

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-15-007

PERIOD COVERED: April 06, 2015
DATE REPORTED: April 07, 2015
SUBJECT(S) NAME: Deputy Joshua Sheen #8231
INVESTIGATING OFFICER: Sergeant Justin G. Sawicki #7179

BASIS FOR INVESTIGATION:

On April 17, 2015, Sergeant Sawicki received a supervisor inquiry composed by Sergeant Dominick Amendolare. The subject of the supervisor inquiry was Deputy Joshua Sheen. The incident occurred on April 06, 2015, in Edgewater, FL. The inquiry alleged Deputy Sheen was uncourteous, used profane language, and was unprofessional while handling a call for service involving juveniles on a school bus.

Chief Deputy Robert Jones, III assigned the case for investigation by the Internal Affairs Unit. The supervisor inquiry completed by Sergeant Amendolare is referenced by memorandum number: 055M009.15 and is attached and made part of this investigation. (*See Tab – C*)

OFFENSE(S):

26.2.47 Courtesy - Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors. (*Violation subject up to a 1 day suspension.*)

26.2.48 Use of Profanity - Employees shall not use profanity or vulgarity in speech or gesture at any Department work place, on or off duty, in public or while representing the Department or County in any manner. (*Violation subject up to a 1 day suspension.*)

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 April 17, 2015, Chief Deputy Robert Jones, III assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Justin Sawicki.

On April 19, 2015, Sergeant Justin Sawicki served Deputy Joshua Sheen with a Notice of Internal Investigation at 2410 South Woodland Boulevard, DeLand, FL. Deputy Sheen was provided with a copy of the law enforcement officer bill of rights. (*See Tab – B for Official Correspondence*)

Sergeant Sawicki reviewed the supervisor inquiry completed by Sergeant Amendolare, the following is a summary of the inquiry:

On April 06, 2015, Sergeant Amendolare received a telephone call from Deputy Sheen. Sergeant Amendolare stated the following in regards to the telephone call, *"...he felt he had messed up a call and needed to advise me of the circumstances. He [Deputy Sheen] advised me he utilized profanity on a call for service while lecturing middle school students on a county bus."* Sergeant Amendolare retrieved the Computer Aided Dispatch (CAD) report for the call for service Deputy Sheen was referring to (#P150961753). According to the CAD printout, Deputy Sheen responded to Washington Avenue and Volco Road in the county area of Edgewater, FL, for a disturbance complaint being generated from a Volusia County School bus driver. There were approximately twelve to fifteen students on bus #350S, when several students threw paper balls at the windshield of the bus. The students were also yelling profanities as they threw the paper balls. According to Sergeant Amendolare's inquiry, one of the paper balls bounced off of the windshield and struck the bus driver's face. The driver of the bus, Mrs. Frances Carper then stopped the bus in a safe location and summoned law enforcement for assistance. Sergeant Amendolare made contact with Mrs. Carper and school bus attendant, Mrs. Mary Murrell and received sworn written statements from the two. Mrs. Carper stated she overheard Deputy Sheen use profanity to lecture the students on the bus. Mrs. Murrell advised she did not hear the entire lecture by Deputy Sheen; however, she did recall hearing profanity at different points that she was privy to overhearing. Sergeant Amendolare also obtained school bus video surveillance. The video includes audio and Deputy Sheen can be seen and heard while viewing the video. (*See Tab-C for Supervisor's Inquiry*)

Sergeant Sawicki reviewed the video surveillance that was attached to the supervisor's inquiry. The following is a summary of the school bus video surveillance:

The video has a date and timestamp that includes the hour, minutes, and seconds. At 16:20:44, Deputy Sheen arrives on scene and is observed walking from the rear of the bus to the front door. Mrs. Carper greets Deputy Sheen at the door and briefs him on the incident. Mrs. Carper is overheard saying that two (2) juveniles were throwing wadded paper balls at the windshield and a few of them had struck her. Mrs. Carper also informed Deputy Sheen that the students were using profanity towards her when she ordered them to stop their dangerous behavior. At 16:21:12, Deputy Sheen enters the bus. Mrs. Carper points out the two juveniles who were throwing the paper balls and using profanity. At 16:21:15, Deputy Sheen says, *"Come here...you*

smart fucker. You wanna curse at her I'll curse at you. Get your ass off the bus. Who's next?" Then Mrs. Carper pointed out the second juvenile. Deputy Sheen responded, *"Get your ass off the bus."* Deputy Sheen orders both juveniles to exit the bus and to sit down outside. The juveniles are resistant to Deputy Sheen's orders and Deputy Sheen said, *"Sit your ass down!"* At 16:21:41, Deputy Sheen exits the bus and begins to speak to the two (2) juveniles. Due to the distance between the microphone installed in the surveillance equipment and Deputy Sheen, the words spoken are unintelligible. At 16:25:42, Deputy Sheen returned to the bus to speak with Mrs. Carper; it should be noted the two (2) juveniles that were removed from the bus were left outside with Edgewater Police Department (EPD) Officer Charles Geiger. Deputy Sheen asked what she would like from law enforcement (removal of the juveniles, prosecution for disrupting a school function, etc.) and Mrs. Carper informed Deputy Sheen she just wanted the juveniles to be lectured on the inherent dangers associated with distracting a bus driver. At 16:26:10, Deputy Sheen turned his attention to the remaining juveniles on the bus. Deputy Sheen informed the juveniles that he did not want to be there for this call, rather he would like to be there to tell the juveniles he was having a great day or to talk about the juveniles being successful in school so they could grow up to be *"whatever you want to be."* Deputy Sheen continued to lecture the remaining juveniles about the safety hazard of throwing paper at a bus driver. Deputy Sheen makes reference to the paper striking the bus driver and causing a crash by stating, *"...if one or everybody on the bus dies because of some ignorant asshole then who's fault is that?"* One of the juveniles is overheard laughing. Deputy Sheen then said, *"Bring your ass right here!"* The juvenile walks to the front of the bus and sits in a seat directly in front of Deputy Sheen. Due to bus radio transmissions and an audible alarm from the bus that Mrs. Carper ultimately deactivates, the vast majority of Deputy Sheen's conversation was unintelligible. Once the alarm is deactivated by Mrs. Carper and the bus radio is silent, Deputy Sheen is overheard lecturing the juvenile on causing a motor vehicle crash. Deputy Sheen ends the encounter with the juvenile by addressing the entire bus, *"Y'all just behave!"* Deputy Sheen confirms with Mrs. Carper that the two juveniles he had removed previously were permitted to re-enter the bus and the video ends. (See Tab - H for Digital Media)

Sergeant Dominick Amendolare

On April 29, 2015, Sergeant Sawicki conducted a sworn recorded interview with Sergeant Dominick Amendolare at the VCSO District Five Office in New Smyrna Beach, FL. The following is a summary of that interview:

Sergeant Amendolare has been employed with the VCSO for 28 years and has held positions of Field Training Officer, Motor/Traffic Unit, and Patrol Sergeant. Sergeant Amendolare is currently assigned to District Five patrol as a shift supervisor.

Sergeant Amendolare advised he was the shift supervisor for District Five on April 06, 2015. Sergeant Amendolare also confirmed Deputy Joshua Sheen was working for him on an overtime shift in 53 zone on April 06, 2015. Sergeant Amendolare recollected Deputy Sheen receiving a disturbance call involving a school bus at Washington Avenue and Volco Road in Edgewater; Sergeant Amendolare advised he did not respond to the call in question.

Sergeant Amendolare recalled finding out about Deputy Sheen's alleged actions from two

separate telephone calls. Deputy William Mather called Sergeant Amendolare and advised him Deputy Sheen confided in him [Deputy Mather] that he may have acted unprofessionally while handling the disturbance call. Sergeant Amendolare then received a telephone call from Deputy Sheen. Deputy Sheen briefed Sergeant Amendolare on the disturbance call and informed him that he used profanity because the juveniles used profanity towards the bus driver.

When asked what steps were taken after the telephone calls, Sergeant Amendolare advised he retrieved the video surveillance from the Volusia County Schools and made contact with Mrs. Carper and bus attendant Mrs. Murrell. Sergeant Amendolare was provided with copies of his supervisor's inquiry and the sworn written statements he obtained from Mrs. Carper and Mrs. Murrell. Sergeant Amendolare confirmed the sworn written statements were in fact the statements he obtained from Mrs. Carper and Mrs. Murrell.

Sergeant Amendolare was asked if he felt Deputy Sheen's actions were unprofessional and he answered in the affirmative. Sergeant Amendolare also added that he would have handled the call differently and ordered his deputies to handle the call in a more professional manner.

(See Tab - E for Official Transcript)

Officer Charles Geiger

On May 04, 2015, Sergeant Sawicki conducted a sworn recorded interview with Edgewater Police Department (EPD) Officer Charles Geiger. The interview was conducted via the telephone. The following is a summary of that interview:

Officer Geiger advised he has been employed with the EPD for approximately four and one half years. Officer Geiger is currently assigned to the EPD K-9 Unit.

Officer Geiger confirmed he was working on April 06, 2015. Officer Geiger advised he acted as backup to Deputy Sheen on a disturbance call at Washington Avenue and Volco Road in Edgewater. Officer Geiger advised Sergeant Amendolare requested mutual aid backup for the call and because he [Officer Geiger] was unassigned, he volunteered to assist with the call.

Officer Geiger advised Deputy Sheen was on scene approximately five (5) minutes prior to his arrival. Officer Geiger advised Deputy Sheen had already removed two juveniles from the bus prior to his arrival. Officer Geiger advised he stayed outside of the bus with the juveniles that had been removed. Additionally, Officer Geiger advised he could hear Deputy Sheen speaking to the juveniles on the bus, however he was unable to understand what Deputy Sheen was saying, because he began speaking to the two (2) juveniles outside of the bus. Officer Geiger was asked if the juveniles made mention of Deputy Sheen's use of profanity and he stated, "*No sir. No mention. They just; I was just speaking to them of why we there but not mention of anything unprofessionalism from the deputy.*" Officer Geiger was asked to describe Deputy Sheen's demeanor and the following was his response:

"I did see some demeanor behavior. He had his handcuffs out and he was kind of like shaking them in their face. More or less I don't know if it was an intimidation factor or what not but he kind of seemed agitated with the call."

Officer Geiger was asked to confirm that he did not overhear the use of profanity from Deputy Sheen and he stated, *"I, I can't speak for when I wasn't there. When was on-scene, like I said, he just, he just kind of seemed agitated with the call. Maybe it kind of got a little bit under his skin."*

(See Tab – F for Official Transcript)

Deputy Joshua Sheen

On May 12, 2015, Sergeant Sawicki and Investigator Glen Bennett conducted a sworn, recorded interview with Deputy Joshua Sheen at the Sheriff's administrative offices in DeLand, FL. Also present during the interview was personal representative Justin Stewart. The following is a summary of that interview:

Deputy Sheen has been employed with the VCSO since October of 2013. Since his release from the VCSO Field Training and Evaluation Program (FTEP), Deputy Sheen had been assigned to District Two patrol.

Deputy Sheen confirmed he was working an overtime shift in District Five on April 06, 2015. Deputy Sheen recalled being dispatched to a disturbance taking place on a school bus at Washington Avenue and Volco Road in Edgewater. Deputy Sheen advised the disturbance involved juveniles on the school bus throwing paper at the school bus driver. Deputy Sheen advised he was the first law enforcement officer to arrive on scene. When he arrived on scene, Deputy Sheen made contact with the bus driver [Mrs. Carper]. According to Deputy Sheen, Mrs. Carper advised him: *"She explained to me that kids were throwing bus; throwing paper, wads of paper around on the school and also at her. And then when she approached them they cursed her out."* Deputy Sheen openly admitted when he got onto the school bus to address the juveniles, he immediately began using profane language towards the juveniles. Deputy Sheen advised the juveniles were of middle school age.

When asked why he utilized profanity Deputy Sheen stated the following:

"I let my emotions get the best of me. I figured that they were just playing around on the school bus by throwing paper but then my emotions got the best of me when she told me that they were cursing her out."

Deputy Sheen was asked what was said to the two juveniles that he had ordered to exit the bus. Deputy Sheen advised:

"I educated them. I told them that they were wrong for doing that. That they put many people's lives in danger and that they are lucky to be riding the school bus. Riding the school bus is a privilege that they have so they do not have to ride it."

Deputy Sheen admitted that he used profanity while speaking with the juveniles outside of the bus. When asked about why he removed his handcuffs from their pouch, Deputy Sheen stated

, "No. No. I just had them out. I don't even. I really don't even remember like saying I'll put them on you or anything like that. I think I just had them out."

Deputy Sheen advised, after he completed the call for service, he confided in Deputy Mather regarding what had transpired; the two agreed it was in Deputy Sheen's best interest to notify Sergeant Amendolare.

Deputy Sheen advised he did not place any of the juveniles under arrest because the school bus driver [Mrs. Carper] "...just wanted them to have a talking to."

At the conclusion of the interview, Deputy Sheen advised he spoke to the juveniles with profanity because they were verbally abusing Mrs. Carper. Deputy Sheen advised he utilized profanity to gain the juveniles attention since they were not listening to Mrs. Carper.

Deputy Sheen admitted a law enforcement officer should not use profanity while conducting law enforcement action and that he has learned from his mistake. Deputy Sheen was very remorseful for his actions and wished to apologize to all involved.

Deputy Sheen was questioned if he felt he violated the below listed policies regarding this investigation. The following are his responses to the alleged violations:

26.2.47 Courtesy - Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors. *(Violation subject up to a 1 day suspension.)* **Yes**

26.2.48 Use of Profanity - Employees shall not use profanity or vulgarity in speech or gesture at any Department work place, on or off duty, in public or while representing the Department or County in any manner. *(Violation subject up to a 1 day suspension.)* **Yes**

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. **Yes**

(See Tab – G for Official Transcript)

CONCLUSION:

On May 26, 2015, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directives to be:

26.2.47 Courtesy - Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors. *(Violation subject up to a 1 day suspension.)* **Sustained**

26.2.48 Use of Profanity - Employees shall not use profanity or vulgarity in speech or gesture at any Department work place, on or off duty, in public or while representing the Department or County in any manner. *(Violation subject up to a 1 day suspension.)* **Sustained**

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. **Sustained**

Sheriff Johnson determined the discipline for Deputy Sheen to be a Letter of Reprimand which was completed by Sergeant Justin Stewart on May 29, 2015. *(See Tab B for the Letter of Reprimand)*

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint/Supervisor's Inquiry
- D. Administration of Oath/Perjury Warning
- E. Official Transcript of Sergeant Dominick Amendolare
- F. Official Transcript of Officer Charles Geiger
- G. Official Transcript of Deputy Joshua Sheen
- H. Digital Media

WITNESSES:

Sergeant Dominick Amendolare
Volusia County Sheriff's Office
123 West Indiana Avenue
DeLand, FL
386-423-3301

Officer Charles Geiger
Edgewater Police Department
125 East Park Avenue
Edgewater, FL
386-424-2400

Mrs. Frances Carper
Volusia County School District
200 North Clara Avenue
DeLand, FL
386-734-7190

Mrs. Mary Murrell
Volusia County School District
200 North Clara Avenue
DeLand, FL
386-734-7190

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.

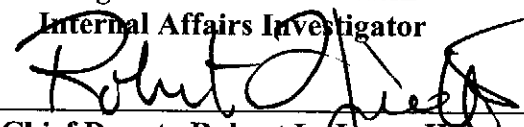
INVESTIGATOR: _____

DATE: 06/04/15


Sergeant Justin G. Sawicki
Internal Affairs Investigator

APPROVED BY: _____

DATE: 060415


Chief Deputy Robert L. Jones, III
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA