

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA #09-022

PERIOD COVERED: November 19, 2009

DATE REPORTED: November 23, 2009

SUBJECT(S) NAME: Sergeant Joel Turney ID #2509
Deputy Charles Pardee ID #7081

INVESTIGATING OFFICER: Sergeant Timothy Morgan

BASIS FOR INVESTIGATION:

On December 2, 2009, Lieutenant Chilcot, District IV Assistant Commander, completed a Supervisor's Inquiry involving Sergeant Joel Turney and Deputy Charles Pardee. The inquiry was in reference to Citizen Complaints (CC-09-044) alleging Excessive Force during an arrest resulting in injury. The written Citizen Complaints were completed by Mrs. Allyson Pease, Mr. Tony Flounnoy, Tony Flounnoy Jr, and Joanna Pease.

OFFENSE (S):

26.2.102 Excessive Force Resulting in Injury - Deputies shall not use excessive force resulting in injury to another. *(Violation subject up to dismissal)*

And, **Volusia County Merit System Rules and Regulations 86-453 (13)** Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

INVESTIGATIVE SUMMARY:

On December 23, 2009, Chief William R. Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Morgan and Lieutenant Robert Goggin of the Internal Affairs Unit.

On December 23, 2009, Investigator Gabriel of the Internal Affairs Unit contacted both Sergeant Joel Turney and Deputy Charles Pardee and served both Deputies with a Notice of Internal Investigation.

On December 23, 2009, Sergeant Morgan reviewed the Citizen Complaints noting that Mrs. Pease lists her address to be 3288 Littlefield St., Deltona and Mr. Flounnoy lists his residence to be 1150 North St., Daytona Beach, Florida.

On December 23, 2009, Lieutenant R. Goggin obtained a copy of Volusia County Sheriff's Office reports and Arrest Affidavits (09-36550) completed by both Sergeant J. Turney and Deputy C. Pardee on November 19, 2009, charging Mrs. Allyson Pease with Simple Battery(DV) and Resisting a Law Enforcement Officer with violence. The Charging Affidavit reads:

On November 19, 2009, Sergeant Turney and Deputy Pardee were dispatched to 3288 Little Field St., Deltona, in reference to a domestic disturbance. Upon arrival the deputies heard a loud verbal argument inside the residence; they knocked, and entered the home. Upon entering the residence deputies made contact with Mr. Tony Flounnoy and Mrs. Allyson Pease. Deputy Pardee had Mr. Flounnoy step outside of the residence while Sergeant Turney remained inside the residence with Mrs. Pease. Mr. Flounnoy advised both deputies that Mrs. Pease threw a cup of milk at him striking him on his forehead during the initial argument. Sergeant Turney determined Mrs. Pease was the primary aggressor during the altercation and requested Mrs. Pease to walk outside to affect an arrest due to Mrs. Pease's children being present. Mrs. Pease refused and began to scream at Sergeant Turney, at which time Deputy Pardee entered the residence. Sergeant Turney grabbed Mrs. Pease's arm and advised her she was under arrest at which time Mrs. Pease pulled away from Sergeant Turney. The reports advise Mrs. Pease then attempted to strike Deputy Pardee at which time Mrs. Pease was escorted to the floor by the deputies. While Mrs. Pease was resisting the deputies, her children attempted to get involved in the arrest. According to the reports, the children had to be restrained or removed from the deputies on several different occasions by Mr. Flounnoy during the apprehension of Mrs. Pease. While escorting Mrs. Pease from the residence, she continued to actively resist by pulling away and attempting to return to the residence, at which time Deputy Pardee and Mrs. Pease began to fall down onto the concrete walkway just outside of the front door of the residence. Subsequently an injury was later observed on Mrs. Pease's face while at the patrol vehicle, to which she refused medical attention. *(SEE COMPLETE AFFIDAVIT TAB - C)*

On December 23, 2009, Sergeant Morgan obtained Mrs. Pease's Volusia County Branch Jail booking photo and observed what appeared to be two separate abrasions on the left side of Mrs. Pease's face.

On January 4, 2010, Sergeant Morgan conducted a recorded interview with Mrs. Allyson Pease at 3288 Little Field St., Deltona. Also present was Investigator James Gabriel with the Internal Affairs Division.

Mrs. Allyson Pease

Mrs. Pease's statement was consistent with her written statement. Mrs. Pease stated on

November 19, 2009, she called the Sheriff's Office 911 line to have Mr. Flounnoy removed from her residence because she was involved in a verbal confrontation with Mr. Flounnoy. She added when the deputies arrived, they walked into her residence and immediately started yelling for everyone within the residents to "*shut up.*" Mrs. Pease advised Sergeant Turney and Deputy Pardee separated them (Mrs. Pease and Mr. Flounnoy) and Sergeant Turney remained inside of the residence with her, while Deputy Pardee stepped outside with Mr. Flounnoy. Mrs. Pease stated she attempted to explain to Sergeant Turney her situation involving Mr. Flounnoy, the fact that he (Mr. Flounnoy) doesn't reside with her, and they only have children together. Mrs. Pease added she told Sergeant Turney Mr. Flounnoy's address which is listed on his (Mr. Flounnoy's) Florida Identification card reflects her current address, and she has in the past made several attempts to have the address changed. However, DMHSV will not allow her to change the address that Mr. Flounnoy provided to them. Mrs. Pease advised she attempted to explain to Sergeant Turney how the milk was spilled and was not thrown during the verbal altercation with Mr. Flounnoy. Mrs. Pease advised Sergeant Turney after listening to her version of the incident exited the residence and briefly spoke to her son Tony Flounnoy Jr. Mrs. Pease advised Sergeant Turney returned, and immediately told her that she was a "*Liar.*" Mrs. Pease stated she told Sergeant Turney, "*If I'm such a liar, then take me to jail,*" and Sergeant Turney then started to walk towards her, but failed to tell her that she was under arrest. Mrs. Pease said her son attempted to intervene by stepping between them, and placing his arms around her waist, at which time Deputy Pardee entered the room from outside. Mrs. Pease stated he (Deputy Pardee) grabbed her arm to place her in handcuffs, and while they attempted to arrest her, she was attempting to push her child away from them. She added she attempted to tell the deputies she just recently had neck surgery, but Sergeant Turney threw her to the ground during the arrest. Mrs. Pease stated while on the ground, she was laying on the floor face down, and Deputy Pardee attempted to push her head into the edge of the a wall. Mrs. Pease added while on the floor, both deputies were kneeling on the small of her back restricting her airways.

Mrs. Pease stated during the arrest, she was aware her children were very upset and were attempting to aid her. She advised Mr. Flounnoy attempted to control the children during her confrontation with the deputies, but prior to gaining control of the children, she believes Sergeant Turney kicked her eleven year old daughter on the thigh. She added she did not actually witness the alleged kick, however, she observed a bruise on her daughter's thigh, and her daughter told her she was kicked by the deputy the next day.

Mrs. Pease advised after she was handcuffed and while Deputy Pardee was escorting her from the residence, Deputy Pardee grabbed her head and pushed her face into the stucco wall located outside the front door of her residence. She stated that action by the deputy caused an injury to her face, but she did not advise the deputy of the injury when it occurred. Mrs. Pease advised upon entering the patrol vehicle Sergeant Turney noticed the injuries, and said "*I guess we will have to clean her up before we go to jail.*" Mrs. Pease advised she refused to let him touch her while at the scene, and they never offered her an ambulance. It should be noted that Sergeant Morgan observed no signs of visible injuries to Mrs. Pease's face. (SEE COMPLETE TRANSCRIPT TAB - E)

On January 5, 2009, Sergeant T. Morgan conducted a recorded interview with Mr. Tony Flounnoy at 1150 North St., Daytona Beach. Also present was Investigator Gabriel with the Internal Affairs Division.

Mr. Tony Flounnoy

Mr. Flounnoy's recorded interview was consistent with his written statement. Mr. Flounnoy stated on November 19, 2009, he was involved in a verbal argument with Mrs. Pease, and she called the Volusia County Sheriff's Office. Mr. Flounnoy said when the sheriffs' deputies arrived, they immediately separated them; he added he was outside with Deputy Pardee and Sergeant Turney was inside with Mrs. Pease and the four children. Mr. Flounnoy advised he told Deputy Pardee they (Mr. Flounnoy and Mrs. Pease) have two children together, and she was upset at him because he did not fold the laundry prior to her returning home from work. Mr. Flounnoy stated he also told Deputy Pardee Mrs. Pease threw a cup of milk at him, but he was leaving and did not want to press charges against Mrs. Pease. Mr. Flounnoy stated while outside speaking to Deputy Pardee, he heard Sergeant Turney yell, "You're a liar," and then he heard Mrs. Pease yell, "If I'm a liar, then take me to jail." Mr. Flounnoy advised Deputy Pardee then left him and entered the residence due to the commotion; Mr. Flounnoy advised he followed Deputy Pardee into the residence and watched as both deputies began to struggle with Mrs. Pease. Mr. Flounnoy said Sergeant Turney then attempted to throw Mrs. Pease to the floor, at which time Mrs. Pease tried to break her fall by pulling away from the deputies. Mr. Flounnoy advised when the deputies had Mrs. Pease on the floor, they were pushing her head into the wall, and the kids were yelling and attempting to help their mother. He added he attempted to hold the children back from the incident involving the deputies, but they kept approaching the deputies as they were attempting to arrest Mrs. Pease. Mr. Flounnoy advised while the deputies were on the ground and attempting to secure Mrs. Pease, Mrs. Pease's juvenile daughter was kicked by Sergeant Turney. He described the kick as a back kick, but he believed the kick was a reaction to the daughter being too close to the deputies during the arrest.

Mr. Flounnoy advised after the deputies handcuffed Mrs. Pease, they escorted her from the residence. While he was watching from a window inside of the residence, he observed the deputies shove Mrs. Pease into the wall just outside of the front door. Mr. Flounnoy advised he quickly went to the door to ask the deputies what they are doing and they told him to return to the residence. Mr. Flounnoy stated after the incident Sergeant Turney attempted to return to the residence and asked him if he observed what occurred. Mr. Flounnoy advised he believed Sergeant Turney was expecting him to say "yeah yeah", because he was the victim of the Domestic Violence. (SEE COMPLETE TRANSCRIPT TAB - F)

On January 6, 2009, Sergeant Morgan contacted the Volusia County Branch Jail by phone and spoke with Captain William McClelland. Capt. McClelland advised they have no record of a complaint of injury filed by Ms. Pease; however, she did have abrasions on her face. Captain McClelland advised according to the booking docket, she refused to be treated for her injuries.

On January 13, 2010, Sergeant T. Morgan along with Lieutenant R. Goggin conducted a recorded interview with Sergeant J. Turney at the Sheriff's Administrative Office in Deland. Also present was Teamster representative Jeff Candage.

Sergeant Joel Turney

During Sergeant Turney's sworn statement, he advised that he was dispatched to 3288 Littlefield St. in reference to a disturbance involving a 911 call with a female requesting that a male be removed from her residence. Upon arrival, he requested the channel due to the very loud disturbance within the residence. Sergeant Turney stated the front door was slightly ajar, and he entered the residence with Deputy Pardee after the residents failed to hear them knocking. Upon entering the residence, Sergeant Turney said Mrs. Pease and Mr. Flounnoy were involved in a verbal altercation, and he separated them. Sergeant Turney advised he had Mr. Flounnoy step outside with Deputy Pardee while he remained inside of the residence with Mrs. Pease to deescalate the situation.

Sergeant Turney advised he obtained her (Mrs. Pease's) version of the disturbance, which was when she returned home from work, she made a sandwich and a glass of milk. Upon entering her bedroom and taking a drink, somehow the milk ended up all over the bedroom. Sergeant Turney added she also told him Mr. Flounnoy did not reside at the residence with her. Sergeant Turney stated he then obtained Mr. Flounnoy's and Tony Flounnoy Jr.'s versions of the altercation outside of the residence after they were all separated. Sergeant Turney advised they both provided different accounts of the incident. Although Tony Flounnoy Jr.'s account of the incident was closer to his mothers, Tony Flounnoy Jr. advised his mother slammed the cup of milk on the nightstand, and this was the reason the milk was all over the room. Sergeant Turney advised Tony Flounnoy told him Mrs. Pease threw the cup of milk at him, and the cup struck him on his forehead. Sergeant Turney stated that he did not document how he determined Mr. Flounnoy's residency in his supplement, and he made no further attempts to verify Mr. Flounnoy's residency, and why he was present in the home, except by questioning Mr. Flounnoy and Tony Flounnoy, Jr. Sergeant Turney said he recontacted Mrs. Pease to obtain additional information in reference to the inconsistencies with her verbal statement. Sergeant Turney stated the inconsistent verbal statement as provided by Mrs. Pease coupled with the physical evidence discovered within the bedroom; he was able to determine Mrs. Pease was the primary aggressor. Sergeant Turney advised he made the decision to arrest her for simple battery (DV) based on his investigation.

Sergeant Turney advised after determining Mrs. Pease was the primary aggressor, he asked her (Mrs. Pease) to step outside to avoid arresting her in front of her four children. However, she refused, started to yell at him, and took an aggressive posture at which time Deputy Pardee entered the residence. Sergeant Turney stated he told Mrs. Pease she was under arrest, at which time Mrs. Pease resisted by pulling her arms close to her body and backing away from him. Sergeant Turney advised he attempted to gain control of her by grabbing her arm, and a physical struggle ensued. Sergeant Turney advised he recalls Mrs. Pease's 13 year old male child attempted to interfere with the arrest by stepping between them during the arrest. Sergeant Turney advised during the physical confrontation with Mrs. Pease the scene was chaotic, her children were present, and he called for additional units. Sergeant Turney stated while he was attempting to gain control of Mrs. Pease, she attempted to strike Deputy Pardee with a closed fist. Sergeant Turney stated he utilized an "arm bar" to take Mrs. Pease to the floor in an attempt to gain control of her and the scene. Sergeant

Turney advised Mrs. Pease continued to actively resist arrest while on the ground, however, he did not kneel on the small of her back, nor did he push her head into the wall to gain compliance as alleged in the complaint. Sergeant Turney added he was not made aware of, and had no prior knowledge of any injury to a child until this interview. Sergeant Turney advised his right forearm was scratched by Mrs. Pease during the arrest. However, he failed to obtain photographs of the injury for notice of injury documentation and evidentiary purposes.

Sergeant Turney stated after handcuffing Mrs. Pease, they (Deputy Pardee and Sergeant Turney) escorted Mrs. Pease from the residence. Sergeant Turney advised while escorting Mrs. Pease from the residence, she continued to fight and struggle in an attempt to return to the residence. Sergeant Turney stated while just outside of the threshold of the front door of the residence, they (Mrs. Pease and Deputy Pardee) stumbled; however, Sergeant Turney advised he was not sure if they (Deputy Pardee and Mrs. Pease) fell all the way to the ground. Sergeant Turney said after regaining their footing, Mrs. Pease continued struggling as they (Deputy Pardee, Sergeant Turney, and Mrs. Pease) walked towards the patrol vehicle. Sergeant Turney stated when they arrived at the vehicle; he noticed an injury on the left side of her face. Sergeant Turney said he offered to have Deltona Fire and Rescue respond, but Mrs. Pease refused to be treated.

Sergeant Turney stated he contacted Lieutenant Bosco, Watch Commander, by phone and notified him that Mrs. Pease was injured during the arrest. Sergeant Turney stated they (Lieutenant Bosco and Sergeant Turney) decided the amount of force utilized was considered restraining force. Sergeant Turney advised due to a use of force report not being generated coupled with Mrs. Pease's injury not being significant, and the fact he could not determine when Mrs. Pease was actually injured. He made the decision not obtain photographs of Mrs. Pease's injury or document the injury in his supplement report. Sergeant Turney advised he did not utilize excessive force nor did he witness Deputy Pardee utilize excessive force during this incident. (*COMPLETE TRANSCRIPT TAB - D*)

On January 14, 2010, Sergeant Morgan was able to observe a digital picture of Mrs. Pease's daughter's leg. The digital picture revealed what appeared to be a one inch mark approximately 2 inches above her left knee. Mrs. Pease advised she obtained the picture a few days after the incident.

On January 14, 2010, Lieutenant R. Goggin along with Sergeant T. Morgan conducted a recorded interview with Deputy C. Pardee at the Sheriff's Administration office in Deland. Also present was Teamster representative Jeff Candage.

Deputy Charles Pardee

Deputy Pardee advised on November 19, 2009, he was dispatched to 3288 Littlefield St. for a disturbance call involving a female wanting a male removed from her residence. Upon arrival, the occupants of the home were involved in a heated verbal altercation. Deputy Pardee added they (Deputy Pardee and Sergeant Turney) knocked on the door, and the occupants did not answer. Deputy Pardee advised the door was ajar, and they entered the residence during the verbal altercation. Deputy Pardee said they separated Mrs. Pease and Mr. Flounnoy; he stepped outside with Mr. Flounnoy while Sergeant Turney remained inside of the residence with Mrs. Pease. Deputy Pardee stated while outside, Mr. Flounnoy advised him Mrs. Pease threw and struck him with a cup

of milk during their verbal argument while he (Mr. Flounnoy) laid in bed. Deputy Pardee advised he observed a dried white substance on Mr. Flounnoy's person which would be consistent with milk; however, he did not obtain a picture of the dried substance. Deputy Pardee added he conducted a warrant check of Mr. Flounnoy, and discovered Mr. Flounnoy's address listed on his Florida Identification was 3288 Littlefield St., and he (Mr. Flounnoy) was also a career criminal. Deputy Pardee said Sergeant Turney obtained Mr. Flounnoy's version of the incident and briefly interviewed Tony Flounnoy, Jr. in reference to the incident while they were outside. Deputy Pardee advised when Sergeant Turney re-entered the residence to speak to Mrs. Pease, he heard Mrs. Pease yell "*Then just take me to jail.*" Deputy Pardee stated he entered the residence and noticed Mrs. Pease backing away from Sergeant Turney. Deputy Pardee advised they walked towards Mrs. Pease to handcuff her, but she began pulling her hands into her body and backing away from them. He added Sergeant Turney attempted to secure Mrs. Pease's arm while he (Deputy Pardee) attempted to secure Mrs. Pease's wrist to handcuff her, but her 13 year old male child stepped between them in an attempt to interfere with the arrest. Deputy Pardee advised he had to disengage from Mrs. Pease and push the child back to affect the arrest. Deputy Pardee stated he then was able to secure one handcuff on Mrs. Pease, but she continued to resist their efforts to arrest her. Deputy Pardee advised he was not aware Mrs. Pease attempted to strike him during the arrest, however, for a brief moment during the struggle he was distracted by her son. Deputy Pardee stated Sergeant Turney escorted Mrs. Pease to the floor while he maintained control over the handcuff which was secured to her left wrist. Deputy Pardee stated when Mrs. Pease was escorted to the floor, she continued to resist by not presenting her right arm to be secured. Deputy Pardee advised during the arrest, they were close to the wall, but denied pushing Mrs. Pease's head into the wall as alleged in the complaint. Deputy Pardee advised he did not kick nor did he witness Sergeant Turney kick any juveniles during the arrest, and he was not aware the female was injured until this interview.

Deputy Pardee advised after handcuffing Mrs. Pease, they (Deputy Pardee and Sergeant Turney) removed her from the floor. He added while exiting the residence, Sergeant Turney stayed behind them so the children did not continue to get involved. Deputy Pardee advised when they were exiting the residence; Mrs. Pease turned around and began yelling to the children to call somebody. Deputy Pardee stated her actions caused him to stumble, and they both began to fall. Deputy Pardee stated he had to brace himself so he did not fall completely to the ground, and he was not sure if Mrs. Pease struck her face on the wall just outside of the front door during their stumble. Deputy Pardee stated Mrs. Pease continued to struggle with him until she was placed in his patrol vehicle. Upon placing Mrs. Pease into the patrol vehicle, he noticed her face was injured. Deputy Pardee said he immediately advised Sergeant Turney of her injury, and Mrs. Pease refused medical attention while on scene. Deputy Pardee advised he could not determine if Mrs. Pease was injured inside of the residence during the arrest, or during their stumble just outside of the front door while being escorted to the patrol vehicle. Deputy Pardee admitted he failed to document the fall in his incident report, and he failed to collect evidence that would have supported his charges of Domestic Battery and Resisting Arrest with Violence. Deputy Pardee stated he did not utilize excessive force during or after the arrest nor did he witness Sergeant Turney utilize excessive force against Mrs. Pease. **(SEE COMPLETE TRANSCRIPT TAB-G)**

Conclusion: On January 19, 2010, this Internal Investigation was presented to the Sheriff and his staff. After review, the Sheriff determined the allegation of **Excessive Force** to be: **Unfounded**, **However, during this investigation additional policy violation were revealed.**

26.2.34 Failure to Follow Directive or Order - Sustained

26.2.40 Negligence, Not Endangering - Sustained

26.2.5 Neglect of duty - Sustained

- EXHIBIT(S):**
- A) Official correspondence
 - B) Supervisor Inquiry composed by Lieutenant Chilcot, Citizen Complainant forms composed by Miss A. Pease, Miss J. Pease, Mr. T. Flounnoy, and Mr. T. Flounnoy Jr.
 - C) Incident report, Arrest Affidavit composed by D/S Pardee, and Supplement composed by Sergeant Turney
 - D) Transcript of Sergeant Joel Turney
 - E) Transcript of Mrs. Allyson Pease
 - F) Transcript of Mr. Tony Flounnoy
 - G) Transcript of Deputy Charles Pardee
 - H) CAD history call #P093232154
 - I) Photo's obtained of Mrs. Pease's injuries provided by her
 - J) Entry Made by Sergeant Turney on duty log, and four DCF abuse hotline forms
 - K) Audio CD's of Interviews / 911 Audio Tapes

WITNESSES:


Mrs. Allyson Pease
3288 Little Field, Deltona

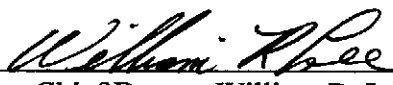
Mr. Tony Flounnoy
1150 North Street, Daytona Beach

Sergeant Joel Turney
Volusia County Sheriff's Office/District IV

Deputy Charles Pardee
Volusia County Sheriff's Office/District IV

I, the undersigned, do hereby swear, under 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.

INVESTIGATOR:  DATE: 2/10/10
Sergeant Timothy Morgan
Internal Affairs

APPROVED BY:  DATE: 3/3/10
Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA