

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

REPORT OF INVESTIGATION

REPORT NUMBER: FN2017-0011

PERIOD COVERED: October 21, 2017 – December 13, 2017

DATE REPORTED: December 13, 2017

SUBJECT(S) NAME: Sergeant Jeffrey McDonnell #2374

INVESTIGATING OFFICERS: Detective Glen Bennett #1452

BASIS FOR INVESTIGATION:

Documented in a Supervisors Inquiry, authored by Captain Erik Eagan, from October 21, 2017, until December 13, 2017, Sergeant Jeff McDonnell allegedly left his area of responsibility (AOR) early or arrived late no less than 23 times. Of those 23 instances, 15 of them occurred after being counseled by his supervisor on his job performance, to include being out of his AOR. Overall, Sergeant McDonnell was found to be outside his AOR at least five times by 30 plus miles, of which four of the five times he was in Flagler County.

OFFENSES:

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

26.2.24 Leaving Assigned Work Area - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor. *(Violation subject up to a 1 days suspension.)*

26.2.124 Compliance With Direct Order of a Superior or Competent Authority - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)*

Volusia County Merit System Rules and Regulations 86-453. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

RE: (1) – Willful neglect in the performance of the duties of the position to which the employee assigned.

(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.

(21) – Any other conduct or action of such seriousness that disciplinary action is considered warranted.

INVESTIGATIVE SUMMARY:

On December 18, 2017, Deputy Chief John Creamer assigned the above incident to the Internal Affairs Unit. This report details the internal investigation conducted by Detective Glen Bennett.

On January 3, 2018, Sergeant Jeffrey McDonnell was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. *(See Tab – B for Official Correspondence)*

The Supervisors Inquiry (Inquiry) detailed the investigation conducted by Captain Erik Eagan, the District – 4 Commander. Documents contained within the Inquiry were field notes obtained from Captain Richard Fortin, then Lieutenant and Assistant Commander of District – 4, along with printouts of Sergeant McDonnell’s Automatic Vehicle Location (AVL) antennae, which provided his geographical location using a Global Positioning System (GPS) contained within the Mobile Data Computer (MDC) in his patrol car.

On November 15, 2017, Captain Eagan contacted Captain Fortin in reference to why Sergeant McDonnell, a District – 4 patrol shift supervisor, had not responded to a Car Jacking incident referenced by Sheriff’s Office case 17-28376. Captain Eagan researched Sergeant McDonnell’s patrol activity and discovered he had not left the District – 4 headquarters for most of his patrol shift. Furthermore, at 0600hrs (end of shift); Sergeant McDonnell was approximately 33 miles outside the District – 4 patrol parameters. Captain Eagan then researched Sergeant McDonnell’s AVL for the prior day of November 14, 2017 and discovered he was approximately 26 miles outside his AOR at 0600hrs; the conclusion of his patrol shift.

According to Captain Eagan's Inquiry, Captain Fortin addressed these concerns on November 9, 2017, directing Sergeant McDonnell not to leave his AOR before the end of his patrol shift. Sergeant McDonnell explained his actions, stating he would leave early only when he came in early to relieve the on-duty patrol sergeant. Since that time, it was revealed that Sergeant McDonnell had left his AOR after being formally counseled by Captain Fortin.

Below is a chart outlining the date, time of alleged violation, and location with the approximate distance from his AOR. The green highlight indicates when Sergeant McDonnell was counseled on both his job performance and not being in his AOR.

10/22/17	0557 end of shift	Palm Coast approx. 45 miles out of AOR
10/23/17	0600 end of shift	Palm Coast approx. 37 miles out of AOR
10/26/17	1800 start of shift	Daytona Beach approx. 21 miles out of AOR
10/26/17	0544-0629 end of shift	AVL disconnected
10/31/17	0544-0615 end of shift	AVL disconnected
11/01/17	0600 end of shift	Daytona Beach approx. 15 miles out of AOR
11/04/17	0600 end of shift	Daytona Beach approx. 20 miles out of AOR
11/04/17	1800 start of shift	Daytona Beach approx. 13 miles out of AOR
11/05/17	0603 end of shift	Daytona Beach approx. 22 miles out of AOR
11/06/17	0600 end of shift	Palm Coast approx. 40 miles out of AOR
11/09/17		Counseled by Capt. Fortin about job performance
11/10/17	0600 end of shift	Daytona Beach approx. 20 miles out of AOR
11/14/17	0600 end of shift	Ormond Beach approx. 26 miles out of AOR
11/15/17	0600 end of shift	Ormond Beach approx. 33 miles out of AOR
11/18/17	0600 end of shift	Deland approx. 8 miles out of AOR traveling @91mph
11/19/17	0600 end of shift	Deland approx. 10 miles out of AOR

11/20/17	0600 end of shift	Ormond Beach approx. 25 miles out of AOR
11/23/17	0600 end of shift	Daytona Beach approx. 20 miles out of AOR
11/24/17	0600 end of shift	Daytona Beach approx. 26 miles out of AOR
11/27/17	0600 end of shift	Ormond Beach approx. 25 miles out of AOR
11/29/17	0600 end of shift	Daytona Beach approx. 14 miles out of AOR
11/29/17		Counseled by Capt. Fortin about leaving AOR
12/02/17	0600 end of shift	Daytona Beach approx. 22 miles out of AOR
12/03/17	0600 end of shift	Daytona Beach approx. 22 miles out of AOR
12/04/17	0403 end of shift	AVL disconnected
12/12/17	0600 end of shift	Palm Coast approx. 44 miles out of AOR
12/12/17	1800 start of shift	Daytona Beach approx. 18 miles out of AOR
12/13/17	0600 end of shift	Deland approx. 10 miles out of AOR

According to Sergeant McDonnell's AVL data history, he was out of his AOR on eight occasions with his AVL being disconnected twice prior to being counseled by Captain Fortin about his job performance issues. Ten more times before being counseled a second time by Captain Fortin, specifically on being out of his AOR and five more instances thereafter to include one AVL disconnect.

Captain Richard Fortin

On February 9, 2018, Detective Glen Bennett and Detective Tara Burke conducted a sworn recorded interview with Captain Richard Fortin at the Sheriff's Administrative Offices in Deland, FL. The following is a summary of that interview:

Captain Fortin has been with the Sheriff's Office since October of 2005 and is presently the Administrative Captain for the Sheriff's Office. Prior to his current assignment and promotion, he was assigned to District – 4 as the Assistant Commander over patrol answering to Captain Eagan,

the District Commander. Captain Fortin was Sergeant McDonnell's immediate supervisor while serving at District – 4.

Captain Fortin confirmed he in fact authored the notes attached to the Inquiry. Captain Fortin advised the notes were an accurate depiction of his interactions and observations of Sergeant McDonnell's actions and/or behavior while serving under him. He recorded the notes, "*...for my recollection for anything, it's just of actions, daily observations, anything that would help me remember things if I need to.*"

Captain Fortin had two conversations with Sergeant McDonnell in reference to his job performance to include being out of his AOR. The first conversation took place during a face-to-face meeting at the Volusia County Fairgrounds on November 9, 2017. The second conversation took place over the phone on November 29, 2017. According to Captain Fortin, during both of these conversations, he addressed the issue of Sergeant McDonnell being in his AOR for the entirety of his patrol shift.

Depicted on page 3 of Captain Fortin's notes, dated November 29th, he wrote about the conversation he had over the phone with Sergeant McDonnell in reference to being out of his AOR.

"November 29th, Sergeant McDonnell was reminded about being in his AOR during his assigned duty times. He was on several occasions he was nearly 30 miles out of his AOR prior to his shift ending. Sergeant McDonnell suggested he left early because he came in early for his shift. He was specifically told to be in his AOR during his shift hours (1800 – 0600) No excuses.[sic]"

According to Captain Fortin, Sergeant McDonnell said he would leave his AOR early because he reported for duty early at the beginning of his shift. Captain Fortin explained, "*We had a conversation in reference to that, I told him that he wasn't going to be able to reasonably respond to anything if he was all the way in Ormond.*"

Sergeant McDonnell was set to be transferred to a different duty assignment within the Sheriff's Office, a transfer he requested. After being advised by Captain Fortin about not leaving his AOR, "*He assured me that he was going to do it [stay in AOR]. He wasn't going to do anything to mess it [the transfer] up.*"

As far as Sergeant McDonnell's AVL antennae being disconnected, Captain Fortin was never advised of any technical difficulty, which Sergeant McDonnell would have been required to report.

Sergeant Roy Galarza

On February 20, 2018, Detective Bennett and Detective Tara Burke conducted a sworn recorded interview with Sergeant Roy Galarza at the Volusia County Courthouse in Deland, FL. The following is a summary of that interview:

Sergeant Galarza has been with the Sheriff's Office since 2003 and was recently promoted to Sergeant approximately nine months ago. For the last eight months, he has been assigned to District -4 as the Alpha shift patrol supervisor, often reporting to duty in relief of Sergeant McDonnell's patrol shift.

According to Sergeant Galarza, Sergeant McDonnell never asked him to cover his supervisory duties in order for him to leave his AOR early. Sergeant Galarza, living in the north end of Volusia County, would regularly come in service early before his shift began, so he was in his AOR early or on time. When doing this, he would notify Central Dispatch that he "had the radio." Which according to Sergeant Galarza meant, *"I got the radio, but at no time, like clocking in or saying that I got the whole thing, but yeah for the most part I got the radio, listen up in case something major comes over. I'll take over, clock in, and take care of what I need to take care of."*

While driving to his AOR, Sergeant Galarza would speak to Sergeant McDonnell in order to get an update on events that occurred during his shift. During these discussions, Sergeant McDonnell never told Sergeant Galarza, he was leaving his AOR early. Sergeant Galarza further explained the discussions, *"...mostly conversation, I got it, you know what don't worry about it I'll [Sergeant Galarza] answer the radio. Don't answer it. I got it."*

Sergeant Galarza clarified, nobody asked him to do anything, it was not his intention nor was he implying that the off-going supervisor he was relieving was permitted to leave his AOR, *"...I'm not giving orders to people to go home. That's not what I'm doing."* His remarks, in reference to taking the radio, was done out of courtesy, to free up the off-going supervisor should a situation develop.

Captain Erik Eagan

On February 21, 2018, Detective Bennett conducted a sworn recorded interview with Captain Erik Eagan at the Sheriff's Administrative Offices in Deland, FL. The following is a summary of that interview:

Captain Eagan has been with the Sheriff's Office for approximately twenty-nine years. Presently he is the Section Commander of Special Operations, which oversees specialized units within the Sheriff's Office. Prior to that, Captain Eagan was the District Commander in District – 4 Deltona for approximately three years where both Captain Fortin and Sergeant McDonnell worked under his command.

Captain Eagan authored Inquiry 065M053.17 dated December 13, 2017, which outlined a series of policy violations pertaining to Sergeant McDonnell leaving his AOR before the end of his patrol shift. Captain Eagan, as part of his research, collected all the attachments and data for his Inquiry.

According to Captain Eagan, in order to capture Sergeant McDonnell's geographical location, "*...I ran a unit history search in our Force Watch software which is utilized to monitor deputies GPS activity during their shift through use of their AVL which is an automated vehicle location system.*" This software, based on his experience, has been historically accurate.

In order to ascertain the distance Sergeant McDonnell was out of his AOR, Captain Eagan, using Google, zoomed in on Sergeant McDonnell's location and established the closest cross street. After doing so, he used the north end parameter of District – 4, the off ramp at Howland Boulevard/Interstate – 4, and recorded the distance in miles to his location. This information was gathered using the roadways, not direct between the two points; as a "crow flies."

Captain Eagan explained, "*[Sergeant McDonnell] has worked under my command for several years in the past. He has the ability to do a good job unfortunately; he consistently does not put forth the effort. He does not set the example as a supervisor and that is probably one of the concerning things with this inquiry is that he was basically warned by Lt. Fortin not to violate policy. Not to leave his AOR. And then he continued to do it. [sic]*"

On March 1, 2018, Detective Bennett conducted a search using Force Watch software of Sergeant McDonnell's location at the beginning of each shift using the dates provided in Captain Eagan's

Inquiry. During this time, Sergeant McDonnell's patrol shift began at 1800 hrs. and concluded at 0600 hrs. The result of Detective Bennett's search indicated Sergeant McDonnell was either in or around the District – 4 patrol parameters at 1800 hrs. for the majority of the dates queried. On November 14, 2017, Sergeant McDonnell was within the patrol parameters approximately forty minutes prior to the start of his shift.

EXECUTIVE SUMMARY:

The Internal Affairs Unit received a Supervisors Inquiry (Inquiry) on Sergeant Jeff McDonnell authored by Captain Erik Eagan, District – 4 Commander. The Inquiry outlined a series of dates in which Sergeant McDonnell was out of his Area of Responsibility (AOR) prior to the end of his assigned shift. Also contained within the Inquiry, was data obtained using Force Watch software, which indicated Sergeant McDonnell's location using his Automatic Vehicle Locator (AVL) antennae.

From October 21, 2017 to December 13, 2017, Sergeant McDonnell was assigned to District – 4 patrol as a shift supervisor. During this time, he was assigned to work patrol from 1800 – 0600 hrs. On November 15, 2017, Captain Eagan took notice that Sergeant McDonnell did not respond to a priority call and tasked the Assistant District Commander, Captain Richard Fortin, to ascertain the cause. Captain Eagan conducted a more thorough review of Sergeant McDonnell's location along with his response to calls for service using Force Watch software. The results of his investigation showed Sergeant McDonnell not only failed to respond to the incident in question, he stayed stationary at the district office the majority of the patrol shift. Furthermore, Sergeant McDonnell left his AOR early that day and was approximately 33 miles away at the conclusion of his shift; making it difficult to respond to any calls for service in a timely manner.

According to Captain Fortin, who maintained field notes on his contact with Sergeant McDonnell, he verbally counseled Sergeant McDonnell on two separate occasions, discussing his job performance and requirement to stay in his AOR for the entirety of the shift. After each counseling, Sergeant McDonnell continued to leave his AOR early.

According to Sergeant McDonnell's AVL data history, he was out of his AOR on eight occasions with his AVL being disconnected twice prior to being counseled by Captain Fortin about his job performance issues. Ten more times before being counseled a second time by Captain Fortin,

specifically on being out of his AOR and five more instances thereafter to include one AVL disconnect.

CONCLUSION:

On March 20, 2018, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department policies to be:

26.2.24 Leaving Assigned Work Area **SUSTAINED**

26.2.124 Compliance With Direct Order of a Superior or Competent Authority **SUSTAINED**

Volusia County Merit System Rules and Regulations 86-453.

(1) – Willful neglect in the performance of the duties of the position to which the employee assigned. **SUSTAINED**

(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. **SUSTAINED**

(21) – Any other conduct or action of such seriousness that disciplinary action is considered warranted. **SUSTAINED**

On March 23, 2018, Sergeant McDonnell was served with an Intent to Demote and Suspend at the Daytona Beach Courthouse Annex in Daytona Beach, FL.


On March 27, 2018, Sergeant McDonnell met with the Sheriff at the Sheriff's Office administrative offices in Deland, FL and took full responsibility for his actions.

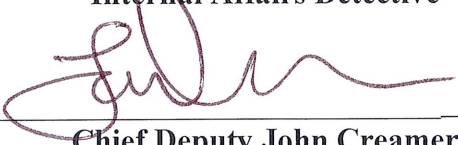
On April 4, 2018, Sergeant McDonnell was served with a Final Suspension letter at the Daytona Beach Courthouse Annex in Daytona Beach, FL.

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Supervisors Inquiry
- D. Official Transcripts of Captain Richard Fortin
- E. Official Transcripts of Sergeant Roy Galarza
- F. Official Transcript of Captain Erik Eagan
- G. Miscellaneous Documents
- H. Digital Media

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

INVESTIGATOR:  DATE: 4/4/18
Detective Glen Bennett
Internal Affairs Detective

APPROVED BY:  DATE: 4/9/18
Chief Deputy John Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA