

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 20-019

PERIOD COVERED: November 21, 2020
DATE REPORTED: November 21, 2020
SUBJECT(S) NAME: Deputy Brady Bergeron #9064
INVESTIGATING OFFICER: Sergeant Brian Cobb #7550

BASIS FOR INVESTIGATION:

On November 21, 2020, Officer Crysta McBride, with the Port Orange Police Department attempted to conduct a traffic stop on a vehicle driven by Mathew James Thomas. The vehicle fled the attempted traffic stop, and crashed into a telephone pole near 500 Turnbull Bay Road, New Smyrna Beach.

Immediately upon crashing, Thomas exited the vehicle and fled on foot. As Thomas was fleeing, he ran into the parking lot of a U-Haul facility, located at 500 Turnbull Bay Road, New Smyrna Beach, making his way into an open storage unit. Multiple officers chased Thomas on foot into the U-Haul storage facility's parking lot. Thomas ultimately displayed a handgun, and fired at New Smyrna Beach Police Corporal Hunnefeld. Corporal Hunnefeld returned fire, along with New Smyrna Beach Officers McCallister & Officer Deal, and Volusia Sheriff's Office Deputy Bergeron.

Thomas sustained several gunshot wounds and was pronounced deceased on scene. A Walther 9mm handgun was located next to Thomas. Corporal Hunnefeld was shot in the buttocks area by Thomas, and transported to Halifax Medical Center with non-life threatening injuries.

The Volusia Sheriff's Office Crime Scene Unit processed the scene, while Special Agent Christopher Deardoff, with the Florida Department of Law Enforcement (FDLE), conducted the criminal investigation into the use of deadly force. The completed FDLE Investigative Summary is documented under FDLE case # OR-27-0385.

Due to the nature of the incident, Chief Deputy J. Gallagher initiated an internal affairs investigation

OFFENSE(S): NONE

INVESTIGATION:

On November 21, 2020, Deputy Brady Bergeron was involved in a deputy involved shooting at 500 Turnbull Bay Road, New Smyrna Beach.

On the same date, Chief Deputy J. Gallagher assigned the above-described incident to the Internal Affairs Unit for investigation, and Deputy Bergeron was placed on administrative leave with pay. Additionally, Deputy Bergeron submitted to a drug urinalysis screening and breath alcohol test. The results of the drug and alcohol screenings were negative.

On November 23, 2020, Deputy Bergeron was served with official correspondence by Sergeant Cobb notifying him that the internal investigation would be tolled until the completion of FDLE's criminal investigation.

On November 30, 2020, Deputy Bergeron was evaluated in a fitness for duty examination which was conducted by Dr. Gregory Landrum, Psy. D., DABPS. The findings of the examination was that Deputy Bergeron was fit to return to duty without restriction.

On February 22, 2021, Sergeant Cobb obtained the firearms qualification records for Deputy Bergeron. Sergeant Cobb obtained this information from the Volusia Sheriff's Office Training Section. Sergeant Cobb observed Deputy Bergeron successfully requalified in the use of his agency issued personally owned Smith and Wesson M&P rifle as per the Volusia Sheriff's Office General Orders.

At the completion of his investigation, Special Agent Christopher Deardoff delivered his completed FDLE Investigative Summary, along with a complete copy of the related police use of force case file, to the Volusia Sheriff's Office Internal Affairs Unit. This was a comprehensive case file (OR-27-0385) in which the FDLE conclusion read:

"FDLE has completed a comprehensive investigation in the use of deadly force by New Smyrna Beach Police Department Corporal Ralph Hunnefeld, Officer David McCallister, Officer Margaret Deal, and Volusia Sheriff's Office Deputy Brady Bergeron. This presentation of facts is based on the law enforcement witnesses, civilian witnesses, and physical evidence. FDLE submits this investigative summary to the Office of the State Attorney for their review and disposition."

On December 08, 2020, FDLE Special Agent (SA) Christopher Deardoff obtained a copy of the Volusia County Medical Examiner's autopsy report. Medical Examiner James Fulcher, MD, reported that the cause of death for Thomas was due to gunshot wounds to the head and neck. The manner of death was listed as a homicide. The toxicology screening revealed that Thomas was positive for the presence cotinine, amphetamine, and methamphetamine. A complete copy of the Medical Examiner's Report is included in Special Agent Deardoff's electronic case file.

On February 22, 2021, Sheriff Chitwood received a letter from State Attorney R.J. Larizza regarding the Office of the State Attorney's review of Deputy Bergeron's use of deadly force on November 21, 2020. State Attorney Larizza wrote:

"Dear Special Agent Deardoff,

This letter is to advise that this office has reviewed all of the investigative reports, officer statements and witness statements provided by your office regarding the "police use of force" involving Cpl. Ralph Hunnefeld, Officer David McCallister and Officer Margaret Deal of the New Smyrna Beach Police Department and Deputy Brady Bergeron of the Volusia County Sheriff's Office that occurred on November 21, 2020.

Based on a review of the investigation and the information provided, no further action is warranted by this office."

CONCLUSION:

On February 24, 2021, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff, and his staff, determined the use of deadly force was **JUSTIFIED** to prevent imminent death or great bodily harm to the deputies, and found no violations of policy.

EXHIBIT(S):

- A. Report of Investigation
- B. Official Correspondence
- C. FDLE Summary OR-27-0385
- D. Incident/Supplement Reports
- E. CAD Report
- F. Drug Testing
- G. Deputy Bergeron's Firearm Qualification
- H. Digital Media - FDLE electronic case file OR-27-0385.

WITNESSES: Per FDLE

Law Enforcement Witnesses

**Florida Department of Law Enforcement – Brevard/Volusia Field Office
6769 N Wickham Road, Suite 104, Melbourne, Florida 32940 – (321) 752-3107**

- RAC Jason Kriegsman SA Ryan Bliss SA Christopher Deardoff (Case Agent)
 Chris Shephard Ted Silberstein Gabe White Scott Ratliff

New Smyrna Beach Police Department

246 Industrial Park Avenue, New Smyrna Beach, Florida 32168

- Corporal Ralph Hunnefeld Officer David McCallister Officer Margaret Deal
 FTO Tristan Ingram Officer Logan Dunbar Officer Kristofer Beatty
 Officer Jordan Ishikawa Sgt. Joshua Holloway

Volusia Sheriff's Office

123 W Indiana Ave, DeLand, Florida 32720

- Deputy Brady Bergeron Sgt. Austin Hairston

Port Orange Police Department

4545 Clyde Morris Blvd, Port Orange, Florida 32129

- Crysta McBride

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] DATE: 03/01/2021
Detective Sergeant Brian Cobb, 7550
Internal Affairs Detective

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 1st day of March, 2021 by Detective 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: 03-01-2021
CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY, FLORIDA