

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA- 09-011**

**PERIOD COVERED:** March through April 2009

**DATE REPORTED:** July 1, 2009

**SUBJECT(S) NAME:** Deputy Peter Taraborelli ID #1451

**INVESTIGATING OFFICER:** Sergeant Timothy Morgan

**BASIS FOR INVESTIGATION:**

On July 1, 2009, Attorney James Purdy, Public Defender, Seventh Judicial Circuit contacted Sheriff Ben Johnson to file a verbal complaint in reference to alleged misconduct by Deputy Peter Taraborelli. Attorney Purdy alleged that Deputy Taraborelli has been the source of several rumors that were sexual in nature, and that were detrimental to his (Attorney Purdy's) subordinate identified as Attorney Virginia Chester.

**OFFENSE(S):**

**26.2.62 Derogatory Ethnic Remarks** - Employees shall not make derogatory remarks concerning race, sex, religion, age or national origin of any person. *(Violation subject up to dismissal)*

**26.2.49 Rumors and Gossip** - Employees shall not engage in or convey gossip detrimental to other employees, the general public, County, Department, or Office of the Sheriff. *(Violation subject up to a 1 day suspension)*

**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 July 1, 2009, Chief Deputy William Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Morgan and Lieutenant Goggin.

On July 2, 2009, Sergeant Morgan and Lieutenant Goggin of the Internal Affairs Unit, served Deputy Peter Taraborelli with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officers Bill of Rights.

On July 2, 2009, Sergeant Morgan and Lieutenant Goggin obtained a sworn statement from Attorney Virginia Chester, Public Defender at the Justice Center located in Daytona Beach, Fl.

### **Ms. Virginia Chester**

During Ms. Virginia Chester's sworn statement, she advised that on June 25, 2009, she was approached by Mrs. Barbara Robbins, Pre Trial Services while in Judge Kennedy's courtroom. She stated that she was advised by Mrs. Robbins that Deputy Taraborelli has been make disparaging remarks and threats against her and Mrs. Robbins. Ms. Chester stated she was told by Ms. Robbins that Deputy Taraborelli made a threat, "*To put a bullet in both of their (Ms. Chester and Robbins) heads,*" and that he (Deputy Taraborelli) was spreading a rumor that she (Ms. Chester) was "*Throwing herself at him.*" Ms. Chester stated that Mrs. Robbins also told her, that he was telling co-workers within the Justice Center that she (Ms. Chester) was allowing fellow employee's within the Justice Center to sodomize her. Ms. Chester advised that Mrs. Robbins added that Deputy Taraborelli was also telling co-workers that she (Ms. Chester) was mentally unstable and prior to working as a public defender, she was fired by the States Attorneys Office for writing and posting her own obituary in the newspaper.

Ms. Chester stated that Deputy Taraborelli has not made any threats or sexual comments to her personally; however, he has made racist comments to her in the past. Ms. Chester advised that she can not remember the specific date, but advised that during one of their (Ms. Chester and Deputy Taraborelli) conversations, Deputy Taraborelli referred to Hispanics as "*Spics*" and African Americans as "*Blue gums.*" Ms. Chester advised that Deputy Taraborelli once asked her, "*How can you defend these spics and blue gums.*" Ms. Chester stated that the statement made by Deputy Taraborelli was offensive to her, but she did not report the incident to her supervisor. Ms. Chester advised she felt because there were no other witnesses present at the time of the statement, and it was his word against her word there would be no resolution. Ms. Chester stated that she has only associated with Deputy Taraborelli on a professional level while at work and does not know why Deputy Taraborelli felt he could confide in her to make such a statement. It should be noted during the recorded interview, Ms. Chester was visibly upset.

On July 2, 2009, Sergeant Morgan and Lieutenant Goggin contacted Mrs. Barbara Robbins' supervisor, Mr. Chris Bunting, Pretrial Service Manager. Mr. Bunting advised that he was aware of the current incident; however, he did not have any detailed information to disclose that would assist this office in the investigation. Mr. Bunting advised that Mrs. Robbins was out of the office until July 7<sup>th</sup>, 2009.

On July 7, 2009, Sergeant Morgan and Lieutenant Goggin obtained a sworn statement from Mrs. Barbara Robbins, Pre Trial Services, at the Justice Center located in Daytona Beach, Fl.

### **Mrs. Barbara Robbins**

During Mrs. Barbara Robbins sworn statement, she advised that on June 25, 2009, while in Judge Kennedy's courtroom, Ms. Chester advised her that she (Ms. Chester) was transferred out of Judge Walsh's courtroom because of the Deputy Taraborelli. Mrs. Robbins added that Ms. Chester told her, Deputy Taraborelli was telling Judge Walsh derogatory remarks about her, and to alleviate the problem she was transferred to Judge Kennedy's courtroom. Mrs. Robbins stated that she then reminded Ms. Chester of what she (Mrs. Robbins) perceived as a threat which involved Deputy Taraborelli in the past. Mrs. Robbins also told Ms. Chester that he (Deputy Taraborelli) told her that she (Ms. Chester) was making sexual advances towards him, she (Ms. Chester) had been fired from a previous job, and she (Ms. Chester) was mentally unstable.

Mrs. Robbins stated she could not remember the exact date or time of the threat which was made by Deputy Taraborelli, but while in Judge Walsh's courtroom, she remembers over hearing him telling Mrs. June Laws, "*He would like to put a bullet in both of their heads.*" Mrs. Robbins advised that when Deputy Taraborelli made the statement, he did not mention their (Mrs. Robbins and Ms. Chester) names, however, at the time of the statement there were only four individuals present in the courtroom, and he was speaking directly to the forth person being Mrs. Laws. Mrs. Robbins advised that when this incident originally occurred, she did not feel that it was necessary to file a complainant against Deputy Taraborelli, but she did mention the incident to her fellow co-workers and her supervisor. Mrs. Robbins advised that she also reminded Ms. Chester of a second incident in which Deputy Taraborelli threatened to spray Ms. Chester in the face with mace. Mrs. Robbins advised while in Judge Walsh's courtroom on an unknown date, Ms. Chester was coughing during court and apologized to the Judge Walsh. Mrs. Robbins advised that after Ms. Chester apologized, Deputy Taraborelli stated, "*Well here, let me spray some mace in your face, or something, maybe that will help.*" Mrs. Robbins advised that Deputy Taraborelli began to laugh but no one else was laughing.

Mrs. Robbins advised that prior to the threat that was made by Deputy Taraborelli; she assumed that they were friends. She stated during their friendship they would converse on the telephone while away from work, and while at work he would stop by her office to socialize. Mrs. Robbins stated that on an unknown date and time, Deputy Taraborelli while in her office referred to African Americans as "*Blue Gums.*" She advised that she made Deputy Taraborelli aware that her grandson is bi-racial, and he (Deputy Taraborelli) stated, "*Don't judge me.*" Mrs. Robbins advised that there were other incidents involving Deputy Taraborelli utilizing racial comments in her presence. She stated that Deputy Taraborelli had at one time lived in an apartment complex that was mostly African American, and he would comment about their (the residents) behavior. Mrs. Robbins was not specific with what type of comments Deputy Taraborelli would make to her during their conversations. Mrs. Robbins advised that she did bring this matter to the attention of Ms. Chester during their discussion on June 25, 2009. However, she did not report this incident to her supervisor or to the Sheriff's Office personnel within the Justice Center.

Mrs. Robbins also advised that during their conversation in Judge Kennedy's courtroom, she advised Ms. Chester that Deputy Taraborelli was telling co-workers within the Justice Center that

she (Ms. Chester) was "*Throwing herself at him*", and she (Ms. Chester) was fired from the States Attorney Office prior to her arrival at the Public Defenders Office for posting her own obituary in the newspaper. During the recorded interview, Mrs. Robbins failed to mention the alleged degrading sexual comments that were allegedly made to her by Deputy Taraborelli which involved Ms. Chester.

Mrs. Robbins stated that she did not documented the incidents that involved Deputy Taraborelli and she was not able to provided specific dates, times, or additional witnesses. (*See Tab-XX*)

On July 7, 2009, Sergeant Morgan contacted Mrs. June Laws, Felony Intake Clerk, via the telephone. Mrs. Laws was identified by Mrs. Robbins as being present when Deputy Taraborelli made her statement that "*he would like to put a bullet in their heads.*" Mrs. Laws stated that she did not recall the incident in question, and added that she has no idea what Mrs. Robbins was referring to. Mrs. Laws stated that she could not help this investigator with this incident.

On July 13, 2009, Sergeant Morgan and Lieutenant Goggin obtained a sworn recorded statement from Deputy Peter Taraborelli at the at the Sheriff's Administrative Office

#### **Deputy Peter Taraborelli**

During Deputy Peter Taraborelli's sworn statement he advised that he doesn't remember verbatim the conversation or comments that he made in the past to Ms. Chester or Mrs. Robbins. Deputy Taraborelli advised that he has been assigned to the same courtroom as Ms. Chester for approximately two years. He stated that during that time frame, Ms. Chester was aggressively pursuing him in an attempt to develop a romantic relationship. Deputy Taraborelli advised that on many occasions, he had to reject Ms. Chester's sexual advances towards him. He cited two incidents which involved Ms. Robbins allegedly conducting herself in an inappropriate manner towards him. Deputy Taraborelli advised on an unknown date while in Judge Walsh's court room, Ms. Chester "*Would come up between me (Deputy Taraborelli) and the clerks and then bend over showing me her (Ms. Chester) butt.*" Deputy Taraborelli felt that Ms. Chester was presenting herself in a sexual explicit manner towards him during that encounter. Deputy Taraborelli did not deny that he had been telling co-workers that Ms. Chester allows people to "*Do her from behind*" as stated by Ms. Chester during her sworn statement. However, he advised that was his perception after her (Ms. Chester) actions in Judge Walsh's court room. Deputy Taraborelli cited an additional incident and advised that on an unknown date while fingerprinting a defendant within the courtroom; Ms. Chester approached him from behind and brushed her breast against his shoulder blades in what he perceived was sexual in nature and deliberate. Deputy Taraborelli stated that on both occasions, he rejected Ms. Chester's advances. Deputy Taraborelli advised that he did speak to his immediate supervisor in reference to his concerns with Ms. Chester's sexual advances, because he felt that he was a victim of sexual harassment.

Deputy Taraborelli advised that while assigned to the Justice Center, attorney Dennis Craig, with the States Attorney's Office (SAO) approached him, and warned him that Ms. Chester was not physiologically stable, and provided information that she was fired from the States Attorney Office for posting her own obituary. Deputy Taraborelli advised that he was only repeating what he had

heard from Attorney Craig and he took that statement which was made by Attorney Craig "*as the gospel.*" Deputy Taraborelli advised that he at no time attempted to confirm this information, and further stated that he was only repeating what he had heard from other court employees. Deputy Taraborelli advised that he doesn't recall having a conversation with Ms. Chester involving the use of ethnic slurs, but he did not deny the accusations that were presented to him in her statement. Deputy Taraborelli stated that while working as the courtroom bailiff, he has referred to the defendants as "*blue gums.*" Deputy Taraborelli stated that Ms. Chester has been present when he has made the comment, and she may have taken offense to the term. Deputy Taraborelli stated that he uses the term as a general classification of the prisoners due to their poor dental hygiene. He advised that he was not referring to one ethnic group in particular, but referring to prisoners in general.

Deputy Taraborelli stated that he was keeping a log of the incidents surrounding the events that occurred within the Justice Center involving Ms. Chester. However, the log was destroyed when his apartment was flooded. Deputy Taraborelli added that on an unknown date, after his apartment was flooded, Ms. Chester approached him and asked him move in with her.

Deputy Taraborelli advised that he has known Mrs. Robbins for approximately two years, and on several occasion he has met with Mrs. Robbins in her office located within the Justice Center to have coffee. Deputy Taraborelli advised that their relationship was strictly plutonic. However, he added that Mrs. Robbins has approached him on three different occasions spanning an unknown time frame, in an attempt to develop an outside and personal relationship with him which he rejected.

Deputy Taraborelli stated during his friendship with Mrs. Robbins, he has repeated several rumors to her that he has heard about Ms. Chester. He advised that he only repeated what was told to him by Attorney Craig and employees within the Justice Center. Deputy Taraborelli stated that he was not the individual responsible for the rumors involving Ms. Chester personal affairs. He advised that Mrs. Robbins told him about Ms. Chester's alleged promiscuous life style. Deputy Taraborelli added that he has not threatened to injure Mrs. Robbins or Ms. Chester. He stated that he doesn't recall making any comments to Mrs. Laws in reference to hurting Ms. Chester and or Mrs. Robins. He did state that he has talked about shooting while within the court room and the Justice Center. He stated that he is well known throughout the Justice Center as being a gun enthusiast, and he feels that some of his discussions within the Justice Center may have been misinterpreted. Deputy Taraborelli advised that he did recall the incident involving the use of mace comment as alleged by Ms. Robins. He stated on an unknown date while in Judge Walsh's courtroom that an unidentified person mentioned to him that Ms. Chester looked bad. Deputy Taraborelli replied, "*Maybe if I spray her in the face with mace she might wake up.*" Deputy Taraborelli advised that the statement he made was out of line and should not have been made.

Deputy Taraborelli stated that while in the presence of Mrs. Robbins that he has referred to defendants as "*blue gums.*" He advised that she may have found the comment offensive, but he was not utilizing the statement as a racial slur, but as stated earlier, he was using the comment as a general classification of the defendants. Deputy Taraborelli advised that he has different nicknames for deputies and people within the Justice Center.

Deputy Taraborelli advised that he did violate the listed policy violations, and he felt that his actions were not professional.

It should be noted that during the recording of the interview involving Deputy Taraborelli there was a technical problem with the recorder 14 minutes into the interview. The interview was re-started with the use of a second recorder.

**Conclusion:**

On July 28, 2009, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the above listed Department Standards Directives to be:

<b>26.2.62 Derogatory Ethnic Remarks</b>	<b>Sustained</b>
<b>26.2.49 Rumors and Gossip</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (13)</b>	<b>Sustained</b>

**EXHIBIT(S):**

- A) Official Correspondence
- B) Transcript of Virginia Chester
- C) Transcript of Mrs. Robbins
- D) Transcript of Deputy Taraborelli
- E) Notes obtained from Ms. Chester
- F) Audio Disc of interviews Deputy Taraborelli, Ms. Chester and Mrs. Robbins

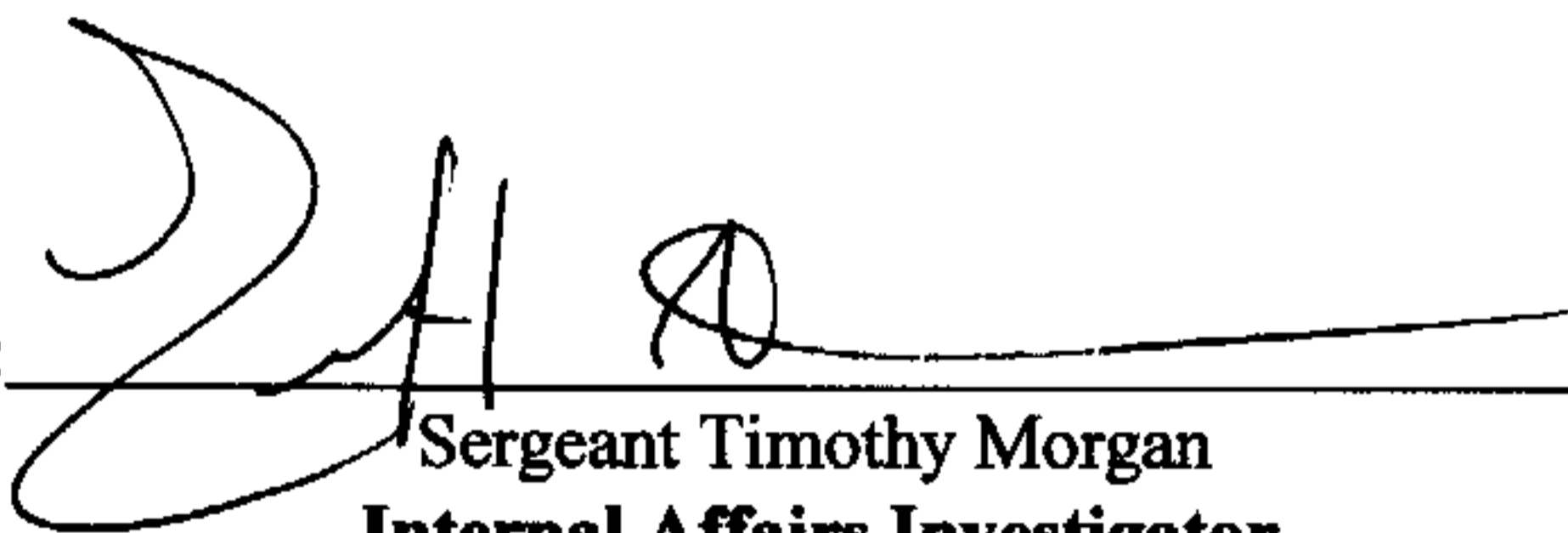
**WITNESSES:**

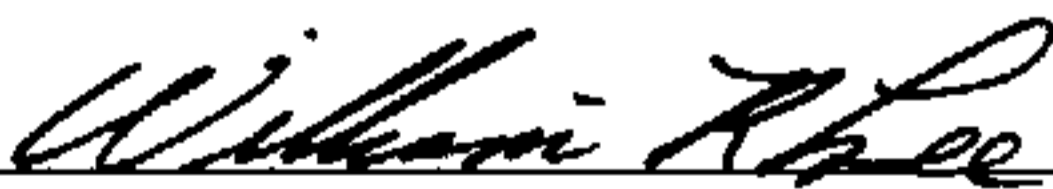
Ms. Virginia Chester  
Public Defenders Office

Deputy Peter Taraborelli  
JSD/Justice Center

Mrs. Barbara Robbins  
Pre-trial Services

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR:  DATE: AUG 13, 09  
Sergeant Timothy Morgan  
Internal Affairs Investigator

APPROVED BY:  DATE: 8/13/09  
Chief Deputy William R. Lee  
SHERIFF BEN F. JOHNSON  
VOLUSIA COUNTY FLORIDA

Sheriff



**Ben F. Johnson**

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue  
P.O. Box 569  
DeLand, FL 32721-0569

August 4, 2009

Deputy Peter Taraborelli, ID # 1451  
Volusia County Sheriff's Office  
JSD/Judicial Services Division

**Final Suspension**

Deputy Taraborelli:

Be advised that as a result of your actions documented in IA#09-011, it has been determined you did violate the following Volusia County Sheriff's Office Standards Directives:

**26.2.62 Derogatory Ethnic Remarks** - Employees shall not make derogatory remarks concerning race, sex, religion, age or national origin of any person. *(Violation subject up to dismissal)*

**26.2.49 Rumors and Gossip** - Employees shall not engage in or convey gossip detrimental to other employees, the general public, County, Department, or Office of the Sheriff. *(Violation subject up to a 1 day suspension)*

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.*

**To wit:**

On July 1, 2009, Public Defender James Purdy, Seventh Judicial Circuit, lodged a verbal complaint that you were the source of several rumors that were sexual in nature, and that were detrimental to a female assistant public defender (APD) in his office.

The APD stated during her sworn statement she was informed by Mrs. Barbara Robbins, Pre Trial Services that you were telling individuals throughout the Justice Center that she was mentally unstable, making sexual advances toward you, and she was fired from the State Attorney's Office for posting her own obituary. She added that she was also told by Mrs. Robbins that you threatened to cause her physical harm. The APD stated that although she did not personally hear you make the disparaging comments and threats against her, you did approach her on an unknown date while in court and ask what she believed to be a racial question in regards to her duties as a public defender. The APD stated you asked her "*How can you defend those Spics and Blue Gums*". The APD realized that you were referring to her defending both Hispanics and African Americans.

A handwritten signature in black ink, appearing to be "BF", with a long horizontal line extending to the right.



During Mrs. Robbins sworn statement, she stated that on an unknown date while in the courtroom, she heard your conversation with a court employee; she added that during your conversation, you were talking about shooting people in the head, and she felt that your statement was directed towards her and the APD. Mrs. Robbins advised that she also recalled an additional incident that involved a physical threat against the APD. She advised on an unknown date, you threatened to spray the APD in the face with your department issued cap stun while in the courtroom. Mrs. Robbins advised that you were also responsible for several rumors that involved the APD and that during your conversations with her, you told her that the APD was mentally unstable and that she was fired from the State Attorney's Office. Mrs. Robbins also stated that she was present when you made an inappropriate racial statement. She added that on an unknown date while in her office, you utilized the slang term "*Blue Gums*" when you were referring to African Americans. Mrs. Robbins advised that when you were confronted by her for making the comment, you replied "*Don't judge me*".

Deputy Taraborelli, during your sworn statement you did not deny the accusations that were brought forth against you. You admitted to engaging in and conveying gossip that was detrimental to the APD. You advised that you have told co-workers that the APD had been fired from the State Attorney's Office for posting her own obituary in the newspaper, and that she was not mentally stable. You also stated that you never confirmed these rumors, and you were only repeating what you heard from other court employees. You stated that although you do not recall verbatim the conversations that you had with the courtroom employees, you do not recall threatening to shoot anyone. You stated that you did mention spraying cap stun in the APD's face while in the courtroom, but you made the comment after a co-worker stated she looked bad.

By your own admission during your sworn interview, you advised that you have referred to defendants as "*Blue Gums*". However, you advised that you were not referring to a specific race, but you were actually referring to the defendant's poor dental hygiene.

Deputy Taraborelli, you admitted to violating the listed departmental policies that were brought forth against you. However, when questioned during your interview, you attempted to deflect and minimize your inappropriate actions. You failed to recognize that the type of rumors you perpetrated were extremely serious and could potentially affect the APD's career. You also attempted to mitigate your racial comments in an attempt to minimize the severity of those statements. Your failure to follow departmental policy which governs rumors and gossip, and the use of ethnic slurs is unacceptable. Your comments have displayed a lack of judgment, professionalism, and a total disregard for the people that you are sworn to protect and serve. You have caused embarrassment to yourself and the Volusia County Sheriff's Office, and have placed the county in a position of potential liability.

Deputy Taraborelli you received your Intent to Suspend Letter on July 30, 2009, advising you of my intent to suspend you from duty without pay for ten (10) workdays, which equates to eighty (80) work hours. You were given the opportunity to make an appointment and appear before me in order to respond to this intended action. You made the appointment and were scheduled to appear at 1500 hours on August 3<sup>rd</sup>, 2009. After earnest consideration my decision to suspend you remains unchanged. You are hereby suspended from duty without pay for ten (10) workdays, which equates to eighty (80) work hours.

The dates of your suspension will be **August 10, through August 21, 2009.**

You may not work any additional hours (i.e. scheduled days off) during the pay period in which the suspension is taken. The Division Commander, at his discretion, may waive this prohibition.

If there is any problem or condition that is troubling you that I am unaware of, please advise me so that I can have the opportunity to assist you in correcting this problem.

Any subsequent activity of a similar nature will result in additional disciplinary action, including termination of employment. Take due care and govern yourself accordingly. Be especially aware of Progressive Discipline 26.1.1.

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

If you wish to appeal my decision in this matter, you may do so by filing a written request through the County Personnel Director within ten (10) days of receipt of this notification.

Sincerely,



Ben F. Johnson  
Sheriff

BFJ/tm040L0284.09

cc: County Personnel

County Legal

Internal Affairs



This letter read and received by:

Deputy Peter Taraborelli, ID # 1451

Date: 8/18/05

Time: 11:20 AM