

VOLUSIA COUNTY DIVISION OF CORRECTIONS
Incident Report

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THE INFORMATION BELOW WILL BE FILLED IN COMPLETELY BY THE OFFICER FILING THE REPORT AT THE TIME THE INCIDENT TAKES PLACE. USE VCDC 402 (SUPPLEMENTAL REPORT) FOR CONTINUATION.

SUBJECT: Alleged assault		DATE 07/27/2011	TIME: 2330
INMATE'S NAME: [REDACTED]	BOOKING NUMBER: [REDACTED]	CELL NO.: 5C12U	
<p>On the above date and approximate time I was sorting and scanning the outgoing inmate mail for that day. When I got to inmate [REDACTED] letter to his mother I read in the letter that inmate [REDACTED] was claiming to have been assaulted. Inmate [REDACTED] stated he had been in two fights and had also been held down by two men and assaulted sexually. My HUS, Ofc Zamba, was notified of the situation at which time he came to the unit to assist in the investigation. Inmate [REDACTED] was pulled from the block and told to write a statement. The inmate was seen by medical and placed on a MHC 151 and moved to unit 12. Statements were then taken from the rest of the block and the investigation is pending.</p>			
Reporting Officer: Print Name C. Cloyd	Reporting Officer: Signature <i>c. cloyd</i>	Employee Number: 1055	

CORRECTIVE ACTION OR COMMENTS BY HOUSING SUPERVISOR

SEE ATTACHED 402.		
Housing Unit Supervisor: Print Name SRO ZAMBA	Housing Unit Supervisor: Signature <i>Sro Zamba</i>	Employee Number: 077

CORRECTIVE ACTION OR COMMENTS BY SHIFT SUPERVISOR

SEE ATTACHED 402		
Shift Supervisor: Print Name LT. R. SELTZ #173	Shift Supervisor: Signature <i>R. Seltz</i>	Employee Number: 173

REVIEWED

AS STATED BASED ON THE INVESTIGATION THE INMATE ALLEGATIONS ARE NOT SUBSTANTIATED	
Signature of Warden <i>[Signature]</i>	

**VOLUSIA COUNTY DIVISION OF CORRECTIONS
SUPPLEMENTAL REPORT**

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INMATE'S NAME: [REDACTED]		BOOKING NUMBER: [REDACTED]	CELL NUMBER: 12S10
SUBJECT: Alleged Sexual Assault		LOCATION: Unit 5	DATE: 07/28/11 TIME: 0615

On 07-28-11 at approximately 0100 Ofc Cloyd was scanning mail on Unit 5 when he came across a letter from I/M [REDACTED] being mailed out to his mom. In the letter I/M claims to have been in 2 fights and was sexually assaulted. I took I/M [REDACTED] out of the block as soon as I was notified of the letter. I took I/M [REDACTED] to the end of the hall away from anyone else and asked him if what he wrote in his letter was true. I/M [REDACTED] told me it was true that he was raped on Tuesday night. At this point I had I/M [REDACTED] begin to write a statement and contacted Lt Seltz of the situation. I started a 225 to offer I/M [REDACTED] protective custody, a 728 for any possible injuries from the fights or the assault and I started a 721 since I/M [REDACTED] was visibly crying while writing his statement. I/M [REDACTED] was then taken to the clinic and evaluated for any injuries by Nurse Sapala. No injuries were noted by Nurse Sapala and I/M [REDACTED] was put on the list to see the Doctor the next day. I/M [REDACTED] was put on a MHC 151 watch per Nurse Sapala. I/M [REDACTED] was brought to Unit 5 to pack up his belongings with staff present. After going over I/M [REDACTED] statement on who he described Ofc Moore brought up pictures on JMS for I/M [REDACTED] to help him pick out who assaulted him. The inmates I/M [REDACTED] named after seeing their pictures were I/M King 850396 and I/M Evans 853549. I/M [REDACTED] was brought to 12S10 at approximately 0235. Approximately 0250 I/M [REDACTED] in 12S10 started changing his story about who sexually assaulted him and those inmates that he was in a fight with. I/M [REDACTED] was brought to the office and questioned about the statement that he made and changed his story on what inmates actually sexually assaulted him and stated that the inmates he pointed out only fought with him on Monday and Tuesday and didn't know who sexually assaulted him. When asked why he didn't report any of these incidents to staff, I/M [REDACTED] responded that he didn't trust anyone and that he wanted everything to be done and just go home. I/M King 850396 and I/M Evans 853549 were locked down ADM pending investigation. I/M [REDACTED] was then made to make a separate statement for each of the 3 incidents. Statements for all 3 incidents were taken from 5C block and taken from the inmates that were housed in 5C during the time of the alleged altercations. No useful information came from any of the statements taken to substantiate any allegations. VCSO was notified about the sexual assault and Deputy Lecates and Deputy Riley came out to investigate. The deputies explained to I/M [REDACTED] the situation and offered to help him however he needed and if he wanted to press charges he could. I/M Clancy said he didn't want to press charges because I/M [REDACTED] said there was not enough evidence and he could not say who sexually assaulted him at this time and that he only wanted this to be over and go home. The case number from the investigation is 11-22604. At approximately 0448 I/M [REDACTED] was taken to HMC for evaluation in the emergency room and was escorted by Ofc Moore. I/M [REDACTED] refused to be evaluated at HMC for the sexual assault claim. At approximately 0630 I/M [REDACTED] returned to VCBJ and placed back in 12S10 on MHC 151 and is to be placed on PCA once released from MHC. Based on all the information gathered the claims from I/M [REDACTED] cannot be substantiated at this time. Referred to SCC/PCA after released from MHC for his protection.

- 0100 - I was notified of I/M [REDACTED] letter
- 0103 - I/M [REDACTED] called out and asked if he was actually raped and I/M stated yes
- 0104 - Lt Seltz notified of situation
- 0130 - Statement taken from I/M Clancy, 225, 721 and 728 completed for I/M [REDACTED]
- 0140 - I/M [REDACTED] taken to clinic and evaluated by Nurse Sapala and placed on MHC 151
- 0200 - I/M [REDACTED] taken back to Unit 5 to pack his belongings with staff present
- 0205 - I/M [REDACTED] points out possible assailants while being showed pictures on JMS that compare to who he describes on his statement. I/M [REDACTED] claims a couple of the assailants moved out of block earlier Wednesday - the inmates I/M [REDACTED] named after seeing their pictures were I/M King 850396 and I/M Evans 853549
- 0210 - I/M [REDACTED] taken to Unit 12 and placed in 12S10
- 0250 - I/M [REDACTED] brought to office and allowed to rewrite statements about 2 fights and the sexual assault
- 0305 - Statements taken from 5C for sexual assault allegation
- 0420 - VCSO Deputies Lecates and Riley came to investigate sexual assault claim from I/M [REDACTED]
- 0448 - I/M [REDACTED] taken to HMC to be checked out for sexual assault claim but refused to be evaluated - Ofc Moore escorted
- 0630 - I/M [REDACTED] returns from HMC and placed back into 12S10

OFFICER'S SIGNATURE: SRO ZEMBA <i>[Signature]</i>	EMP. NO.: 877	DATE: 07/28/11	TIME: 0645
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VOLUSIA COUNTY DIVISION OF CORRECTIONS
Informational Report Supplemental

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INMATE NAME: [REDACTED] BOOKING NUMBER [REDACTED] CELL 5C13U
SUBJECT Investigation of alleged assault LOCATION VCBJ Unit 5 DATE 08/02/2011 TIME 2100

On 07/28/2011 at approximately 0100 hrs. [REDACTED] came across a letter written by inmate [REDACTED] to his mother stating that he was involved in two fights and was abused.

He was booked into the Branch Jail on 07/23/2011 at 1247 hrs... He is charged with dealing in stolen property X 2, grand theft, false owner info pawned items less than \$300.00, and grand theft motor < \$ 100,000.00 with a total bond of \$12,500.00. He was moved to Unit 5 C Block on 07/25/2011 at 1732 hrs.

He alleged that he was in the first fight on Monday 07/25/2011 and again on Tuesday 07/26/2011. He stated he was abused on Tuesday night 07/26/2011.

At approximately 0100 hrs. Officer Cloyd contacted Officer Zemba to inform him of the letter. Officer Zemba reported to the Unit and had Inmate [REDACTED] pulled out of the block to inquire about the letter he wrote to his mother. He told officer Zemba that he was involved in two fights and was sexually abused. He told Officer Zemba that he did not know who he was in the fights with and he did not know who the two inmates where that abused him. A statement was taken from him about what happen to him. Inmate [REDACTED] was taken to the clinic and evaluated. The block was woken up to take statements regarding the allegations he had made. After his first statement was written, he stated that he was involved in two fights and was sexually abused. In the statement, he could not identify the two inmates that sexually abused him, but, he could identify the two inmates that he was involved in the fights with. Officer Zemba had him look at some mug shots to see if he could identify the inmates he was involved in the fights with. He identified inmate King # 850396 and Evans # 853549. I had officer Zemba bring him to the Shift Supervisors Office. I asked him to write one statement for each incident that he was involved in, in the last two days. During the several interviews that Inmate [REDACTED] was involved in, his stories where inconsistent.

He stated on Monday 07/25/2011 while he was walking down the stairs on the left side of the block he was pushed under the stair case by Inmate King and another inmate that he could not identify. He stated he was punched several times in the torso. He stated that it happened some time after noon, but, before 1600 headcount. Statements were taken none support his claim. He did not arrive in the block until 1735 hrs. No injuries were noted by medical. Inmates allegation is not substantiate.

He stated on Tuesday 07/26/2011 while he was walking down the stairs, on the right side of the block, he was headed towards the toilet area and again he was assaulted by Inmate King and another inmate that he could not identify. He stated he was punched again in the torso several times. Again, he said it happened some time after noon and before 1600 headcount. Statments were taken none support his claim. No injuries were noted by medical. Inmates allegation is not substantiate.

He stated on Tuesday 07/26/2011 at approximately 2230 hrs. while in his cell he was sexually abused by two inmates. He stated they held him face down on the lower bunk and his hands to his side. He stated that his pants were pulled down and one of them sexually assaulted him for approximately 2 - 3 min. . Then the two inmates left the cell. He states that he did not get a look at the inmates but he thinks by the sounds of their voices, they were black. I asked him if he tried to get away or fight and he stated, he did not. At approximately 0140 hrs. Inmate [REDACTED] was taken to the clinic to be evaluated for the allegations that he made. The clinic stated that there was no evidence or injuries found at this time. Statments were taken none support his claim. Inmates allegation is not substantiate.

At approximately 0400 hrs. VCSO was notified. Deputy Lecates conducted his interview in the Shift Supervisors Office, at VCBJ. Inmate [REDACTED] as claimed that, during the interview, Deputy Lecates discouraged him from going to the rape crisis center telling him that too much time had passed, however, I was in the room, no such conversation took place. At approximately 0448 hrs. inmate [REDACTED] was taken to HMC ER by Officer Moore, to be evaluated. Inmate [REDACTED] refused a medical exam.

At no time while I was dealing with Inmate [REDACTED] did he complain of any discomfort or pain due to the alleged assault. No witness statements support any of Inmate [REDACTED] allegations. Based on this investigation none of Inmates allegations are substantiate.

OFFICER'S SIGNATURE Lt. R. Seltz # 173 [Signature] DATE 08/02/2011

TIME 2330 hrs.

VOLUSIA COUNTY DIVISION OF CORRECTIONS
Informational Report Supplemental

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INMATE NAME [REDACTED] BOOKING NUMBER [REDACTED] CELL 12S10
SUBJECT Investigation of sexual assault. LOCATION VCBJ DATE 07/28/2011 TIME 16:00

On 07/28/2011 I interviewed inmate [REDACTED] and specifically focused on the alleged sexual assault. I introduced myself and Captain McAllister to the subject and advised him we were seeking additional information from him about the assault. I also told the subject that we were only interested in the truth and or finding the person or persons responsible, if in fact he was assaulted. During the interview he was asked a series of questions that were pertinent to his claim that he was sexually assaulted. The subject's description of the incident lacked specific details of the actual assault and there were several inconsistencies, when pressed for details about the alleged assault his answers appeared to be contrived and unrealistic. The subject's cellmate (inmate Stokes, Aldean - 853453) was also interviewed, when asked if he noticed anything out of the ordinary about his cellmate that evening, he stated when he reported to his cell at lockdown his cellmate [REDACTED] was sitting on the upper bunk picking at his feet. Stokes also stated that [REDACTED] woke him up several times during the night to complain about his snoring. Stokes was asked if his bunk was in disarray or he noticed anything out of place in the cell, he said no. I also interviewed several inmates that [REDACTED] was seen talking to in the block and that written statements were obtained from, they stated that he had made no mention of having any problems with other inmates. The subject cannot or will not identify his alleged attackers, he reportedly refused examination and no evidence was collected at the hospital, he did not cry out for help during the attack and he did not report the incident to staff or anyone else until he was questioned about his letter to his mother. The subject's cell was centrally located within the block and in clear view of staff as well as the 27 other inmates in the block. There are no statements from anyone that support the subject's claim that he was assaulted and the lack of physical evidence would preclude further action at this time. It would appear by the information available at this time the subject fabricated the story to invoke his mother to post his bond. Subsequently the subject was seen by Nurse Practitioner Robinson for necessary follow up and testing. Mental health staff have evaluated the subject and case management personnel has spoken to the subject.

OFFICER'S SIGNATURE Lt. P. Luciano - 591 *591* DATE 07/28/2011 TIME 18:00

**VOLUSIA COUNTY DIVISION OF CORRECTIONS
SUPPLEMENTAL REPORT**

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INMATE'S NAME: [REDACTED]		BOOKING NUMBER: [REDACTED]	CELL NUMBER: 12S10
SUBJECT: Interview concerning sexual assault		LOCATION: Unit-5	DATE: 07/28/2011 TIME: 1030hrs

On the above listed date and time I spoke with I/ [REDACTED] concerning an alleged sexual battery that occurred. When asked to describe the incident that occurred he stated he was changing and that 2-inmates came into his cell and pushed him down onto the bunk, held him down facedown on the lower bunk and one of them inserted their penis into his ass. He was asked to identify them he said he couldn't he never saw them. I asked if he fought back or resisted in any way, he stated no. I asked why he said he was held down he couldn't. When asked again how he was violated he stated that he was kneeling on the floor and was bent over the bunk, when asked how this now differed he said he didn't know and wasn't sure. He was asked why when he was taken to the hospital to be checked and accessed did he refuse he stated he didn't the officer who met them there told him it was to late so he didn't bother, he just wants to put his behind him. Inmate was then asked if the alleged attackers were black or white big or small or said anything specific he stated he didn't know the only thing he heard was ooh and ahh until they finished. He also added that he thinks only one guy did it to him the other guy just held him down with the other guy. I asked him again why didn't he fight back or scream did they hold a hand over his mouth or threaten him, he stated no he was just scared and wants to forget about it. I asked him if he was alright he said yes. I then asked him if he was homosexual or bisexual, he stated no he wasn't. I asked him if he wrote this letter to family in an attempt to manipulate them for release through a bond process he stated no. He was advised that in the past we have had inmates attempt to manipulate family to gain release if that has occurred please advise of such since we are trying to find out what occurred to help him and to ensure this doesn't happen to anyone else, he alleges he understood but he doesn't know anything. I told him I find it suspect that he could allege this happened without anyone seeing or hearing anything, this in an open cell and that statements taken do not indicate or validate his complaint. I explained that inmates have the time to watch everything that we do and also what they do and nobody alleges anything occurred and we will usually get statements that would try to get an individual moved or at least implicated to be moved none of that occurred in this instance. I/ [REDACTED] was advised that he would remain in P.C. status since we cannot be sure of his safety. He alleges that he just wants to forget this happened. Inmate was returned to his cell.

OFFICER'S SIGNATURE: <i>[Signature]</i>	EMP. NO.: 353	DATE: 07-28-11	TIME: 1030hrs
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VOLUSIA COUNTY DEPARTMENT OF CORRECTIONS

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SUPPLEMENTAL REPORT

INMATE'S NAME: [REDACTED]		BOOKING NUMBER: [REDACTED]		CELL NUMBER:	
SUBJECT: phone conversation		LOCATION: VCBJ		DATE: 08/04/11	TIME: 1015
<p>I/M [REDACTED] mother, Diane Goodreau called on 8/1/1, to say she was going to have a visit with her son on 8/2/11. She had received a letter from him, stating things were happening to him that he could not go into with her. Mrs. Goodreau said she knows that her son is trying to get her to bond him out, which she does not want to do. This Case Manager told her that her son was locked-down in protective custody, which eased her mind. She said he has a drug problem and needs help, and that he is very good at laying a guilt trip on her. In reference to her son's allegations, Mrs. Goodreau was told that the jail had to investigate them.</p>					
OFFICER'S SIGNATURE: <i>[Signature]</i>		EMP. NO. cm:		DATE: 8-4-11	TIME: 1028

VCDC 402 CR-0059-0493

MS Word Version

(Copy and give to requestor of records)

PUBLIC RECORDS DUPLICATION COST ESTIMATE FORM -- A determination of the cost of providing the requested information should be made as quickly as possible. This shall be conveyed to the requestor of information. The requestor of information shall be given a form estimating the cost of compliance with the information requested. The requestor shall pay for the cost of records in advance.

Paper copies -- (Corrections)

Number of copies 99 x \$.05 per page = \$ 4.95

Paper copies -- (dept)

Number of copies ___ x \$.05 per page = \$ _____

Paper copies -- (dept)

Number of copies ___ x \$.05 per page = \$ _____

Electronic information retrieval

Labor as quoted by ___ (dept) \$ _____

Number of copies ___ x \$.05 per page = \$ _____

Video VHS, CD-R (\$.20 ea), DVD (\$.35 ea)

(Actual replacement cost as of Dec. 2009)

Audio cassettes

Actual cassette tape cost \$ _____

County maps

Determined by size, black and white or color \$ _____

Extensive office/clerical labor costs

Extensive labor #1 (time 1 @ \$10.00 per hour) \$ 10.00

Extensive labor #2 (time ___ @ \$ _____ per hour) \$ _____

Extensive labor #3 (time ___ @ \$ _____ per hour) \$ _____

POSTAGE to mail materials \$ _____

EMAIL SEARCH -- PER QUOTE ATTACHED \$ _____

Total due from requestor of information \$ 14.95

#1495 cash *Shondan*
Payment Amt. & Ck. Number (Or Cash Amt.)

9-24-12
Date Received

Public Records Volusia County Fee Schedule

"The charge is limited to actual cost of duplication of the record. The phrase 'actual cost of duplication' is defined in Florida Statutes to mean the cost of the materials and supplies used to duplicate the record, but it does not include the labor costs and overhead costs of such duplication. An exception, however, exists for copies of County maps or aerial photographs supplied by County constitutional officers which may include a reasonable charge for the labor and overhead associated with their duplication." -- *Florida Government-In-The-Sunshine Manual.*

Volusia County's public records duplication fee policy

Paper copies -- The cost to duplicate paper records is 5 cents per page.

If the nature or volume of public records to be copied requires the extensive use of information technology resources or extensive clerical or supervisory assistance, or both, a reasonable service charge based on the cost actually incurred should be charged on a case by case basis. Extensive use of resources is defined as more than 15 minutes. This should be the direct hourly labor rate calculated for the Activity where the records are requested. (Please see formula below or consult Management and Budget for assistance).

Video cassettes -- Actual video tape cost and, if any, extensive clerical labor (see calculation sheet)

Audio cassettes -- Actual cassette tape cost and, if any, extensive clerical labor (see calculation sheet)

Electronic information retrieval -- Paper copy cost and, if any, Microcomputer Services extensive labor (see calculation sheet)

Formula for determining public records extensive labor costs based on one person or more than one person in your area:

1. Determine the person's annual direct labor hours (40 hr week x 52 weeks).
2. Total person's annual current budgeted salary (current salary, plus FICA, plus insurance, plus retirement).
3. Divide line 2 by the number of direct labor hours in line 1. The result is the direct hourly labor rate.
4. If more than one person is involved, multiply each person's direct hourly labor rate by the number of hours that person was involved in the project. Add together.



September 24, 2012

Volusia Exposed

To whom it may concern:

Re: PRR- 462012 (Re: Alleged in-custody rape incident July 26, 2012)

In response to your request received in our office, I am enclosing the copy of the file for the above-referenced request. Per F.S. 119.071(4) (d) all exempt information has been redacted. The fee for coping these documents plus the fee for the labor is **\$14.95**. Please make the check payable to the County of Volusia – Division of Corrections and mail to:

County of Volusia – Division of Corrections
1300 Red John Drive
Daytona Beach Fl.
32124

When issuing your check, please note on it that it is for photocopying fees regarding the above-referenced request.

Should you have any questions, please do not hesitate to contact me at the number listed below.

Sincerely,
Lieutenant Larry Langdon
Volusia County Division of Corrections
(386) 258-4044