

**VOLUSIA SHERIFF'S OFFICE  
INTERNAL AFFAIRS**

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA 21-002**

**PERIOD COVERED:** March 05, 2021  
**DATE REPORTED:** March 05, 2021  
**SUBJECT(S) NAME:** Aaron Chavez #7120  
**INVESTIGATING OFFICER:** Sergeant Brian Cobb #7550

**BASIS FOR INVESTIGATION:**

On March 05, 2021, off-duty deputy Aaron Chavez was arrested for Driving under the Influence and Refusal to Submit to a Breath Test. The arrest stemmed from a traffic stop initiated by the DeLand Police Department, due to Officer Clark's observation of a motor vehicle operating recklessly in the area of East International Speedway Boulevard, and North Woodland Boulevard, DeLand.

On the morning of March 05, 2021, due to the nature of the arrest and allegations, Chief Deputy J. Gallagher initiated an internal affairs investigation.

**OFFENSES:**

**Volusia Sheriff's Office General Orders:**

**GO-026-002.IV.F.4 – Unlawful Conduct: Misdemeanor Injurious to VSO** - VSO personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the VSO or otherwise impairs the operation and efficiency of the VSO or which is likely to impair the ability of personnel concerned to perform assigned duties.

**GO-026-02.IV.F.6 – Criminal or Illegal Conduct** - Regardless of the filing of criminal charges, or lack thereof, or the absence of a criminal conviction, criminal or illegal conduct that interferes with effective job performance or has an adverse effect on the VSO is prohibited.

**INVESTIGATION:**

On March 05, 2021, at approximately 0150 hours, Chavez was observed by DeLand Police Officer Damon Clark traveling westbound in his personally owned black in color Chevrolet pickup, in the

eastbound lanes, near the 100-block of East International Speedway Boulevard, DeLand. Prior to initiating the traffic stop, Officer Clark observed the black Chevrolet pickup proceed through a steady red light, and make a left-hand turn from East International Speedway Boulevard, onto North Woodland Boulevard, DeLand.

At approximately 0155 hours, Officer Clark initiated a traffic stop at 1418 North Woodland Boulevard, DeLand. At the time of the traffic stop, Deputy Kevin Moss, with the Volusia Sheriff's Office, simultaneously assisted as a backup unit.

Both Officer Clark, and Deputy Moss, approached the black Chevrolet pickup, which was stopped for the aforementioned traffic violations. Officer Clark approached the driver's side of the vehicle, while Deputy Moss approached the passenger side of the vehicle. As Officer Clark approached the driver's side door, he instructed the driver to roll down the driver's side window. The driver, later identified as Aaron Chavez by his Florida driver's license, was seated in the driver's seat and was the sole occupant of the vehicle.

Officer Clark noted his observations of Chavez exhibiting signs of impairment upon making contact with him. Officer Clark asked Chavez if he had been drinking, to which Chavez replied, "No". Officer Clark asked Chavez if he had taken any medication, Chavez replied, "I am drinking man". Officer Clark advised Chavez he was aware and walked away from Chavez's truck.

After contacting his supervisors, and making notifications to the Volusia Sheriff's Office, Officer Clark requested Chavez participate in Standardized Field Sobriety Exercises. Chavez refused to participate in the exercises.

Officer Clark established probable cause to arrest Chavez for driving under the influence and placed him in custody. Post-arrest, Chavez was requested to provide a sample of his breath in accordance with State Statutes. Chavez subsequently refused to provide a sample of his breath and was additionally charged with the appropriate misdemeanor for said refusal.

On the morning of March 05, 2021, Chief Deputy J. Gallagher assigned the case to Internal Affairs.

Also on March 05, 2021, Deputy Chavez was served with a Notice of Internal Investigation, along with a copy of his Florida Law Enforcement Officer's Bill of Rights. Chavez was served with the notice while still incarcerated at the Volusia County Branch Jail.

On March 11, 2021, Sergeant Cobb obtained and reviewed the Body Worn Camera footage of Officer Clark, Officer Walter, and Deputy Moss. Below is a synopsis of Sergeant Cobb's observations:

Officer Clark approached the driver's side of the vehicle he stopped. The vehicle was a black Chevrolet Silverado 1500 quad cab pickup truck. The vehicle's windows were tinted and in the up position upon Officer Clark making contact with the vehicle. Officer Clark requested the window be lowered. The driver began to open the door. Officer Clark redirected the order, which was ultimately complied with.

When the window is in the down position, the driver is clearly Aaron Chavez. Chavez was also the sole occupant of the vehicle. The dialogue between Chavez and Officer Clark is clearly documented in the Body Worn Camera footage. Chavez's speech is slow and slurred. Chavez fails to understand all of the questions presented to him by Officer Clark and Chavez initially denies consuming any alcoholic beverages when asked.

Additionally, Chavez is observed asking Officer Clark for "professional courtesy." In policing, the phrase "professional courtesy" refers to officers letting other officers off with a warning on traffic violations or for leniency. This request put Officer Clark in an awkward situation, yet he conducted the investigation with integrity.

At the 18 minute, 46 second mark, a short conversation regarding participating in field sobriety exercises took place between Officer Clark and Chavez:

Officer Clark: "So you're not going to take the test for me tonight?"

Chavez: "Come on dude"

Officer Clark: "You already put me in a spot"

Chavez: "I know"

At the 19 minute, 26 second mark, Officer Clark reproached Chavez while Chavez was still seated in the driver's seat. Officer Clark told Chavez that based on his driving patterns and Chavez's own admissions that Chavez had been drinking and was unable to safely operate the vehicle. Chavez acknowledged Officer Clark's statements with both agreement, and under no objections.

At the 19 minute, 53 second mark, Officer Clark requested Chavez to exit the vehicle. Chavez complied with the direction. Upon exiting his vehicle, Chavez takes a slight stagger step as he gets both feet on the ground.

The remaining portion of the video is dialogue amongst the law enforcement personnel on scene and of Chavez stating he has to urinate. Chavez is subsequently transported to the DeLand Police Department, and the video concludes with Chavez seated on a chair inside the DeLand Police Department's holding cell facility.

It should be noted, Sergeant Cobb conducted the internal investigation of Chavez's previous driving under the influence arrest on March 20, 2020. Sergeant Cobb observed many similarities in Chavez's behavior between the two arrests. Most notably, during both arrest Chavez's speech is slow and he tells both arresting officers that he has to urinate urgently.

Officer Clark started a new Body Worn Camera video once inside the holding cell area within DeLand Police Department.

At the 3 minute, 53 second mark, Officer Walter, also with DeLand Police Department, read Chavez the Florida Implied Consent statute prior to requesting Chavez consent to a test of his blood, breath or urine.

Within the reading, Chavez is informed that refusal to submit to the requested test of his blood, breath or urine is misdemeanor crime within the State of Florida. Chavez acknowledges this information and still refused to submit to the test of his blood, breath or urine.

On March 15, 2021, Sergeant Cobb obtained a copy of Officer Clark's arrest affidavit. Sergeant Cobb reviewed the document and observed the following:

Officer Clark's description of Chavez's behavior was corroborated through the Body Worn Camera footage, as was the documenting of Chavez's refusal to submit to a breath test.

Sergeant Cobb observed that Chavez was issued traffic citations for traveling on the wrong side of the roadway, failure to stop at a steady red light and violation of driver's license restrictions [business purposes only restriction]. Furthermore, Sergeant Cobb observed that Office Clark charged Chavez with driving under the influence of alcohol or drugs, in violation of Florida State Statute 316.193, and refusal to submit to driving under the influence testing, in violation of Florida State Statute 316.1939(1)(E), a first degree misdemeanor.

Also on March 15, 2021, Sergeant Cobb reviewed Volusia Sheriff's Office Internal Affairs case file IA 20-002. This was a previous internal affairs investigation involving Chavez. The investigation stemmed from Chavez being arrested for driving under the influence on March 20, 2020. In reviewing the aforementioned case file, Sergeant Cobb noted that on Chavez's previous driving under the influence arrest he also refused the blood, breath or urine test required by Florida State Statute 316.1939. With that, Sergeant Cobb utilized the D.A.V.I.D. database to determine the status of Chavez's driver's license. Sergeant Cobb determined the following:

On March 21, 2020, Chavez's driver's license was suspended for a period of one year for refusing to submit to a blood, breath or urine test. On March 30, 2020, Chavez's driver's license was reinstated with a "business purposes only" restriction. The business purposes only restriction was in place until March 20, 2021. It should be noted, Chavez's driver's license business purposes only restriction was later observed to be extended until April 2021.

For clarity within this investigation, "A driving privilege restricted to business purposes only" means a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes." This definition comes directly from chapter 322 within the Florida State Statutes. The State Statute further states, "Driving for any purpose other than as provided by this paragraph is not permitted by a person whose driving privilege has been restricted to employment or business purposes. In addition, a person whose driving privilege is restricted to employment or business purposes remains subject to any restriction that applied to the type of license which the person held at the time of the order of suspension, cancellation, or revocation."

On March 05, 2021, at the time of Chavez's arrest, he was operating his Chevrolet pickup truck at 0150 hours with a business purposes only driver's license.

It should be noted, Chavez was not working in the capacity of a deputy sheriff at the time of his arrest. Chavez is a member of the United States Military in a reserve capacity. Chavez was not working in the capacity of the United States Military, and no local churches have church services at 0150 hours. Furthermore, Chavez did not mention throughout the course of his traffic stop that he was returning home from any type of medical facility, or any other qualifying reason to be operating a motor vehicle with his current restriction.

Throughout the week of March 8<sup>th</sup> to the 12<sup>th</sup>, 2021, Sergeant Cobb began to schedule interviews with the Volusia Sheriff's Office employees who were relevant witnesses to this investigation.

### **Sergeant Katie Teske**

On March 15, 2021, at approximately 1514 hours, Sergeant Cobb conducted a sworn recorded interview with Sergeant Katie Teske. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Sergeant Teske, Sergeant Cobb and Lieutenant Shivers. Below is a synopsis of the audio recorded interview:

Sergeant Teske was working in a patrol sergeant capacity on the night of March 05, 2021, in the District II area of responsibility.

Sometime after 0150 hours, Sergeant Teske received a phone call from Deputy Kevin Moss. During the phone call, Deputy Moss advised Sergeant Teske that DeLand Police Department had stopped Aaron Chavez and he was out on the traffic stop. Deputy Moss advised Sergeant Teske that Chavez appeared intoxicated and going to be arrested by DeLand Police Department for driving under the influence.

Sergeant Teske was at the District II office at the time of the phone call. Also at the office was Lieutenant Don Taylor, the night time Watch Commander. Sergeant Teske advised Lieutenant Taylor of the aforementioned information, and both Lieutenant Taylor and Sergeant Teske responded to the traffic stop.

Once on scene, Sergeant Teske observed Chavez to exhibit behaviors consistent with that of alcohol consumption. Sergeant Teske advised Chavez's eyes were blood shot and his speech was slurred. Sergeant Teske advised she worked with Chavez as a zone partner in her previous assignments, and stated Chavez's behavior on the night of the incident was not the same as her prior experience working with him. Furthermore, Sergeant Teske indicated she could smell the odor of an alcoholic beverage when in close proximity to Chavez.

Sergeant Teske advised she did not interact with Chavez significantly but did provide direction to him at the time of this arrest. Sergeant Teske noted that during the handcuffing process, Chavez turned towards Officer Clark in a way that she believed could be considered resisting arrest. Sergeant Teske and Deputy Moss advised Chavez to simply cooperate. Chavez did so and was

escorted to a DeLand Police Department patrol vehicle. Sergeant Teske had no additional involvement in the incident.

The interview with Sergeant Teske was recorded in its entirety prior to being concluded.

### **Lieutenant Donaldson Taylor**

On March 16, 2021, at approximately 1004 hours, Sergeant Cobb conducted a sworn recorded interview with Lieutenant Donaldson Taylor. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Lieutenant Taylor, Sergeant Cobb and Lieutenant Shivers. Below is a synopsis of the audio recorded interview:

Lieutenant Taylor was working in the capacity of a Watch Commander on the night of March 05, 2021, during the time Chavez was arrested. Lieutenant Taylor advised Sergeant Teske notified him regarding the traffic stop.

Lieutenant Taylor left the District II office and went to the scene of the traffic stop. Upon arriving on scene, Lieutenant Taylor observed Chavez being walked to a DeLand Police Department patrol car by a DeLand Police Officer, and Deputy Moss. Later, Deputy Moss and Sergeant Teske briefed Lieutenant Taylor on the circumstances surrounding the traffic stop.

Lieutenant Taylor only had minimal contact with Chavez the night of the incident. During his brief contact, Lieutenant Taylor could smell the odor of an alcoholic beverage coming from the immediate area. Lieutenant Taylor did not observe any other behavioral characteristics exhibited by Chavez to indicate intoxication.

Lieutenant Taylor made his departmental notifications and left the scene after obtaining Chavez's departmental identification and badge (Chavez had his credentials on his person when arrested).

The interview with Lieutenant Taylor was recorded in its entirety prior to being concluded.

### **Deputy Kevin Moss**

On March 16, 2021, at approximately 1505 hours, Sergeant Cobb conducted a sworn recorded interview with Deputy Kevin Moss. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Deputy Moss and Sergeant Cobb. Below is a synopsis of the audio recorded interview:

Deputy Moss was traveling eastbound in the eastbound lanes of East International Speedway Boulevard, DeLand. While traveling in this direction, Deputy Moss observed a vehicle traveling westbound in the eastbound lanes of travel, directly towards Deputy Moss. Nearly simultaneously, Officer Clark, with the DeLand Police Department, and Deputy Moss, observed the black pickup truck turn southbound onto North Woodland Boulevard, through a steady red light. Officer Clark activated his emergency lights and initiated a traffic stop. Deputy Moss also activated his lights and became a backup unit.

Officer Clark approached the vehicle's driver's side, and he approached the passenger side. A short time into the traffic stop, Deputy Moss heard Officer Clark ask Chavez about an ID with a star on it. Deputy Moss then heard Officer Clark say, "Mr. Chavez". Later in the stop, Chavez turned and looked at Deputy Moss, at which time Deputy Moss recognized the driver to be Aaron Chavez.

Deputy Moss had limited dialogue or interaction with Chavez. Other than the driving pattern in which Chavez was operating his truck, Deputy Moss did not observe any significant indicators of impairment during his limited interaction with Chavez.

Deputy Moss contacted Sergeant Teske, and later briefed Lieutenant Taylor on his observations. Deputy Moss completed an "assist other agency" report, which he submitted to Sergeant Teske.

Deputy Moss could not recall the exact circumstances but did independently recall Chavez refusing to complete Standardized Field Sobriety Exercises throughout the traffic stop.

The interview with Deputy Moss was recorded in its entirety prior to being concluded.

#### **DeLand Police Officer Damon Clark**

On March 24, 2021, at approximately 0905 hours, Sergeant Cobb conducted a sworn recorded interview with DeLand Police Officer Damon Clark. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Officer Clark, Sergeant Cobb and Lieutenant Shivers. Below is a synopsis of the audio recorded interview:

On the morning of March 05, 2021, Officer Clark was on patrol in the City of DeLand. At approximately 0100 hours, Officer Clark observed a black pickup traveling westbound on International Speedway Boulevard, in the eastbound lanes of travel. The truck was approaching a steady red light at North Woodland Boulevard. The truck briefly stopped for the light, but then continued through the red light and proceeded southbound on North Woodland Boulevard. Officer Clark activated his emergency lights, and initiated a traffic stop.

The truck, which was being operated by Aaron Chavez, ultimately pulled over a few moments later. While searching for a place to pull over, Officer Clark observed Chavez failed to properly negotiate a turn prior to coming to a complete stop.

Officer Clark approached the driver's side of Chavez's truck and requested he put down his window. Chavez attempted to open the door and exit the vehicle. Officer Clark directed him to stay in the vehicle and lower the window. Ultimately, Chavez complied.

Officer Clark requested Chavez's driver's license, at which time Officer Clark observed Chavez's Sheriff's Office identification. Additionally, Officer Clark indicated that Chavez had a difficult time navigating through the items in his wallet.

Throughout the traffic stop, Officer Clark noted an odor of an alcoholic beverage. Officer Clark also noted that Chavez's eyes were droopy, bloodshot and glassed over. Furthermore, Officer Clark indicated that Chavez's speech was slightly slurred.

Officer Clark advised that after multiple requests in compliance with Florida State Statute, Chavez refused to participate in Standardized Field Sobriety Exercises, or provide a sample of his blood, breath or urine.

Officer Clark developed probable cause to arrest Chavez for driving under the influence, and later for refusal to submit to a test of his blood, breath or urine. During the time Officer Clark placed Chavez into custody, Officer Clark indicated that Chavez was less than cooperative at the time he was secured. Officer Clark noted that he had to manipulate Chavez's handcuffs in order to get him completely secured.

Prior to booking Chavez into the jail, Officer Clark issued him multiple traffic citations for the violations Officer Clark observed.

The interview with Officer Clark was recorded in its entirety prior to being concluded.

#### **DeLand Police Officer Craig Walter**

On April 05, 2021, at approximately 1343 hours, Sergeant Cobb conducted a sworn recorded interview with DeLand Police Officer Craig Walter. The interview was conducted via telephone. Present for the interview was Officer Clark and Sergeant Cobb. Below is a synopsis of the audio recorded interview:

On the night of March 05, 2021, Officer Walter was requested to assist with a driving under the influence investigation by operating the Intoxilyzer 8000 breath test machine. Officer Walter met with Officer Clark and Chavez at the police department subsequent Chavez's physical arrest.

Once there, Chavez refused to provide a sample of his breath. With that, Officer Walter read Chavez the Florida Implied Consent Form, which placed the Defendant on notices that it is a crime to refuse such required tests. Chavez still refused to provide a sample of this breath for Officer Walter. Officer Walter entered a refusal code into the Intoxilyzer 8000 machine, which provide a tangible document which shows Chavez's refusal. This document is printed for evidentiary purposes.

During Officer Walter's twenty minute observation period at the police department, he noted that Chavez's eyes were bloodshot and Chavez emitted the odor of alcohol.

After completing his obligations as a breath test operator, Officer Walter went back in service took no further action on the call.

The interview with Officer Walter was recorded in its entirety prior to being concluded.



**Deputy Aaron Chavez**

On April 8, 2021, Sergeant Cobb was provided a resignation letter authored by Deputy Aaron Chavez.

On April 14, 2021, this investigation was presented to the Sheriff and his staff. After careful review, the Sheriff determined the violation of the below listed Volusia Sheriff’s Office General Orders to be:

**GO-026-002.IV.F.4 – Unlawful Conduct: Misdemeanor Injurious to VSO Sustained**

**GO-026-02.IV.F.6 – Criminal or Illegal Conduct Sustained**

**EXHIBITS:**

- A. Report of Investigation
- B. Official Correspondence
- C. Official Volusia Sheriff Office report
- D. Official State Attorney charging affidavit
- E. Official Judgement and Sentence form
- F. Official Probation Termination form
- G. Digital Media

**WITNESSES:**

***VOLUSIA SHERIFF’S OFFICE  
123 WEST INDIANA AVENUE, DELAND  
386-736-5999***

Deputy Kevin Moss - Sergeant Katie Teske - Lieutenant Donaldson Taylor

***DELAND POLICE DEPARTMENT  
219 WEST HOWRY AVENUE, DELAND  
386-626-7400***

DeLand Police Officer Damon Clark – Deland Police Officer Craig Walter

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

I, the undersigned, do hereby swear, under the 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 suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

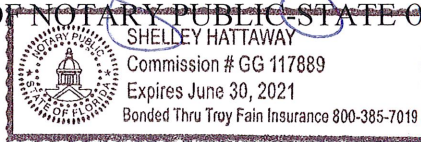
DETECTIVE: [Signature] 7550 DATE: 04/20/2021  
**Sergeant Brian Cobb**  
**Internal Affairs Sergeant**

**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online Notarization this 20<sup>th</sup> day of April, 2021 by Sergeant Brian Cobb

[Signature]

SIGNATURE OF NOTARY PUBLIC STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR  PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Signature] 2267 DATE: 04.21.2021  
**CHIEF DEPUTY JOSEPH GALLAGHER**  
**VOLUSIA COUNTY FLORIDA**