Volusia County
FLORIDA

Department of Public Protection

TO: George Recktenwald, Director
Department of Public Protection

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

DATE: January 31, 2013

SUBJECT: Case # IA-2013-01-314, Officer Nathan Schneider, Volusia County Department of Corrections

References:

A. Memo requesting investigation
B. Notice of internal investigation addressed to Officer Schneider (dated 1/9/2013).
C. VCDC 401 completed by Staff Assistant Bonita McClough (dated 1/11/2013).
D. Letter from Landis, Graham, French law firm requesting interview transcripts (dated 1/14/2013).
E. Officer Nathan Schneider witness interview for IA case number 2012-11-312 (dated 11/20/2012).
F. Officer Nathan Schneider witness follow-up interview for IA case number 2012-11-312 (dated 11/20/2012).
G. Officer Nathan Schneider subject interview for IA case number 2013-01-314 (dated 1/18/2013).
H. Correspondence from Landis, Graham, French Law firm addressing Nathan Schneider's subject interview.

Complaint:

On November 20, 2012 I conducted a sworn witness interview with Officer Schneider in regards to a complaint filed against Captain Nina Hunter (IA case number 2012-11-312). When generally questioned about witnessing an unusual incident in the Captains office at the Branch Jail on August 4, 2012, Schneider consistently responded that he couldn't remember any specifics or that he couldn't recall. When I specifically asked him "Did you see Captain Hunter lick Officer Cella's neck and head," Schneider responded "No!" (See Reference E page 6) I read Schneider a part of the original complaint filed in regards to IA case number 2012-11-312 (Reference E pages 6-7). Schneider responded "I don't remember her licking him...ah I really don't remember specifically that she flatuated on him. I mean that's...you know. I've seen her do it before. Not lick anybody ok (laughs) before but...but yeah." After the initial interview, I believed that Officer Schneider could not remember the incident but specifically did not see Captain Hunter lick Officer Cella.

Thirty-three minutes after the interview described above was concluded, I was contacted by Staff Assistant Bonita McClough (See Reference C). Mrs. McClough advised me that Schneider

had remembered something from his interview and would like to clarify his statement. I conducted another sworn interview with Schneider. During this interview (Reference F) Schneider remembered Captain Hunter "saying something about him tasting salty and spitting it out so I'm pretty sure I do remember her licking him now." (Reference F pages 1-2). I asked for clarification on whether Schneider witnessed Captain Hunter lick Cella on page 2, Schneider stated "That I don't rem – I think I did. I think he was sitting in the chair. I don't remember her licking his neck though. I remember her licking like his head." This statement is contrary to what Schneider stated in his initial interview.

Information:

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.

On January 14, 2013, I received an email from Erin E. Thompson, Esquire, informing me that she would be representing Officer Schneider in this case and she requested a transcribed copy of both of Officer Schneider's previous interviews and any other supporting documentation pertinent to this case. On Tuesday January 15, 2013, I provided copies of both interviews (References E and F) along with a copy of the report prepared by Staff Assistant McClough (Reference C).

Officer Nathan Schneider:

On Friday January 18, 2013, I conducted a sworn interview with Officer Schneider. He was represented by his attorney, Erin Thompson, Esqire.

A the beginning of the interview I asked Schneider to tell me again what he had witnessed in the shift commander's office the morning of August 4, 2013. 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." (Reference G page 3). This statement is contrary to his statement in the follow-up interview (Reference F page 2). Schneider stated that when I read him a portion of Cella's complaint he "connected a dot in my own mind because that was all that made sense with her standing behind him and her stating that he tasted salty and her spitting into the trashcan that like I said in my head the only thing that made sense was that she must have licked him and at that point..." (Reference G page 4) I questioned Schneider as to whether he thought his statement "I don't remember her licking his neck, though. I remember her licking like his head." (Reference F page 2) was a truthful statement. Schneider eventually responded "I'm going to have to say then no but it was based upon an assumption and me putting together the dots."

At the end of the interview (Refefence G page 10) I asked the same question as to whether he thought "I remember her licking like his head" was a truthful statement. Officer Schneider was very reluctant to answer the question and I eventually ordered Schneider to provide a direct answer to the question. Schneider responded "No." that it was not a truthful statement.

When questioned as to whether Schneider believed that he violated Volusia County Division of Corrections policy 102.09(c), he responded "No because the totality of my statement is accurate." When questioned as to whether he believed that he had violated Volusia County Merit Rules and Regulations 86-453(12), Schneider responded "No, I do not."

Conclusion:

I have conducted a total of three interviews with Officer Schneider. I first spoke to Schneider during a witness interview for IA case number 2012-11-312 on November 20, 2012 at 0946 hours, then in a follow-up to that interview on the same date at 1113 hours, and in a subject interview on January 18, 2013 at approximately 1100 hours. During the course of each individual interview, Officer Schneider provided statements contrary to the content of the previous interview. In his initial interview, Schneider denied witnessing Captain Hunter lick Charles Cella's head or neck. During his second interview, less than two hours later, Schneider stated that he had specifically observed Hunter lick Cella's head, not his neck. During his subject interview, Schneider stated that while he did hear Captain Hunter state "Tasted salty" and saw her spit into a trash can, he did not witness Captain Hunter lick Cella's head or neck.

Officer Schneider's inconsistent, contradictory, and untruthful statements have directly affected IA case number 2012-11-312.

Findings:

Based upon sworn testimony provided by Officer Nathan Schneider the following allegations against him are **sustained**:

Volusia County Department of Corrections Policy 102.09(c):

All staff shall make or cause to be made accurate, complete and truthful reports and official records.

1. *No staff member shall knowingly make or cause to be made any false report or falsify any official record.*

2. *No staff member shall make or cause to be made any inaccurate, misleading, contradictory, or improper report/official record.*

Volusia County Merit Rules 86-453(12):

Knowingly giving false statements to supervisors, other officials or the public.

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.

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

1/3/13

Date