

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA 19-003**

**PERIOD COVERED:** February 6, 2019

**DATE REPORTED:** February 20, 2019

**SUBJECT(S) NAME:** Deputy Matthew Hodges #8926

**INVESTIGATING OFFICERS:** Detective Tara Burke #1465

**BASIS FOR INVESTIGATION:**

On February 6, 2019, while working an overtime shift in District-2, Deputy Matthew Hodges responded to 1250 South State Road 15A, Deland, to assist with a robbery/carjacking. While assisting with the investigation, Deputy Hodges collected a cigarette butt as evidence from the crime scene. The evidence was not submitted at the end of the shift. Sergeant Nicholas Shephard later sent out an email to the shift deputies requesting a supplement report and reason why the evidence had not been submitted. Deputy Hodges responded to Sergeant Shephard on February 8<sup>th</sup>, advising he collected the cigarette butt and would drop the evidence and submit his supplement report at the start of shift later that day. Upon submission of the paperwork, the dates and times on the property report evidence log were allegedly incorrect. Furthermore, the evidence was not submitted according to Sheriff's Office policy and procedure.

**OFFENSES:**

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit Rules and Regulations:

**Volusia County Merit System Rules and Regulations 86-453.** *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.*

**RE:** (10) Any act of dishonesty, falsification, misrepresentation, concealment, or deception in any employment related matter.

(12) Incompetent or unsatisfactory performance of duties.

**26.2.33 Inattention to Duties, Loafing, Sleeping** - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.

*(Violation subject up to a 1 day suspension.)*

**26.2.35 Submission of Reports and Documents** - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor.

*(Violation subject up to a 1 day suspension.)*

**26.2.96 Processing Property and Evidence** - Property and evidence which have been received in connection with official duties shall be processed in accordance with the provisions of Chapters 83 and 84. VCSO personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. *(Violation subject up to dismissal.)*

**26.2.109 Falsification of Official Documents** - Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document.

*(Violation subject up to dismissal.)*

**84.1.3 Retention of Property by Deputy**- All property coming in to a Deputy's custody shall be turned in, complete with all proper documentation, as soon as possible after being received by the Deputy. All property shall be turned into a designated temporary evidence locker or the Evidence Section. Deputies or Detectives shall not retain evidence or property beyond their tour of duty each day. Exceptions must be approved by a supervisor. *(Violation subject up to a 5 day suspension.)*

## **INVESTIGATIVE SUMMARY:**

On February 20, 2019, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. Deputy Hodges was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. This report details the internal investigation conducted by Detective Tara Burke. *(See Tab – C for Official Correspondence)*

Detective Burke reviewed the Supervisor Inquiry, Evaluation Forms, Sheriff's Office reports, and Body Worn Camera (BWC) video, in reference to this incident. Captain Paul Adkins authored the

Supervisors Inquiry involving the discrepancies regarding a property report and evidence handling/submission. *(See Tab – B for Supervisor Inquiry)*

According to the Supervisors Inquiry, on February 6, 2019, while working an overtime shift in District-2, Deputy Hodges assisted with a robbery/carjacking call. While assisting with the investigation, Deputy Hodges collected a cigarette butt as evidence from the crime scene. On February 7, 2019, Sergeant Shephard was informed the evidence was not submitted, he sent an email out to the shift deputies requesting a supplement report and reason why the evidence had not been submitted. Deputy Hodges responded to Sergeant Shephard on February 8, 2019, advising that he would submit the evidence and submit his supplement report at the start of shift later that day. Upon submission of the paperwork, the dates and times on the property report evidence log were incorrect, and the evidence was not submitted according to Sheriff's Office policy and procedure.

According to Deputy Hodges's supplement report it appears the report date was February 7, 2019 and original report date was February 6, 2019. According to his property report, item #2 "*cigarette butt*" was submitted February 7, 2019 @ 0230hrs to District-4 Evidence; however, the email he sent to Sergeant Shephard was dated February 8, 2019. Deputy Hodges couldn't have submitted the evidence at the time listed on the report because the email was sent after the documented submission date and time.

### **Sergeant Nicholas Shephard**

On April 2, 2019, Detective Tara Burke, Detective Glen Bennett, and Sergeant Ryan Mills conducted a sworn recorded interview with Sergeant Shephard. The following is a summary of that interview:

Sergeant Shephard has been working for the Sheriff's Office for approximately seven years, he has been a sergeant for seven months. Sergeant Shephard is currently assigned as a Patrol Sergeant in District-2.

Sergeant Shephard was working on February 6, 2019, he recalled an incident where deputies responded to 1250 S. SR 15A, Deland, in reference to a robbery/carjacking. Sergeant Shephard verified Deputy Hodges was involved in the call. Deputy Hodges responded to the scene along

with several other deputies to ensure the scene was secure. Sergeant Shephard then had Deputy Hodges canvass the area for witnesses, video surveillance, or evidence that could be collected as part of the investigation. Deputy Hodges collected a cigarette butt from the scene, and Sergeant Shephard was aware of it that night. Sergeant Shephard explained, Deputy Hodges was working overtime and he didn't want the "new guy" stuck with the call, so he had another deputy take the actual incident report.

On February 7, 2019, Detective Benjamin Ruiz, contacted Sergeant Shephard asking about the evidence and requested that it be submitted. Sergeant Shephard sent out an email on February 7<sup>th</sup> to the shift and Deputy Hodges in reference to the submission of evidence and reports. Sergeant Shephard received an email from Deputy Hodges on February 8<sup>th</sup> advising he would submit the evidence and report when he started his shift later that day. The property report submitted by Deputy Hodges shows that he submitted the cigarette butt at District-4 on February 7<sup>th</sup> @ 0230hrs, and the date at the bottom of the report is February 8<sup>th</sup>.

Deputy Hodges is a new deputy, Sergeant Shephard advised this may have been his third or fourth shift working on his own. Sergeant Shephard was asked if he believed Deputy Hodges intentionally put the wrong date on his reports, or could it have been an oversight or misunderstanding on procedures. Sergeant Shephard stated; *"I think the, he may have unintentionally forgot to submit the evidence. I'm not sure how his incident report was documented maybe he was trying to articulate it differently. The issue that I caught that was concerning to me, is that there was the dates. The auto populated date on the bottom of the report, is different from the date on the top of the report, which is different from the date in the actual incident narrative body, so that was what was concerning to me. Because if you wrote you did something on this date, and then you go to sign it but it was on a different date, but you didn't drop it on the date, because I know you didn't, because you told me you didn't, you were gonna drop it later that date, so there was just too many discrepancies with the dates on this paperwork. Is it possible he meant to type a different date? Possibly but he didn't drop it into district 2 he dropped it in district 4 those are the inconsistencies that we're concerning."* Sergeant Shephard didn't have any other communication with Deputy Hodges about the evidence and property report other than the emails that were sent. (See Tab-D for Official Transcript)

### **Sergeant Charles Hillyard**

On April 25, 2019, Detective Burke, Detective Bennett, and Sergeant Mills conducted a sworn recorded interview with Sergeant Hillyard. The following is a summary of that interview:

Sergeant Hillyard has been working for the Sheriff's Office for approximately thirteen years, he has been a sergeant for just over a year. Sergeant Hillyard is currently assigned as a Patrol Sergeant in District-4.

Deputy Hodges has been assigned to Sergeant Hillyard's shift approximately two months with no prior law enforcement experience. Sergeant Hillyard initially was not aware of the supervisor inquiry from the incident on February 6<sup>th</sup>, when Deputy Hodges was working overtime in District-2, under the command of Sergeant Shephard. He found out about it when the internal affairs investigation began. Sergeant Hillyard did not recall Deputy Hodges ever coming to him in reference to the late evidence submission.

Sergeant Hillyard was shown the property report and supplement report submitted by Deputy Hodges. Sergeant Hillyard was asked if he believed Deputy Hodges intentionally put the wrong date on his reports, or could it have been an oversight or misunderstanding on procedures. Sergeant Hillyard stated, *"I think it was a mistake. I don't think it was malicious. I don't see Hodges doing something like that maliciously."* According to Sergeant Hillyard, Deputy Hodges has had some *"report issues"* and was advised to have his reports reviewed by Field Training Officers. Deputy Hodges sometimes misspelled words, has issues with organization, or leaves some things out. Sergeant Hillyard believes Deputy Hillyard is getting better as time goes by with report writing. Deputy Hodges was informed if he had problems he could call his zone partners or supervisor's if needed, Sergeant Hillyard stated, *"So you know and of course he has questions he's new, he's got two months in so."*

Sergeant Hillyard was shown the evaluations authored by him on Deputy Hodges for the months of April and May 2019. The evaluation from March states, *"Deputy Hodges utilizes and solicits information from his zone partners on matters relating to calls and report writing."* Sergeant Hillyard explained Deputy Hodges could probably use a little more training but he also stated, *"I think I chalk a lot of that up to being new... Because they're, they're really simple mistakes that*

*he's making for the most part. I don't, I can't say that I can think of anything major that he's done you know."*

The evaluation from April states, *"Deputy Hodges is making improvements and learning daily in all areas."* Sergeant Hillyard verified he still feels Deputy Hodges is improving and learning more as time goes on. *(See Tab-E for Official Transcript)*

## **CONCLUSION:**

On April 25, 2019, this investigation was presented to the Sheriff and his staff. After review, it was determined the following violations of department policies to be:

### **26.2.132 Job Knowledge and Performance**

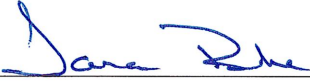
**Sustained**


On May 1, 2019, Deputy Hodges was issued an Employee Performance Notice-Counseling for his actions documented in this internal affairs investigation.

## **EXHIBITS:**

- A. Report of Investigation
- B. Supervisor Inquiry
- C. Official Correspondence
- D. Official Transcript of Sergeant Nicholas Shephard
- E. Official Transcript of Sergeant Charles Hillyard
- F. Miscellaneous Documents
- G. Digital Media

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.

DETECTIVE:  DATE: 05/09/19  
**Detective Tara Burke**  
**Internal Affairs Detective**

APPROVED BY:  DATE: 5/14/19  
**Chief Deputy John Creamer**  
**SHERIFF MICHAEL J. CHITWOOD**  
**VOLUSIA COUNTY FLORIDA**