

**DEPARTMENT OF PUBLIC PROTECTION
INTERNAL AFFAIRS**

**Brendan Lowenstein, Witness Interview
IA 2012-11-312**

November 20, 2012

Present:
Brendan Lowenstein, Corrections Sergeant
David Vanis, Captain

Bonita McClough, Transcribing Secretary

Vanis: All right today's date is November 20, 2012. The time is now 0755 hours. This is Captain Vanis with the Volusia County Department of Public Protection Internal Affairs Unit. I'm conducting an interview today with Sgt. - Brendan?

Lowenstein: Brendan.

Vanis: Bren Brendan Lowenstein at the Internal Affairs Office of the Volusia County Branch Jail. Sir, can you please state your name for the record?

Lowenstein: Brendan Lowenstein.

Vanis: All right your current position, job title?

Lowenstein: I'm a sergeant for the Volusia County Division of Corrections.

Vanis: Ok. How long have you been employed with Corrections?

Lowenstein: Ah thirteen years...going on thirteen years.

Vanis: Ok and what's a home address for you?

Lowenstein: [REDACTED]

Vanis: And a phone number we can contact you at if we need to talk to you again?

Lowenstein: [REDACTED]

Vanis: [REDACTED]

Lowenstein: Yes, Sir. You might have to leave a message.

Vanis: That's fine. All right, I'm gonna read some stuff to you and then I'm gonna have you sign the ah the Garrity warning if you're familiar with that at all at all it's ah if you want to read along this is it. 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 your fitness for continued employment. You are entitled to all the rights and privileges guaranteed by the laws and 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 the 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 Divisional disciplinary actions. Be advised that this is an active and open Internal Affairs investigation and I'm directing you not to discuss any part of this investigation with anyone other than your representative until that case come until this case comes to closure. Do you understand that you will be providing a sworn statement today to which you will be giving under oath?

Lowenstein: I understand.

Vanis: Ok and ahm you don't have a representative today with you. Is that by your own choice? Or would you...

Lowenstein: I I don't need a representative.

Vanis: You don't need a representative? Ok. And did you read that that warning over?

Lowenstein: Yes

Vanis: And what you're signing now is a Garrity warning and it's pretty much what I just read to you. Do you understand what that means?

Lowenstein: Yes, I understand what the Garrity means.

Vanis: Ok...I'll take care of this...all right, Sir, if you'll raise your right hand. Do you solemnly swear that the statement you're about to give is the truth, the whole truth and nothing but the truth, so help you God?

Lowenstein: I solemnly swear that the statement I'm about to give is the truth, the whole truth and nothing but the truth, so help me God.

Vanis: Ok thank you. All right we'll get started. I'm gonna try to make this quick. You worked last night, didn't you?

Lowenstein: Yes, I did.

Vanis: Ok I know you're ready to go.

Lowenstein: Yeah.

Vanis: All right. Are you familiar with Officer Officer Cella?

Lowenstein: Yes.

Vanis: Ok. Do you recall an incident on August 4th when Officer Cella injured his knee?

Lowenstein: Ah yes...

Vanis: All right can you

Lowenstein: to some extent.

Vanis: Tell me about that.

Lowenstein: Ahm I believe it was...was that the use of force?

Vanis: I believe it was a slip he slipped on this one.

Lowenstein: Yes ah he was walking through the kitchen and slipped.

Vanis: Ok. And what ah what was your involvement with that?

Lowenstein: He came in the office, said he slipped ahm I believe I went in and had somebody put a Wet Floor sign because there was water on the floor in the ahm kitchen area.

Vanis: Ok do you know who completed the Injury Report on that?

Lowenstein: I'm...not positive. I have in the past brought up the website so that she could do the web ah the Injury Report.

Vanis: So who could?

Lowenstein: The Captain.

Vanis: Captain

Lowenstein: cause it typically would be through the Captain.

Vanis: And the Captain's the Shift Commander?

Lowenstein: The Shift Commander, correct.

Vanis: And who was the Captain that night, you remember?

Lowenstein: I don't remember.

Vanis: Who would normally be the the the assigned captain on on that shift at that time?

Lowenstein: It would be Capt. Hunter.

Vanis: Ok. So you're not sure if it was completed by you or her or who did it

Lowenstein: Correct.

Vanis: Ok

Lowenstein: Oh only the Capt. has ah web access and if it was done through the web access or I I forget what the name of the ahm program is that the County uses now.

Vanis: M hm Stars

Lowenstein: Stars ahm then I probably did it.

Vanis: Ok

Lowenstein: If it was the handwritten one, then I wouldn't a had nothing to do with that one.

Vanis: Ok. Do you remember Ofc. Cella going to the Shift Commander's office after that?

Lowenstein: Yes. I think he came to the clinic first.

Vanis: Ok. And you're thinking that Ofc. I mean not officer I'm sorry Capt. Hunter was the Shift Commander at the time?

Lowenstein: I think so. I could not be positive.

Vanis: Ok. She was.

Lowenstein: Ok

Vanis: But do you remember hearing any interaction between Officer Cella and Captain Hunter?

Lowenstein: No.

Vanis: You don't remember anything about that...all right. Officer Cella filed a complaint on Capt. Hunter obviously is what I'm getting at and ahm he's alleging some things happened in the office that night and you don't have any information to provide

Lowenstein: No

Vanis: as far as anything that went on in that office happened that night

Lowenstein: No not that not that I can specifically remember that would stick out in any way ahm I know that he did come up to the office I know that we did have him fill out the form before he left to go to the hospital we took him to the hospital.

Vanis: Ok

Lowenstein: We sent an officer to take to take him to the hospital.

Vanis: You remember what officer that was?

Lowenstein: It might've been Sgt. West.

Vanis: Sgt. West? All right.

Lowenstein: But I'm not positive.

Vanis: Sgt. West is definitely mentioned in this report. Do you remember Sgt. West saying anything about to you about anything that might've happened with Capt. Hunter? Ahm...have you have you worked with Capt. Hunter a lot.

Lowenstein: Ah this will be my third shift..this would be my third shift with her.

Vanis: Ok. How would you describe her - is she professional?

Lowenstein: For the most part she's professional ahm she has interactions that are...normal ahm I wouldn't go to say that she was unprofessional in general ahm...as far as being a robot professional

Vanis: Right

Lowenstein: I don't think any of us are that but I wouldn't go as far as to call her an unprofessional.

Vanis: Ok. Have you ever heard her make any inappropriate comments to you or any any coworkers subordinates?

Lowenstein: Ahm

Vanis: That you would consider inappropriate

Lowenstein: Not that I would consider to be inappropriate.

Vanis: All right anything ah anything sexually charged anything...

Lowenstein: Ahm

Vanis: crude

Lowenstein: things like that come up

Vanis: obscene

Lowenstein: but they're I wouldn't say that they're I would consider them inappropriate or I've never heard anybody say that they were inappropriate.

Vanis: Ok

Lowenstein: Ahm

Vanis: So nothing's ever no one's ever reported to you that they thought she said something inappropriate to em.

Lowenstein: Correct yeah

Vanis: None of none of your subordinates

Lowenstein: Correct...

Vanis: Ok

Lowenstein: or my ahm or people that I work or other sergeants or people at my level. Or lieutenants.

Vanis: Right

Lowenstein: Ahm part of the job sometimes conversations like that do come up and it's we try not to say that they're ahm explicit in any way but what we try to say is if it's professional and you're to say something to me or I say something if it's wrong tell it's wrong so I tell people if you feel uncomfortable about anything anytime let me know...those things stop.

Vanis: So are you saying...sexually explicit comments are part of your job?

Lowenstein: Not not part of the job, but you hear things like that on occasions.

Vanis: Like what? What would be some examples?

Lowenstein: Ahm

Vanis: and you're not going to offend me I I promise you it's not.

Lowenstein: (Unintelligible) well I know that I'm trying to think of examples. I I wouldn't want to ah I wouldn't want to give an opinion on an example. Ahm...

Vanis: More more joking like jokes crude jokes

Lowenstein: Generally just generally joking...crude joke type things.

Vanis: Can you think of any anything Capt. Hunter's ever said to you have you ever heard her say that would be you know that that a normal person that a reasonable person would consider-?

Lowenstein: I've never heard her say anything that I would consider a reasonable person not to say. Ahm...

Vanis: Anything

Lowenstein: I'm an Army person too so I I've I've come from a background

Vanis: Has she ever told you anything that you wouldn't want her to say to your mother?

Lowenstein: No

Vanis: No. Ok. I'm trying I'm trying to

Lowenstein: Yeah

Vanis: relate and you know something...I'm trying to see if she said anything that...

Lowenstein: Yeah

Vanis: that would be inappropriate in the workplace.

Lowenstein: Well she

Vanis: Have you ever seen her ahm come on to any any of your any people that work with you like ah hit on?

Lowenstein: Definitely not I she's actually said that it's not happenin here.

Vanis: Ok

Lowenstein: Now she's married somebody here and then she's dated somebody here and had a child with somebody here. And that's when she said that that's it she's not dating anybody in this workplace any more.

Vanis: Ok...see what else we've got...has anybody else discussed this incident with you?

Lowenstein: Ah this incident? No.

Vanis: Anybody talk to you about Capt. Hunter? Recently, especially?

Lowenstein: No

Vanis: Do you know of any do you how well do you know Ofc. Cella?

Lowenstein: Ahm just from working with him...ahm he's never been a subordinate of mine.

Vanis: Who was do you know you know who he was working under that at that time was that Sgt. West?

Lowenstein: It should've been Sgt. West, yeah.

Vanis: Ok. Do you know any reason that Ofc. Cella would want to get Capt. Hunter in trouble?

Lowenstein: I don't

Vanis: Any kind of retaliation

Lowenstein: I

Vanis: has she ever done anything to him that you know of?

Lowenstein: I don't think that - I don't.

Vanis: All right. Is there anything you want to add?

Lowenstein: No I - it was kind of unexpected.

Vanis: Ok. Do you have any questions for me?

Lowenstein: Nno

Vanis: All right I'm going to remind you not to discuss this with anybody and and take that as a direct order.

Lowenstein: I understand.

Vanis: Just anything that was talked about today is not is not public record it's not for any co workers to know about. It's not for anybody to know about. Ok?

Lowenstein: I understand that.

Vanis: It's a very ah sensitive topic.

Lowenstein: I understand that.

Vanis: All right well I think that's all the questions I have for you. The time is now 0807 hours and we're gonna be off the record.

Lowenstein: Ok.

(Recording devices off)