

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-17-007

PERIOD COVERED: May 2015 to February 16, 2017
DATE REPORTED: March 06, 2017
SUBJECT(S) NAME: Captain David Brannon #2346
INVESTIGATING OFFICER: Lieutenant Justin G. Sawicki #7179

BASIS FOR INVESTIGATION:

Sergeant Karen Pierce was assigned a supervisor's inquiry in which the subject deputy was assigned to evidence; however, he was involved in an off duty incident that occurred in the District Two area. After receiving the assigned supervisor's inquiry, Sergeant Pierce met with Captain David Brannon in his office at the District Two Substation in DeLand, FL. During this meeting, it was alleged that Sergeant Pierce asked Captain Brannon if she was assigned the supervisor's inquiry because both she and the subject were "black" to which Captain Brannon responded, "Yes."

Chief Deputy John W. Creamer assigned the case for investigation by the Internal Affairs Unit.

OFFENSE(S):

Volusia County Merit System Rules and Regulations 86-453 *These violations 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:*

- (13) Any conduct, on or off duty that reflects unfavorably on the County as an employer.

INVESTIGATIVE SUMMARY:

On March 06, 2017, Chief Deputy John W. Creamer assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Lieutenant Justin Sawicki.

On March 06, 2017, Detective Glen Bennett served Captain David Brannon with a Notice of Internal Investigation at the VCSO Internal Affairs Office in DeLand, FL. Captain Brannon was provided with a copy of the law enforcement officer bill of rights. (*See Tab – B for Official Correspondence*)

Sergeant Karen Pierce

On March 30, 2017, Lieutenant Sawicki, Detective Glen Bennett, and Detective Tara Burke conducted a sworn recorded interview with Sergeant Karen Pierce at the VCSO Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Sergeant Pierce has been employed with the VCSO since March of 2005. Sergeant Pierce is currently assigned to District Two Patrol as a shift supervisor and has held this position since February of 2016.

Sergeant Pierce informed detectives she received a text message from Lieutenant George Maddox on February 14, 2017, requesting the sergeant call him. During the subsequent telephone conversation, Lieutenant Maddox informed Sergeant Pierce was being assigned a supervisor's inquiry at the request of Captain David Brannon. Sergeant Pierce asked Lieutenant Maddox, why she was being asked to complete the supervisor's inquiry and she asked if she was "*being used as a pawn.*" According to Sergeant Pierce, she stated that Lieutenant Maddox's response was "*I asked the same question.*" Sergeant Pierce advised, Lieutenant Maddox was initially supposed to conduct the supervisor's inquiry; however, he was unable to do so, because he was being transferred out of District Two to Night Watch Commander.

Detectives asked Sergeant Pierce if the subject of the supervisor's inquiry was under her command to which she stated, "*Nothing to do with me. Not in my command. Not in my supervision. Not in my area of operation. I have absolutely nothing to do with him.*" The subject was assigned as a deputy to the Evidence Section and had a different chain of command than Sergeant Pierce. Detectives clarified with Sergeant Pierce if the alleged incident that created the supervisor's inquiry occurred at the Evidence Section or another location. Sergeant Pierce stated the incident did not occur at the Evidence facility; rather, it occurred off duty in the District Two area.

Sergeant Pierce stated, when she spoke to Lieutenant Maddox regarding the supervisor's inquiry, the lieutenant told her he was initially assigned the task by Captain Brannon. Lieutenant Maddox informed Sergeant Pierce that he had asked Captain Brannon if he (Lieutenant Maddox) was being assigned the supervisor's inquiry as a "*pawn.*" Lieutenant Maddox informed Captain Brannon that it would be impossible for him to complete the assignment as he was being transferred to Watch Commander. It was then decided that Lieutenant Maddox would no longer complete the supervisor's inquiry. According to Sergeant Pierce, Lieutenant Maddox requested Sergeant Justin Stewart complete the supervisor's inquiry to Captain Brannon. The recommendation was denied by Captain Brannon and he (Captain Brannon) instructed Lieutenant Maddox to assign the supervisor's inquiry to Sergeant Pierce. The sergeant informed detectives that she questioned why she had to complete the supervisor's inquiry, because she, "*didn't have anything to do with*" the subject of the supervisor's inquiry.

Sergeant Pierce was asked if she knew the subject of the supervisor's inquiry was African American and if she had any type of relationship with him. The sergeant informed detectives she knew who the subject was as he had sent her a friend request on Facebook and called her several times regarding incidents in DeLand; however, outside of those correspondences, she had no interaction with the subject.

When Lieutenant Maddox assigned the supervisor's inquiry to Sergeant Pierce, he instructed her to meet with Captain Brannon for further instruction on completing the assignment. On February

16, 2017, Sergeant Pierce met with Captain Brannon in his office. During the meeting, Captain Brannon instructed Sergeant Pierce to type the narrative of her supervisor's inquiry on a plain document (not in memorandum form) and further direction on format of the document. Sergeant Pierce informed Captain Brannon that the subject of the supervisor's inquiry was not in her area of responsibility nor was she his immediate supervisor. Sergeant Pierce asked Captain Brannon why she was being assigned the supervisor's inquiry. According to Sergeant Pierce, Captain Brannon responded to the question by informing her that he (Captain Brannon) knew she would do a good job handling the investigation. Sergeant Pierce then asked to speak freely and stated:

"I said here you have an African American male who the agency has propped up in news media as well as social media, he comes from a bad neighborhood. Wants to be in law enforcement all of his life, finally has an opportunity to be in law enforcement. The agency hires him. Sponsors him. Promotes him. All of the public display of this you know, the phrase that was used was "the face of the sponsorship". Elevating him. Elevating him. Here you have this African American male. Now you all are asking for an inquiry being done which leads me to believe based upon how you're saying it that the expectation is for termination. I said am I being asked to do this with this African American male that the agency has promoted and now you're asking me to do it. Am I being asked because I'm an African American female? I said more importantly let me be specific are you asking me to do because I'm black? He said right there across me he said yes I am. And I sat back and I said I respect you for being honest because if you didn't I was going to have a problem because we always keep going through this. He says Karen my responsibility is to look out for the agency and to make sure the agency's best interest."

Sergeant Pierce stated the meeting with Captain Brannon continued and he asked her if she would be able to handle *"the scrutiny,"* because if the subject were to be terminated it may place her in *"a negative light."* Sergeant Pierce responded to the Captain by stating she was not worried about scrutiny, because she has a good reputation in the community. The meeting was then concluded.

After the meeting with Captain Brannon, Sergeant Pierce called Lieutenant Maddox on the telephone and informed him of what transpired in the meeting.

Sergeant Pierce was asked if Captain Brannon ordered her to complete the supervisor's inquiry and her response was, *"If I hear it coming and if I'm hearing it already. He didn't have to order me but he's going to look me in the face and tell me why he's doing it and that's why I asked."* Sergeant Pierce informed detectives, Captain Brannon never used the word order; however, she assumed since he was assigning the supervisor's inquiry to her it was an order.

Sergeant Pierce stated she felt there were repeated behaviors of Captain Brannon and other members of the agency that would request her to do tasks, because she is an African American female. Sergeant Pierce elaborated on the tasks stating she was requested to *"go into the black community."* Sergeant Pierce stated she was offended when Captain Brannon ran for office, because he would show up at events in the African American community, when in the past he refrained from attending. Sergeant Pierce informed detectives, Captain Brannon and other command staff members in the past would request African American personnel to attend meetings and/or functions in the African American community by name. Captain Brannon however, would only request *"the zone deputy"* to attend non-African American functions within the District Two area and not request specific personnel by name. Sergeant Pierce further summarized the behavior by stating the following:

"In a white community in Deland. I can't think of the name of the church they had a function going on. It's send 22 and 23. Those are the zone units over there. Incidents going on either for the NAACP. Incidents going on in Spring Hill. Send Pierce. Send Maddox. Send Yisrael. Send um and I have one that is send Sheen. Incidents going on over at Bethune Cookman send Pierce, send Yisrael. Come for a speaking engagement or do something not Lt. Day who it was his assignment to do the community services. Send Karen. And then saying Karen we'll be right there with you while Karen's out there. None of them are out there as well."

Detectives asked Sergeant Pierce if she ever spoke to a supervisor, regarding the requests made by Captain Brannon and she stated, “No.” Sergeant Pierce stated she didn’t say anything because no one had ever said, *“We’ll send you because you’re black.”*

Next, Sergeant Pierce described her actions as she commenced the supervisor’s inquiry. Sergeant Pierce interviewed Sergeant Eric Powers regarding his knowledge of the incident. Sergeant Pierce traveled to the VCSO Training facility in Daytona Beach, FL, to interview Captain Brian Bosco and Sergeant Christopher Jones. Sergeant Pierce was unable to conduct the interview with Captain Bosco as there was a scheduling conflict. Upon interviewing Sergeant Jones, he informed Sergeant Pierce that a captain had collected the subject of the supervisor’s inquiry issued gear and returned his gun belt to the training facility. Sergeant Pierce was unaware of this and did not conduct a formal interview with Sergeant Jones.

After speaking with Sergeant Jones, Sergeant Pierce sent Captain Brannon a message requesting the two meet in his office. Sergeant Pierce informed Captain Brannon of her conversation with Sergeant Jones. Sergeant Pierce told the captain she felt this supervisor’s inquiry was outside the scope of her job duties because *“it was too deep.”* Sergeant Pierce requested she be recused from handling the investigation. Captain Brannon asked Sergeant Pierce if she could document her finding thus far on a memorandum. Sergeant Pierce stated:

“I says no sir. I says no sir because the original request wasn’t a memo. You know you just told me the white piece of paper. He said well can you write a piece of paper what you’re interview were conducted with Sgt. Jones. I said no sir because they were informal interviews. I won’t put anything on paper with my name.”

Sergeant Pierce confirmed since being promoted to sergeant, she has conducted one supervisor’s inquiry and it was in memorandum form. Sergeant Pierce informed detectives that she had never written anything on a blank “white paper.”

On March 03, 2017, Sergeant Pierce said she received a telephone call from Chief Deputy John

Creamer. Sergeant Pierce briefed him on the basis of her complaint with Captain Brannon. Chief Deputy Creamer informed Sergeant Pierce he would brief Sheriff Michael Chitwood on the complaint and call her back. Sergeant Pierce told detectives she stated to Chief Creamer, *"I said sir I won't; I said sir just leave it alone. He says no let me hear what the Sheriff has to say. I said you don't understand what I have to deal with."* Sergeant Pierce was asked why she would tell Chief Deputy Creamer not to brief Sheriff Chitwood. Sergeant Pierce stated the following:

"Sir, I've been dealing with enough stuff here and right now I don't have the mental capacity to deal with this. I'm trying to finish school. The stress that this junk brings. It ain't worth it for me right now. It's not. If I'm a fight let me choose what I'm going to fight. If I have to deal with anything let me choose what I have to deal with it. Don't choose for me."

Later that day, Sergeant Pierce received a telephone call back from Chief Deputy Creamer. Chief Creamer informed Sergeant Pierce, due to the nature of the allegations, there would be an administrative investigation. Sergeant Pierce stated she did not object to the investigation at that time. Chief Deputy Creamer informed Sergeant Pierce, that Captain Brannon would be transferred to a different location while the investigation was completed. Furthermore, Captain Brannon was not to have any contact with Sergeant Pierce.

On March 27, 2017, at 1951 hours Sergeant Pierce stated she received an e-mail from Captain Brannon. Sergeant Pierce had a copy of the e-mail and the following is a summary of that e-mail:

- The e-mail's recipients were All Captains, All Lieutenants, Dist 2 - Sergeants, Jim Whittet, Omar McKnight, Jonelle Hillyard, and a carbon copy to John Creamer.
- The subject of the e-mail was "Staff Meeting"
- The narrative of the e-mail was regarding a staff meeting in which Stetson University's baseball coach was going to speak to department personnel regarding team building, dealing with adversity, and motivating millennials. The meeting was scheduled for March 30, 2017, at 1600 hours at Stetson's Edmunds Center.

Sergeant Pierce stated the meeting was set up in February and she was upset when she received the e-mail (although not sent to her alone) from Captain Brannon.

Detectives asked Sergeant Pierce if it is a normal job duty for a sergeant to conduct a supervisors' inquiry. Sergeant Pierce stated, "Yes" and made reference to the past supervisor's inquiry she completed in District Four.

Sergeant Pierce was asked if she had any other incidents involving Captain Brannon that she wished to discuss. Sergeant Pierce reiterated that she felt it was improper for Captain Brannon to ask her to attend events in African American communities or events by African American organizations. Sergeant Pierce stated, "*The tasks were not a part of my job duty responsibility or area of operation.*" Sergeant Pierce stated that she was never ordered to attend these events; however, it was more like she was "*volun-told.*" Sergeant Pierce added that she was never mandated or "*made to go*"; however, sometimes the wording in e-mail correspondence would state that she was "*selected to go*" and represent the agency. Sergeant Pierce confirmed she was compensated for all the events she had attended.

Sergeant Pierce provided an example of a breakfast and speaking event in which Captain Brannon and Lieutenant James Day asked her to participate along with them. Sergeant Pierce informed detectives after the breakfast concluded, the group was to walk to Earl Brown Park in DeLand, FL, and she was to give a speech. Both Captain Brannon and Lieutenant Day did not walk to Earl Brown Park nor did they attend the speaking event. Sergeant Pierce stated she was a detective at the time of this incident.

Detectives asked Sergeant Pierce if she had ever requested command staff stop asking her to attend these events and her response was:

"No. If I already know the answer, I'm not putting myself in a position to be considered insubordinate. I'm not going to put myself in the position to be asked am I refusing, excuse me, am I refusing you know a direct order by my superior. I'm not going to put myself in the position. If I already know that's the question to be asked."

Sergeant Pierce added that she never requested or volunteered to attend the events, because she has a very busy schedule outside of the workplace. (*See Tab – E for Official Transcript*)

Lieutenant George Maddox

On April 17, 2017, Lieutenant Sawicki conducted a sworn recorded interview with Lieutenant George Maddox the VCSO Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Lieutenant Maddox has been employed with the VCSO for approximately 22 years and at the time of the interview was temporarily assigned as a night time Watch Commander.

Lieutenant Maddox confirmed he had worked for Captain Brannon while assigned to District Two as an Assistant Commander. Lieutenant Maddox also confirmed that Sergeant Pierce had worked for him when he was assigned to District Two.

Lieutenant Maddox stated just prior to his temporary reassignment to Watch Commander, he was advised by Captain Brannon about a supervisor's inquiry involving a deputy assigned to the Evidence Section. Initially, Captain Brannon told Lieutenant Maddox he desired an African American complete the investigation, because of *"better ties with the community."* Regarding an African American handling the supervisor's inquiry, Lieutenant Maddox stated, *"And myself, I didn't see any problem with that and then I was told to tell Sgt. Pierce that she would be the one conducting the interview."* Captain Brannon informed the lieutenant he wanted to assign the supervisor's inquiry to Sergeant Pierce.

Lieutenant Maddox questioned why District Two was conducting the supervisor's inquiry in lieu of a supervisor from evidence. The lieutenant stated he believed the instruction for District Two to handle the investigation came from upper management outside of District Two. Lieutenant Maddox confirmed the incident surrounding the supervisor's inquiry occurred within the District Two area, and he assumed due to the location of incident, that was why the decision was made to have District Two handle the investigation.

The lieutenant was asked if he told Sergeant Pierce, that he had asked Captain Brannon if the

supervisor's inquiry was being delegated to him (Lieutenant Maddox), because he was being a "pawn." Lieutenant Maddox clarified and stated he did not feel as though he was being a "pawn"; rather, the investigation was being "*pawned-off*" to District Two since the subject was not assigned there.

During his conversation with Captain Brannon, Lieutenant Maddox stated the captain indirectly ordered him to assign the supervisor's inquiry to Sergeant Pierce by stating, "*I would like her (Sergeant Pierce) to do the inquiry on this.*" Lieutenant Maddox stated he recommended Sergeant Justin Stewart complete the supervisor's inquiry, because the lieutenant felt Sergeant Stewart would do a "*good job*" completing the investigation. Captain Brannon's response to the recommendation was, "*I think Karen (Pierce) would do a better job.*" Lieutenant Maddox confirmed the captain told him to have Sergeant Pierce complete the supervisor's inquiry, because he (Captain Brannon) felt Sergeant Pierce's work product would be good. Lieutenant Maddox stated Captain Brannon did not solely select Sergeant Pierce, based upon her race, but because of the work product she is known to produce.

According to Lieutenant Maddox, after Sergeant Pierce's meeting with Captain Brannon, she contacted the lieutenant and asked "*...why were we being targeted to actually do it as African Americans?*" The lieutenant stated his response to the sergeant's question was as follows:

"Basically the response was we are as African Americans we are trying to develop a better community relations in the community because of the, in the area where Jakeem lived that's a community area and I'm assuming that it would be better for a black, African American to actually go into that area to speak with witnesses if there's a need be and go from there."

Lieutenant Maddox felt that Sergeant Pierce had reservations about completing the supervisor's inquiry, because "*she was being brought into it blindly*", due to her not having knowledge of the incidents that led to the investigation.

The lieutenant was asked if he had an issue with Captain Brannon requesting African American

personnel attend community functions in predominately African American communities. Lieutenant Maddox responded by stating, it was part of “*the job*” to improve the relationship between law enforcement and the African American communities.

Sergeant Pierce, prior to this incident had never approached Lieutenant Maddox to voice her concerns that African American personnel were being asked to attend functions in the African American community. Lieutenant Maddox stated Captain Brannon always requested African American personnel attend the events and he never ordered them to attend. Lieutenant Maddox stated the closest Captain Brannon came to ordering personnel to attend events was by stating, “*I would like to have you there or I would like for you to attend if you can.*”

(See Tab – F for Official Transcript)

Deputy Micah Stoltz

On April 18, 2017, Lieutenant Sawicki conducted a sworn recorded interview with Deputy Micah Stoltz at the VCSO Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Deputy Stoltz has been employed with the VCSO for approximately three years. Deputy Stoltz is currently assigned to District Two Patrol.

Deputy Stoltz stated he has been asked to attend predominately African American events by command staff in the past. Deputy Stoltz recalled three events in which Captain Brannon requested he and other African American deputies attend events in the African American community. When asked if he was ordered to attend the events, Deputy Stoltz stated, “*I don’t think I was ordered to do it.*” Deputy Stoltz confirmed he was compensated for attending the events. Deputy Stoltz was queried if he felt he was being asked to attend the events because of his race or because of his assignment in District Two. Deputy Stoltz said, “*I feel like it’s a*

because it's a district assignment. These district, these details are in our district. We have to get them filled. And no I don't feel like it was race because I've never been like told oh go to somewhere else out of the district so it's never felt like a race thing to me." Deputy Stoltz said he attends the events, because he is asked to go. According to Deputy Stoltz, he did not feel the requests made by Captain Brannon were discriminatorily based, and they were all part of his normal job function.

Captain Brannon's behavior was described by Deputy Stoltz as political, personable, and professional.

(See Tab – G for Official Transcript)

On March 30, 2017, Sergeant Pierce sent an e-mail to Lieutenant Sawicki indicating on March 01, 2017, she had a conversation with Lieutenant Al Pagliari regarding a possible transfer from District Two Patrol to Judicial Services. Sergeant Pierce attached a schedule and an e-mail from Captain Brannon to Sergeant Jason Stickels (Sergeant Pierce was carbon copied as a recipient to this e-mail), thanking him (Sergeant Stickels) for agreeing to come in early on selected days to cover for Sergeant Pierce.

Sergeant Karen Pierce (Second Interview)

On April 21, 2017, Lieutenant Sawicki and Detective Burke conducted a sworn recorded interview with Sergeant Karen Pierce at the VCSO Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Sergeant Pierce was asked to elaborate the relevance of the e-mail she had forwarded to Lieutenant Sawicki. Sergeant Pierce stated she spoke with Lieutenant Pagliari (he had temporarily been reassigned to District Two), regarding a possible transfer to Judicial Services. According to Sergeant Pierce, Lieutenant Pagliari was unaware of the complaint she had filed on Captain Brannon, nor was he (Lieutenant Pagliari) aware of the nature of the complaint at this time. Lieutenant Pagliari recommended he and Sergeant Pierce speak to Captain Brannon about

her desire to transfer out of District Two. Sergeant Pierce declined to have a meeting with Captain Brannon. The lieutenant asked Sergeant Pierce why she wanted to transfer and she informed him it was because of her school schedule for time management purposes. Sergeant Pierce said Lieutenant Pagliari tried to get her to meet with Captain Brannon several more times; however, she did not wish to speak with the captain.

Lieutenant Pagliari told Sergeant Pierce he would work around her school schedule and get other sergeants to cover when she would need to leave early or come in late for a shift. Lieutenant Pagliari asked Sergeant Pierce if there was any other reason for wanting to leave District Two and she informed the lieutenant that there was not. Sergeant Pierce informed detectives she did not feel comfortable telling Lieutenant Pagliari the details of her complaint with Captain Brannon.

Prior to the interview concluding, Sergeant Pierce wished to inform detectives why she had not reported the behavior sooner, and she said:

“And I gave that some thought and I wouldn’t of. I’m so used to the treatment or the inference or the expectation for so long that I didn’t think making a difference especially where it has been coming from was going to make a difference. And even as I sat in our last interview or the actual only interview that’s what made me as angry as I had gotten because I let it go on for as long as I did. I just shouldn’t of and so now even when I left, anything that I think of whether significant or not I’ll bring to the attention.”

(See Tab – H for Official Transcript)

Captain David Brannon

On May 11, 2017, Lieutenant Sawicki and Detective Glen Bennett conducted a sworn recorded interview with Captain David Brannon at the Sheriff’s administrative offices in DeLand, FL. The

following is a summary of that interview:

Captain Brannon has been employed with the VCSO for approximately 24 years. Captain Brannon is assigned to the Special Operations Section (SOS). Captain Brannon has held the rank of captain since 2006.

Captain Brannon asked if he assigned a supervisor's inquiry to Sergeant Pierce, regarding a deputy assigned to evidence. Captain Brannon recalled the supervisor's inquiry and stated, Captain Joseph Gallagher (executive officer at the time) requested he (Captain Brannon) have District Two personnel complete the investigation, because it occurred in the District Two area. According to the captain, when he received the supervisor's inquiry assignment he originally tasked Lieutenant Maddox with completing the investigation. Captain Brannon stated prior to assigning the supervisor's inquiry to Lieutenant Maddox he spoke to Captain Gallagher about assigning the supervisor's inquiry to Lieutenant Maddox. Captain Brannon stated he assigned the investigation to Lieutenant Maddox, because the lieutenant was being transferred to watch commander and he would have sufficient "*downtime*" to complete the investigation. Captain Brannon also felt that if an African American supervisor completed the supervisor's inquiry, they would potentially have better interaction with the African American community. According to Captain Brannon, Captain Gallagher agreed with his theory.

When Captain Brannon met with Lieutenant Maddox regarding the assignment of the supervisor's inquiry, he (Captain Brannon) explained the basis for the inquiry to the lieutenant. Captain Brannon informed Lieutenant Maddox he felt it best to have an African American supervisor complete the inquiry to avoid any claims of bias against the agency. After Captain Brannon explained this to Lieutenant Maddox, the lieutenant voiced concerns with the assignment. Lieutenant Maddox's had concerns, because of his close affiliation with the African American community in DeLand. Lieutenant Maddox voiced a concern that completing the supervisor's inquiry and if the subject were to be terminated it may have negative consequences to his (Lieutenant Maddox) personal and professional stake in the community. Captain Brannon at this time recused Lieutenant Maddox from completing the supervisor's inquiry.

After recusing Lieutenant Maddox from the supervisor's inquiry, Captain Brannon re-contacted Captain Gallagher to inform him of the update. During that conversation Captain Brannon informed Captain Gallagher he (Captain Brannon) would like Sergeant Pierce to complete the investigation. Captain Gallagher stated he was okay with assigning the supervisor's inquiry to Sergeant Pierce. Captain Brannon then tasked Lieutenant Maddox with informing Sergeant Pierce that she would be assigned the supervisor's inquiry, to which the lieutenant obliged.

On February 16, 2017, Captain Brannon was approached by Sergeant Pierce in his office. Captain Brannon stated Sergeant Pierce's demeanor is generally very professional; however, during this meeting, he could sense that she was "*bothered*" by the assignment. Captain Brannon informed Sergeant Pierce the supervisor's inquiry could lead to the termination of the subject and he (Captain Brannon) was fearful of the subject and/or his family claiming racial bias against the agency. Captain Brannon informed detectives that during his conversation, Sergeant Pierce asked him if he assigned the supervisor's inquiry to her, because she was "*black*." According to Captain Brannon, after the sergeant asked the question, he (Captain Brannon), paused for a moment and he stated, "*...I gave her an honest answer and I said yes.*" Captain Brannon informed detectives he did not just say "*yes*," he gave Sergeant Pierce a more detailed explanation and he said the following:

"But you know and I further expounded on that that my concern was for this potential claim of bias against the department and the inquiry that we did that might lead to his termination and that my position as a captain in the Sheriff's Office I feel is to look out for the best interest of the Sheriff, the Sheriff's Office and the County of Volusia and again given the times and circumstances that we're living in you know I felt like if an African American completed the inquiry it would demonstrate a reduction, you know a lack of bias in that inquiry. I think I felt like an African American would have more understanding potentially of cultural issues that I might not, I or others may not be sensitive or aware of and I felt like it was you know just I felt like it was an appropriate thing to do and because I have great respect for Karen and have always had great respect for Karen I felt like giving her an honest answer was the best way to handle that."

Captain Brannon stated in his time as a commander (since 2006), he felt having law enforcement officers of the same race or ethnicity as the community in which an incident occurs is easier for the community and the law enforcement officers. Furthermore, the captain stated he felt that because of cultural differences the citizens may feel more comfortable speaking to a law enforcement officer from the same demographic background. Captain Brannon stated that it would make sense to for example, place a Spanish speaking deputy in an area of predominantly Spanish speaking citizens as this *“would be ideal for community relations. The furthering of criminal investigations to have that rapport you know as I said before on a cultural level I think it’s very critical to our success as a law enforcement agency.”*

The captain was asked if it was outside the scope of a sergeant within the agency to complete a supervisor’s inquiry and he stated, *“No it’s not.”* Captain Brannon informed detectives that Sergeant Pierce did not complete the supervisor’s inquiry. Sergeant Pierce re-approached Captain Brannon and briefed him on her actions taken for the supervisor’s inquiry. Captain Brannon stated during this meeting, Sergeant Pierce stated she did not know if she could complete the investigation while on duty. Sergeant Pierce informed the captain that she had attempted to conduct interviews during her off duty time. Captain Brannon informed the sergeant that he expected her to complete the supervisor’s inquiry during her normal on-duty hours and that she should be compensated for the time she investigated the incident while off-duty. Furthermore, Captain Brannon stated he told Sergeant Pierce he wanted her to complete this supervisor’s inquiry, because he wanted her to build her experience level as he believed the sergeant had never completed a supervisor’s inquiry. According to Captain Brannon, Sergeant Pierce expressed to him that she *“did not feel like she should be doing this.”* Captain Brannon believed Sergeant Pierce did not want to complete the supervisor’s inquiry, because she was *“uncomfortable with doing it.”* Captain Brannon alluded to the first meeting when Sergeant Pierce asked if she was being assigned the supervisor’s inquiry, because she was black. At the end of the meeting, Captain Brannon asked Sergeant Pierce if there was anything she was concerned with or if anything was bothering her regarding the assignment, and the sergeant said, *“No.”*

In regard to Sergeant Pierce's allegation of Captain Brannon informing her to input her narrative information on a "white paper" document in lieu of memorandum form, Captain Brannon stated he made this request so he could proofread and edit the sergeant's work.

Captain Brannon was questioned regarding Sergeant Pierce's allegation that Captain Brannon and other command staff within the agency would habitually request African American personnel to attend events in the African American community. Captain Brannon stated, in the past, he received requests from his superiors to have certain personnel attend specific events. The captain informed detectives that he would follow through with those requests and he did not believe the requests were excessive. Captain Brannon provided several examples of his attendance at events *"to be an ambassador or representative of the Sheriff's Office on multiple occasions."* Captain Brannon stated he felt it was necessary for agency personnel to attend the events, because it allows the agency to be more involved in the community.

Captain Brannon was asked if he has ever ordered personnel to attend the events or if he merely requests their presence. The captain stated he to his knowledge has never ordered personnel to attend any event. Additionally however, the captain did state, *"You know 99.9% of the time they are requests. I just leave that 1/10 of a percent in case I've ever had to tell somebody to go but I don't recall ever having to do that."* Captain Brannon stated prior to this Internal Affairs investigation, no one has ever voiced concerns for disparaging treatment of African American or minority personnel. Captain Brannon informed detectives, if someone was requested to attend an event and they could not attend, he would find an alternate department member. Captain Brannon specifically stated that at no time did Sergeant Pierce voice to him a disdain for being asked to attend events in the community.

Detectives were provided with several e-mails from Captain Brannon. Captain Brannon displayed an e-mail from April 30, 2015, that was sent to the following department members: Karen Pierce, Morris Froscher, Kenneth Shields, Patrick O'Melia, Roy Galarza, and George Maddox. The subject of the e-mail was "D2 Community Relations Team." The body of the e-mail asked personnel if they would be available to meet as the captain wanted to build a

community relations team. Sergeant Pierce, who was a detective at the time, responded to the captain's e-mail by stating "*Hello and I am available the 13th at 4PM.*"

Captain Brannon displayed another e-mail that was sent on May 19, 2015, for National Night Out. In the body of the e-mail, Captain Brannon wrote and electronically highlighted, "*Please click reply to all with whether or not you can attend.*" Sergeant Pierce responded by writing: "*I will be there. Karen.*" Sergeant Pierce also made contact with community organizations for the National Night Out to ascertain if they would participate in the event.

In recognition of Armed Forces Day on May 21, 2016, Captain Brannon sent an e-mail to all of District Two, specifically Sergeant Pierce, because he was aware she was currently serving in the military. Sergeant Pierce responded the same day by writing: "*Thank you sir.*"

In January of 2017, Captain Brannon sent an e-mail to all District Two sergeants asking if any sworn personnel wished to transfer to the Judicial Services Division (JSD). Sergeant Pierce responded and informed the captain that no one on her shift was interested in transferring to JSD. Captain Brannon displayed this e-mail, because of Sergeant Pierce informing Internal Affairs detectives that she approached Lieutenant Pagliari about transferring to JSD. During her meeting with Lieutenant Pagliari, she and the lieutenant approached Captain Brannon. Sergeant Pierce expressed she was having difficulty meeting the demands of completing her doctoral program and completing her work assignments. Captain Brannon stated he viewed Sergeant Pierce as a valued member of District Two and did not want her to transfer. Captain Brannon asked Sergeant Pierce to compose a calendar of what days she had doctoral classes and needed assistance with coverage. Captain Brannon told detectives he would have the lieutenant or another supervisor cover for Sergeant Pierce's absence while she was in class. Sergeant Pierce provided the captain with a calendar detailing her military and academic schedules. Captain Brannon made contact with Sergeant Jason Stickels who agreed to cover all but one of the dates Sergeant Pierce needed assistance with. Captain Brannon stated he felt this was a "*good gesture*" in helping the sergeant complete her academic goals. After assisting Sergeant Pierce with coverage, Captain Brannon stated she never voiced nor submitted a request to transfer out of District Two.

Prior to concluding the interview, Captain Brannon asked if he could make a few statements. In 2016, Governor Rick Scott was in DeLand at the National Guard Armory presenting medals to Florida veterans. Captain Brannon contacted Sergeant Pierce and Sergeant Garey MacDowell to invite them to receive a medal from the governor. Both Sergeant Pierce and Sergeant MacDowell attended and received a medal from Governor Scott recognizing their service in the military.

Captain Brannon informed detectives when Sergeant Pierce was promoted to sergeant he was out on leave. Captain Brannon stated he made it a point to attend her promotional ceremony, because he was proud of her accomplishment. Captain Brannon stated while at the ceremony, he hugged Sergeant Pierce and took a photograph with her. *(See Tab – I for Official Transcript)*

EXECUTIVE SUMMARY:

On February 14, 2017, Sergeant Karen Pierce contacted Lieutenant George Maddox. During this conversation, Sergeant Pierce was assigned a supervisor's inquiry. The supervisor's inquiry involved an African American deputy assigned to the evidence facility. The basis for the supervisor's inquiry was several off-duty incidents that occurred in the District Two area. Sergeant Pierce met with Captain David Brannon on February 16, 2017. During this meeting, Sergeant Pierce asked Captain Brannon if she was being assigned the supervisor's inquiry, because she was "*black*." Captain Brannon informed Sergeant Pierce he was assigning the inquiry to her, because she was African American; however, according to Captain Brannon, he elaborated on his reasoning. Captain Brannon stated he wanted an African American supervisor to complete the task, because the witnesses were predominantly all African American and an African American supervisor may be able to build a better rapport with the witnesses. Furthermore, Captain Brannon felt Sergeant Pierce needed to gain more experience in completing supervisor's inquiries and he believed she would produce a satisfactory work product.

Sergeant Pierce also alleged that in her time working for Captain Brannon, she and other African

American personnel were consistently asked to attend African American events within the community. Sergeant Pierce felt she and other African American personnel were being treated in a disparaging way by Captain Brannon.

Internal Affairs detectives interviewed Lieutenant George Maddox who is of the African American race. Lieutenant Maddox informed detectives that he felt it was necessary for African American personnel of the agency to be in and attend events in the African American community. Furthermore, Lieutenant Maddox stated we as an agency are trying to develop better community relations with the African American demographic, and it is well within the scope of African American deputies to be involved in these events. Lieutenant Maddox informed detectives, prior to this Internal Affairs investigation, Sergeant Pierce had never approached him to voice concerns of alleged disparaging treatment.

Internal Affairs detectives interviewed Deputy Micah Stoltz who is also of the African American race. Deputy Stoltz recalled being invited to attend African American events on three separate occasions. Deputy Stoltz stated he was never ordered to attend the events; rather, he was requested by supervisors. Deputy Stoltz stated he did not feel the requests were because of his race; however, he felt the requests were because the events were being held within the District Two area. Deputy Stoltz did not feel Captain Brannon made these requests in a discriminatorily based nature; instead they were just part of his normal job function.

During Captain Brannon's interview with Internal Affairs, he informed detectives he assigned Sergeant Pierce with the supervisor's inquiry, because she was African American to avoid any claims of the agency being biased. Captain Brannon does not order African American personnel to attend events in the African American community, he requests their attendance. Captain Brannon feels it is important for African American deputies to be involved in the African American community, because it will help build stronger relationships and rapport with the citizenry. Prior to this Internal Affairs investigation, Sergeant Pierce nor any other minority department member voiced concerns with Captain Brannon's or other command staff member's requests. Furthermore, Captain Brannon provided several examples of Sergeant Pierce's

willingness to participate in events. Captain Brannon informed detectives he coordinated for Sergeant Pierce to receive a medal from Governor Scott for her military service.

CONCLUSION:

This investigation was presented to Sheriff Chitwood and Chief Deputy Creamer. After review, the Sheriff determined the violations of the below listed Department Standards Directives to be:

86-453 (13) Volusia County Merit System Rules and Regulations Unfounded

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint
- D. Administration of Oath/Perjury Warning
- E. Official Transcript of Sergeant Karen Pierce (First Interview)
- F. Official Transcript of Lieutenant George Maddox
- G. Official Transcript of Deputy Micah Stoltz
- H. Official Transcript of Sergeant Karen Pierce (Second Interview)
- I. Official Transcript of Captain David Brannon
- J. Miscellaneous Documents
- K. Digital Media

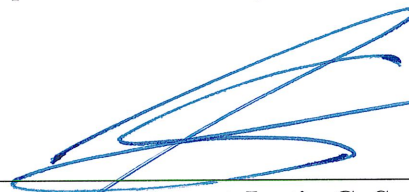
WITNESSES:

Sergeant Karen Pierce
Volusia County Sheriff's Office
123 West Indiana Avenue
DeLand, FL
386-423-3301

Lieutenant George Maddox
Volusia County Sheriff's Office
123 West Indiana Avenue
DeLand, FL
386-423-3301

Deputy Micah Stoltz
Volusia County Sheriff's Office
123 West Indiana Avenue
DeLand, FL
386-423-3301

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: 06/13/17

Lieutenant Justin G. Sawicki
Internal Affairs Investigator

APPROVED BY:  DATE: 6/13/17

Chief Deputy John W. Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA