

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 21-015

PERIOD COVERED: August 30, 2021
DATE REPORTED: November 15, 2021
SUBJECT(S) NAME: Telecommunicator Jamie Gross, #7270
INVESTIGATING OFFICER: Lieutenant Daniel Shivers, #6842

BASIS FOR INVESTIGATION:

On November 15, 2021, officers from the Holly Hill Police Department contacted the Volusia Sheriff's Office Internal Affairs unit to notify detectives that Telecommunicator Jamie Gross had allegedly contacted and notified a suspect, Gregory Hirst, of a call for service he was involved in prior to the dispatch of officers. According to the Holly Hill Police Department, Telecommunicator Gross notified Hirst that a call was received into the Volusia Sheriff's Office Communication Center, and advised him on the identity of the caller.

Internal Affairs was advised on August 30, 2021, at approximately 0035 hours, Holly Hill Police Officers responded to 1582 Megan Bay Circle, Holly Hill, in reference to a suspicious incident. Prior to officers' arrival, the reporting person advised Hirst was walking around the house with a handgun.

Upon arrival, officers contacted Desiree Heilman, who stated she and Hirst were residing at the residence together as landlord/tenant, and engaged in an argument because Heilman discovered hidden cameras in the bathroom and in her bedroom. Heilman stated the argument angered Hirst, at which time he retrieved a handgun and threatened to kill himself if she called the police.

Hirst left the residence prior to arrival of officers, and was later contacted in Ormond Beach where he was taken into custody under Baker Act.

Hirst was suspected of video voyeurism, and during their investigation, detectives obtained search warrants for Hirst's cellular device. Upon conducting the search, detectives observed text messages sent from Telecommunicator Gross to Hirst during the initial call for service.

It was observed these text messages sent from Telecommunicator Gross contained sensitive, confidential information, contrary to General Orders.

On November 16, 2021, due to the nature of the allegations, Chief Deputy Joseph Gallagher initiated an internal affairs investigation.

OFFENSES:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.C.3.g – Misuse of Sick Benefits – Employees shall not feign illness or injury or falsely report themselves ill or injured or otherwise deceive any commanding officer or supervisor of the VSO as to the conditions of their health for purposes of avoiding normal duties through use of accumulated sick leave. Performance of physical, income producing or recreational activities while on sick leave shall be prima facie evidence of sick leave abuse.

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position

GO-026-02.IV.D.9.n – Access, Use of Secure/Restricted Databases – Only authorized employees who have acknowledged in writing the confidentiality, restrictions and legal ramifications associated with access to such data/information are permitted to access and utilize agency designated secure/restricted databases and only for specific law enforcement/criminal justice purposes. Unauthorized use includes, but is not limited to, queries not related to a legitimate law enforcement purpose, personal use, improper dissemination to non-law enforcement personnel and sharing, copying or distributing information to unauthorized users. Unauthorized access, use or disclosure of data from secure/restricted databases is a serious matter and may result in civil or criminal penalties.

GO-026-02.IV.D.3.e – Communicating Criminal Information – Employees shall maintain the security of confidential information, and shall not intentionally communicate or give law enforcement information to another which may aid a person to escape arrest, delay the

apprehension of a criminal suspect, and secure the removal of stolen or embezzled goods, money or other property. Employees shall not intentionally divulge the identity of criminal informants except as required by law and authorized by competent authority.

GO-026-02.IV.G.1.a – General Proficiency – VSO personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their positions.

INVESTIGATION:

On November 16, 2021, Chief Deputy Joseph Gallagher assigned the above incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Lieutenant Daniel Shivers.

Lieutenant Shivers obtained and reviewed Holly Hill Police case number 210001680. Upon reviewing the report, Lieutenant Shivers observed the following:

On August 30, 2021, at approximately 0035 hours, Holly Hill Police Officers responded to 1582 Megan Bay Circle, Holly Hill, in reference to a suspicious incident. Prior to officers' arrival, the reporting person advised Hirst was walking around the house with a handgun.

Upon arrival, officers contacted Desiree Heilman, who stated she and Hirst were residing at the residence together as landlord/tenant, and engaged in an argument because Heilman discovered hidden cameras in the bathroom and in her bedroom. Heilman stated the argument angered Hirst, at which time he retrieved a handgun and threatened to kill himself if she called the police.

Hirst left the residence prior to arrival of officers, and was later contacted in Ormond Beach where he was taken into custody under Baker Act.

Hirst was suspected of video voyeurism, and during their investigation, detectives obtained search warrants for Hirst's cellular device. Upon conducting the search, detectives located criminal evidence to charge Hirst with Video Voyeurism to a Child Under the Age of 16, and Video Voyeurism. An arrest warrant was obtained for Hirst, and he was subsequently located and arrested.

While reviewing the evidence located as a result of the search warrant to Hirst's cellular device, Holly Hill Police detectives observed text messages between Hirst and Telecommunicator Jamie Gross on August 29-30, 2021. Telecommunicator Gross was identified as "Jamie Gross" in Hirst's contact list, with the associated phone number of [REDACTED]. Detectives utilized law enforcement databases and determined "Jamie Gross" was Telecommunicator Gross, as her contact information contained the same phone number.

The text messages and times are as follows –

It should be noted, the times listed on the search warrant data are UTC+0 (Universal Time Coordinated), which Lieutenant Shivers converted using an online conversion database to Eastern Standard Time below

Text messages sent/received on August 29, 2021

Time	From – To	Message
1926 hours	From Hirst to Jamie Gross	Hey what u doing Monday or Tuesday Evening
1932 hours	From Jamie Gross to Hirst	Tomorrow I'm calling out of work so I'll be home a
1933 hours	From Hirst to Jamie Gross	U want to hangout? Maybe a late dinner like 7ish
1933 hours	From Hirst to Jamie Gross	I am calling out tomorrow night at security lol
1934 hours	From Jamie Gross to Hirst	Lol I can't go out when I call out
1934 hours	From Hirst to Jamie Gross	Um. Ok. So no go for either day
1935 hours	From Jamie Gross to Hirst	Tuesday night maybe. You are more than welcome to
1936 hours	From Hirst to Jamie Gross	Ok I will do that on Tuesday and we can play dinne
1936 hours	From Jamie Gross to Hirst	Sounds good
1936 hours	From Hirst to Jamie Gross	Okie dokie
1936 hours	From Hirst to Jamie Gross	Lol
1937 hours	From Hirst to Jamie Gross	U must have been working out for me too. Cause I
1937 hours	From Jamie Gross to Hirst	Lol did you?
1938 hours	From Jamie Gross to Hirst	I'm still the same weight lol just depends on what
1939 hours	From Hirst to Jamie Gross	Yeah. And oh
1941 hours	From Jamie Gross to Hirst	I finally got cleared to go full force back at the
1942 hours	From Hirst to Jamie Gross	Oh cool and ha ha

Text messages sent/received on August 30, 2021

Time	From – To	Message
0039 hours	From Jamie Gross to Hirst	You home?
0039 hours	From Hirst to Jamie Gross	No y
0040 hours	From Jamie Gross to Hirst	Who is Desiree
0041 hours	From Hirst to Jamie Gross	My ex and current room mate. I am going to jail
0041 hours	From Hirst to Jamie Gross	Did she just call u
0042 hours	From Jamie Gross to Hirst	What did you do
0042 hours	From Jamie Gross to Hirst	Her mother
0042 hours	From Jamie Gross to Hirst	What did you do
0042 hours	From Jamie Gross to Hirst	I don't want to be known to tip you off so please

0043 hours	From Hirst to Jamie Gross	Had a camera to see if she was trying to use me or
0043 hours	From Hirst to Jamie Gross	She found it
0045 hours	From Jamie Gross to Hirst	Delete this text please
0046 hours	From Hirst to Jamie Gross	I did already

Lieutenant Shivers also confirmed the phone number for “Jamie Gross” was the same number listed for Telecommunicator Gross within personnel records at the Volusia Sheriff’s Office.

Lieutenant Shivers conducted a check of the personnel working at the Volusia Sheriff’s Office Communications Center on August 29 and 30, 2021, and observed Telecommunicator Gross was working within the Communications Center during the times the aforementioned text messages were sent/received.

Lieutenant Shivers reviewed the CAD call history for the incident (call number P212420042), and observed the original call for service at 1582 Megan Bay Circle, Holly Hill was initially received at approximately 0035 hours on August 30, 2021. Melissa Brown called in the original incident, and the call history notes advised, “Female subj sending RP (mother) photos of empty gun holster, and text videos of a male saying “nobody’s here to help you” and a video which sounded like there was a gun/threat involved”.

A note in the call history at approximately 0038 hours lists “Desiree Pileman” as a subject (the reporting person’s daughter) in the call.

The call history later states at approximately 0042 hours, “RP advised texts were sent from daughter to RP saying “I cant call the cops” “Hes still here”. RP advised from texts it sounded like male was possibly holding subj at gunpoint and attacking subj.”

At approximately 0044 hours, the call history states, “Speaking RO female subj on scene – subj advised cameras are all over LOI – 1 in her bathroom and another in her bedroom. Subj approached RP when she discovered the cameras.”

At approximately 0045 hours, the call history states, “9019 – Subj threatened to commit suicide with a gun and pulled out firearm and pointed it at himself – male no longer at LOI.”

A note in the call history at approximately 0046 hours identifies a subject as “Hurst, Greg.”

Holly Hill Police Officers were dispatched at approximately 0042 hours, and arrived at the residence at approximately 0047 hours.

Lieutenant Shivers observed Telecommunicator Gross' text messages to Hirst regarding the call for service began just after the call was received at the Volusia Sheriff's Office Communications Center, and ended just prior to Holly Hill Police Officers' arrival.

Lieutenant Shivers observed Telecommunicator Gross' text message at 0040 hours to Hirst asking, "Who is Desiree" is in relation to the imputed subject/victim information into the call notes at 0039 hours. Lieutenant Shivers also observed Telecommunicator Gross' text message at 0042 hours advising "Her mother" was in response to Hirst asking if Desiree called the Sheriff's Office at 0041 hours.

Lieutenant Shivers observed Telecommunicator Gross' position within Central Communications allowed her to access and view any and all calls for service while working. Lieutenant Shivers observed Telecommunicator Gross was on-duty, and logged on to a Volusia Sheriff's Office Communications Center computer terminal throughout the duration of the aforementioned call for service.

Lieutenant Shivers conducted an inspection of Telecommunicator Gross' terminal messages, at which time he observed a message sent on August 30, 2021 at 0113 hours to Telecommunicator Gross from Telecommunicator Michael Trinkle which contained the CAD call history, asking Telecommunicator Gross, "Do you still socialize with him?" Telecommunicator Gross replied at 0119 hours, "Yep – Every few months – He texted me to have dinner Tuesday with him LOL". Telecommunicator Trinkle responded at 0120 hours, "May need a ride Tuesday, BA when found hold veh" indicating Hirst would be taken into protective custody under Baker Act, and his vehicle would be held for further investigation. It should be noted, Telecommunicator Trinkle was operating from terminal CC01, and Telecommunicator Gross was responding from terminal CC19; both Volusia Sheriff's Office Communications Center computer terminals.

Lieutenant Shivers observed Telecommunicator Gross' response to Telecommunicator Trinkle indicating that "He texted me to have dinner Tuesday with him LOL" was referring to the text message conversation between Hirst and Telecommunicator Gross which began earlier in Telecommunicator Gross' working shift at 1926 hours on August 29, 2021.

Lieutenant Shivers also observed Telecommunicator Gross called into the Volusia Sheriff's Office Communications Center prior to the start of her scheduled shift on August 30, 2021 (1800 hours), and advised she was sick and would not be at work. Lieutenant Shivers observed this was consistent with the text message she sent to Hirst on August 29, 2021 at 1932 hours advising, "Tomorrow I'm calling out of work so I'll be home," and at 1936 hours stating, "LOL I can't go out when I call out."

Based on the totality of the circumstances and evidence obtained, on November 16, 2021, Chief Deputy Gallagher initiated the internal investigation, Telecommunicator Gross was served with a notice of investigation and was placed on administrative leave with pay.

On November 17, 2021, Telecommunicator Gross sent an email to Sheriff Michael Chitwood advising she was formally resigning, effective immediately on November 17, 2021.

Lieutenant Shivers responded to the email, and offered Telecommunicator Gross the opportunity to be interviewed on November 18, 2021; however, Telecommunicator Gross responded to the email and advised she was declining the opportunity to be interviewed. Lieutenant Shivers notified Telecommunicator Gross that the internal investigation would continue regardless of her decision to be interviewed.

On November 30, 2021, this investigation was presented to the Volusia Sheriff's Office Executive Command staff. After careful review, Chief Deputy Joseph Gallagher determined the violation of the below listed Volusia Sheriff's Office General Orders to be:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.	Sustained
GO-026-02.IV.C.3.g – Misuse of Sick Benefits	Sustained
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Sustained
GO-026-02.IV.D.9.n – Access, Use of Secure/Restricted Databases	Sustained
GO-026-02.IV.D.3.e – Communicating Criminal Information	Sustained
GO-026-02.IV.G.1.a – General Proficiency	Sustained

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Official Police Reports
- D. CAD Call History
- E. Text Message History Between Hirst and Telecommunicator Gross
- F. Email Correspondence by Telecommunicator Gross
- G. Terminal Message Log
- H. Digital Evidence

WITNESSES:

Volusia Sheriff's Office
123 W. Indiana Avenue
DeLand, FL 32720

Telecommunicator Jamie Gross

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

AND

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE: [Signature] DATE: 12/03/2021

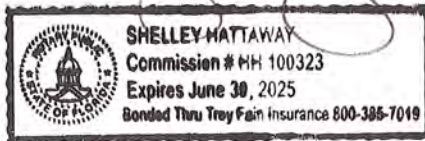
Lieutenant Daniel Shivers
Internal Affairs Lieutenant

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 13th day of December, 2021 by Lieutenant Daniel Shivers

[Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Signature] DATE: 12.09.2021

CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY, FLORIDA