

## Volusia Sheriff Office Citizen Complaint Report

### Incident Details

Date Received 05/29/2020  
Entered By [IAPro entry -  
Internal Affairs  
Specialist Shelley  
Hattaway]  
Date/Time of Occurrence 05/15/2020 22:01  
Date/Time Entered 05/29/2020 08:50  
Record ID Number 26672  
Agency Case # 20-9049  
File # CC 20-011  
Volusia SO BlueTeam Lieutenant Omar  
Assigned Investigator Bello - 7928  
IAPro Assigned Investigator Internal Affairs  
Specialist Shelley  
Hattaway

### Incident Location

Location of Occurrence District 4



### Incident Summary

On 05/29/20, the Volusia Sheriff's Office received a two page handwritten complaint on Deputy Leven which was submitted by [REDACTED], the mother of [REDACTED]. At the time of the incidents in question, Deputy Leven was temporarily assigned to the Deltona Crime Suppression Team under the direct supervision of Sergeant Bello. As such, this complaint was forwarded to Sergeant Bello on the same day, and a supervisory inquiry was initiated.

In this complaint, [REDACTED] states she is in fear for [REDACTED] life due to police harassment which has been ongoing since [REDACTED] was a juvenile. [REDACTED] specifically mentions a traffic stop conducted by Deputy Leven on 05/15/20 in which [REDACTED] was the driver and was accompanied by [REDACTED] and [REDACTED]. Although [REDACTED] was not present during this traffic stop, she questions the validity of the probable cause obtained to stop the vehicle and claims the narcotics detection canine did not alert to the odor of narcotics. In addition, [REDACTED] indicated Deputy Leven referred to her as a "maniac" and told

██████████ she would be going to prison, which ██████████ perceived as a threat. ██████████ mentions another incident on 05/28/20 in which ██████████ was arrested at her home for an active warrant. During the transport to the jail, ██████████ alleges Deputy Winhoven took a phone call from Deputy Leven, and Deputy Leven was overheard laughing on the phone. The complaint concludes with ██████████ stating officers are attacking ██████████ based off of hearsay, which has caused unnecessary fear, stress, and financial hardships.

Sergeant Bello reviewed all Body Worn Camera (BWC) recordings from deputies who were present during the traffic stop on 05/15/20 and the warrant arrest on 05/28/20. On 05/15/20 at approximately 2201 hours, Deputy Leven conducted a traffic stop on a white Toyota Camry ██████████ at the ██████████ ██████████. The purpose of the stop was for dark window tint on the vehicle. Deputy Leven introduced himself to ██████████, who was driving the vehicle, and began applying his tint meter to the front and rear passenger windows. In doing so, Deputy Leven noticed ██████████ was improperly wearing her seatbelt with the shoulder harness positioned behind her back. When asked for her driver's license, registration, and proof of insurance, ██████████ advised she did not have her driver's license in her possession. Deputy Luoma arrived on scene and walked his K9 partner "Jago" around the vehicle, who displayed a positive alert for the odor of narcotics emanating from the vehicle. A probable cause search was conducted which revealed remnants of marijuana in the vehicle and a clear plastic baggy containing a Schedule II substance in ██████████ ██████████ pants. While the search of the vehicle was being conducted, Deputy Leven noticed a GPS monitor on ██████████ ankle. Deputy Leven inquired about her probationary status and suggested she not drive around with marijuana in her car or she could end up in prison, especially since she is already on probation. ██████████ was arrested, and ██████████ was released from the scene without incurring any citations for the traffic violations committed.

On 05/28/20 at approximately 1759 hours, Sergeant Bello, Deputy Clausen, and Deputy Winhoven accompanied Detective Sergeant Genao and Detective Weaver to the ██████████ residence to apprehend ██████████ for her active warrant for Principal to Aggravated Assault with a Firearm, Felony Battery, and Possession of a Firearm by a Convicted Felon ██████████. This warrant was obtained by the Deltona Detectives Unit (DDU) in reference to an ongoing investigation, and ██████████ car was to be towed as it was listed in a search warrant. Prior to arrival, ██████████ called into central dispatch with a complaint of death threats being made against ██████████. Sergeant Genao and Detective Weaver met with ██████████ at the front door. She initially lied and claimed ██████████ was not home, which was contrary to ██████████ location provided by her GPS ankle monitor. ██████████ became agitated with the detectives and shut the door. The detectives knocked again to inform ██████████ the white Toyota Camry would be

towed for the purpose of executing a search warrant, at which point [REDACTED] presented herself in the doorway and was subsequently taken into custody. Deputy Winhoven transported [REDACTED] to the Volusia County Branch Jail. During the transport, Deputy Winhoven fielded several brief phone calls, but none of them were from Deputy Leven and no one was heard laughing, according to the BWC recording.

Sergeant Bello met with Deputy Leven and spoke to him about the traffic stop he conducted on [REDACTED] on 05/15/20. His account of events were consistent with his incident report and BWC recording. When asked about the allegation of him laughing at [REDACTED] during a phone conversation with Deputy Winhoven, Deputy Leven advised the following: Deputy Leven was off duty at the time of the phone conversation. The phone call was very brief, and Deputy Leven asked Deputy Winhoven what he was doing. When Deputy Winhoven told him he was sitting in the sally port of the jail with three prisoners, Deputy Leven laughed and said he was going to be there a while. At no point was [REDACTED] name brought up in the conversation.

Sergeant Bello spoke to Deputy Winhoven regarding the transport of [REDACTED] to the jail. Deputy Winhoven said he did receive a phone call from Deputy Leven, but confirmed [REDACTED] name was never mentioned during the conversation. Deputy Winhoven's account of the conversation was consistent with Deputy Leven's. Deputy Winhoven informed Sergeant Bello the conversation was not captured by his BWC because he received the phone call while he was already inside the sally port of the jail. It is common practice for deputies to stop BWC recordings once inside the jail because the facility has its own surveillance cameras and their policy does not allow deputies to enter with recording devices.

Sergeant Bello contacted [REDACTED] by phone on 06/04/20 and notified her that her complaint had been received and was investigated. Sergeant Bello asked [REDACTED] if she had any additional information to add to her complaint, to which she stated the basis of her complaint was that she felt that her daughter was being unfairly treated and harassed. Sergeant Bello assured her this was not the case, which was evident after reviewing all BWC recordings, reading all related reports, and speaking to the deputies involved. Sergeant Bello thoroughly explained to [REDACTED] the justifications for the stop and subsequent search of Chakeeria's vehicle on 05/15/20. Sergeant Bello informed [REDACTED] her claims that Deputy Leven threatened to imprison [REDACTED] were false. Sergeant Bello further explained to [REDACTED] the arrest of her daughter on 05/28/20 was the result of an arrest warrant signed by a judge stemming from an investigation conducted by VSO detectives. Sergeant Bello advised [REDACTED] the phone call taken by Deputy Winhoven was from an off-duty deputy, and there was no evidence to

support the fact that Deputy Leven was laughing at [REDACTED] Sergeant Bello concluded by telling [REDACTED] he did not observe any ill will or harassment directed towards [REDACTED] which was apparent after review of the BWC recordings and the fact that she was not issued a single citation after committing several traffic violations. [REDACTED] appreciated the phone call and the explanation, but stated she disagreed with Sergeant Bello's findings and would pursue the matter to a "higher power."

After careful review of [REDACTED] complaint and all of the facts associated with the events, Sergeant Bello determined the traffic stop, search, and subsequent arrest for narcotics were lawful. There were no threats of imprisonment directed at [REDACTED] and there is insufficient evidence to suggest Deputy Leven's laugh during a private phone conversation was directed at her either. Sergeant Bello has concluded the allegation of harassment from Deputy Leven was unfounded.

#### Reporting/Involved Citizen

[REDACTED]

Date of Birth	06/08/1969	Gender	Female
Race	Black	Ethnicity	—
Role	—		
Address	[REDACTED]	Phone Numbers	[REDACTED]
	[REDACTED]		
Email			
Injuries Sustained By Citizen			

#### Involved Employees

Sergeant William Leven - 8112

Assignment at time of DEP CST

