

**DEPARTMENT OF PUBLIC PROTECTION
INTERNAL AFFAIRS**

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

January 23, 2013

Present:

Benjamin West, Corrections Sergeant
David Vanis, Captain

Bonita McClough, Transcribing Secretary

Vanis: This is Captain Vanis with the Volusia County Department of Public Protection Internal Affairs Unit. Today's date is January 23, 2013. The time is now 1220 hours. I'm at the Volusia County Branch Jail Internal Affairs Office with Sgt. Benjamin West conducting a follow up interview in regards to IA Case Number 2012-11-312. Sir, can you state your name, rank and division?

West: Sgt. Benjamin West, Volusia County Division of Corrections

Vanis: All right and you've ah you've acknowledged and signed the ah the Advisement of Rights form

West: Yes, Sir

Vanis: And are you do you need to be do you need to see the Officers' Bill of Rights again or are you still familiar with it?

West: No, I'm good with that.

Vanis: Ok. All right, you are hereby advised that you are being interviewed as 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 am further advising you that if you refuse to testify or to answer questions

relating to the performance of your official duties 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 you'll be providing a sworn statement today?

West: Yes, Sir.

Vanis: All right Sir, could you raise your right hand for me? Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?

West: I do, Sir.

Vanis: All right, thank you. All right, we're gonna go back a few months here, go back to ah back to August how long had er have you or had you worked for Capt. Hunter?

West: Since the beginning of that shift ahm so if it was August, it would've been May...

Vanis: Ok

West: right? May, June yeah it would've been May.

Vanis: Ahm had you worked for her on any other rotations

West: No

Vanis: previously?

West: No, Sir.

Vanis: Was she ever in your chain of command you know as a lieutenant or or yeah

West: Ahm ah I think she was on my shift when she first made sergeant...I don't think she was ever

Vanis: Ok in your direct chain of command.

West: Yeah I don't think so I mean that was so many years ago I don't think so.

Vanis: Ok. You know we spoke before about ah...any discipline problems she's ever had with any either you or any of your subordinates do you remember talking about that at all?

West: Yeah, vaguely yeah

Vanis: I mean did she ever have any any issues with you or any of your guys on that shift?

West: Not that I know of, absolutely not.

Vanis: All right did she ever I mean working in a jail you all have a little - quite a few uses of force

West: M hm

Vanis: I I understand and ah did she ever question any of those? By you

West: Do you mean question as far as

Vanis: Any any of your your reports

West: No

Vanis: Uses of force anything specific to Officer Cella? Any of his uses of force?

West: N no.

Vanis: Ok. All right do you remember a ah use of force that occurred on July 8th 2012 involving Inmate Hicks? Happened on Unit

West: Yes

Vanis: 4? Officer Cella was involved?

West: Yes, Sir.

Vanis: Do you what do you recall about this incident?

West: I remember it was a very bloody use of force.

Vanis: Ok

West: And I mean I I do remember Capt. Hunter saying I mean she was kinda surprised by this and I think she said something about she's not sure how she could justify or whatever and I was like well we don't know what happened yet, you know? So but I mean that was it it wasn't like I thought it was just kind of like cause it was just me and her I don't think anybody else heard her comment.

Vanis: Ok I mean what what else was involved in that conversation?

West: I think I told her I think the first thing I heard was they had tried grabbing Officer Cella's shirt or something like that and the use of force occurred. I just had to like the I was like the first supervisor to show up. So I mean I don't I briefed her quickly of what I knew that had happened and that was it.

Vanis: Ok and you wrote a report up on that, I believe?

West: Yeah, I think so. I don't remember.

Vanis: Sir, how does the use of force work just for for my clarification because I think every department's different but...

West: Ahm

Vanis: your one of your subordinates involved in a in a use of force

West: I believe that we were ahm I believe we were still on the Matrix System you know where and stuff like that. So ahm I don't understand what you mean how does it work

Vanis: I mean how's the documentation process and the ah the approval process justifying it justifying the use of force

West: Ahm it has to if it was in the matrix period I when we had the matrix which I think it is if I can look at my report I could tell you ahm

Vanis: I don't see it

West: I don't I don't investigate any of it she's the one that investigates it

Vanis: Ok

West: but you have to...if an inmate back when the matrix was you had to this inmate had to do this in order for you to escalate to this

Vanis: Right right I understand that

West: ahm and I don't think I would've wrote anything in that let me see...cause I wasn't involved I think I just instructed officers I remember I instructed 2 officers to take over the inmate because I I wasn't sure if my officers were injured when I first arrived I wasn't sure whose blood was which so I just tagged them out...ahm...I assisted...ah I'm trying to read it real quick I'm sorry

Vanis: Ok that's no problem, take your time.

West: "Handcuffed behind his back and I gave staff an order to assist Inmate Hicks to his feet" yeah ok so I instructed 2 other officers to jump in it was Inmate Officer Peterkin and Corley to reposition inmate handc ok so I guess he's handcuffed in front. Can I look at the other reports or no? I mean I don't know -

Vanis: I just want your kinda your perspective on the whole whole situation I don't I don't need

West: The whole use of force?

Vanis: No I just don't need I don't need a whole breakdown

West: Well

Vanis: I just want to kinda get your perspective on the whole situation.

West: I thought it was a real bloody use of force and at first I was a little bit worried but any time you see a use of force where you have a inmate injured you kinda like wonder like oh my goodness what happened?

Vanis: How how severe were his injuries? Do you remember?

West: It wasn't as bad as he looked I guess originally I guess he had a couple lacerations on his head.

Vanis: Ok. Pretty bloody though you said?

West: Yeah. We had to EVAC him out I guess.

Vanis: All right. Did she so you say what exactly did she tell you about it when it was just you and her talking about that one?

West: The way she was she was like man, I don't know how we'll justify this I said well I don't know what happened yet type thing I was like it doesn't look good or whatever I mean I don't remember what I said but I think it was something like yeah it doesn't look good or whatever cause you know I didn't know what happened. All I know is I got up there Cella's in blood and Officer Cella and Officer Lambert were the only ones in there at the time.

Vanis: Then you got there and told them to move the cuffs around back and

West: Well no no I I told the other 2 officers soon as I got up there 2 other officers had come with me when I responded so or not with me but they were

Vanis: Yeah same here when these things happen a lot of people could show up

West: Yeah so 2 officers happened to be on the unit so I went in being that's an of ah staff involved I went right in with the 2 other officers and ahm...and I and I saw the blood I didn't know who was injured I didn't know if my officers were injured I didn't know what really had transpired and then I ahm I had Officer Lambert and Officer Cella step out and when they stepped out that's when I had Officer Corley and Peterkin secure the inmate to the bunk who was he was still resisting on the bunk too

Vanis: Ok

West: and they redirected his hands cause he was cuffed up front I told them to remove the handcuffs from one of the wrists I believe one of the wrists from up front and put it in so we could secure him in the back so we'd have better control over him being that he was still resisting

Vanis: Right

West: and I also know that inmate had assaulted another officer previously. So I didn't know what happened ahm I remember we got him out we got him to the chair when we got him out ahm that's when I talked to Hunter Capt. Hunter and then I had a quick word with ah I can't remember if I talked to Cella first and then talked to Hunter Officer Cella and then I talked to Hunter or if I talked to

Officer Hunter or Lt. Capt. Hunter then Officer Cella but I remember ah the gist of it I got was the inmate tried hitting Cella in the head with his cuffs cause he was a 2 Officer Full Restraint and then the guy grabbed his badge and that's pretty much all I got at first.

Vanis: Ok

West: So I told him that he needed to go wash up and I I didn't remember if he was injured if he was complaining about something I probably told him to go see Medical or have Medical go see him I don't remember

Vanis: All right was Cella involved in like a a high number of uses of force compared to your other officers?

West: Yes and no but I think a lot of that has to do with the fact that he's on a Maximum Security unit you know when you're dealing with the worst of the worst and not only Maximum Security inmates but also Medium Heavies which means their handling is increased

Vanis: Right

West: you know so I mean you can't really say oh well

Vanis: It's not fair it's not fair to justify it

West: yeah

Vanis: unless somebody else is working the same unit

West: it is absolutely not fair to justify it anyways cause different people have...for some reason they have different uses of force at different time you know

Vanis: Right...all right specific to that that use of force the Hicks thing on the 8th did she ever did Capt. Hunter ever make any comments to you about toning it having him tone it down or you know

West: Not that I recall

Vanis: Not that you recall?

West: No, Sir.

Vanis: Did she ever have any - did she ever voice any concerns about it to you?

West: M mm

Vanis: That it might not have been justified? That it -

West: I don't know if she did I don't know maybe I didn't hear her maybe I don't remember but not that I know of I don't think so.

Vanis: Ok all right Officer Plotz was - after sometime at the end of that shift rotation - was rotated back to the ah to the Facility I believe, is that right?

West: M hm

Vanis: Whose decision was that to transfer him?

West: I believe Lt. McBride made the tr the official decision.

Vanis: All right did you request the transfer?

West: Well I mentioned him.

Vanis: Why did why him?

West: Well he wanted to be sergeant at the time he was like second or third on the list and as a Unit 3 officer you don't pull Unit 3 officers to utilize them around the building...and I told him that when I moved him I said you know a good place would be for you would be at the Facility cause I guess we put him in a dorm the issue we were having trying to - cause she wasn't Capt. Hunter wasn't even here then I don't think that's why it was Lt. McBride - but the issue we were having then was that we had a senior officer with a newer officer almost on every unit so we were gonna actually put a newer officer from one of the units up on Unit 3 you can't put a brand new officer in a dorm by himself. So that's what we did.

Vanis: Ok so the way you saw just so I'm un I'm understanding this right since Officer Plotz was applying to be a sergeant you wanted you want to get him more experience?

West: That's what I told him cause I mean they could u they could pull anybody they can fill the dorm with overtime. You don't want just to put anybody up on Unit 3 with Maximum Security inmates. At the time he was my senior officer up there you know but we couldn't figure out anybody else to move either

Vanis: Was he ah did he express any agitation with that? Was he happy about happy to move or

West: Through the over the weeks I I heard that he wasn't happy but when I explained to him he said ok no problem it wasn't a big deal and then I heard once he got to the Facility...I heard through the grapevine that he was upset that I moved him but he didn't say nothing to me when I told him about it he just said ok, no problem...and I explained to him why I was movin him. I explained that he wants to be a sergeant and that in order for me to be able to them to be able to utilize him more if they put him in the dorm they'd be able to utilize him more...cause we can't util we won't we don't utilize usually people off of 3

Vanis: So Capt. Hunter had no input involved in that transfer

West: Ah

Vanis: I mean did she she probably had to sign off on it being the Shift Commander or something

West: I don't - to be honest with you I know that me and Lt. McBride discussed it and that he was moved whether Lt. McBride had to discuss it with Capt. Hunter I don't know. That's that's above you know what I'm saying? That's a lieutenant / captain final decision I put in my 2 cents and...

Vanis: Ok you ever have any issues with Capt. Hunter other other than the use of force thing or question your your abilities or any decisions you've made or

West: Absolutely not!

Vanis: All right. Have you have you spoke to Officer or Charles Cella since we last spoke?

West: Yes, Sir.

Vanis: And what was that what were you speaking talking to him about?

West: General.

Vanis: Did you speak about this ah this investigation?

West: No, Sir.

Vanis: All right by "general", what what are we talking about? What kind of stuff were you talking about?

West: How you doing, what's goin on...ahm

Vanis: Did he try to bring this investigation up at all with you?

West: No. No we already knew between each other that we knew we were not to talk about any of this.

Vanis: Ok have you spoke to Capt. Hunter about this?

West: No, she won't talk to me and I'm I'm not trying to kick a hornet's nest, Sir. You understand?

Vanis: Ok Officer Plotz?

West: No I haven't talked to Plotz at all.

Vanis: Do you ever do you ever talk to Plotz

West: I don't think I've even seen Plotz

Vanis: outside of work or is that just merely a professional

West: That's just professional I don't see him outside of work

Vanis: Ok how about Officer Schneider?

West: Same thing I mean I don't see him outside of work either.

Vanis: Ok.

West: Unless it's a special function you know like the softball game?

Vanis: Ok all right I just want to go through what occurred on August 4th one more time with you. What you what you observed

West: M hm

Vanis: and what you did and after Officer Cella injured his knee.

West: Yes, Sir.

Vanis: So if you just go step by step from that and just remember - tell the truth.

West: Ahm I remember I was going into the chow hall for breakfast...ahm I can't remember if I was sitting down or getting ready to sit down Officer Cella had told me - he was coming out of the chow hall I think he was coming out I don't remember - and he ahm told me he'd hurt his knee and at first he wasn't really sure about going to the hospital whatever and I was like well you need to chill out sit down and I said cause you need to fill out some paperwork I said but let's sit down and we'll see how it feels here in a minute. So in about 5 more minutes or so we got up he I saw he was limping so I brought him to the clinic he saw a nurse once the nurse has evaluated him did whatever they did I think they wrapped his knee said that he needed to go to the hospital I brought him back to the office so he could fill out paperwork - some water?

Vanis: M hm

West: ahm I told Lt. Hunter that he had injured himself

Vanis: Capt. Hunter?

West: Capt. Hunter I'm sorry

Vanis: M hm

West: I told Capt. Hunter that he that Officer Cella had injured himself and that I needed the paperwork she said it's online. I was like well where online? And she said and I think she told me interdepartmental or I don't remember or no the ENN site or what whatever. She told me a site so I went on the site and ahm it took me awhile I had Officer ah not officer Sgt. ahm Lowenstein go through it with me and we found the first one and that or I might've already done the first I don't really recall I think we already did the first one and then ahm I can't remember if it was Lowenstein or Capt. Hunter said there's a new one online or something so I was like look Captain where do we find it and she just kinda like and she walked out of the office I was like ok and then I had ah so me and Lowenstein found it ahm once we found it I mean it took us a while but once we found it I'm sorry I'm skipping over the - other stuff. I guess as we were looking for it or whatever ahm is when I saw her...saw her lick his head or something like that and I was like man, what are you doing

Vanis: Where where exactly were you when you saw saw that?

West: I believe I was coming out of the office. Out of her office. I I believe I was coming out of her office but I might've been sitting at the desk but I think I was comin I was movin around a lot that morning but I believe I was walking out of the office her office which is like I said in the back from my office I'm saying office it's like my room where the sergeants' room is you have a lieutenants' door, a captains' door which leads into their office and then you have the officer the sergeants' area or sergeants' desk area. So as I was coming out I think that's when I saw her I believe I might've been sitting down I really don't recall. Ahm and I remember I told her I was like man, what are you doing? He's hurt.

Vanis: So what exactly did you see?

West: I saw her lick I saw her lick the back of his head.

Vanis: Ok

West: But I mean...I didn't look at it like ooh that's to me I mean if a woman licks the back of my head I'm thinking that is a sexual situation.

Vanis: Ok

West: I thought she was just giving him a hard time you know kinda goofin type thing being goofy you know, I mean...

Vanis: Ok and what happened then?

West: Ahm and then I think she left the office I got all the paperwork together ahm within all this time period I mean it was 10, 20 minute time period, I don't know 30 minute time period. She was back I gave her the packet I asked her what she wanted us to bring what we needed to bring to the hospital she gave me everything I needed to bring to the hospital and that was it. Then we went to the hospital.

Vanis: Ok. Did you say anything to her while during after this the licking happened?

West: No. Everybody knows that Cella was a germaphobe you know he doesn't like germs you know I mean if you put an inmate's towel on his bag his lunchbox he would flip even if it was clean he would flip out. You know if you put God forbid you put something dirty that belonged to an inmate on the officers' station where he's sitting he flips out. He's a germaphobe.

Vanis: All right so you didn't you didn't address her after after that happened.

West: No I addressed her when I had to I said some words I was like leave him alone the guy's hurtin that was it.

Vanis: Ok. And you're you're certain you saw her lick his head.

West: Yeah.

Vanis: Ok. All right. Now in regards to the ahm the use of force stuff. Obviously I'm asking these questions for a reason. She's raised raised some some questions about about these uses of force.

West: Ok.

Vanis: And ah one of the things she's raised is saying that you have like a Hall of Fame or something on your flash drive for for uses of force or a trophy room something like that

West: Absolutely not. I have my use of forces that I all my use of forces I've done.

Vanis: Ok so I'm gonna need to download your flash drive. Do you have that on you?

West: I do.

Vanis: Ok. And we'll take a look at that I'll give it right back to you after we download it but ahm do you have anything else you want to add about the situation?

West: M mn

Vanis: Ok I think that's all I've got for you I appreciate your time we're gonna step out of here I'll download that and we'll be done

West: Ok I'm not under investigation, am I?

Vanis: No, Sir.

West: Ok I just you know

Vanis: We're just verifying verifying things.

West: All right

Vanis: Ok? All right. The time is now 1241 hours and we're gonna be off the record.

(Recording devices off)