

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-14-015**

**PERIOD COVERED:** December 24, 2013 thru March 13, 2014

**DATE REPORTED:** May 20, 2014

**SUBJECT(S) NAME:** Sergeant Shon McGuire #1652

**INVESTIGATING OFFICERS:** Investigator Glen Bennett #1452

**BASIS FOR INVESTIGATION:**

On June 4, 2014, the assistant district commander of District-3 in Ormond Beach, Lieutenant Albert Pagliari, submitted a supervisor's inquiry through the chain of command in reference to complaints he received from alpha shift patrol deputies. According to these deputies, Sergeant Shon McGuire, the shift supervisor, allegedly violated several department policies on December 27, 2013, and March 13, 2014.

The first incident was alleged to have occurred on December 27, 2014, when District-3 alpha shift deputies responded to a residence in reference to a known individual that had an open felony warrant. After confirming the suspect was at the rear of the residence, two deputies approached the suspect as he was observed shaking a bottle containing an unknown white substance. The suspect took flight into the rear of the residence with the bottle as deputies gave chase. A struggle at the door ensued and a deputy had to discharge his Taser into the suspect.

The suspect broke away and ran to a bedroom where he barricaded himself. The deputies, while at the bedroom door, observed the bottle the suspect was shaking lying at their feet. Based on the deputies training and suspect's history, the bottle was possibly related to the active production of methamphetamine and they backed out of the residence. Sheriff's Office Central Communications (Central) was advised of the situation as other deputies, including Sergeant McGuire, began to arrive on scene.

A short time later the suspect was taken into custody without further incident. The deputies examined the bottle on the floor more closely and identified the contents as white coffee filters. In an open drawer located within the bedroom, where the suspect was held up, were several items in plain view. These items were identified by the deputies as being associated with the possible production of methamphetamine; Coleman camp fuel, Sudafed, cold packs, drain cleaner and two bottles of an unknown liquid. After consulting the Sheriff's Office clandestine laboratory expert, Lieutenant Joseph Gallagher, Sergeant McGuire seemingly concluded there was no methamphetamine

laboratory. Sergeant McGuire was alleged to have given an order to one of the deputies to have the items mentioned above disposed of. Sergeant McGuire informed a deputy on scene to have one of the occupants of the residence to get rid of the items. These items were eventually flushed down the toilet.

The following day, the primary deputy on scene at the residence, submitted the narrative portion of his report to Sergeant McGuire for approval. According to that deputy, Sergeant McGuire advised him to remove all mention of a possible methamphetamine laboratory from the report; declaring that people would start asking questions if it was left in. The deputy reluctantly followed Sergeant McGuire's instructions and removed any mention of a possible methamphetamine laboratory. The deputy then wrote and submitted a revised version of his first report with no mention of the precursor chemicals used in the production of methamphetamine. The second version was ultimately approved by Sergeant McGuire.

The second incident was alleged to have occurred on March 13, 2014. Sergeant McGuire allegedly had a deputy, while on duty; drive a personal vehicle belonging to a female friend to his residence. The female friend had reportedly consumed too much alcohol and was too impaired to operate a motor vehicle. In order to not have his friend's vehicle towed, Sergeant McGuire requested that the deputy drive the female's car to his residence. The deputy complied with Sergeant McGuire's request; however, she did not feel comfortable doing so.

The deputy met Sergeant McGuire at his residence on beachside in Ormond Beach. Sergeant McGuire then contacted Central, placing both he and the deputy on a special detail in the computer aided dispatch (CAD) system which removed them both from being able to handle calls for service. The deputy rode in the back seat of Sergeant McGuire's patrol car to the Iron Horse Saloon parking lot where the female's car was located. The deputy was given instructions to drive the female's car back to Sergeant McGuire's residence and place the car keys in his house on a table. While the deputy was driving the female's car, Central dispatched a suspicious person call in her zone which was taken by another unit working beachside. Furthermore, it was later discovered that Sergeant McGuire's AVL was not transmitting for approximately one hour and twenty five minutes after he dropped the deputy off in the parking lot.

Information was obtained from a deputy pertaining to a third incident involving Sergeant McGuire that was not part of the supervisor's inquiry. This incident was alleged to have occurred on December 24, 2013, when a deputy assigned to District-3 alpha patrol shift arrested a female for simple battery. According to the incident report (VCSO 13-35164), the female had found her husband with another woman in an Ormond Beach motel. The female ultimately committed simple battery when she confronted the woman in the parking lot.

A short time later the arresting deputy met with Sergeant McGuire for her report to be approved. The female was handcuffed in the backseat of the patrol car while the deputy spoke with Sergeant McGuire. It was alleged that Sergeant McGuire lowered the driver



side rear window and approached the female and began engaging her in conversation. According to the deputy, who was sitting in the driver's seat; Sergeant McGuire started to compliment the female on her defined muscular arms. The female became upset, believing Sergeant McGuire was coming on to her, and made a comment pertaining to men. Sergeant McGuire was dismayed over the comment and allegedly began to use profanity towards the female. The deputy claimed she was so embarrassed over the comments and language Sergeant McGuire used she apologized to the female multiple times as she transported her to the branch jail.

#### **OFFENSES:**

This investigation is relevant to an alleged violation of Department Standards Directive:

**26.2.41 Negligence Associated with Safety of Persons or Property** - Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property. *(Violation subject up to a demotion.)*

**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.)*

**26.2.132** Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training. *(Violation subject up to a written reprimand.)*

**26.2.133** Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions. *(Violation subject up to dismissal.)*

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

#### **RE: 42.14 Clandestine Laboratory Responses**

**26.2.143 Use of Equipment: AVL** - Employees shall ensure proper maintenance and utilization of the Department AVL (GPS) for its intended purpose and in accordance with installation requirements.

**26.2.144** Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention. *(Violation subject up to a 1 day suspension.)*

**26.2.145** Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty will be subject to disciplinary action up to dismissal.

**Volusia County Merit System Rules and Regulations 86-453 (13).** Any conduct, on or off duty that reflects unfavorably on the County as an employer. *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.*

#### **INVESTIGATIVE SUMMARY:**

On June 13, 2014, Chief Deputy Mike Coffin assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Investigator Glen Bennett.

Investigator Bennett served Sergeant McGuire with a Notice of Internal Investigation and a copy of the Law Enforcement Officer's Rights at James Street and Big Tree Road in South Daytona. (See Tab – B for Official Correspondence)

**This investigation has been written in three parts based on the three separate incidents being investigated.**

#### **Part I**

**Part I covers the incident that was alleged to have occurred on December 27, 2013, involving a possible methamphetamine laboratory.**

#### **Lieutenant Joseph Gallagher**

On July 3, 2014, Investigator Bennett conducted a sworn recorded interview with Lieutenant Joseph Gallagher at the District-6 headquarters in Debary, FL. The following is a summary of that interview:

Lieutenant Gallagher has been in law enforcement for approximately twenty-seven years. He started his career with the Ormond Beach Police Department before coming to the Volusia County Sheriff's Office where he is now the assistant district commander of District-6 in Debary, FL.

Lieutenant Gallagher was previously assigned to the Drug Enforcement Agency (DEA) task force as an agent in the Orlando office from 1993-2002. As an agent with the DEA, Lieutenant Gallagher received advanced training in the field of methamphetamine production and disposal. During the time Lieutenant Gallagher was with the DEA; his office was responsible for mitigating all methamphetamine laboratories (labs) in the Central Florida region.

As a sergeant, Lieutenant Gallagher was assigned to the Volusia Bureau of Investigation (VBI) from 2005-2013, where he received further training in the field of methamphetamine production and disposal. Around 2005, methamphetamine production



had increased at such a high rate, the DEA ceased the mitigation of methamphetamine labs and the responsibility was turned over to local law enforcement. Lieutenant Gallagher was assigned the mission of establishing not only a unit within VBI to mitigate methamphetamine labs but he was also instrumental in establishing the Sheriff's Office departmental policies. As part of his duties within the Sheriff's Office, Lieutenant Gallagher frequently conducted training for Sheriff's Office personnel on the identification of methamphetamine labs. The training consisted of, but was not limited to, the identification of certain precursor chemicals and what they could be mixed with or transported in. Lieutenant Gallagher estimated that he has been involved in approximately five-hundred methamphetamine labs throughout his career.

In 2013, sometime before Christmas, Lieutenant Gallagher said he conducted training at the District-3 office in Ormond Beach on the identification of methamphetamine labs. Lieutenant Gallagher recalled Sergeant McGuire and his patrol shift being present for the training.

On December 27, 2013, Lieutenant Gallagher was the on-duty Watch Commander when he received a phone call from Sergeant McGuire in reference to a possible methamphetamine lab. According to cell phone records, Sergeant McGuire called Lieutenant Gallagher three times on December 27<sup>th</sup>; 1737, 1750 and again at 1806 hours. Lieutenant Gallagher could not recall speaking to him on three separate occasions; however, he did remember discussing the incident. Lieutenant Gallagher remembered talking to Sergeant McGuire about a man deputies observed shaking a bottle before taking flight into a house where he was later arrested. Lieutenant Gallagher recalled the conversation was focused on the bottle containing coffee filters with no liquid separation.

Investigator Bennett asked Lieutenant Gallagher, *"Were you told that the additional items including Coleman fuel, Sudafed blister packs, colds packs, drain cleaner and other bottles of an unknown liquid were also located in the bedroom to which he [suspect] fled to?"* Lieutenant Gallagher responded by saying, *"I don't recall that."* Lieutenant Gallagher agreed that those items mentioned could play a part in the production of methamphetamine. The shaking of the bottle was described by Lieutenant Gallagher as a possible step in the process of manufacturing methamphetamine known as, "Shake and Bake." Also, this method has been associated with the possibility of what Lieutenant Gallagher described as, "bottle failure." This means, the combination of chemicals being mixed could have caused the structure of the bottle to fail creating a safety hazard to personnel on scene.

Lieutenant Gallagher stated, if he was presented with all the information involving the suspect and the items found in the bedroom, his response would have been, *"Sure, if you have all those items associated with, in a house, then you probably have some type of methamphetamine production going on in the house."* Lieutenant Gallagher went on to

say, had he been advised of all the information, he would have sent out a member of the methamphetamine lab group (narcotics investigator) to investigate further; however, *"...the way it was described to me, it was kind of hard to come to a conclusion that it was methamphetamine related."*

According to Lieutenant Gallagher, he did not document the methamphetamine lab training he provided to Sheriff's Office patrol personnel. Lieutenant Gallagher would offer his training and experience to shift supervisors throughout the Sheriff's Office to better educate them on not only methamphetamine, but also other narcotics. *(See Tab - E for Official Transcript)*

Lieutenant Albert Pagliari, the assistant commander at District-3, advised Investigator Bennett that there was no documentation in Sergeant McGuire's field file of the training conducted by Lieutenant Gallagher. Typically the patrol sergeant would document what would be considered, "Roll Call Training," when their shift received any type of training during the course of their shift.

Investigator Bennett contacted the Sheriff's Office Training Section who is the agency repository for all "Roll Call Training" conducted throughout the Sheriff's Office. There was no record of Sergeant McGuire's shift receiving training from Lieutenant Gallagher in methamphetamine labs in 2013. A search was done through the same training database and it revealed that another sergeant assigned to District-3 had documented the training received by Lieutenant Gallagher in September of 2013. The training reflected sixty minutes of methamphetamine lab training including a power point presentation. *(See Tab - N for Copy of Documented "Roll Call Training")*

#### **Deputy Robert Leffler**

On July 11, 2014, Investigator Bennett conducted a sworn recorded interview with Deputy Robert Leffler at the District-3 headquarters in Ormond Beach. The following is a summary of that interview:

Deputy Leffler has worked for the Sheriff's Office for approximately two and one-half years. He has been assigned to patrol duties in the District-3 office since May of 2012.

Deputy Leffler explained that on December 27, 2013, he was dispatched to 1408 Flomich Street, Daytona Beach, FL, in reference to a known suspect with a felony warrant. According to Deputy Leffler, the suspect was known to deputies as possibly being involved in the production and use of methamphetamine. As he and Deputy Anthony Amato approached the residence, they were advised the suspect was in the backyard. As the two deputies entered the back yard they identified the suspect sitting near the back sliding glass door vigorously shaking a clear two liter bottle. The bottle had no label and contained what Deputy Leffler believed was a bright white substance. Deputy Leffler said



he immediately recognized the shaking of the bottle as a possible method in the production of methamphetamine.

As the deputies got closer to the suspect, he stood up, opened the sliding glass door and fled into the house. Deputies Leffler and Amato gave chase and managed to prevent the sliding door from closing. Since the suspect was refusing to comply with the deputies orders, Deputy Leffler deployed his Taser. The Taser had little effect as the suspect ran through the residence towards a back bedroom along with a female, who was also in the residence. Deputy Leffler advised the male suspect barricaded the door of the bedroom with his body. As the two deputies stood in the hallway, Deputy Leffler said he looked down and saw the bottle the suspect was shaking lying at their feet. Deputy Leffler, believing the bottle was a possible methamphetamine lab, said he and Deputy Amato quickly exited the residence and notified Central of a barricaded suspect and possible methamphetamine lab.

Deputy Leffler took up a position at the front door of the residence. From Deputy Leffler's vantage point he was able to see the bottle on the floor. Deputy Leffler explained that's when he identified the white substance in the bottle as coffee filters with no liquid. Deputy Leffler later believed the coffee filters may have been used to dry the inside of the bottle as to avoid a possible reaction between chemicals for later methamphetamine production.

A short time later the suspect was taken into custody and Deputy Leffler conducted a secondary search of the bedroom. Deputy Leffler explained that he found several items in an open dresser drawer that he believed were associated with methamphetamine production. Deputy Leffler described the items he discovered in the drawer next to the bed as follows:

There were two small plastic soda type bottles filled halfway with an unknown liquid. The bottles were approximately eight or ten ounce in size and one was green with no label and the other had no label with purple writing. Another bottle appeared similar to a Tylenol type bottle and a bigger container alongside it labeled drain cleaner. There was also an unopened box of Walmart brand Sudafed along with two crushed cold packs. Deputy Leffler also remembered seeing a small can of Coleman camp fuel on top of the same dresser.

When Deputy Leffler was asked how he knew those items were associated with the production of methamphetamine he replied, *"Through the classes and training that I had been through. Just talking with other officers that have dealt with methamphetamine and just those are the active ingredients to potentially cook methamphetamine."*

According to Deputy Leffler, he received training in methamphetamine production while he was in field training and as a member of the SWAT team. Deputy Leffler had also

received training from Lieutenant Gallagher during one of the shift briefings at District-3. Deputy Leffler recalls watching a video and receiving instruction on identifying items that are part of the production of methamphetamine during Lieutenant Gallagher's presentation. Deputy Leffler was unsure of the exact date he received the training from Lieutenant Gallagher; however, he did remember Sergeant McGuire present for the training.

After Deputy Leffler confirmed there was no liquid in the bottle, he said he no longer believed there was an active methamphetamine lab. Deputy Leffler said he showed Sergeant McGuire the items discovered in the bedroom and he remembered telling Sergeant McGuire that it wasn't an active lab; however, he explained that everything was present for the production of methamphetamine. According to Deputy Leffler, Sergeant McGuire agreed that it wasn't an active lab and went outside the residence to make a phone call.

At the conclusion of the investigation conducted on scene, Deputy Leffler explained how Sergeant McGuire advised him to have the items in the bedroom disposed of, referring to the Sudafed blister packs, cold packs, Coleman camp fuel, drain cleaner and the two bottles that contained an unknown liquid. A male resident on scene was directed by Deputy Leffler, with Sergeant McGuire present, to get rid of the items mentioned. Deputy Leffler was asked if he knew what Sergeant McGuire meant by saying, "get rid of it," and he replied, "*... I knew what he was talking about.*"

Deputy Leffler said he was outside the residence when Sergeant McGuire inquired whether or not the items had been disposed of. Deputy Leffler informed him that they were not and he was again told to get rid of them. Deputy Leffler said that was when he spoke to the male resident and advised him, "*...something to the effect of you need to get rid of the, you know, methamphetamine materials or whatever.*" Deputy Leffler said he followed the male as he walked directly to the dresser drawer. Deputy Leffler explained how he saw the male carry the two bottles, that contained the unknown liquid, and a cold pack into the bathroom. Deputy Leffler did not witness the male flush the items down the toilet; and he said that he disagreed with their disposal.

Deputy Leffler said, "*I can't speak to everything in that drawer, that was, just the bottles. I know the bottles [with unknown liquid] were poured down the toilet.*" Deputy Leffler went on to say that Sergeant McGuire never directly said to have the items flushed down the toilet, "*He just wanted to get rid of them.*" According to Deputy Leffler, "*...it's familiar within my knowledge of the [VCSO] policy, you know, that [methamphetamine materials] it's disposed of through via the methamphetamine team, methamphetamine lab response team.*"



Deputy Leffler wrote his first incident report on his mobile data computer (MDC) the following shift at District-3. After completing the narrative, he presented it to Sergeant McGuire for his approval. Deputy Leffler stated that Sergeant McGuire reviewed the narrative, made some grammatical corrections and then advised him, "...to remove anything that pertained to methamphetamine, period." Deputy Leffler tried to explain to Sergeant McGuire that he wanted to describe why he took the actions he did on the call and many of the reasons were related to the methamphetamine materials that were found. Deputy Leffler continued by saying, "... from his [Sergeant McGuire's] mouth, if you leave it [methamphetamine verbiage] in there, people will ask questions, so." Deputy Leffler stated that he tried to explain, "And after I explained you know this is why I left it in there and he continued to say no, I want it, I want it removed, then I just removed it." Deputy Leffler advised Investigator Bennett that he perceived Sergeant McGuire's request to remove all mention of methamphetamine as an order from his sergeant.

Deputy Leffler complied with Sergeant McGuire's request and completed his report without any mention of the precursor chemicals associated with the production of methamphetamine. Deputy Leffler said he later spoke to other members of his patrol shift about the report and he was advised to retain a copy of the original report for his records. According to Deputy Leffler, the report was lost when his MDC went through an update from Sheriff's Office Information Services.

Deputy Leffler stated he felt Sergeant McGuire directed him to change his report to cover up the possibility of an active methamphetamine lab. (See Tab - F for Official Transcript)

### **Deputy Christopher Igo**

On July 16, 2014, Investigator Glen Bennett conducted a sworn recorded interview with Deputy Christopher Igo at the District-5 headquarters in New Smyrna Beach. The following is a summary of that interview:

Deputy Igo has been with the Sheriff's Office for approximately four years and has been assigned to patrol duties in District-5 for the last four months. Prior to District-5, Deputy Igo was assigned to patrol in District-3.

Deputy Igo was assigned to Sergeant McGuire's patrol shift in District-3 and he recalled responding to 1408 Flomich Street Daytona Beach, FL, on December 27, 2013. Deputy Igo explained that Deputies Leffler and Amato went to the address to serve a warrant on a known suspect. Deputy Igo said he responded to the residence after he heard the radio transmission of the suspect being Tasered and then barricading himself.

While Deputy Igo was on scene, he stated that he entered the residence and observed a bottle on the floor in the hallway. It was the same bottle that Deputy Leffler observed the

suspect shaking. As Deputy Igo stood outside the bedroom door where the suspect had barricade himself, he said he could see Coleman camping fuel along with two containers of liquid on top of the dresser. He was unable to see anything else because Deputy Leffler and Sergeant McGuire were in front of the dresser blocking his view.

Deputy Igo said he was advised later that it was not an active methamphetamine lab; however, all the items were present for the production of methamphetamine. Deputy Igo was also advised by Deputy Leffler of the suspect's prior history and how upset he was over how Sergeant McGuire was handling the scene. Deputy Igo explained that Deputy Leffler expressed his displeasure about the fact that Sergeant McGuire didn't believe the items found were precursor chemicals for the production of methamphetamine. Deputy Igo stated that he was advised afterwards that the items located in the bedroom were later disposed of by another member of the household. Deputy Igo thought if the items in the drawer were not a hazard or in relation to any narcotic or methamphetamine; why would there be a need to dispose of them and added, *"There would be no need."*

Deputy Igo stated, *"I was rather upset when it was determined that Sgt. McGuire was putting the situation down and not dealing with it appropriately so I became frustrated."* Deputy Igo said when he determined he was no longer needed on scene; he cleared the call and went home. Deputy Igo felt Sergeant McGuire placed the deputies on scene in harm's way based on how he mishandled the call saying, *"That's how lightly it was handled."* During the incident, while Deputy Igo was outside the residence, Sergeant McGuire walked past him and made the statement that he hoped Sergeant Savercool, the oncoming patrol sergeant, would handle the supervisor's report because he had "tail waiting for him at home."

Deputy Igo stated that he was aware Sergeant McGuire had Deputy Leffler change the narrative in his report. Deputy Igo said he advised Deputy Leffler to keep a copy of the first report for his records but it was later lost after an MDC update. Deputy Igo believed Sergeant McGuire asked Deputy Leffler to change his report to cover up the possibility of a methamphetamine lab. *(See Tab - G for Official Transcript)*

### **Deputy Omar Bello**

On July 17, 2014, Investigator Glen Bennett conducted a sworn recorded telephone interview with Deputy Omar Bello. The following is a summary of that interview:

Deputy Bello has been with the Sheriff's Office for approximately two and one-half years and has been assigned to patrol duties at District-3 for the last two years.

Deputy Bello said he was working nightshift on December 27, 2013, and responded to 1408 Flomich Street in Daytona Beach, FL. While Deputy Bello was on scene he said he conducting a secondary search of the residence with Deputies Leffler and Amato. When



Deputy Bello entered the bedroom, where the suspect barricaded himself, he observed two clear bottles with an unknown liquid and Sudafed blister packs in an open dresser drawer. Deputy Bello stated that the items he saw appeared to be precursor materials commonly associated with a methamphetamine lab. At that point he and Deputy Leffler made the decision to back out of the residence.

Deputy Bello attended a forty hour advanced course on dangerous drugs and narcotics education. He said he was also familiar with VCSO policy on Clandestine Laboratory Response at the time of the incident. Deputy Bello mentioned that he received additional methamphetamine training from Lieutenant Gallagher at District-3 where he gave a brief overview on methamphetamine labs; however, he was unsure if he received that training prior to the incident in question. Deputy Bello agreed that the items he saw in the drawer were mentioned in Lieutenant Gallagher's methamphetamine presentation as precursor chemicals for methamphetamine production.

According to Deputy Bello, he has been on various narcotic search warrants in addition to having seen mobile methamphetamine labs in vehicles during traffic stops. Furthermore, Deputy Bello said he was familiar with the address and occupants of the residents as being methamphetamine users. Deputy Bello thought that the items in the drawer were in relation to a methamphetamine lab and said, *"I wouldn't say an active methamphetamine lab but I would say that they were, they appeared to be precursor materials for a possible methamphetamine lab. I didn't see anything active."*

Deputy Bello said he was advised a few months later about Deputy Leffler having to re-write his original report. He recalled being told by Deputy Leffler that he was instructed to remove any mention of a methamphetamine lab, from his report. Deputy Bello did not believe that Sergeant McGuire asked Deputy Leffler to remove all verbiage associated with methamphetamine labs to cover up the possibility of an active or inactive methamphetamine lab. *(See Tab - H for Official Transcript)*

#### **Deputy Anthony Amato**

On July 30, 2014, Investigator Glen Bennett conducted a sworn recorded telephone interview with Deputy Anthony Amato. The following is a summary of that interview:

Deputy Amato has been with the Sheriff's Office for approximately four years. Deputy Amato was assigned to patrol duties in District-3 upon completion of field training three and one-half years ago.

Deputy Amato had received training in an advanced narcotic and identification class, Sheriff's Office field training, during roll call training with Lieutenant Gallagher, and as a member of the SWAT team. According to Deputy Amato, the training he received was all prior to December 27, 2013. Deputy Amato stated that he was familiar with different

methods on how to produce methamphetamine including the "one pot method," *"Basically you need cold packs, Sudafed or Ephedrine, a starter fluid like Coleman fuel. Typically a Gatorade bottle or something along, a sturdier plastic bottle and we talked about the burping process."* Deputy Amato explained that he has been involved in five methamphetamine labs, to include making arrests for methamphetamine possession, and paraphernalia.

Deputy Amato had been to 1408 Flomich Street on prior occasions for investigations involving people with outstanding warrants and narcotic complaints. Deputy Amato said he was familiar with the suspect's criminal history including his involvement with other deputies prior to his arrest on December 27, 2013.

Deputy Amato was first on scene with Deputy Leffler as they both walked to the backyard where the suspect was believed to be. As they entered the backyard, Deputy Amato said he observed the suspect shaking what looked like a soda bottle that contained a white substance. Deputy Amato said he immediately became concerned that the suspect was involved in a type of methamphetamine production called, "one pot method." Deputy Amato stated that based on the way the suspect was shaking the bottle, *"He was kind of just swirling it around consistent with somebody who was trying to initiate the process for the rolling of the methamphetamine oil."*

The two deputies engaged the suspect who attempted to flee through the back sliding glass door. Deputy Amato explained that a struggle at the sliding door ensued and Deputy Leffler ultimately deployed his Taser having little effect on the suspect. According to Deputy Amato, the suspect dropped the bottle at the sliding glass door and ran towards a back bedroom where he barricaded himself. Deputy Amato stated that he backed out of the bedroom hallway and took up a position at the back sliding door. From that position he was able to closely examine the bottle and he determined that it was not an active methamphetamine lab; however, it did contain unknown liquid and coffee filters.

A short time later the suspect was taken into custody. Deputy Amato said he stayed with the suspect as medical units tried to remove the Taser prods. Deputy Amato never went back into the residence but he was later told by Deputy Bello what had been discovered inside the bedroom. The items were described as precursor chemicals for the production of methamphetamine. Deputy Amato said it was his understanding that Sergeant McGuire spoke to someone on the phone who instructed him to have the items discarded and that the methamphetamine team was not responding. Deputy Amato was asked if the items discovered in the bedroom were not part of a methamphetamine lab what would be the need to discard them and he responded, *"...I don't understand during the course of an investigation why they would need to be discarded prior to our departure from the residence."* Deputy Amato stated that he, in the course of his duties, has submitted less



evidence into property for destruction, so to not take the items that were in the drawer for destruction or analysis was not understood. Deputy Amato further commented, *"I don't understand...if the methamphetamine team is not even, if they're not gonna come out that's fine but for us to just leave those items there knowing that there's children in the residence as well. I don't, I don't, I just don't see it."*

Deputy Amato said he was informed of the initial report being changed by Deputy Leffler sometime later. Deputy Amato said he remembered Deputy Leffler being extremely upset and irate about it. Deputy Amato stated, *"I think anybody doing this job with a high amount of integrity would be upset in that regards."* Deputy Amato explained that he was taught in training to document everything. He was unable to explain why Sergeant McGuire would want the verbiage related to methamphetamine removed from the report based on the type of residence, narcotic complaints and history of the occupants that lived there. When asked if he thought Sergeant McGuire may have wanted to cover up the possibility of a methamphetamine lab he responded, *"Could it be for covering up, absolutely."* (See Tab – I for Official Transcript)

On July 31, 2014, Investigator Bennett researched Florida State Statute (FSS) 893.149, Unlawful possession of listed chemical. *Under FSS 893.149(1)(b) it states: Possess or distribute a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to unlawfully manufacture a controlled substance. Any person who violates this section commits a felony of the second degree.*

Investigator Bennett reviewed the unlawful chemicals listed under FSS 893.033. They were broken down in two classifications, precursor chemicals and essential chemicals. Since none of the items found in the residence were taken into evidence, Investigator Bennett used the deputies sworn statements as to the type and or name of the chemicals found in the bedroom dresser drawer.

Pseudoephedrine as a precursor chemical and Anhydrous Ammonia as an essential chemical can both be found or derived from two of the items found in the bedroom. Lieutenant Gallagher was consulted as to whether felony charges could have been filed under FSS 893.149. Lieutenant Gallagher advised that based on the totality of the circumstances surrounding the incident and items found, it would have been possible to file felony criminal charges. (See Tab – N for Copies of FSS 893.149 and FSS 893.033)

Investigator Bennett reviewed Sheriff's Office Clandestine Laboratory Response policy, 42.14. Of the chemicals listed under 42.14.2, four were either found or could be derived from the items located in the bedroom. Furthermore, on the list of household equipment that can be utilized to manufacture methamphetamine, three of the items listed were identified either in physical possession by the suspect or located within the bedroom in which he barricade himself.

In Sheriff's Office policy 42.14.38 (A) Dismantling & Evidence Procedures, it outlines the procedures required for the collection of evidence and dismantling of methamphetamine labs. According to the procedures listed, photographs and documentation of all evidence shall be conducted prior to the dismantling. Under 42.14.38 (B) Transporting & Storage, it states: ***Ensure that all evidence is stored safely and disposed of according to law.***

(See Tab – N for Copies of Sheriff's Office policy 42.14 Clandestine Laboratory Response)

## **Part II**

**Part II of the investigation covers the incident that was alleged to have occurred on March 13, 2014, involving the transportation of a female friend of Sergeant McGuire.**

It has been alleged that on March 13, 2014, Sergeant McGuire had Deputy Donna Bowen, who was assigned to his patrol shift, drive a female friend's car to his residence from the Iron Horse Saloon while on duty. The female friend reportedly was too intoxicated to operate the vehicle and there was a concern about her car being towed.

Furthermore, Sergeant McGuire's automated vehicle locator (AVL) stopped transmitting a signal on or about the time he dropped off Deputy Bowen in the parking lot where the vehicle was located. Sergeant McGuire's AVL did not begin to transmit a signal again until one hour and twenty five minutes later.

On July 15, 2014, Investigator Bennett reviewed the Sheriff's Office CAD history of both Sergeant McGuire and Deputy Donna Bowen for March 13, 2014. The CAD report showed Sergeant McGuire and Deputy Donna Bowen both on a special detail (Signal 15) starting at 0215 hours. Deputy Bowen went back into service in her patrol car at 0255 hours and Sergeant McGuire went back into service at 0340 hours.

Investigator Bennett reviewed Sergeant McGuire's AVL records to determine his location on the morning of March 13, 2014, using Forcewatch. Forcewatch showed Sergeant McGuire and Deputy Bowen's AVL fully functional; however, at 0238 hours, Sergeant McGuire's AVL sends its last location update in the parking area across from the Iron Horse Saloon. It wasn't until 0403 hours, when Sergeant McGuire's AVL begins to transmit a signal which showed his patrol car at the District-3 office. Sergeant McGuire's AVL did not report a location update for one hour and twenty five minutes.

At approximately 0238 hours, Sergeant McGuire's AVL placed him in the parking lot across the street from the Iron Horse Saloon, where he dropped off Deputy Bowen. Deputy Bowen then got into the female's car and then out to US-1 where she followed Sergeant McGuire. Deputy Bowen stated in her interview that she last saw Sergeant McGuire turning south onto Nova Road from US-1 as she continued to his residence as instructed.



Deputy Bowen's AVL showed her active and moving at 0254 hours, which was approximately the same time she advised Central she was back in service for calls. Sergeant McGuire doesn't go back into service until 0340 hours and his AVL didn't begin to send a signal until 0403 hours when it showed his patrol car at the District-3 office.

According to Sheriff's Office Information Systems, Sergeant McGuire's mobile data computer (MDC) was powered down sometime between 0233 hours and 0356 hours. When the MDC is off, the AVL system will not function. Information Systems was unable to confirm whether or not Sergeant McGuire's AVL antenna was disconnected, only that the MDC was powered off and then powered back on. *(See Tab - N for Copies of CAD and Forcewatch Reports)*

### **Deputy Donna Bowen**

On July 16, 2014, Investigator Glen Bennett conducted a sworn recorded interview with Deputy Donna Bowen at the District-3 headquarters in Ormond Beach. The following is a summary of that interview:

Deputy Bowen has been with the Sheriff's Office for twelve and one-half years. She has been assigned to patrol duties in District-3 for approximately four years. On March 13, 2013, Deputy Bowen stated that she was assigned to patrol duties on the beachside area of unincorporated Ormond Beach.

Deputy Bowen said she was contacted by Sergeant McGuire via the two way radio in her patrol car and asked if she could do him a favor. According to Deputy Bowen, Sergeant McGuire asked her if she would park her patrol car at his residence, go with him to the Iron Horse Saloon parking lot and drive a car, belonging to a female friend of his back to his residence in her patrol zone. Deputy Bowen followed Sergeant McGuire's instructions and drove in her patrol car to Sergeant McGuire's residence which was located on beachside in Ormond Beach.

When she arrived at his residence she was told by Sergeant McGuire, *"He just said a female friend had too much to drink and he needed her car brought back."* Deputy Bowen explained, *"He [Sergeant McGuire] said I had already, he had already gotten her home safely and that he wanted to have the vehicle moved so it didn't get towed."* Deputy Bowen was unsure when the female friend was taken home but it was believed that she lived in the LPGA subdivision in Daytona Beach.

Deputy Bowen parked her patrol car in front of Sergeant McGuire's residence and got into the backseat of his patrol car. While Deputy Bowen was in the backseat, she said Sergeant McGuire notified Central that both units were going to be on a special detail (Signal 15) and unavailable for calls for service as they drove off. When they arrived in the area of the Iron Horse Saloon, they located the female's car in the parking lot across

the street. Deputy Bowen was given the car keys with instructions to drive it to his residence and place the keys on a table inside the residence.

Deputy Bowen stated that she did not feel comfortable doing what Sergeant McGuire requested of her, *"I did not feel comfortable. I didn't, I didn't think that it was our job to be transporting a car that wasn't ours as far as the Sheriff's Office, because of the liability with it being Bike Week...I'm not in a marked car."*

When she got into the female's car, Deputy Bowen said she navigated her way out onto US-1 with the help of Sergeant McGuire and then followed him south towards Nova Road. After she left Sergeant McGuire on US-1, Deputy Bowen said, *"I assumed he was going to her house [in LPGA] to check on her 'cause he headed south on Nova which would be in the total direction separate of where I was heading in if, my belief is if she was at the house on [REDACTED] [beachside Ormond Beach] then he would have went there to check on her."*

Deputy Bowen stated that while she was driving she heard Central dispatch a call involving a suspicious person on a motorcycle outside the reporting party's house. That call was ultimately handled alone by the swing shift patrol unit covering the beachside.

Deputy Bowen said when she arrived at Sergeant McGuire's residence there was nobody home. She said she followed Sergeant McGuire's instructions and parked the car in the driveway and placed the car keys on the table as instructed. Deputy Bowen said she never saw Sergeant McGuire's female friend. (See Tab - J for Copy of Official Transcript)

On August 1, 2014, Investigator Bennett served Sergeant McGuire with an amended Notice of Internal at his residence in Ormond Beach. (See Tab - B for Official Correspondence)

### **Part III**

**Part III of the investigation covers the incident that was alleged to have occurred on December 24, 2013, involving a female who was arrested for battery.**

Deputy Bowen had arrested Christine Clay for simple battery on the morning of December 24, 2013. Mrs. Clay found her husband with another woman in a beachside motel in Ormond Beach. Mrs. Clay confronted the woman in the parking lot where it turned physical and she was ultimately arrested by Deputy Bowen for simple battery.

While Mrs. Clay was handcuffed in the backseat of Deputy Bowen's patrol car, Sergeant McGuire approached her and engaged her in conversation. Sergeant McGuire reportedly commented on how defined Mrs. Clay's arms were and was surprised how young she



looked. According to Deputy Bowen, Sergeant McGuire also made statement's to Mrs. Clay that were inappropriate and unprofessional.

### **Ms. Christina Clay**

On August 7, 2014, Investigator Bennett conducted a sworn recorded telephone interview with Christina Clay. The following is a summary of that interview:

Ms. Clay was arrested on December 23, 2013, by Deputy Bowen in Ormond Beach for battery on a woman that she found with her husband at a beachside motel. Ms. Clay recalled the arrest and the conversation she had with Sergeant McGuire while she was handcuffed in the backseat of the patrol car.

Ms. Clay explained that while Deputy Bowen was going over the report, Sergeant McGuire was speaking to her through the back window of the patrol car. She stated that he commented on how small and cute she was. Ms. Clay said that Sergeant McGuire made a comment about how fit her arms were and how he felt she looked a lot younger than her age. Ms. Clay stated, "...he was hittin' on me, so made me uncomfortable."

Sergeant McGuire then began to talk about why she was arrested and she recalled how he used foul language which concerned her greatly. Ms. Clay said he used words like "fuck" and "slut" a couple times while speaking to her and it made her very uncomfortable. According to Ms. Clay, Sergeant McGuire began talking about his own divorce and described his ex-wife as a "cunt." Ms. Clay said the profanity was not directed at her, he just used them to describe both his situation and hers. Ms. Clay said Sergeant McGuire, "...had a really dirty mouth." After Sergeant McGuire walked away from her, Ms. Clay said Deputy Bowen apologized to her, "*I guess she felt so uncomfortable, she felt the need to apologize to me.*"

Ms. Clay advised how in most situations when men act the way Sergeant McGuire did, she would just get up and leave; however, since she was in the backseat handcuffed, she had no choice but to sit there and deal with it. (*See Tab- -K for Official Transcript*)

### **Deputy Donna Bowen**

On August 8, 2014, Investigator Bennett conducted a sworn recorded interview with Deputy Bowen at the District-3 headquarters in Ormond Beach. The following is a summary of that interview:

Deputy Bowen said she was dispatched to a fight call on the beachside in Ormond Beach on the morning of December 24, 2013. Deputy Bowen explained that Ms. Clay had found her husband with his mistress at a motel where she confronted her. The confrontation turned physical in the parking lot and she was ultimately arrested for simple battery. Deputy Bowen described Ms. Clay as very emotional and upset over the

situation. While they were on scene, Deputy Bowen said she was told by Deputy Leffler that it was a good thing Sergeant McGuire was not there because he would be hitting on Ms. Clay because she was a good looking girl. According to Deputy Bowen, Sergeant McGuire has made advances towards woman that were arrested in the past.

Deputy Bowen said that after she finished her paperwork she met with Sergeant McGuire so he could review her report. While meeting with Sergeant McGuire, he rolled down her back driver side window to speak with Ms. Clay who was in the backseat. While the two spoke to one another, Deputy Bowen overheard Sergeant McGuire make a comment about her biceps. At that point, Ms. Clay put her head up against the cage in front of her and made the statement that she hated men or that she was over men.

According to Deputy Bowen, she believed Sergeant McGuire felt offended by the comment at which time he opened the back door and started yelling at Ms. Clay, *"What did you say?"* And Ms. Clay responded that she was over men. Deputy Bowen described how she assumed Sergeant McGuire was offended by the comment, as he proceeded to tell Ms. Clay that he wasn't going to allow her to downgrade men. That was when Deputy Bowen heard Sergeant McGuire tell Ms. Clay something to the effect, *"...well you're the one that lets him put your dick in him..."* Deputy Bowen stated, *"I, I, I was shocked by hearing him make a comment like that to her."*

Deputy Bowen proceeded to drive away with Ms. Clay and she said, *"I felt so ashamed and degraded by the way he talked to her. I felt bad for her because I felt it was inappropriate and so I ended up apologizing."* Deputy Bowen commented that she believed Ms. Clay's thought process must have been along the lines, *"I thought, she thought this guy's hitting on me. Here I am going to jail and I already have a messed up marriage..."* (See Tab – L for Official Transcript)

On August 13, 2014, Investigator Bennett served Sergeant McGuire with a second amended Notice of Internal at the Sheriff's Office administrative offices in Deland. (See Tab – B for Official Correspondence)

### **Sergeant Shon McGuire**

On August 13, 2014, Investigator Bennett and Sergeant Tom Tatum conducted a sworn recorded interview with Sergeant Shon McGuire at the Sheriff's administrative offices in Deland. Also present on Sergeant McGuire's behalf was Teamsters Representative Brodie Hughes.

Sergeant McGuire has been with the Sheriff's Office for eleven and one-half years and has held the rank of sergeant for the past three years. Sergeant McGuire was assigned to alpha patrol shift in District-3 for approximately nine months.



Sergeant McGuire has received approximately eighty to one hundred hours of narcotic training in his career. Sergeant McGuire stated that he was present for Lieutenant Gallagher's training on methamphetamine labs; however, he did not document the training as "Roll Call Training" for his patrol shift. Sergeant McGuire described that he was trained in identifying precursor materials for the production of methamphetamine.

Sergeant McGuire recalled the incident at 1408 Flomich Street on December 27, 2013, involving a suspect with a felony warrant. Sergeant McGuire stated that the residence had been a problem house but he was unaware of the call history. Sergeant McGuire also advised that he had past contact with the suspect with the felony warrant but was unaware of his criminal history.

Sergeant McGuire responded to the residence after he heard over the radio that the suspect had barricaded himself inside and there was a possible methamphetamine lab. When Sergeant McGuire arrived on scene, he recalled the residence being occupied by not only the suspect but other adults and two children possibly under the age of ten.

After the suspect was taken into custody, Sergeant McGuire was shown the bottle that contained the white substance. Sergeant McGuire remembered identifying the white substance in the plastic bottle as coffee filters. The bottle also contained, what he described, as a little bit of liquid still inside. Sergeant McGuire was then advised by Deputy Leffler that there were other items in the bedroom identified as precursors for the production of methamphetamine. Sergeant McGuire looked in the drawer and he identified, *"...two bottles probably like, like rubbing alcohol size bottle and like there was no labels on them. They were clear liquids and there was a pack of like Sudafed in the drawer and that was it."* Sergeant McGuire said he did not see the drain cleaner or cold packs as described by Deputy Leffler. Sergeant McGuire was asked if he saw the bottle of Coleman fuel on top of the dresser as described by Deputies Leffler and Amato; he stated that the bottle was across the room next to the closet, not on top of the dresser.

Sergeant McGuire said he called Lieutenant Gallagher while he was in the bedroom looking at the dresser. He stated that he advised the lieutenant of, *"The two bottles and the Sudafed and that's, and that's all that there was in the drawer."* Along with those items, Sergeant McGuire said he also discussed the plastic bottle that was observed being shaken by the suspect. Sergeant McGuire denied there being cold packs and a bottle of drain cleaner in or on top of the dresser. Furthermore, he stated that had he seen those items he would have advised Lieutenant Gallagher.

Sergeant McGuire stated that after telling Lieutenant Gallagher of what he observed on scene, he was told to dispose of the items. He said Lieutenant Gallagher told him, *"...there was items that are precursors but nothing together to indicate a methamphetamine lab, he said that they could be disposed of."* Investigator Bennett



asked Sergeant McGuire, *"If the items were not essential for the production of methamphetamine, what would be the need to get rid of them?"* And he responded, *"I'm just going by what I, what he [Lieutenant Gallagher] told me."* Sergeant McGuire was reminded of Lieutenant Gallagher's sworn statement, where he advised that he only recalled discussing the plastic bottle containing the coffee filters. Sergeant McGuire responded, *"I'm, I'm telling you I called him and I told him what I saw and what he said. That's what the conversation consisted of. I'm not; I don't know what else to tell you."* Sergeant McGuire insisted that he told Lieutenant Gallagher about everything he observed on scene. He went on to say, *"...I'm not trying to hide anything. I mean I don't have anything to cover-up on this."*

Sergeant McGuire claimed he told Lieutenant Gallagher everything that he saw in and around that dresser. Sergeant McGuire did not tell Lieutenant Gallagher about the cold packs or drain cleaner because he said he never saw them. It was suggested by Sergeant McGuire that Deputy Leffler had past issues with him which may have been the reason why his account of what was in or on the dresser was different. Investigator Bennett asked Sergeant McGuire if he was suggesting that Deputy Leffler was not being truthful with his account of the items found in the bedroom and he replied, *"I'm just telling you what I saw sir. That's all I can, I don't know what he's telling you is the truth or not. I'm telling you what I saw that's all I can say. There wasn't drain cleaner and there wasn't that other stuff, cold packs."*

Sergeant McGuire said he told Deputy Leffler to have one of the residents of the house dispose of the items found in the bedroom. Sergeant McGuire stated that from what he understood the items were flushed down the toilet. Sergeant McGuire was asked whether he thought disposing the items by flushing them down the toilet was a little odd and he responded, *"I told him [Deputy Leffler] to have him [household resident] dispose of it. I just went by what Lieutenant Gallagher said. I mean he's, he's the expert on this."* Sergeant McGuire was then asked if it was possible Lieutenant Gallagher didn't understand exactly what was going on and he responded, *"I don't know. I, I, Like I said, I looked in there [dresser], I called him on the phone and I told him what I saw and what was, I told him about the call."* Investigator Bennett then asked Sergeant McGuire if the items were handled according to not only department policy but state and federal law and he replied, *"Like I said I don't, I just went by what I was told to do sir."*

Investigator Bennett asked Sergeant McGuire if he recalled making the statement to Deputy Igo that he hoped Sergeant Savercool would handle the supervisors report because he had a girl waiting at home and he replied, *"I have no idea. I don't recall that."*

In reference to Deputy Leffler's report, Sergeant McGuire stated that he made some grammatical corrections along with having him remove all verbiage associated with



methamphetamine. According to Sergeant McGuire, the verbiage Deputy Leffler used in association with methamphetamine was not relevant to the incident based on what he observed on scene. Sergeant McGuire said Deputy Leffler offered no objection to the removal of the language. Since Sergeant McGuire determined there was not a methamphetamine lab at the residence and according to him, it was not a factual event. Therefore, he deemed it wasn't necessary to be in the report. Sergeant McGuire denied having Deputy Leffler change his report in order to cover up the possibility of a methamphetamine lab.

Sergeant McGuire remembered working on March 13, 2014, when he asked Deputy Bowen for a favor in driving his friend's car from the Iron Horse Saloon parking lot to his house. Sergeant McGuire explained that he received a phone call from a female friend advising him that she was too intoxicated to drive her car. Sergeant McGuire advised that he was trying to help his friend. Prior to meeting with Deputy Bowen, he drove his patrol car to the Iron Horse Saloon and drove his female friend to a residence located on the beachside in Ormond Beach. After dropping off his female friend he contacted Deputy Bowen and met her at his residence which was also located on the beachside in Ormond Beach. Once Deputy Bowen arrived at his residence, Sergeant McGuire said he advised Central that he and Deputy Bowen were going to be unavailable for calls and they drove together to the parking lot near the Iron Horse Saloon.

Sergeant McGuire said he dropped Deputy Bowen off at his friend's car and she drove the car back to his residence. According to Sergeant McGuire, after he dropped off Deputy Bowen he went back to patrol duties in the core area of District-3. Investigator Bennett advised him that according to Forcewatch, his AVL stopped sending a signal at 0238 hours when he dropped off Deputy Bowen and stayed that way for one hour and twenty five minutes. Sergeant McGuire stated that the system must have gone down and that he did not know why it would stop sending a signal; moreover, he stated that he did not intentionally disconnect or tamper with the AVL equipment. Sergeant McGuire was then asked if he went to see his female friend after dropping off Deputy Bowen and he stated no.

Sergeant McGuire stated that his AVL would often go down while he was working and he would have to reboot his computer to get it back online. The MDC does not alert you when the AVL is disconnected; you only discover it's not connected when you try to perform a function. Sergeant McGuire was asked if he intentionally disconnected or tampered with the AVL antennae and he responded, *"Without a doubt I've never touched anything on the back [of MDC]."*

Sergeant McGuire was then asked about an incident that occurred on December 24, 2013, involving the arrest of a female for simple battery on the beachside in Ormond Beach. Sergeant McGuire remembered the incident and had read the report. Sergeant McGuire

recalled meeting Deputy Bowen to review her report on Nova Road where he briefly engaged in conversation with the female in the backseat of Deputy Bowen's patrol car.

Sergeant McGuire said he did not recall rolling down the back window to talk with her. He did ask her about her arms because it looked to him as if she worked out. When asked if he used profanity when he spoke to her he replied, *"Possibly. I, I, don't recall but I'm sure I did. If, it that says I did then I don't, I don't remember the conversation though."* Investigator Bennett asked Sergeant McGuire if he made the comment that, *"... she was the one that you allowed him to put his dick in her anyway to that effect?"* and he replied, *"Yeah that's the one part, I do remember saying that."* Sergeant McGuire clarified by saying she was the one that was allowing her husband to cheat which caused the fight that morning for which she was arrested.

Sergeant McGuire described how he felt the whole alpha patrol shift had an issue with him. Sergeant McGuire had been assigned to the alpha patrol shift for approximately nine months before being reassigned. Sergeant McGuire felt he was trying to hold them accountable for their work and they all went to the district commanders complaining about him behind his back. (See Tab - M for Official Transcript)

When questioned, Sergeant McGuire had the following response as to whether he felt he violated the following policies:

**26.2.41 Negligence Associated with Safety of Persons or Property - No**  
Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property.

**26.2.109 Falsification of Official Documents - Employees shall not knowingly No**  
falsify or knowingly cause another to falsify any official record or document.

**26.2.132 Failure to maintain required skills, knowledge and abilities within No**  
acceptable levels shall result in counseling, instruction or training.

**26.2.133 Repeated failure to maintain necessary skills, knowledge and abilities No**  
after counseling and instruction shall result in increasing the severity of disciplinary actions.

**26.2.134 Department personnel are required to possess a sound working No**  
knowledge of the policies and procedures established by the Standards Directives.

**RE: 42.14 Clandestine Laboratory Responses**

**26.2.143 Use of Equipment: AVL - Employees shall ensure proper No**  
maintenance and utilization of the Department AVL (GPS) for its intended



purpose and in accordance with installation requirements.

**26.2.144** Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention. **No**

**26.2.145** Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty will be subject to disciplinary action up to dismissal. **No**

**Volusia County Merit System Rules and Regulations 86-453 (13).** Any conduct, on or off duty that reflects unfavorably on the County as an employer. **No**

### **CONCLUSION:**

On August 26, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directive to be:

- 26.2.41 Negligence Associated with Safety of Persons or Property** **Sustained**  
- Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property.
- 26.2.109 Falsification of Official Documents** - Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document. **Not Sustained**
- 26.2.132** Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training. **Sustained**
- 26.2.133** Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions. **Sustained**
- 26.2.134** Department personnel are required to possess a sound working knowledge of the policies and procedures established by the Standards Directives. **Sustained**
- RE: 42.14 Clandestine Laboratory Responses**
- 26.2.143 Use of Equipment: AVL** - Employees shall ensure proper maintenance and utilization of the Department AVL (GPS) for its intended purpose and in accordance with installation requirements. **Not Sustained**

**26.2.144** Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention. **Not Sustained**

**26.2.145** Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty will be subject to disciplinary action up to dismissal. **Not Sustained**

**Volusia County Merit System Rules and Regulations 86-453 (13).** **Sustained**  
Any conduct, on or off duty that reflects unfavorably on the County as an employer.

On September 26, 2014, Investigator Bennett served Sergeant McGuire with a Notice of Intent to Suspend and Demote at [REDACTED], Daytona Beach. *(See Tab – B for Official Correspondence)*

On October 7, 2014, Sergeant McGuire met with the Sheriff in reference to his final discipline. As a result of the findings documented in IA-14-015 and IA-14-019, the Sheriff's final decision was to suspend Sergeant McGuire for twenty four work hours without pay. Sergeant McGuire was also ordered to attend a Preventing Sexual Harassment and Other Forms of Discrimination class provided by the Volusia County Personnel Department.

On October 9, 2014, Investigator Bennett served Sergeant McGuire with a Final Suspension letter at the Sheriff's administrative offices in Deland. *(See Tab – B for Official Correspondence)*



**EXHIBITS:**

- A. Report Of Investigation
- B. Official Correspondence
- C. Supervisors Inquiry
- D. Advisement Administration Of Oath/Perjury Warning/Garrity Warning
- E. Copies of Official Transcripts of Lieutenant Joseph Gallagher
- F. Copies of Official Transcripts of Deputy Robert Leffler
- G. Copies of Official Transcripts of Deputy Christopher Igo
- H. Copies of Official Transcripts of Deputy Omar Bello
- I. Copies of Official Transcripts of Deputy Anthony Amato
- J. Copies of Official Transcripts of Deputy Donna Bowen
- K. Copies of Official Transcripts of Ms. Christina Clay
- L. Copies of Official Transcripts of Deputy Bowen (2)
- M. Copies of Official Transcripts of Sergeant Shon McGuire
- N. Miscellaneous Documents
- O. Digital Media

**WITNESSES:**

Lieutenant Joseph Gallagher  
Volusia County Sheriff's Office  
386-736-5961

Deputy Robert Leffler  
Volusia County Sheriff's Office  
386-736-5961

Deputy Christopher Igo  
Volusia County Sheriff's Office  
386-736-5961

Deputy Omar Bello  
Volusia County Sheriff's Office  
386-736-5961

Deputy Anthony Amato  
Volusia County Sheriff's Office  
386-736-5961

Deputy Donna Bowen  
Volusia County Sheriff's Office  
386-736-5961

Ms. Christina Clay  
1462 Highbridge Street  
Daytona Beach, FL 32124  
386-235-2081

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: 10/10/14

Investigator Glen Bennett  
Internal Affairs Investigator

APPROVED BY:  DATE: 10/22/14

Chief Deputy Mike Coffin  
SHERIFF BEN F. JOHNSON  
VOLUSIA COUNTY FLORIDA