

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 19-009

PERIOD COVERED: June 14, 2019
DATE REPORTED: July 1, 2019
SUBJECT(S) NAME: Sergeant Joel Turney #2509
INVESTIGATING OFFICERS: Detective Tara Burke #1465

BASIS FOR INVESTIGATION:

On June 14, 2019, Sergeant Turney attended a conference at the Plaza Resort, Daytona Beach. The conference was, "*Florida Association of Hostage Negotiators 2019 Annual Conference*," the dates attended were, June 10 through June 14, 2019, from 0800-1700 hours. It was indicated on the training request form that there would be no overtime paid as a result of attendance. According to Sergeant Turney's timecard in Kronos, he worked on June 14, 2019, from 0700-1900 hours. Allegedly this overtime was not approved by a supervisor. Furthermore, it is unknown where Sergeant Turney was working between 0700-0800 hours or between 1616-1900 hours.

During the initial investigation several other incidences were found concerning Kronos, and an additional unapproved training day on February 8, 2019; a review of Sergeant Turney's Kronos was conducted from December 2018 –June 2019.

Note: On August 6, 2019, detectives met with Resident Agent in Charge Jason Kriegsman from the Florida Department of Law Enforcement (FDLE). Documents and evidence related to this investigation were turned over to FDLE for further review. FDLE reviewed the documents and evidence and declined to initiate an investigation.

Additionally, County Personnel also conducted a Kronos audit of Sergeant Turney's timecards to verify supervisors who approved and had access to Sergeant Turney's timecards. The investigation was tolled between August 6, 2019 through October 1, 2019, while FDLE and County Personnel reviewed the evidence related to this investigation.

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 is cause for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

RE:

(2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.

(5) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or other acts of insubordination.

(8) Criminal or illegal conduct (regardless of the filing of criminal charges or lack thereof or the absence of a criminal conviction or adjudication) that interferes with effective job performance or has adverse effect on the county.

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

(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 disciplinary action is considered warranted.

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.)*

26.2.130 Commission of a Felony- VSO personnel shall not commit any act of crime defined by state or federal laws as a felony, whether chargeable or not. *(Violation subject to dismissal.)*

26.2.134 Knowledge of Official Directives - VSO personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives. *(Violation subject up to a 5-day suspension)*

INVESTIGATIVE SUMMARY:

On July 1, 2019, now former Chief Deputy John Creamer, assigned the above incident to the Internal Affairs Unit. Sergeant Turney 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 – B Official Correspondence)

On June 10 through June 14, 2019, Sergeant Turney attended a conference at the Plaza Resort, Daytona Beach. The conference was, “*Florida Association of Hostage Negotiators 2019 Annual Conference.*” According to a training request form approved by Lieutenant Anthony Shank on February 1, 2019, the box for “*Will overtime be paid as a result of this employee’s attendance?*” was checked as “*no.*” According to Sergeant Turney’s timecard, he worked on June 14, 2019, from 0700-1900 hours, however the conference began at 0800 hours and ended at lunchtime. According to Kronos, on June 14, 2019, Sergeant Turney clocked in at 0701 hours via telephone, and on June 17, 2019, he created an “*out punch*” for June 14, 2019, for 1900 hours. It is unknown where Sergeant Turney was working between 0700-0800 hours or between 1616-1900 hours.

It was also found that on June 14, 2019, Sergeant Turney entered the District-4 Office at 1:45:31 PM, entry was granted into the DLSO4 holding door, using card number 27563. There was no other activity found on June 14, 2019 with Sergeant Turney’s card number. Sergeant Turney sent an email out from a desktop computer at the District-4 Office at 1533 hours, the email was sent to Sergeant Cody Cochran and CC: All Sergeants, in reference to “*Happy Father’s Day.*” It was also found on video from the District 4- Office that Sergeant Turney was outside speaking with a female (Beth Fortin), he then left District-4 at 1616 hours, according to the video. It is unknown where Sergeant Turney worked from 1616-1900 hours. Detectives reviewed the training request form, Kronos Time Keeper (Kronos), and Computer Aided Dispatch (CAD), there was no activity in CAD to review for June 14, 2019.

With a review of other training classes for Sergeant Turney, it was also found that on February 8, 2019, he attended a class, “*Rescuing the Rescuers*” at Daytona State College. The class hours of attendance were 0830-1600 hours, according to the training request form. Also on the training request form “*no*” was marked for, “*Will overtime be paid as a result of this employee’s attendance?*” According to Sergeant Turney’s Kronos he punched in at 0800 hours and punched out at 1700 hours on February 8, 2019, the comment was entered as “*training class.*” The edit date for the February 8th class was entered by Sergeant Turney on February 11, 2019. It is unknown where Sergeant Turney worked from 0800-0830 hours or 1600-1700 hours on February 8, 2019, prior to the class beginning and after the class ended.

Kronos, CAD, Advanced Vehicle Location (AVL), and other documents and evidence related to this investigation were reviewed for Sergeant Turney for the timeframe of December 2018 -June 2019.

Lieutenant Anthony Shank

On July 2, 2019, Detective Tara Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Lieutenant Shank. The following is a summary of the interview:

Lieutenant Shank has worked for the Sheriff's Office since 1996, he is currently assigned as the lieutenant in District-4. Lieutenant Shank confirmed Sergeant Joel Turney currently works in District-4 under his chain of command as the supervisor of the Traffic Unit. Lieutenant Shank has been Sergeant Turney's supervisor since February 2019.

Lieutenant Shank attended the Florida Association Hostage Negotiators 2019 Annual Conference at the Plaza Resort in Daytona Beach from June 10 through June 14, 2019. He advised Sergeant Turney also attended the conference.

Lieutenant Shank was asked about his approval of the training request for Sergeant Turney, the box stating *"will overtime be paid as a result of the employee's attendance"* was marked with no. Lieutenant Shank advised he generally doesn't approve overtime for training. On June 14, 2019, the class was released at approximately noon, he confirmed the normal start time for the conference was 0800 hours. Lieutenant Shank was not certain why Sergeant Turney punched in at 0700 hours on June 14, 2019, he did not know if he had done anything prior to the attending the conference at 0800 hours. Lieutenant Shank advised after lunch on June 14, 2019, he remained on the eastside of the county and was not sure where Sergeant Turney went following the conference. Lieutenant Shank was not aware of Sergeant Turney punching in at 700 hours or punching out at 1900 hours on June 14, 2019, because he went out of town and finished completing Sergeant Turney's Kronos on Friday instead of Monday. According to the Kronos log on June 17, 2019, Sergeant Turney manually entered an out punch for 1900 hours for Friday June 14, 2019.

Lieutenant Shank explained the Motor Unit works four ten hour shifts, but they carried a vacancy for some time, so sometimes they did work extra hours. Lieutenant Shank wasn't certain if they worked an eighty hour or eighty-four hour work week. Lieutenant Shank stated, *"Again most of them do work the four 10's but they were given that leeway to work a little extra because of being vacant and under the contract trying to get the hours in."*

Lieutenant Shank confirmed when he is filling out the training request forms he normally doesn't approve overtime for training, he advised if overtime is worked on a Friday justification would be needed for it. Lieutenant Shank was asked if putting the comment *"training class"* as justification for twelve hours of overtime would be proper, he stated, *"No which I mean the training class which that's, you know that's where he was at in the morning and maybe that's because I put everything in all week, but I don't know why he would have stayed till 7 pm what's what I'm not sure on."* Lieutenant Shank advised Sergeant Turney may have clocked in at 0700 hours possibly by *"force of habit."* (See Tab-C for Official Transcript)

Sergeant Jeffrey Wingard

On July 22, 2019, Detective Tara Burke and Detective Glen Bennett conducted a sworn recorded interview with Sergeant Wingard. The following is a summary of the interview:

Sergeant Wingard has been working for the Sheriff's Office since October 2001, he is currently assigned as the Sergeant over Special Operations.

During the interview Sergeant Wingard advised he was in charge of, or participated in, many of the events organized for Deputy Frank Scofield. He attended the event at the Daytona Beach Ale House on Friday June 14, 2019. Sergeant Wingard was not in charge of putting this fundraiser together; he believes Deputy Mark Willetts may have coordinated it. The time of the event was between 1700-2100 hours. Sergeant Wingard advised this was an off duty event, there was no pay or overtime pay to attend, it was a charity event. Sergeant Wingard arrived at the Ale House at approximately 1645 hours, he recalled seeing Sergeant Whittet and a couple retired guys when he arrived. Sergeant Wingard advised Sergeant Turney also attended, he did not recall what time he arrived but it wasn't when the event first started, he stated, *"I don't. I know it was after the event started at 5 but I would honestly be guessing, you know, exactly what time he showed up. I mean I don't remember him being there any time, you know, when it first started. I remember he showed up afterwards, but I don't recall exactly what time he got there."* Sergeant Wingard did not recall Sergeant Turney showing up at the Ale House with anyone else. There was alcohol served, he advised it was a cash bar in the outside bar area of the Ale House.

Sergeant Wingard explained the proceeds from the fundraiser event at the Ale House were donated to the Scofield family or a charity. Sergeant Wingard advised some people came in uniform for their lunch break, along with the New Deputy Training (NDT) class and instructors. He advised Sergeant Turney was in plain clothes when he arrived at the Ale House. *(See Tab-D for Official Transcript)*

Deputy Chief Jessica Paugh

On October 4, 2019, Detective Tara Burke conducted a sworn recorded interview with Deputy Chief Jessica Paugh at the New Smyrna Beach Police Department. The following is a summary of the interview:

Deputy Chief Paugh has worked for the New Smyrna Beach Police Department as Deputy Chief for two years.

Deputy Chief Paugh attended the event at the Ale House on June 14, 2019 for Deputy Frank Scofield. She recalled arriving at the Ale House at approximately 1800-1815 hours, she advised she left Party City in Port Orange at approximately 1700 hours, she then went to pick up Janelle Homan (Williams) in Port Orange. Deputy Chief Paugh explained she was at Ms. Homan's location for approximately 30-45 minutes before leaving for the Ale House. There was also construction on I-95, she believes she arrived at the Ale House at approximately 1800-1815 hours.

Deputy Chief Paugh recalled she and Ms. Homan went into the back room (eastside porch area) and spoke with Deputy Matthew Seltzer and two other officers, they took over their table when they left. Deputy Chief Paugh went outside to make a phone call, while outside she recalled seeing Sergeant Turney arrive at the Ale House in a black truck at approximately 1830-1900 hours. Sergeant Turney was not in uniform and arrived alone. Deputy Chief Paugh advised once inside the Ale House, Sgt. Turney went to the bar and ordered a drink.

Chief Deputy Paugh did not know who she was speaking with on the telephone outside while at the Ale House, so she was unable to provide an exact time from a phone log. She explained the only time she could refer to on her phone was a text message sent to Sergeant Turney at approximately 2000 hours while they were inside the restaurant and moved to a second table. Chief Deputy Paugh could not recall Sergeant Turney having a conversation related to work during the evening, he had just mentioned he had been working a lot. *(See Tab-E for Official Transcript)*

Deputy Matthew Seltzer

On October 4, 2019, Detective Tara Burke conducted a sworn recorded telephone interview with Deputy Matthew Seltzer. Deputy Seltzer has been working for the Volusia Sheriff's Office for nine and a half years and is currently assigned as an instructor at training. The following is a summary of the interview:

Deputy Seltzer was at the event at the Ale House on June 14, 2019, he went while on lunchbreak, he believes the event began at 1700 hours, and they normally break for dinner at approximately 1700-1715 hours. He advised they were doing training with new deputies on this evening, they were there approximately forty-five minutes. Deputy Seltzer believes they resumed training at approximately 1815 hours. He was at the Ale House with Deputy Blaine Lewis. Deputy Seltzer remembered that Deputy Chief Paugh came to the table they were sitting at and said hi. Deputy Seltzer saw Sergeant Turney while at the Ale House prior to leaving, he advised they left approximately twenty minutes later. Sergeant Turney was in plain clothes, he was not certain if he arrived with anyone else or if he was drinking alcoholic beverages. Deputy Seltzer could not recall any specific conversation he had with Sergeant Turney, he advised they may have said something to each other in passing as he left. Deputy Seltzer advised Deputy Randy Post and Deputy Jeff Wiles from training were also at the Ale House during their lunch break on June 14, 2019. *(See Tab-F for Official Transcript)*

Deputy Blaine Lewis

On October 4, 2019, Detective Tara Burke conducted a sworn recorded telephone interview with Deputy Blaine Lewis. Deputy Lewis has been working for the Sheriff's Office for six years and is currently assigned as an instructor at training. The following is a summary of that interview:

Deputy Lewis was at the event at the Ale House on June 14, 2019, she rode there with Deputy Seltzer, and they met with Deputy Michael Vanzo, they all sat together for dinner. She believes the event began at 1700 hours, she sent a text message to Deputy Vanzo at 1657 hours in reference to ordering food, she was already sitting down at the table. Deputy Lewis advised she left the Ale House with Deputy Seltzer at approximately 1754 hours because she had a text between herself and Deputy Vanzo asking what she wanted from Smoothie King or Planet Smoothie, because they were all going back to training.

Deputy Lewis viewed the training schedule for the week of June 14, 2019, she advised it was "*practical application week*," and they had scenario training between 1800-2200 hours. She advised the NDT (New Deputy Training) students are to be ready to continue training for that evening beginning at 1800 hours. Deputy Lewis did not recall seeing Sergeant Turney at the Ale House, she advised Deputy Chief Paugh and Ms. Homan were there, she recalled seeing them prior to leaving. *(See Tab-G for Official Transcript)*

Senior Deputy Randy Post

On October 7, 2019, Detective Tara Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Senior Deputy Randy Post at the Volusia Sheriff's Office Deputy Stephen Saboda Training Center, 3901 Tiger Bay Road, Daytona Beach. Deputy Post has been working for the Sheriff's Office for seventeen years and is currently assigned as Range Master. The following is a summary of the interview:

Deputy Post attended the event at the Ale House on June 14, 2019, he arrived shortly after it began at approximately 1710 hours. Deputy Post went to the Ale House with Deputy Wiles and Sergeant Justin Stewart, they were on their dinner break from working at training. Deputy Post recalled seeing Sergeant Turney at the Ale House, he was wearing plain clothes, he was not certain if he was with anyone or if he was drinking alcohol, he didn't recall speaking with him. Deputy Post believes they left the Ale House at approximately 1815 hours because they had to be back at training to start scenario training with the NDT students for practical application week. *(See Tab-H for Official Transcript)*

Sergeant Justin Stewart

On October 7, 2019, Detective Tara Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Sergeant Justin Stewart at the Volusia Sheriff's Office Deputy Stephen Saboda Training Center, 3901 Tiger Bay Road, Daytona Beach. Sergeant Stewart has been working for the Sheriff's Office for fifteen years and is currently assigned as School Resource Deputy Supervisor. The following is a summary of the interview:

Sergeant Stewart attended the event at the Ale House on June 14, 2019, he advised the event started at 1700 hours and they arrived shortly before it began. Sergeant Stewart went to the Ale House with Deputy Post and Deputy Wiles. Sergeant Stewart did not recall seeing Sergeant Turney at the Ale House while he was there, he advised they had to be back at training to start back at 1800 hours, so they left at approximately 1745 hours. *(See Tab-I for Official Transcript)*

Janelle Williams (Homan)

On October 7, 2019, Detective Tara Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Janelle Williams at the Volusia Sheriff's Office Deputy Stephen Saboda Training Center, 3901 Tiger Bay Road Daytona Beach. Ms. Williams has been working for the Sheriff's Office since December 2016, she is a Special Projects Coordinator and in the Community Relations Unit. The following is a summary of the interview:

Ms. Williams attended the event at the Ale House on June 14, 2019, she went with Deputy Chief Paugh; who picked her up at approximately 1745-1800 hours. Ms. Williams saw Sergeant Turney while at the Ale House, she advised he arrived sometime between 1830-1900 hours. Ms. Williams advised Sergeant Turney arrived after 1800 hours because she and Deputy Chief Paugh didn't arrive until approximately 1800 hours. She advised Sergeant Turney was in plain clothes and arrived by himself. Ms. Williams believes Sergeant Turney ordered an alcoholic drink when he arrived at the restaurant. Ms. Williams advised she didn't talk to Sergeant Turney about him working on June 14, 2019. Prior to Sergeant Turney getting there, she remembered hearing he went to a conference, but she didn't recall any specifics for that day. *(See Tab-J for Official Transcript)*

Deputy Jeffrey Wiles

On October 8, 2019, Detective Tara Burke conducted a sworn recorded telephone interview with Senior Deputy Jeffrey Wiles. Deputy Wiles has been working for the Sheriff's Office for twenty five years and three months and is currently assigned at training. The following is a summary of that interview:

Deputy Wiles attended the event at the Ale House on June 14, 2019, he advised the event started at 1700 hours and he went with Deputy Post. Deputy Wiles advised they arrived at approximately 1700 hours and left at approximately 1800 hours, or a couple minutes prior to 1800 hours. Deputy

Wiles did not recall if he saw or spoke to Sergeant Turney while at the Ale House. *(See Tab-K for Official Transcript)*

On October 8, 2019, Sergeant Turney was served with an amended Notification of Internal Investigation, along with a copy of his Officer Bill of Rights. *(See Tab – B Official Correspondence)*

Lieutenant Anthony Shank (second interview)

On October 9, 2019, Detective Tara Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Lieutenant Shank. The following is a summary of the interview:

Lieutenant Shank verified as part of his job assignment as a Lieutenant, he verifies overtime for deputies and sergeants in District-4; he explained sergeants approve deputies, and then he approves the sergeants. Lieutenant Shank took over Kronos responsibilities for two patrol shifts, the Traffic Unit and CST (Crime Suppression Team) in January 2019. Lieutenant Shank verified he has overseen Sergeant Turney's Kronos since January 2019. Lieutenant Shank advised Sergeant Turney has the capability to adjust his own timecard in Kronos, he has manager functions.

Lieutenant Shank explained the transition period for him taking over the Kronos for the Motor Unit was in January, so he was not certain about the non-productive time Sergeant Turney took in the beginning of January, he may have made prior arrangement with Lieutenant Taylor. Lieutenant Shank was not certain why during the timeframe of December 29, 2018 through January 11, 2019, Sergeant Turney changed his hours to twelve hour shifts instead of his normal working hours, he stated *"There are times when he might have said something about it for whatever reason they were working. I know there's a certain amount of trust put on them as a specialized unit so for whatever reason were they working some kind of operation I don't remember."*

Lieutenant Shank was asked about pay period January 12 through January 25, 2019. There was no approval by Lieutenant Shank in Kronos, he was not certain why it wasn't approved because normally he would get messages saying it needs approval. Lieutenant Shank was also asked about January 18, 2019, during this pay period Sergeant Turney worked 0700-1700 hours overtime as 1M40, with 1B40 and 1B90 already filled with other supervisors. Lieutenant Shank was asked if it would have to be approved through him for Sergeant Turney to work 0700-1700 hours if it's not his normal schedule day, he explained, *"Prior to me, it had been established he was working five days a week. I've known it pretty much to be a general standard the entire time I've been there, and again that's prior to January, I don't know what deals were set in place and I don't know who started that."* Lieutenant Shank also stated, *"Whether it was a captain or a lieutenant, or what their reason was. I know for a long time we carried a vacancy so they were trying to keep in terms with the contract."* Lieutenant Shank advised they had a Traffic Unit vacancy for a while, it was either a BAT (Breath Alcohol Unit) Deputy or Motor Deputy. Lieutenant Shank advised Sergeants have filled in for deputy spots as supervisors for vacancies, but he's aware it's not liked. Lieutenant

Shank was asked about Sergeant Turney filling in for vacant Motor Unit positions as a supervisor, he explained, *"...that was, and over the course of time of me being there I knew that, that had came up on occasion. Would he be able to fill it? Yes I would, there's nothing that I'm aware of that prevents you, I just know that it's not, never has been liked, currently or in the past."*

Lieutenant Shank was asked if it was normal practice for a supervisor to work in District-4 for an entire day and have no AVL or CAD history for that day; he explained there should be at least a log into CAD and AVL if they are working. Lieutenant Shank explained as far as activity goes, it would be on the individual sergeant, or individual deputy, when they work overtime how much activity they have.

Lieutenant Shank did not recall giving Sergeant Turney permission to receive overtime on February 8, 2019, for a training class he took at Daytona State College, *"Rescuing the Rescuer."* Lieutenant Shank advised driving time to a training class is not the standard practice.

Lieutenant Shank was asked about pay period February 9 through February 22, 2019. On February 15, 2019 (Friday), Sergeant Turney worked overtime from 0700-1700 hours as 1M40 for ten hours overtime, Lieutenant Shank stated, *"Yeah he wouldn't have gotten approval for it."* Lieutenant Shank was informed of Sergeant Turney working the entire day and only logging in at 0705 hours, and logging out at 1706 hours, he stated, *"Yeah it's not uncommon in that position not to be out writing tickets with the guys because there's a lot of interaction with the city whether it's planning whatever event there is. I don't know of one in February but there's special events, there's traffic planning, there's reviewing traffic crashes for 40 plus deputies with stuff to handle or his THI (Traffic Homicide Investigation) duties. I mean it's not totally uncommon."*

Lieutenant Shank was asked about the limit of days allowed to be worked in a row, due to Sergeant Turney having thirteen days in a row during one pay period into the next; he stated, *"Well it's with, having the vacancies, it's you know, it's 7 then I heard 10 and then lieutenant approved, it's definitely changed through the years. Back in, back in the day it was, you know, you if you work more than 7 days you had to get unless you had a special event waiver."* He also advised, *"So February March July October, you know, normally that would be something where nobody would even question it."* He believes they were under the memo authorizing more authorized days in a row due to Bike Week starting on March 8, 2019 (Friday) and through the week of March 9, 2019.

Lieutenant Shank was asked about the week of February 23 through March 8, 2019, Sergeant Turney changed his regular work day to reflect that he was working Friday instead of Monday. Lieutenant Shank explained, *"Yes there's, I mean, it is a practice with people at times changing a day where if they work four 10's and so they might, you know, say they work Tuesday through Friday well now they work might work Monday Tuesday, then work Thursday Friday and pick up Wednesday somewhere."*

Lieutenant Shank was asked about Sergeant Turney taking productive time for time off within less than the fourteen day notice required for productive time. Lieutenant Shank explained, *"There are times people don't submit stuff in Kronos to where you have a record of it 14 days in advance. Now was something said where I'm taking off or doing something I don't remember I can't remember that far back if it was... And there's emails or sometimes just a verbal thing when they, hey I'm taking off two weeks at the end of the month or taking off you know a certain day."* Lieutenant Shank verified it is a possibility the time was verbally requested off prior to the fourteen day notice required for productive leave time.

Lieutenant Shank was asked if Sergeant Turney is allowed to change his schedule in order to collect overtime, take personal leave, and then work an outside detail as well, he advised, that wouldn't be a common thing. Lieutenant Shank explained, *"That's been such a long running thing with the whole bike week details up there because that's one, most of that is all of Rossmeyer's stuff which some bike week stuff it's not, it's not the same because they're working um, working for the county sort of speak with that being an outside detail it's been I think pretty much since the inception of Deltona's motor unit to work up there and take outside detail pay so I don't ever remember giving him permission, but it's been like I said such a long standing practice I wouldn't have thought anything about it."*

Lieutenant Shank advised, someone in Sergeant Turney's position would not have to get permission to change his schedule for a work week in order to work somewhere elsewhere, but he may tell him as a courtesy he was going to switch his schedule. Lieutenant Shank verified that the FDOT grant is paid on overtime, he does not manage the grant; he believes it's managed through Operations.

Lieutenant Shank explained how the Motor Unit schedule works since the inception of that unit in District-4, he advised, *"...so that's kind of set apart with the amount of guys that you have but there's coverage Monday through Friday and then you try to get the late coverage so it might be 7 to 5 and then they're gonna work 7 to 7 or they might switch it up to and work 9 to 9 there's, there's different flexibility in the schedule."*

Lieutenant Shank was informed Sergeant Turney adjusted his Kronos and logged out at 1900 hours on Friday, June 14, 2019, from the Florida Association of Hostage Negotiators 2019 Annual Conference, he did this on June 17, 2019, after Lieutenant Shank had already approved Kronos. He advised it is not normal practice to change Kronos after it's been approved, however sergeants have changed it in the past. Lieutenant Shank verified again that overtime wouldn't be approved for training but stated, *"Yes. I mean he wouldn't you know go back in and work two hours every day and get time if you're approved for 40. Now again specialized units if you get called out because I believe during that that was during that time frame there was a call out where overtime was..."* Lieutenant Shank advised Sergeant Turney did get called out during the week of the

conference, he believes it was on Wednesday or Thursday night of that week. According to Sergeant Turney's Kronos, on Tuesday, June 11, 2019, he was on a "call out CISD" from 1701-2000 hours.

Lieutenant Shank advised a sergeant filling in for patrol deputy, or for a deputy in motors, used to be allowed, but has changed since the overtime changed and they don't have any current vacancies in District-4 any longer. Lieutenant Shank denied ever allowing Sergeant Turney to go home early and not log out, or log in and stay home in the morning for a few hours prior to the start of work. Lieutenant Shank explained, "Not normally. Now there was one time that he had an issue with a water heater and it was hey I'm by the radio I'm waiting on somebody and I think there was another time that he was sick. I don't remember the dates but I do know there, and could there have been more than within this time frame? Yes. But I do remember an issue with a I believe it was the water heater, air conditioner or something with flooding that he was waiting for somebody."

Lieutenant Shank was asked if prior to him getting to District-4 if Sergeant Turney had free reign of his schedule, he advised, "It was, I mean there's definitely flexibility there. Um again, with a specialized unit especially the one that he's in you put a certain amount of trust in them that they're gonna abide by it..." Lieutenant Shank also stated, "...and do the stuff that you need to, I mean he's proven through the years, until outside of this, that you know, that trust was well placed. Um, and you know you have to spot check at times, I mean you don't you're not currently constantly on them but there are, like I said, there is flexibility in any specialized unit with a sergeant. Again it kind of goes back to just somebody you trust that you can count on is you know in his case it's somebody that, trusted him as assistant commander of hostage negotiations unit and critical incident debriefings."

Lieutenant Shank was asked if he violated the following Sheriff's Office directives and Volusia County Merit System Rules and Regulations.

26.1.60 Accountability	No
26.2.5 Neglect of Duty	
RE: 17.4.29 Payroll Management	Yes
26.2.33 Inattention to Duties, Loafing, Sleeping	No
26.2.40 Negligence, Not Endangering	Yes
Volusia County Merit System Rules and Regulations 86-453 (1)	No
Volusia County Merit System Rules and Regulations 86-453 (12)	No
Volusia County Merit System Rules and Regulations 86-453 (22)	No

Prior to concluding the interview Lieutenant Shank added, *“Um, yeah I think under the accountability one had I seen disciplinary action was necessary I would have taken it. So that’s why I answered the way I did as far as you know there evidentially was some errors at the end of the day I’m responsible for. So whether or not I trusted somebody wrong or right or indifferent at the end of the day I mean it’s mine.”* (See Tab-L for Official Transcript)

Sergeant Joel Turney

On October 18, 2019, Detective Tara Burke and Sergeant Ryan Mills conducted a sworn recorded interview with Sergeant Turney. The following is a summary of the interview:

Sergeant Turney has been working for the Sheriff’s Office since 2002, he is currently assigned as the supervisor of the Traffic Unit in District-4; he has worked in his current position since 2010.

Sergeant Turney advised his schedule recently changed over the past several months, prior to June he worked Monday through Thursday from 0700-1700 hours, and on Tuesdays he worked 0700-1900 hours. Sergeant Turney has the capability to adjust his own timecard in Kronos, including adjusting his days and times, he also reviews Kronos for the deputies he supervises in the Traffic Unit. Sergeants and above have the ability to edit Kronos for themselves and those they supervise.

Sergeant Turney was informed that a review of his timecard was completed from the dates, December 29, 2018 through June 14, 2019.

Sergeant Turney was asked if he had permission to add personal leave time in less than the fourteen days required for productive leave time during the timeframe of December 29, 2018, through January 11, 2019. Sergeant Turney could not recall when he had the conversation with Lieutenant Shank, but he intended on taking the time off, he could not recall if he took the time off in Kronos, or entered it manually into Kronos. He did not have an exact date for when he requested that time off. Sergeant Turney was asked how he typically takes personal leave time off, he explained he either does it through Kronos, word of mouth, manually himself, and sometimes it’s not approved through Kronos by the supervisor in the allotted amount of time. Sergeant Turney was also asked about the twelve hour day he worked during this same time period (twelve hour days on January 7th through January 10, 2019). He explained he does not know the particular dates, but normally there is discussion about changing his schedule if he works a detail, or if it was normally a day off.

Sergeant Turney advised Lieutenant Donaldson Taylor (prior Lieutenant) allowed him to adjust his schedule, Sergeant Turney explained, *“Every lieutenant that I’ve worked for has, has allowed that umm, that latitude to do that. I don’t recall anytime that I’ve ever been told no don’t, you can’t change your schedule.”* Sergeant Turney has worked for numerous different Lieutenants, he advised the Motor Unit has always had some leeway with the schedule. During an interview with Lieutenant Taylor on November 19, 2019, he could not recall an exact date when he gave Sergeant Turney permission to work overtime in District-4, but he was aware of Sergeant Turney working a lot of overtime.

Sergeant Turney was asked about pay period January 12 through January 25, 2019. Sergeant Turney was given permission to work overtime as 1M40, he believes it was under Lieutenant Taylor, he was given permission to work Fridays for overtime so he didn't have to find overtime to work elsewhere. Sergeant Turney advised it was the standing rule for a while, and he was never told he couldn't work the overtime. Sergeant Turney wasn't sure if anyone else was working overtime, but he heard CID had the same arrangement under Sergeant Todd Smith to work overtime on their day off. Sergeant Turney advised the Motor Unit had permission for some time to fill vacant Motor Deputy positions, he advised he was also given permission to fill deputy vacant Motor Unit positions up until the overtime rules changed in June. Sergeant Turney advised Lieutenant Shank gave permission for them to fill vacant deputy positions. Sergeant Turney explained he allowed the Motor Unit to flex and work on the weekend as a regular day to cover the vacancy during the week, they have always been flexible to change their schedules. Sergeant Turney wanted to clarify further he stated, *"To clarify a little bit more, we work a lot of outside details in the city of Deltona as well, we cover parades, festivals, things like that. Those are all on outside detail billing dockets, so if that falls on a regular scheduled day it's gotta be worked as overtime so you have to make that day up on another day. So whether you make it up on a Monday or whether you make it up on a Saturday... however..."* Sergeant Turney was asked if they were allowed to take personal leave when working an outside detail in the county, he confirmed that was allowed. Sergeant Turney also explained, *"We owe District-4 84 hours, so however we're kinda given the latitude to, to work our schedule. Ok we can...on days that you have an outside detail day you can burn a, a leave day, and work the outside detail because it's being paid by an outside customer as long as you got your 84 hours into the city or you can work your 84 hours and ya know you're just working a million hours ya know. So that's, that's always been an accepted practice."* Sergeant Turney advised they also have to work overtime on the FDOT Grant. Sergeant Turney was asked about the 84 hours owed to the city, he explained the 84 hours goes to the regular assignment, whether it's leave time or during a special event, it has to be 84 regular hours, and then everything is overtime after that.

Sergeant Turney worked on January 25, 2019, as 1C50 in District-3 South. He explained he was at his daughter's house in the morning, [REDACTED] in New Smyrna Beach, he gave her a ride to school. He advised he went home to Debary while working 1C50, he needed to let someone in for a repair on a plumbing issue at his residence. He cleared it through the district to go home, and then he went to District-4. He advised he went to District-4 and picked up the license plate reader trailer because they wanted it deployed in District-3 South, he brought it to District-3 South. Sergeant Turney was asked about the second time he went to [REDACTED] on January 25, 2019, he advised he went there on his lunch break to visit with his oldest daughter and admitted he was there longer than he should have been. Sergeant Turney was in his AOR because he was working as 1C50 and [REDACTED] is in New Smyrna Beach.

During the pay period of January 26 through February 8, 2019, Sergeant Turney attended training on February 8, 2019, *"Rescuing the Rescuers"* at Daytona State College. He was asked if he

received permission to get paid nine hours overtime for that training day, because on the training request form it was checked “no” for overtime being paid for training. Sergeant Turney gave an explanation, *“No um, probably my explanation to that would be that I would of, one of my other days would have been the overtime day, and I would of flexed my schedule where that would have been my regular day, I wouldn’t have considered that to be overtime. With the way I’m allowed to move my schedule around, ok well I have this class on this day but I’m gonna work, work, flex and work this day. If the logic makes any sense to you. And I was always given the latitude to, to do that.”* Sergeant Turney was asked if overtime is normally approved for training, he advised probably not recently, but he believes in the past there are probably example of how it was, but as a rule probably not. Due to Sergeant Turney adjusting his schedule for pay period January 26 through February 8, 2019; on February 8, 2019 (training class), he received nine hours overtime at an overtime rate of \$42.87 per hour, which resulted in benefitting in approximately \$385.83 of overtime pay. Furthermore, on February 11, 2019, having manager access to Kronos, Sergeant Turney manually created an *“in punch”* and *“out punch”* in Kronos for the nine hours of overtime for February 8, 2019, although he knew overtime was not approved for training.

Sergeant Turney was asked about working as 1M40 during the pay period of February 9th through February 22, 2019. On Friday, February 15, 2019, Sergeant Turney worked overtime from 0700-1700 hours. Sergeant Turney was asked if he was given blatant permission to change his schedule, he explained, *“...I was given the latitude, like I explained before, to work on, on the Fridays, and I was never told to discontinue it, I was never told hey don’t, don’t do this. So I just, yeah I, normally there’d be conversation, hey I’m working, I’m working Charlie 90 this day I’m working Bravo 50 tomorrow...Ya know, knowing that I would flex and, and move my schedule for it so, no I was never, I was never told not to.”* Furthermore, on this same day (February 15, 2019), Sergeant Turney worked from 0705-1706 hours with no CAD activity for the day. Sergeant Turney explained he didn’t always log all activities in CAD, and it’s fairly normal for him not to log everything; however, since this investigation began he tries to log almost everything he does. Sergeant Turney advised his job tends to be more administrative in District-4, he is a liaison with the city on almost everything, help patrol, attends meetings, he advised the Motor Unit Sergeant in District-4 is a *“jack of all trade.”* He did not log everything into CAD in the past because he didn’t think it mattered at the time, but now understands the importance of it.

Sergeant Turney was asked about pay period February 23 through March 8, 2019. Monday March 4, 2019, Sergeant Turney worked overtime, he was asked if it was for a deputy position because both sergeant positions were filled, he advised it may have been to fill for a vacant position. Sergeant Turney stated, *“...to back up on that a little bit more, we even got permission, for a period of time, it hasn’t always been that way, but there was a period of time that when the motor guys took vacation time, we could fill that as well. So if they were taking a day off that was leave time someone else could, could cover those hours.”* Sergeant Turney believes it was Lieutenant Shank who gave approval for the coverage, but he couldn’t recall the exact conversation, he was informed they were covering everything because District-4 is a contract city, they cover patrol vacancies,

and cover all the vacancies if possible. Sergeant Turney was asked if it was done at the district level or if it was approved via the chain of command, he was not certain, he believes it was approved for the entire district, he was uncertain where the information came from. Sergeant Turney was asked about another day during this timeframe (February 23 through March 8, 2019), on March 8, 2019, time he took off in Kronos for productive time. He explained either he didn't put it in Kronos and put it in manually, but it was time he planned on taking off. Sergeant Turney also worked on March 4, 2019, overtime in District-4 as 1M40, both patrol sergeants were working, he was not certain why his schedule changed, but advised the whole pay period during this time period (start of Bike Week) gets *"twisted and busy,"* his intention would have been to cover his normal 84 hour regular assignment, cover outside details with leave, and he wasn't certain what overtime he worked in Deltona for that week. During this pay period February 23rd through March 8, 2019, Sergeant Turney adjusted his schedule, took personal leave time on March 8, 2019 (Friday is his regular day off), and then took an outside detail as well. As a result of changing his schedule, Sergeant Turney received ten hours of overtime at an overtime rate of \$42.87 per hour, which resulted in benefitting approximately \$428.70 in overtime pay.

Sergeant Turney was asked about pay period March 9 through March 22, 2019, this was Bike Week. Sergeant Turney was asked if he's allowed to adjust his schedule, take personal leave time, and work an outside detail all on the same day. Sergeant Turney explained, *"We've always been allowed to do that during special events like Bike Week and, and things like that, because there's so many hours that we have to cover. And like I said, this year we, I don't have to do that anymore, but, always had to cover all of ahh the Destination Daytona details, so I would pretty much work almost the entire pay period. So however I could fit my other hours to cover my obligations to my regular assignment I could adjust my schedule to do that."* Sergeant Turney explained they would have talked about the Bike Week schedule beforehand because they used to have two Motor Units in the city of Deltona, but because they needed all the Motor Units for details, they would have to take leave time to work other positions for Bike Week. Sergeant Turney explained Bike Week and Biketoberfeast were the only times he could think of where they would not physically work the 84 hours in the city of Deltona. Sergeant Turney was asked if the Motor Deputies in his unit would adjust their schedules and take the personal leave time and work the outside detail as well. Sergeant Turney explained, *"... I was never told we couldn't do that because the hours are being paid by the customer, so your burning, your leave time you're being burned is, is ya know your, your time, you're taking to cover your scheduled day then the overtime that you worked is being paid by the customer."* Sergeant Turney was advised the confusion was adjusting the schedule and then taking the time off, Sergeant Turney explained, *"...adjust the schedule to try to make. Cause there's days up there that are umm outside details overtime and there's positions up there that are county over time, well obviously if you're working a county overtime thing you can't burn a leave day, cause you can't double dip the county, ya know what I mean, so it's ah it's like ah ah a dance if you will, to get everybody scheduled and get everybody through that so it's fairly difficult process...and it's everybody ends up with a ton of hours."*

Sergeant Turney was asked about pay period April 20 through May 3, 2019. Sergeant Turney advised "*annual leave fill*" on an overtime day, when both supervisors were working District-4 patrol, may have been when they had a vacant Motor Deputy position to fill, According to the District-4 Administration and Special Unit Schedule, there was a vacant position of 1BAT41 for the Traffic Unit in the month April 2019. According to the schedules, the vacant 1BAT41 position was on the schedule between the months of December 2018 through May 2019, and was no longer listed on the schedule for June 2019. Sergeant Turney also advised when filling the FDOT Grant it has to be worked on overtime, he worked the FDOT on April 26, 2019, during this same pay period (April 20th through May 3, 2019).

Sergeant Turney was asked about changing his normal work schedule for the entire work week of May 4 through May 17, 2019, to work twelve hour days resulting in overtime. Sergeant Turney explained there are several reasons his schedule could change, it happens frequently, his schedule changes for various reasons; he said it's something that would have been talked about with Lieutenant Shank. Sergeant Turney also worked as 1M40 on May 11, 2019, for "*annual leave fill*," however both sergeants were working; he said they have the hours to cover so he probably covered something else in the pay period, he advised he wasn't certain if he had conversation with a supervisor for this change. Due to Sergeant Turney changing his normal work schedule for this pay period May 4 through May 17, 2019, and working an unknown location for "*annual leave fill*," (both patrol sergeants filled in District-4), he obtained twelve hours of overtime at an overtime rate \$42.87 per hour, which resulted in benefitting approximately \$514.44 in overtime pay.

For pay period May 18 through May 31, 2019, Sergeant Turney was asked about logging in by the radio, but his AVL picked up at a different time. Sergeant Turney explained his tablet sometimes has connection issues, he may log in by the radio but not the AVL, if he's on his motorcycle he doesn't usually use the tablet because it will drain the battery on the motorcycle, or sometimes there are issues with the tablet itself with connecting to the internet/intranet. Sergeant Turney was asked about May 21, 2019, he was home at 1745 hours, but paid until 2000 hours, he explained, "*...it was always the, the two hours umm, or the, ya know the extra time on your long day was usually used to detail your motorcycle because you can't wash it, you can't go to a car wash, you can't wash it really while you're on duty, there's nowhere to do that, and it takes an extended period of time to take the saddle bags off it, clean it properly ahh, either jack it up or lay it over and clean the rims, things like that, so we've always, we're not doing that anymore that, that process has changed but we've always, we've always, done it that way.*" Sergeant Turney advised he would clean his motorcycle at home. According to the Volusia Sheriff's Office Departmental Standards Directive, each Deputy is responsible for their assigned motorcycle's maintenance, it does not specify an amount of time designated for weekly motorcycle maintenance. According to prior Motor Unit Supervisors, the Motor Unit Deputies would be given time to clean their motorcycles as needed, and for special details and such, but there wasn't a contract or set weekly hourly amount of time, or overtime issued for care and maintenance on the motorcycles.

Also during the time period of May 18 through May 31, 2019, on May 29, 2019, Sergeant Turney's AVL showed he was at home at 1840 hours but paid until 2000 hours, he was asked if he had permission to go home. Sergeant Turney did not recall any specific conversation that allowed him to go to the house, he didn't know if he took the motorcycle to go do something, he wasn't certain what he did during that time period.

Sergeant Turney was asked about pay period June 1 through June 14, 2019. Sergeant Turney covered as 1M40 on June 7, 2019, from 0700-1530 hours, as "vacant positions," he advised during this time he could still cover for deputies, but it has since changed. Sergeant Turney asked to backup and explain further he stated, *"the week of June 7th umm, if I, however I commented that, that was the week that Frank Scofield had died...And I was involved the entire week in the planning of, the planning and execution of Franks funeral. So probably any hours that I had that week would have been...tied up into that, yeah... So if I went home, umm there's probably a good chance, there's more than once that week that I had to detail my bike and get my, ya know equipment and things like that so, I gotta say that, that week there anything to do would have been something to do with the, the Scofield memorial."* Sergeant Turney was asked about the conference he attended the week of June 10th through June 14, 2019. The Florida Association of Hostage Negotiators 2019 Annual Conference, the hours of attendance were Monday through Thursday 0800-1700 hours, and they were released at lunchtime on June 14, 2019. On the training request form it said no overtime would be paid for attendance of the conference, he advised he did not have permission to work 0700-1900 hours resulting in twelve hours overtime. Sergeant Turney explained, he logged in at 0700hrs and it may have been "force of habit" logging in at 0700 hours. On June 14, 2019, after class let out, Sergeant Turney went to lunch with Lieutenant Shank, Lieutenant Donnie Heaton, Sergeant Richard Lecates, he then went to the District-4 office following lunch because he had been out the office with the conference and events the week prior. He didn't recall having permission to go to the District-4 office on that day from Lieutenant Shank. Sergeant Turney was asked what time he went home on June 14, 2019, he stated, *"I would say, and I know what the, the questions that come along with this because when I put my time in, in Kronos on that Monday, I put it in as seven. And I, thinking back on it and trying, because I haven't looked at it or anything else. Thinking back on it the, the answer I come across, is ok every, every week I get that extra two hours for, for care and maintenance on the, the motorcycle, the way we used to do it. And I hadn't gotten it that week, umm, so I ahh ya know, the hours were already in for the other days so I made that my, my longer day. Should I have made it that, no absolutely not, but I was done with work ah about 5 o'clock, ah went home, ah got ready to go to the umm the event at the Ale House that ah was a memorial for Frank Scofield. Um I'm sure your questions from here will go to that."* Sergeant Turney was asked why he didn't take away the hour of drive time from 0700-0800 hours on the drive to the conference on June 14, 2019, he advised he didn't have an answer for that, he believes it was "force of habit," he explained he normally works one twelve hour day for the pay period and that was the logic he was using for that. Sergeant Turney didn't have an exact time he arrived at the Ale House, he advised he encounter Deputy Chief Paugh outside on the bench at approximately 1830-1900 hours. Sergeant Turney did not recall seeing any of the Deputies from

training (Deputy Seltzer, Deputy Lewis, Sergeant Stewart, Deputy Wiles, or Deputy Post) when he arrived at the Ale House. At approximately 1915 hours he ordered his first drink, he was in his personal vehicle, came to the event by himself, he was not wearing Sheriff’s Office attire, he was not working. He believes it was approximately 1915 hours, he was estimating the time because he’s had a long time to think about this, he came up with the best timeline that he could. When Sergeant Turney arrived at the Ale House, he made his way around the room talking to people prior to ordering an alcoholic beverage.

On June 14, 2019, Sergeant Turney received twelve hours overtime for a training class where overtime was not approved. As a result Sergeant Turney received twelve hours overtime pay at an overtime rate of \$42.87 per hour, which resulted in benefitting approximately \$514.44 in overtime pay. Furthermore, Sergeant Turney admitted to adding on two hours for “*care and maintenance*” on his motorcycle, which he did not actually do care and maintenance on his motorcycle during those two hours on June 14, 2019. While in fact, during those two hours, Sergeant Turney was home getting ready, enroute to the Ale House, and arrived at the Ale House at approximately 1800-1830 hours while getting paid until 1900 hours. Additionally, having the ability to edit his timecard in Kronos, he manually created an “*out punch*” on June 17, 2019, Sergeant Turney could have corrected his timecard knowing that no overtime was approved for training.

Sergeant Turney was asked if he violated the following Sheriff’s Office directives and Volusia County Merit System Rules and Regulations.

26.2.109 Falsification of Official Documents	No
26.2.130 Commission of a Felony	No
26.2.134 Knowledge of Official Directives	Yes
Volusia County Merit System Rules and Regulations 86-453 (2)	No
Volusia County Merit System Rules and Regulations 86-453 (5)	No
Volusia County Merit System Rules and Regulations 86-453 (8)	No
Volusia County Merit System Rules and Regulations 86-453 (10)	No
Volusia County Merit System Rules and Regulations 86-453 (14)	No
Volusia County Merit System Rules and Regulations 86-453 (22)	No

Sergeant Turney stated “yes” there was a violation of knowledge of official directives, he stated, “*obviously ah, the day in question about the ya know taking the, the overtime on the, the day that I was ya know at class and things like that...was it intentional to, to do that, no, but do I see it now as it’s laid out in front of me, yes.*”

Sergeant Turney was asked if he wanted to add anything else, he stated, *“I’m just gonna repeat what I said there. That anything, that, that’s come up that um, ya know refers to, ya know taking overtime for classes or things like that. Um I never intentionally tried to get extra overtime out of situations like that. Um ya know maybe ah it, ya know, an oversight on my part or ah, ya know, unintentionally, ya know, made an error on something or calculated something wrong but I did, I never had any intention to take extra overtime for things like that so. Based on the last thing that I said yes to, ah yes, but not intentionally.”* (See Tab-M for Official Transcript)

Initially a review of Sergeant Turney’s timecard between December 2018 and June 14, 2019, was conducted; however, during interviews with Lieutenant Shank and Sergeant Turney there were additional questions for the 2018 calendar year when Lieutenant Taylor was his supervisor in District-4 that needed clarification.

On November 19, 2019, Lieutenant Donaldson Taylor was served with a Notification of Internal Investigation, along with a copy of his Officer Bill of Rights. (See Tab – B Official Correspondence)

Lieutenant Donaldson Taylor

On November 19, 2019, Detective Tara Burke conducted a sworn recorded interview with Lieutenant Taylor. The following is a summary of the interview:

Lieutenant Taylor has been employed with Volusia Sheriff’s Office since September 1996, he is currently assigned as Assistant Commander of District-3 South. Prior to working in District 3, Lieutenant Taylor worked in District-4 from December 2017 until January 2019.

In District-4 Lieutenant Taylor worked as Assistant Commander, he was in charge of the CST Unit, Motor Unit, along with other office personnel. Lieutenant Taylor was in charge of approving Kronos for Sergeants under his command in District-4, Sergeant Turney was under his chain of command during that timeframe. Lieutenant Taylor explained he would cover Kronos for Lieutenant Shank, and he would do the same for him if either one of them were on vacation or out for sick leave. Lieutenant Taylor verified Sergeants can change their own time in Kronos, however, they shouldn’t change their time in Kronos after it’s approved by a supervisor.

Lieutenant Taylor advised Sergeant Turney worked 84 hour weeks in District-4, he worked Monday through Thursday. Lieutenant Taylor was asked if he granted Sergeant Turney permission to work overtime in District-4 on Fridays, he stated, *“I granted him permission to work overtime to complete motor stuff, yes, at times yes he would. And we would talk about it.”* Lieutenant Taylor couldn’t recall when he gave Sergeant Turney permission to do so, however he knew Sergeant Turney worked a lot of overtime. Lieutenant Taylor was unaware if Lieutenant (now Captain) Richard Fortin granted Sergeant Turney permission to work overtime prior to him becoming the Lieutenant in District-4. Lieutenant Taylor was asked if Sergeant Turney came to him requesting to work Friday’s as overtime, he stated, *“Upon reviewing everything, ahhh to keep up with his*

work schedule, ahhh he attended meetings etc., umm it was during a conversation we had, I don't, I don't recall if I went to him or if he came to me, I don't."

Lieutenant Taylor advised Sergeant Turney would work vacancies within the district for other Sergeants. Lieutenant Taylor was asked what was expected of Sergeant Turney while working overtime, because on some days Sergeant Turney would work an entire day and have no CAD or AVL activity except logging in and logging out; Lieutenant Taylor stated, "*He would be reviewing reports, THI's (Traffic Homicide Investigations), ect., attending meetings, we had ahh, he was part of the review board for the city reference to new communities or ahh projects, they were doing road projects etc.*" Lieutenant Taylor advised Sergeant Turney was the liaison for District-4, and he didn't always log himself at those meetings. It should be noted, Lieutenant Taylor never granted Sergeant Turney permission to not log into CAD or AVL, that's just something he did on his own.

Lieutenant Taylor was asked if Sergeant Turney had permission to work deputy vacancies under his command, he stated, "*No...Sergeants aren't allowed to work vacancies.*" Sergeant Turney was asked if the district was short would Sergeant Turney be able to fill in for a Deputy or Deputy on Motors, he stated, "*...generally no, I mean if we had an event or something we had to, we had to take care of, would he come in and fill in and work that day, yes...but...that's not a normal thing that we'd let him fill a deputies position.*" Lieutenant Taylor was not certain if the Motor Unit was down a position or if the BAT position was vacant, he wasn't certain if Sergeant Turney covered those positions he stated, "*I'm not saying it couldn't have happened, because he works a lot of overtime. Obviously.*" Lieutenant Taylor advised if someone covers sick leave for someone, normally they would work on the same day the person was out sick, he stated "*normally...that would make sense, yes.*" Lieutenant Taylor advised the contract in District-4 says they have to fill all their positions, including the 84 hour positions. Lieutenant Taylor advised sometimes the Motor Unit would work Saturdays for an event such as a special event, a 5k through the city, certain events they would have to come into work for. Lieutenant Taylor advised Sergeant Turney would need permission to work a Saturday if there wasn't a special event, and if the Patrol Sergeant positions were filled. Lieutenant Taylor never approved Sergeant Turney to clock in and stay home, or clock out and stay at home, other than two occasions he recalled a water heater being fixed, and another time he had carpet in his trailer replaced, however he was by the radio and had to be available to respond.

Lieutenant Taylor was asked when he was in command if the Motor Unit did they receive two hours of overtime a week for care and maintenance on their motorcycles, he could not recall, he advised if they did he believes it would be part of the contract. Lieutenant Taylor wasn't certain about the time for the care and maintenance on their motorcycles, he did not know if it was similar to a contract like K-9 being paid weekly for care and maintenance. Lieutenant Taylor advised Sergeant Turney didn't ride his motorcycle often, he said he would ride it to all the events, but he did a lot of office work and would drive his truck to the office and meetings. Lieutenant Taylor advised the AVL should hook up when he's driving his truck, Sergeant Turney has a small portable

AVL to use for both his truck and motorcycle. Lieutenant Taylor was aware they had issues with them when he worked in District-4 and wasn't aware if the issues have been fixed.

Lieutenant Taylor was asked about Sergeant Turney changing his schedule to work elsewhere, he advised Sergeant Turney would call him on occasion about working different places and he would allow him to change his schedule. Lieutenant Taylor was asked if Sergeant Turney was allowed to just change his schedule in the district himself whenever he wanted to, he stated, *"I will tell you this, we changed, he changed his schedule a lot, to do, everything from special details to ahhh the, the FDOT Grants were just a headache, just to get to manipulate their schedules or to adjust their schedules to get those times done, so that would happen a lot."* Lieutenant Taylor advised Sergeant Turney would change around the other motor duties schedules a lot as well. Lieutenant Taylor was asked if he ever allowed Sergeant Turney permission to change his scheduled work day, take a personal leave day, and then fill a vacant deputy position in motors, Lieutenant Taylor could not recall allowing him to do that. Lieutenant Taylor advised Sergeant Turney normally would ask for approval for time off, he explained if he didn't do it within the fourteen days he wasn't getting paid overtime. Lieutenant Taylor advised Sergeant Turney could work outside details and take leave if the leave wasn't being paid from outside the county, he explained during Bike Week and other events he would have to adjust his schedule. Lieutenant Taylor was asked if it was normal practice if Sergeant Turney changed his schedule to get overtime on his normal work day, take personal leave on a Friday that isn't his normal schedule, and then also take an outside detail on that same Friday; Lieutenant Taylor found it was confusing, but advised it wasn't normal practice and it is something he would have to get permission for. Lieutenant Taylor was asked if Sergeant Turney was allowed to change his schedule and adjust his schedule whenever he wanted to, he stated, *"He had latitude to change it, he would call, we would discuss it."* Lieutenant Taylor was asked if with Sergeant Turney being a supervisor over a specialized unit if he was trusted with doing the right thing with his schedule and his Kronos management, he stated, *"Absolutely the responsibility placed on Joel Turney is, was immense I mean he's the THI (Traffic Homicide Investigator), head THI guy in our district, for the county I believe. He's ahhh CISD, assistant commander, assistant commander hostage negotiations, ahh so, yeah I mean we, we trusted, he was entrusted with a lot, we truly ahhh, we truly trusted him yes."*

Lieutenant Taylor was asked about training days, and if overtime is approved when a training request is filled out and overtime isn't approved on the training request form, he stated, *"...if you fill out a training request with no overtime you're not approved overtime, you cannot get overtime, and that's, that's pretty much a standing rule that's been a long, we, we couldn't send people to school because we generated overtime, unless it's mandatory."* Lieutenant Taylor advised it's not normal practice to take a day of overtime after filling out a training request, he advised it would have to be approved for the overtime.

Lieutenant Taylor was asked if he violated the following Sheriff's Office directives and Volusia County Merit System Rules and Regulations.

26.1.60 Accountability	No
26.2.5 Neglect of Duty	
RE: 17.4.29 Payroll Management	Yes
26.2.33 Inattention to Duties, Loafing, Sleeping	No
26.2.40 Negligence, Not Endangering	Yes
Volusia County Merit System Rules and Regulations 86-453 (1)	No
Volusia County Merit System Rules and Regulations 86-453 (12)	No
Volusia County Merit System Rules and Regulations 86-453 (22)	No

Lieutenant Taylor was asked why he believes he violated neglect of duty, he stated, *“I approved overtime for him that apparently wasn’t kosher.”* Lieutenant Taylor also believes he violated negligence, not endangering, because it’s similar to neglect of duty charge. Prior to concluding the interview Lieutenant Taylor added, *“...while I was assigned there, ahhh we put a lot of trust into him, to do, to do a lot of things...He worked a lot of overtime, I did not realize the amount, ahhh like I said. Ahh, but yeah, anything he did for us ahh was done in good faith, I mean there was never any intent to do, to get anybody anything that they shouldn’t, they don’t deserve, so.”* (See Tab-N for Official Transcript)

Executive Summary:

During the time period of the initial investigation, December 29, 2018 through June 14, 2019, Sergeant Turney was scheduled Monday 0700-1700 hours, Tuesday 0700-1900 hours, Wednesday 0700-1700 hours, and Thursday 0700-1700 hours. A review of Sergeant Turney’s hours worked was completed for the time period listed. The following is a summary of several days identified by detectives.

Sergeant Turney submitted a training request soliciting his attendance at the training class *“Rescuing the Rescuers”* at Daytona State on February 8, 2019; this day was Sergeant Turney’s scheduled day off for the week. The training request form signed by Sergeant Turney and approved by the Chain of Command indicated the attendee; Sergeant Turney, would not be paid overtime as a result of attendance. The class was scheduled from 0800-1630 hours. Sergeant Turney attended the class, his attendance was verified with Daytona State College. Sergeant Turney did not log into Kronos Time keeper on the day of the training. On February 11, 2019, three days after the training, Sergeant Turney, utilizing his Kronos Time Keeper management permission, logged into Kronos Time Keeper and adjusted his time for Friday February 8, 2019. Sergeant Turney created a manual *“In Punch”* time at 0800 hours and a manual *“Out Punch”* time at 1700 hours, with the comment *“Training Class.”* This resulted in Sergeant Turney receiving nine hours of overtime pay, as these

hours were beyond his regular scheduled hours, financially benefitting himself of approximately \$385.83.

During Sergeant Turney's interview, he was asked if he violated any of the merit rules or departmental policies listed during the investigation. Sergeant Turney admitted to violating departmental policy, Knowledge of Official Directives. When asked how he violated the stated policy, Sergeant Turney admitted he should not have been paid overtime for this training class and another training class he attended. Although Sergeant Turney explained his intention was not to be paid for this day, his actions display a different motive.

The intent of Sergeant Turney is clear for the training day on February 8, 2019 as follows:

- He solicited permission to attend the class, which he knew in advance was occurring on his day off.
- He knew overtime was not approved as a result of his attendance.
- On February 11, 2019, three days after the class, he utilized his management permission and accessed a restricted database, Kronos Time Keeper, Kronos Time Keeper being a database in which a user name and password are required.
- Sergeant Turney changed his hours to ensure he was paid 9 hours of overtime, making the day financially beneficial for himself of approximately \$385.83 that he was not authorized by the Sheriff or Command Staff to receive.
- Furthermore, Lieutenant Shank, as Sergeant Turney's supervisor, failed to identify and correct Sergeant Turney's adjustment to his timecard, thus approving such.

During the pay period beginning February 23, 2019 and ending March 8, 2019, Sergeant Turney changed his timecard by logging into Kronos Time Keeper and using his management permission to change his workdays. Sergeant Turney changed his scheduled workday from Monday, March 4, 2019, to his normally scheduled day off Friday, March 8, 2019. Sergeant Turney then worked his newly scheduled day off, Monday, March 4, 2019, from 0700-1700 hours, ten hours of overtime in District-4, noted as a "*Vacant Position.*" There were no vacant Sergeant positions, and the only vacant Deputy position in the Motors Unit was a position intended for a DUI enforcement Deputy (BAT). This day resulted in Sergeant Turney being paid approximately \$428.70. Sergeant Turney then logged into CAD on Friday, March 8, 2019, and claimed to work from 0800-1000 hours in District-4. A review of CAD shows he logged into CAD at 0810 hours, and a review of Force Watch indicates Sergeant Turney sat stationary at the RaceTrac gas station, located at 407 Welcome Center Drive, Deltona, from 0810 hours until 0859 hours, when he left the gas station. Sergeant Turney then traveled to a previously scheduled outside detail at Destination Daytona in Ormond Beach. Paying himself until 1000 hours, Sergeant Turney allotted himself one hour of pay to travel to his outside detail.

During the interview with Sergeant Turney, he advised Detective Burke and Sergeant Mills that he was given the "*latitude*" to adjust his schedule in order to accomplish work related tasks.

Additionally, Sergeant Turney advised Motor Deputies have been allowed in the past to use vacation or personal leave days on their scheduled days to work outside details and/or cover details within the City of Deltona. Additionally, Sergeant Turney advised Detective Burke and Sergeant Mills, per the City of Deltona contract with the Sheriff's Office, assigned Motor Personnel were required to provide 84 hours of time to the City of Deltona, whether it be through actual hours worked or vacation/personal leave hours used.

Although Sergeant Turney claims to have been given "*latitude*" and permissions were previously granted to deputies assigned to the Motor Unit, this is not what Sergeant Turney did during this timeframe. Sergeant Turney changed his schedule not to accomplish work related tasks, but to maximize his overtime pay during this pay period. By Sergeant Turney accessing Kronos Time Keeper, and changing his scheduled work day he collected an additional ten hours of overtime pay of \$428.70. This adjustment was not necessary to cover an outside detail on his scheduled day off, as the outside detail previously scheduled by Sergeant Turney was already scheduled for his day off. Sergeant Turney could have simply worked his normally scheduled days then worked the outside detail on his day off, instead the changing of Sergeant Turney's timecard for personal gain, made the day of March 4, 2019, financially beneficial for himself approximately \$428.70. It was not necessary to use personal leave or change his schedule in order to fulfill the City of Deltona contract requirements.

Review of Sergeant Turney's pay period February 23, 2019 and ending March 8, 2019, is as follows:

- Sergeant Turney utilized his management permission and accessed a restricted database, Kronos Time Keeper, Kronos Time Keeper being a database in which a user name and password are required.
- Utilizing this access for personal gain, he changed his scheduled workdays and was paid ten hours of overtime, making the day financially beneficial for himself approximately \$428.70.
- On March 12, 2019, Lieutenant Shank, as Sergeant Turney's supervisor, failed to identify and correct Sergeant Turney's adjustment to his timecard, thus approving such.

On Saturday May 11, 2019, Sergeant Turney worked twelve hours of overtime as his assigned unit identification, 1M40 from 0700-1900 hours. Sergeant Turney logged into Kronos Time Keeper, using his username and password, and attached the comments to the day, "*OT-Annual Leave Fill.*" Both patrol Sergeant positions were filled and a review of the District-4, Deltona schedule indicated no Motor Deputy was scheduled to work any weekend days. The schedule as it is reflected was verified with Sergeant Turney during his interview. During Sergeant Turney's interview, he explained that he had worked Saturday, May 11, 2019, and his explanation for working the day was, since another deputy had taken off a day during the week, it was acceptable for him to work overtime, it was noted as, "*OT-Annual Leave Fill,*" since the overtime pay would

be paid from the same budget as if he worked the scheduled vacation day for the Motor Deputy. A review of Kronos Time Keeper reflected Deputy Matthew Tremblay had used personal leave hours May 7, 2019 through May 10, 2019. However, Deputy Tremblay was not scheduled to work May 11, 2019, therefore, “*Annual Leave*” coverage was not necessary on May 11, 2019. During Sergeant Turney’s interview he acknowledged no motor Deputies were scheduled to work either Saturday or Sunday.

It is common practice of the Sheriff’s Office to fill an employee’s vacation day or sick day with a replacement on the same day the deputy or sergeant was originally scheduled to work. The same practice and procedure has been in effect during Sergeant Turney’s tenure at the Sheriff’s Office. Sergeant Turney is aware of this practice by covering vacation days or sick days for other Sergeants on patrol, on the same day they are scheduled to work, and not a random day when the shift is not short and an extra person is not needed.

Additionally, a review of the Kronos Time Keeper comments and audits indicates no supervisor in Sergeant Turney’s Chain of Command approved the Saturday hours Sergeant Turney worked, as no Lieutenant from District-4 approved the timecard for this pay period.

The intent of Sergeant Turney is clear for this day:

- There is no indication during the interview with Lieutenant Shank that Sergeant Turney either requested permission or was given permission to work the Saturday as “*OT-Annual Leave Fill.*”
- This was not a scenario in which Sergeant Turney and Lieutenant Shank described during their interview that District-4 Command Staff approved, although frowned upon, for Sergeant Turney to fill “*Vacant Positions*” within the Motor Unit.
- Sergeant Turney was accustomed to receiving a certain number of overtime hours each pay period, evident by Sergeant Turney’s timecard pattern, and the second week in the pay period he was out of town.
- Sergeant Turney’s justification for working the day was, since another deputy had taken off a day during the week he was justified to work the day, as it would be paid from the same budget.
- Sergeant Turney is aware, as evidenced by his work pattern, that days filled for Sheriff’s Office employees on vacation are filled the same day the deputy or sergeant will be absent.
- Sergeant Turney appears to have worked the Saturday and justify the hours by using the comment, “*OT-Annual Leave Fill.*” Sergeant Turney offered no explanation during his interview to refute this information, and his supervisor did not approve his timecard.
- Sergeant Turney was paid 12 hours of overtime, noted as, “*OT-Annual Leave Fill,*” making the day financially beneficial for himself, approximately \$514.44.

During the week of June 14, 2019, Sergeant Turney attended a Hostage Negotiators seminar in Daytona Beach. The class was scheduled Monday through Friday, 0800-1700 hours. Sergeant Turney submitted a training request soliciting his attendance at the conference being held between June 10 through June 14, 2019. Sergeant Turney, being aware of his scheduled workdays, was aware of the scheduled days and times of the conference. Sergeant Turney was aware the conference overlapped with his normally scheduled day off. The training request form signed by Sergeant Turney, and approved by the Chain of Command, indicated the attendee, Sergeant Turney, would not be paid overtime as a result of his attendance.

Sergeant Turney attended the conference, which was confirmed by his supervisor Lieutenant Anthony Shank, whom also attended the conference. Additionally, Lieutenant Shank pre-filled Sergeant Turney's times for the week while attending the conference. Specifically, on June 13, 2019, Lieutenant Shank created an "*In Punch*" and "*Out Punch*" for June 14, 2019, indicating Sergeants Turney's work hours would encompass 0800-1700 hours, as did the remainder of the week. Lieutenant Shank scheduled Sergeant Turney for nine hours a day for the conference, and the weekly total would have been forty five hours. Giving Sergeant Turney five hours of overtime, when Sergeant Turney's normal schedule was only scheduled forty two hours for the week.

On June 14, 2019, Sergeant Turney created an "*In Punch*" in Kronos Time Keeper via "*teletime*," a Kronos Time Keeper function, at 0700 hours. During the interview with Sergeant Turney, he claimed this "*teletime*" punch to be a "*force of habit*" although; Sergeant Turney did not make the same "*force of habit*" mistake at any other time during the week of the conference. Sergeant Turney did not create an "*Out Punch*" in Kronos Time Keeper on June 14, 2019. On June 14, 2019, at 1324 hours, Lieutenant Shank logged into Kronos Time Keeper and approved Sergeant Turney's timecard, knowing by the events detailed in the Kronos Time Keeper audits that the day prior he had made the necessary edits to Sergeant Turney's timecard. Lieutenant Shank then traveled outside the area for his pre-planned vacation. During the interview with Lieutenant Shank, he indicated although the conference was scheduled until 1700 hours, it in fact ended early, around lunchtime and all attendees were dismissed. Lieutenant Shank further indicated, Sheriff's Office attendees had lunch together prior to parting ways. Lieutenant Shank indicated he did not give Sergeant Turney permission to work after the conference nor did Sergeant Turney request permission.

Through key card access at the District four office, Detectives learned Sergeant Turney went to the office after lunch and through surveillance video, Detectives learned he left the office at 1616 hours. Through interviews with witnesses, Detectives know Sergeant Turney arrived at the Daytona Beach Ale House at approximately 1800 hours. Sergeant Turney was wearing civilian clothes, and driving his personally owned vehicle. Through interviews with Deputy Chief Paugh and Ms. Homan, Detectives learned upon arriving at the Ale House, Sergeant Turney socialized and ordered alcoholic beverages.

On June 17, 2019, three days after his timecard was approved by his supervisor, Sergeant Turney, utilizing his Kronos Time Keeper management permission, logged into Kronos Time Keeper, and adjusted his time for Friday June 14, 2019. Sergeant Turney created a manual “*Out Punch*” time of 1900 hours. Additionally, Sergeant Turney removed the 0800 hour “*In Punch*” time created by his supervisor on June 13, 2019, negating the direction by Lieutenant Shank who previously documented Sergeant Turney’s work hours would be 0800-1700 hours. After the manual corrections were completed, Sergeant Turney attached the comment “*Training Class.*” Because of Sergeant Turney’s timecard change, he received twelve hours of overtime pay, financially benefitting himself of approximately \$514.44.

During Sergeant Turney’s interview, he was asked if he violated any of the merit rules or departmental policies listed during the investigation. Sergeant Turney admitted to violating departmental policy, Knowledge of Official Directives. When asked why he violated the listed policy, Sergeant Turney admitted he should not have been paid overtime for this conference (Hostage Negotiators Seminar) and another training class (Rescuing the Rescuers). Sergeant Turney also claimed he added two hours on June 14, 2019, to account for two hours of motorcycle maintenance he claims to receive each week to clean his department issued motorcycle. It should also be noted, even if Sergeant Turney did receive the two hours as he expressed, during this time he was at the Ale House and not conducting maintenance to his motorcycle. Furthermore, during the interview Sergeant Turney admitted he should not have added the extra two hours to that day. Although Sergeant Turney explained it was not his intention to be paid for this day, his actions display a different motivation.

The intent of Sergeant Turney is clear for the day of the conference on June 14, 2019:

- He solicited permission to attend the conference, which he knew in advance, encompassed his scheduled day off.
- He knew overtime was not approved as a result of his attendance.
- On June 17, 2019, three days after the conference, he utilized his management access permission and logged into a restricted database, Kronos Time Keeper, Kronos Time Keeper being a database in which a user name and password are required.
- Utilizing this access for personal gain, he changed his hours to ensure he was paid 12 hours of overtime, making the day financially beneficial for himself of approximately \$514.44 he was not authorized by the Sheriff or Command Staff to receive.
- Sergeant Turney was already set to receive five hours of overtime for the week because of Lieutenants Shank’s edits, and there was no other reason for Sergeant Turney to adjust the hours for June 14, 2019, other than to maximize his overtime pay for the day, three additional hours.
- While still being paid and “*On the Clock,*” Sergeant Turney attended a function at the Ale House where it appears through witness testimony, that Sergeant Turney may have been purchasing alcoholic beverages.

- Sergeant Turney claimed he added two hours to the end of this day to account for maintenance that he was supposed to perform on his county issued motorcycle, however it is clear during the two hours added by Sergeant Turney, by his own admission and witness testimony, he was not performing maintenance to his county issued motorcycle.

During the interview with both Lieutenant Shank and Sergeant Turney, they both indicated Sergeant Turney had been given permission to fulfill his overtime needs in District-4, and according to Sergeant Turney, he was given the “*latitude*” to adjust his schedule as needed to accomplish work related tasks such as outside details and City of Deltona functions. Sergeant Turney indicated his previous supervisor; Lieutenant Donaldson Taylor, had previously granted Sergeant Turney permission to work overtime in District-4 and the “*latitude*” to adjust his schedule. These statements prompted a review of Sergeant Turney’s 2018 pay period, to determine the actions or inactions by Lieutenant Taylor. This will be a summary of 2018, as it is not with the primary scope of the investigation involving Sergeant Turney.

During an interview with Lieutenant Taylor on November 19, 2019, he verified giving Sergeant Turney permission to work overtime hours on Fridays in District-4, and he was aware that Sergeant Turney would often change his schedule to work events, overtime, or outside details. Lieutenant Taylor was aware Sergeant Turney worked a lot of overtime and trusted him due to his position with adjusting his schedule as needed. Lieutenant Taylor advised Sergeant Turney would often notify him about changing his schedule. Lieutenant Taylor wasn’t aware of Sergeant Turney working overtime for deputies, adjusting his schedule in Kronos within the fourteen day timeframe for productive time, or changing his schedule to reflect a work day on his scheduled day off while receiving overtime, taking personal leave, and working an outside detail all on the same day.

During a review of 2018, two pay periods of interest were identified which account toward a pattern of behavior Sergeant Turney displayed during the segment of time investigated by the Internal Affairs Unit.

CONCLUSION:

On December 5, 2019, this investigation was presented to the Sheriff and his staff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

In reference to Lieutenant Shank:

26.2.5 Neglect of Duty

RE: 17.4.29 Payroll Management **Sustained**

26.1.60 Accountability **Sustained**

Volusia County Merit System Rules and Regulations 86-453 (1) Sustained

Volusia County Merit System Rules and Regulations 86-453 (12) Sustained

Volusia County Merit System Rules and Regulations 86-453 (22) Sustained

In reference to Sergeant Turney:

26.2.109 Falsification of Official Documents Sustained

26.2.134 Knowledge of Official Directives Sustained

Volusia County Merit System Rules and Regulations 86-453 (2) Sustained

Volusia County Merit System Rules and Regulations 86-453 (8) Sustained

Volusia County Merit System Rules and Regulations 86-453 (10) Sustained

Volusia County Merit System Rules and Regulations 86-453 (14) Sustained

Volusia County Merit System Rules and Regulations 86-453 (22) Sustained

In reference to Lieutenant Taylor:

26.2.5 Neglect of Duty

RE: 17.4.29 Payroll Management Sustained

26.1.60 Accountability Sustained

Volusia County Merit System Rules and Regulations 86-453 (1) Sustained

Volusia County Merit System Rules and Regulations 86-453 (12) Sustained

Volusia County Merit System Rules and Regulations 86-453 (22) Sustained

The decision of Sheriff Chitwood was to suspend Lieutenant Shank and Sergeant Turney, both for sixteen (16) hours without pay, and Sergeant Turney termination from employment.

On December 9, 2019, Lieutenant Shank was served with an intent to suspend letter. On December 9, 2019, Lieutenant Shank met with Sheriff Chitwood; the Sheriff rendered his final decision that Lieutenant Shank is to receive an eight (8) hour suspension. Lieutenant Shank will serve his suspension day on December 19, 2019. *(See Tab-C for Official Correspondence)*

Along with his final decision the Sheriff determined the violations of the below listed department and county policies for **Lieutenant Shank** to be:

26.2.5 Neglect of Duty

RE: 17.4.29 Payroll Management	Sustained
26.1.60 Accountability	Sustained
Volusia County Merit System Rules and Regulations 86-453 (1)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (12)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (22)	Sustained

On December 18, 2018, Lieutenant Shank was served with his Final Suspension Letter.

On December 11, 2019, Sergeant Turney was served with intent to terminate paperwork placing him on Administrative Leave with pay immediately. *(See tab- C for Official Correspondence)*

On December 13, 2019, Sergeant Turney met with Sheriff Chitwood. The Sheriff rendered his final decision; to suspend Sergeant Turney from duty without pay for 192 work hours. In lieu of serving the suspension without pay for its entirety, Sergeant Turney elected to use personal leave for the one time maximum allotment of 60 hours; therefore, the remaining 132 hours will be served without pay.

Along with his final decision the Sheriff determined the violations of the below listed department and county policies for **Sergeant Turney** to be:

26.2.109 Falsification of Official Documents	Not Sustained
26.2.134 Knowledge of Official Directives	Sustained
Volusia County Merit System Rules and Regulations 86-453 (2)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (8)	Not Sustained
Volusia County Merit System Rules and Regulations 86-453 (10)	Not Sustained
Volusia County Merit System Rules and Regulations 86-453 (14)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (22)	Sustained

Sergeant Turney will serve his suspension hours between December 16, 2019 – January 20, 2020. *(See Tab-C for Official Correspondence)*

On December 18, 2018, Sergeant Turney was served with his Final Suspension Letter.

On December 16, 2019, Lieutenant Taylor was served with an intent to suspend letter. On December 18, 2019, Lieutenant Taylor met with Sheriff Chitwood; the Sheriff rendered his final decision that Lieutenant Taylor is to receive an eight (8) hour suspension. Lieutenant Taylor will serve his suspension day on January 3, 2020. *(See Tab-C for Official Correspondence)*

Along with his final decision the Sheriff determined the violations of the below listed department and county policies for **Lieutenant Taylor** to be:

26.2.5 Neglect of Duty

RE: 17.4.29 Payroll Management	Sustained
26.1.60 Accountability	Sustained
Volusia County Merit System Rules and Regulations 86-453 (1)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (12)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (22)	Sustained

On December 24, 2019, Lieutenant Taylor was served with his Final Suspension Letter.

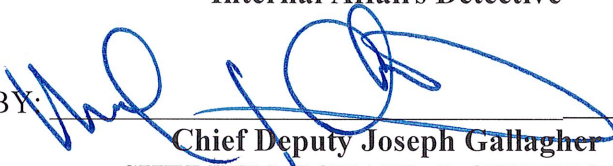
EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Official Transcript of Lieutenant Anthony Shank
- D. Official Transcript of Sergeant Jeffrey Wingard
- E. Official Transcript of Chief Deputy Jessica Paugh
- F. Official Transcript of Deputy Matthew Seltzer
- G. Official Transcript of Deputy Blaine Lewis
- H. Official Transcript of Senior Deputy Randy Post
- I. Official Transcript of Sergeant Justin Stewart
- J. Official Transcript of Janelle Williams (Homan)
- K. Official Transcript of Senior Deputy Jeffrey Wiles
- L. Official Transcript of Lieutenant Anthony Shank (second interview)
- M. Official Transcript of Sergeant Joel Turney

- N. Official Transcript of Lieutenant Donaldson Taylor
- O. Miscellaneous Documents

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: 02/04/20
Detective Tara Burke
Internal Affairs Detective

APPROVED BY:  DATE: 2-7-20
Chief Deputy Joseph Gallagher
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA