

**VOLUSIA SHERIFF'S OFFICE  
INTERNAL AFFAIRS**

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA 20-011**

**PERIOD COVERED:** June 26, 2020  
**DATE REPORTED:** July 9, 2020  
**SUBJECT(S) NAME:** Deputy Johnathan Liles #8541  
**INVESTIGATING OFFICERS:** Detective Heather Welch #6871

**BASIS FOR INVESTIGATION:**

On June 26, 2020, Deputy Liles assisted the Edgewater Police Department with a motor vehicle pursuit on Southbound I-95 in the area of Oak Hill. While reviewing Deputy Liles' Body Worn Camera (BWC) footage of the incident, Lieutenant Anthony Shank observed Deputy Liles spitting an unknown substance, possibly tobacco, into a bottle. Deputy Liles was hired on March 14, 2016. Due to this hire date, Deputy Liles would violate Volusia Sheriff's Office Standard and Directive 26.2.159, which forbids the use of tobacco products by sworn personnel hired after October 1, 2007.

**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 – Division 13 Disciplinary Actions 86-453  
Reasons for disciplinary action (14) and (22):***

*Any of the following 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.*

*(2) Disregard for frequent violations of Federal Laws, State Laws, County ordinances, VSO Standard Directives and safety rules.*

*(14) Any conduct, on or off duty, that reflects unfavorably on the County as an Employer.*

*(22) Any other conduct or action of such seriousness that discipline action is considered warranted.*

***Volusia Sheriff's Office Standards and Directives:***

**26.2.87 IMPROPER CONDUCT OFFENSE - USE OF ALCOHOL, DRUGS AND TOBACCO** – Use of any tobacco/nicotine product (excludes nicotine gum, lozenges), or “smokeless”/vapor producing device by any employee, sworn or civilian, is expressly forbidden while in any VSO buildings/facilities or VSO owned and/or leased vehicles, marked or unmarked. There shall be no area set aside for this purpose within any VSO building or facility. *(Violation subject up to a 1-day suspension)*

**26.2.159 IMPROPER CONDUCT OFFENSE – USE OF ALCOHOL, DRUGS AND TOBACCO** – Sworn personnel hired after October 1, 2007 and special risk civilian positions (Latent Print Examiners; Evidence Technicians) hired after October 13, 2017, or who seek a special risk civilian position as of October 13, 2017 are not permitted to use tobacco products at any time (on or off duty) and shall comply with such prohibitions as a condition of hire and continued employment. *(Violation shall result in a 1-shift suspension for a first time offense, a 3-shift suspension for a second offense and termination for a third offense)*

On July 09, 2020, Chief Joseph Gallagher assigned the above incident to the Internal Affairs Unit. Detective Welch reviewed the Supervisor Inquiry authored by Lieutenant Shank, Sheriff's Office reports, along with Body Worn Camera (BWC) video of the Deputy involved. *(See Tab – C for Supervisor Inquiry)*

Detective Welch reviewed the BWC of Deputy Liles and observed the same activity reported by Lieutenant Shank. Deputy Liles was observed repeatedly spitting an unknown substance into a bottle. *(See Tab – F for Digital Media)*

On August 5, 2020, Deputy Liles 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 Welch. *(See Tab – C for Official Correspondence)*

**Deputy Johnathan Liles**

On August 14, 2020, Detective Welch and Detective Burke conducted a sworn recorded interview with Deputy Liles at the Sheriff’s Administrative Offices in Deland. The following is a summary of that interview:

Deputy Liles has been employed with the Volusia Sheriff’s Office for approximately 4 years. Deputy Liles is currently assigned to District-3 South Law Enforcement Operations Division (LEOD).

During the interview with Internal Affairs Detectives, Deputy Liles recalled assisting Edgewater Police Department with a motor vehicle pursuit on Southbound I-95 in the area of Oak Hill. Deputy Liles stated his BWC was activated during this incident. Deputy Liles advised he was spitting into a bottle and the substance was tobacco, which contained nicotine. Deputy Liles stated he was aware of the Volusia Sheriff’s Office Standards and Directives 26.2.87 and 26.2.159 as they pertain to tobacco use. Deputy Liles advised he believed he signed a form upon being hired acknowledging tobacco use was not permitted on or off duty.

Deputy Liles was asked if he felt he violated the following Volusia County Merit Rules and Regulations as well as Sheriff’s Office policies:

<b>26.2.87 Improper Conduct Offense – Use of Alcohol, Drugs, and Tobacco</b>	<b>Yes</b>
<b>26.2.159 Improper Conduct Offense – Use of Alcohol, Drugs, and Tobacco</b>	<b>Yes</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (2)</b>	<b>Yes</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (14)</b>	<b>Yes</b>

*(See Tab –D for Official Transcript)*

**EXHIBITS:**

- A. Report of Investigation
- B. Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence/Supervisors Inquiry
- D. Official Transcript of Deputy Johnathan Liles
- E. Miscellaneous Documents
- F. Digital Media

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

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: Heather Welch DATE: 8/31/2020  
**Detective Heather Welch**  
**Internal Affairs Detective**

**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online Notarization this 31<sup>st</sup> day of August, 2020 by Detective Heather Welch

[Handwritten Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR  PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Handwritten Signature] DATE: 08-31-2020  
**CHIEF DEPUTY JOSEPH GALLAGHER**  
**VOLUSIA COUNTY FLORIDA**