Witness Statement

EE – Erik Eagan TT – Tom Tatum JV – Sgt. Jacob Vaughn (FHP)

EE Alright, the recorder is on. This will be taped interview in reference to Internal Affairs case number IA-13-024. Today's date is November 7, 2013 and the time is 1523 hours. The location of the interview is Internal Affairs office at the Sheriff's administration building in Deland, FL. Presently being interviewed is Jacob Vaughn, excuse me, is Sgt. Jacob Vaughn. Also, present is Sgt. Tom Tatum with the Volusia County Sheriff's Office Internal Affairs unit. I am Lt. Erik Eagan also with the Internal Affairs unit. Sgt. Vaughn are you aware that this interview is being recorded?

JV Yes.

EE As a Florida Law Enforcement Officer and Notary Public of the state of Florida I am empowered take sworn statements. At this time I ask you raise your right hand to be sworn. Do you solemnly swear or affirm that the statement you're about to give is the truth the whole truth and nothing but the truth so help you God?

JV Yes I do.

EE Well first off I want to thank you for meeting with us today. Could you spell your first and last name for the record please?

JV J-A-C-O-B, V-A-U-G-H-N.

EE Alright and how long have you worked for the Florida Highway Patrol?

JV About twelve years.

EE Alright. And what assignments have you held within the Florida Highway Patrol?

JV Uh, I was assigned to Orlando, coming out of the academy on the road. I went from there to the DUI squad. I worked on the DUI squad for about 5 years. From there I went to K-9 and went on to Brevard County. I worked there for 3 ½ years and I got promoted to sergeant and uh came to the I-4 squad where I've been for the last year or so.

EE Ok. And what are your current work hours?

JV 2 pm to 10 pm.

EE Do you recall what your work hours were on November 5, 2013?

JV 2 pm to 10 pm.

EE Alright. Do you have any specialized training in traffic crash investigations?

JV Uh no just the standard trooper training.

EE And how much training is that?

JV Basic crash investigation.

EE Is that…

JV That's not a reconstruction or anything like that.

EE …is it forty hours?

JV I think it was a forty hour block in the academy yeah.

EE Ok. Do you have any additional law enforcement experience?

JV No.

EE Alright. As I mentioned off the record I'm conducting this administrative investigation in regards to allegations against Deputy Andrew Oliver for not being truthful with his sergeant, not being truthful with a law enforcement officer to wit you, Sgt. Jacob Vaughn with the Florida Highway Patrol, for making a false police report to you, and falsification of official documents and that occurred on November 5, 2013. Do you recall a traffic crash that you investigated on November 5, 2013 on County Road 4155, which is also Providence Blvd just south of Alley 500 in Deltona, FL?

JV Yes sir.

EE Ok. And did that crash involve a Volusia County Sheriff's office vehicle?

JV Yes sir.

EE Ok. Could you tell me who requested you to investigate this traffic crash?

JV The trooper that was on scene um she had called me and told me that she was having some difficulties determining what had occurred and so she requested that I would come up there.

EE I just wanted you to lift it up. It kind of…

JV (inaudible)

EE …messes up the recording. Ok. Do you know who originally called the trooper that called you? Was it the Volusia County Sheriff's office?

JV Do I know? I'm sorry can you repeat that.

EE Do you know who called the trooper that requested you to the scene? Do you know if it was the Volusia County Sheriff's?

JV I, I don't know if you, if the Sheriff's office called our dispatch or if it was somebody else. I don't know.

EE Ok. Could you tell me about that investigation that you conducted that day involving the Sheriff's office vehicle?

JV Um, sure. I arrived on scene and um spoke with the trooper that had been on scene, um, she again kind of gave me information that she had as far as passengers and uh information like that. Handed me the license, registration, insurance for the cars. I then spoke, or spoke, I believe I spoke with the deputy first. I observed the deputies vehicle um after speaking with him. I went and spoke with the driver of the BMW and then I spoke with the driver of the Honda.

EE And when you interviewed Deputy Oliver, what did he tell you happened?

JV He told me he was driving south on Providence. He was in the inside lane, in which he clarified that to be the left lane um and that the BMW was in the right lane. The Honda was behind the BMW in the right land and um he said that the BMW was I guess slowing or turning into a driveway. The Honda swerved to the left and um struck the back of the BMW and then also struck the right front of the patrol car.

EE Ok. And based on the information that you had, what was your analysis of Deputy Oliver's testimony to you?

JV Um, at the conclusion of my investigation?

EE Yes sir.

JV Um, that what he was telling me was not what occurred.

EE What did you base your analysis on? Was it on physical evidence, additional witnesses?

JV Uh, it was physical evidence. It was the testimony of both the other drivers that were involved um so basically that was.

EE Ok. Did you question Deputy Oliver about the inconsistencies with his explanation?

JV Um, no not really. I, I ah pointed out the evidence that showed me how I knew um what he was telling me was not correct um just dealing with his demeanor, he didn't seem like the uh, I didn't want to make it to be a bigger issue at that point, um, he didn't seem to be very. I mean, I understand he had just been in a crash. He didn't seem to be very uh, um cordial. And uh the more I talked to him and explained what was going on, he seemed to, I could see the stress kind of build up in him, so I didn't, didn't really feel the need to push that anymore.

EE Ok.

TT Would you express his demeanor as confrontational?

JV I wouldn't say it was confrontational. I would just say he uh I could just see the, the, the muscles on the side, on his jaw clenching um and just had a, I didn't want it to get to be confrontational; I guess is more of what I'm trying to say. He didn't say anything that would that, that concerned me. But it was just his demeanor. I just didn't want to push it.

EE Body language?

JV Correct.

EE Ok. So you didn't discuss with him about the perceived lie that he told you?

JV Well, I, like I said I discussed with him, um, the evidence that showed me that basically he was lying. I didn't say those words, but um, I, I wanted him to know that I knew that he wasn't telling me the truth without actually coming out and directly confronting him about.

EE Ok. So basically you did it in a professional manner? In a way where you didn't have to call him liar?

JV That was my intention.

EE Ok.

TT Did you talk to his sergeant about his statement?

JV Yes.

TT Did you express your concerns with what Deputy Oliver had told you had occurred in the crash?

JV Yes um and uh he was there when I was actually talking to Deputy Oliver and kind of showing him, showing him what the evidence showed me and that how I knew that his statements were not correct.

EE Ok. Did Deputy Oliver change his story in any manner?

JV Not to me. No.

EE No slight variations?

JV No, I didn't, not to me. He did not.

EE Ok. Do you know who he did change his story with?

JV Well, the, the um trooper who was on the scene had mentioned something to me on the phone before I got there but he had been concrete in his statement and then at some point he seemed to kind of get a little wishy washy I think is what she described it as. But I don't know exactly what that was.

EE Ok. And I don't recall, did you mention the trooper's name?

JV In my report?

EE That…

JV Or in the?

EE No in…

JV I, no, I, I'd, I believe I gave her name to the sergeant that was out there because he asked…

EE Ok.

JV …um, but I…

EE Would you mind providing it to us?

JV Her name's Heather Ganem.

EE How do you spell her last name?

JV G-A-N-E-M.

EE Now is she out of the Deland…

JV Yes sir.

EE ...troop?

JV MmmHmm.

EE Ok. Does she work the same shift as you?

JV Yes sir.

EE Ok. Now you've been a law enforcement officer for twelve plus years, when you explain to somebody that the information that they've given you is not factual based on the evidence and based on other peoples testimony, what is a normal reaction? Or is there?

JV Well, I mean, I've had people that they don't, there story is still the same and they're going to dig their heels in. I also have the opposite where people will, when confronted with evidence will um be more truthful.

EE Ok. Based on again, your twelve years of law enforcement training and experience, do you believe Deputy Oliver was untruthful with you during your traffic crash investigation?

JV Uh yes.

EE Would you characterize his false testimony as making a false police report of a traffic crash?

JV Um, I, I guess so, I, I don't know how else you would describe it.

EE Ok. Do you think Deputy Oliver lied to you?

JV Yes.

EE Did he have anything to gain by lying to you?

JV Um, maybe not receiving a ticket. I don't know, what all, whatever the process, procedure for your agency is when somebody gets in an at fault crash.

EE So he did have some sort of motivation to lie?

JV I would believe so, yes.

EE Ok. You mentioned that you interviewed the two other drivers; did you interview anybody else other than the trooper that initially responded?

JV No sir.

EE Ok. I guess there were two vehicle passengers?

JV Correct.

EE Is it normal not to interview them…

JV Um…

EE …or had the trooper interviewed them?

JV …in my, in my experience there's nothing gained from that because they're, they're not independent. They're gonna say the same thing as, as the driver…

EE Ok.

JV …um so they weren't an independent witness.

EE Ok. And you weren't aware of any independent witnesses to the traffic crash?

JV Right. I asked Trooper Ganem if she knew of any and she said no she didn't know of any.

EE Ok. Alright. What did the driver 1 Rodriguez tell you about the crash?

JV Um, Rodriguez was the BMW driver?

EE I believe so.

JV Yes. Um, Mr. Rodriguez told me he was slowing down and turning into the parking lot of Little Caesars which is right there where the crash occurred on Providence um he, as he was slowing down, he um I think he said he heard the tires squealing and he felt the impact. He looked to his left and he saw the deputy's patrol car at an angel next to him um and then he said he felt the second impact from the other car. I asked him how he knew that the deputy had hit him first because he, that's when he told me that after the first impact he looked to see what had happened and then he saw the deputy, like I said at the angel next him. In the lane directly next to him um and then he felt the second impact.

EE Ok. What about the driver of the blue Honda, Christian Rivera, what did he tell you about the crash?

JV Uh, he told me he was traveling um behind the deputy. He had been traveling behind the deputy for; I think he said 3 miles um in the outside lane. The deputy

suddenly swerved in front of him to the left um he then saw the BMW that was ahead and he hit the brakes and swerved to the left but he hit the BMW.

EE Who did you find at fault for the traffic crash?

JV Um, both Deputy Oliver and Mr. Rivera were both issued citations.

EE What did you charge Deputy Oliver with?

JV Careless driving.

EE Ok. And I also saw that you had an additional notation on your traffic citation, inattentiveness resulting in an offset rear-end collision.

JV Correct.

EE Ok. Does that qualify the charge of careless driving? Is that why the additional comments on there?

JV Right. It's for the court house (unintelligible).

EE Ok.

JV Some court house jurisdictions, careless driving is kind of a broad statute so they just want a little more...

EE Ok.

JV ...specificity.

EE And the charge of careless driving that Deputy Oliver was cited for is violation of Florida state statute 316.1925(1)?

JV Correct.

EE Was Mr. Rivera, was he cited for the same traffic violation as Deputy Oliver?

JV Yes sir.

EE And the actual crashes were very similar in nature, is that why you cited them?

JV Right, they, I mean, they were pretty much had the same fact pattern, the same damage. The only thing different was the damage to Deputy Oliver's vehicle was not nearly as uh major as the damage to the Honda.

EE Ok. Were you given an opportunity before this interview to read Deputy Oliver's police report?

JV Yes sir.

EE Ok. And I do have it here for reference. In Deputy Oliver's statement in his police report, which is referenced by Volusia County Sheriff's office case number 13-30771, Deputy Oliver wrote that he was traveling on the inside lane, again based on your investigation and your interviews of those involved, is that a factual statement in Deputy Oliver's police report?

JV Um, at the time of the crash that he, no he was not traveling in the inside lane.

EE Ok. He also wrote the black BMW was traveling in the outside lane and the blue Honda followed behind, is that factual and truthful?

JV Um, no.

EE Ok. Was there blue or black transferred paint on Deputy Oliver's patrol car, do you recall? And I do have some…

JV Right.

EE …photographs here as reference.

JV There was both. There was blue and black transfer markings.

EE Could you assess the transferred paint and identify how that paint got on Deputy Oliver's patrol car?

JV Yes.

EE Could you explain…

JV Sure…

EE …for the record please?

JV …um, well the, the way that I determined how that transfer came to be was uh trying to match up Deputy Oliver's statements that the blue Honda is what caused that um I basically all I did was get out a tape measure and measured the heights from the ground that those markings um were. I measured that with the, there was some damage to the left front of the Honda, um so I measured that up with that, um, they were not consistent. The damage to the Honda, the markings started I think around uh 8 to 9 inches um Deputy Oliver's was I believe 15-16 inches or somewhere in there um Mr. Rivera had stated to me that the damage to

the left front of his Honda had happened from a, hitting a concrete pole inside of a parking garage, um so I measured the distance, I measured also the distance on the left rear of the BMW um and that the height matched almost perfectly with the markings on Deputy Oliver's patrol car. Also on Deputy Oliver's patrol car you would see a blue streak at the top, closer to the headlight, underneath that was a black streak um so and then I, so I looked at both vehicles. The blue Honda had nothing on the left front that would have cause a black mark um but the left rear of the BMW had the blue bumper with a black molding, which in pictures you can is, was taken off partially in the crash. Um, and that matched up exactly with the, those the paint transfer to the patrol car matched up exactly with the left rear bumper of the BMW.

EE Ok. So the blue transferred paint came from the rear bumper of the black BM, excuse me, of the blue BMW?

JV Right. The BMW was blue. It was a darker blue, but it was blue.

EE Ok. And then the black transfer came from the bumper molding…

JV Correct.

EE …on the black, excuse me, blue BMW?

JV Correct.

EE Ok.

JV Also, I didn't, I need to add that um the damage to the bumper of the deputy's car actually wrapped around the front somewhat, um so from my experience, if it happened as he had stated to me where the car came into his lane, um and hit there and then rubbed all the way down the, the side of the car, the headlight would have had damage just because of the impact would have been more um…

EE Lateral?

JV Correct. Would have been into the car more as opposed to, coming forward, glancing off the left rear of the BMW.

EE Ok. And just to clarify, I know I've screwed this up twice, was the BMW blue or black?

JV It was blue.

EE Ok and you said it was a dark blue?

JV A darker blue, yes.

EE Now what is your degree of certainty in your professional opinion of your findings of this traffic crash investigation?

JV Uh, I'm 100% confident.

EE Ok. Was there any additional physical evidence, other than what we discussed? Was there any broken tail lenses or anything like that, which would also reconcile your findings?

JV Um, no. Can I just back up to the previous question real quick?

EE Yes sir.

JV Um, when I say I'm 100% confident in my findings, meaning that, um, this damage is from this car, um which lanes they were in, there was no skid marks in the road so that's going straight off of witnesses…

EE Witness testimony.

JV …so, I'm 100% confident that this damage to the right front of the patrol car came from the left rear of the BMW.

EE Ok. Is there anything additional that you think would be helpful to our investigation?

JV I don't think so.

EE Ok. Did you witness Deputy Oliver talking to Sgt. Whitener, who was the supervisor on scene from the Sheriff's office?

JV When I arrived on scene they appeared to be talking.

EE Ok, but did you actually hear any of their conversations?

JV No sir.

EE Ok. Anything else?

TT Did Deputy Oliver argue about the citation at all with you?

JV No.

TT So, he was issued the citation and signed it?

JV He didn't, well we don't have to sign 'em anymore so…

TT Oh ok.

JV ...um, so he didn't sign it. I just handed it to him. I gave him the, you know, we all know how to handle it, so um there wasn't much discussion about it, I guess.

EE Ok. Let me ask you this, based on your twelve years experience, when you hand somebody a citation and they accept it but there telling you the complete opposite of your findings, would they normally argue that point?

JV I mean, I, some people do, some people don't. It's, I think some people understand that there's a process for arguing the ticket, its court...

EE Ok.

JV ...you get them both ways.

EE Alright, is there anything from your statement here today that you'd like to add or delete?

JV No sir.

EE Ok. As this investigation is continuing you are requested not to discuss the details of this investigation except with legal council or your personal representative and we ask that to maintain the integrity of the investigation so that people aren't talking about it. Alright, do you understand that?

JV Yes sir.

EE Alright the time is 15:49 hours and this will conclude the interview. Thank you.

I, Lt. Erik Eagan swear that the forgoing is an accurate transcription of the sworn recorded statement of Sgt. Jacob Vaughn taken by me on November 7, 2013.

(Signed)

Sworn to and subscribed before me this 10

Day of December, 2013.

Signature of Notary Public-State of Florida

SHELLEY HATTAWAY
Commission # FF 008840
Expires June 30, 2017
Bonded Thru Troy Fain Insurance 800-385-7019

(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

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Produced identification

Type of Identification Produced