

WITNESS STATEMENT

TM – Sgt. Tim Morgan BG – Lt Robert Goggin
JT – Sgt Joel Turney JC – Jeff Candage

BG Ok the recorder's on.

TM This is Volusia County Sheriff's Office internal affairs administrative oath/perjury warning. This is involving case number 09-022 involving Sgt Joel Turney. I'm Sgt Morgan with the Volusia County Sheriff's Office Internal Affairs Unit, today's date is January 13, 2010 and the current time is 9:45. The location of this interview is the fourth floor Admin Building located in Deland. Also present today during this interview is Lt. Goggin and your Union Rep. Jeff Candage. Sgt Turney, are you aware that this interview is being recorded?

JT Yes.

TM I am conducting an official administrative investigation concerning 26.2.102 Excessive Force Resulting in Injury and 86-453.13 involving the Volusia County Merit System Rules and Regulations. As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn please. Do you solemnly swear or affirm that the statement you are about to give is the truth, the whole truth and nothing but the truth?

JT Yes I do.

TM Thank you. Any false statements about material matters given by a witness under oath will constitute perjury which is a third degree felony according to section 837.02 of Florida Statutes. Do you understand if you knowingly make material misstatements of facts to me during this investigation you will have committed the crime of perjury?

JT Yes I do.

TM If I could have you sign here please, thank you. Sgt Turney when you were served your notification did you receive a copy of your law enforcement officers bill of rights?

JT No I did not.

TM You did not?

JT I received just a copy of the notice of IA.

TM Ok I have provided you a copy here today do you need to review them?

JT No.

TM Are you sure?

JT Yes.

TM Ok did you read and understand and we kind of covered it here the copy I provided to you, did you read and understand the advisement of rights for discipline as they pertain to Garrity? Which we covered the form that you signed prior to us going on record?

JT Yes.

TM Do you have any questions reference your bill of rights?

JT No I don't.

TM Prior to going on record you were provided with copies of the transcript provided by Ms Pease, Mr. Flounnoy, a CAD printout of the call, a Citizen's Complaint provided by Ms. Pease and Mr. Flounnoy and Jonah Pease and Tony Flounnoy, your daily log entry, 911's and/the radio calls. Did you have time to review those documents and listen to that 911/radio call?

JT Yes I did.

TM Sgt Turney, we're here to discuss possible policy violations that may have occurred on November 19th 2009 involving possible excessive force at 3288 Littlefield involving the arrest of Ms. Pease. Do you recall that incident?

JT I do.

TM Can you describe the incident as it occurred?

JT Yes we responded to the address, myself and Dep. Pardee, for a disturbance. Arriving on scene when we got out of our vehicles as we walked up to the residence we could hear a loud disturbance going on, I could hear yelling and screaming. We, I asked for the emergency traffic on the radio, we made contact with both of the subjects, we separated them, cleared the radio. Dep. Pardee initially stayed outside with the male part Mr. Flounnoy. I went inside and made contact with Pease the defendant, asked her you know to get the account of what had happened, got her statement of what she said happened, went outside and spoke to Mr. Flounnoy, got his account of what had happened. I spoke to the one 13 year old child, I believe his last name's also Flounnoy. I went back and talked to Ms. Pease again you know to ask about inconsistencies in her statement and such well in talking to her I made the determination she as the primary aggressor

and that a domestic violence battery had occurred. I, due to her demeanor, I was trying to get her to come outside the residence because there was four children inside the residence. She refused a loud; you know some loud shouting started, Dep. Pardee being outside I walked to the door to bring him in because I knew we were going to need to take her into custody. He was already starting into the house hearing what was going on inside, I told her she was under arrest, she took a what I, as an aggressive stance or defensive stance however you will she pulled in tight to her body, pulled her arms in. I was facing her in the living room area of the house so I told her you're under arrest. I grabbed a hold of her arm which the physical struggle stated right at that point. She was able to spin around. Dep. Pardee was on the other side of her. I took hold of her arm again tucked into to take her into custody, she took a swing at, is that me? I'm sorry that's my department NEXTEL. Ok sorry about that, she took a swing at Dep. Pardee and missed him and moved over to the other side of the living room. The children were jumping up and down screaming. The one 13 year old child was pushing himself in between us grabbing his mother, he didn't want his mother to go to jail but after the struggle continued I knew I wasn't going to be able to get her arms behind her back and neither was Dep. Pardee. He was also struggling with her, used her arm with an arm bar and took her down to the floor still in the living room area of the house towards the entry way. After, I got on the radio to try to ask for more units because of the situation in the house. Mr. Flounnoy was physically removing the children away from us. One of them ran into the back of the house I could hear some crashing going on back there, I want sure if he was trying to, if he was going to arm himself or obtain some kind of weapon. I called for additional units after a few more moments of struggle we got her into handcuffs. We got her up to bring her out of the house still a lot of yelling and as we were trying to bring her or escort her out the door she turned herself around facing back into the house and tried to come back into the house again. When we got to the doorway of the house she, I was inside the doorway she was in front of me Dep. Pardee was on the other side of her, outside. Dep. Pardee had her I had her she continued to try to come in as I tried to escort her out the door she stumbled along with Dep. Pardee stumbling. I don't know if she fell all the way to the ground or if he fell all the way to the ground but everybody kind of stumbled forward, got her back up. She continued to struggle the entire way to the patrol car to where we made sure she didn't have any weapons or anything else and got her into the patrol car and I could see the scratches and cuts on the left side of her face. I offered her Rescue if she needed to be seen by Rescue, she refused and she was transported from the scene from there over to the Lowe's on Howland Blvd. I went along with Dep. Pardee just to observe to make sure nothing further happened, completed her paperwork and she went to jail. I notified, to back up a little bit, when I got to the patrol vehicle once she was secured and everything had calmed down I called Lt Bosco and notified him of the incident.

TM Ok you pretty much touched on everything there. I'm just going to back up a little bit.

JT Uh huh

TM Your initial arrest was for what reason again?

JT Domestic violence, battery

TM Ok and how were you able to determine the DV part of this?

JT By talking to her initially, the interview with her, the interview with him, the interview with the child and the evidence if you will at the scene in the bedroom where this incident had occurred at.

TM Ok and how were you able to determine that Mr. Flounnoy and Ms. Pease were related or...

JT They both said that they had children in common, his address on his ID card or license or whatever he had was that address, he stated that he had been living there. He told me they had four children, all the children were theirs in common so we established the domestic violence relationship.

TM And he said he was currently living there?

JT Yes.

TM What did Ms. Pease tell you?

JT She said that he doesn't live there, he comes and stays there sometimes but he doesn't live there. She said, and I had mentioned before we went on where she said that he was living in the projects in Daytona.

TM And did you speak to any children about Mr. Pease? I'm sorry about Mr. Flounnoy sorry?

JT As far as his...

TM Residency...

JT ...residency I spoke to the 13 year old about the living situation I don't recall what his exact words were but in my mind it confirmed to me that he was a resident there.

TM And you said you determined Ms. Pease to be the primary aggressor by the account of the stories.

JT Uh huh

TM In your supplement and I have it here and I'm sure you have it there too.

JT I do.

TM On line 15.

JT Uh huh.

TM Pease's son Pease, Tony gave a completely different account than Pease and Tony Flounnoy stated that Ms. Pease was upset and slammed the cup down on the nightstand in the bedroom which caused the milk to be thrown around the room.

JT Uh huh.

TM That was the son's story?

JT Yes.

TM And then what was Ms. Pease...

JT Her story was that she had made herself a sandwich and a glass of milk and she had come into the bedroom and that somehow while taking a drink from the glass the milk had ended up all over the room and that was the exact account that she gave to me.

TM And Mr. Flounnoy told you....

JT That she was upset and she threw the cup at him, hit him in the forehead with the cup which splashed the milk all over him and the bedroom.

TM And you mention while you were giving your open description of the incident her demeanor? What was her demeanor while you were there?

JT Very, very angry and very aggressive.

TM Ok and you also touched on this and of the actual physical arrest of Ms. Pease prior to arresting Ms. Pease did she make any statement's to you?

JT That she was, she had been shouting at me because I questioned the validity of her statement to me. She shouted "if you think I'm lying then just arrest me. You know when was screaming things of, you know those exact words I'm not sure but something along, something to that order.

TM Did she make any complaints of neck injuries to you?

JT Not that I recall.

TM Prior to going hands on?

JT No.

TM And during that confrontation Sgt Turney according to you're supplement on line 29 you advised that Ms Pease violently resists you. Can you describe what you mean by violently resists you?

JT That when I took hold of her that she immediately tried to rip her arm from my grasp. She was physically trying not to be taken into custody whichever way. I grabbed her and tried to put her arm behind her back she would pull it back and pull it in tight to her self. She was moving away from us as we were trying to bring her closer to us to take her into custody. The swing with a balled up fist at Dep. Pardee, a violent act.

TM And you also touched on this, I'm just going to touch on it a little but here again. The children, were the children all present in the room at that time?

JT Yes.

TM And what were the children doing during the arrest of Ms. Pease?

JT Two of them were sitting on the couch; there was another there was actually three of them sitting on furniture in the living room. When the struggle, the third one the 13 year old the one I had spoken to outside, he never left his mother he was the one who stayed with her pretty much the entire time. He was right there. He immediately started trying to push himself between me and his mother. The oldest one I don't know his name he stood up and you know and started yelling and screaming flailing his arms, he didn't come at us, the other two I don't remember anything while the incident was, before she was taken into custody. I don't remember the other two doing anything other than maybe crying or yelling but I don't remember them getting up off the couch or doing anything.

TM Ok did you have to take any actions against any of the children on scene?

JT No I didn't put my hands on any of the children or take, the only probably incidental contact with the 13 year old as we were trying to take the mother into custody. Mr. Flounnoy at some point I'm not sure exactly in there had grabbed, the oldest had grabbed him and physically moved him out of the way and the 13 year old had physically moved him out of the way.

TM Ok at any time while dealing with the children did you display your taser or lead them to believe you were going to utilize the taser as annotated in their citizen complaint?

JT It never, my taser never came out of my holster.

TM You read, of course you read the statements provided by Ms. Pease and Mr. Flounnoy and there was a female an 11 year old female present or minor...

JT Yes.

TM ...and you read Mr. Flounnoy's statement that you kicked the child?

JT Uh huh I did read that.

TM Can you elaborate on that statement or tell us what occurred?

JT I don't recall, the only thing I recall that child doing is after Ms. Pease was in handcuffs in custody she was walking around in the living room crying yelling "I hate the police" and that was after the incident was over.

TM Were you made aware during that time by any of the adults at the residence that you allegedly kicked the child?

JT No.

TM Did you witness any deputy kick a child?

JT No.

TM And you also touched on this, again I'm just covering each base here. Who handcuffed Ms. Pease? Who finally handcuffed her?

JT Dep. Pardee had the, they were his handcuffs and as far as if he handcuffed at least one of her wrists whether or not he handcuffed both or I assisted in the second wrist that I'm not sure, it was pretty dynamic, but they were Dep. Pardee's handcuffs.

TM And this was during the struggle which we're aware of, while placing the handcuffs on Ms. Pease was action was she taking?

JT She was trying to pull her arms away and trying to put her arms underneath her and she was just moving and just trying to get away and she had pretty considerable strength.

TM And when you, Dep. Pardee and you finally did get her handcuffed where was she at? Where was she located?

JT She was still on the floor in the area, she hadn't moved from the area where we initially took her down, it all stayed within that, within a foot or so of that same area right near the living room right near the entry way to go outside the front of the house.

TM At any time did you have to kneel on her? Kneel on the small of her back?

JT I don't recall kneeling on the small of her back; I recall being to the side of her and just keeping hold of her arms. I don't recall kneeling on her back no.

TM Again this is going by her statement she said she was complaining she couldn't breathe because you were kneeling on her. Did you witness any other deputy kneeling on her?

JT No I didn't witness anybody kneeling on top of her, but what she was, there was so much screaming going on I couldn't tell what she would have said it was so loud in that house.

TM And you didn't witness Dep. Pardee kneeling on her?

JT No.

TM And again according to her statement, did you push her head into the floor?

JT No.

TM Did you witness Dep. Pardee push her head into the floor?

JT No.

TM Ok and you touched on this a little bit of when you were walking out and gave a little description of how you were walking out. Sgt Turney who actually walked Ms. Pease out of the residence after she was handcuffed?

JT We both did because she was still fighting with us trying to walk, even though she was handcuffed she was trying to walk back inside and the 13 year old child once again was in between us and her trying to bring her back into the residence.

TM Ok and referring back to the supplement on line 35 you put an attempt was made to remove her from the house.

JT Uh huh.

TM What occurred?

JT Just, it was simple we needed to get her out to the patrol car and get her out of that house to end that what I felt could have been a violent encounter with the rest of the family. In order to remove her she you know was given loud verbal command to walk out the house. She was ignoring those so she had to be physically removed from the house and she continued to struggle the entire time.

TM And at that time she was handcuffed?

JT Yes, behind her back.

TM And you also indicated in your report that Ms. Pease lost her footing and began to fall.

JT Uh huh.

TM Did she fall?

JT I don't know if she, I can't recall if she fell all the way to the ground I know she stumbled. Whether or not she went all the way to the ground that I can't remember.

TM And at that time who was, were you holding her?

JT She was facing the front of the house.

TM Ok.

JT Dep. Pardee was on the far side of her going towards the road I was closer to the entry way of the house. I had a hold of I guess it would be her right arm shoulder if you will and she was moving backwards because she continued to try to walk back into the house. So she was going backwards and Dep. Pardee, we had a hold of her.

TM Ok so I'm just trying to put that in my head so the back of her head was to you...

JT No, no, her face was to me, she was going, I was closest to the doorway and Dep. Pardee was closest to the road I guess if you will she was trying to force her way back into the house so she was facing me.

TM Ok and she was attempting to gain access to the house?

JT She was trying to get back in, whatever I don't know exactly what she was trying to do but she was yeah she was trying to get back inside and the child was again getting in between us and trying to get her back inside.

TM Do you know how Ms. Pease injured her face?

JT It, I, exactly between the, the two incidents, the take down and what, the stumbling outside I don't know exactly, I would say it could be a contributing factor between the take down inside the house and striking her face on the wall outside the house.

TM And when did you realize that Ms. Pease was injured?

JT When she was back, when we got her back to the patrol car.

TM Ok. And was it brought to your attention, how was that brought to your attention?

JT That she was injured?

TM Her injuries.

JT I saw her face.

TM You saw her face? Was she offered medical treatment?

JT Yes.

TM And how did you ask her?

JT I asked her if she needed to, if she needed any emergency medical treatment, if she needed to be seen by rescue.

TM And just referring to her statement where Ms. Pease said you would clean it up, was that ever said?

JT No, she said to me "no I'll take care of this when I get out" she was still very agitated.

TM At that point did you obtain any photos of her injuries?

JT I did not, just the jail imaging photo after she was booked.

TM Can you explain why you did not obtain photos?

JT Because I, I wasn't, there wasn't a use of force report or memo being generated.

TM And who's decision was that?

JT Between myself and Lt. Bosco who was the watch commander that night.

TM And your input on that decision was what part? What part did you have, what did you determine?

JT As far as what factors I used to determine, the factors I used to determine was that we used only restraining force and that her injuries were not significant. And I believe that's what I had said to the, because the watch commander asked me during the conversation if he needed to come down to do a use of force report.

TM Ok.

JT And I said it was just restraining force.

TM And Sgt. Turney in your report, your supplement you reference that you were scratched.

JT Uh huh, yes.

TM Where were you scratched at?

JT On my right, on the top of my right forearm.

TM Did you obtain pictures of those injuries?

JT I did not.

TM May I ask why not?

JT Basically the same reason, I didn't need any medical treatment and that there wasn't a use of force report generated that they were mild in nature.

TM And Ms. Pease's charges, do you recall what she was charged with?

JT With domestic violence, battery and resisting an officer with violence.

TM And you didn't want to use them as photographic evidence?

JT I, I didn't, no I didn't, made the decision not to.

TM Do you know if Dep. Pardee was injured during this incident?

JT He didn't report any injury to me; I believe he was not injured.

TM While arresting or after arresting Ms. Pease did you use any type of excessive force on Ms. Pease?

JT No.

TM Did you witness Dep. Pardee utilize any excessive force against Ms. Pease?

JT No.

TM Did you witness any other deputy that we may not know about use excessive force against Ms. Pease?

JT No.

TM Were there any other deputies present that we should be made aware of that could help us with this investigation?

JT At the time of the incident no we were the only deputy's on scene.

TM Ok and after you arrested Ms. Pease what did you do with the children?

JT They stayed there with their, with the father with Mr. Flounnoy and that was cleared thru Ms. Pease.

TM You did clear it thru Ms. Pease?

JT Yes, yes she was asked what we wanted to do with the children. We actually allowed Mr. Flounnoy to come to the patrol vehicle to speak to her. We actually allowed the children to come speak to her also to calm the situation down and asked her if it was agreeable to have the children, him to make the arrangements for the children. I believe he told her that he was taking the children to a family member's house.

TM But Ms. Pease authorized the children stay with Mr. Flounnoy?

JT Yes.

TM And prior to the children were you able to establish if all four children were in fact his?

JT He said they were, just by...

TM And what did she say?

JT I don't recall what she said. At least one of the children in my opinion I mean I'm not a geneticist or anything else but one of the children appeared to just be a white male which wouldn't have been likely.

TM And prior to relinquishing the children to Mr. Flounnoy did you check a criminal history on Mr. Flounnoy?

JT A full criminal history no we did a wanted check and got his wanted status.

TM Was he wanted?

JT No.

TM Was he a sexual predator?

JT No.

TM Was he a known criminal?

JT A career criminal yes.

TM That's all I have at this moment, lieutenant do you have anything?

BG Yeah Joel I've got a few for you. The original report completed by Pardee says it was a 911 call and the female was asking that a male be removed from the residence, is that how you recollect that?

JT Yes.

BG Ok now I'm going to go back to some questions that the sergeant's asked you, how we establish residency for the male at that house. You said he had a Florida driver's license?

JT Florida ID card.

BG Ok is that something you saw or something that was told to you?

JT I believe it's something that was told to me.

BG Ok and was it told to you by the male subject or Dep. Pardee or do you recall?

JT I don't recall.

BG So you never saw the driver's license?

JT I didn't see it.

BG Ok. Within that house, trying to determine whether or not he lived there or not because obviously she's saying that he doesn't, he's saying that she did and you're, you know obviously you're stuck in the middle there. Did you notice or ask to see any clothing that belonged to the male subject?

JT No.

BG Any mail, literature?

JT To be honest with you it never de-escalated to the point that we could have that kind of conversation.

BG Ok do you know if he had a key to the residence?

JT I don't.

BG Do you know how he gained access to the residence that day?

JT I do not.

BG Did you speak to any of the neighbors about whether or not he stays there or how often they see him there?

JT No.

BG No statements from, ok. I believe you stated earlier that you talked to one of the children who said that he does stay there?

JT Yes.

BG That was your statement? Did you document that anywhere that you were told that he lived there by that child?

JT No.

BG Ok did you get the child to write out a statement or anything?

JT No.

BG Ok. Did you question the children or anybody else, outside of him, prior to that day when was the last time he had been there?

JT I don't recall that.

BG Ok. The, in the report, it's actually the affidavit that Pardee wrote he wrote that you observed milk on the walls and splattered around the master bedroom?

JT Yes.

BG That's correct?

JT Yes.

BG Ok. As that being a, obviously a step or component of a possible domestic violence issue did you photograph that?

JT I did not no.

BG Do you know if he photographed that?

JT I don't know.

BG Ok. Ultimately you approved Dep. Pardee's paperwork is that correct?

JT Yes.

BG He doesn't cover, Sgt. Turney what happened as far as the injury, he states and I'm going to read it to you 'Dep. Pardee and Sgt. Turney took Ms. Pease outside the residence and while walking towards a marked patrol vehicle, well marked Volusia County Sheriff's Office patrol vehicle that was parked in the roadway Pease continued to try to pull away from Dep. Pardee. Once seated in the back seat of the patrol car Dep. Pardee observed a large, or left side of her face she had an injury.' He doesn't document anywhere that she fell or tripped or stumbled outside. Can you explain it to me today why you have it in your report that she fell outside and that he didn't document in his report that she fell?

JT I, I know that he had originally given me a draft of the report that had, had something else in there, I'm not sure exactly what it said in there but I think it had attributed her injury to a point that I said I don't think we can say definitively that this is exactly how her injury to her face was occurred. It could've been between the inside wall of the house or the outside wall. I think he had one or the other in there and that we had, we had to change that to reflect that. That stood, the change that, that was submitted the next time so that's, that's the only explanation of why I had that it's not in there.

BG Ok and again just from her statement and I know you've read that.

JT Uh huh.

BG She's claiming the injury occurred outside against a rough stucco wall.

JT That's very possible.

BG Ok and again but you didn't observe the injury until she was in the patrol car so it could've happened in the house?

JT Yes.

BG And describe, she hit her face on what in the house? Was it a floor a wall?

JT I don't know if she hit her face at all but she, we were in very close proximity to a wall.

BG Ok.

JT And so the whole, a wall inside and obviously a wall outside there between those two I'm sure that's where she, where she sustained her injury. Which one I don't know? Or a combination of both.

BG Ok. Did you ever speak to Dep. Pardee and ask him if he saw where she had injured her face?

JT I don't recall if we, I know we talked about it, I don't recall what our conversation was.

BG Ok and again going back to her complaint Sgt. Turney.

JT Uh huh.

BG And I don't want to be repetitive, and you can read it in there and the sergeant touched on it here a little bit. She's saying that she was never asked about medical assistance, that you came over to the vehicle because you were called over by Pardee, you shined your light in her face you looked at it and made a comment and said "oh I guess I'll have to clean it up" or "I guess we'll have to clean it up"

JT No sir.

BG Is that normally the way you would ask somebody for medical assistance?

JT No.

BG Ok what is your normal...?

JT To ask, if they have an injury to ask them if they need to be seen by rescue.

BG So it's not common for you or nothing that you normally do on a day to day basis to tell somebody that you would clean it up?

JT Absolutely not. Nor do I carry the supplies to do it.

BG I'm going to go back and touch on the photographs that you said weren't taken of the injury. Sgt. Turney and I know that you said you discussed this and I believe

you said you discussed taking photographs with Sgt. Bosco, did you ask permission to take photographs or did you ask him his opinion if you should take photographs?

JT I don't recall having a conversation with him about photographs.

BG Nothing about the photographs ok, and Sgt. Turney, an injury that occurs in our custody and she was in hand restraints from what you said earlier, do you think now, after viewing this, that it was her opinion whether or not she needed medical assistance ? or should we have taken charge of that situation because of an injury to her while in our custody and photograph...

JT Being that it was not a significant injury I believe asking her if she wanted to be seen was appropriate. I didn't feel that it was an injury that warranted, that warranted going to the hospital or receiving medical attention.

BG Ok and you saw the pictures of her?

JT Yes.

BG Ok. Have you ever been to that residence before on a call?

JT No.

BG That you can recall?

JT Not that I can recall.

BG And are you aware now or have you looked into seeing previous calls for service at that residence?

JT I believe I looked that night at what priors were, I don't remember if there were or weren't any I can't recall.

BG Ok so I'm just going to follow up with that again and I think it's, the answer will be the negative. While looking at calls for service, previous calls for service to that house, did the gentleman's name the other complainants name ever come up?

JT No.

BG Ok.

JT Not that I'm aware of.

BG You stated earlier that it was possible incidental contact with the juvenile?

JT With the 13 year old.

BG Ok and how do you remember that?

JT With him pushing himself between using his body to try to block me from his mother.

BG But you don't remember making contact with the 11 year old, the smaller child?

JT No, no, I don't remember her ever getting up off the couch.

BG And while you were conducting, you and Pardee, Dep. Pardee were conducting the physical arrest with, hands on the female where were the other family members? Were they on your back were they at a distance where were they?

JT I, it's hard to recall. I remember them coming up on us and Mr. Flounnoy physically grabbing them and the oldest one like really shoving away from us you know.

BG You don't remember any of the juveniles ever making contact with you while you're trying to affect the arrest?

JT I, I, no I don't recall that.

BG And again your conversation with Lt. Bosco after the incident, obviously we already have a 10-15, what do you recall transpired in that conversation with Lt. Bosco?

JT I called and I just, I tell him "Lieutenant I have an incident I want to brief you on" he says "go ahead" I told him a synopsis of what had happened there, that we had taken the female into custody and during the struggle that she had some injuries to her face and his response to me was "well do I need to come down to do a use of force?" and I said "well she's, it was just restraining force and there's not significant injury, I don't believe that a use of force memo is required for this" his response to me, whatever his response was he concurred and that was the end of our conversation.

BG Ok so Lt. Bosco never arrived at scene?

JT No.

BG And I think I've clarified this by looking at CAD reports, the complainants are advising or the female complainant's advising that she spoke to a lieutenant or there was a lieutenant on scene. Was in fact a lieutenant ever on scene that night?

JT No.

BG Ok and you stated earlier that there was no other deputies that witnessed the physical arrest?

JT Correct.

BG Any other deputies on scene prior to her being placed in the patrol car?

JT No.

BG What other deputies after that arrived?

JT After the fact I believe Dep. Chastity Burke arrived, Sgt. Carlisle and Sgt. Brown and I believe that was everybody who was there.

BG And do you know if they took any, if they did any reports or took any action while there?

JT Sgt. Carlisle walked, because I needed to go back, we had taken her out of the house they had slammed the door shut. We needed to go back to the house so we hadn't received information on the juvenile, name date of birth, there was still information that we needed so we went back up to the house. Sgt. Carlisle went back up to the house with me. I got very limited information; Sgt. Carlisle didn't take any statements or any of that.

BG So as far as you know as of today Sgt. Carlisle, Sgt. Brown or nobody else did any supplements to the incident?

JT No, I don't believe so.

BG And were they in uniform because I know they're...

JT They were in plain clothes.

BG They were in plain clothes ok because like I said I know...

JT Dep. Burke was in uniform she was working that night.

BG Ok I don't think I have anything else.

TM Just a few more questions that the lieutenant touched on. You did attempt to re-contact to obtain statements right?

JT Yes.

TM And were you made aware at the scene you may have incidentally contacted or made contact with a juvenile during the arrest?

JT With the 13 year old is, I mean him making contact with us pushing himself in between me and his mother yes.

TM And afterward did you ask any of the children if they were hurt during the struggle?

JT No.

TM Or during the confrontation?

JT No.

TM Ok. And one more thing Ms. Pease touched on was the Publix and she, and she said she was there for five hours and we realized we checked CAD and we realized that's not exactly true however we did notice that they were out a Publix for an hour and 40 minutes.

JT We were actually at the Lowes.

TM Ok the Lowes.

JT The brand new Lowes.

TM Do you know why they were out there that long?

JT Just completing the charging affidavit. I stayed with Dep. Pardee while he completed the paperwork.

TM So you were there the whole time?

JT Yes.

TM And no other incidents took place during that time?

JT No, no she stayed in the back of the car by herself.

TM Did she make any complaints of claustrophobia or anything like that?

JT She may have.

TM That's all I have. Jeff?

BG Jeff?

JC I'm up. Sgt. Turney did you have the opportunity to listen to a VCSO dispatch tape prior to the beginning of this interview?

JT Yes.

JC In listening to that tape did you hear Mr. Flounnoy indicate on multiple occasions that Ms. Pease had hit him in the head?

JT Yes.

JC Was that consistent with what he told you subsequent to your arrival and interview with Mr. Flounnoy?

JT Yes.

JC So he indicated he had been hit in the head so in your mind a battery had occurred?

JT Yes.

JC Relative to establishing a predicate for domestic violence arrest criteria, explain to me again how you determined that the address on his DL or ID was the address that you were at?

JT Based on his statements that he lived there and the juvenile male concurring that he was a resident there.

JC Relative to that, to the DL or the ID is it your understanding or your recollection that Dep. Pardee had seen this ID?

JT I believe so yes.

JC In reading thru the witness victim statements do you recall reading where Ms. Pease had also indicated that his established residence was indicated as that address?

JT Yes that she indicated that he had the address on his license.

JC And that for some reason she was complaining that he hadn't gotten it changed.

JT Yes.

JC So it's fair to assume that he at one time had lived at that address?

JT Yes.

JC And clearly they had had a conjugal relationship because they had at least two children, biological children in common?

JT Yes.

JC As you sit here today do you have any idea where the superficial injuries to the left side of Ms. Pease's face had occurred inside the house or outside the house?

JT I'd say it could have occurred in both places or you know either one or the other or both.

JC Is it fair to say that the omission of where the injuries may have occurred in Dep. Pardee's report or in your supplement report is because you were unaware of where it occurred?

JT We were unsure of exactly where it had occurred.

JC Again reflecting back on her statement at one point in her statement she's indicating that Dep. Pardee had I believe quote unquote "rubbed her face against the exterior wall" do you recall reading that?

JT Yes sir I recall reading that.

JC Do you recall reading further in that statement that she had then indicated that quote unquote "Turney had rubbed her face against the exterior wall"?

JT Yes.

JC Did you or Dep. Pardee do anything consistent with that description?

JT No.

JC Did anyone at any time during or after this incident indicate to you that the 11 year old female on scene was kicked by a VCSO deputy and/or incurred injury?

JT No.

JC So today is the first time you're aware of any allegation of you or anyone else kicking the 11 year old female?

JT Yes.

JC I don't have anything else.

TM Ok. Sgt. Turney do you feel that you violated policy number 26.2.102 Excessive Force Resulting in Injury?

JT No I do not.

TM 863 I'm sorry, 86.453-13 Volusia County Merit System Rules and Regulations, any conduct on or off duty which reflects unfavorably on the county as an employer?

JT No I do not.

TM Is there anything you would like to add or delete from the statement that you provided here to us today?

JT Ok Sgt. Turney this concludes the interview, the time now is 10:30am.

I, Sgt Tim Morgan, swear that the forgoing
is an accurate transcription of the sworn
recorded statement of Sgt Joel Turney taken
by me on January 13, 2010.

(Signed)

Tim Morgan - # 2459

Sworn to and subscribed before me this 2nd
Day of February, 2010.

[Signature]
Signature of Notary Public-State of Florida



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

My Commission Expires:

My Commission Number is:

Personally Known ✓

Produced identification

Type of Identification Produced

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

ADMINISTRATION OF OATH / PERJURY WARNING

09-022
Case Number

SGT TURNEY
Witness Name

I am SGT MORGAN with the Volusia County Sheriff's Office,
Internal Affairs Unit. Today's date is JAN 13 2009 and the current time is _____
The location of this interview is, 4TH FLOOR ADMIN Also present
during this interview is LT Gossin & JEFF CANDAGE

Are you aware that this interview is being recorded? yes

I am conducting an official administrative investigation concerning

26-2-02 Excessive Force Resulting in Injury

As a Florida Law Enforcement Officer and a Notary Public of the State of
Florida, I am empowered to take sworn statements. At this time, I would
ask that you raise your right hand to be sworn. Do you solemnly swear or
affirm that the statement you are about to give is the truth, the whole truth,
and nothing but the truth? yes

Any false statements about material matters given by a witness under oath
will constitute perjury, which is a Third Degree Felony according to Section
837.02, Florida Statutes.

Do you understand that if you knowingly make material mis-statements of
facts to me during this investigation, you will have committed the crime of
perjury? yes

Answer

[Signature]
Witness Signature
JAN 13 2009
Date

[Signature]
Investigator Signature

ADVISEMENT OF RIGHTS FOR A DISCIPLINARY INTERVIEW

I wish to advise you that you are being questioned as part of an official investigation of the Volusia County Sheriff's Office. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the constitution of this state and the constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, it will be considered an act of insubordination and a violation of a direct order by a superior or competent authority. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding, **(except for perjury or obstruction of justice charges)**. However, these statements may be used against you in relation to subsequent department charges.

The aforementioned Advisement of Rights is not the warning in criminal cases under the Miranda decision. As mentioned, Miranda has no application in a disciplinary interview.

SGT
Signature

Date

4-15
Location

Witnessed By

[Signature]
[Signature] Morgan