

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA- 10-007

PERIOD COVERED: April 4th, and 5th, 2010

DATE REPORTED: April 5, 2010

SUBJECT(S) NAME: Deputy Brian Pare ID #1518

INVESTIGATING OFFICER: Sergeant Timothy Morgan

BASIS FOR INVESTIGATION:

On April 4th, and 5th, 2010, Deputy Brian Pare while off duty was involved in a verbal disturbance involving his live-in girlfriend and infant son. The alleged disturbance ultimately resulted in Port Orange Police Department and the Department of Children's and Families (DCF) responding to his residence, and during their investigation, Deputy Pare allegedly admitted to drinking alcohol, and possessing prescription pain killers that were not prescribed to him. The prescription drugs were allegedly obtained from his neighbor on April 3rd, 2010, by his (Deputy Pare's) mother, and provided to Deputy Pare for his consumption.

OFFENSE(S):

26.2.85 Illegal Use or Possession of Drugs - Employees shall not engage in the illegal use or possession of illegal drugs/narcotics. *(Violation subject up to dismissal)*

26.2.130 Commission of Felony - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. *(Violation subject to dismissal)*

26.2.108 Perjury in an Official Proceeding - Employees shall not knowingly make false statements while under oath in any court, civil or criminal, in statements made to internal affairs investigators, notaries and persons taking depositions or other testimony or any other official proceeding as defined in F.S. 837. *(Violation subject up to dismissal)*

And, 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 April 5, 2010, Sergeant Morgan and Lieutenant Goggin received a faxed copy of the incident report, supplement report and statement which was provided by Deputy Pare from Port Orange Police Department report (#2010-002800) which read:

On April 5, 2010, Officer Mcilrath, Port Orange Police Department, responded to [REDACTED], Port Orange (Deputy Pare's residence) at the request of Mrs. Joy Anger, investigator from the Department of Children's and Family, (DCF) to assist her with her investigation of an alleged child abuse. Upon his arrival, Investigator Anger advised Officer Mcilrath, according to the complaint, the father later identified as Deputy Pare allegedly may have been under the influence of prescription drugs, and intoxicated when the infant was injured.

Officer Mcilrath, Mrs. Anger and Sergeant Jakovenko made contact with Deputy Pare and Ms. Short at his (Deputy Pare's) residence. While on scene they did not observe any visible injuries to the infant, and their initial investigation determined the injury sustained by the infant during the verbal argument was not an intentional act by Deputy Pare. However, during Investigator Anger's interview with Ms. Short, she (Miss Short) advised Investigator Anger, Deputy Pare has a history of substance abuse, which involved his (Deputy Pare's) use of alcohol and prescription painkillers. According to the report, while inside the residence, Investigator Anger observed three pills (later identified as Hydrocodone) sitting loose on the kitchen counter that were later determined not to be prescribed to the occupants of the residence. Investigator Anger and Sergeant Jakovenko were advised by Ms. Short the tablets were obtained from a neighbor for Deputy Pare's consumption by his (Deputy Pare's) mother. Upon speaking to Deputy Pare in reference to the painkillers, he advised Sergeant Jakovenko and Investigator Anger his mother (Diana Pare) obtained the painkillers from a neighbor, because he (Deputy Pare) was suffering from back pain. Sergeant Jakovenko seized the painkillers, and Officer Mcilrath placed the tablets into evidence. Investigator Anger requested that Deputy Pare leave the residence for the night and he (Deputy Pare) complied. (See tab-C for complete report Port Orange Police Department #2010-002800)

On April 5, 2010, Sergeant Morgan and Lieutenant Goggin contacted Deputy Pare and escorted him to Risk Management to obtain a medical specimen.

On April 5, 2010, Sergeant T. Morgan and Investigator James Gabriel conducted a recorded interview with Ms. Melynda Short at [REDACTED] Port Orange

Ms. Melynda Short

During Ms. Short's sworn statement, she advised on April 4, 2010, she was involved in a verbal disturbance with her live-in-boyfriend Deputy Brian Pare in reference to their child. She added Deputy Pare who she described as intoxicated wanted to take their two month old son to a local sports bar to watch a sporting event, and when she refused to allow him to take the child out of the residence Deputy Pare became upset. Ms. Short advised during the argument Deputy Pare attempted to take their child for a walk around the neighborhood, but she wanted to accompany them during the walk. Ms. Short stated because he had been consuming alcohol/painkillers throughout the

day, and due to the late hour (2000 hours) she felt his judgment was impaired, and feared for their child's safety. Ms. Short stated Deputy Pare did not want her to accompany them, and he again became upset with her. Ms. Short advised while Deputy Pare was carrying their child in his arms, he re-entered the home, slammed the door shut behind him, and the door accidentally struck the crown of the child's head. Ms. Short stated she observed redness on the infant's head just after the incident, but they did not immediately respond to the hospital with the child. Ms. Short advised approx. one hour and a half after the incident occurred, they responded to the Urgent Care located in Port Orange with their child to have the child treated. Ms. Short advised while at the hospital, she requested that Deputy Pare remain in the lobby while the child was receiving treatment. Ms. Short stated she informed the hospital personnel; Deputy Pare was intoxicated and utilizing painkillers when the child was injured. Ms. Short advised the child was treated for a contusion, and released from the hospital. Ms. Short stated they returned to their residence, and they were later contacted by the Department of Families and Children (DCF) and Port Orange Police Department in reference to the incident.

Ms. Short advised this investigator, she did not believe Deputy Pare intentionally hurt their child, but he was intoxicated at the time of the incident. She added Deputy Pare had consumed a painkiller at 9:00 a.m. on April 04, 2010, and was also drinking beer prior to the initial argument. Ms. Short stated Deputy Pare obtained the painkillers which were removed from their residence by Port Orange Police Department on April 5, 2010, from his mother (Diana Pare); she added Deputy Pare's mother obtained the painkillers from their (Pare's and Short's) next door neighbor. Ms. Short added Deputy Pare did not possess a current prescription for the tablets located in their residence by DCF, and Port Orange Police Department.

During the interview, Ms. Short mentioned several times to this investigator, Deputy Pare had developed a dependency problem for alcohol and prescription painkillers over the past few months. She cited the birth of their child, Deputy Pare's current dental problems, and Deputy Pare's past vehicle accident while on duty as contributing factors for his abuse of alcohol and painkillers. Ms. Short stated approx. two months ago when she gave birth to their child, she was prescribed painkillers, but Deputy Pare consumed her prescribed medication for his dental problems. Ms. Short showed this investigator Deputy Pare's current prescription bottle of Ibuprofen which was prescribed by Dr. Schlapper for his vehicle accident which resulted in his back injury. This investigator did not observe any other types of medications, nor did Mrs. Short offer any other information about Deputy Pare's prescriptions.

Ms. Short advised this investigator what occurred on April 4, 2010, was a common occurrence within their household when Deputy Pare becomes intoxicated, but this was the first time that law enforcement has been involved. Ms. Short feels Deputy Pare needs to seek counseling for substance abuse in the near future. (See tab-N for complete transcript)

On April 6, 2010, Sergeant Morgan contacted Mr. Dhand Presley (Deputy Pare's Neighbor) via telephone. Mr. Presley advised he provided approx. 4-6 Hydrocodone tablets to Deputy Pare's mother (Diana Pare) on Saturday the 3rd at approx. 2:00p.m., because she requested the tablets for Deputy Pare's sore back.

On April 6, 2010, Sheriff Ben Johnson assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Timothy Morgan.

On April 6, 2010, Lieutenant Goggin of the Internal Affairs Unit, served Deputy Brian Pare with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officers Bill of Rights. Deputy Pare was advised that he was re-assigned to administrative duties until further notice. Lieutenant Goggin's secured Deputy Pare's weapon and credentials.

On April 6, 2010, Sergeant Morgan was able to identify the pills recovered from Deputy Pare's residence by utilizing Pharmier.com. The investigation revealed that the pills recovered from the counter top with the imprint of "WATSON 385" were identified as Hydrocodone and is a prescription strength medication classified as a legend drug and listed in Schedules II of F.S. 893.03.

On April 6, 2010, Sergeant Morgan was advised by Risk Management the medical specimen received from Deputy Pare on 04/05/2010 tested negative.

On April 8, 2010, Sergeant T. Morgan conducted a recorded interview with Sergeant John Jakovenko at the Port Orange Police Department located at 4545 Clyde Morris Blvd, Port Orange, Fl.

Sergeant John Jakovenko

Sergeant Jakovenko advised on April 5, 2010, he responded to [REDACTED] at the request of Investigator Joy Anger from the Department of Children and Families (DCF). He added upon his arrival, he contacted a white male later identified as Deputy Pare standing outside of the residence, and he remained outside with Deputy Pare. Sergeant Jakovenko stated while standing outside with Deputy Pare, Investigator Anger of DCF exited Pare's residence, and requested that Pare leave the residence for the night. Sergeant Jakovenko added Pare asked Investigator Anger, "*Why are you asking me to leave?*" and Investigator Anger told Pare because of your alcohol use and the painkillers which were found inside of the residence. Sergeant Jakovenko stated Deputy Pare told Investigator Anger, "*Those aren't mine, my neighbor gave me those*" and then he (Pare) recanted an advised, "*My neighbor gave them to my mother and my mother gave them to me*".

Sergeant Jakovenko advised, he entered Pare's residence with Investigator Anger, and observed three tablets sitting loose on the kitchen counter along with various other types of over the counter medications. Sergeant Jakovenko advised the "*illegal narcotics*" were photograph, seized, and placed into evidence. Sergeant Jakovenko stated during his conversation with Deputy Pare, he (Deputy Pare) never mentioned to him that he had a current prescription for the narcotics (painkillers) recovered from his residence. However, Deputy Pare admitted that his mother obtained the painkillers from his (Deputy Pare's) next door neighbor for his injured back. Sergeant Jakovenko advised while Deputy Pare was in his presence, he did not admit to consuming any of the painkillers which were received from his neighbor. Sergeant Jakovenko advised Deputy Pare did not appear to

be under the influence of any intoxicants during their encounter, and he was permitted to leave the residence in his (Deputy Pare's) vehicle. (See tab-M for complete transcript)

On April 8, 2010, Sergeant Morgan and Lieutenant Goggin responded to Port Orange Police Department and obtained the charging affidavits completed and filed by Detective Brozio involving Deputy Pare.

According to the Charging Affidavit, Deputy Pare admitted to Detective Brozio he re-injured his back on Saturday April 3, 2010, and he did not have any of his prescribed Hydrocodone available from a previous prescription involving a past medical procedure. Deputy Pare informed Detective Brozio; his (Pare's) mother was able to obtain the painkillers from his (Pare's) next door neighbor, to aid him with his back pain. Deputy Pare also advised Detective Brozio, he (Pare) consumed one of the painkillers his mother obtained from the neighbor. (See tab-B for 707 Charging Affidavit)

On April 9, 2010, Lieutenant Goggin of the Internal Affairs Unit served Deputy Brian Pare with a amended Notice of Internal Investigation, changing his status to leave without pay until further notice.

On May 14, 2010, Sergeant Morgan contacted ASA Steve Henderson, State Attorney Office, who advised the State of Florida was filing criminal charges on Deputy Pare reference case #2010-002800, Felony Possession of Schedule II controlled substance.

On May 18, 2010, Sergeant T. Morgan and Lieutenant R. Goggin conducted a recorded interview with Deputy Brain Pare at the Sheriff's Administrative office located in Deland.

Deputy Brian Pare

During Deputy Pare's sworn statement, he advised on April 4th, 2010, while he was off duty, he was involved in a verbal altercation with his girlfriend over their child. Deputy Pare stated during their argument he attempted to leave the residence with the child, and go for a walk in the neighborhood. However, Ms. Short refused to let him walk the child by himself. Deputy Pare advised, he returned to the residence, and upon entering the home he was informed by Ms. Short he had struck their child's head with the entry door. Deputy Pare advised he was unaware that he struck the child with the door, and stated the child did not appear upset. Deputy Pare stated approx. an hour and a half after the incident occurred they transported the child to Halifax Urgent Care located in Port Orange to have the infants head checked as a precautionary measure. Deputy Pare advised upon their arrival at the hospital, he was asked by hospital personnel to remain outside of the treatment room. Deputy Pare advised the child was cleared medically, and they returned to their residence for the night. Deputy Pare stated the incident involving his child was accidental, and he did not intentionally attempt to injure their child.

Deputy Pare advised on April 5, 2010, Investigator Anger with the Department of Children's and Families (DCF) along with officers from the Port Orange Police Department arrived at his

residence. He stated Investigator Anger advised him they were investigating a complaint which involved their child, and his alleged abuse of prescription drugs. Deputy Pare stated he waited outside of his residence with a member of the Port Orange Police Department while Investigator Anger interviewed Ms. Short about the incident. Deputy Pare advised approx. 15 minutes later, Investigator Anger exited the residence and confronted him with prescription pills that were located on the kitchen counter of his residence. He added Investigator Anger questioned him about the tablets she recovered, and stated, "*These are painkillers*", and the complaint alleged against you involves your abuse of painkillers. Deputy Pare stated he advised Investigator Anger he had not consumed any of the tablets found by her on the counter top prior to the incident, but he did consume a Hydrocodone on Saturday which was prescribed to him by his physician. Deputy Pare stated Investigator Anger questioned him about how he obtained the painkillers she recovered from his residence. Deputy Pare stated he initially told her he received the painkillers from a neighbor, but then told her "*my mother got them from my neighbor and that she brought them inside.*" Deputy Pare advised he was asked to leave for the night at the request of Mrs. Anger, and to submit to a urine analyst in the morning.

During Deputy Pare's sworn statement, he stated he did not consume any of the painkillers which were brought into the residence by his mother. Deputy Pare advised he was not sure how many painkillers his mother obtained from his neighbor. Deputy Pare denied the statements contained in the charging affidavit as prepared by Port Orange Police Department, and affirmed that he was not dependent of prescription medications. (See tab-K for complete transcript)

On Thursday, May 13, 2010, Deputy Pare was contacted and made aware of the date, time, and location of his interview. However, due to a scheduling error between him and his attorney, his attorney failed to arrive for the scheduled interview. This office attempted to accommodate Deputy Pare by postponing the originally scheduled interview by approx. one and a half hours on May 18, to provide him with extra time to obtain a representative. Deputy Pare was also offered an opportunity to postpone the interview until May 19, 2010 at 0900hour. Deputy Pare elected to proceed with the interview after speaking via telephone with his attorney.

On June 1, 2010, Deputy Brian Pare provided a sworn recorded statement to Lieutenant Goggin and Sergeant Morgan at the Sheriff's Administrative Office. This interview was conducted to clarify statements obtained from Deputy B. Pare taken on May 18, 2010.

Deputy Brian Pare

During Deputy Pare's sworn interview, Deputy Pare was asked to clarify his statements he provided to Port Orange Police Department on April 5, 2010, when he admitted to consuming a painkiller obtained by his mother, and the contradicting statement he provided to the Volusia County Sheriff's Office on May 18, 2010, in which he stated that he did not consume any of the painkillers obtained by his mother. Deputy Pare advised, "*I can't explain it. I might have been confused I don't know. I can sit here and tell you I took mine in the morning and it says right there that I was on Bayer. I did not take any of the pills that were provided by my mother.*" Deputy Pare was also asked to clarify the statement he provided to Port Orange Investigators on April 5th, 2010, in reference to him not having any of his prescribed medication available when he re-injured his back on Saturday.

Deputy Pare advised, *“At the time he had asked me I didn’t have any pills left. But on that morning I had taken one of my pills because he asked me if I had any left and I said, from what I remember what I said I told him that I didn’t have any left.”* Deputy Pare was asked, *“Did you provide false information to the Port Orange Police Department or did you provide false information to the Volusia County Sheriff’s Office?”* Deputy Pare advised, *“I’m not going to sit here and tell you I provided false information that I didn’t provide, what I’m telling you is that in the morning hours of April 3rd I consumed a Hydrocodone ok. That’s, I’m not going to sit here and say I provided false information I can’t tell you that. I mean I might have been, the interview was the day after and I might have been confused I don’t know.”*

Deputy Pare maintained his version of events as told to the Volusia County Sheriff’s Office during his original statement on May 18, 2010. Deputy Pare advised he did not consume any of the painkillers obtained by his mother on April 3rd, 2010. Deputy Pare added he did not consume any painkillers that were not prescribed to him during this incident, and he was aware his mother brought the prescription painkillers into his residence for his back injury. Deputy Pare advised he made no attempt to return the painkillers obtained by his mother to his neighbor. Deputy Pare stated he feels he did not violate any of the policy violations presented to him during this Internal Investigation. (See tab-L for complete transcript)

It should be noted prior to the second interview; Deputy Pare was extremely difficult to contact. This office attempted several times to contact Deputy Pare by phone, to arrange a date and time for his second interview, however, Deputy Pare would not return phone calls. Deputy Pare was ultimately order by Chief Deputy Lee on May 27, 2010, to contact Lieutenant Goggin and to be present on June 1, 2010 for his second interview. Deputy Pare contacted Lieutenant Goggin later that same day. During their conversation Deputy Pare was adamant on conducting the second interview with his attorney present. Lieutenant Goggin attempted to explain his (Deputy Pare’s) Officer Bill of Rights as they pertained to him, but Deputy Pare was argumentive with Lieutenant Goggin. Deputy Pare’s representative Mr. Dempsey was present while Deputy Pare listen to the recorded statement obtained by Port Orange Police Department on April 5, 2010. And Deputy Pare was provided the opportunity to review the transcripts obtained by the Sheriff’s Office with Mr. Dempsey. However, he (Mr. Dempsey) was unable to be present during the actual interview of Deputy Pare due to a scheduling conflict.

Conclusion:

On May 25, 2010, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the above listed Department Standards Directives to be: **Sustained.**

EXHIBIT(S):

- A) Official Correspondence
- B) 707 Charging Affidavit Case #2010-02800 completed by Port Orange Police Department

- C) Incident Report prepared by Officer Mcilrath, Supplement reports prepared by Detective Brozio, Sergeant Jakovenko, Sergeant Myers, and Detective Coco
- D) Prescription information for D/S Pare obtained by Port Orange Police Department
- E) Evidence list completed by Port Orange Police Department
- F) Pictures obtained from D/S Pare's residence of recovered tablets with identifying page
- G) Partial transcript of recorded interview of D/S Pare, Detective Brozio, and Sergeant Meyer captured on April 5, 2010
- H) CIJS printout
- I) Injunction filed by Ms. Short against D/S Pare Case #2010-10542FMDL
- J) Transcript obtained from D/S Pare on May 18, 2010.
- K) Transcript obtained from D/S Pare on June 1, 2010.
- L) Transcript of Sergeant John Jakovenko
- M) Transcript of Melynda Short
- N) Audio Disc of interviews with Miss Short, Sergeant Jakovenko, Deputy Pare. Audio obtained by Port Orange Police Department of Miss Melynda Short, Mrs. Diane Pare, D/A Brian Pare, Mr. Donald Presley accompanied with Digital photos of evidence captured at the scene.

WITNESSES:

Sergeant John Jakovenko
Port Orange Police Department

Miss Melynda Short
3811 Calliope Cr, Port Orange Fl

Mrs. Joy Anger
Department of Children and Families

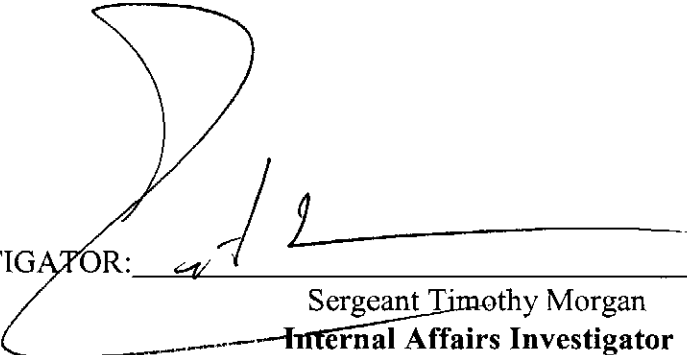
Sergeant David Meyer
Port Orange Police Department

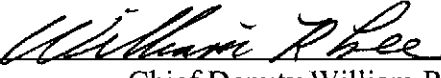
Detective Scott Brozio
Port Orange Police Department

Detective Willies Coco
Port Orange Police Department

Deputy Brian Pare
Volusia County Sheriff's Office

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: 7/3/10
Sergeant Timothy Morgan
Internal Affairs Investigator

APPROVED BY:  DATE: 7/14/10
Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA