

Flagler County Sheriff's Office

James L. Manfre, Sheriff
1001 Justice Lane • Bunnell, Florida 32110
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Internal Affairs Investigation 2013-0104

Sworn Employee
Deputy Richard Del Buono

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Investigative Report



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Internal Affairs Investigation
2013-0104

Subject Employee

- Deputy Richard Del Buono

Previous Corrective Measures

- Case # 2012-0224 Oral Consultation for inappropriate comments
- Case # 2013-0099 Oral Consultation for misuse of the radio

List of Witnesses

- Deputy C. Haggerty
- Sergeant G. Tietje
- John Michael Quesinberry

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List of Exhibits

- Exhibit 1 Internal Inquiry Form
- Exhibit 2 Flagler Beach Report
- Exhibit 3 707 with charge of Aggravated Assault submitted to State Attorney's Office
- Exhibit 4 Sworn Written Statement of John Michael Quesinberry
- Exhibit 5 Aegis Audit
- Exhibit 6 DAVID Audit E-Mail
- Exhibit 7 TAR Audit E-Mail
- Exhibit 8 CAD Notes
- Exhibit 9 Shift Summary Report for 06/03/13
- Exhibit 10 911 Recording
- Exhibit 11 Recorded Statements of Witnesses
- Exhibit 12 Video of Sallyport & Parking Lot on 06/26/13



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The Incident and Complaint

On 07/01/2013 I, Sgt. Glenn Davis was informed by Undersheriff Staly that I would be conducting an internal affairs investigation concerning Deputy Richard Del Buono Case # 2013-0104 due to an incident that occurred on June 26, 2013. I was handed a file with an internal inquiry form filled out by Capt. Ferris. The circumstances surrounding the complaint/incident were as follows: Capt. Ferris was contacted by Lt. Birdsong in reference to an incident that had taken place in the City of Flagler Beach involving Detention Deputy Richard Del Buono. Capt. Ferris was then advised to make contact with Sgt. Shamp of the Flagler Beach Police Department. Sgt. Shamp advised that Deputy Del Buono was involved in an incident and a charge of Aggravated Assault would be filed with the State Attorney's Office for review. A Flagler Beach resident by the name of John Michael Quesinberry provided a written statement stating that Deputy Del Buono entered his property without authorization wearing a Flagler County Sheriff's Office green fatigue uniform and had his hand on his weapon in plain sight while he was threatening to kill him. Mr. Quesinberry fearing for his life retreated back into his home and called 911. As a result of his call to 911, a B.O.L.O. was placed with the description of the truck. Sgt. Tietje and Dep. Freshcorn stopped a truck matching the description at SR 100 at the Olive Garden restaurant, which was occupied by Dep. Del Buono. Deputy Del Buono admitted to going to Mr. Quesinberry's place of employment to wait for him and then to his home when he did not show up. Dep. Del Buono was wearing Flagler County Sheriff's dark green BDU style pants and a black shirt when stopped. Dep. Del Buono's duty belt, weapon, and embroidered BDU top were in the truck. Deputy Del Buono denied wearing his complete uniform and duty belt with weapon at the time of the incident.

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The Investigation

This investigation will show that Dep. Del Buono is in violation of the following policy and/or procedures.

CD 1.1 Oath of Office, Code of Ethics and Conduct and Disciplinary Procedures:

18. Article 6
PRIVATE CONDUCT



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The law enforcement officer shall be mindful of their special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no man special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American public. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private life that the public will regard him as an example of stability, fidelity and morality.

19. Article 7

CONDUCT TOWARD THE PUBLIC

The law enforcement officer, mindful of their responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct their official life in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. The officer will give service where they can, and require compliance with the law. They will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging their sworn obligation.

31. **Conduct Unbecoming:** Personnel shall not engage in any conduct that is likely to adversely affect the discipline, good order or reputation of the Sheriff's Office, even though such conduct is not specifically set forth in these directives. This includes conduct during both on and off duty hours. Conduct unbecoming shall include that conduct which brings the Sheriff's Office into disrepute or reflects discredit upon the personnel as a member of the Sheriff's Office, or that which impairs the operation of efficiency.

32. **Courtesy and Respect:** Courtesy to citizens, other members and superiors is a protocol to Community Oriented Policing. Members shall be civil and respectful toward each other and toward victims, witnesses, suspects, and arrested persons, etc. They shall be especially courteous to travelers, visitors, and those temporarily in the county, and shall give all desired information to those requesting same, carefully, courteously, and accurately.

41. **Moral Character:** Members shall maintain a level of moral conduct in their personal and business affairs which is in the highest standards of the law enforcement profession. Personnel shall not participate in any incident involving moral character which impairs their ability to perform as law enforcement officers or causes the Sheriff's Office to be brought into disrepute. The moral character offense list is established by FDLE and provides a guide for employment and certification of law enforcement officers in the State.

78. **Commission of a Crime:** Members shall not commit any felony, or a misdemeanor. (See collective bargaining agreement.)

CD 82.10 Information Technology:

7. All hardware and software owned or operated by the Flagler County Sheriff's Office shall be



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used for official business purposes only. No Agency employee or any other individual or organization is authorized to utilize any Agency computer hardware, software or related facilities and supplies for other than official business without the expressed written approval of the Information Technology Manager or designee, or the Sheriff or designee.

10. Users are forbidden from using Flagler County Sheriff's Office computer equipment and software for illegal purposes, unauthorized charitable endeavors, private business activities, or entertainment purposes. Employees are reminded that the use of Agency resources, including computer equipment and software, should never create either the appearance or the reality of inappropriate use.

Statement of Deputy C. Haggerty

On 07/05/13 at 9:44 am, Deputy Haggerty provided a sworn, recorded statement to Sergeant Glenn Davis. This interview occurred at the FCSO Human Resource Trailer.

Deputy Haggerty was shown a Shift Summary Report dated 06/03/13 and asked if this would have been an accurate depiction of that day. Deputy Haggerty stated yes it was and he was assigned to A-B blocks on that day. I then asked who was with you in A-B blocks on that day. Deputy Haggerty stated that he and Deputy Del Buono were assigned to those blocks. I asked Deputy Haggerty on that day who was signed onto the computer that day. He stated that Deputy Del Buono was signed on to the computer but was not sure. I then asked Deputy Haggerty if he knew a John Michael Quesinberry. Deputy Haggerty stated that he did not know him. I advised that the reason I asked him the question is that on 06/3/13 at 1917 hours, the computer shows that his name was run in the computer with the sign in name as Del Buono. I then asked, "Did you run this subjects name in the computer?" Deputy Haggerty stated no. I asked Deputy Haggerty if he had heard Deputy Del Buono talk about this person. Deputy Haggerty stated no. I then asked him if he witnessed Del Buono run this person and Deputy Haggerty stated he did not.

This interview was concluded on 07/03/13, at 9:48 am.



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Statement of Sergeant Tietje

On 07/07/13 at 5:42 pm, Sergeant Tietje provided a sworn, recorded statement to Sergeant Glenn Davis. This interview occurred at the FCSO Human Resource Trailer.

Sergeant Tietje stated that he was working on 06/26/13 as the road Sergeant for evening shift. I asked Sergeant Tietje what lead up to the events with Deputy Del Buono. Sergeant Tietje stated that he heard on the radio that Flagler Beach had a B.O.L.O. on a black Silverado truck that was heading westbound on State Road 100. He also heard from dispatch that it was involving a law enforcement officer in uniform and that there was an incident where threats were made. Sergeant Tietje stated that he was on the phone at the time the B.O.L.O. went out. He then got off of the phone and started to look for the vehicle. He then located it in the area of Seminole Woods and 100. Sergeant Tietje stated he then conducted the traffic stop on the vehicle. I asked Sergeant Tietje at the time of the traffic stop if he had identified himself as a Flagler County Detention Deputy. Sergeant Tietje stated that he did not say it but it was assumed that I knew who he was. I then asked Sergeant Tietje what he was wearing at the time. Sergeant Tietje stated he was wearing green 511 pants and a black tee shirt. I asked him if he knew where his gun was. Sergeant Tietje stated he did not but as soon as he stopped him he had him exit the vehicle and step to the back because the incident did say there was a gun involved. I then asked did he advise him of the situation. Sergeant Tietje stated that he advised Deputy Del Buono why he had stopped him. At this point is when Deputy Del Buono stated that he did go over to speak with the victim and that's all he did. I then asked Sergeant Tietje what Deputy Del Buono's demeanor was like. Sergeant Tietje stated that Deputy Del Buono seemed concerned. He was trying to justify to himself why he was over there talking to the gentlemen. Deputy Del Buono then went into the history about his wife and how this gentleman knows his wife. I then asked Sergeant Tietje if Flagler Beach at this time was notified that you had made the stop. He stated that they were made aware and they came to their location after speaking with the victim. I then asked if he had turned over the incident to Flagler Beach Police. Sergeant Tietje stated he did. I asked if he was present during the questioning of Sergeant Shamp of the Flagler Beach Police Department. Sergeant Tietje stated that he was there for most of it but not the entire interview. I made inquiries regarding Sergeant Shamp's report and mentioned that it stated that you had gone to the vehicle and located the gun belt. Sergeant Tietje stated that no he had not. Deputy Del Buono stated he had it in the vehicle but he never went into the vehicle. Deputy Del Buono stated that he had just gotten off of work at the time of this incident. I then asked if he was just going off of the statements that Deputy Del Buono stated to him and Sergeant Tietje stated yes.

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This interview was concluded on 07/07/13, at 5:47 pm.



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Statement of John Michael Quesinberry

On 07/09/13 at 1046 am, John Michael Quesinberry provided a sworn, recorded statement to Sgt. G. Davis. This interview occurred at the FCSO Human Resource Trailer.

Mr. Quesinberry states that he knows Deputy Del Buono from a martial arts school that he teaches at. Both Deputy Del Buono and his wife brought their daughter to his classes. Mr. Quesinberry stated that he was not sure when they started to bring their daughter to his class. He thinks it was maybe in October or November of last year. I asked if they were still having her attend his classes and he stated that they had stopped bringing her in or about March of this year.

Referring to the incident on 06/26/13, I asked if he could tell me what Deputy Del Buono was wearing when he came to his house. Mr. Quesinberry stated that he was wearing his Flagler County Sheriff's Office uniform with his utility belt and gun on. He went on to say that his uniform was more like a fatigue type uniform.

I then asked Mr. Quesinberry if he knew why Deputy Del Buono came to his house. Mr. Quesinberry stated that he said that he came there to shoot him. He goes on to state that Deputy Del Buono stated, "You want drama, you think you're so tough; I am going to shoot you dead."

Mr. Quesinberry stated he was saying all that as he was marching thought his yard with his hand on his weapon. I then stated that according to the report that he had stated that there was a vehicle outside of his residence. Mr. Quesinberry stated that it was a black late model Chevy full size pickup truck. He goes on to say that the house next door to him was for sale and it is not unusual for people to stop out front and call about the house so it was not that noticeable for the vehicle to be out front. He did see the vehicle so at the time, it was nothing for him to be alarmed about. It did sit outside for about twenty to thirty minutes and then it pulled across his yard coming to rest in his front yard, in his drive way. At that point is when Mr. Quesinberry stated that he got up and went to the door and opened it to his screened in porch. He goes on to state that is when Deputy Del Buono jumped out of his truck and started charging through his yard. Mr. Quesinberry stated he was just standing there in just a towel.

I then asked if Deputy Del Buono had been to his house before. Mr. Quesinberry stated no not to his knowledge. I then asked if he knew how he found out where he lived at and he stated that he had no idea. I asked if he had any words with Deputy Del Buono before this incident or after this incident. Mr. Quesinberry stated he had never.

I then asked Mr. Quesinberry to explain to me again what statements Deputy Del Buono made to him. Mr. Quesinberry again stated that he said, "You want drama you want drama?" You think your so Mother Fucking tough; I am going to shoot you dead."

At this point Mr. Quesinberry was thinking about what he should do. He goes on to state that he could have taken his gun because that is what he teaches people in his class but then stated, "If I shoot him in uniform, this was not going to end well for the both of us." He then stated that he advised Deputy Del Buono that he was going to call the police. He stated that at that time Deputy Del Buono stated, "Good I will wait for them." Mr. Quesinberry stated that when he got on the phone to call 911, that is when



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Deputy Del Buono got back in his truck and departed the area. I then asked if he had come out of his house to confront Deputy Del Buono. Mr. Quesinberry stated no he had just made it to his screened in porch door area. I then asked where Deputy Del Buono position was. Mr. Quesinberry stated maybe three or four feet away. He was standing on my walk way away from his truck.

I stated that according to the report that he had stated that the whole time he had been yelling at him and that he had his hand on his weapon. Mr. Quesinberry stated, "Yes it was not resting on it, he had his hand on the grip of it still in his holster."

I asked Mr. Quesinberry why he thought that he made those statements to him. Mr. Quesinberry stated because he thought his wife was having an affair with him when they were separated. I then asked what would have led him to believe that. Mr. Quesinberry stated that he and his wife had spent some time together because she doesn't feel safe around him. Mr. Quesinberry goes on to state that he had invited her to get involved in class and she would ask him to show her moves that she could use on her job at the Detention Center. She would also ask him to show her moves that if someone big or strong was holding her down, how would she get up. Mr. Quesinberry stated that's how they started spending time together. He goes on to say that she told him that she told Deputy Del Buono that they had spent time together so he knew. Mr. Quesinberry stated that was two or three months ago when all this was happening. I asked Mr. Quesinberry to clarify his statement that Deputy Del Buono's wife was scared of him. Mr.

Quesinberry stated he was not sure, that she would tell him that she felt trapped and she just didn't know if she just wanted to kill herself or just be gone. She told him that she just wanted to be somewhere else. Mr. Quesinberry stated that he told her that was not a good way to think.

I asked Mr. Quesinberry if at the time of the incident if he felt like he was in fear for his life and he stated yes.

I asked Mr. Quesinberry if he had any further statements that he wished to add. Mr. Quesinberry stated that thinking back to when Deputy Del Buono and his wife came to their daughter's class one day, Deputy Del Buono did make a statement when he was conducting his class that he would not try and fight Mr. Quesinberry that he would just shoot him. He goes on to state now, "Here is this guy standing here with this gun." I then asked if he could remember how long ago that he said that. Mr. Quesinberry stated it was sometime in February before Bike Week.

This interview was concluded on 07/09/13, at 10:59 am.

Statement of Deputy Richard Del Buono (the affected employee)

On July 10, 2013 Deputy Richard Del Buono resigned from the Flagler County Sheriff's Office. No statement was obtained.



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Discussion

The original Internal Inquiry stated that on 06/26/13, Capt. Ferris was contacted by Lt. Birdsong in reference to an incident that had taken place in the City of Flagler Beach involving Detention Deputy Richard Del Buono. Capt. Ferris was then advised to make contact with Sgt. Shamp of the Flagler Beach Police Department. Sgt. Shamp advised that Deputy Del Buono was involved in an incident and a charge of Aggravated Assault would be filed with the States Attorney's Office for review. A Flagler Beach resident by the name of John Michael Quesinberry provided a written statement that Deputy Del Buono entered his property without authorization wearing a Flagler County Sheriff's Office green fatigue uniform and had his hand on his weapon in plain sight while he was threatening to kill him. Mr. Quesinberry fearing for his life retreated back into his home and called 911. As a result of his call to 911 a B.O.L.O. was placed with the description of the truck. Sgt. Tietje and Dep. Freshcorn stopped a truck matching the description at SR 100 located at the Olive Garden Restaurant which was occupied by Dep. Del Buono. Deputy Del Buono admitted to going to Mr. Quesinberry's place of employment to wait for him and then his home when he did not show up. Dep. Del Buono was wearing a Flagler County Sheriff's Office dark green BDU style pants and a black shirt when stopped. Dep. Del Buono's duty belt, weapon, and embroidered BDU top were in the truck. Deputy Del Buono denied wearing his complete uniform and duty belt with weapon at the time of the incident.

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This investigation involves allegations made against Deputy Richard Del Buono. The results of the investigation were deemed sustained for the following reasons:

- According to the Flagler Beach Police Department case # 2013-6108 they submitted a sworn 707 with the charge of Aggravated Assault to the State Attorney's Office against Deputy Richard Del Buono.
- The victim John Michael Quesinberry's sworn written statement, sworn recorded statement, and 911 recording are all consistent with the incident reported.
- By Deputy Del Buono's own admission, post Miranda, he stated he left his job and went to the victims business to confront the victim and to tell him to stay away from his wife. When the victim did not show up at his business he drove directly to the victim's residence at 168 N. Palmetto Ave in the City of Flagler Beach. Sergeant Shamp of the Flagler Beach Police Department asked Deputy Del Buono what was said at the time of the incident and Deputy Del Buono could not recall.
- An audit of the Aegis system was pulled on 07/01/13 and it showed that on 06/03/13 John Michael Quesinberry was looked up using the A-B block computer at the Flagler County Jail by Deputy Richard Del Buono.



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Findings

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18. Article 6

PRIVATE CONDUCT

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CD 82.10 Information Technology:

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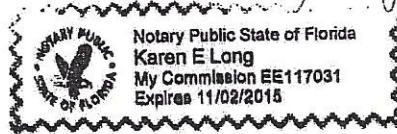
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"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any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

Sgt. Glenn Davis
Sgt. Glenn Davis

7/19/13
Date

Sworn to and subscribed before me, the undersigned, this 19 of July, 2013



Karen E Long
Notary

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[Signature]
Reviewing Supervisor

7/23/14
Date



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