

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-17-024

PERIOD COVERED: August 30, 2017- August 31, 2017

DATE REPORTED: August 31, 2017

SUBJECT(S) NAME: Deputy John Szabo #7955

INVESTIGATING OFFICERS: Detective Tara Burke #1465

BASIS FOR INVESTIGATION:

On August 31, 2017, Detective Tara Burke received from Command Staff, copies of Facebook messages that were allegedly posted by Deputy John Szabo to the Volusia County Deputies Association IUPA, Local 6035. The two posts on Facebook, posted on or about August 30, 2017, expressed discontent and profanity directed toward Sheriff Michael J. Chitwood and the Volusia County Sheriff's Office. *(See tab- E for Miscellaneous Documents)*

OFFENSES:

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

26.2.49 Rumors and Gossip - Employees shall not engage in or convey gossip detrimental to other employees, the general public, County, Department, or Office of the Sheriff.
(Violation subject up to a 1 day suspension.)

26.2.125 Criticism of Orders or Policies - Employees shall not publicly criticize or ridicule the County or Department, its policies, orders or personnel in speech, writing or by other expression where such interferes with the maintenance of discipline or otherwise undermines the effectiveness of the Department or County. *(Violation subject up to a demotion.)*

26.2.138 Use of Blogs*, Web Postings, Chat Rooms, etc. - As an employee of the Volusia County Sheriff's Office, the use and application of good judgment, decency and common sense is expected both on and off duty. This expectation also applies while engaged in various computer activities both on and off duty. Participation in World Wide Web/ Internet services such as Web postings,

blogs, chat rooms, dating services, etc., should be carefully considered for proper personal conduct. Employees are not to use, or cause/authorize to be used, any official information, photographs, speech, or writings that identify them as a member of the Volusia County Sheriff's Office. Employees shall guard themselves accordingly and shall not participate in any conduct that is likely to have an adverse effect on the reputation of the Volusia County Sheriff's Office. *(Violation subject up to dismissal.)*

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

RE: 1.4.10 CONDUCT TOWARD THE PUBLIC

Law enforcement officers, mindful of their responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. Law enforcement officers shall conduct their official lives in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. Officers will give service where they can, and require compliance with the law. They will do so neither from personal preference or prejudice but rather as duly appointed officers of the law discharging a sworn obligation.

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

(13) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.

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

INVESTIGATIVE SUMMARY:

On August 31, 2017, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. Deputy Szabo was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights at the Volusia County Courthouse Annex in Daytona Beach, FL. Deputy Szabo was immediately placed on administrative leave with pay. This report details the internal affairs investigation conducted by Detective Tara Burke. *(See tab- C for Official Correspondence)*

Detective Burke reviewed the Facebook posts that were posted on the social media site on or about August 30, 2017. The initial post was posted by “John Szabo” to “Volusia County Deputies Association IUPA, Local 6035.” This post states;

“Just wondering if Chitwood had his body camera on? Wonder if the deputies didn’t have their BWC’s on because they were pulled off highway looking for the suspect vehicle and more concerned with not getting run over. Guess it goes back to the do as I say not as I do bullshit. No wonder so many people are leaving. Funny how anyone who legitimately tried to do the right thing gets FUCKED in the ass. Guess I’ll have some new partners at the courthouse (followed by a thumbs up emoji).”

A second post was posted on the same Facebook page by “John Szabo” two minutes later stating;

“And go ahead and screen shot this and send it to the 4th floor. I don’t give a fuck. I’m leaving this garbage ass agency anyways. What are they gonna do, send me under the courthouse? FUCK IT, WERE GOOD., (followed by a middle finger and two fingers up representing a peace sign emojis).”

Deputy John Szabo

On September 18, 2017, Detective Burke and Detective Bennett conducted a sworn recorded interview with Deputy John Szabo at the Sheriff’s administrative offices in Deland, FL. Also present, representing Deputy Szabo, was Nancye Jones. The following is a summary of the interview:

Deputy Szabo has been employed with the Sheriff’s Office since 2011; he is currently assigned to prisoner transport at the Daytona Beach Courthouse Annex. He also has two year’s prior experience with the South Daytona Police Department.

Deputy Szabo was asked about a Facebook post on or about August 30, 2017, posted by user name “John Szabo” to “Volusia County Deputies Association IUPA, Locals 6035.” The post states; *“Just wondering if Chitwood had his body camera on? Wonder if the deputies didn’t have their BWC’s on because they were pulled off highway looking for the suspect vehicle and more concerned with not getting run over. Guess it goes back to the do as I say not as I do bullshit. No wonder so many people are leaving. Funny how anyone who legitimately tried to do the right thing*

gets *FUCKED* in the ass. Guess I'll have some new partners at the courthouse (with a thumbs up sign)." Deputy Szabo recalled this post and advised that he did post it because he feels it's a "matter of public concern." The reasons for his posts were because of low morale, high vacancies within the department, the new administration's treatment of deputies, and safety concerns of deputies working outside their normal assignment, making it unsafe for the deputies and the public.

Deputy Szabo was asked what he was referring to in his Facebook post when he made the statement, "funny how anyone who legitimately tried to do the right thing gets fucked in the ass." Deputy Szabo expressed his disagreement about the entire Crime Suppression Team in Deltona being transferred (Deputy Szabo was transferred to the courthouse). Deputy Szabo feels the administration "hammers them" in regards to discipline.

Deputy Szabo was asked about the second Facebook post, posted by "John Szabo," stating; "And go ahead and screen shot this and send it to the 4th floor. I don't give a fuck. I'm leaving this garbage ass agency anyways. What are they gonna do, send me under the courthouse? FUCK IT, WERE GOOD., (and then it had the middle finger and a peace sign)." Deputy Szabo advised he also posted this response on Facebook. He explained this was a "secret Facebook page" that was not open to the public; although he knew someone could, or would, screen shot the post and send it to the fourth floor. According to Deputy Szabo, he was "frustrated" and airing out how he felt to his union.

Deputy Szabo advised there are between one and two hundred people on this "secret private Facebook page", for which he made the post. Deputy Szabo explained it was not a public post and it is no different from standing up and speaking at a union meeting. Deputy Szabo does not feel he was spreading rumors or gossip by posting these comments on this Facebook page. Deputy Szabo feels his negative comments about Sheriff Chitwood and the Volusia County Sheriff's Office were justified because he has the right to his opinion and to speak freely with his union. Additionally, he does not feel his posting reflects unfavorable on the county as an employer.

During his interview with Internal Affairs Detectives, Deputy Szabo denied violating any Sheriff's Office directives or Volusia County Merit Regulations. Deputy Szabo explained his comments

were not directed toward the public, he stated; *“This was like I said in a private, closed, secret Facebook page, for my union.”* Deputy Szabo explained this Facebook page is for union members that are deputies or sergeants; invites only to the page, you must pay union dues, and that the public cannot search the page.

During the interview, Deputy Szabo was asked if he violated the following policies:

26.2.49 Rumors and Gossip	No
26.2.125 Criticism of Orders or Policies	No
26.2.138 Use of Blogs, Web Postings, Chat Rooms, Ect.	No
26.2.34 Failure to Follow Directive or Order	
RE: 1.4.10 Conduct Toward the Public	No
86-453 Volusia County Merit System Rules and Regulations (2)	No
86-453 Volusia County Merit System Rules and Regulations (13)	No
86-453 Volusia County Merit System Rules and Regulations (21)	No

(See tab- D for Official Transcripts)

Prior to the interview ending, Nancye Jones provided documents pertaining to the descriptions of different Facebook pages, and information about the page that was sent out to members of the Facebook group from other members. *(See tab- E for Miscellaneous Documents)*

EXECUTIVE SUMMARY:

On August 31, 2017, Detective Tara Burke received copies of Facebook messages from Command Staff, these posts were allegedly posted by Deputy John Szabo to the Volusia County Deputies Association IUPA, Local 6035. The two posts express discontent and profanity directed toward Sheriff Michael J. Chitwood and the Volusia County Sheriff’s Office.

On August 31, 2017, Deputy Szabo was served with a notification of internal investigation placing him on administrative leave with pay. *(See tab- C for Official Correspondence)*

During his interview with Internal Affairs Detectives, Deputy Szabo admitted to posting both posts to a private Facebook group called, “Volusia County Deputies Association IUPA, Local 6035.” This Facebook group consists of up to two hundred deputies and sergeants that are currently employed by the Volusia County Sheriff’s Office; this is approximately one third to one half of the present sworn manpower at the Sheriff’s Office.

During the interview, Deputy Szabo denied violating any Sheriff’s Office directives or Volusia County Merit Regulations. Deputy Szabo feels his posts were not directed toward the public because they were on a private Facebook page intended for union members of the Volusia County Sheriff’s Office only. He also does not believe that he was spreading rumors or gossip by posting these negative comments on this Facebook page. Deputy Szabo feels his negative comments about Sheriff Chitwood and the Volusia County Sheriff’s Office were justified because he has the right to his opinion and to speak freely with his union. Additionally, he does not believe his postings reflect unfavorable on the county as an employer.

On September 20, 2017, Detective Burke was contacted by County Legal, they advised there is a social media policy all county employees are required to sign when they are hired. A copy of the social media policy signed by Deputy Szabo was provided; the document was dated February 1, 2013. Deputy Szabo’s legal representation, Nancye Jones, was provided this information; she advised she was already aware of the social media policy.

Conclusion:

On September 21, 2017, Deputy Szabo was served with intent to terminate paperwork placing him on Administrative Leave with Pay immediately. *(See tab- C for Official Correspondence)*

On September 22, 2017, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

- | | |
|--|------------------|
| 26.2.49 Rumors and Gossip | Sustained |
| 26.2.125 Criticism of Orders or Policies | Sustained |
| 26.2.138 Use of Blogs, Web Postings, Chat Rooms, Ect. | Sustained |

26.2.34 Failure to Follow Directive or Order

	RE: 1.4.10 Conduct Toward the Public	Not Sustained
86-453	Volusia County Merit System Rules and Regulations (2)	Sustained
86-453	Volusia County Merit System Rules and Regulations (13)	Sustained
86-453	Volusia County Merit System Rules and Regulations (21)	Sustained

On September 26, 2017, as opposed to meeting with the Sheriff, Deputy Szabo submitted a letter in responds to his Intent to Terminate. *(See tab- C for Official Correspondence)*

On September 27, 2017, Deputy Szabo was served with a Final Termination Letter. *(See tab- C for Official Correspondence)*


Exhibits:

- A. Report of Investigation
- B. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence
- D. Official Transcripts of Deputy John Szabo
- E. Miscellaneous Documents
- F. Digital Media

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

DETECTIVE:  DATE: 10/05/17

Detective Tara Burke
Internal Affairs Detective

APPROVED BY:  DATE: 10/5/17

Chief Deputy John Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA