



**Department of Public Protection**

TO: George Recktenwald, Director  
Department of Public Protection

FROM: David Vanis, Captain  
Department of Public Protection  
Internal Affairs Unit

DATE: February 18, 2013

SUBJECT: Case # IA-2012-11-312, Captain Nina Hunter, Volusia County Department of Corrections

**Complainant:**

Officer Charles Cella, Volusia County Department of Corrections

**Witnesses:**

Sergeant Brendan Lowenstein, Volusia County Department of Corrections  
Sergeant Benjamin West, Volusia County Department of Corrections  
Officer Nathan Schneider, Volusia County Department of Corrections  
Officer William Plotz, Volusia County Department of Corrections  
Lieutenant Shannon McBride, Volusia County Department of Corrections

**References:**

- A. Memo requesting investigation
- B. VCDC Incident report completed by Officer Charles Cella (Dated 11/9/2012).
- C. Subject and witness interview notices
- D. Subject and witness Advisement of Rights forms.
- E. Officer Charles Cella interview transcript (Dated 11/12/2012)
- F. Sergeant Brendan Lowenstein interview transcript (Dated 11/20/2012).
- G. Sergeant Benjamin West interview transcript (Dated 11/20/2012).
- H. Officer Nathan Schneider interview transcript (Dated 11/20/2012).
- I. Officer Nathan Schneider follow-up interview transcript (Dated 11/20/2012).
- J. Officer William Plotz interview transcript (Dated 11/21/2012).
- K. Lieutenant Shannon McBride interview transcript (Dated 11/27/2012).
- L. Captain Nina Hunter interview transcript (Dated 12/6/2012).
- M. County of Volusia No Harassment Policy and Equal Employment Opportunity and Sexual Harassment Policy Review signed by Charles Cella (Dated 2/27/2012).
- N. Shift Change Request Form completed by Charles Cella (Dated 9/6/2012).
- O. VCBJ Unit Three Logbook for 5/1/2012-8/4/2012.
- P. Miscellaneous documents submitted by Captain Hunter on 12/13/2012.
- Q. Shifts worked by Cella and Hunter May 2012-August 2012

- R. Incident report submitted to Captain Vanis authored by Captain Hunter (Dated 12/28/2012)
- S. Captain Vanis' response to Captain Hunter's report written on 12/28/2012)
- T. Officer William Plotz follow-up interview transcript (Dated 1/17/2013).
- U. Inmate Hicks' Use of Force report (Dated 7/8/2012).
- V. Sergeant Benjamin West follow-up interview transcript (Dated 1/23/2013).
- W. Digital copy of Sergeant West's flash drives
- X. Internal Affairs case number 2013 01 314 (Subject: Officer Nathan Schneider)
- Y. Internal Affairs case number 2013 02 315 (Subject: Sergeant Benjamin West)

### **Complaint:**

On Friday November 9, 2012, Officer Charles Cella met with Warden Pronovost at the Volusia County Branch Jail. Officer Cella presented the Warden with a signed incident report (Reference 2) which described, in detail, a sexual harassment complaint against Corrections Captain Nina Hunter.

The report stated that beginning in May of 2012, Captain Hunter would frequently engage Officer Cella in sexually explicit conversations, often requesting Officer Cella to perform specific sex acts on or to her. Officer Cella's reports quotes Captain Hunter as saying the following:

"I'm looking to become a home wrecker cause Johnson has beat on me and wrecked my home so it's now my turn. If retard Johnson didn't lick my clit so good I'd have kicked his dumb ass to the curb. Cella, I don't care if you fuck me while watching football but at least fuck my ass. Don't just eat my pussy like a bitch, but fuck it like you'd fuck my ass. Cella, tell me you don't shave that shit around your dick and balls because I like it dirty and I want to choke on the hairs from your dick. I'll gag on your cock and you can grab my hair and fuck my mouth."

Within the report, Officer Cella states that he was in Captain Hunter's office in the early morning hours on August 4, 2012 completing paperwork in reference to an on the job injury he had sustained. Cella states that Captain Hunter began to "taunt" him. She licked her finger and placed it in his ear. Captain Hunter then pressed her back side on Officer Cella's back and flatulated on him. After that, Captain Hunter licked Officer Cella's neck and scalp and stated "Tasted salty."

Officer Cella's report identifies Sergeant West, Sergeant Lowenstein, and Officer Schneider as witnesses to the August 4<sup>th</sup> incident. It also identifies Officer Plotz as a witness to several of the previous comments Captain Hunter had made.

### **Information:**

On November 9, 2012, I was ordered by Director Recktenwald to conduct an investigation into the allegations against Captain Hunter made by Officer Cella.

On November 12, 2012, Captain Hunter was notified of the internal investigation, I conducted a sworn interview with Officer Cella, and all identified witnesses were served interview notices for November 20<sup>th</sup> and 21<sup>st</sup>.

On November 19, 2012 I reviewed personnel files on the complainant, all identified witnesses, and the subject at the Branch Jail. Captain Hunter was not the issuing authority on any disciplinary actions taken on the complainant or witnesses.

**Officer Charles Cella:**

On November 12, 2012 I interviewed Officer Cella at the Corrections Facility. Within Officer Cella's statement he reiterated what he had written in his report. He told me that Sergeant West had told Captain Hunter to "Leave the guy alone, he's hurt" after she had licked Officer Cella's neck and head. Officer Cella also stated that Officer Schneider was also present in the Captain's office when Captain Hunter had licked him.

Officer Cella told me that although Captain Hunter began making the sexually explicit comments to him back in May of 2012, he did not wish to complain about these actions due to her position within the division. Officer Cella felt like "enough's enough" when Captain Hunter licked his neck and scalp.

When I asked why he waited three months to report Captain Hunter's actions, Officer Cella told me that he wanted to wait till the injury he sustained on August 4<sup>th</sup> was healed and didn't want to complicate the worker's compensation claim.

**Sergeant Brendan Lowenstein:**

I conducted a sworn interview with Sergeant Lowenstein on November 20, 2012 at the Internal Affairs office at the Branch Jail. Sergeant Lowenstein told me that he remembered Officer Cella injuring himself on August 4, 2012 but did not witness any interaction between Cella and Hunter. Lowenstein stated that while Cella was in the Captain's office, he was in the Lieutenant's office next door looking for the required paperwork for the injury report.

Sergeant Lowenstein stated that he had never heard any inappropriate remarks from Captain Hunter nor had any of his subordinate officers complained about inappropriate conduct from Captain Hunter.

**Sergeant Benjamin West:**

I conducted a sworn interview with Sergeant West on November 20, 2012 at the Internal Affairs office at the Branch Jail. West confirmed that he was present in the shift commander's office after Cella's sustained his injury on August 4<sup>th</sup>, 2012. West stated that he witnessed Captain Hunter lick Cella on the back of his head. However, he did not hear any statements made by Captain Hunter nor witness any of the other alleged contact between Hunter and Cella. West advised that he told Captain Hunter something like "leave the guy alone," after she had licked Cella. West advised that while leaving the shift commander's office, he had advised Lieutenant McBride that Cella was upset about the incident. West told Lieutenant McBride that "she licked him and he is really pissed." He added that he did not document the incident in writing.

West further told me that Captain Hunter would make "sexual innuendos to I think everybody." West felt that Hunter would make comments that he didn't think were appropriate in the workplace.

West told me that he had supervised Cella for six months prior to this incident and another previous shift. West couldn't recall any disciplinary reason or any other reason Cella would want to retaliate against Captain Hunter.

**Officer Nathan Schneider:**

I conducted a sworn interview with Officer Schneider on November 20, 2012 at the Internal Affairs office at the Branch Jail. Officer Schneider remembered being in the Shift Commander's office the morning of the alleged incident. However, Schneider could not recall any specific interaction between Hunter and Cella. When Schneider was questioned in regards to whether or not he witnessed the specific actions, he told me that the licking would have stood out in his memory and that he didn't remember that occurring. Schneider could not recall witnessing the "wet-willie" and flatulating incidents, but stated that neither action would be out of character for Captain Hunter. This interview was concluded at 1002 hours.

At 1035 hours I was contacted by Staff Assistant Bonita McClough. She told me that Ofc. Schneider had returned to the office and wanted to add to his statement. I returned to the Internal Affairs Office and went back on the record with Ofc. Schneider at 1113 hours.

Schneider told me that after he had some time to think about the morning of August 4<sup>th</sup> and he did recall Hunter licking Cella's head and stating that it "tasted salty." He also stated that he thought Hunter gave Cella a "wet willie," but could not recall any other interaction between Cella and Hunter. Schneider perceived the licking and the "wet willie" as Hunter "messing" with Cella and trying to "gross him out." Schneider told me that he did not report this incident to anyone in his chain of command.

**Officer William Plotz:**

I conducted a sworn interview with Officer Plotz on November 21, 2012 at the Internal Affairs office at the Branch Jail. Plotz told me that for the time period from May 2012 to the beginning of August 2012 he was assigned to unit 3 with Ofc. Cella and that Captain Hunter was the shift commander. Plotz stated that it was routine for Hunter to stop by the unit and talk with he and Cella for anywhere from one to thirty minutes during each shift. Plotz stated that he would consider some of the conversations with Hunter to be inappropriate for the workplace. She would discuss her troubled relationship with Sgt. Johnson. Plotz told me that Hunter had "flirted" with Cella on a couple occasions. Plotz could not quote Hunter verbatim but stated that one conversation Hunter had with Cella was about giving "Blowjobs." I recited Hunter's alleged quote from Cella's report to Plotz. Plotz stated "Yeah, that wouldn't be out of context. That would be something she would say." Plotz could not confirm that it was a verbatim quote however. Plotz stated that he had conversations with Cella about Captain Hunter's comments. Cella told Plotz the comments were strange coming from a captain but not to the point that he would want to report the behavior.

Plotz also added that Captain Hunter's language was often profane but that he was "numb" to it because of his occupation. Plotz stated that she also had spoken to Officer Marasco and other new officers using the same language. Plotz believed Hunter and Marasco were involved in a relationship at one point but was not positive.



**Lieutenant Shannon McBride:**

I conducted a sworn interview with Lieutenant McBride on November 21, 2012 at the Internal Affairs office at the Branch Jail. Lieutenant McBride remembered the morning that Cella injured his knee and recalled Sgt. West leaving the shift commander's office with Cella. McBride told me that neither West nor Cella notified her of any incident with Captain Hunter.

**Captain Nina Hunter:**

Hunter was served notice of her interview on November 30, 2012. Along with the interview notice, Hunter was provided copies of the written complaint filed by Officer Cella and all complainant and witness interviews associated with the case. I conducted a sworn interview with Captain Hunter on December 6, 2012 at the Internal Affairs office at the Branch Jail. Hunter was accompanied by her representative, Sergeant Jason Johnson, Department of Corrections.

Hunter denied ever making any sexually related comments or advances to Cella or Plotz between May and August 2012. Furthermore, she denied ever using language as described by Cella in his written complaint and interview. Hunter stated during her interview that she may have stayed longer than a couple minutes on unit three with Cella and Plotz on four different occasions. She stated that the unit's logbook would support this claim. I reviewed Unit Three's Logbook (Reference O) for the dates of May 1-August 4, 2012. The logbook shows that Hunter visited Unit Three on thirteen occasions as entered into the log by Plotz or Cella. Eight of those lasted nine minutes or more

5/17/2012 for 13 minutes  
5/25/2012 for less than 1 minute  
5/26/2012 for 18 minutes  
5/30/2012 for less than 1 minute  
5/31/2012 for 90 minutes  
6/14/2012 for an unknown length of time (not logged in, only an out time)  
6/18/2012 for 41 minutes  
6/23/2012 for 22 minutes  
6/23/2012 for 30 minutes  
7/2/2012 for 9 minutes  
7/6/2012 for less than 1 minute  
7/8/2012 for less than 1 minute  
7/13/2012 for 109 minutes

Hunter advised that she was working on August 4<sup>th</sup>, the morning that Cella injured his knee. She recalled him coming into her office to complete paperwork but denied all incidents alleged to occur including flatulating on Cella, placing her finger in her mouth and the inserting it into Cella's ear, and licking Cella's head and/or neck.

When questioned as to why Cella would make up the allegations, Hunter stated that she had addressed a "use of force situation" involving Cella and an inmate on July 8, 2012. She stated that Sergeant West and Cella referred to this incident as "The Bloodbath." During the incident, the inmate received several injuries. Hunter had asked Cella to "tone it down" but had never taken any disciplinary action against Cella in regards to this incident. She also felt that Cella had fabricated the allegations since he had waited three months to report the complaint. She provided me a copy of a "Dream sheet" or "Shift change request form" completed by Cella on September 6, 2012. She told me that this form was Cella's request to return to the Alpha/Bravo

shift rotation knowing that she would remain the bravo-shift commander. Upon further examination of the "Shift change request form," Cella's first and second choice shifts were on alpha shift for unit three or four. A notation is found on the top of the form requesting the alpha/bravo rotation for child custody (Reference M).

When questioned as to why West would support the allegations, Hunter cited the same incident as mentioned above. She added that West felt threatened by her because she insisted that the Sergeant and Cella "play by the rules" in regards to using force against inmates. She stated that West had a file on his department issued jump drive that she described as a "trophy file." The "trophy file West has on his jump drive contains pictures of the inmates that he has had use of force situations and videos of each incident. She also felt that Cella and West were friends and West had come up with these allegations to eliminate her as a "threat."

Hunter told me that Schneider should have seen everything that occurred in the shift commander's office on August 4, 2012. Hunter felt that Schneider told me the truth that he didn't remember seeing anything in the shift commander's office that morning during his initial interview. She believed Schneider was contacted by someone shortly after the initial interview and convinced to change his story to support Cella's complaint. Hunter could not recall a reason why Schneider would want to retaliate against her.

Hunter told me that Officer Plotz was transferred out of the Branch Jail to the Facility at Sergeant West's request. Plotz felt that Hunter requested the transfer and was upset with her. She cited this as the reason for Plotz lying about her making sexual advancements to Cella while they were working on unit three.

On December 13, 2012, Captain Hunter delivered two envelopes, addressed to Captain Vanis, to the Internal Affairs office. Enclosed within the envelopes were several letters explaining why she believed some of the witnesses in this case were lying. Also contained in the envelope were copies of the interview transcripts and complainant's report I had provided her prior to her interview. On these copies, several statements made by the complainant and witnesses were highlighted and notations were made by Captain Hunter. These documents were added to the case file and listed as reference P.

#### **Officer Nathan Schneider:**

On January 9, 2013, I was ordered by Director Recktenwald to conduct an investigation on Officer Schneider in regards to providing a false statement in his initial witness interview.

On January 9, 2013, Schneider was notified of the internal investigation and his formal interview to address the allegation was scheduled for January 18, 2013 at the Volusia County Branch Jail while he was on duty.

I, once again, asked Schneider what he had witnessed in the shift commander's office between Captain Hunter and Charles Cella on August 4, 2012. He stated that he saw Captain Hunter "attempt" to give Cella a "wet-willie" or stick her finger in his ear. He also stated "I did hear ah Captain Hunter say that Officer Cella tasted salty I did see and hear her spit into the trashcan..." I then questioned whether Schneider observed Captain Hunter lick Cella's head and or neck. He replied "I did not physically see her lick him or her tongue touch his head or neck...no."

The final internal affairs report regarding Officer Schneider was submitted to Director Recktenwald on January 31, 2013. Violations of Volusia County Department of Correction

Policy 102.09(C) and Volusia County Merit Rules and Regulations 86-453(12) were sustained against Officer Schneider.

**Officer William Plotz:**

I conducted a sworn interview with Ofc. Plotz on January 17, 2013 to address Captain Hunter allegation that Plotz would want to retaliate against her because he believed she transferred him, unwillingly, to the correctional facility. I asked Plotz if he was transferred to the facility at his own request. He told me that it was not his choice and that Sergeant West had transferred him out of unit 3 to the facility. Sergeant West had told Plotz that Lt. Sophie requested him at the facility. Plotz told me that he has never thought that Captain Hunter had anything to do with the transfer. Plotz told me that he had not spoken to Sergeant West or Charles Cella since his initial interview on November 21, 2012. He told me that he had spoken with Captain Hunter in regards to a work related inquiry but this case was not discussed at any time.

**Sergeant Benjamin West:**

I conducted a sworn interview with Sergeant West on January 23, 2013 to address Captain Hunter allegations that she had concerns about several of his and Cella's uses of force and that West had a "trophy file" of his uses of force on his department issued jump drive.

West did tell me that Captain Hunter had some concern over how she could justify a use of Force that occurred on July 8, 2012 involving Inmate Hicks. However, West denied that Hunter ever told him to have Cella "tone it down."

When questioned about Ofc. Plotz' transfer to the Correctional Facility West told me that he did have a part in the request for transfer. West stated that Plotz wanted to become a Sergeant within the division and felt that he could use the experience provided by working at the facility to help Plotz achieve that goal.

I, once again, asked West what he had witnessed in the shift commander's office between Captain Hunter and Charles Cella on August 4, 2012. West explained to me how he assisted Cella from the chow hall to the nurse's station and then to the shift commander's office. Once in the shift commander's office, West told me "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?" To clarify his statement, I asked West "So what exactly did you see?" West responded "saw her lick I saw her lick the back of his head."

At the end of the interview, I asked West if I could download the contents of his flash drive. West consented and I downloaded the files from both his personal and division issued drives. I reviewed the contents of the drives and found several use of force reports authored by West and one video of a use of force which west was involved in at the jail. One training video from another facility and one clip from "Saturday Night Live" were also on his drives. No other videos located on West's drives. There was nothing that I would consider a "trophy file" on either drive.

On February 1, 2013 at 1302 hours, I received a phone call from Sgt. West. West told me that he just wanted to clear things up because he didn't remember what he had told me during our last interview on January 23<sup>rd</sup>. West told me that he never witnessed Captain Hunter lick Charles Cella and that he just wanted me to be clear on that. West told me that he had witnessed Captain Hunter give Cella a "wet willie" on August 4<sup>th</sup>, contrary to his first interview.

After receiving the phone call from West, I immediately notified Director Recktenwald of the new information. Director Recktenwald told me to conduct an investigation into the false statements previously provided by Sgt. West.

I served Sgt. West notice of this internal affairs case at his residence on February 1, 2013. While serving his notice, West made an unsolicited comment that he just wanted to be clear that he didn't see Captain Hunter lick Charles Cella.

I conducted a sworn interview with Sgt. West, in regards to his Internal Affairs investigation, at the Internal Affairs office in the Volusia County Branch Jail on Friday February 15, 2013 at 1730 hours. I asked West to once again recall the events involving Captain Hunter and Charles Cella the morning of August 4, 2012. West told me that after he had escorted Cella to the shift commander's office, that "She (Captain Hunter) did lick the back of his head."

I questioned why he told me on the phone on February 1, 2013 that he did not see Hunter lick Cella's head and that he had seen Hunter give Cella a "Wet willie." West responded that he had been out of work with a back injury since the previous Saturday (January 26, 2013) and been "popping pain meds." He told me that, from what he recalled in our conversation on the phone, that he "had doubt" that he had witnessed Hunter lick Cella's head. He explained that he felt like he would be retaliated against since Hunter was a Captain within the division and that he was only a Sergeant. He did not recall stating "she did not lick him," or any statement like that. He stated that he was confused because of the medications.

West provided me with the medications he was prescribed at the time for his back. I checked the possible side effect of the prescriptions. None of the side effects included confusion or any other kind of altered mental status.

The final internal affairs report regarding Sergeant West was submitted to Director Recktenwald on February 18, 2013. Violations of Volusia County Department of Correction Policy 102.09(C) and Volusia County Merit Rules and Regulations 86-453(12) were sustained against Sergeant West.

### **Conclusion:**

During Cella's interview, he told me that he probably would not have filed a complaint on Captain Hunter had she not made physical contact with him. Based upon inconsistent statements from Sergeant West and Officer Schneider, the physical contact alleged to have occurred between Hunter and Cella could not be verified.

Officer Plotz' statement supports Cella's claim that Captain Hunter had made inappropriate, sexual detailed, comments to Cella sometime between May and August of 2012.

### **Findings:**

Based upon sworn testimony and supporting documentation the following allegations against Captain Nina Hunter are **not sustained**:

#### **Volusia County Department of Corrections Policy 102.08:**

*It shall be the policy of the Volusia County Division of Corrections to ensure that all employees work in an environment free from sexual harassment. It is a violation of Division policy for any*



*Volusia County Division of Corrections employee to engage in any act or behavior defined herein as sexual harassment. Behaviors constitute sexual harassment when one of three criteria are met. Criteria I: When submission to such conduct/behavior is made either explicitly or implicitly a term or condition of employment. Criteria II: When such conduct/behavior is the basis for any employment decision(s). Criteria III: When such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. This Division policy strictly prohibits dating between supervisors and subordinate staff.*

*Florida Administrative Code 11B-27.0011 Moral Character:*

*4. Sexual harassment pursuant to and consistent with decisions interpreting 29 C. F. R. 1604.11, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when the harassment involves physical contact or misuse of official position and when:*

*c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.*

Based upon sworn testimony and supporting documentation the following allegations against Captain Nina Hunter are **sustained**:

*Volusia County Department of Corrections Policy 102.09:*

*Correctional Officers shall conduct themselves in a professional manner at all times and remain cognizant of his/her responsibilities to the Division and the inmates in his/her charge.*

*Volusia County Merit Rules 86-453(8):*

*Criminal, dishonest or other conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service.*


*Volusia County Merit Rules 86-453(13):*

*Any conduct, on or off duty, that reflects unfavorably on the county as an employer.*

**Concluding Statement:**

Unless otherwise directed, this investigation is considered closed, and is submitted for review and action as deemed appropriate. The original attachments of interviews and other documents pertaining to this investigation remain on file with the Internal Affairs Unit.

"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 subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statute."

  
Captain David Vanis