

FOLE

Florida Department of
Law Enforcement

INTERNAL INVESTIGATION REPORT

Incorporated by Reference in Rule 11B-27.003(2)(a), F.A.C.



CJSTC
78

Please type or print in black or blue ink and use capital and small letters for names, titles, and addresses

OFFICER

- 1. Social Security Number: [REDACTED]
- 2. Officer's Name: Turney, Joel H
- 3. Officer's Last Known Address: [REDACTED]
- 4. Officer's Telephone Number: [REDACTED]

AGENCY

- 5. Agency ORI: FL0640000
- 6. Agency Name: Volusia County Sheriff's Office
- 7. Agency Contact Person: Lieutenant R. Goggin
- 8. Agency Contact Person's Telephone Number: 386-736-5961
- 9. Agency FAX Number: 386-740-5190

VIOLATION - ALLEGATION

- 10. Nature of Allegation(s): Citizen's complaint alleging excessive force during course of arrest. Allegation unfounded. Investigation did reveal below listed policy violations- 26.2.34 Failure to Follow Directive or Order; 26.2.40 Negligence, Not Endangering; 26.2.5 Neglect of duty;

- 11. Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.)
 Sustained - (Violation of Agency Policy) Not Sustained Unfounded Exonerated

- 12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 12/23/2009 Date Internal Investigation Completed: 01/19/2010

Exception to limitation period for disciplinary action: Place a check mark by the exception to limitations that apply Days Tolerated

- Written waiver of limitation by officer
- Ongoing criminal investigation or criminal prosecution
- Officer incapacitated or unavailable
- Multi-jurisdictional investigation
- Emergency or natural disaster as declared by the Governor

- 13. Criminal Charges Filed: None
- 14. Agency Disciplinary Action: Written reprimand

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

- Summary of the Facts
- Internal Investigation Report
- Name & Address of Witness
- Witness Statement/Disposition
- Certified Court Documents
- Other Supportive Information

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

William A. Lee
16. Agency administrator's signature

3/3/10
17. Date Signed

WILLIAM R. LEE CHIEF DEPUTY

18. Agency administrator's name and title

Effective 1/1/1993

Revised 11/8/2007



Florida Department of Law Enforcement

INTERNAL INVESTIGATION REPORT

Incorporated by Reference in Rule 11B-27.003(2)(a), F.A.C.



Please type or print in black or blue ink and use capital and small letters for names, titles, and addresses

OFFICER

- 1. Social Security Number: [redacted]
2. Officer's Name: Pardee, Charles Robison
3. Officer's Last Known Address: [redacted]
4. Officer's Telephone Number: [redacted]

AGENCY

- 5. Agency ORI: FL0640000
6. Agency Name: Volusia County Sheriff's Office
7. Agency Contact Person: Lieutenant R. Goggin
8. Agency Contact Person's Telephone Number: 386-736-5961
9. Agency FAX Number: 386-740-5190

VIOLATION - ALLEGATION

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Sustained - (Violation of Agency Policy) [x] Not Sustained [] Unfounded [] Exonerated []

12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 12/23/2009 Date Internal Investigation Completed: 01/19/2010
Exception to limitation period for disciplinary action: Place a check mark by the exception to limitations that apply Days Tolloed

- [] Written waiver of limitation by officer
[] Ongoing criminal investigation or criminal prosecution
[] Officer incapacitated or unavailable
[] Multi-jurisdictional investigation
[] Emergency or natural disaster as declared by the Governor

13. Criminal Charges Filed: NONE.

14. Agency Disciplinary Action: Written Reprimand.

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

- [] Summary of the Facts [] Internal Investigation Report [] Name & Address of Witness
[] Witness Statement/Disposition [] Certified Court Documents [] Other Supportive Information

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

William Pardee

3/3/10

16. Agency administrator's signature

17. Date Signed

WILLIAM R. LEE

CHIEF DEPUTY

18. Agency administrator's name and title

Effective 1/1/1993

Revised 11/8/2007

CITIZEN'S COMPLAINT FORM

IA# _____

COMPLAINANT:

Name: Allison Pease DOB: 12-16-1961 Sex: female

Res. Address: 3288 Littlefield St Deltona FL Phone: 356-383-6398

Bus. Address: _____ Phone: _____

Personnel Involved:

Name: Sgt Tourney I.D. No. _____

Name: Charles ~~Pardee~~ Pardee I.D. No. _____

Witnesses:

Name: Tony Flournoy Sr Address: 1150 North St Daytona Beach FL

Phone: 356-588-5168

Name: Tony Flournoy Jr Address: 3288 Littlefield St Deltona

Phone: 356-490-7995

Name: Joanner Pease

Additional witness information to be entered on Citizen Complaint Continuation Form.

Complaint:

Nature of Complaint: Excessive force, Police Brutality

Date/Time of Incident: Nov 19, 2009

Location: 3288 Littlefield St Deltona FL 32738

Detail by Complainant: On Nov 19, 09 around 10:15 P.m I called the police to ask them to remove Tony Flournoy from my house. I stated he didn't live there and I wanted him to go. (Officer Tourney) came in and started yelling to shut up. I explained to him on four occasions what happened and he refused to listen getting agitated and kept calling me a liar. No one hit anyone, milk was spilled as I was reaching for a cell phone on the bench. Officer Tourney insisted that I was a liar and when I said if I'm such a liar they take me to jail I wasn't lying and I was upset that he wouldn't hear me out. He then got angry and punched at me. My 13 yrs son Tony jumped in front of me. He was trying to shield me from Officer Tourney. Officer ran in the house and grabbed my left arm.

CAUTION: Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree: S.S. 837.06. Further, if the charges are found to be unfounded or are exonerated, the accused has the right to pursue civil recourse against the complainant.

Sworn to and subscribed before me this 24th day of November 2009 at 1200 Deltona Blvd, Deltona Florida.

Sgt. P. Wang #12471
NOTARY

Allison Pease
COMPLAINANT

hard copping me I was screaming to please watch out for my neck I had neck surgery and they didn't care Officer Turney slammed me to the floor officer Pardee put the other hand cuff on my right hand and kept them very tight I layed there and officer Pardee tried to push my forehead into the corner wall which made an indentation in my face and two bumps on my forehead Officer Turney and Pardee put a knee each on my back with all their weight crushing me and blocking my airway. I begged them that I couldn't breath after a couple of minutes they picked me up off the floor and my children were freaking out historically

my daughter said she hated cops and Officer Turney turned around and kicked her. Officer Turney also ~~through~~ throw my son on the couch and started to grab his tazer to taze him. I am a single mother trying to come home from work to go to bed I was eating a PB&J sandwich & milk I told Tony Sr to go sleep in his sons room and thats how the argument started I reached for the phone and the milk spilled on the bed and on his arm No one was hit

He doesn't live there and shows up sometimes because he won't change his address on his license I have to endure this harassment his sister was on her way and that's all I wanted Sgt Turney wanted more. He was over zealous and wanted to take me to jail lying on the report he never went into my bedroom there was never any milk on the floor and I had already changed shirts before they got there because I was a little wet. I am a good citizen never in trouble with the law and I didn't deserve this abuse. To cover up my abuse they inflicted Officer Turney said to Pardee Do you remember I tried to hit him in the face He was lying I never fought back all I did was try to protect myself from being slammed on the floor. When handcuffed Officer Pardee allowed my children to hug me and then we walked out the front door while my hands were handcuffed behind my back Pardee took my face and violently pushed it to the side of the house scraping my left side into the stucko surface causing severe bleeding and gashes into my

Alana

face intentionally ¹⁹³ knew what he was doing because ~~my~~
left side couldn't have come into contact with the wall outside from
that angle since there is only a wall on the right hand side. The left side
is an open area. This was pure malice on his part. There was
never a struggle inside or outside. The officers both used excessive
force intentionally. All they had to do is ask the neighbors, check
the lease call landlord, Tony didn't belong there and he could
have just left but they insisted that I threw milk and I
never did. After Pardee put me in the car he took me to Publix
where I was searched by a lady cop. I was made to sit there for several
hours while they collaborated their stories ~~after~~ that Pardee exceeded his
first report and started over to be more consistent with Journey. It
was around 10:15 P.M. when I called 911 and I didn't get to the
jail till 4:00 A.M. I was forced to sit in Pardee's car for 4 hrs
with my arms handcuffed tightly behind my back my wrists are all cut
up I have bruises under my arms where they grabbed me from
behind my arms are messed up in my elbows now from being in that
position my doctor says it may take several weeks to heal. They caused
swelling bruises, cuts on my arms, wrists, face, knee. This sadistic
behavior was unprofessional and inappropriate and is considered to
be excessive force and police brutality. I feel they did this to inflict
pain to reach a personal address in high. My children were traumatized
through all over this and 3 are ADHA and 1 is autistic. They still
are having a hard time with this. They do not trust police anymore
and they watch their mother be victimized by them, I'm sure the officers
were not trained to behave like they did and our tax dollars should not
be paying to keep officers like these on the force. They give good police
officers a bad reputation and allow the public to mistrust police. This is not
right because they hold such a high authority position that they can alter
the truth in a police report and distort the facts to their benefit and the
courts take their word as truth when in fact because I am just a
citizen I am not given the same respect and beliefs. This is unfair
and an injustice for all I was never told I was being arrested I was
thrown on to the floor and then escorted to the car I was never
marginalized my rights I was claustrophobic in the car and endured
physical and emotional torment by these officers. I want these
officers reprimanded and an internal investigation done.
How many others have been violated by these men you call officers
of the law. This behavior is criminal and I will seek an attorney
if necessary. I also have pictures to prove this abuse.

A Person

VOLUSIA COUNTY SHERIFF'S OFFICE CITIZEN'S COMPLAINT FORM

Case # _____

COMPLAINANT:

Name: Tony Flournoy SR DOB 5-7-63 Sex MALE
Res. Address 1150 NORTH ST DAYTONA BCH FLA Phone 386-898-5168
Bus. Address _____ Phone _____

Personnel Involved:

Name: PARDEE CHARLES R I.D. No. 7081
Name: Sgt TURNER I.D. No. _____

Witnesses:

Name: Tony Flournoy Address: 1150 NORTH ST DAYTONA
Phone: _____
Name: _____ Address: _____
Phone: _____

Additional witness information to be entered on Citizen's Complaint Continuation Form.

Complaint:

Nature of Complaint: _____
Date/Time of Incident: _____
Location: _____

Detail by Complainant:

The two officers was call to 3288 Littlefield St (Daytona) when they got there they are the one that made the situation worse, yes there was yelling & screaming going on she was yelling to leave her house, I explain to officer PARDEE that everything was OK, it was over spill milk and I did not want her to go to jail that I was leaving it was only milk (officer PARDEE) and myself was standing outside when we heard yelling between Allison and Sgt Turner, he was yelling were a last you a last

CAUTION: Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree: pursuant to Florida State Statute S.S. 837.06. Further, if the person filing a complaint against a deputy knew the charges to be false at the time of filing the complaint, the accused has the right to pursue civil damages against the complainant: pursuant to Florida State Statute 112.532(3).

Sworn to and subscribed before me this 24th day of November 2009
at 1200 DELONNA BLVD. DELONNA, Florida.

Sgt. P. Leahy # 2491
NOTARY

Tony Flournoy
COMPLAINANT

Supervisor: _____ Date/Time _____

CITIZEN'S COMPLAINT CONTINUATION FORM

PAGE ____ OF ____ PAGES

And she was yelling it i'm such a liar then take me to jail, I guess that made him mad he went toward her in a very aggressive manner and slam her to the ground that's when my kids started yelling and screaming you're hurting her you're hurting her officer pardon then assist him he jump on her back with his knee pushing her head into the corner of the ~~room~~ wall intentionally trying to hurt her that's when my kids freaky out seeing them do this I had to hold them back because they wanted to help her because it was excessive force and not call for Joana who is only 11 years old was screaming I hate police, because she was crying and upset because they was hurting her, so turney then ~~kick~~ kick her in her thigh, he then reach for what I think was a tazer to taze my 14 year old son until I yell I got them I told them all to stay back I just wanted them to do what to get over with because they was really hurting her once they got the hand cuffs on her they walk her outside thinking it was over with me and my kids witness officer pardon take the palm of his hand and push her face into the wall they turn around when they hear me yell what the fuck is you doing and get back in the house I got the kids close the door I did not want them to see anymore this was a matter that could have been avoided it was only milk and they turn it to police brutality, once they got her to the car I ask if I could see her me and my kids just to assure my kids that it was over when I approach the car her face was cuts bruise and blood we have a ~~tile~~ tile floor you don't get cuts and bruise from a tile floor but you can from a plaster wall.

Sworn to and subscribed before me this 24th day of November 2009

at 1200 Deltona Blvd, Deltona, Florida.

St. P. Luby #2471
NOTARY

Tony Flaming
COMPLAINANT

CITIZEN'S COMPLAINT FORM

IA# _____

COMPLAINANT:

Name: Joanna Pearce DOB: _____ Sex: Female
Res. Address: 3288 Littlefield St Phone: 386 3856308
Bus. Address: _____ Phone: _____

Personnel Involved:

Name: _____ I.D. No. _____
Name: _____ I.D. No. _____

Witnesses:

Name: Joanna Pearce Address: _____
Phone: _____
Name: _____ Address: _____
Phone: _____

Additional witness information to be entered on Citizen Complaint Continuation Form.

Complaint:

Nature of Complaint: _____
Date/Time of Incident: _____
Location: _____

Detail by Complainant:

I was standing up and walking
The cops take my mommy to jail and then
I said I hate the police I hate them and so
I was right behind them and the police
kicked me really hard and then I was crying
really bad because they slammed her back
edge against the edge of the wall while
she got slammed to the floor and then
they took her legs and hauled them
into her back and when they did that
she was telling them that she had neck
surgery not to long ago and then they
took her face outside and slide it across
the bumpy way outside.

CAUTION: Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree: S.S. 837.06. Further, if the charges are found to be unfounded or are exonerated, the accused has the right to pursue civil recourse against the complainant.

Sworn to and subscribed before me this 24th day of November
~~2009~~ 2009 at 1200 PALM BLVD, Florida.

Sgt. P. L. H. #2471
NOTARY

Joanna Pearce
COMPLAINANT

CITIZEN'S COMPLAINT FORM

IA# _____

COMPLAINANT:

Name: Tony Fournoy Jr DOB: 11-21-95 Sex: male
Res. Address: 3088 Littlefield St Phone: 305-383-6748
Bus. Address: _____ Phone: _____

Personnel Involved:

Name: _____ I.D. No. _____
Name: _____ I.D. No. _____

Witnesses:

Name: Tony Fournoy Jr Address: 3088 Littlefield St
Phone: _____
Name: _____ Address: _____
Phone: _____

Additional witness information to be entered on Citizen Complaint Continuation Form.

Complaint:

Nature of Complaint: Police brutality, excessive force
Date/Time of Incident: 11/19/09
Location: Delton, FL 3088 Littlefield St

Detail by Complainant:

What happened was that my mom (Arlene Rose) called 9-1-1 and two mean police officers showed up and I went outside with my father the other one stayed in with my brother Isaac, Isiah, Mc, Joanna, My mom he started say to me the story so then she told him and he said your a liar shut up then she tripped on multiple occasions to @s1g.in he said shut up the I said mom shut up before he takes you the jail and she said for what who cares and I was having oh to her then he jumped and pushed me on the floor landed on my mom she was yelling wait for head neck surgery he pushed her to the ground the other police ran in hit my mom put all his weight (over) and tried pushing her face into the wall then my little sister started jumping up and down and she said I hate cops the fat cop turned around and kicked her really hard.

CAUTION: Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree: S.S. 837.06. Further, if the charges are found to be unfounded or are exonerated the accused has the right to pursue civil recourse against the complainant.

Sworn to and subscribed before me this 24th day of November 2009 at 1209 Ocean Blvd, Delton, Florida.

Sgt. P. Lay # 2471
NOTARY

Tony Fournoy Jr
COMPLAINANT

and tried pushing her face into the wall then my little sister started jumping up and down and she said I hate cops the fat cop turned around and kicked her really hard.



Sheriff's Office

Volusia County

Ben F. Johnson, Sheriff

To: Major T. Sanders
L.E.S. Commander

Date: December 3, 2009

From: Lieutenant M. Chilcot *MC*
Assistant Commander, District IV

File: 054M171 .09

Subject: Citizen's Complaint 09-044

On November 11, 2009 I was assigned this complaint to investigate. I contacted Allyson Pease (the Complainant) and made an appointment to interview her and her children (witnesses to the alleged complaint). On Wednesday December 2, 2009, at 1600 hours, I met the Complainant at her home. After speaking to the Complainant and her kids, it is my belief the allegations of this complaint (Police Brutality/Excessive Force, child abuse and Falsifying a Report to cover up the excessive force/brutality) are of such a serious nature they rise to the level Internal Affairs should investigate.

MC 120209
01/04/09

Sheriff's Office



William R. Lee

Chief Deputy

123 W. Indiana Avenue
P.O. Box 569
DeLand, FL 32721-0569

TO: Deputy Charles Pardee ID #7081
LES/District IV

DATE: December, 23, 2009

FROM: William R. Lee *WAR*
Chief Deputy

FILE: 041M00122.09

SUBJECT: Notification of Internal Investigation **REFERENCE:** IA # 09-022

Pursuant to **STANDARD 52.1.58** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Chief Deputy William R. Lee.

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

26.2.102 Excessive Force Resulting in Injury - Deputies shall not use excessive force resulting in injury to another. *(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.*

The alleged violation is reported to have occurred on **November 19, 2009**

Enclosed please find a copy of the Law Enforcement Officer's Rights which includes your rights and responsibilities relevant to this investigation.

Be advised that you are prohibited from contacting the complainant and/or witnesses relative to this investigation.

An appointment will be made with you at a later date for the purpose of taking your statement.

This memo read and received by:
Deputy Charles Pardee ID#7081

Date: 12/23/09 Time: 1350

Sheriff's Office



William R. Lee

Chief Deputy

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

TO: Sergeant Joel Turney ID #2509
LES/District IV

DATE: December, 23, 2009

FROM: William R. Lee *WAR*
Chief Deputy

FILE: 041M00121.09

SUBJECT: Notification of Internal Investigation **REFERENCE:** IA # 09-022

Pursuant to **STANDARD 52.1.58** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Chief Deputy William R. Lee.

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

26.2.102 Excessive Force Resulting in Injury - Deputies shall not use excessive force resulting in injury to another. (*Violation subject up to dismissal*)

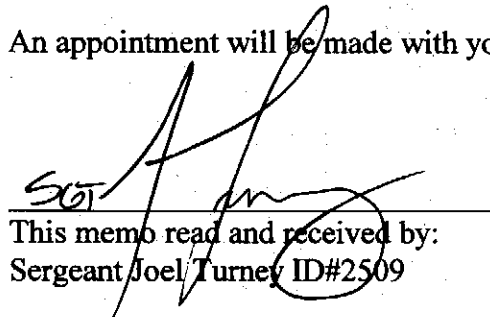
And, **Volusia County Merit System Rules and Regulations 86-453 (13)** Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

The alleged violation is reported to have occurred on **November 19, 2009**

Enclosed please find a copy of the Law Enforcement Officer's Rights which includes your rights and responsibilities relevant to this investigation.

Be advised that you are prohibited from contacting the complainant and/or witnesses relative to this investigation.

An appointment will be made with you at a later date for the purpose of taking your statement.

501

This memo read and received by:
Sergeant Joel Turney ID#2509

Date: 12/23/09 Time: 1516 HRS

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA #09-022

PERIOD COVERED: November 19, 2009

DATE REPORTED: November 23, 2009

SUBJECT(S) NAME: Sergeant Joel Turney ID #2509
Deputy Charles Pardee ID #7081

INVESTIGATING OFFICER: Sergeant Timothy Morgan

BASIS FOR INVESTIGATION:

On December 2, 2009, Lieutenant Chilcot, District IV Assistant Commander, completed a Supervisor's Inquiry involving Sergeant Joel Turney and Deputy Charles Pardee. The inquiry was in reference to Citizen Complaints (CC-09-044) alleging Excessive Force during an arrest resulting in injury. The written Citizen Complaints were completed by Mrs. Allyson Pease, Mr. Tony Flounnoy, Tony Flounnoy Jr, and Joanna Pease.

OFFENSE (S):

26.2.102 Excessive Force Resulting in Injury - Deputies shall not use excessive force resulting in injury to another. *(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 December 23, 2009, Chief William R. Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Morgan and Lieutenant Robert Goggin of the Internal Affairs Unit.

On December 23, 2009, Investigator Gabriel of the Internal Affairs Unit contacted both Sergeant Joel Turney and Deputy Charles Pardee and served both Deputies with a Notice of Internal Investigation.

On December 23, 2009, Sergeant Morgan reviewed the Citizen Complaints noting that Mrs. Pease lists her address to be 3288 Littlefield St., Deltona and Mr. Flounnoy lists his residence to be 1150 North St., Daytona Beach, Florida.

On December 23, 2009, Lieutenant R. Goggin obtained a copy of Volusia County Sheriff's Office reports and Arrest Affidavits (09-36550) completed by both Sergeant J. Turney and Deputy C. Pardee on November 19, 2009, charging Mrs. Allyson Pease with Simple Battery(DV) and Resisting a Law Enforcement Officer with violence. The Charging Affidavit reads:

On November 19, 2009, Sergeant Turney and Deputy Pardee were dispatched to 3288 Little Field St., Deltona, in reference to a domestic disturbance. Upon arrival the deputies heard a loud verbal argument inside the residence; they knocked, and entered the home. Upon entering the residence deputies made contact with Mr. Tony Flounnoy and Mrs. Allyson Pease. Deputy Pardee had Mr. Flounnoy step outside of the residence while Sergeant Turney remained inside the residence with Mrs. Pease. Mr. Flounnoy advised both deputies that Mrs. Pease threw a cup of milk at him striking him on his forehead during the initial argument. Sergeant Turney determined Mrs. Pease was the primary aggressor during the altercation and requested Mrs. Pease to walk outside to affect an arrest due to Mrs. Pease's children being present. Mrs. Pease refused and began to scream at Sergeant Turney, at which time Deputy Pardee entered the residence. Sergeant Turney grabbed Mrs. Pease's arm and advised her she was under arrest at which time Mrs. Pease pulled away from Sergeant Turney. The reports advise Mrs. Pease then attempted to strike Deputy Pardee at which time Mrs. Pease was escorted to the floor by the deputies. While Mrs. Pease was resisting the deputies, her children attempted to get involved in the arrest. According to the reports, the children had to be restrained or removed from the deputies on several different occasions by Mr. Flounnoy during the apprehension of Mrs. Pease. While escorting Mrs. Pease from the residence, she continued to actively resist by pulling away and attempting to return to the residence, at which time Deputy Pardee and Mrs. Pease began to fall down onto the concrete walkway just outside of the front door of the residence. Subsequently an injury was later observed on Mrs. Pease's face while at the patrol vehicle, to which she refused medical attention. *(SEE COMPLETE AFFIDAVIT TAB - C)*

On December 23, 2009, Sergeant Morgan obtained Mrs. Pease's Volusia County Branch Jail booking photo and observed what appeared to be two separate abrasions on the left side of Mrs. Pease's face.

On January 4, 2010, Sergeant Morgan conducted a recorded interview with Mrs. Allyson Pease at 3288 Little Field St., Deltona. Also present was Investigator James Gabriel with the Internal Affairs Division.

Mrs. Allyson Pease

Mrs. Pease's statement was consistent with her written statement. Mrs. Pease stated on

November 19, 2009, she called the Sheriff's Office 911 line to have Mr. Flounnoy removed from her residence because she was involved in a verbal confrontation with Mr. Flounnoy. She added when the deputies arrived, they walked into her residence and immediately started yelling for everyone within the residents to "*shut up.*" Mrs. Pease advised Sergeant Turney and Deputy Pardee separated them (Mrs. Pease and Mr. Flounnoy) and Sergeant Turney remained inside of the residence with her, while Deputy Pardee stepped outside with Mr. Flounnoy. Mrs. Pease stated she attempted to explain to Sergeant Turney her situation involving Mr. Flounnoy, the fact that he (Mr. Flounnoy) doesn't reside with her, and they only have children together. Mrs. Pease added she told Sergeant Turney Mr. Flounnoy's address which is listed on his (Mr. Flounnoy's) Florida Identification card reflects her current address, and she has in the past made several attempts to have the address changed. However, DMHSV will not allow her to change the address that Mr. Flounnoy provided to them. Mrs. Pease advised she attempted to explain to Sergeant Turney how the milk was spilled and was not thrown during the verbal altercation with Mr. Flounnoy. Mrs. Pease advised Sergeant Turney after listening to her version of the incident exited the residence and briefly spoke to her son Tony Flounnoy Jr. Mrs. Pease advised Sergeant Turney returned, and immediately told her that she was a "*Liar.*" Mrs. Pease stated she told Sergeant Turney, "*If I'm such a liar, then take me to jail,*" and Sergeant Turney then started to walk towards her, but failed to tell her that she was under arrest. Mrs. Pease said her son attempted to intervene by stepping between them, and placing his arms around her waist, at which time Deputy Pardee entered the room from outside. Mrs. Pease stated he (Deputy Pardee) grabbed her arm to place her in handcuffs, and while they attempted to arrest her, she was attempting to push her child away from them. She added she attempted to tell the deputies she just recently had neck surgery, but Sergeant Turney threw her to the ground during the arrest. Mrs. Pease stated while on the ground, she was laying on the floor face down, and Deputy Pardee attempted to push her head into the edge of the a wall. Mrs. Pease added while on the floor, both deputies were kneeling on the small of her back restricting her airways.

Mrs. Pease stated during the arrest, she was aware her children were very upset and were attempting to aid her. She advised Mr. Flounnoy attempted to control the children during her confrontation with the deputies, but prior to gaining control of the children, she believes Sergeant Turney kicked her eleven year old daughter on the thigh. She added she did not actually witness the alleged kick, however, she observed a bruise on her daughter's thigh, and her daughter told her she was kicked by the deputy the next day.

Mrs. Pease advised after she was handcuffed and while Deputy Pardee was escorting her from the residence, Deputy Pardee grabbed her head and pushed her face into the stucco wall located outside the front door of her residence. She stated that action by the deputy caused an injury to her face, but she did not advise the deputy of the injury when it occurred. Mrs. Pease advised upon entering the patrol vehicle Sergeant Turney noticed the injuries, and said "*I guess we will have to clean her up before we go to jail.*" Mrs. Pease advised she refused to let him touch her while at the scene, and they never offered her an ambulance. It should be noted that Sergeant Morgan observed no signs of visible injuries to Mrs. Pease's face. (SEE COMPLETE TRANSCRIPT TAB - E)

On January 5, 2009, Sergeant T. Morgan conducted a recorded interview with Mr. Tony Flounnoy at 1150 North St., Daytona Beach. Also present was Investigator Gabriel with the Internal Affairs Division.

Mr. Tony Flounnoy

Mr. Flounnoy's recorded interview was consistent with his written statement. Mr. Flounnoy stated on November 19, 2009, he was involved in a verbal argument with Mrs. Pease, and she called the Volusia County Sheriff's Office. Mr. Flounnoy said when the sheriffs' deputies arrived, they immediately separated them; he added he was outside with Deputy Pardee and Sergeant Turney was inside with Mrs. Pease and the four children. Mr. Flounnoy advised he told Deputy Pardee they (Mr. Flounnoy and Mrs. Pease) have two children together, and she was upset at him because he did not fold the laundry prior to her returning home from work. Mr. Flounnoy stated he also told Deputy Pardee Mrs. Pease threw a cup of milk at him, but he was leaving and did not want to press charges against Mrs. Pease. Mr. Flounnoy stated while outside speaking to Deputy Pardee, he heard Sergeant Turney yell, "You're a liar," and then he heard Mrs. Pease yell, "If I'm a liar, then take me to jail." Mr. Flounnoy advised Deputy Pardee then left him and entered the residence due to the commotion; Mr. Flounnoy advised he followed Deputy Pardee into the residence and watched as both deputies began to struggle with Mrs. Pease. Mr. Flounnoy said Sergeant Turney then attempted to throw Mrs. Pease to the floor, at which time Mrs. Pease tried to break her fall by pulling away from the deputies. Mr. Flounnoy advised when the deputies had Mrs. Pease on the floor, they were pushing her head into the wall, and the kids were yelling and attempting to help their mother. He added he attempted to hold the children back from the incident involving the deputies, but they kept approaching the deputies as they were attempting to arrest Mrs. Pease. Mr. Flounnoy advised while the deputies were on the ground and attempting to secure Mrs. Pease, Mrs. Pease's juvenile daughter was kicked by Sergeant Turney. He described the kick as a back kick, but he believed the kick was a reaction to the daughter being too close to the deputies during the arrest.

Mr. Flounnoy advised after the deputies handcuffed Mrs. Pease, they escorted her from the residence. While he was watching from a window inside of the residence, he observed the deputies shove Mrs. Pease into the wall just outside of the front door. Mr. Flounnoy advised he quickly went to the door to ask the deputies what are they doing and they told him to return to the residence. Mr. Flounnoy stated after the incident Sergeant Turney attempted to return to the residence and asked him if he observed what occurred. Mr. Flounnoy advised he believed Sergeant Turney was expecting him to say "yeah yeah", because he was the victim of the Domestic Violence. *(SEE COMPLETE TRANSCRIPT TAB - F)*

On January 6, 2009, Sergeant Morgan contacted the Volusia County Branch Jail by phone and spoke with Captain William McClelland. Capt. McClelland advised they have no record of a complaint of injury filed by Ms. Pease; however, she did have abrasions on her face. Captain McClelland advised according to the booking docket, she refused to be treated for her injuries.

On January 13, 2010, Sergeant T. Morgan along with Lieutenant R. Goggin conducted a recorded interview with Sergeant J. Turney at the Sheriff's Administrative Office in Deland. Also present was Teamster representative Jeff Candage.

Sergeant Joel Turney

During Sergeant Turney's sworn statement, he advised that he was dispatched to 3288 Littlefield St. in reference to a disturbance involving a 911 call with a female requesting that a male be removed from her residence. Upon arrival, he requested the channel due to the very loud disturbance within the residence. Sergeant Turney stated the front door was slightly ajar, and he entered the residence with Deputy Pardee after the residents failed to hear them knocking. Upon entering the residence, Sergeant Turney said Mrs. Pease and Mr. Flounnoy were involved in a verbal altercation, and he separated them. Sergeant Turney advised he had Mr. Flounnoy step outside with Deputy Pardee while he remained inside of the residence with Mrs. Pease to deescalate the situation. Sergeant Turney advised he obtained her (Mrs. Pease's) version of the disturbance, which was when she returned home from work, she made a sandwich and a glass of milk. Upon entering her bedroom and taking a drink, somehow the milk ended up all over the bedroom. Sergeant Turney added she also told him Mr. Flounnoy did not reside at the residence with her. Sergeant Turney stated he then obtained Mr. Flounnoy's and Tony Flounnoy Jr.'s versions of the altercation outside of the residence after they were all separated. Sergeant Turney advised they both provided different accounts of the incident. Although Tony Flounnoy Jr.'s account of the incident was closer to his mothers, Tony Flounnoy Jr. advised his mother slammed the cup of milk on the nightstand, and this was the reason the milk was all over the room. Sergeant Turney advised Tony Flounnoy told him Mrs. Pease threw the cup of milk at him, and the cup struck him on his forehead. Sergeant Turney stated that he did not document how he determined Mr. Flounnoy's residency in his supplement, and he made no further attempts to verify Mr. Flounnoy's residency, and why he was present in the home, except by questioning Mr. Flounnoy and Tony Flounnoy, Jr. Sergeant Turney said he recontacted Mrs. Pease to obtain additional information in reference to the inconsistencies with her verbal statement. Sergeant Turney stated the inconsistent verbal statement as provided by Mrs. Pease coupled with the physical evidence discovered within the bedroom; he was able to determine Mrs. Pease was the primary aggressor. Sergeant Turney advised he made the decision to arrest her for simple battery (DV) based on his investigation.

Sergeant Turney advised after determining Mrs. Pease was the primary aggressor, he asked her (Mrs. Pease) to step outside to avoid arresting her in front of her four children. However, she refused, started to yell at him, and took an aggressive posture at which time Deputy Pardee entered the residence. Sergeant Turney stated he told Mrs. Pease she was under arrest, at which time Mrs. Pease resisted by pulling her arms close to her body and backing away from him. Sergeant Turney advised he attempted to gain control of her by grabbing her arm, and a physical struggle ensued. Sergeant Turney advised he recalls Mrs. Pease's 13 year old male child attempted to interfere with the arrest by stepping between them during the arrest. Sergeant Turney advised during the physical confrontation with Mrs. Pease the scene was chaotic, her children were present, and he called for additional units. Sergeant Turney stated while he was attempting to gain control of Mrs. Pease, she attempted to strike Deputy Pardee with a closed fist. Sergeant Turney stated he utilized an "arm bar" to take Mrs. Pease to the floor in an attempt to gain control of her and the scene. Sergeant

Turney advised Mrs. Pease continued to actively resist arrest while on the ground, however, he did not kneel on the small of her back, nor did he push her head into the wall to gain compliance as alleged in the complaint. Sergeant Turney added he was not made aware of, and had no prior knowledge of any injury to a child until this interview. Sergeant Turney advised his right forearm was scratched by Mrs. Pease during the arrest. However, he failed to obtain photographs of the injury for notice of injury documentation and evidentiary purposes.

Sergeant Turney stated after handcuffing Mrs. Pease, they (Deputy Pardee and Sergeant Turney) escorted Mrs. Pease from the residence. Sergeant Turney advised while escorting Mrs. Pease from the residence, she continued to fight and struggle in an attempt to return to the residence. Sergeant Turney stated while just outside of the threshold of the front door of the residence, they (Mrs. Pease and Deputy Pardee) stumbled; however, Sergeant Turney advised he was not sure if they (Deputy Pardee and Mrs. Pease) fell all the way to the ground. Sergeant Turney said after regaining their footing, Mrs. Pease continued struggling as they (Deputy Pardee, Sergeant Turney, and Mrs. Pease) walked towards the patrol vehicle. Sergeant Turney stated when they arrived at the vehicle; he noticed an injury on the left side of her face. Sergeant Turney said he offered to have Deltona Fire and Rescue respond, but Mrs. Pease refused to be treated.

Sergeant Turney stated he contacted Lieutenant Bosco, Watch Commander, by phone and notified him that Mrs. Pease was injured during the arrest. Sergeant Turney stated they (Lieutenant Bosco and Sergeant Turney) decided the amount of force utilized was considered restraining force. Sergeant Turney advised due to a use of force report not being generated coupled with Mrs. Pease's injury not being significant, and the fact he could not determine when Mrs. Pease was actually injured. He made the decision not obtain photographs of Mrs. Pease's injury or document the injury in his supplement report. Sergeant Turney advised he did not utilize excessive force nor did he witness Deputy Pardee utilize excessive force during this incident. (*COMPLETE TRANSCRIPT TAB - D*)

On January 14, 2010, Sergeant Morgan was able to observe a digital picture of Mrs. Pease's daughter's leg. The digital picture revealed what appeared to be a one inch mark approximately 2 inches above her left knee. Mrs. Pease advised she obtained the picture a few days after the incident.

On January 14, 2010, Lieutenant R. Goggin along with Sergeant T. Morgan conducted a recorded interview with Deputy C. Pardee at the Sheriff's Administration office in Deland. Also present was Teamster representative Jeff Candage.

Deputy Charles Pardee

Deputy Pardee advised on November 19, 2009, he was dispatched to 3288 Littlefield St. for a disturbance call involving a female wanting a male removed from her residence. Upon arrival, the occupants of the home were involved in a heated verbal altercation. Deputy Pardee added they (Deputy Pardee and Sergeant Turney) knocked on the door, and the occupants did not answer. Deputy Pardee advised the door was ajar, and they entered the residence during the verbal altercation. Deputy Pardee said they separated Mrs. Pease and Mr. Flounnoy; he stepped outside with Mr. Flounnoy while Sergeant Turney remained inside of the residence with Mrs. Pease. Deputy Pardee stated while outside, Mr. Flounnoy advised him Mrs. Pease threw and struck him with a cup

of milk during their verbal argument while he (Mr. Flounnoy) laid in bed. Deputy Pardee advised he observed a dried white substance on Mr. Flounnoy's person which would be consistent with milk; however, he did not obtain a picture of the dried substance. Deputy Pardee added he conducted a warrant check of Mr. Flounnoy, and discovered Mr. Flounnoy's address listed on his Florida Identification was 3288 Littlefield St., and he (Mr. Flounnoy) was also a career criminal. Deputy Pardee said Sergeant Turney obtained Mr. Flounnoy's version of the incident and briefly interviewed Tony Flounnoy, Jr. in reference to the incident while they were outside. Deputy Pardee advised when Sergeant Turney re-entered the residence to speak to Mrs. Pease, he heard Mrs. Pease yell "*Then just take me to jail.*" Deputy Pardee stated he entered the residence and noticed Mrs. Pease backing away from Sergeant Turney. Deputy Pardee advised they walked towards Mrs. Pease to handcuff her, but she began pulling her hands into her body and backing away from them. He added Sergeant Turney attempted to secure Mrs. Pease's arm while he (Deputy Pardee) attempted to secure Mrs. Pease's wrist to handcuff her, but her 13 year old male child stepped between them in an attempt to interfere with the arrest. Deputy Pardee advised he had to disengage from Mrs. Pease and push the child back to affect the arrest. Deputy Pardee stated he then was able to secure one handcuff on Mrs. Pease, but she continued to resist their efforts to arrest her. Deputy Pardee advised he was not aware Mrs. Pease attempted to strike him during the arrest, however, for a brief moment during the struggle he was distracted by her son. Deputy Pardee stated Sergeant Turney escorted Mrs. Pease to the floor while he maintained control over the handcuff which was secured to her left wrist. Deputy Pardee stated when Mrs. Pease was escorted to the floor, she continued to resist by not presenting her right arm to be secured. Deputy Pardee advised during the arrest, they were close to the wall, but denied pushing Mrs. Pease's head into the wall as alleged in the complaint. Deputy Pardee advised he did not kick nor did he witness Sergeant Turney kick any juveniles during the arrest, and he was not aware the female was injured until this interview.

Deputy Pardee advised after handcuffing Mrs. Pease, they (Deputy Pardee and Sergeant Turney) removed her from the floor. He added while exiting the residence, Sergeant Turney stayed behind them so the children did not continue to get involved. Deputy Pardee advised when they were exiting the residence; Mrs. Pease turned around and began yelling to the children to call somebody. Deputy Pardee stated her actions caused him to stumble, and they both began to fall. Deputy Pardee stated he had to brace himself so he did not fall completely to the ground, and he was not sure if Mrs. Pease struck her face on the wall just outside of the front door during their stumble. Deputy Pardee stated Mrs. Pease continued to struggle with him until she was placed in his patrol vehicle. Upon placing Mrs. Pease into the patrol vehicle, he noticed her face was injured. Deputy Pardee said he immediately advised Sergeant Turney of her injury, and Mrs. Pease refused medical attention while on scene. Deputy Pardee advised he could not determine if Mrs. Pease was injured inside of the residence during the arrest, or during their stumble just outside of the front door while being escorted to the patrol vehicle. Deputy Pardee admitted he failed to document the fall in his incident report, and he failed to collect evidence that would have supported his charges of Domestic Battery and Resisting Arrest with Violence. Deputy Pardee stated he did not utilize excessive force during or after the arrest nor did he witness Sergeant Turney utilize excessive force against Mrs. Pease. **(SEE COMPLETE TRANSCRIPT TAB-G)**

Conclusion: On January 19, 2010, this Internal Investigation was presented to the Sheriff and his staff. After review, the Sheriff determined the allegation of **Excessive Force** to be: **Unfounded**, **However, during this investigation additional policy violation were revealed.**

26.2.34 Failure to Follow Directive or Order - Sustained

26.2.40 Negligence, Not Endangering - Sustained

26.2.5 Neglect of duty - Sustained

- EXHIBIT(S):**
- A) Official correspondence
 - B) Supervisor Inquiry composed by Lieutenant Chilcot, Citizen
Complainant forms composed by Miss A. Pease, Miss J. Pease, Mr. T. Flounnoy, and Mr. T. Flounnoy Jr.
 - C) Incident report, Arrest Affidavit composed by D/S Pardee, and
Supplement composed by Sergeant Turney
 - D) Transcript of Sergeant Joel Turney
 - E) Transcript of Mrs. Allyson Pease
 - F) Transcript of Mr. Tony Flounnoy
 - G) Transcript of Deputy Charles Pardee
 - H) CAD history call #P093232154
 - I) Photo's obtained of Mrs. Pease's injuries provided by her
 - J) Entry Made by Sergeant Turney on duty log, and four DCF abuse
hotline forms
 - K) Audio CD's of Interviews / 911 Audio Tapes

WITNESSES:

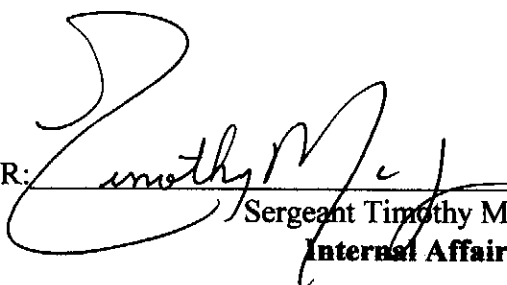
Mrs. Allyson Pease
3288 Little Field, Deltona

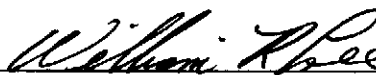
Mr. Tony Flounnoy
1150 North Street, Daytona Beach

Sergeant Joel Turney
Volusia County Sheriff's Office/District IV

Deputy Charles Pardee
Volusia County Sheriff's Office/District IV

I, the undersigned, do hereby swear, under 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: 2/10/10
Sergeant Timothy Morgan
Internal Affairs

APPROVED BY:  DATE: 3/3/10
Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA

WITNESS STATEMENT

TM - Sgt. Tim Morgan

JG – Inv. Jim Gabriel

AP – Allyson Pease

TM Ok the recorder is on; this will be a taped interview reference to IA case number 09-022. Today's date is 1/4/10 and the time is 1400 hours. The location of this interview is 3288 Littlefield in Deltona Florida. Presently being interviewed is Ms Allyson Pease. Also present is investigator Gabriel with the Volusia County Sheriff's Office Internal Affairs unit. I'm Sgt. Morgan with the Volusia County Sheriff's Office Internal Affairs unit. Ms. Pease are you aware that this interview is being recorded?

AP Yes.

TM As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn please. Do you swear that the statement you are about to give is the truth, and nothing but the truth so help you God?

AP Yes I do.

TM Ms. Pease can you spell your first and last name for the record please?

AP A-L-L-Y-S-O-N P-E-A-S-E.

TM Ok. And can you briefly describe the events as they occurred November 19th involving or surrounding your arrest and I believe it's for domestic violence is that the case?

AP Um, simple battery and resisting arrest with violence.

TM Ok can you describe what happened?

AP I worked until 9:30 that night.

TM Uh huh.

AP I got home about quarter to ten, um I was on the phone with my boyfriend who lives in Pennsylvania and my kids were trying to call me but I couldn't get, I didn't flip over the phone and, to tell me that my ex was here and when I came in I went into the kitchen, made a peanut butter and jelly sandwich, got some milk, went into my bedroom, had my purse still on my arm was walking in my bedroom. When I got in the bedroom he's laying in my bed and I asked him what he was doing here and he told me his girlfriend kicked him out and I told him that he could not stay here and to get out of my bed. He told me he wasn't going any

F'in where and I said "oh yes you are get out of my bed" I was tired I wanted to come home and go to work, I mean go to bed. So we got in an argument and I said you just can't come in here whenever you want and I don't have a problem with him visiting as long as I know ahead of time but I do have a problem with him intruding when he's not welcome.

TM Ok.

AP So I had my purse on my arm, the sandwich in one hand the milk in another hand, my phone was like on top of my purse and I have the type of purse that, I can show you my purse but it fell out and it hit the bed so I went to grab my phone, at the same time I went to grab my phone the milk spilled. It went all over me, all over him, all over my bed so he got up he started yelling "ah that's it you're going to jail you're going to jail you threw milk on me I'm gonna tell them you hit me in the head with a cup" and all that and I said "well that's a lie" so I called the police, it was my phone call to the police that said that I wanted him out of my house, he didn't live there whatever. Ok so I went, I changed shirts I went to leave and as I was leaving, because I was just trying to stop the fight you know and as I was going out the door the cops were coming in the door they didn't knock or anything they just came in but the door wasn't closed all the way so they just pushed their way in. One officer took Tony outside and the other one came in, got detective I mean Sgt. Turney came in and I have four kids they're all attention deficit, one has asburger so he's autistic and they're all hyped up because of the argument, there was no physical argument between Tony and I, there was no, I did not pour any milk on him there was nothing like that I just wanted him out of my house. They came in, Turney said to me "shut up, shut up, shut up!" that's how he came walking in the door. He asked me what happened, I told him what happened. He asked my kids what happened were we fighting they said no or whatever. Then he asked me on four different occasions what happened. On the third occasion he went back outside and he took my son outside and then he came back in and he said "now tell me again what happened" so the same thing, the fourth time I told him exactly what happened. He would not let me finish he's like "shut up shut up!" he goes "you're a liar, you're a liar!" so I was really upset and I was pissed and I said, um my son said "mom just shut up or he'll take you to jail!" and I said "I don't care, I'm not, if I'm a liar then take me to jail!" you know and I wasn't like please take me to jail you know I was like "look I'm not lying to you" but he refused to believe me.

TM Uh huh.

AP And so then my son who's a big boy he's like 190 pounds or something like that and my other son had a broken arm he was here, my autistic son was on the couch just like stunned and my daughter was right there and officer what's the other officer's name again?

TM Pardee?

AP Pardee yeah he came running in and by this point when I was out there I had come over to here and the officer Tardee I mean Turney said "you're going to jail!" and when he rushed me my son like kind of tried to block him. Officer Pardee came in, grabbed my left arm, handcuffed my arm, when I went to turn around my son was still on me so I wasn't trying, I was trying to get my son off of me at the time. That's when they tried to throw me to the floor. When they tried to throw me to the floor I kept yelling "my neck, my neck" because I had neck surgery last year and I have a metal plate in my neck and two fused disks and I was like "just watch out for my neck" I'll you know, and they were like trying to throw me to the floor so anyway I like kind of blocked not to resist arrest but to block the fall so when they got me on the floor I put my hands behind my back, I was like right here in this corner and I was on my back. Officer Tardee, I mean Pardee and Turney both put their knee on my back like I was already handcuffed and put all their weight on me. I'm large breasted I mean they had me flattened to the floor where I could not breathe and I was begging them "please let me breathe I can't breathe, I can't breathe". Officer Pardee was on top of me, he tried to take my head right here on this corner because I was already laying right here and he tried to like smash my head, I was already handcuffed and he was trying to smash my head which I had an indention at the time right in here, I don't know if you can see it or not but it was like right in there from him doing that. So anyway my kids are freaking out and they're crying and screaming and my daughter's going "I hate cops, don't take my mommy to jail!" and when she said "I hate cops" detective I mean Sgt. Turney turned around and kicked her right in the leg so I have a picture of that, it's on this camera but I don't know how to get it off the camera but I can show you that too. So anyway so I was trying to calm my kids down I said "can I just give them a kiss goodbye?" in the meantime Tony was saying "please don't take her to jail I lied she didn't throw the milk on me, she didn't throw the milk on me" he's like "no she's going to jail!" so I was handcuffed, they let me give my kids a hug goodbye, I was walking out the door, you're going to have to follow me out the door for a second if you don't mind.

TM ???

JG Yeah the recorder.

AP Ok, well I'm walking out the door and I'm handcuffed like this, the stucco of the house is on the right hand side, there's an opening on the left hand side, I'm walking out I'm not doing anything I'm not fighting I'm walking to the car. All of a sudden Pardee takes my head and pushes it from like ok the wall is this way, he takes my head like this and just drags it all the way down the wall and that's how I got those scrapes and stuff on the wall. There's no way I was fighting them because if I was fighting them I would've still had something on my left on my right side because the wall would be right there but that wasn't the case at all. My kids were already upset, wasn't fighting them I knew I was going to jail. So then I get in the car and Turney comes up to Pardee who's now in the car because we

had to walk down the street because they parked down the street and says "boy I'm tired are you tired?" or something like that because they had just gone to eat or something and he says "boy you sure did try to swing at him didn't you?" and I was really pissed by that point I was like "I didn't try to swing at nobody and you know you're lying and I said it right in the police car so I don't know if that's recorded or not I said "you know you're lying I never would swing at you" and I said "but you better worry about what you're going to do about my face" because I knew I couldn't see what was on it but I knew it was bleeding so Officer Turney puts his flashlight on and says "oh I guess we better clean her up before we go to jail" I said "oh hell no you're not you're not touching me" but he never offered me an ambulance or anything he just, I thought he was going to try to clean me up and I was already had enough of Officer Turney. And so then we go, I had my purse still on me right, so Pardee handcuffs me with my purse on my and I'm worried how am I going to get out of jail my kids need my purse, they need my bank account they need you know thinking all this not knowing it was no bond anyway but my cell phone is up so I'm begging Officer Pardee "Please let my kids have my purse" because all the information and stuff's in there. He wouldn't do it so I guess he assumed I had drugs or something in there you know and so he's "oh no we're taking this" I'm like "ok whatever" so he puts the purse in the trunk, we go over to Publix, he ropes off the area, some lady cop meets them over there and then the, the other cop that he would show up here but he, I don't know who he was but he looked like he had a flat top because I do haircuts, I think he was his supervisor for that night. So then all four of them were at Publix and they sat there a good till like a good 1:30 in the morning, this was 10:30 at night when I was arrested and they let me out of the car because I was begging them my arms were hurting so they did put another handcuff thing in it so it wasn't as bad but my elbows were like out of whack for two days for being in this position for so long. He let me slide back in, he had the lady police officer check me or whatever and then so I'm sitting in the car asking them "please open the window so I can breathe I'm really Claustrophobic" and I sat there while they smoked cigarettes and sat outside laughing and when we first got there Pardee jumps out of the car and says to Turney "so tell me what did happen over there?" because he was outside the whole time until he was, he heard the scuffle before he ran in and so then he's like "man let me tell ya" so then he comes back, when I first when we were sitting in the cop car over on Littlefield Street he had started his report so then after we were at Publix and after he got out of the car and asked Officer Turney what happened he comes back in the car, erases everything and starts the report all over and I'm assuming that's why it took so long for me to get to the jail. Then when we get to the jail I guess there were three other people in line or whatever and so I'm stuck in the car until 4:20 in the morning. But he, I mean he was nice enough to open the window for me but still I really thought that was a little, I still question why did it take six hours to be arrested? But anyway and that's what happened. So then I get to court the other day and they dropped the battery charge, of course they dropped the battery charge because I didn't throw anything so why would they keep the resisting arrest when if I wasn't arrested for the battery, I mean, if there's no charge for battery why do I still have resisting

arrest? I haven't had anything, I have not been in trouble in 15 years, I adopted two children from the state and I worked my way up to become a realtor and a licensed cosmetologist, I can't have a felony or I could lose my real estate license and I feel like they purposely made up the charge of resisting arrest to cover their butts for the way they treated me and I think it's wrong and I will fight this all the way till the end because I did not do anything wrong. And I should be able to come home from my job and get in my bed and Tony has my address on his license so I went to the license place and said "can you get my address off of his license?" they told me no they can't he has to do it. So when he, if he is here the police say "oh he's got your address he lives here" and then the license people say "we can't take it off" so it's a catch 22. What do I do? This man thinks he can come in my house whenever he gets ready and that's not fair. I have four children, I support everybody on my own and like I told them, the last people if they would've really hurt me and broke my arms or something who would I take me kids to? I wouldn't be able to, here; I couldn't be able to work. And the one thing I said to them was "don't come in..." I said to Officer Pardee "don't come into Great Cuts because I'll make sure I mess up your hair and you ask me for a number one I might accidentally slip" or something like that and so then he tells Officer Turney "oh yeah she's going to mess us up" so Officer Turney says, comes to me he says, this is when we were still at Publix, he goes "oh so you're going to mess our haircuts up huh?" he goes "well a lot of our officers go to Hair Cuttery and I just want to let you know I'm going to see your boss to tell them what you said that you threatened all our officers" and I started laughing because I work at Great Cuts not Hair Cuttery and I said "ok you go right ahead" you know because, but anyway but that was when things had calmed down you know but at the time when I got in the car that's what I had said to him and that's all I said to him I never (unintelligible). When I, the only thing that I can think of that provoked this whole situation was he was determined to believe that I threw the milk on him, on Tony and he was determined that I was a liar and when I yelled back at him and said "if I'm a liar then take me to jail!" not really expecting him to come running after me I think that is the only thing that provoked him I mean but I mean to be thrown on the floor, to have the knee on my back, to have my face scraped, my wrists hurt like that, the bruises underneath my arms from behind my back and you can look at the pictures and see where their fingerprints are grabbing me from behind and trying to throw me to the floor I think that was totally unnecessary and to do it in front of four attention deficit children and one autistic child is beyond me why they wouldn't have tried to keep it calmer.

TM Ok.

AP And I think it was very unprofessional.

TM Ok. You, you done with it? Are you done with that?

AP Yeah I'm done.

TM I just wanted to make sure. You've mentioned that they came to your house saying "shut up" right off the bat.

AP Uh huh.

TM Were there people actually (unintelligible) the house when they arrived?

AP Yeah because I was still on the phone telling 911 "please get him out of here!" and that's when he came in "shut up, shut up!"

TM So was he, were both people, were you both still going at it at little bit verbally?

AP No we were, I was on the phone I was out here Tony was over here.

TM Ok.

AP I was, we, well he was saying stuff in the background "no I'm gonna, she threw milk on me!" or something like that.

TM That's what he was saying when you were on 911?

AP Yeah. And then I was getting mad because I knew I didn't throw the milk on him and then I was really getting mad because Tony's a big liar most of the time and he has a way of finessing people to make them believe the truth that that's the truth and it's not.

TM So they did in fact speak to Tony before hand and then...

AP No Officer Pardee spoke to Tony...

TM Officer Pardee.

AP ...Turney didn't speak to Tony until after the third time when I tried to tell him the same thing that the milk spilled.

TM So Turney did speak to...

AP I believe he did because when he went outside I went in my room.

TM Do you know what was said there during that conversation?

AP I don't.

TM Did you say Sgt. Turney also spoke to one of your kids?

AP Took my son Tony outside.

TM Do you know what was said during that conversation?

AP No um, I don't remember. My son might have told me something that he asked, were we fighting were we physical or anything else and my son told him no and does your daddy live here and he said "no he doesn't"

TM And you said when the sergeant walked back into the residence he said you're a liar?

AP He said, no, he said "tell me once again what happened?"

TM Ok.

AP So I went to grab the plate to show him he's like "no, no, no!" and I'm like this is what happened and I started to say "I was holding it..." "no you're a liar, you're a liar!" that's what he started yelling at me after that and that's when I got really pissed and said "ok well then I don't care if I'm a liar then take me to jail!" because my son had said "mom just shut up!" you know "don't say nothing to him"

TM And that was, not to cut you off, that was after speaking to your ex and your son correct?

AP Yes.

TM He came in the third time.

AP Fourth time, that was the fourth time.

TM Then he said "you're a liar" and you said "take me to jail"

AP No my son said "mom just shut up or he'll take you to jail"

TM And you said?

AP And then I said to my son "I don't care I'm not lying or if I'm a liar then take me to jail" is basically what I said.

TM And then what happened?

AP And next thing I know Officer Turney's standing over there and he comes raging at me, rushing at me, my son jumped in the middle to try to prevent him and next thing I know I was over here and Pardee was coming in here and next thing I was on the, like, from here to here somehow furniture was pushed and I was on the ground.

TM Did you attempt to walk away from Sgt. Turney at any time to make him come across the living room in a quick manner? I take it he's over here by the doorway?

AP No he was over there by the chair.

TM By the chair and he came over here to effect an arrest on you? Is that what you're saying?

AP He just said "you're going to jail" and then he started running.

TM What was your action?

AP What, I had started, because I had my purse I started to sit down when my son said and I jumped up like this you know not to lunge at him or anything like the story says and that's when Pardee beat him, Pardee came in before Turney even got to him just because my son was in the way and that's when he had my left hand and then they lied in the report and they said they handcuffed my right hand because Pardee asked me to sign a paper when he took my purse and he saw that I was left handed so he changed his story but on my arms I still have scars from the handcuffs and I never had a mark on my right arm at all so that, there's no way I could've tried, oh because that's when he put it in his report that I tried to punch him at that point but my hand, my hand was already handcuffed and I wasn't punching him anyway because I mean I'm trying to set an example for my children not fight the police officers.

TM So you had stood up and...

AP No I had, it was kind of...

TM You kind of got up because they were coming at you.

AP I was starting to sit up and then yeah.

TM Ok. So they grabbed your hand, where was your child at? Which one got kicked?

AP Joanna because Tony was right here, Joanna was standing right there she's 11.

TM Ok.

AP And that's when they had, by this point they had had me on the ground and when I was begging them to please get off me I could not breathe please get off me and that's when she freaked out and started going "I hate cops leave my mommy alone, I hate cops!" which I don't want her to hate cops because I know a lot of

police officers but at that moment that's how she reacted to it so when I got up on my feet when they pulled me up on my feet I guess that's when he must've kicked her I don't know. I saw the action but I didn't know if that's why he kicked her or not.

TM What was your daughter doing at that time? Was she coming towards you or maybe...

AP She was just jumping up and down you know.

TM Was she coming towards you at all? Could he have perceived her as trying, attempting to interfere?

AP She's 11 she weighs 80 lbs.

TM That doesn't matter. I understand that but that doesn't matter.

AP No he did it aggressively.

TM Did Tony, did Tony, your senior at any time attempt to hold back the kids while they were trying to arrest you?

AP Big Tony...

TM Yes, senior.

AP ...grabs Tony off of me before...

TM Off of who?

AP Well, not off, remember I was telling you Tony was interfere...

TM Uh huh.

AP He came in, when Pardee came in Tony came in and grabbed little Tony because at that time Turney went for his taser, that's what Tony said to me and that he grabbed Tony off because it was me, Tony and Turney right there so he came in grabbed Tony because he thought Tony was going to taser Tony but that was the only time so I don't think Joanna was trying to come at the police officer in any way she was just freaking out standing there. I don't I mean if he perceived it that way I still don't see that being a reason to kick a child.

TM No. When you say kick a child did you actually physically witness him kick her? Did you see the kick?

AP No I just seen her crying. I saw him, ok, he, it happened so quick. As I was getting up she was freaking out jumping up and down, next thing she was kicked she's crying I'm getting handcuffed I'm trying to calm everybody down by this point I know I'm going to jail and, so he kicked her but I'm not sure.

JG But how do you know he kicked her?

AP Well because...

JG Because you didn't see it right?

AP I'm not sure.

TM That...

AP That's what I'm saying I'm not...

TM That's what I'm trying to say. Could she have been hit accidentally during the struggle with you initially when you went to the ground?

AP No.

TM Did you see him stand up and kick her? That's what I'm trying to put in the picture here.

AP When I got up off the floor she was already kicked but as I was coming up she was kicked but that's because she was jumping up and down but I saw Turney right there do you understand what I'm saying? He, she was standing there, he kicked, he kicked her he definitely kicked her.

TM You seen it?

AP I seen the result. I didn't actually see the whole kick but I seen the result. Because it happened so fast.

TM I understand...

AP At the time I didn't think anything of it until after the fact. I'm not making this up, I didn't have her make it up.

TM No I'm not saying that, I'm not saying that but I'm trying to figure out where a kick comes in that's what I'm trying to figure out.

AP Because if you know anything about children and you know anything, first of all she's slow she's like, they were both adopted her mother was schizophrenic her father was a pedophile; they have an IQ of 71 and 76 so they're slow. So she's

crying that she's kicked, I just see Turney I don't really actually see the kick itself but I see the bruise afterwards when I got out the next day but I see him like hovering over her so I'm to assume he kicked her. She tells me he kicked her.

TM Hovering over her when, at what part?

AP Well compared to him being so big and she's little.

TM No I mean, I mean he was dealing with you.

AP I was already up off the floor already handcuffed. Pardee was the one that walked me out the door, Turney was still in here.

TM Ok but both deputies were dealing with you?

AP Right I was already off the floor.

TM Ok so after you were up off the floor the deputy was over your daughter and then kicked her is that what you're saying?

AP No she was jumping up and down right there.

TM Right.

AP "I hate cops, I hate cops!"

TM Ok.

AP So he turned around and kicked her. I didn't actually see him kick her but there was something going on I mean I didn't look down at his leg to see if he kicked her but I'm assuming he kicked her because when he turned around to go at her she had the bruise on her.

TM So you're assuming, I just, we've got to, you have to understand the allegation you're making are serious, the Sheriff takes them seriously.

AP Oh I know.

TM I want; I don't want to involve an 11 year old girl into the complications of this thing. If you did not witness the kick and if you're assuming...

AP I'm assuming because he was there and she was crying...

TM But there's no way she could've been hurt during the initial struggle?

AP No. She was not...

TM She did not walk up on the deputy?

AP ...she did not walk up on the deputy.

TM When you were face down on the floor did you see where the kids were?

AP They, Tony had them all over here I'm pretty sure, all, lets see Joseph was asleep, Isaac was on his video, he had come, Tony was here and Joanna was right there by the table.

TM And during your initial struggle you had mentioned that when you initially started going down you put your hand out to protect, or to break the fall because you have an injured neck?

AP I kept saying "my neck, my neck, my neck!" and they didn't care about my neck, they didn't care about anything so all I was trying to do was to hit the floor with my hands first instead of being slammed like had my face on the floor or whatever, not to resist them in any way but if they would've taken the time to talk it out you know I was told when I was at Publix I had heard them saying they had just come from dinner and that I interrupted their dinner so the last time the people were here they were like saying "you think that's why this whole thing started because you interrupted dinner?" I'm like no I just think...

TM What last people?

AP Two lieutenants came here.

TM Oh ok.

AP Ok so I'm like "no I don't think that's the reason but I think he was pissed because he didn't get to finish his dinner or his lunch hour or whatever" so he's like "oh" I said "no the reason was because I yelled at him back"

TM So the male who was a hold of you here; there was no physical contact between the deputies and that male during that time, just with your daughter?

AP Just with my daughter.

TM Ok. But again you kind of (unintelligible) you're not sure if she was kicked you're assuming she was kicked because she had a bruise and he was kind of standing over here.

AP Right as I was getting up.

TM After, as you were getting up.

AP But the other...

TM Were you facing them?

AP Yeah I was facing this way. Um, I was so overwhelmed with what was happening. I'm not going to say he didn't and I'm not going to say he did you know what I mean? I know something was going on but it happened so fast but when she came to me afterwards and told me "mom look at my leg" and then big Tony had told it and my sons had told me the same thing so who am I to disagree with? And when I got up and I saw something going on I'm assuming she got kicked.

TM And when you were told you were under arrest and he come across the room, I'm going to use your word, charged across the room...

AP No he didn't tell me I was under arrest he said "you're going to jail" he never told me I was under arrest.

TM when he told you you were going to jail and he goes and grabs you did you resist in any type way?

AP No I just, my son was in the middle of us and I was really trying to get my son, I wasn't even caring about him I was worried about protecting my son you know because he was in the midst. My son was worried about trying to protect me, had nothing to do with the officer, wasn't trying to run away from the officer.

TM Uh huh.

AP I mean you know you have children you instantly protect them you know my son's worried, he's hugging on me "mom please please" you know and...

TM Did you at any time to tell your son to sit down?

AP Yes I said "Tony just go" I told them all "just don't worry about it"

TM And when they went to handcuff you did you turn around while they handcuffed?"

AP No I was, I, my son was still on me right here when my, when Officer Pardee came in and grabbed my hand.

TM Ok.

AP My son was still on me when I was handcuffed with my left hand so I was trying to get Tony off. In the meantime big Tony, that's when Officer Turney was

according to Tony, big Tony, was going to taser my son so that's when he grabbed Tony.

TM Ok.

AP Pardee had already come in and tried to handcuff me. I never turned around, I never fought them in any way and I don't care what they tell you I'm telling you this was police brutality.

TM Did you give them your other arm after that point after your kid was pulled away from you?

AP No because that's when my arm was going down because I, they were trying to slam me to the ground. They didn't ask me for my other arm they were just trying to slam me and not one time in the whole six hours I was with them did they mirandise me you have the right to remain silent or anything, they just threw me in the car and then said something about I'll go clean up my face and then torture me for six hours sitting in the back of the police car and when you're Claustrophobic that was torture.

TM And you mention, you mention the fact Tony senior, what is his address on his driver's license, and you've kind of already touched on that.

AP He's got my address on his driver's license. The only thing that can save me right now is that his driver's license is suspended and the license place said if he comes back to your house and police officer's come they can take his driver's license because it is suspended but what good is that he can go reinstate his driver's license and still use the same address. So now that causes me to have to move and the other thing is I wouldn't care under any circumstances I will never call Volusia County Sheriff's Department for anything because it's not right that I can come home and I can make the phone call and then I wind up in jail. That is so wrong, that is so wrong all I wanted to do was go to bed. And if you knew Tony Flounnoy and you knew this guy for 15 years he's constantly, constantly he has a girlfriend that lives in soul city on Caroline, in Caroline Street. He's lived with her for probably a good five or six years. Every time he fights he just thinks he, he's black and I'm white and he just thinks he can come in whenever he wants and use the excuse that we have a kid together but he has a kid with somebody else he doesn't go to her house and do it. So and I really think it's a racial thing. I really think it's because I'm white and he's black that he thinks he can overpower me but he can't and I don't care if I have to go to jail again if he comes in you know he's not going to stay in my house unless he's invited and I do not have any intimate beings with Tony at all. I have a fiancé he lives in Pennsylvania and we plan on right now we've been together for almost five years and he plans on moving down this year. I was going to move to Cristal River but now I changed my mind it's too country out there and we might move to Orange

City at least they have, nothing against you, regular police officers not deputy sheriff's so much.

TM Then after you got up from here and you were walking out, while you were walking out you said they, Pardee pushed your face into the wall?

AP I was walking out the door down the step walking all the way, half way down the thing, walking nonchalantly he's on my left side I'm walking, Turney's back here and when he, and the only reason I know Turney was back here at the door was because when he took my head I could see towards the door and he drug my face and I didn't make a sound I didn't even let him know that it hurt but it hurt but I didn't let him know. I just, because I didn't know what he planned on doing.

TM Did at any time did you trip or fall?

AP Nope.

TM Or almost fall?

AP Nope.

TM So you were walking out the door and he grabbed you?

AP He grabbed my head for no reason. I didn't speak to him I didn't say anything to him he just grabbed my head and drug it on the side of my face, drug my face down the side of the wall.

TM Which way were you looking when he drug your face, towards the street or?

AP I was looking towards the street when he grabbed my head.

TM Ok.

AP And he took my head and drug it all the way down.

TM And which way were you facing when he did that?

AP I was facing the street.

TM You were facing the street.

AP And then he took my head, I've got to show you better than I can tell you.

TM Ok we'll go over that.

- AP So don't try and mix up my words and confuse me because I'm telling you this is what happened.
- TM No, I'm just trying to figure out. They never offered you medical treatment while you were in the patrol car?
- AP They never offered an ambulance or anything. Officer Turney said he'd clean it up but I wasn't letting Officer Turney touch me at all. I did not like him I just thought he was a jerk and by this time I thought they were both jerks because there was no reason; Pardee hadn't even talked to me the whole time. When he was here he never came in to talk to me. Now say I disagreed with Officer Turney wouldn't procedure be maybe Pardee should come in and talk to me before he makes a rash judgment?
- JG The idea is to separate the parties when they first get here, they want to separate both parties to make sure the violence doesn't continue. They want to get the story, independent stories from each party when they first get here you know that's pretty much procedure.
- TM Ma'am when you got to the Volusia County Branch Jail did you complain to them at all?
- AP Oh yeah everybody saw my face and I asked if I could go to the hospital and they told me "no you should've done that when you were in the police car" and so I was like "what?" so then after I got booked and I got over to the facility, I think it was, no it wasn't the facility, when I got, right before I went to the facility a nurse at the branch jail came out. My face was all bloody and asked me to come into the room and she goes if you can give me your permission I can clean it up with whatever disinfectant they had or whatever I'm like "yeah ok" and so that's what she did and that was the only treatment I got. But when I asked to go to the hospital they told me no it was too late I was already at the jail.
- TM At the jail.
- AP Yes.
- TM What did you tell them at the jail happened?
- AP Exactly what I'm telling you, the police officer drug my face on the stucco and no I did not resist arrest and no I did not fight him.
- TM Inv. Gabriel do you have any?
- JG Yeah the only clarification is when he came, Sgt. Turney came to arrest you and put the handcuffs on you there's a matter of did you tense up when he grabbed your wrists? In other words...

AP No.

JG That's construed as resisting.

AP He didn't put the handcuffs on me. Turney never got to me, Pardee got to me.

JG Alright did you tense up when he got to you?

AP No he grabbed my wrist, I didn't even realize he had my wrist until the handcuff was already on.

JG Yeah I'm just trying to get a feel for why you would be going down on the ground if you were not resisting.

AP Because my son was right there and somehow I got spun around whether it was Pardee or whatever and that's when I was going down on the...

JG So you were losing your own balance or they were pushing you?

AP No, I was being pushed down on the ground. I was trying to get my son off me that's when Tony pulled my son off me, I was coming back down when I turn around next thing I know I was going down.

JG Right.

AP Pardee was behind me trying to put me down on the floor.

JG Did you ever make the statement "you're not going to arrest me"?

AP No, no, never not at all. I'm not stupid in any means; by any means I would not fight these police officers.

JG Alright that's all I have.

AP Ok now can I show you and you can have those pictures, do you want to look at those pictures because I would surely like to explain to you.

TM Is there anything that you'd like to add or delete from your statement you made here today to me? Anything?

AP Yes sir I think there's a confusion with you thinking that, I saw something happen I may not have actually seen him kick her but because it happened so fast and because I saw the bruise from the last time I told the lieutenant's "yes I saw him kick" which I'm not so sure, I saw something going on and it was happening so fast, I don't want you to think I'm a liar because it's defined.

TM No, the only thing I'm trying to clarify there is you see him standing over your daughter I'm wondering if at some point during your initial arrest when they were both on the floor with you if she was on their back or towards them, that's what I'm trying to figure out here. If you didn't actually, when you're standing up he's standing over your daughter and you didn't actually see him ware up and kick her, that's what I'm kind of wondering, at what point was she kicked?

AP No he was, his back was to me so he was facing her.

TM Uh huh.

AP But all I can think of is she was upset when they would not get off my back when they had their knees on my back....

TM Sure, that's, that...

AP ...it was a good three minutes that I could not really breathe. Not that I couldn't breathe for three minutes but you know I mean it was a lot of weight. He's a big boy he weighs like 350 pounds. I'm a big girl but I'm telling you with both of them having their knees on my I could not breathe and I think that really freaked her out I think that...

TM That's what I'm wondering, I mean I don't doubt what you say and no one here doubts what you said that's why we're hit by the sheriff to do this.

AP Ok.

TM We're here to investigate impartial and I'm just trying to figure out for the scenario of what occurred here that's all we're trying to do alright? And that's it that's all you have to add?

AP Yeah.

TM Ok.

AP But I did not deserve that treatment I'm going to tell you that right now.

TM This concludes our interview and the time is 1435 hours.

I, Sgt. Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Allyson Pease taken by me on January 4, 2010.

(Signed)

T.M. Morgan 2455
Sworn to and subscribed before me this 2nd
Day of February, 2010.

[Signature]
Signature of Notary Public-State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known ✓

Produced identification

Type of Identification Produced

WITNESS STATEMENT

TM – Sgt. Tim Morgan BG – Lt Robert Goggin
CP – Dep. Charles Pardee JC – Jeff Candage

- TM This is Volusia County Sheriff's Office of internal affairs administrative oath/perjury. This is involving case number 09-022 involving Dep. Charles Pardee. I'm Sgt Morgan with the Volusia County Sheriff's Office Internal Affairs Unit, today's date is January 14th, 2010 and the current time is 2:33 PM. The location of this interview is the fourth floor Admin Building. Also present today during this interview is Lt. Goggin and your Union Rep. Jeff Candage. Dep. Pardee, are you aware that this interview is being recorded?
- CP Yes.
- TM I am conducting an official administrative investigation concerning 26.2.102 Excessive Force Resulting in Injury and 86-453.13 involving the Volusia County Merit System Rules and Regulations. As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn please. Do you solemnly swear and affirm that the statement you are about to give is the truth, the whole truth and nothing but the truth?
- CP Yes I do.
- TM Thank you. Any false statements about material matters given by a witness under oath will constitute perjury which is a third degree felony according to section 837.02 of Florida Statutes. Do you understand if you knowingly make material misstatements of facts to me during this investigation you will have committed the crime of perjury?
- CP Yes I do.
- TM If I could have you sign right there please, thank you. Dep. Pardee prior to this interview did you receive a copy of your law enforcement officers bill of rights?
- CP Yes I did.
- TM Did you understand the advisement of rights for discipline as they pertain to Garrity, which is referring to the form you signed prior to going on record here today?
- CP Yes I do.
- TM Do you have any questions reference your Bill of Rights?

CP No I do not.

TM Prior to going on record you were provided with copies of the transcripts provided by Ms Pease, Mr. Flounnoy, Sgt Turney, a CAD printout of the call, a Citizen's Complaint completed by Ms. Pease and Tony Flounnoy and Joanna Pease and Tony Flounnoy Jr, and your 911's call with the radio traffic. Did you have time to review those documents?

CP Yes I did.

TM Did you also have time to listen to that 911 and the radio calls?

CP Yes I did.

TM Dep. Pardee, we're here to discuss possible policy violations that may have occurred on November 19th 2009 involving possible excessive force while you were affecting arrest at 3288 Littlefield Street involving Ms. Pease. Do you recall that incident?

CP Yes I do.

TM Can you describe what occurred during that incident on that night?

CP Ms. Pease called 911 she made some statements to the dispatch about having him removed from the house. She also made some statements about the only weapon being used was his mouth and when we got on scene, myself and Sgt Turney, we walked up to the house and we could actually hear them arguing inside the house. Sgt Turney requested the channel because the argument seemed pretty heated, the front door was open maybe two or three inches. Myself and Sgt Turney entered the house, there was no physical disturbance going on but they were in a very heated argument. I asked the male, later identified as Mr. Flounnoy, to come outside with me so we could separate and calm everything down and talk outside without any interruptions. Sgt Turney stayed inside the house with Ms. Pease and several children inside. Outside Mr. Flounnoy explained to me that he had been at home all day with the kids, his girlfriend who two of the kids belong to with him came home from work he said she started an argument with him because he hadn't folded the laundry. He told me he had taken one of his kids out jogging instead and when he got home he didn't feel like folding the laundry so he laid in bed and when she got home from work she was mad because he was laying in bed and he was laying on top of pillows that she wanted so they started arguing. She pulled the pillows out from underneath of him and then threw the cup of milk at him that hit him in the head.

TM Ok that's your involvement to that point?

CP Yeah, that's, I stayed outside with him.

TM Ok and you covered that you were outside with him speaking. At what point did you arrive at the conclusion that this was actually a domestic violence situation?

CP When he told me that he that he was hit in the head with the cup of milk and oh then based on the fact they shared two children in common.

TM And you were able to determine that because he told you?

CP Yes

TM Was Mr. Flounnoy an actual resident of the home?

CP Yeah, I believe when I ran him it actually comes back registered to that address.

TM And you're the one that actually ran him?

CP Yeah I ran him by his name on teletype.

TM Did you speak to any of the children?

CP No I did not.

TM Did you have the opportunity to speak to Ms. Pease?

CP No I did not.

TM At what point did you re-enter the residence?

CP Um Sgt Turney had come out one time to talk to Mr. Flounnoy after being inside and speaking with Ms. Pease. After he spoke with Mr. Flounnoy he went back in again came back outside with one of the children and spoke to one of the children and then went back in again. When he was inside that time I heard Ms. Pease yelling "then just take me to jail then."

TM What actions did you take?

CP When I entered the residence she was, she again stated "just take me to jail" and Sgt Turney reached for one of her wrist and I reached for the other wrist and she pulled her arms into her chest at that time.

TM Ok and at that time was Sgt Turney affecting an arrest?

CP Yes

TM And according to your supplement on line 38, or not your supplement your actual incident report you refer to Ms. Pease as taking an aggressive stand. What was that stand?

CP Um she slid back and got kind her back up against what looked like a larger sized lazy boy chair in the living room I don't know if it necessarily reclined like a lazy boy chair but when she pulled her arms into her she hunched over and backed up against that chair with her arms tight up to her body.

TM Was she still standing at that point?

CP Yeah she was still standing. Like I said her back side was up against that large oversized chair in the living room but she was still on her two feet.

TM And that's the point when you entered into the residence you observed that?

CP Yes

TM And on line 42 you advised Ms. Pease physically resisted all action by Dep. Pardee and Sgt Turney?

CP Yeah Sgt Turney still had her right arm and I grabbed a hold of her left wrist, as I did that I believe it was Tony Jr her son came up from behind her and tried to grab her and I think he said something along the lines of don't take my mom to jail or something like that. Um I turned to push him back and then I grabbed her arm again and that was when I got one handcuff on her left wrist. And I was trying to get her left wrist behind her back but she just kept her arms pulled up tight against her body.

TM Did Ms. Pease ever attempt to hit you?

CP Not that I saw, but my attention was diverted to Tony Jr when he came up and grabbed his mom I turned my attention to him since Sgt Turney still had her wrist I wanted to get him away so we could continue getting Ms. Pease secured.

TM And were you present when Ms. Pease was taken to the ground?

CP Yes I was.

TM Who took Ms. Pease to the ground?

CP Sgt Turney

TM And where were you at that point?

CP Still holding on to the empty ring of the handcuff that was connected to her left arm.

TM Ok

CP And when she went down to the ground her left arm was underneath of her body and I was trying to pull that out from underneath of her to get it back behind her back.

TM So the hand cuff was still on the left hand?

CP Yeah she had one ring on her left hand and I had the empty ring I was holding that trying to pull out from underneath of her to get behind her back but her weight was on top of her arm.

TM And on line 46 of your incident report you wrote once on the ground Ms. Pease continued to resist. Can you describe what did you mean by that?

CP She would not put her arms behind her back so we could secure both of her wrists in the handcuffs.

TM Where were her hands?

CP The left arm that I was focusing on was underneath her body. She was kind of laying primarily on her stomach but on her left side was underneath of her, I guess underneath her chest.

TM And while on the ground how were you holding her down to the ground? How was she being held?

CP I had my left hand in that empty handcuff ring and I had my right hand like behind her bicep trying to turn her out from behind her and underneath of her.

TM And as you know you read her citizen complaint she advised that you were kneeling on her.

CP I think I had my right knee on her thigh or her butt but that was it. My other left leg was stretched straight out behind me.

TM And did you witness Sgt Turney kneeling on her at any time?

CP Uh I don't recall if he was kneeling on her or beside her.

TM And also in her citizen complaint Ms. Pease advised that you were pushing her head, pushing on her head.

CP I don't recall I was pulling on her wrist to try and get her handcuff out or her arm out from underneath her, but pushing on her head on her stomach?

TM On her head.

CP I don't recall pushing her.

TM At any time when she was on the ground did you grab her by her head?

CP No

TM By her neck?

CP No

TM Did you witness Sgt Turney grab her head?

CP No

TM Her neck?

CP No

TM At any time during the initial arrest when you were trying to obtain control over her did you happen to push her face against the wall?

CP Not that I recall. We weren't actually touching the wall we were just really close to the wall.

TM And during the arrest of Ms. Pease do you recall where the children were?

CP I remember coming into the house there were like two on each couch I think there was two, I think there was two living rooms in there and I want to say there was two on each on each couch and like I said when she was still standing before she was taken down to the ground that was when Tony Jr came up. And as we were trying to get her secured Tony Sr. was pulling the kids out away from us and back out towards the front door of the house.

TM And also Mr. Flounnoy's statement he observed Sgt Turney kick a minor. Did you witness this event?

CP I did not observe any kicking.

TM Did you kick any minors during the arrest?

CP Not that I recall.

TM And when you say not that you recall were there...

CP No well our legs were out behind us when we were trying to get her and I mean they could have stepped on a kids foot or you know my leg could have bumped into a kid behind us but no there was no intentional kicking of any children.

TM At any time did you call for additional units?

CP Sgt Turney got the channel again and requested additional units but I did not key up on the radio no.

TM Who actually secured Ms. Pease in handcuffs?

CP I believe once we got her arms behind her I secured the second ring onto her right arm.

TM And who removed Ms. Pease from the floor after she was handcuffed?

CP Uh we both did.

TM And after she was lifted from the floor what occurred?

CP With her arms behind her back I wrapped my arm up against her back so that my hand went up on her shoulder. So her arm was over my bicep ok and that was when I attempted to walk out of the house with her and Sgt Turney kind of stayed behind us to make sure none of the kids jumped on our backs or followed us out or even Mr. Flounnoy jumped on us or tried to hit us from behind.

TM Ok and on line 48 of your incident report it refers that you were walking to the patrol car, in line 49 you added that she kept pulling away. Can you explain her actions during this time frame?

CP Yeah I was on her left hand side with my right arm through her left arm and my hand up against her back. As we were coming out of the door of the house she kept turning around so that her back was towards my back and she was yelling at the kids to, I think she wanted them to call somebody maybe a friend or something but she kept yelling at the kids and turning back towards the house.

TM And you're aware that Ms. Pease is advising that you intentionally scraped her face on the wall just outside the residence?

CP Yeah I am aware of that.

TM While walking out the residence did you utilize any force against Ms. Pease?

CP No when she turned around backwards we both kind of stumbled but there was no, it wasn't due to a use of force it was due to her turning around backwards and trying to basically walk back into the house with me wrapped through her arm.

TM And you said when you were walking out you stumbled. Did you write that in your report anywhere?

CP No I did not.

TM Is there any reason why you did not write that in your report?

CP It didn't seem like it had a whole lot to do with the situation. She was already secured and on the way out.

TM On line 51 of your report you advise that Ms. Pease was injured as a result of the struggle.

CP Uh huh

TM What struggle are we referring to here?

CP Inside the house.

TM Is that what you know as fact?

CP That's what we believe happened, just trying to get her to the floor inside the house on the, inside the living room there.

TM And can I ask why you didn't annotate that in your report that she was injured actually inside the house?

CP We weren't really sure if it happened there inside the house or on the way out the door. I mean we weren't really looking at her face, the scene was so hectic we literally got her up as fast as we could and started heading out the door and then once she stumbled again we immediately took her to the car and she was still kind of physically resisting with her feet still up to the car and then when we got to the car I tried to get her purse off of her arm it was still even connected to her arm that was when we realized that her face was scratched down by her chin.

TM And what actions did you take when you realized that she was injured?

CP We still sat her in the back seat of the patrol car and Sgt Turney I believe he said rescue or do you need fire rescue I think was his words. It's Deltona Fire Rescue but quite often we call it just rescue.

TM And after you realized she was injured did you and Sgt Turney at any time try to locate a possible spot where Ms. Pease may have been injured?

CP No

TM Did you ever return back to the residence...

CP No I did not

TM ...to see if there was blood or...

CP I did not I stayed in the car; the only place I went was to the trunk.

TM And referred a little bit ago about the scene being "hectic". What was "hectic", can you explain?

CP Lots of yelling and screaming with Tony Sr. and all four of the kids just being very loud, Ms. Pease was screaming at the kids, like I said I think she was screaming at the kids to call somebody that they knew and let them know she was being arrested.

TM And I'm not trying to bounce around her but while they were screaming and yelling was anybody screaming they were kicked or injured, any minors injured?

CP Not that I heard, I do not recall anybody saying they were kicked.

TM Dep. Pardee you were the arresting officer in this incident correct?

CP Correct

TM I should say arresting deputy, did you obtain any pictures from within the residence any...

CP No I did not.

TM Did you obtain pictures of Ms. Pease's injuries?

CP No I did not.

TM Were you injured during this struggle?

CP No I was not.

TM Was anybody injured besides Ms. Pease in this?

CP I observed light abrasions on I believe Sgt Turney left forearm.

TM Did you obtain pictures of Sgt Turney's forearm injuries?

CP No I did not.

TM And I know this is kind of redundant but did you obtain pictures of the milk that was on Mr. Flounnoy?

CP Doesn't photograph very well I believe.

TM And I realize, what did you charge her with? What was the final charges?

CP I charged her with simple battery DV for hitting Mr. Flounnoy in the head with the cup and I want to say I charged her with...

TM You can look...

CP ...resisting with violence.

TM And do you think any of those pictures would have helped you in your case against Ms. Pease if you would obtained the milk pictures or the scratches on the Sergeant?

CP On the domestic violence case? From my understanding the domestic violence case was dropped because Mr. Flounnoy wouldn't cooperate with the state.

TM And who transported Ms. Pease to the county jail?

CP I would have to check I believe it was prisoner transport. No it was me.

TM Prior to heading the jail where were you?

CP Um, we had left the house as soon as we got her secured in the car and all the paperwork was completed with, the domestic violence paperwork, Chastity, Dep. Burke worked on getting that filled out for me while I started the charging affidavit. As soon as we got that information from the house we went up to the new Lowes at Howland and Elkcam.

TM Did anybody within the residence provide you with any statements?

CP No.

TM And now we're at Howland and Elkcam, how long were you there approximately?

CP It's all documented in CAD, from almost, under two hours.

TM About an hour 40 minutes or something?

CP Yeah.

TM And the reason you were there for that long?

CP Just getting a completed charging affidavit typed up and printed out.

TM Did you have any additional problems with Ms. Pease while at the Publix or the Lowes I should say?

CP No not at all. We actually, we went from just one handcuff behind her back we put two on there to give her more space because she said her shoulders hurt and she said she was Claustrophobic and asked for a window down and I put both the windows down in the back seat of the car.

TM And I don't know if you were present or not, were you present at any time that Sgt. Turney was talking to the watch commander?

CP No I saw him on his Nextel but I was inside the car getting the paperwork started on the computer.

TM LT?

BG Yeah Dep. Pardee since you've been served with your notice of internal affairs investigation have you spoke to Sgt. Turney about this incident?

CP No.

BG Have you spoken to anybody who was on scene that night about this investigation?

CP No I have not.

BG We touched on earlier that you made no indication on your report of her falling outside the residence. That fact is established in the sergeant's report that someone fell outside.

CP That is correct.

BG He told us yesterday, I know you had a chance to read the statement that he didn't see what they fell into or how they fell. Did her face in any way make contact with anything outside of that residence could've either been the wall, the sidewalk a step?

CP It possibly made contact with the wall the way she was facing it, it is consistent that it could've been from the wall.

BG Ok but did you actually see her face ever make contact with the wall?

CP No I was trying to brace myself in case I went all the way to the sidewalk outside the house.

BG Did she make you aware any time outside prior to getting into the patrol car that she had an injury to her face?

CP No. She was very quiet once we got outside.

BG And you described earlier that there was a struggle outside because she continued to turn to try to go back to the house...

CP Yes.

BG ...or to communicate with people in the house.

CP Yes telling them to call somebody.

BG How close was she to the outside wall was she at that point?

CP I believe the sidewalk runs almost directly up against the wall there because the garage kind of pokes out the front of the house and then the door runs along or comes out and then the sidewalk runs along the side of the garage out to the driveway.

BG But at that time you had no knowledge that her face or any part of her body struck that wall which caused an injury to her?

CP Correct not until we got out to the car and saw the scratch on her chin.

BG Did you notice the injury or did she make you aware of the injury?

CP We noticed it.

BG The Sergeant was with you at the time when you noticed it, together?

CP Yeah when we got out to the car and we were taking her purse off of her shoulder that's when we both noticed it.

BG Who asked her if she needed medical care?

CP Sgt. Turney.

BG She states in her report and I know you read it, her statement to us that when you were made aware you and the Sergeant were made aware of her injury that the sergeant made the comment to her something similar, you can look at it it's in there, that "I guess we'll have to clean you up". Do you recall him making that statement to her?

CP No I don't.

BG Have you ever heard Sgt. Turney make that statement to anybody that...

CP No.

BG ...referring to that the deputies might have to clean it up?

CP No I believe the term he used was "do you need rescue?" I think is what he called it, rescue.

BG Ok did you ask her specifically if she needed rescue?

CP No I did not.

BG A defendant in your custody at that time was in handcuffs and restraints in your patrol car is bleeding, do you think it should've been left up to the defendant to make the choice whether or not rescue should've responded?

CP Yeah. The injuries didn't appear to be very deep it just looked like a small like abrasion on the side of her face and it wasn't like profusely bleeding dripping all over her clothing or anything.

BG Ok but you do have photos of her face correct?

CP Not in this packet that I was given.

BG Ok what...

TM (inaudible) we have the color ones.

BG (inaudible)

TM (inaudible)

CP Yeah they weren't like profusely bleeding in the back seat of the patrol car or anything?

BG Ok but the injuries on her face there are consistent to what you saw in the back of your patrol car?

CP Correct, yes.

BG Did you agree with your Sergeant's decision that night not to call for rescue to come look at her?

CP That wasn't my decision.

BG Did you disagree with your Sergeant at all not...

CP No, she didn't, no when we offered her rescue she said "No" and that pretty much did it for me. Like I said the injuries weren't deep or bleeding profusely that needed to be covered or anything.

BG Did you discuss with Sgt. Turney while at the scene taking photographs of his injuries?

CP No I did not.

BG Putting your name on the affidavit charging her with the resisting charge do you think those photographs would have assisted for prosecution?

CP They may have assisted.

BG Have you ever taken photographs of injuries before?

CP Yes I have.

BG Dep. Pardee, being unsure of where her injuries occurred did you speak to any of the children and ask them if they were aware of where the injury occurred?

CP I never spoke with the children.

BG Did you speak to anybody else besides Sgt. Turney about where the injury could've occurred?

CP No I did not.

BG Did you ask her where the injury occurred?

CP No I did not.

BG Did you document in anywhere that I haven't seen yet and I've read your report and your affidavit that the injuries were noticed however you were not aware of where the injuries came from?

CP I don't believe I did.

BG You stated earlier no photographs at all from the domestic violence scene inside?

CP Correct.

BG He told you that she threw a glass of milk or cup of milk?

CP Yeah small cup of milk.

BG Was it a cup or glass?

CP Cup.

BG Did you see that glass or cup?

CP No I did not.

BG Did you attempt to locate that cup?

CP No I did not.

BG You saw the milk on the male subject who stated that the female threw the milk on him?

CP Correct he had a dried liquid on him.

BG Did you attempt to, and I think you already answered this and just correct me if I'm wrong you said you did no...

CP I did not photograph Ms. Pease's milk. The dried liquid on Mr. Flounnoy I did not attempt to photograph that.

BG The sergeant's got in his, in his actual report here that there was milk thrown and it was on the subject and it was all over the wall.

CP Correct.

BG Did you see the milk on the wall?

CP No I did not enter the bedroom.

BG You said you didn't see it on the wall, did you see the milk anywhere else that would've helped sustain your, the gentleman's story that she threw milk at him besides on his person?

CP Just on his person.

BG Dep. Pardee again these are all elements of a disturbance, all elements of a domestic violence situation that it could've been used as evidence for this prosecution. Do you feel that we should've taken the photographs for evidence and placed them into evidence to assist with the prosecution?

CP It may have helped.

BG Do you feel as a deputy sheriff you should've collected the evidence to be used in prosecution to assist with the arrest?

CP Yes. It would've helped to try and locate the cup.

BG The decision to affect the arrest for domestic violence was made by whom?

CP Sgt. Turney.

BG Do you agree with that assessment?

CP Yes I do.

BG She says in her statement that she didn't throw milk at him or on him. He says that she did. A third person was interviewed by Sgt. Turney's report of a young male.

CP Tony Jr.

BG Who says that his mom was upset and slammed the cup on the counter which caused the milk to go flying around. How did you or do you know off hand how Sgt. Turney established who the aggressor was?

CP Um, I believe based on the statements the male made about having the cup thrown at him along with the milk he saw on the wall and the inconsistencies in her story with how she stated to him she had just spilled a little milk and then the kids story was different saying she slammed the cup on the wall.

BG Did you speak to any of the children in the house to ask them if the gentleman was hit by a cup of milk?

CP No I did not.

BG Do you know if Sgt. Turney spoke or got a statement from any of the children in the house or any independent witness that would observe that?

CP He spoke with Tony Jr. outside away from me and Tony Sr.

BG Ok and Tony Jr. is the one that he's got in his report said that she didn't throw the cup that she slammed the cup on the counter?

CP Ok are you asking did he get any statements...

BG From anybody, an independence that said the gentleman was hit by a cup of milk?

CP Oh no not that I'm aware of.

BG Are you aware of any independent witnesses besides the gentleman...

CP Not that I'm aware of.

BG On your initial report one of your first lines you receive a 911 call that indicates a female is calling that she wants a male out of his residence and she states that he's a criminal. Do you recall that's in the first line of your report?

CP Yes I do.

BG Upon arrival and you discussed this with the Sergeant here earlier; to establish that he lives there, his residence what steps did you take?

CP Well like I said when I ran his name he came back to that address. He told me that...

BG Did he give you an ID?

CP No he didn't have any ID on him. He told me that he usually stays about four nights of the week there and two or three nights of the week at his mom's house in Daytona Beach.

BG Did you document that statement you just gave me in any of your reports?

CP No.

BG That he provided you information that he stays there four nights a week?

CP No.

BG Did you check to see if he had any clothing in the residence?

CP No I did not.

BG Any mail addressed to him?

CP No I did not check for mail.

BG Keys to the residence on his person?

CP I did not check his person for keys.

BG Did you ask him if he has keys to the residence?

CP No I did not.

BG Did you or are you aware of any Deputy Sheriff that spoke to a neighbor that could place that gentleman inside that residence as living there?

CP Not that I'm aware of.

BG Did you speak to any of the children at the residence to ask them if he lives there?

CP I did not speak to any children at the residence.

BG Are you aware of any deputy that was on scene Sgt. Turney or other who asked that question?

CP I am not aware.

BG The female that was arrested what did she say about his, where he lived?

CP To me personally?

BG Uh huh.

CP She did not make any statements to me about where he lived.

BG Did you at any time check for past calls for service at that residence?

CP No I did not.

BG Do you know if any past contacts by the Volusia County Sheriff's Office shows (inaudible)

CP Not that I'm aware of, I haven't searched that residence for priors.

BG Dep. Pardee any efforts on your part to determine that the male resided there other than the address on his drivers license that you ran?

CP And the statement that he said that he lives there four nights of the week, no.

BG When he told you in your statement that she was upset about him folding clothes or not folding clothes.

CP Correct.

BG Did you see those clothes?

CP There was lots of clothing on one of the couches.

BG Ok. Which room was that?

CP In the living room.

BG He made a statement to you that he had been jogging earlier with one of the children?

CP Yeah he said he's trying to help his son lose weight so he took him out jogging.

BG Did you attempt to confirm that information through that son?

CP No and the reason he even made that statement was because he was expressing how he was tired and didn't feel like folding the clothes and that was why he made that statement.

BG Ok but again did you follow up and talk to that child to see if the father had been there earlier and had been jogging with him?

CP No.

BG When were you first made aware of an injury to a child?

CP Today.

BG Dep. Pardee during the course of the physical arrest and I understand there was a struggle there, where were the children?

CP In the living room.

BG Ok. Did you and the Sergeant have to give any rules (unintelligible) any verbal commands for them to get back, were they close to you at that time?

CP No, other than the incident where I had to push Tony Jr. back Tony Sr. was keeping all the kids away from us by pulling them back into the, I believe the kitchen off to the north of the living room.

BG But the children and Tony Sr. they were all in the living room area with you when this was going on?

CP Yes.

BG Who would, the children, who did you, release the children to?

CP They stayed there at the residence with Tony Sr.

BG Did the mother authorize that?

CP I don't recall.

BG Do you know who made the decision to leave the children?

CP I believe she made some kind of statement in the back of my car but I don't recall what the specifics were about them staying there. I think along the lines of yeah they can stay here since there's no one else or something like that or I don't have any family that can come get them.

BG Ok but do you recall specifically asking her what do you want me to do with the children?

CP No I don't recall, I don't recall.

BG Did you document anywhere that you spoke to her and she said what to do with the children?

CP No.

BG At any point during the physical arrest of the defendant did you use excessive force?

CP No.

BG At any time during the arrest of the defendant did Sgt. Turney use physical...

CP No.

BG ...force? Excessive physical force?

CP No.

BG I don't think I have anything else.

TM I just have two more questions real quick. Prior to today Dep. Pardee did you hear the 911 tapes? Besides what I provided you here today have you heard them?

CP No I have not.

TM Did you make any attempt to obtain those tapes for evidence?

CP Not at all.

TM Ok. So this is the first time today that you actually heard the call?

CP Yes.

TM That's it.

JC Dep. Pardee did the defendant Pease at any point in time subject to her being secured did she object to leaving Mr. Flounnoy in the custody and presence of the children at that residence?

CP No she did not.

JC Is it fair to assume she knew that as she's going to jail that the children would then be left at that residence with Mr. Flounnoy?

CP Yes she was, the way the patrol car was facing with her in the back seat we were actually facing the house as he and all the children walked back inside the house.

JC And just to refresh my memory you were in her presence for at least two hours subsequent to arrest?

CP Correct.

JC So she had plenty of opportunity to voice any objections to leaving the kids with Mr. Flounnoy or that she could offer a plan B or C for the kids to be with someone else?

CP That is correct.

JC If she had offered to, asked you to call someone to respond to the residence to take care of the children would you have objected to that?

CP Not at all.

- JC And during the time that she was in your custody did she complain of the injury? Did she ask to be treated by rescue as you indicated the offer was made by Sgt. Turney?
- CP No not for the injuries to her face, like I said the only complaint she had besides being claustrophobic was that her shoulders were getting sore and that's when we placed two handcuffs on her behind her back to give her arms more room.
- JC Did you also not accommodate her request for relieving her distressed relative to claustrophobia by rolling the windows down?
- CP That's correct.
- JC Do you remember when, what her response was when Sgt. Turney offered to provide rescue to look at her superficial injuries do you remember her response?
- CP I believe it was "no don't worry about it" or "no I'll take care of it" or something along those lines.
- JC But clearly she was rejecting that offer?
- CP Correct.
- JC Is there any doubt in your mind that she wanted or did not want to have rescue attend her injury?
- CP There is no doubt in my mind.
- JC Is it also fair to say that the reason that there's no documentation in your report relative to the actual place of occurrence of her injury is because neither you nor Sgt. Turney knows where that injury occurred?
- CP That's correct. It could've been a combination of both from inside the house and from outside the house.
- JC In your opinion after the fact is it even relevant where her injury occurred whether it was inside or outside the house?
- CP No.
- JC Describe for her, describe her appearance for me.
- CP Approximately 5' 6" to 5' 9" and at least 200 pounds.

JC And you're saying that she vigorously resisted or that would be reflected in your report that she violently resisted her arrest?

CP Yes.

JC Was she a strong woman?

CP Yes.

JC Did you guys have your hands full?

CP Yes we did.

JC You indicate that when you ran Mr. Flounnoy's name via teletype that the records came back to the address that you had entered?

CP Yes.

JC Was there any dispute as to at least two of the children present at the scene being his children?

CP No and even the one kid was named Tony Jr.

JC Based on your time and investigation do you feel to your satisfaction that the criteria for domestic violence was met?

CP Yes.

JC Relative to children in common that he did or had lived at that residence at some point in time and an act of violence had occurred?

CP Yes.

JC That's it.

TM Alright, Dep. Pardee do you feel you violated policy number 26.2.102 Excessive Force Resulting in Injury?

CP No I do not.


TM 86-453.13 Volusia County Merit System Rules and Regulations, any conduct on or off duty that reflects unfavorably on the county as an employer?

CP No I do not.

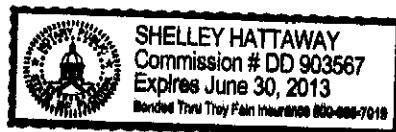
- TM Is there anything you'd like to add or delete from your statement you provided here to us today?
- CP Not at all.
- TM This concludes the interview and the time is 3:15 pm

I, Sgt Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Dep. Charles Pardee taken by me on January 14, 2010.

(Signed)


Sworn to and subscribed before me this 2nd
Day of February, 2010.


Signature of Notary Public-State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced

ADVISEMENT OF RIGHTS FOR A DISCIPLINARY INTERVIEW

I wish to advise you that you are being questioned as part of an official investigation of the Volusia County Sheriff's Office. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the constitution of this state and the constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, it will be considered an act of insubordination and a violation of a direct order by a superior or competent authority. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding, **(except for perjury or obstruction of justice charges)**. However, these statements may be used against you in relation to subsequent department charges.

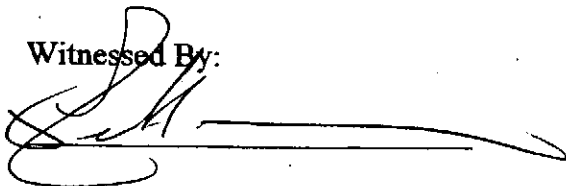
The aforementioned Advise ment of Rights is not the warning in criminal cases under the Miranda decision. As mentioned, Miranda has no application in a disciplinary interview.


Signature

Jan 14, 2010
Date

4th Floor ADMIC
Location

Witnessed By:



VOLUSIA COUNTY SHERIFF'S OFFICE
OFFICE OF INTERNAL AFFAIRS

ADMINISTRATION OF OATH / PERJURY WARNING

09-022
Case Number

Dep Charles PARDER
Witness Name

I am SGT MORGAN with the Volusia County Sheriff's Office,
Internal Affairs Unit. Today's date is JAN 14 2010 and the current time is _____
The location of this interview is 4th FLOOR ADMIN Also present
during this interview is LT GOGGIN & JEFF CHADAY

Are you aware that this interview is being recorded? yes

I am conducting an official administrative investigation concerning
26 2 ¹⁰² Excessive Force Resulting in Injury.

As a Florida Law Enforcement Officer and a Notary Public of the State of Florida, I am empowered to take sworn statements. At this time, I would ask that you raise your right hand to be sworn. Do you solemnly swear or affirm that the statement you are about to give is the truth, the whole truth, and nothing but the truth? yes

Any false statements about material matters given by a witness under oath will constitute perjury, which is a Third Degree Felony according to Section 837.02, Florida Statutes.

Do you understand that if you knowingly make material mis-statements of facts to me during this investigation, you will have committed the crime of perjury? yes I do
Answer

[Signature]
Witness Signature

[Signature]
Investigator Signature

JAN 14 2009
Date

WITNESS STATEMENT

TM – Sgt. Tim Morgan BG – Lt Robert Goggin
JT – Sgt Joel Turney JC – Jeff Candage

BG Ok the recorder's on.

TM This is Volusia County Sheriff's Office internal affairs administrative oath/perjury warning. This is involving case number 09-022 involving Sgt Joel Turney. I'm Sgt Morgan with the Volusia County Sheriff's Office Internal Affairs Unit, today's date is January 13, 2010 and the current time is 9:45. The location of this interview is the fourth floor Admin Building located in Deland. Also present today during this interview is Lt. Goggin and your Union Rep. Jeff Candage. Sgt Turney, are you aware that this interview is being recorded?

JT Yes.

TM I am conducting an official administrative investigation concerning 26.2.102 Excessive Force Resulting in Injury and 86-453.13 involving the Volusia County Merit System Rules and Regulations. As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn please. Do you solemnly swear or affirm that the statement you are about to give is the truth, the whole truth and nothing but the truth?

JT Yes I do.

TM Thank you. Any false statements about material matters given by a witness under oath will constitute perjury which is a third degree felony according to section 837.02 of Florida Statutes. Do you understand if you knowingly make material misstatements of facts to me during this investigation you will have committed the crime of perjury?

JT Yes I do.

TM If I could have you sign here please, thank you. Sgt Turney when you were served your notification did you receive a copy of your law enforcement officers bill of rights?

JT No I did not.

TM You did not?

JT I received just a copy of the notice of IA.

TM Ok I have provided you a copy here today do you need to review them?

JT No.

TM Are you sure?

JT Yes.

TM Ok did you read and understand and we kind of covered it here the copy I provided to you, did you read and understand the advisement of rights for discipline as they pertain to Garrity? Which we covered the form that you signed prior to us going on record?

JT Yes.

TM Do you have any questions reference your bill of rights?

JT No I don't.

TM Prior to going on record you were provided with copies of the transcript provided by Ms Pease, Mr. Flounnoy, a CAD printout of the call, a Citizen's Complaint provided by Ms. Pease and Mr. Flounnoy and Jonah Pease and Tony Flounnoy, your daily log entry, 911's and/the radio calls. Did you have time to review those documents and listen to that 911/radio call?

JT Yes I did.

TM Sgt Turney, we're here to discuss possible policy violations that may have occurred on November 19th 2009 involving possible excessive force at 3288 Littlefield involving the arrest of Ms. Pease. Do you recall that incident?

JT I do.

TM Can you describe the incident as it occurred?

JT Yes we responded to the address, myself and Dep. Pardee, for a disturbance. Arriving on scene when we got out of our vehicles as we walked up to the residence we could hear a loud disturbance going on, I could hear yelling and screaming. We, I asked for the emergency traffic on the radio, we made contact with both of the subjects, we separated them, cleared the radio. Dep. Pardee initially stayed outside with the male part Mr. Flounnoy. I went inside and made contact with Pease the defendant, asked her you know to get the account of what had happened, got her statement of what she said happened, went outside and spoke to Mr. Flounnoy, got his account of what had happened. I spoke to the one 13 year old child, I believe his last name's also Flounnoy. I went back and talked to Ms. Pease again you know to ask about inconsistencies in her statement and such well in talking to her I made the determination she as the primary aggressor

and that a domestic violence battery had occurred. I, due to her demeanor, I was trying to get her to come outside the residence because there was four children inside the residence. She refused a loud; you know some loud shouting started, Dep. Pardee being outside I walked to the door to bring him in because I knew we were going to need to take her into custody. He was already starting into the house hearing what was going on inside, I told her she was under arrest, she took a what I, as an aggressive stance or defensive stance however you will she pulled in tight to her body, pulled her arms in. I was facing her in the living room area of the house so I told her you're under arrest. I grabbed a hold of her arm which the physical struggle stated right at that point. She was able to spin around. Dep. Pardee was on the other side of her. I took hold of her arm again tucked into to take her into custody, she took a swing at, is that me? I'm sorry that's my department NEXTEL. Ok sorry about that, she took a swing at Dep. Pardee and missed him and moved over to the other side of the living room. The children were jumping up and down screaming. The one 13 year old child was pushing himself in between us grabbing his mother, he didn't want his mother to go to jail but after the struggle continued I knew I wasn't going to be able to get her arms behind her back and neither was Dep. Pardee. He was also struggling with her, used her arm with an arm bar and took her down to the floor still in the living room area of the house towards the entry way. After, I got on the radio to try to ask for more units because of the situation in the house. Mr. Flounnoy was physically removing the children away from us. One of them ran into the back of the house I could hear some crashing going on back there, I want sure if he was trying to, if he was going to arm himself or obtain some kind of weapon. I called for additional units after a few more moments of struggle we got her into handcuffs. We got her up to bring her out of the house still a lot of yelling and as we were trying to bring her or escort her out the door she turned herself around facing back into the house and tried to come back into the house again. When we got to the doorway of the house she, I was inside the doorway she was in front of me Dep. Pardee was on the other side of her, outside. Dep. Pardee had her I had her she continued to try to come in as I tried to escort her out the door she stumbled along with Dep. Pardee stumbling. I don't know if she fell all the way to the ground or if he fell all the way to the ground but everybody kind of stumbled forward, got her back up. She continued to struggle the entire way to the patrol car to where we made sure she didn't have any weapons or anything else and got her into the patrol car and I could see the scratches and cuts on the left side of her face. I offered her Rescue if she needed to be seen by Rescue, she refused and she was transported from the scene from there over to the Lowe's on Howland Blvd. I went along with Dep. Pardee just to observe to make sure nothing further happened, completed her paperwork and she went to jail. I notified, to back up a little bit, when I got to the patrol vehicle once she was secured and everything had calmed down I called Lt Bosco and notified him of the incident.

TM Ok you pretty much touched on everything there. I'm just going to back up a little bit.

JT Uh huh

TM Your initial arrest was for what reason again?

JT Domestic violence, battery

TM Ok and how were you able to determine the DV part of this?

JT By talking to her initially, the interview with her, the interview with him, the interview with the child and the evidence if you will at the scene in the bedroom where this incident had occurred at.

TM Ok and how were you able to determine that Mr. Flounnoy and Ms. Pease were related or...

JT They both said that they had children in common, his address on his ID card or license or whatever he had was that address, he stated that he had been living there. He told me they had four children, all the children were theirs in common so we established the domestic violence relationship.

TM And he said he was currently living there?

JT Yes.

TM What did Ms. Pease tell you?

JT She said that he doesn't live there, he comes and stays there sometimes but he doesn't live there. She said, and I had mentioned before we went on where she said that he was living in the projects in Daytona.

TM And did you speak to any children about Mr. Pease? I'm sorry about Mr. Flounnoy sorry?

JT As far as his...

TM Residency...

JT ...residency I spoke to the 13 year old about the living situation I don't recall what his exact words were but in my mind it confirmed to me that he was a resident there.

TM And you said you determined Ms. Pease to be the primary aggressor by the account of the stories.

JT Uh huh

TM In your supplement and I have it here and I'm sure you have it there too.

JT I do.

TM On line 15.

JT Uh huh.

TM Pease's son Pease, Tony gave a completely different account than Pease and Tony Flounnoy stated that Ms. Pease was upset and slammed the cup down on the nightstand in the bedroom which caused the milk to be thrown around the room.

JT Uh huh.

TM That was the son's story?

JT Yes.

TM And then what was Ms. Pease...

JT Her story was that she had made herself a sandwich and a glass of milk and she had come into the bedroom and that somehow while taking a drink from the glass the milk had ended up all over the room and that was the exact account that she gave to me.

TM And Mr. Flounnoy told you....

JT That she was upset and she threw the cup at him, hit him in the forehead with the cup which splashed the milk all over him and the bedroom.

TM And you mention while you were giving your open description of the incident her demeanor? What was her demeanor while you were there?

JT Very, very angry and very aggressive.

TM Ok and you also touched on this and of the actual physical arrest of Ms. Pease prior to arresting Ms. Pease did she make any statement's to you?

JT That she was, she had been shouting at me because I questioned the validity of her statement to me. She shouted "if you think I'm lying then just arrest me. You know when was screaming things of, you know those exact words I'm not sure but something along, something to that order.

TM Did she make any complaints of neck injuries to you?

JT Not that I recall.

TM Prior to going hands on?

JT No.

TM And during that confrontation Sgt Turney according to you're supplement on line 29 you advised that Ms Pease violently resists you. Can you describe what you mean by violently resists you?

JT That when I took hold of her that she immediately tried to rip her arm from my grasp. She was physically trying not to be taking into custody whichever way. I grabbed her and tried to put her arm behind her back she would pull it back and pull it in tight to her self. She was moving away from us as we were trying to bring her closer to us to take her into custody. The swing with a balled up fist at Dep. Pardee, a violent act.

TM And you also touched on this, I'm just going to touch on it a little but here again. The children, were the children all present in the room at that time?

JT Yes.

TM And what were the children doing during the arrest of Ms. Pease?

JT Two of them were sitting on the couch; there was another there was actually three of them sitting on furniture in the living room. When the struggle, the third one the 13 year old the one I had spoken to outside, he never left his mother he was the one who stayed with her pretty much the entire time. He was right there. He immediately started trying to push himself between me and his mother. The oldest one I don't know his name he stood up and you know and started yelling and screaming flailing his arms, he didn't come at us, the other two I don't remember anything while the incident was, before she was taken into custody. I don't remember the other two doing anything other than maybe crying or yelling but I don't remember them getting up off the couch or doing anything.

TM Ok did you have to take any actions against any of the children on scene?

JT No I didn't put my hands on any of the children or take, the only probably incidental contact with the 13 year old as we were trying to take the mother into custody. Mr. Flounnoy at some point I'm not sure exactly in there had grabbed, the oldest had grabbed him and physically moved him out of the way and the 13 year old had physically moved him out of the way.

TM Ok at any time while dealing with the children did you display your taser or lead them to believe you were going to utilize the taser as annotated in their citizen complaint?

JT It never, my taser never came out of my holster.

TM You read, of course you read the statements provided by Ms. Pease and Mr. Flounnoy and there was a female an 11 year old female present or minor...

JT Yes.

TM ...and you read Mr. Flounnoy's statement that you kicked the child?

JT Uh huh I did read that.

TM Can you elaborate on that statement or tell us what occurred?

JT I don't recall, the only thing I recall that child doing is after Ms. Pease was in handcuffs in custody she was walking around in the living room crying yelling "I hate the police" and that was after the incident was over.

TM Were you made aware during that time by any of the adults at the residence that you allegedly kicked the child?

JT No.

TM Did you witness any deputy kick a child?

JT No.

TM And you also touched on this, again I'm just covering each base here. Who handcuffed Ms. Pease? Who finally handcuffed her?

JT Dep. Pardee had the, they were his handcuffs and as far as if he handcuffed at least one of her wrists whether or not he handcuffed both or I assisted in the second wrist that I'm not sure, it was pretty dynamic, but they were Dep. Pardee's handcuffs.

TM And this was during the struggle which we're aware of, while placing the handcuffs on Ms. Pease was action was she taking?

JT She was trying to pull her arms away and trying to put her arms underneath her and she was just moving and just trying to get away and she had pretty considerable strength.

TM And when you, Dep. Pardee and you finally did get her handcuffed where was she at? Where was she located?

JT She was still on the floor in the area, she hadn't moved from the area where we initially took her down, it all stayed within that, within a foot or so of that same area right near the living room right near the entry way to go outside the front of the house.

TM At any time did you have to kneel on her? Kneel on the small of her back?

JT I don't recall kneeling on the small of her back; I recall being to the side of her and just keeping hold of her arms. I don't recall kneeling on her back no.

TM Again this is going by her statement she said she was complaining she couldn't breathe because you were kneeling on her. Did you witness any other deputy kneeling on her?

JT No I didn't witness anybody kneeling on top of her, but what she was, there was so much screaming going on I couldn't tell what she would have said it was so loud in that house.

TM And you didn't witness Dep. Pardee kneeling on her?

JT No.

TM And again according to her statement, did you push her head into the floor?

JT No.

TM Did you witness Dep. Pardee push her head into the floor?

JT No.

TM Ok and you touched on this a little bit of when you were walking out and gave a little description of how you were walking out. Sgt Turney who actually walked Ms. Pease out of the residence after she was handcuffed?

JT We both did because she was still fighting with us trying to walk, even though she was handcuffed she was trying to walk back inside and the 13 year old child once again was in between us and her trying to bring her back into the residence.

TM Ok and referring back to the supplement on line 35 you put an attempt was made to remove her from the house.

JT Uh huh.

TM What occurred?

JT Just, it was simple we needed to get her out to the patrol car and get her out of that house to end that what I felt could have been a violent encounter with the rest of the family. In order to remove her she you know was given loud verbal command to walk out the house. She was ignoring those so she had to be physically removed from the house and she continued to struggle the entire time.

TM And at that time she was handcuffed?

JT Yes, behind her back.

TM And you also indicated in your report that Ms. Pease lost her footing and began to fall.

JT Uh huh.

TM Did she fall?

JT I don't know if she, I can't recall if she fell all the way to the ground I know she stumbled. Whether or not she went all the way to the ground that I can't remember.

TM And at that time who was, were you holding her?

JT She was facing the front of the house.

TM Ok.

JT Dep. Pardee was on the far side of her going towards the road I was closer to the entry way of the house. I had a hold of I guess it would be her right arm shoulder if you will and she was moving backwards because she continued to try to walk back into the house. So she was going backwards and Dep. Pardee, we had a hold of her.

TM Ok so I'm just trying to put that in my head so the back of her head was to you...

JT No, no, her face was to me, she was going, I was closest to the doorway and Dep. Pardee was closest to the road I guess if you will she was trying to force her way back into the house so she was facing me.

TM Ok and she was attempting to gain access to the house?

JT She was trying to get back in, whatever I don't know exactly what she was trying to do but she was yeah she was trying to get back inside and the child was again getting in between us and trying to get her back inside.

TM Do you know how Ms. Pease injured her face?

JT It, I, exactly between the, the two incidents, the take down and what, the stumbling outside I don't know exactly, I would say it could be a contributing factor between the take down inside the house and striking her face on the wall outside the house.

TM And when did you realize that Ms. Pease was injured?

JT When she was back, when we got her back to the patrol car.

TM Ok. And was it brought to your attention, how was that brought to your attention?

JT That she was injured?

TM Her injuries.

JT I saw her face.

TM You saw her face? Was she offered medical treatment?

JT Yes.

TM And how did you ask her?

JT I asked her if she needed to, if she needed any emergency medical treatment, if she needed to be seen by rescue.

TM And just referring to her statement where Ms. Pease said you would clean it up, was that ever said?

JT No, she said to me "no I'll take care of this when I get out" she was still very agitated.

TM At that point did you obtain any photos of her injuries?

JT I did not, just the jail imaging photo after she was booked.

TM Can you explain why you did not obtain photos?

JT Because I, I wasn't, there wasn't a use of force report or memo being generated.

TM And who's decision was that?

JT Between myself and Lt. Bosco who was the watch commander that night.

TM And your input on that decision was what part? What part did you have, what did you determine?

JT As far as what factors I used to determine, the factors I used to determine was that we used only restraining force and that her injuries were not significant. And I believe that's what I had said to the, because the watch commander asked me during the conversation if he needed to come down to do a use of force report.

TM Ok.

JT And I said it was just restraining force.

TM And Sgt. Turney in your report, your supplement you reference that you were scratched.

JT Uh huh, yes.

TM Where were you scratched at?

JT On my right, on the top of my right forearm.

TM Did you obtain pictures of those injuries?

JT I did not.

TM May I ask why not?

JT Basically the same reason, I didn't need any medical treatment and that there wasn't a use of force report generated that they were mild in nature.

TM And Ms. Pease's charges, do you recall what she was charged with?

JT With domestic violence, battery and resisting an officer with violence.

TM And you didn't want to use them as photographic evidence?

JT I, I didn't, no I didn't, made the decision not to.

TM Do you know if Dep. Pardee was injured during this incident?

JT He didn't report any injury to me; I believe he was not injured.

TM While arresting or after arresting Ms. Pease did you use any type of excessive force on Ms. Pease?

JT No.

TM Did you witness Dep. Pardee utilize any excessive force against Ms. Pease?

JT No.

TM Did you witness any other deputy that we may not know about use excessive force against Ms. Pease?

JT No.

TM Were there any other deputies present that we should be made aware of that could help us with this investigation?

JT At the time of the incident no we were the only deputy's on scene.

TM Ok and after you arrested Ms. Pease what did you do with the children?

JT They stayed there with their, with the father with Mr. Flounnoy and that was cleared thru Ms. Pease.

TM You did clear it thru Ms. Pease?

JT Yes, yes she was asked what we wanted to do with the children. We actually allowed Mr. Flounnoy to come to the patrol vehicle to speak to her. We actually allowed the children to come speak to her also to calm the situation down and asked her if it was agreeable to have the children, him to make the arrangements for the children. I believe he told her that he was taking the children to a family member's house.

TM But Ms. Pease authorized the children stay with Mr. Flounnoy?

JT Yes.

TM And prior to the children were you able to establish if all four children were in fact his?

JT He said they were, just by...

TM And what did she say?

JT I don't recall what she said. At least one of the children in my opinion I mean I'm not a geneticist or anything else but one of the children appeared to just be a white male which wouldn't have been likely.

TM And prior to relinquishing the children to Mr. Flounnoy did you check a criminal history on Mr. Flounnoy?

JT A full criminal history no we did a wanted check and got his wanted status.

TM Was he wanted?

JT No.

TM Was he a sexual predator?

JT No.

TM Was he a known criminal?

JT A career criminal yes.

TM That's all I have at this moment, lieutenant do you have anything?

BG Yeah Joel I've got a few for you. The original report completed by Pardee says it was a 911 call and the female was asking that a male be removed from the residence, is that how you recollect that?

JT Yes.

BG Ok now I'm going to go back to some questions that the sergeant's asked you, how we establish residency for the male at that house. You said he had a Florida driver's license?

JT Florida ID card.

BG Ok is that something you saw or something that was told to you?

JT I believe it's something that was told to me.

BG Ok and was it told to you by the male subject or Dep. Pardee or do you recall?

JT I don't recall.

BG So you never saw the driver's license?

JT I didn't see it.

BG Ok. Within that house, trying to determine whether or not he lived there or not because obviously she's saying that he doesn't, he's saying that she did and you're, you know obviously you're stuck in the middle there. Did you notice or ask to see any clothing that belonged to the male subject?

JT No.

BG Any mail, literature?

JT To be honest with you it never de-escalated to the point that we could have that kind of conversation.

BG Ok do you know if he had a key to the residence?

JT I don't.

BG Do you know how he gained access to the residence that day?

JT I do not.

BG Did you speak to any of the neighbors about whether or not he stays there or how often they see him there?

JT No.

BG No statements from, ok. I believe you stated earlier that you talked to one of the children who said that he does stay there?

JT Yes.

BG That was your statement? Did you document that anywhere that you were told that he lived there by that child?

JT No.

BG Ok did you get the child to write out a statement or anything?

JT No.

BG Ok. Did you question the children or anybody else, outside of him, prior to that day when was the last time he had been there?

JT I don't recall that.

BG Ok. The, in the report, it's actually the affidavit that Pardee wrote he wrote that you observed milk on the walls and splattered around the master bedroom?

JT Yes.

BG That's correct?

JT Yes.

BG Ok. As that being a, obviously a step or component of a possible domestic violence issue did you photograph that?

JT I did not no.

BG Do you know if he photographed that?

JT I don't know.

BG Ok. Ultimately you approved Dep. Pardee's paperwork is that correct?

JT Yes.

BG He doesn't cover, Sgt. Turney what happened as far as the injury, he states and I'm going to read it to you 'Dep. Pardee and Sgt. Turney took Ms. Pease outside the residence and while walking towards a marked patrol vehicle, well marked Volusia County Sheriff's Office patrol vehicle that was parked in the roadway Pease continued to try to pull away from Dep. Pardee. Once seated in the back seat of the patrol car Dep. Pardee observed a large, or left side of her face she had an injury.' He doesn't document anywhere that she fell or tripped or stumbled outside. Can you explain it to me today why you have it in your report that she fell outside and that he didn't document in his report that she fell?

JT I, I know that he had originally given me a draft of the report that had, had something else in there, I'm not sure exactly what it said in there but I think it had attributed her injury to a point that I said I don't think we can say definitively that this is exactly how her injury to her face was occurred. It could've been between the inside wall of the house or the outside wall. I think he had one or the other in there and that we had, we had to change that to reflect that. That stood, the change that, that was submitted the next time so that's, that's the only explanation of why I had that it's not in there.

BG Ok and again just from her statement and I know you've read that.

JT Uh huh.

BG She's claiming the injury occurred outside against a rough stucco wall.

JT That's very possible.

BG Ok and again but you didn't observe the injury until she was in the patrol car so it could've happened in the house?

JT Yes.

BG And describe, she hit her face on what in the house? Was it a floor a wall?

JT I don't know if she hit her face at all but she, we were in very close proximity to a wall.

BG Ok.

JT And so the whole, a wall inside and obviously a wall outside there between those two I'm sure that's where she, where she sustained her injury. Which one I don't know? Or a combination of both.

BG Ok. Did you ever speak to Dep. Pardee and ask him if he saw where she had injured her face?

JT I don't recall if we, I know we talked about it, I don't recall what our conversation was.

BG Ok and again going back to her complaint Sgt. Turney.

JT Uh huh.

BG And I don't want to be repetitive, and you can read it in there and the sergeant touched on it here a little bit. She's saying that she was never asked about medical assistance, that you came over to the vehicle because you were called over by Pardee, you shined your light in her face you looked at it and made a comment and said "oh I guess I'll have to clean it up" or "I guess we'll have to clean it up"

JT No sir.

BG Is that normally the way you would ask somebody for medical assistance?

JT No.

BG Ok what is your normal...?

JT To ask, if they have an injury to ask them if they need to be seen by rescue.

BG So it's not common for you or nothing that you normally do on a day to day basis to tell somebody that you would clean it up?

JT Absolutely not. Nor do I carry the supplies to do it.

BG I'm going to go back and touch on the photographs that you said weren't taken of the injury. Sgt. Turney and I know that you said you discussed this and I believe

you said you discussed taking photographs with Sgt. Bosco, did you ask permission to take photographs or did you ask him his opinion if you should take photographs?

JT I don't recall having a conversation with him about photographs.

BG Nothing about the photographs ok, and Sgt. Turney, an injury that occurs in our custody and she was in hand restraints from what you said earlier, do you think now, after viewing this, that it was her opinion whether or not she needed medical assistance ? or should we have taken charge of that situation because of an injury to her while in our custody and photograph...

JT Being that it was not a significant injury I believe asking her if she wanted to be seen was appropriate. I didn't feel that it was an injury that warranted, that warranted going to the hospital or receiving medical attention.

BG Ok and you saw the pictures of her?

JT Yes.

BG Ok. Have you ever been to that residence before on a call?

JT No.

BG That you can recall?

JT Not that I can recall.

BG And are you aware now or have you looked into seeing previous calls for service at that residence?

JT I believe I looked that night at what priors were, I don't remember if there were or weren't any I can't recall.

BG Ok so I'm just going to follow up with that again and I think it's, the answer will be the negative. While looking at calls for service, previous calls for service to that house, did the gentleman's name the other complainants name ever come up?

JT No.

BG Ok.

JT Not that I'm aware of.

BG You stated earlier that it was possible incidental contact with the juvenile?

JT With the 13 year old.

BG Ok and how do you remember that?

JT With him pushing himself between using his body to try to block me from his mother.

BG But you don't remember making contact with the 11 year old, the smaller child?

JT No, no, I don't remember her ever getting up off the couch.

BG And while you were conducting, you and Pardee, Dep. Pardee were conducting the physical arrest with, hands on the female where were the other family members? Were they on your back were they at a distance where were they?

JT I, it's hard to recall. I remember them coming up on us and Mr. Flounnoy physically grabbing them and the oldest one like really shoving away from us you know.

BG You don't remember any of the juveniles ever making contact with you while you're trying to affect the arrest?

JT I, I, no I don't recall that.

BG And again your conversation with Lt. Bosco after the incident, obviously we already have a 10-15, what do you recall transpired in that conversation with Lt. Bosco?

JT I called and I just, I tell him "Lieutenant I have an incident I want to brief you on" he says "go ahead" I told him a synopsis of what had happened there, that we had taken the female into custody and during the struggle that she had some injuries to her face and his response to me was "well do I need to come down to do a use of force?" and I said "well she's, it was just restraining force and there's not significant injury, I don't believe that a use of force memo is required for this" his response to me, whatever his response was he concurred and that was the end of our conversation.

BG Ok so Lt. Bosco never arrived at scene?

JT No.

BG And I think I've clarified this by looking at CAD reports, the complainants are advising or the female complainant's advising that she spoke to a lieutenant or there was a lieutenant on scene. Was in fact a lieutenant ever on scene that night?

JT No.

BG Ok and you stated earlier that there was no other deputies that witnessed the physical arrest?

JT Correct.

BG Any other deputies on scene prior to her being placed in the patrol car?

JT No.

BG What other deputies after that arrived?

JT After the fact I believe Dep. Chastity Burke arrived, Sgt. Carlisle and Sgt. Brown and I believe that was everybody who was there.

BG And do you know if they took any, if they did any reports or took any action while there?

JT Sgt. Carlisle walked, because I needed to go back, we had taken her out of the house they had slammed the door shut. We needed to go back to the house so we hadn't received information on the juvenile, name date of birth, there was still information that we needed so we went back up to the house. Sgt. Carlisle went back up to the house with me. I got very limited information; Sgt. Carlisle didn't take any statements or any of that.

BG So as far as you know as of today Sgt. Carlisle, Sgt. Brown or nobody else did any supplements to the incident?

JT No, I don't believe so.

BG And were they in uniform because I know they're...

JT They were in plain clothes.

BG They were in plain clothes ok because like I said I know...

JT Dep. Burke was in uniform she was working that night.

BG Ok I don't think I have anything else.

TM Just a few more questions that the lieutenant touched on. You did attempt to re-contact to obtain statements right?

JT Yes.

TM And were you made aware at the scene you may have incidentally contacted or made contact with a juvenile during the arrest?

JT With the 13 year old is, I mean him making contact with us pushing himself in between me and his mother yes.

TM And afterward did you ask any of the children if they were hurt during the struggle?

JT No.

TM Or during the confrontation?

JT No.

TM Ok. And one more thing Ms. Pease touched on was the Publix and she, and she said she was there for five hours and we realized we checked CAD and we realized that's not exactly true however we did notice that they were out a Publix for an hour and 40 minutes.

JT We were actually at the Lowes.

TM Ok the Lowes.

JT The brand new Lowes.

TM Do you know why they were out there that long?

JT Just completing the charging affidavit. I stayed with Dep. Pardee while he completed the paperwork.

TM So you were there the whole time?

JT Yes.

TM And no other incidents took place during that time?

JT No, no she stayed in the back of the car by herself.

TM Did she make any complaints of claustrophobia or anything like that?

JT She may have.

TM That's all I have. Jeff?

BG Jeff?

JC I'm up. Sgt. Turney did you have the opportunity to listen to a VCSO dispatch tape prior to the beginning of this interview?

JT Yes.

JC In listening to that tape did you hear Mr. Flounnoy indicate on multiple occasions that Ms. Pease had hit him in the head?

JT Yes.

JC Was that consistent with what he told you subsequent to your arrival and interview with Mr. Flounnoy?

JT Yes.

JC So he indicated he had been hit in the head so in your mind a battery had occurred?

JT Yes.

JC Relative to establishing a predicate for domestic violence arrest criteria, explain to me again how you determined that the address on his DL or ID was the address that you were at?

JT Based on his statements that he lived there and the juvenile male concurring that he was a resident there.

JC Relative to that, to the DL or the ID is it your understanding or your recollection that Dep. Pardee had seen this ID?

JT I believe so yes.

JC In reading thru the witness victim statements do you recall reading where Ms. Pease had also indicated that his established residence was indicated as that address?

JT Yes that she indicated that he had the address on his license.

JC And that for some reason she was complaining that he hadn't gotten it changed.

JT Yes.

JC So it's fair to assume that he at one time had lived at that address?

JT Yes.

JC And clearly they had had a conjugal relationship because they had at least two children, biological children in common?

JT Yes.

JC As you sit here today do you have any idea where the superficial injuries to the left side of Ms. Pease's face had occurred inside the house or outside the house?

JT I'd say it could have occurred in both places or you know either one or the other or both.

JC Is it fair to say that the omission of where the injuries may have occurred in Dep. Pardee's report or in your supplement report is because you were unaware of where it occurred?

JT We were unsure of exactly where it had occurred.

JC Again reflecting back on her statement at one point in her statement she's indicating that Dep. Pardee had I believe quote unquote "rubbed her face against the exterior wall" do you recall reading that?

JT Yes sir I recall reading that.

JC Do you recall reading further in that statement that she had then indicated that quote unquote "Turney had rubbed her face against the exterior wall"?

JT Yes.

JC Did you or Dep. Pardee do anything consistent with that description?

JT No.

JC Did anyone at any time during or after this incident indicate to you that the 11 year old female on scene was kicked by a VCSO deputy and/or incurred injury?

JT No.

JC So today is the first time you're aware of any allegation of you or anyone else kicking the 11 year old female?

JT Yes.

JC I don't have anything else.

TM Ok. Sgt. Turney do you feel that you violated policy number 26.2.102 Excessive Force Resulting in Injury?

JT No I do not.

TM 863 I'm sorry, 86.453-13 Volusia County Merit System Rules and Regulations, any conduct on or off duty which reflects unfavorably on the county as an employer?

JT No I do not.

TM Is there anything you would like to add or delete from the statement that you provided here to us today?

JT Ok Sgt. Turney this concludes the interview, the time now is 10:30am.

I, Sgt Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Sgt Joel Turney taken by me on January 13, 2010.

(Signed)

Tim Morgan - # 2459
Sworn to and subscribed before me this 2nd
Day of February, 2010.

[Signature]
Signature of Notary Public-State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known ✓

Produced identification

Type of Identification Produced

VOLUSIA COUNTY SHERIFF'S OFFICE
OFFICE OF INTERNAL AFFAIRS

ADMINISTRATION OF OATH / PERJURY WARNING

09-022
Case Number

SGT TURNEY
Witness Name

I am SGT MORGAN with the Volusia County Sheriff's Office,
Internal Affairs Unit. Today's date is JAN 13 2009 and the current time is _____
The location of this interview is, 4TH FLOOR ADMIC Also present
during this interview is LT GOSSIN & JEFF CANDAGE

Are you aware that this interview is being recorded? yes

I am conducting an official administrative investigation concerning

26-2-02 Excessive Force Resulting in Injury

As a Florida Law Enforcement Officer and a Notary Public of the State of Florida, I am empowered to take sworn statements. At this time, I would ask that you raise your right hand to be sworn. Do you solemnly swear or affirm that the statement you are about to give is the truth, the whole truth, and nothing but the truth? yes

Any false statements about material matters given by a witness under oath will constitute perjury, which is a Third Degree Felony according to Section 837.02, Florida Statutes.

Do you understand that if you knowingly make material mis-statements of facts to me during this investigation, you will have committed the crime of perjury? yes

Answer

[Signature]
Witness Signature

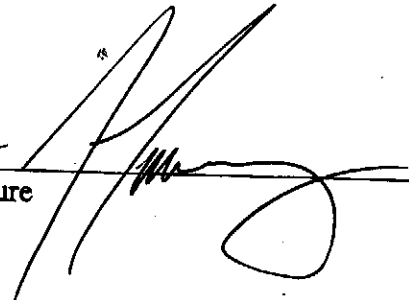
JAN 13 2009
Date

[Signature]
Investigator Signature

ADVISEMENT OF RIGHTS FOR A DISCIPLINARY INTERVIEW

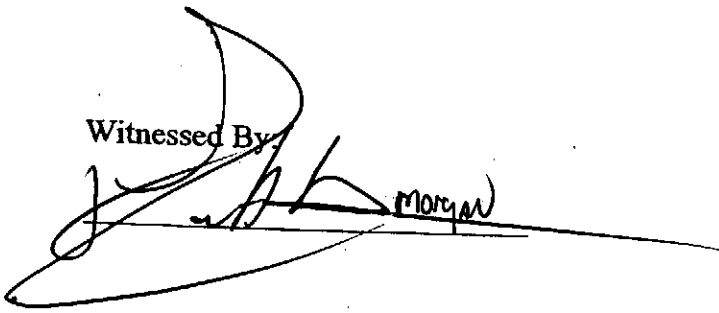
I wish to advise you that you are being questioned as part of an official investigation of the Volusia County Sheriff's Office. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the constitution of this state and the constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, it will be considered an act of insubordination and a violation of a direct order by a superior or competent authority. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding, **(except for perjury or obstruction of justice charges)**. However, these statements may be used against you in relation to subsequent department charges.

The aforementioned Advisement of Rights is not the warning in criminal cases under the Miranda decision. As mentioned, Miranda has no application in a disciplinary interview.

SGT 
Signature

JAN 13 2010
Date

4-15 Flood Army
Location

Witnessed By


WITNESS STATEMENT

TM - Sgt. Tim Morgan

JG – Inv Jim Gabriel

TF – Tony Flounnoy

TM Ok the recorder is on; this will be a taped interview reference to IA case number 09-022. Today's date is January 5th 2010 and the time is 8:30 am. The location of this interview is 1150 North Street in Daytona Beach Florida. Presently being interviewed is Mr. Tony Flounnoy?

TF Flounnoy

TM Flounnoy.

TF Uh huh

TM Also present is Inv. Gabriel with the Volusia County Sheriff's Office Internal Affairs unit. I'm Sgt. Morgan with the Volusia County Sheriff's Office Internal Affairs unit. Mr. Flounnoy, are you aware this interview is being recorded?

TF Yes sir.

TM As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I'd ask that you to raise your right hand to be sworn please sir. Do you swear that the statement you are about to give is the truth, and nothing but the truth so help you God?

TF Yes

TM Ok you can put your hand down sir thank you. Can you spell your name first and last for the record sir?

TF Tony T-O-N-Y Flounnoy F-L-O-U-N-N-O-Y

TM Thank you sir, can you briefly describe the events as they occurred on November 19th 2009 while you were present during the arrest of I believe it's your ex girlfriend?

TF Yes

TM Ms. Pease...

TF Pease, Allyson Pease

TM ...in Deltona Florida.

TF Not what happened but when the police officer got there?

TM Uh huh.

TF Yeah when they, she was on her way out the door and as she was walking out the door I think it was the Sergeant the one with the thick mustache he stopped her.

TM Ok

TF And she was like I want him to leave, I want him to leave so as he walked in the house he said what's going on, it was over a cup of milk you know? So when he walked in the other officer he pulled me outside.

TM Ok

TF So he started talking to me asking me what happened and you know how it get when you got a white girlfriend and a black guy so I was letting him know look man I done been to jail before nothing happened about a cup of milk you know my sisters on her way to come pick me up and he was like well, I didn't know he was a Sergeant at the time, well officer such and such out there he's good at getting to the bottom of everything. So I'm looking at him I'm like getting to the bottom of it? You know like finding out the truth about what happened. So I'm like man look here man I say don't nobody need to go jail. I said I just called my sister she's on the way to come get me so by this time I seen the Sergeant pull my son out take him on the side of the house talking to him. I knew right then somebody going to go to jail you know or something going to happen.

TM Uh huh

TF So he walked back in and then me and the officer outside, so when I read that police report I knew that was a lie because both officers was never present at the same time and now one had me outside talking to me. While me and him was standing outside talking I started hearing screaming "you a liar, you a liar!" that was the officer so when you heard all the screaming I'm like man what the hell's going on so by this time, he started walking towards the house and I was talking and he's like "no stay here" so I just went in behind him anyways. As soon as we walk in the house I seen him like grab her and start slapping her towards the ground and my son and my children went to hollering' and screaming. Then the other one joined in and they had her head, when they slammed her they had her head up against the wall. She was trying to you know like, and I'm telling her, it seemed like when I talked to her she said she was trying to keep from falling. I know she did because she just had a neck operation.

TM Uh huh

TF And she was trying to keep from hitting her head and they kept you know like pushing her, had her hand behind her back hollering you know and you see it all the time, "get down!, get down!" you know at the same time they standing there they just hurting her, putting her arm back and I'm looking at her with her fingers you know holding, pulling her finger back and my son you know he rushing up trying to help her because he's hollering screaming and crying I'm making him get back I know it done got bad now. I'm making him get back then my, they call him uncle Tony, her adopted daughter she ran in the one with the thick mustache you say the Sergeant he had her down I seen him kick his foot and kick her back.

TM Ok

TF Kick her back and I'm hollering and screaming, every time I get one child back because they don't know what's going on now because things had, you know it just got out of hand.

TM Uh huh

TF So after all that happened he got her, I told Allyson, I said "Allyson just let them to jail, let him take you to jail" and when they got up, when they got her up they took her outside my children you know they running to the door trying to you know see what happened you know see what they doing and I'm trying to...unintelligible...and as they take her out the door I looked, I was going through the door he made me get back in the house "get back in the house!, get back in the house!" so my children they all ran to the...unintelligible...to the window and they looking out the window I seen them take her and just like shove her up against the wall. Then I'm hollering "man what the fuck y'all doing man?" and by the time they came back slammed the door and told us stay inside the house don't come back out. Then my children hollering and screaming and carrying on then the officers came back the Sergeant and he looking at me like you seen what happened right? You seen what happened right? I said "man you know y'all just go ahead on and I made them, you know they left there's two, another officer came back and asked me to, did I want to do a domestic thing and just told him no I don't want to do anything. But yeah it was excessive force, I mean that is, if he would have explained to her what was going on you know I done been to jail a hundred times if you'd have walked in there and said look Ms Pease we here for a domestic we got to place you under arrest she would have understood that. But if you arguing back and forth with somebody and he calling her a liar she said well if I'm such a liar, and you can hear what's going on that what make the other officer go back inside, "if I'm such a liar then take me to jail" and I believe once she said that because he was already kind of pissed off the way he was looking and screaming. When he first walked in the house you know the look on his face I knew somebody was going to jail.

TM Ok now and I'm sorry if I butcher up your name here, Mr Fournoy?

TF Flounnoy

TM Flounnoy let me...

TF Right

JG It's without an R right? F-L-O-U-N-N-O-Y?

TM Yeah they actually have an R in here that's why. How are you related to Ms. Pease?

TF Oh we got two boys together.

TM And you said you followed the deputies in the house and you observed them trying to push her down?

TF Yeah

TM Was she trying to stand back up or what was happening?

TF No she was trying, they wouldn't give her a chance to get down you know? It's like she tried to get down but you know at the same time she falling and if she falls, her head was like at the corner.

TM Ok like at the crease of the...

TF The crease of the wall...

TM I know exactly what you're talking about.

TF And if she fall her head's gonna hit this corner right here, the corner of the wall and I guess she was trying to prevent from hitting her head or falling too hard because you know put her hands, and the way they tried to throw her down you know if her head would have hit that wall and did that sort of thing I could see she would try to prevent from hurting herself. It wasn't like she was trying to get away or not go back or fight them. She wasn't trying to do nothing like that it's just the way they was like "get down, get down" and like you know making a scene like it was more than what it was you know and you know at the same time hurting at the same time.

TM And when you first walked in who was involved in the initial...

TF Just those two.

TM Just those, were they both involved at the same time?

TF No, me and him was outside.

TM Ok

TF And as me and him walked as this start, when we heard the hollering and screaming he started like walking towards the, he started like going towards the door.

TM Right

TF And by the time we got there we seen him grabbing her and slamming her towards the ground and that's when he came in and helped him out.

TM Ok and did you see the deputy that was outside with you, which was Dep. Pardee, did you see what he was doing at that time when he first joined in to...

TF He was the one, I, he was the one with the handcuffs pulling her hand, had her hand trying to pull it back and put the cuffs on her hand.

TM Ok

TF But you know he was holding her hand like eh was hurting her and I see what's going on. Aint nothing I could do about it, you know what I'm saying? If I'd have got involved then both of us end up going to jail you know if I tried to help her or whatever so the only thing I knew to do is get the kids and get them back because they was hollering about, I hate (the little girl) I hate police officers they crying and everybody crying trying to help they mama. It was just the way they did it you know it was too rough for you know the way the slammed her down on the ground and bend her arm back and you know all kind of shit man.

TM Ok and the reason why the deputies are there and you kind of touched on this was over milk?

TF Over milk

TM What occurred that 911 had to be called?

TF She called 911 for me to leave.

TM Oh ok

TF Ok it wasn't no fight or nothing like that and I told her I said well after I called my sister to come get me and the deputy got there and I explained to him look and I said man look it was over milk I said nobody need to go to jail. I mean if he would gone in there and talked to her and find out what happened then nobody fault, nobody with no hits no nothing like that. You know I told her I say well I

said well you threw milk on me I said so if anybody, what I was trying to do was prevent from going to jail because I know nine out of ten I was going to go anyway you know? So I told the deputy I say you know she threw milk on me and it wasn't like she just dashed the milk on me you know we got into an argument about the clothes not being folded or whatever and then when she had the milk she was like get out my fucking room you need to go, you need to go I said no I'm not leaving out the room and she went like that and the milk came out. So you know I knew when the police came I didn't want to be the one to go to jail and I said she threw milk on me but it wasn't about milk being thrown because it was really not you know...unintelligible...on me you know it's just in the movement that the milk got on me and he went in the room and investigate the milk on the wall and he said milk on the wall? No milk on the wall, wasn't no milk on the wall the milk was still in the cup, because when they took her to jail and my son looked up and said dad why they took mom to jail, she didn't throw milk on you and he went in the room and said see the milk is still on the cup. And the milk was still sitting in the cup on the thing.

TM Ok you did tell the deputies that the milk was thrown on you and...

TF Yeah I did tell them that.

TM Ok how big is the cup do you recall?

TF Just a little cup she had because she putting out some cookies, I guess she had some kind of cookies or piece of cake or whatever it was.

TM And so the argument was over you folding clothes, her coming into the room telling you to get out and she did an arm motion which ultimately ended in with milk being spilt on you or thrown towards your direction?

TF Right yes

TM From there she called 911 to have you removed from the house?

TF She called 911 to have me removed from the house.

TM Ok and while you were outside with Dep. Pardee the Sergeant was inside speaking .

TF He was inside talking to her, no he wasn't speaking they were both yelling.

TM Were yelling back and forth ok. Ms Pease, when you walked in was Ms Pease looks like to you in your assessment of the situation was trying to avoid from hitting her head.

TF Avoid from hitting her head and falling so hard because she still go to doctors right now about her neck,

TM Uh huh

TF It wasn't, she wasn't trying to fight back it was just falling and hitting the corner of that wall or hitting that wall because she was about that far from hitting it when she was falling.

TM Ok and your main I guess role in this at this point was to try to keep the children back correct?

TF Yeah

TM And you had mentioned that you witnessed the Sergeant...

TF Unintelligible

TM ...the Sergeant actually...

TF When the little girl ran up there

TM Uh huh

TF He kicked her back

TM Was she and I'm just I'm trying to differentiate at this point, were they still attempting to handcuff Ms Pease when the child was running up behind them and you were trying to, and I understand you were trying to keep everybody back but there's four kids there correct?

TF She was like more screaming and hollering, the only one really tried to you know come and because him and his mama like this here was Tony, she was more like jumping up screaming and hollering but I guess she was too close or something like that because she would never try to run up there and try to pull them she would just scream and holler I hate police and she was screaming from the top of her voice and I guess she was too close and then after I pulled one back she went up there screaming and hollering and he looked back and he just kicked her back with his feet.

TM Ok

JG But it was like a push back or a deliberate kick? That's what...

TF unintelligible...wasn't pushed back it was a kick back because she got the bruise on her leg. I mean it wasn't I aint going to make it seem like he just kicked her but it more like you know get back.

TM Like get back

JG Get behind the rest of them.

TF Yeah get back yeah

TM And you've already mentioned that you did not follow through on charges and you elected to tell them you didn't want to go through with that.

TF Right

TM And have you spoken to Ms Pease since this incident occurred?

TF Yeah we spoke, I gave my kids their Christmas presents. I haven't been down there lately but yeah we speak.

TM Have you spoken to her about this incident at all?

TF No

TM And when you filled out your citizen's complaint form did you, where'd you do this at?

TF Down in Deltona.

TM Ok and this is after the arrest or?

TF This was after the arrest.

TM The day after or the night of or?

TF No I think this happened I think two or three days later, because we called and talked, spoke to someone.

TM Ok

TF And they told us where to go at and we all went down there.

TM Ok and you mentioned that when the deputies were escorting Ms Pease out of the residence what occurred?

TF Yes

TM And what exactly occurred there?

TF When they was taking her out to the car we both, I was walking out the door with him, he made us get back in the house, "get back in the house, get back in the house!" so when we got back to the house my kids automatically ran to the curtain. When they ran to the curtain I went to them I pulled it back and I seen deputy like slamming her up against the wall you know like trying get out to the wall and I ran right to the door and I pulled it and I said "what the fuck y'all doing" and I said that and he's like "get back in the house! Get back in the house!" and they closed the door back. Then I got the kids and I was calming them down I was telling them it going to be alright and then another officer came to the door they knocked and when they said that I didn't go out to the door because I didn't want to go to jail and my kids...unintelligible...so I just calmed them down and I stayed in the house then another officer came and knocked on the door that was a lady. A lady came up and two other officers that wasn't there came up.

TM Ok

TF Then we talked she asked me did I want to fill out a form I said no then I asked them because my kids still crying and carrying on I asked her was there anyway I could let my kids see that she was alright. Then we, this is when the other officer the Sergeant came back with the thick mustache, I said just let my kids see her they crying they want to make sure she's alright, he walked us to the car and let us leave.

TM Ok and you said you seen them push him against the wall and you mentioned in your statement that someone came back in and said did you see what happened?

TF That was the Sergeant.

TM And what was meant by that?

TF I guess he, the way he said it was like because she went to jail there were definitely like you see what happened right, like I was supposed to yeah I seen what happened man yeah you know but no he tried to make it seem like just because she went to jail and I the victim that I was told to say yeah I see what happened.

TM That's the way you understood that?

TF Yeah that's exactly how it was, like I suppose to agree with them I guess. Well no he said like I supposed to agree like yeah I see what happened man but it wasn't, it didn't happen that way, they was wrong when they came at her the way they did.

- TM Ok and I'm going to just briefly touch you actually, the things you actually witnessed and you've already mentioned that you witnessed the kick of the daughter.
- TF Right
- TM But you felt like that was more of a get back I'm attempting to make an arrest here trying to shove her away, it wasn't like an intentional kick.
- TF Ok I would say, I'm not gonna, I don't think it was an intentional but it was a you know the whole he kicked and told her to get back like get back.
- JG It could have been a reaction maybe rather than...unintelligible
- TF Right yeah but it's the part that the expression he had on his face and all this but I don't think he kicked just to be kicking her no I wouldn't say that.
- TM And then when they were, when you witnessed the deputies taking Ms Pease to the ground you think she was trying to, not try to fight him but she was trying to avoid striking her head because she had a neck surgery?
- TF She was not trying to fight them not at all. She, it's hard to describe because when he did it he did it out of anger and I know he did because he...unintelligible...hell me and her didn't argue like that you know he was like in her face calling "you're a liar!, you're a liar!" and you can I mean it had got real loud in there that why me and the officer went back in the house, ok it wasn't if he had, if he were more angry than anything you know he held her the wrong way, he did I mean if you'd went in there and talked to her and say well mam, you watch cops everyday on TV you know you got to go to jail for domestic violence you know put your hands behind your back it was none of that he just grabbed her and just went to slam her to the ground.
- TM In your estimation and I know it was a hectic scene there how long do you think from the time you'd seen them grab her until the time she was handcuffed? How long of a struggle or how long of, how long did that situation take until she was cuffed and secured?
- TF It wasn't that long, I mean when you're seeing something like that it looked like five or ten minutes but it couldn't have been no more than like 45 seconds to a minute I don't know it wasn't that, it seemed long but you know because the way it happened but I couldn't tell you exactly how long it was. I know it wasn't over no two or three minutes no.
- TM Ok

JG I think we've covered everything.

TM Alright sir is there anything you'd like to add or delete from the statement that you provided here to us today?

TF No

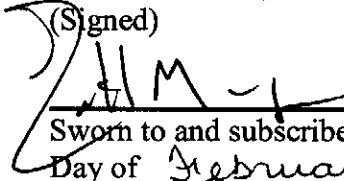
TM Anything that could help us?

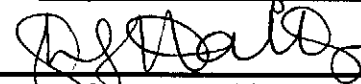
TF That's about all it was that's all I seen.

TM Ok well this concludes the statement and I know this was short notice and I appreciate you meeting us so early in the morning. This concludes the interview and the time is 8:45 am.

I, Sgt Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Tony Flounnoy taken by me on January 5, 2010.

(Signed)


Sworn to and subscribed before me this 2nd
Day of February, 2010.


Signature of Notary Public-State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced

Detailed History for Police Call #P093232154 As of 12/02/2009 14:49:03

put for:

Priority:1 Type:22D - Family Disturb

Location: [REDACTED]

LocCross:btwn HOOVER DR and E DORCHESTER DR

Map:58_D2

Created:	11/19/2009 22:29:08	CALL2	7659
Entered:	11/19/2009 22:29:40	CALL2	7659
Dispatch:	11/19/2009 22:30:06	DISP9	4202
Enroute:	11/19/2009 22:30:06	DISP9	4202
Onscene:	11/19/2009 22:32:15	DISP9	4202
Transprt:	11/19/2009 23:11:42	M366	7081
Complete:	11/19/2009 23:14:55	M366	7081
Closed:	11/20/2009 02:39:58	M366	7081

IC: PrimeUnit:1D45 Dispo:INC Type:22D - Family Disturb

Agency:VP Darea:04 Zone:49 RD:714

Case #:VP090036550 Detail

22:29:08 CREATE Location:[REDACTED] Type:22D Darea:04 RD:714 TypeDesc:Family Disturb LocCross:btwn HOOVER DR and E DORCHESTER DR Priority:1 Response:2PAT Agency:VP Map:58_D2 LocType:S

22:29:08 ALI E911Phne:[REDACTED] E911Pilot:[REDACTED] E911Add:PCS TOWER-2147 HOWLAND BLVD-DE.XX E911Subs:T-MOBILE USA E911Srce:WRLS AliLong:-81.189523 AliLatitude:28.923719

22:29:40 ENTRY Comment:LOUD DOMESTIC

22:29:45 SELECT

22:29:46 -NPREMS Comment:(none)

22:29:52 INFO Comment:FEMALE RP, HEAR A VERY LOUD MALE CUSSING IN BACKGROUND

22:30:06 DISPER 1D45 Operator:7081 OperNames:PARDEE,CHARLES

22:30:06 -PRIU 1D45

22:30:08 INFO Comment:WHEN ASKED ABOUT WEAPONS, THE RP STATED "HIS MOUTH"

22:30:14 INFO Comment:THIS MIGHT BE GOING PHYSICAL

22:30:15 BACKER 1D40 UnitID:1D45 Operator:2509 OperNames:TURNNEY,JOEL

22:30:19 INFO Comment:DISCON CALLING BACK

22:30:56 INFO Comment:THE FEMALE WAS "WANTING SUBJECT OUT OF HER HOUSE"

22:32:09 INFO Comment:STATES HIS NAME IS "TONY" AND HE IS A CRIMINAL -- TOO LOUD TO HEAR WHAT IS GOING ON OR ASK QUESTIONS

22:32:15 ONSCN 1D45 1D40

22:32:49 INFO Comment:DISCON AGAIN... DO I NEED TO CALL BACK?

22:33:16 CLARFY Phone:None->[REDACTED]

22:33:21 CLARFY Phone:[REDACTED]->[REDACTED]

22:33:23 NOMORE

22:33:49 MISC 1D40 Comment:10-33

22:34:23 MISC 1D45 Comment:10-98 10-33

22:36:05 OK 1D45 1D40

22:38:51 OK 1D45 Comment:FLOUNNOY, TONY BM 5 7 63

22:39:30 LOGM 1D45 Message:010911200339003086 MessageType:Text Received:11/19/2009 22:39:05 Comment:SIG/200

22:41:00 RFT 1D45 OLN:P200006619561

22:41:22 LOGM 1D45 Message:010911200341003120 MessageType:Text Received:11/19/2009 22:41:05 Comment:PEASE DL

22:48:18 MISC 1D40 Comment:10-33
 22:48:21 *BACKOS 1K942 UnitID:1D40 Operator:2445 OperNames:MOSS,KEVIN
 22:48:26 *BACKER 1D48 UnitID:1D40 Operator:7282 OperNames:WEAVER,DARRYL
 22:48:36 BACKUP 1D43 UnitID:1D48 Operator:7392 OperNames:BRAMAN,JOHN
 22:48:38 BACKUP 1D46 UnitID:1D43 Operator:2337 OperNames:WRIGHT,RICKY L
 22:48:42 BACKER 1M46 UnitID:1D40 Operator:7199 OperNames:TEW,TIMOTHY
 22:48:45 ENRTE 1D43 1D46
 22:49:06 MISC Comment:NEIGHBOR IS ON 911 ADV BAD S.22 AT THIS LOI
 22:49:08 *BACKER 1D49 UnitID:1D40 Operator:6744 OperNames:BURKE,CHASTITY
 22:49:09 MISC 1D40 Comment:REQ MORE UNITS....NOI FROM 1D40...10-33 GIVEN
 22:49:29 MISC 1D40 Comment:1 SECURE....SLOW EVERYONE DOWN
 22:51:01 BACKUP 1F90 UnitID:1D43 Operator:1390 OperNames:CARLISLE,JIMMIE C
 22:51:01 BACKUP 1F40 UnitID:1D43 Operator:1358 OperNames:BROWN,JOHN L
 22:51:02 *CLEAR 1K942
 22:51:04 *CLEAR 1M46
 22:51:08 ONSCN 1F40 1F90
 22:51:09 OK 1F40 1F90
 22:51:13 *CLEAR 1D48 Dispo:NR DispoLevel:10
 22:51:16 MISC 1D40 Comment:10-98 10=33
 22:51:17 CLEAR 1D43
 22:51:29 *ONSCN 1D49
 22:52:32 *CASE 1D45 Case#:VP090036550
 22:53:18 OK 1D49
 22:53:55 CLEAR 1D46
 23:11:37 *CLEAR 1D49 Dispo:NR DispoLevel:10
 23:11:42 *TRANSP 1D45 Location:HOWLAND BLVD / ELKCAM BLVD Mileage:10006 Comment:A/F 10-15
 23:14:08 CLEAR 1F40 1F90
 23:14:22 CLEAR 1D40 Comment:SUPPLEMENT
 23:14:55 *CMPLT 1D45 Mileage:10008
 23:19:28 OK 1D45 1:40 min what took place
 [11/20/2009]
 00:54:54 *TRANSP 1D45 Location:VCBJ Mileage:10008 Comment:A/F 10-15
 01:20:50 *CMPLT 1D45 Mileage:10031
 01:26:13 OK 1D45
 02:39:52 *MISC 1D45 Comment:TOT'D TO VCBJ
 02:39:58 *CLEAR 1D45 Dispo:INC DispoLevel:0
 02:39:58 -CLEAR
 02:39:58 *CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RP Cont	Other PX	Weapon?
	3863836398				
	386/383-6398				

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

January 25, 2010

Sergeant Joel Turney ID # 2509

Volusia County Sheriff's Office

District IV

Intent to Suspend

Sergeant Joel Turney:

Be advised that as a result of actions documented in I.A # 09-022, it has been determined that you violated Volusia County Sheriff's Office Standards Directives:

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)*

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. *(Violation subject up to a 5 day suspension)*

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

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.*

A handwritten signature in black ink, appearing to be "JF", is located in the bottom right corner of the page.

To wit:

On November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. She described the male to be a criminal.

While on scene with a subordinate deputy, you made contact within the residence with the female caller, an adult male and four juveniles. You and the deputy separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided information that he was struck in the head with a cup of milk thrown at him by the female, you observed that the male had what appeared to be dried milk on his person and there was milk on the wall and bed. You admitted that you made no attempt to establish the male's residency at that location other than you were told by another deputy that the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were present, you made no attempt to speak with each juvenile and / or to document information provided to you establishing residency by the male. This failure / neglect by you to properly conduct an investigation to determine residency of the male may have allowed a crime in your presence to go unnoticed.

You stated the female denied throwing the cup and advised she spilled the milk during the disturbance. You also stated the female refused to answer any further questions and continued to yell while you were attempting to complete your investigation.

You document in your report that you interviewed a 13 year old male witness who provided information the adult female slammed the cup of milk down on a dresser causing the milk to spill. This information corroborates the adult female's statement. However, you failed to obtain, or ensure that a written statement was collected from that witness. You failed to interview or document in your report if you interviewed any other juvenile witness who was present. You apparently did not consider the importance of this when a decision was made to arrest the female subject.

You affected a domestic violence arrest of the female based solely on your observation of dried milk on the male subject, the walls and bed. You neglected to, or made no attempt to ensure the collection of photographic evidence to support your observations. You failed to ensure the cup, alleged to have been thrown at the male, was photographed or taken into evidence. These items that were observed by you and which were not secured into evidence are all items of evidence possibly needed for prosecution

During the arrest of the defendant, it was documented that the suspect physically resisted with violence. The suspect was taken to the ground and placed in hand restraints and then continued to resist while being taken to a patrol vehicle, where an injury to the suspect's face was observed.

You admitted that you observed this injury and, "Asked the defendant", if she wanted medical assistance to which she refused. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to the patrol vehicle. You made the decision not to summons medical care for the defendant, who was injured while in your custody. You then made the decision not to photograph the injury. You stated that although you did not know where the injury occurred, you failed to conduct a follow up investigation by questioning the deputy, the defendant or any other witness present to determine where the injury to the defendant occurred.

You stated you received injuries to your arm while in the course of affecting the arrest. By your own admission, you advised you made the decision not to photograph your injuries for evidentiary purposes. Your failure to properly document / photograph your own injuries is a violation of policy and allowed evidence to escape that could be used to support the felony charge of resisting arrest with violence.

These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations, while being in a supervisory position, cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to yourself and to a defendant who was injured while in your custody, as required, will not and can be tolerated.

Due to the seriousness of this matter it is my intent to suspend you from work **without pay** for One (1) work day, which equates to Eight (8) work hours. The date and time of your suspension is to be determined by your Division Commander.

You may not work any additional hours (i.e. scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition.

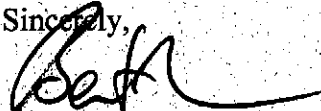
If there is any problem or condition that is troubling you that I am unaware of, please advise me so that I will have the opportunity to assist you in correcting this problem.

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline 26.1.1.**

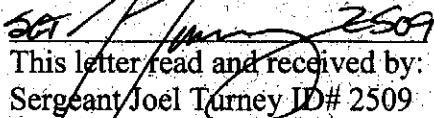
If you wish to refute my decision in this matter, you may do so by responding either orally and/or in writing within **three (3) days** of receipt of this notification with any information in law or fact showing that the intended decision is improper. If you elect to respond, it must be no later than February 01, 2010, at **1600 hours**. If you fail to respond or your response is inadequate, I will proceed with the aforementioned discipline.

Sincerely,



Ben F. Johnson
Sheriff

BFJ/rg040L0030.10
cc: County Personnel
County Legal
Internal Affairs

 2509
This letter read and received by:
Sergeant Joel Turney ID# 2509

Date: 01/27/10 Time: 1530 HRS

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

February 5, 2010

Sergeant Joel Turney ID # 2509
Volusia County Sheriff's Office
District IV

Final Disposition

Sergeant Joel Turney:

Be advised that as a result of actions documented in LA # 09-022, it has been determined that you violated Volusia County Sheriff's Office Standards Directives:

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)*

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. *(Violation subject up to a 5 day suspension)*

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

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.*

To wit:

On November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. She described the male to be a criminal.

02/09/10

While on scene with a subordinate deputy, you made contact within the residence with the female caller, an adult male and four juveniles. You and the deputy separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided information that he was struck in the head with a cup of milk thrown at him by the female, you observed that the male had what appeared to be dried milk on his person and there was milk on the wall and bed. You admitted that you made no attempt to establish the male's residency at that location other than you were told by another deputy that the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were present, you made no attempt to speak with each juvenile and / or to document information provided to you establishing residency by the male. This failure / neglect by you to properly conduct an investigation to determine residency of the male may have allowed a crime in your presence to go unnoticed.

You stated the female denied throwing the cup and advised she spilled the milk during the disturbance. You also stated the female refused to answer any further questions and continued to yell while you were attempting to complete your investigation.

You document in your report that you interviewed a 13 year old male witness who provided information the adult female slammed the cup of milk down on a dresser causing the milk to spill. This information corroborates the adult female's statement. However, you failed to obtain, or ensure that a written statement was collected from that witness. You failed to interview or document in your report if you interviewed any other juvenile witness who was present. You apparently did not consider the importance of this when a decision was made to arrest the female subject.

You affected a domestic violence arrest of the female based solely on your observation of dried milk on the male subject, the walls and bed. You neglected to, or made no attempt to ensure the collection of photographic evidence to support your observations. You failed to ensure the cup, alleged to have been thrown at the male, was photographed or taken into evidence. These items that were observed by you and which were not secured into evidence are all items of evidence possibly needed for prosecution

During the arrest of the defendant, it was documented that the suspect physically resisted with violence. The suspect was taken to the ground and placed in hand restraints and then continued to resist while being taken to a patrol vehicle, where an injury to the suspect's face was observed.

You admitted that you observed this injury and, "Asked the defendant", if she wanted medical assistance to which she refused. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to the patrol vehicle. You made the decision not to summons medical care for the defendant, who was injured while in your custody. You then made the decision not to photograph the injury. You stated that although you did not know where the injury occurred, you failed to conduct a follow up investigation by questioning the deputy, the defendant or any other witness present to determine where the injury to the defendant occurred.

You stated you received injuries to your arm while in the course of affecting the arrest. By your own admission, you advised you made the decision not to photograph your injuries for evidentiary purposes. Your failure to properly document / photograph your own injuries is a violation of policy and allowed evidence to escape that could be used to support the felony charge of resisting arrest with violence.

02/09/10

These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations, while being in a supervisory position, cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to yourself and to a defendant who was injured while in your custody, as required, will not and can be tolerated.

Sergeant Turney you were served with an intent to Suspend Letter on January 27, 2010, advising you of my intent to suspend you from duty **without pay** for one (1) workday, which equates to eight (8) work hours. You made an appointment and appeared before me on Wednesday February 3, 2010 at 1030 hours. Based on your admissions and attitude during our meeting, I made the decision to reduce that action from a **suspension** to a **letter of reprimand**; however your violation of policies were still upheld.

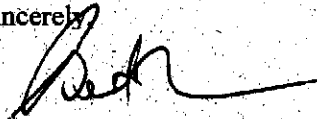
If there is any problem or condition that is troubling you that we are unaware of please advise me so that we will have the opportunity to assist you in correcting this problem.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline 26.1.1.**

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

If you wish to appeal my decision in this matter, you may do so by filing a written request through the County Personnel Director within ten (10) days of receipt of this notification.

Sincerely,

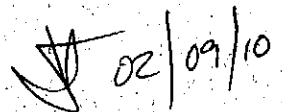


Ben F. Johnson
Sheriff

BFJ/rg040L0039.10
cc: County Personnel
County Legal
Internal Affairs

This letter read and received by:
Sergeant Joel Turney ID# 2509

Date: _____
Time: _____

 02/09/10



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

INTERNAL AFFAIRS
FEB 15 2010
RECEIVED

LETTER OF REPRIMAND

Name: Deputy Charles Pardee ID# 7081 Case# IA # 09-022 SD-10-032

Division: Law Enforcement Services Date: 02/04/2010

District: District IV

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

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)

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. (Violation subject up to a 5 day suspension)

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

2. Specific behavior and dates of the behavior that support the charge.

On November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. The female described the male to be a criminal.

While on scene you made contact within the residence with the female caller, an adult male and four juveniles. You and the Sergeant separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided you with information that he was struck in the head with a cup of milk thrown at him by the female, you observed what you described as a dried milk on his person. You admitted that you made no attempt to establish the male's residency at that location other than the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were present, you made no attempt to speak with each juvenile and / or to document information provided

WAZ

**LETTER OF REPRIMAND
PAGE 2**

to you establishing residency by the male. You apparently did not consider the importance of this when a decision was made to arrest the female subject. Your failure / neglect to properly determine residency of the male may have also allowed a crime in your presence to go unnoticed

You effected a domestic violence arrest of the female based on your observation of dried milk on the male subject, and the transfer of probable cause by your Sergeant, but you neglected to, or made no attempt to ensure the collection of photographic evidence to support your observations or your Sergeants observations at the scene. You failed to ensure the cup, which was alleged to have been thrown at the male, was taken into evidence, and you failed to photograph the physical evidence of the milk on the walls. You failed to process the scene correctly and obtain items of evidence possibly needed for prosecution.

During the arrest of the defendant, it was documented that the suspect physically resisted with violence. The suspect was taken to the ground and placed in hand restraints and then continued to resist while being taken to a patrol vehicle, where an injury to the suspect's face was observed. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to your patrol vehicle.

These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations as defined by policy, while being on scene cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to a defendant who was injured while in your custody, as required, will not and can be tolerated

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: [Signature] Date/Time: 02/10/10 1540
Supervisor: [Signature] 2459 Date/Time: 02/10/10

Reviewed by:
Lt. R.E. [Signature] Date 02-11-10 Capt. _____ Date _____
Major [Signature] Date 02-11-10 Sheriff [Signature] Date 2/12/10

Distribution:
White-Employee Pink-District or Section/Unit Yellow-Division Goldenrod-Sheriff/IA



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

INTERNAL AFFAIRS
FEB 15 2010
RECEIVED

LETTER OF REPRIMAND

Name: Sergeant Joel Turney ID# 2509 Case# IA #09-022 SD-10-031
Division: Law Enforcement Services Date: 02/03/2010
District: District IV

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

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)

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. (Violation subject up to a 5 day suspension)

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

2. Specific behavior and dates of the behavior that support the charge.

On November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. She described the male to be a criminal.

While on scene with a subordinate deputy, you made contact within the residence with the female caller, an adult male and four juveniles. You and the deputy separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided information that he was struck in the head with a cup of milk thrown at him by the female, you observed that the male had what appeared to be dried milk on his person and there was milk on the wall and bed. You admitted that you made no attempt to establish the male's residency at that location other than you were told by another deputy that the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were

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present, you made no attempt to speak with each juvenile and / or to document information provided to you establishing residency by the male. This failure / neglect by you to properly conduct an investigation to determine residency of the male may have allowed a crime in your presence to go unnoticed.

You stated the female denied throwing the cup and advised she spilled the milk during the disturbance. You also stated the female refused to answer any further questions and continued to yell while you were attempting to complete your investigation.

You document in your report that you interviewed a 13 year old male witness who provided information the adult female slammed the cup of milk down on a dresser causing the milk to spill. This information corroborates the adult female's statement. However, you failed to obtain, or ensure that a written statement was collected from that witness. You failed to interview or document in your report if you interviewed any other juvenile witness who was present. You apparently did not consider the importance of this when a decision was made to arrest the female subject.

You affected a domestic violence arrest of the female based solely on your observation of dried milk on the male subject, the walls and bed. You neglected to, or made no attempt to ensure the collection of photographic evidence to support your observations. You failed to ensure the cup, alleged to have been thrown at the male, was photographed or taken into evidence. These items that were observed by you and which were not secured into evidence are all items of evidence possibly needed for prosecution

During the arrest of the defendant, it was documented that the suspect physically resisted with violence. The suspect was taken to the ground and placed in hand restraints and then continued to resist while being taken to a patrol vehicle, where an injury to the suspect's face was observed.

You admitted that you observed this injury and, "Asked the defendant", if she wanted medical assistance to which she refused. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to the patrol vehicle. You made the decision not to summons medical care for the defendant, who was injured while in your custody. You then made the decision not to photograph the injury. You stated that although you did not know where the injury occurred, you failed to conduct a follow up investigation by questioning the deputy, the defendant or any other witness present to determine where the injury to the defendant occurred.

You stated you received injuries to your arm while in the course of affecting the arrest. By your own admission, you advised you made the decision not to photograph your injuries for evidentiary purposes. Your failure to properly document / photograph your own injuries is a violation of policy and allowed evidence to escape that could be used to support the felony charge of resisting arrest with violence.

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These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations, while being in a supervisory position, cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to yourself and to a defendant who was injured while in your custody, as required, will not and can be tolerated.

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: SGT J. M. TURNER 2909 Date/Time: 02/09/10

Supervisor: [Signature] 2439 Date/Time: 02/10/10

Reviewed by:

Lt. W.T. E. [Signature] Date 02-11-10 Capt. [Signature] Date

Major [Signature] Date 02-11-10 Sheriff [Signature] Date ~~02-11-10~~ 2/12/10

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