrasive when you would ask him to do something. He'd be argumentative.*" However, Lieutenant Sawicki never had any, "...*issues with Keith [Sergeant Peck] not doing what I asked.*" Whenever Sergeant Peck was asked to perform his duties, or to delegate a task to one of his deputies, to Lieutenant Sawicki's knowledge, the job was done.

As far as any citizen complaints, while Lieutenant Sawicki was assigned to District – 3 North, he never received any complaints on Sergeant Peck. *(See Tab - N for Official Transcript)*

### **Sergeant Keith Peck**

On May 30, 2018, Detective Bennett and Sergeant Mills conducted a sworn recorded interview with Sergeant Keith Peck at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Peck has been in law enforcement for approximately thirty-nine years, and has spent the last twenty-four of those years with the Sheriff's Office. During his time with the Sheriff's Office, Sergeant Peck has been a Field Training Officer (FTO), member of the Critical Incident Stress Debriefing Team (CIT), Traffic Homicide Unit (THI), as well as a twenty-three year member of the Honor Guard. Since 2003, he has held the rank of sergeant.

Sergeant Peck was on duty July 23, 2017, when Deputy Johnson responded to a call involving a damaged garage door. According to Sergeant Peck, Deputy Schindelheim, one of two Field Training Officers on his patrol shift, responded to assist Deputy Johnson with the investigation.

Sergeant Peck did not respond to the location of the incident, nor was he requested too. While deputies were on scene, Sergeant Peck remained in contact with both deputies via telephone, receiving updates as the call progressed. Based on the information collected on scene, deputies determined there was no probable cause to effect an arrest for the crime of vandalism, “...*I agreed with them, that nobody could identify the car. Nobody could identify the driver. Nobody saw the person [Mr. Lilly] do the actual deed that was done, the damage...And since we had no evidence to prove that he [Mr. Lilly] did what he did that was the end of it for us as far as we were concerned, so.*”

Several hours later, the Port Orange Police Department (POPD) arrested Mr. Lilly, the alleged suspect who damaged the garage door, on unrelated charges. Sergeant Peck was aware of Mr. Lilly's arrest, but was unclear if Deputy Johnson or Deputy Schindelheim ever requested permission to conduct further investigation at the scene where he was apprehended. Sergeant Peck would have given Deputy Johnson permission to respond to where Mr. Lilly was taken into custody had he been asked. Furthermore, Sergeant Peck never instructed either deputy to go to the scene nor was he aware of the District – 3 South deputy assisting POPD who could have aided in Deputy Johnson's investigation.

Either way, according to Sergeant Peck, any attempt to gather information pertaining to the damaged garage door from Mr. Lilly, would have been fruitless. Sergeant Peck explained, “...*my understanding from the background of this guy [Mr. Lilly] was that he was a hardened criminal and in 39 years of law enforcement experience, or from my experience, that usually when you go to a hardened criminal and they've already got a thousand other charges on them... they're probably going to go tell you to go jump in a lake [sic].*” It should be noted, Deputy James Green was later assigned the case and when he attempted to interview Mr. Lilly at the Branch Jail, Mr. Lilly refused to answer any questions.

Sergeant Peck acknowledged part of his duties as a sergeant was to monitor his deputies assigned cases. Deputy Johnson never closed out the case and it remained active having, never submitted any supplemental reports documenting his activity in relation to the case. According to Sheriff's Office policy, he was required to have submitted a supplemental report documenting any further investigative work within ten days, a policy Sergeant Peck was aware of. Furthermore, Sergeant

Peck was unaware of the case status and did not remember if Deputy Johnson had done any follow-up investigation.

According to Sergeant Peck, he never directed Deputy Johnson to conduct any follow-up investigation on the case. Deputy Johnson never went to the Branch Jail to interview Mr. Lilly, nor did he go to the tow yard to collect any possible evidence from the vehicle used to damage the garage door. The case went unchecked, remained active and assigned to Deputy Johnson for approximately three months until the Sheriff received the complaint from the victim.

When Lieutenant Pagliari received the complaint from command staff, he addressed the issue with Sergeant Peck. Sergeant Peck said he told Lieutenant Pagliari, “...*I explained to him, I said even if we knew he put the car into the house, you still can't put the guy behind the wheel...I felt like we had no probable cause, you know to arrest the guy...*” Furthermore, with such a lack of evidence combined with no eyewitness to put Mr. Lilly behind the wheel, Sergeant Peck believed the State Attorney's Office would not prosecute.

When Lieutenant Pagliari addressed the issue with Sergeant Peck, he felt Sergeant Peck was “bordering on insubordination” is one of his responses to an email he had sent. Sergeant Peck responded to the accusation stating, “...*I probably did and it was as probably this thing where I felt I was being Monday morning quarterbacked by not only him...I felt like it was coming from somebody else...He and I have always had a good working relationship [sic].*” Sergeant Peck felt as though he was being “beaten up,” and was, “...*kind of taken back that he [Lieutenant Pagliari] would have felt like I was being insubordinate.*” His email response may have been short and direct, but given the amount of communication going back and forth over the matter, his response may not have been as lengthy as Lieutenant Pagliari expected.

Sergeant Peck was asked if he had an issue with Lieutenant Pagliari telling him how to do his job, and he replied, “*No. I didn't feel like that, I didn't agree with where they were going with this because it sounded like they wanted me to go out and they wanted us to go arrest this guy and we had no evidence...I think that they felt like they weren't gonna trust, that my 39 years of experience of doing this job was nothing...*”

During Sergeant Peck's tenure as a supervisor, he handled numerous citizen complaints and wrote several Supervisor's Inquiries documenting the investigation he conducted. In December of 2017,

Sergeant Peck was directed by Lieutenant Barnard to conduct an Inquiry on one of the deputies assigned to his patrol shift. Upon completing the Inquiry, Lieutenant Barnard believed his report did not meet department standards and Sergeant Peck was asked to make the appropriate corrections. According to Lieutenant Barnard, Sergeant Peck was less than receptive on how to rewrite the report, a belief Sergeant Peck agreed with.

According to Sergeant Peck, Lieutenant Barnard did not like the format he used in writing the Inquiry. Sergeant Peck had been using the same format for years, addressing each issue he believed needed to be addressed in the complaint. After having been given direction from Lieutenant Barnard, along with a copy of an Inquiry authored by a fellow sergeant as a go-by, Lieutenant Barnard continued to find discrepancies. Sergeant Peck didn't necessarily have an issue with using a fellow sergeants inquiry as a go-by, it was the amount of time he was spending on the Inquiry. He explained, *"He [Lieutenant Barnard] likes somebody else's format so now I have to go through here and completely waste my time, go through here and redo it again when it didn't need to be redone...I had already looked at the video [BWC]. Interviewed the people and it was unfounded."*

It was pointed out to Sergeant Peck, being in law enforcement for thirty-nine years; he had to have had multiple supervisors. He agreed each one of those supervisors wanted things done their own way; however, based on the amount of times Sergeant Peck had to redo the inquiry, he began to believe Lieutenant Barnard was "screwing with me." According to Sergeant Peck, *"The case was unfounded and I felt like we're spending too much time you know doing paperwork on something that and wasting my time as a patrol supervisor..."*

Throughout his correspondence with Lieutenant Barnard, things started to get more heated over the Inquiry. Sergeant Peck stated, *"I told him at one point I said from now on can we just do this on email. I prefer you not call me on the phone. So I would have a record..."*

Sergeant Peck and Lieutenant Barnard, for a lack of a better term, "locked horns." Sergeant Peck was asked if he had an issue with taking direction from a supervisor with half his experience. Sergeant Peck explained, *"Not only that, he [Lieutenant Barnard] had just come out of the courthouse so we're out here doing patrol stuff now, and he's not a patrol guy...I was trying to*

*get him too understand I'm a patrol guy.*” Based on the feedback he was getting from Lieutenant Barnard, he believed he was “messaging” and “screwing” with him.

Sergeant Peck did not feel he criticized Lieutenant Barnard’s directions stating, “...*I wouldn't say that I criticized him...why are we making this into such a big thing because I felt like it was a big waste of my time. You know you're wasting my time as a supervisor.*” It was Sergeant Peck’s belief that his time would have been much better spent supervising his subordinates rather than writing a report on a citizen’s complaint believed to be unfounded. According to Sergeant Peck, he wasn’t trying to downplay the complaint, it was his belief, that if a deputy does something wrong he would be the first to address the issue.

Sergeant Peck was the supervisor on-call for the THI unit on the night of November 19, 2017, when the unit was summoned to a single vehicle crash involving a fatality. Upon arrival, Sergeant Peck appointed Deputy Stone as the case agent and assigned jobs to the remaining THI deputies. After completing their investigation at the scene of the crash, Deputy Stone went to a district office and discovered the photographs taken at the scene were not saved to the camera because the memory card had been removed. Sometime later, Sergeant Peck was advised of the issue, and he instructed Deputy Stone to go back the following day and photograph the scene, obtain a copy of the Medical Examiners photographs as well as photographs of the vehicle at the impound yard. After learning of the issue and giving Deputy Stone instructions, Sergeant Peck never notified command staff.

According to Sergeant Peck, based on his training and experience, being that it was only a single vehicle crash involving one fatality, the photographs and evidence collected the following day was adequate. Since it was only a single vehicle crash, the focus was on the vehicles speed, which was determined by skid marks and security video obtained from a nearby business. Having all his questions answered with the evidence collected, “...*I felt like we fixed what was wrong that's the reason why I didn't feel like it was, like I needed to call them. We had fixed the issue.*”

Upon learning from Sergeant Turney there had been no photographic evidence collected from the original crash scene, both Lieutenant Schoeps and Captain Henderson requested an update on open THI investigations. According to Sergeant Peck, he sent them the requested information, which he received from the case agent. The information that Sergeant Peck passed along contained no



mention of not collecting the necessary photographic evidence nor did it explain how he directed Deputy Stone to go back out to collect evidence the following day.

Sergeant Peck did not deny the fact he never shared the information with Captain Henderson or Lieutenant Schoeps. According to Sergeant Peck, he remedied the issue by sending Deputy Stone back out the following day and, “...you know them not getting notified that the pictures weren’t [taken] doesn’t impact this case you know in any way, shape or form...”

THI command staff believed Sergeant Peck had ample opportunity to report the absence of the photographic evidence but failed to do so. According to Sergeant Peck, looking back now, “If they felt like it was as big a deal as it rises to internal affairs, obviously then I should have but as a traffic homicide investigator which they’re not... reason [for] not notifying them was I didn’t see the need because the problem had been fixed...”

When asked if he violated Volusia County Merit System Rules and Regulations along with Sheriff’s Office policies, Sergeant Peck responded:

**Volusia County Merit System Rules and Regulations 86-453.**

- (1)** – Willful neglect in the performance of the duties of the position to which the employee assigned. **NO**
- (2)** – Disregard for or frequent violations of county ordinances, departmental policies, including safety rules. **NO**
- (5)** – Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or other acts of insubordination. **NO**
- (10)** – Incompetent or unsatisfactory performance of duties. **NO**
- (13)** – Any conduct, on or off duty, that reflects unfavorably on the county as an employer. **NO**
- (21)** – Any other conduct or action of such seriousness that disciplinary action is considered warranted. **NO**
- 26.2.34 Failure to Follow Directive or Order** **NO**
- 26.2.124 Compliance With Direct Order of a Superior or Competent Authority** **NO**

**26.2.125 Criticism of Orders or Policies** **NO**

**26.2.133 Job Knowledge and Performance** **NO**

*(See Tab - O for Official Transcript)*

**CONCLUSION:**

On June 26, 2018, this investigation was presented to the Sheriff and his Command Staff. After review, it was determined the violations of the below listed department policies to be:

**Volusia County Merit System Rules and Regulations 86-453:**

**(1)** – Willful neglect in the performance of the duties of the position to which the employee assigned. **SUSTAINED**

**(2)** – Disregard for or frequent violations of county ordinances, departmental policies, including safety rules. **SUSTAINED**

**(5)** – Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or other acts of insubordination. **SUSTAINED**

**(10)** – Incompetent or unsatisfactory performance of duties. **SUSTAINED**

**(13)** – Any conduct, on or off duty, that reflects unfavorably on the county as an employer. **SUSTAINED**

**(21)** – Any other conduct or action of such seriousness that disciplinary action is considered warranted. **SUSTAINED**

**26.2.34 Failure to Follow Directive or Order** **NOT SUSTAINED**

**26.2.124 Compliance With Direct Order of a Superior or Competent Authority** **NOT SUSTAINED**

**26.2.125 Criticism of Orders or Policies** **NOT SUSTAINED**

**26.2.133 Job Knowledge and Performance** **SUSTAINED**

On September October 3, 2018, Sergeant Peck was issued a Letter of Reprimand.

**EXHIBITS:**

- A. Report of Investigation
- B. Official Correspondence/ Supervisors Inquiry
- C. Administration of Oath/ Perjury Warning
- D. Official Transcripts of Lieutenant Albert Pagliari
- E. Official Transcripts of Deputy Jemille Johnson
- F. Official Transcript of Deputy Brad Schindelheim
- G. Official Transcript of Lieutenant Bryan Barnard
- H. Official Transcript of Captain Shane Summers
- I. Official Transcript of Lieutenant Kurt Schoeps
- J. Official Transcript of Sergeant Joel Turney
- K. Official Transcript of Deputy Jimmie Stone
- L. Official Transcript of Captain Brian Henderson
- M. Official Transcript of Captain Brian Bosco
- N. Official Transcript of Lieutenant Justin Sawicki
- O. Official Transcript of Sergeant Peck
- P. Miscellaneous Documents
- Q. Digital Media

**WITNESSES:**

Lieutenant Albert Pagliari  
Volusia County Sheriff's Office  
386-736-5961

Deputy Jemille Johnson  
Volusia County Sheriff's Office  
386-736-5961

Deputy Brad Schindelheim  
Volusia County Sheriff's Office  
386-736-5961

Lieutenant Bryan Barnard  
Volusia County Sheriff's Office  
386-736-5961

Captain Shane Summers  
Volusia County Sheriff's Office  
386-736-5961

Lieutenant Kurt Schoeps  
Volusia County Sheriff's Office  
386-736-5961

Sergeant Joel Turney  
Volusia County Sheriff's Office  
386-736-5961


Deputy Jimmie Stone  
Volusia County Sheriff's Office  
386-736-5961


Captain Brian Henderson  
Volusia County Sheriff's Office  
386-736-5961

Captain Brian Bosco  
Volusia County Sheriff's Office  
386-736-5961

Lieutenant Justin Sawicki  
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: 10/12/18  
**Detective Glen Bennett**  
**Internal Affairs Detective**

APPROVED BY:  DATE: 10/12/18  
**Chief Deputy John Creamer**  
**SHERIFF MICHAEL J. CHITWOOD**  
**VOLUSIA COUNTY FLORIDA**