

**DEPARTMENT OF PUBLIC PROTECTION
INTERNAL AFFAIRS**

**Benjamin West, Witness Interview
IA 2012-11-312**

November 12, 2012

Present:

Benjamin West, Corrections Sergeant
David Vanis, Captain

Bonita McClough, Transcribing Secretary

Vanis: Today's date is November 20, 2012 the time is now 0835 hours. This is Capt. Vanis with the Volusia County Department of Public Protection's Internal Affairs Unit. Today I'm interviewing Sgt. West with the Volusia County Department of Corrections. Sir, could you please state your name for the record?

West: Sgt. Sgt. Benjamin West

Vanis: Ok and what's your current position and job title?

West: I'm currently a sergeant at Volusia County Branch Jail.

Vanis: Ok how long have you been employed with Corrections?

West: Ahm thirteen and a half years.

Vanis: Ok and what's your ah what's your home address?

West: [REDACTED]

Vanis: Ok and a phone number where we can reach you if we need to get a hold of you?

West: [REDACTED]

Vanis: M hm

West: [REDACTED]

Vanis: Ok I'm gonna read some stuff to you and you can read along on your own the Garrity form I just gave you.

West: Ok

Vanis: You are hereby advised that you're being interviewed as a part of an official administrative investigation being conducted by the Volusia County Department of Public Protection Internal Affairs Unit. You will be asked questions specifically directed and narrowly related to the performance of your official duties and fitness for continued employment. You are entitled to all the rights and privileges guaranteed by the laws of the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I'm further advising you that if you refuse to testify or to answer questions relating to the performance of your official duties or the fitness or your fitness for continued employment, it will be considered an act of insubordination and a violation of a direct order given by a superior or competent authority. If you do answer, neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceeding. These statements may be used against you in relation to Divisional disciplinary actions. Be advised this is an active and open Internal Affairs investigation; I'm directing you not to discuss any part of this investigation with anyone other than your representative until this case comes to a close. Do you understand that you'll be providing a sworn statement today?

West: Yes, Sir.

Vanis: Ok do you understand what what I was talking about there? Do you you understand what you were reading there what I was just talking about?

West: Yes, Sir. Yes, Sir.

Vanis: Ok. I'm gonna need a signature on that...

West: Ok.

Vanis: You got a pen? Do you have any questions about about this so far? Anything I read to you

West: No

Vanis: anything you read there

West: No, Sir.

Vanis: I just want to make sure we're all clear on that. Ready to get started?

West: Yes, Sir

Vanis: All right could you raise your right hand for me? All right, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

West: I do.

Vanis: Ok. All right, are you familiar with Ofc. Cella?

West: Yes

Vanis: Did he did he work for you?

West: Yes, Sir

Vanis: All right how long did he work for you?

West: He worked for me last shift until he got hurt which I think he said was like August

Vanis: Ok

West: 8th yeah

Vanis: Speaking of getting hurt, do you remember remember the night he got hurt or I guess it was early morning when he got hurt?

West: Yeah

Vanis: All right. What happened there?

West: Ahm I was sitting in the chow hall and ahm he came up to me and he said he'd just hurt his knee. And at first he was kinda like well I I think I'll be ok and I was like no no go and have a seat at the table and and give it a couple of minutes and then we're gonna go to ops and do some paperwork. I said maybe in a couple of minutes it might feel better, it might feel worse but I don't want him just walking on it.

Vanis: Ok and what happened from there?

West: Ahm I brought him to the office cause his knee he could barely walk actually no I think I brought him back I can't remember if I brought him to the office first or the clinic I think I brought him to the clinic first. Had medical check him out and they said that his knee was definitely swollen, he probably needed to go to the hospital.

Vanis: Ok so where where'd you go from there?

West: We went to the office and started paperwork on...

Vanis: Is that your office?

West: It's a - kind of a community office.

Vanis: Ok

West: Shift Commander's office

Vanis: Ok and who's the Shift Commander?

West: Ahm...Capt. Hunter

Vanis: Ok. All right then did you do the report or

West: I ahm

Vanis: or is that her responsibility?

West: Usually I think that the the captain does it but I did the first half of the report...ahm...I found it online.

Vanis: Ok Stars report we've all done it

West: Stars it's the one yeah

Vanis: Yeah

West: I think there was another form we ended up having to look for or search for but ahm

Vanis: Yeah they make it kind of confusing.

West: Yeah I did one that was on ENN and then there was another one I guess that was online that we had to find.

Vanis: All right so you all are in the Shift Commander's office

West: Yes Sir

Vanis: It's Capt. Hunter's office pretty much but ya',ll use it to do anything

West: She has a

Vanis: administrative

West: She has a little office area off of that. I mean if you can call it that I mean it's still attached to the room it's just a little doorway and her desk is back there but the sergeants' area is in front of that.

Vanis: Ok. Do you remember Ofc. Cella and Capt. Hunter having any conversation while they were while he was in the office?

West: Ahm...to some point I mean I'm I'm sure they did. I...really can't remember too much ahm

Vanis: Do you remember anything that was said between the two of them?

West: I remember he got mad (laughs a little) cause she was kinda messing with him a little bit and ah and I think I said something to her about leaving him alone or something.

Vanis: What'd she say to him?

West: I think she (laughs) I think she licked the back of his head.

Vanis: She licked the back of his head

West: Yes Sir

Vanis: did you see anything else?

West: Ahm not that I can really think of ahm

Vanis: Do you remember her saying anything to him?

West: I no I I to be honest, I don't remember them saying her saying anything I remember him getting a little bit agitated cause he's kind of a germbo germaphobia guy

Vanis: M hm

West: so I know when she licked his head I know it really made him mad...and I know he tensed up and his back was also hurting.

Vanis: And you told her

West: I said leave him alone, he's hurt.

Vanis: Right

West: And stop messing with him.

Vanis: Have you worked with Capt. Hunter a lot?

West: Yes well, not this shift I mean

Vanis: I mean but in in you've worked here for several years so

West: Yeah but this is the first time I've actually worked with her as a supervisor.

Vanis: Ok. Does she - is that kind of a common practice for her?

West: For what?

Vanis: I mean like licking somebody's head is that something that

West: I've never (laughing) I've never seen her lick somebody's head before, no. I can say that.

Vanis: Did she ahm was she taunting him you know just kinda trying to make light of the situation or -?

West: I think she was ahm...but like I said as far as the conversation goes I couldn't tell you. I remember I was trying to get the report done to get him out cause I knew he was hurtin so between me and Sgt. Lowenstein we were trying to get all the paperwork done so we could get him out of the office and to the hospital cause it was taking a little bit of time with us having to try to find forms and stuff.

Vanis: Ok did you see her do anything else with him when when you told her to knock it off then did she?

West: Yeah.

Vanis: Did you see anything else between the two of them?

West: No, Sir.

Vanis: Ok. Did you see Capt. Hunter lick her finger and place it in his ear?

West: No

Vanis: Did you see Capt. Hunter place her rear end on Ofc. Cella and flatulate on him?

West: No, I did not.

Vanis: Ok. And you did see her see her lick - where'd she lick him?

West: (laughs) Right up the back of the head.

Vanis: And you didn't hear her say anything after after she did that?

West: No, Sir.

Vanis: Ok. All right so after you asked her to leave him alone, did she say anything back to you?

West: I don't think so. I don't remember if it was it was it wasn't anything that sticks out and I think she just walked out of the office and maybe walked in a couple of times and walked out walked in, walked out. She's kinda hyper...so.

Vanis: Do you remember anybody else being in there when when she was interacting with Ofc. Cella?

West: I think Ofc. Schneider was.

Vanis: Schneider? Ok

West: Ahm like I said Lowenstein was in actually Capt. Hunter's office area

Vanis: M hm

West: at her desk so I don't think he was I I don't know if he was in there at the time I know we were both going back and forth trying to get paperwork done

Vanis: M hm

West: so if he was in there I don't really recall.

Vanis: Ok but Schneider was in in so you all were in like I'm trying to I'm trying to

West: Yes

Vanis: I need to go actually I should go over there and see what we're talking about

West: Ahm

Vanis: Is there like a sergeant's area and then there's a captains' area off to the side?

West: The way it's set up is if this was like it'd be wider of course

Vanis: M hm

West: but on the back wall there's one desk area that's like for lieutenants or whoever it's considered an interview room and that and that doorway and then the next doorway right next to it is the ahm is the captains' area.

Vanis: Ok

West: and then I was sitting when you walk in the office you take a right there's a desk up against that wall I was sitting there Ofc. Cella was sitting next to me kinda catty-corner I was facing the wall he was right here and Ofc. Schneider was over near the coffee machine area.

Vanis: Ok all right. When when you saw her lick him. How did you perceive that? Was that did you perceive it as a joke or did you perceive it as something serious did you did you report this to anybody else?

West: Ahm I knew he was very upset. I did talk to Lt. McBride about how upset he was but I mean I didn't

Vanis: You didn't you talked to Lt. McBride about it

West: But it wasn't like I was reporting like you know this and that I was just like you know Cella's hurt she was kinda messing with him and you know how he is about germs and stuff and she licked him and he is really pissed. Something to that effect. When I was getting

ready to take Cella to the hospital I was coming out and Lt. McBride was outside.

Vanis: Ok

West: So it was more just me

Vanis: Well I mean that that is you know you told somebody, so

West: Yes, Sir.

Vanis: Ok ahm...have you ever heard Capt. Hunter make any inappropriate comments to you or any other officers?

West: Yeah

Vanis: Like what?

West: Ahm...ah she's made sexual innuendos I think to everybody ahm...flatulating doesn't didn't surprise me when you mentioned that...I mean she does that quite often.

Vanis: Ok

West: (Laughs) Not that I saw her that night but it didn't surprise me ahm inappropriate com ahm comments about ah her boyfriend and and stuff they do you know it's kinda common practice, you know.

Vanis: Stuff that probably shouldn't be in the workplace?

West: Absolutely

Vanis: Ok...and is this like speaking to you or just speaking to pretty much everybody?

West: To me...everybody I mean that's just her kinda thing.

Vanis: All right. (papers) So for her to discuss sexually explicit topics wouldn't be out of the norm with with anybody?

West: No, Sir.

Vanis: Ok. Has anybody else discussed this incident case with you?

West: No, Sir.

Vanis: Like after you got served your notice, and you've come here today has anybody talked to you about -?

West: Absolutely not. No.

Vanis: Ok. Do you know of any other reason Ofc. Cella would want to get Capt. Hunter into trouble?

West: No Sir

Vanis: Any kind of retaliation or has she ever had any discipline problems with him? I've looked in both their files

West: I don't

Vanis: and I don't think there was anything in there.

West: No I was with Cella this six months or you know it's supposed to be this six months before he got injured and I think I had him...not the shift before that but the shi the shift before that it was almost a year ago and I think the only issues he ever he's ever had has been sick time other than that I mean he's a he's an excellent officer when he's here.

Vanis: Right

West: So I mean...

Vanis: Is there anything else you want to add about this?

West: No, Sir.

Vanis: I I'm gonna tell you right now I might need to talk to you again.

West: Yes, Sir.

Vanis: And I'll give you notice of that.

West: Yes, Sir.

Vanis: But like I said at the beginning do not discuss this incident or this case with anybody else

West: Yes, Sir.

Vanis: As you can tell it's a pretty sensitive topic

West: M hm

Vanis: and that's that's an order, ok? So

West: Yes, Sir.

Vanis: Do you have any questions for me? You have nothing else you want to add?

West: No, Sir.

Vanis: All right. Well I appreciate your time, Sgt. West. The time is now 0848 hours and we're going to be off the record.

West: Ok

(Recording devices off)