

Volusia County Department of Corrections



Disciplinary Report

Incident # 220004263

Incident Narrative

see disciplinary tab

15 yr old Inmate

Inmate ID No	Booking No	Last Name	First Name	Middle Name	Hearing Date	DR Waive Hearing
938926	1087471	[REDACTED]	[REDACTED]		11/22/2022 13 15	<input type="checkbox"/>
Charge				Plea		
27A Refusing to obey an order of any staff member				NOT GUILTY	Redactions = "DOE" "JANE DOE"	
33B Conduct which disrupts or interferes with the security or orderly running of the institution				NOT GUILTY		
7AA Indecent exposure/masturbation - intentional acts toward staff and/or deemed as habitual offenders				NOT GUILTY		

Details

On November 14, 2022 while the female juvenile GED instructor Mrs. Williams was checking Inmate [REDACTED] class work on her school laptop she discovered sexual and vulgar in nature pictures Mrs. Williams notified me of naked photos of Inmate [REDACTED] that she found on Inmate [REDACTED]'s laptop. I notified Warden Faircloth of photo and separated Inmate [REDACTED] and Inmate [REDACTED] immediately. When speaking to Inmate [REDACTED] she admitted to taking the photos of Inmate [REDACTED]. Inmate [REDACTED] stated that Inmate [REDACTED] begged her to take pictures of her in the shower. Inmate's statements were taken from Inmate [REDACTED] and Inmate [REDACTED]. Both inmates stated that no physical touching ever occurred. When attempting to unlock Inmate [REDACTED] class laptop several new passwords were created locking Mrs. Williams out of the system. Inmate Jackson and Inmate [REDACTED] received several verbal warning from security staff about their conduct in the pass. On 9/21/22 Inmate [REDACTED] received a verbal warning for unauthorized use of her class laptop by Lt Dunn. On 9/10/22 Inmate [REDACTED] was witnessed by staff standing at the head of Inmate [REDACTED] bed with something protruding out of the crotch of her pants. Inmate [REDACTED] was holding the tablet, gyrating back and forth in Inmate [REDACTED]'s face. On 9/14/22 Inmate [REDACTED] received a VCDC 362 for tattooing in which she admitted to tattooing herself. Inmate [REDACTED] and Inmate [REDACTED] are being charged with VCDC #7 Indecent exposure and #33 Conduct which disrupts. Inmate [REDACTED] and Inmate [REDACTED] were cleared for lock down by medical nurse Steward.

Findings

Inmate [REDACTED] was seen by DHO within the 7-day period per VCDC Discipline policy standards. Inmate agreed to attend the Disciplinary Hearing on 11/22/2022. The 24-hour Delay is noted. Inmate has been given sufficient time to prepare for disciplinary boards. As per the investigation officers report, Inmate was interviewed and given notification of the rule violations on 11/17/2022 by Inv. Lemons. DHO explained the inmate due process rights.

During the disciplinary hearing, the following was recorded by DHO

- Charge #7AA Indecent exposure / masturbation -intentional acts towards staff - Charge amended to # 5A
- Charge # 5A Engaging in sexual acts with self-others including masturbation- Denies the allegations
- Charge #27A Refusing to obey Denies the allegations
- Charge #33B Conduct which disrupts- Denies the allegations

Inmate [REDACTED] was alert and oriented and able to speak to DHO at her cell door. Inmate [REDACTED] denies all allegations and claims staff never gave her any warnings about the use of her laptop or using the camera. Inmate [REDACTED] admits to having a "lil fun" and does not feel she did anything wrong. Inmate [REDACTED] states "That's what the camera is for, to take pictures". Inmate [REDACTED] appears jovial as she is expressing herself and is adamant that she is not guilty stating "The punishment is just too much". DHO notes that per staff's report when checking inmate [REDACTED] school laptop for class work, the teacher discovered sexual and vulgar in nature pictures. It is noted that several passwords were changed locking the instructor Mrs. Williams out of the system. Inmate [REDACTED] actions were inappropriate. Inmate [REDACTED] admitted to taking several nude photos of another inmate as well as explicit behavior captured on the Laptop.

DHO recommendation

DHO finds inmate guilty of charge #27A, #33B and #5A based on the preponderance of evidence. Inmate admitted to using the tablet inappropriately but feels she did nothing wrong. Per staff's report, inmate was given several warnings by the school teacher of unauthorized use of the laptop and her behavior. However inmate [REDACTED] refused to obey by changing the password on the laptop and engaging in sexual acts with others by taking nude photos of another inmate while in the shower. Inmate [REDACTED] was also observed by staff gyrating back and forth in another inmate's face with something protruding from her crotch area while holding the laptop.

Per Policy Sanction, Inmate is sanctioned to (15 Days BMU). This Discipline sanction is proportionate to the offense and is the standard for all Class 'A' offense.

Privileges To Suspend

Suspend Code	Suspend Description	Start Date	End Date	Officer Id/ Name
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Lockdown Details

Start Date	End Date	Location	Comments	Officer Id/ Name
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Officer ID	Officer Name	Entry Date
18081	HARRIS S	11/15/2022 03 28

Appeal Information

Appeal Type	Appeal Date/Time	Filed By: Officer ID/Name
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Appeal Details

Inmate Requests

Appeal Findings

Appeal Finding	Finding Date/Time	Officer ID/Name
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Appeal Finding Details

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Investigator Narrative

15yr old
INMATE

On 11/17/22, at approx. 0847hrs, I spoke to I/M [redacted] on N/W. I advised I/M [redacted] that I was there to investigate a Disciplinary Report submitted by Sgt. S. Harris. I asked I/M [redacted] if she wanted to speak to me about her DR and she stated, "Yes". I gave I/M [redacted] a copy of the report and after ensuring she was able to read it, she read it on her own. I asked her if the report sounded accurate/true and was there anything she would like to add. I/M [redacted] stated, "I took the photos and told her to delete it after, so we don't get in trouble, she (redacted) asked me to take the pictures. I asked her if she was aware that cameras were in the block and could see her taking photos with the laptop in the shower area. I/M [redacted] responded that she was aware. I asked I/M [redacted] if pictures were taken of her and she replied, "yes in my boxers. I don't see the problem with it at all. We are teenagers and I have done it before. Teenagers do it all the time." I attempted to explain to I/M [redacted] that these things are not acceptable in jail and just because teenagers do it doesn't make it appropriate.

Photos and videos are not attached due to the sensitive nature and age of I/M [redacted]

Inmate Doe
17 yrs old

#7AA Indecent exposure/masturbation-intentional acts toward staff-Charge amended as these acts were not deliberate or intentional to staff.

#5A Engaging in sexual acts with self or others including masturbation - As stated in the report, due to I/M [redacted] participating in taking photos of another inmate in the shower. I/M [redacted] was also observed gyrating back in forth in another inmate's face with something protruding from the crotch of her pants while holding the laptop.

#27 Refusing to obey -As stated in the report, I/M [redacted] was given multiple warnings about unauthorized use of the laptop in the past as well as her conduct. Due to the laptop belonging to the school the teacher must log in to check her schoolwork. While attempting to log in the teacher was unable due to the passwords being changed by I/M [redacted].

#33 Conduct w/disrupts -As stated in the report, due to the actions of I/M [redacted] her in block schooling was interrupted and security staff's duties were delayed due to housing moves.

I explained the disciplinary process in detail to I/M [redacted] and informed her that the DHO will be the next phase of the process. I/M [redacted] did not waive her appearance at the disciplinary board hearing or her 24hr delay. I/M [redacted] did not request inmate witness statements at the time of the investigation. end of report

Sro. R. Lemons #546

Copy Given to Inmate: No _____ Yes _____

Officer Signature: _____

Inmate Signature: _____