# VOLUSIA COUNTY SHERIFF'S OFFICE INTERNAL AFFAIRS

#### REPORT OF INVESTIGATION

**REPORT NUMBER: IA-17-026** 

**PERIOD COVERED:** 

October 17, 2017

**DATE REPORTED:** 

October 23, 2017

**SUBJECT(S) NAME:** 

Deputy Veronica Hadd #8367

Deputy Steven Wells #1557

**INVESTIGATING OFFICERS:** 

Detective Tara Burke #1465

#### **BASIS FOR INVESTIGATION:**

On October 23, 2017, Sheriff's Office command staff received a supervisor's inquiry drafted by Sergeant Robert Rohm; the subjects of the inquiry were Deputy Veronica Hadd and Deputy Steven Wells. On October 17, 2017, Deputy Hadd and Deputy Wells were working courtroom security in Judge Clayton's courtroom at the Deland courthouse. While court was in session, the deputies were allegedly engaged in horseplay with each other. After an exchange of back and forth banter between Deputy Hadd and Deputy Wells; Deputy Hadd allegedly removed her Taser X26P (by Axon®) from the holster, removed the cartridge, pulled the trigger, and activated the Taser while it was pointed at the ground. The horseplay continued after the Taser incident; Deputy Hadd became angry, threw a small object at Deputy Wells, and then left the courtroom. The entire incident allegedly took place with a judge on the bench and court in session.

#### **OFFENSES:**

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

**26.2.25 Horseplay or Other Distracting Activity** - Employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a Departmental or County facility or workstation and shall not distract others who are performing assigned duties. (Violation subject up to a 1-day suspension.)

**26.2.94** Use and Handling of Weapons- Employees shall use or handle weapons in a careful, safe and prudent manner on and off duty. Weapons shall be used in accordance with the law and Departmental Directives. (Violation subject up to a 5-day suspension.)

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

#### **INVESTIGATIVE SUMMARY:**

On October 23, 2017, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Detective Tara Burke.

On October 23, 2017, Sheriff's Office command staff received a supervisor's inquiry drafted by Sergeant Robert Rohm; the subjects of the inquiry were Deputy Veronica Hadd and Deputy Steven Wells. On October 17, 2017, Deputy Hadd and Deputy Wells were working courtroom security in Judge Clayton's courtroom at the Deland courthouse. While court was in session, the deputies were engaged in horseplay with each other. After an exchange of back and forth banter between Deputy Hadd and Deputy Wells; Deputy Hadd removed her Taser X26P from the holster, removed the cartridge to set it up for drive stun mode, and pulled the trigger displaying a warning arc.

Copies of the audio and video from the incident in Judge Clayton's courtroom were provided for review. During the video, Deputy Wells began the horseplay by marking Deputy Hadd on her arm with a highlighter, Deputy Hadd then attempts to grab Deputy Wells arm. Deputy Wells then picks up a small towel, Deputy Hadd turned her gun side hip toward Deputy Wells, pushed the top hood mechanism of her holster containing her firearm forward, then pushed it back. Deputy Wells rolls up the small towel, they communicate back and forth before Deputy Wells hits Deputy Hadd in the face with the towel. Deputy Hadd picks up a marker or pen and punches Deputy Wells in the arm then attempts to mark him on his face. It appears there is more back and forth banter between Deputy Wells and Deputy Hadd, before Deputy Wells walks over to Deputy Hadd laughing and puts his hand on her shoulder. At this time Deputy Hadd pulled out her duty issued

X26P Taser from the holster, removed the cartridge, and pulled the trigger causing the Taser to display a warning arc as she stepped toward Deputy Wells. The Taser was pointed toward the ground when it was activated. After the Taser incident, Deputy Hadd grabbed the towel from Deputy Wells and threw it to the ground. Furthermore, Deputy Hadd was leaning on the end of the counter where Deputy Wells was standing and he pushed her hand off the counter, Deputy Hadd then threw an object at Deputy Wells before leaving the courtroom.

The audio recording from Judge Clayton's courtroom on October 17, 2017, was also reviewed. The sound of the Taser being activated can be heard for approximately two seconds on the audio. A female attorney immediately asks another attorney, "Was that a Taser?" The male attorney responds, "That was in fact a Taser." The two attorneys were sitting at the prosecutors table on the opposite side of the courtroom. Viewing the video, both attorneys look over at the deputies at the approximate time the Taser was activated inside the courtroom. The interviews, video, and audio confirm that when the Taser was activated it caused a disruption.

During the horseplay incident, court was in session and there were several other people in the courtroom to include; the judge on the bench, five attorneys, two clerks, other deputies, a prisoner, and approximately six people in the audience.

On October 30, 2017, Deputy Hadd was served with a Notification of Internal Investigation along with a copy of her Officer Bill of Rights. On November 1, 2017, Deputy Wells was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. This report details the internal affairs investigation conducted by Detective Tara Burke. (*See Tab- C for Official Correspondence*)

#### Ms. Theresa McCormick

On November 8, 2017, Detective Burke and Lieutenant Tom Tatum conducted a sworn recorded interview with Ms. Theresa McCormick at the Volusia County Courthouse in Deland, FL. The following is a summary of that interview:

Ms. McCormick is currently assigned as a Court Clerk Deputy III at the Volusia County Courthouse; she has worked for the Clerk of the Court for approximately twenty years. Ms. McCormick viewed the video prior to her interview to refresh her memory of the incident that occurred on October 17, 2017. Ms. McCormick recalled the horse playing in the courtroom on that day, but she could not remember the Taser being activated. Ms. McCormick was familiar with the deputies that were present in the courtroom that day; she also verified it was Ms. Donna Dea who was sitting next to her in the courtroom. Ms. McCormick could not recall Ms. Dea mentioning anything about the incident to her.

Ms. McCormick recalled the incident because the video refreshed her memory, but she could not recall what the deputies were talking about because she was trying to listen to what was going on with court. Ms. McCormick remembered Deputy Hadd leaving the courtroom, but she was unaware if she was playing or angry. Ms. McCormick confirmed court was in session from the video. Ms. McCormick explained that everything is a distraction in the courtroom while trying to listen to attorneys speaking, but she was not aware if their horseplay was more of a distraction than any other day.

Ms. McCormick could not recall having any further discussion with Deputy Wells after Deputy Hadd left the courtroom. Ms. McCormick said when Deputy Hadd threw something or "stormed out" is when she turned to look, but she was unaware of the conversation between the deputies. Ms. McCormick said she knows what a Taser sounds like, but she could not recall hearing a Taser activated in the courtroom. (See Tab-D for Official Transcript)

#### **Deputy Michael Owens**

On November 8, 2017, Detective Burke and Lieutenant Tom Tatum conducted a sworn recorded interview with Deputy Michael Owens. The following is a summary of that interview:

Deputy Owens has been employed with the Volusia County Sheriff's Office for fourteen years. Deputy Owens is currently assigned to court security at the Volusia County Courthouse.

Deputy Owens recalled the incident that occurred on October 17, 2017 while working in Judge Clayton's Courtroom. He was working in the jury box across the courtroom from Deputy Wells, Deputy Hadd, and Deputy Robert Walters. He explained there was one prisoner left in the jury box while court was still in session and he suddenly heard a Taser go off. Deputy Owens saw Deputy Wells and Deputy Hadd next to each other, and then shortly after Deputy Hadd left the courtroom. Deputy Owens recalled Deputy Walters was also in the same area with Deputy Wells and Deputy Hadd. Deputy Owens briefly explained the courtroom procedure of prisoner movement, courtroom security, and the deputy assignments.

The first thing Deputy Owens observed in the courtroom was the sound of the Taser activated; he did not hear or see any horseplay. Deputy Owens did not know who activated the Taser but he later learned it was Deputy Hadd. Deputy Owens recalled court personnel, the judge, several attorneys, and the prisoner being in the courtroom when the Taser was activated; he could not recall if anyone was present in the audience.

Deputy Owens confirmed he was on the other side of the courtroom when he heard the Taser activated, but he could not see everything due to walls and the judge's bench in between himself and the other deputies. (See Tab-E for Official Transcript)

# **Deputy Robert Walters**

On November 8, 2017, Detective Burke and Lieutenant Tom Tatum conducted a sworn recorded interview with Deputy Robert Walters. The following is a summary of that interview:

Deputy Walters has been employed with the Volusia County Sheriff's Office for approximately twenty-one years. Deputy Walters is currently assigned as a bailiff at the Volusia County Courthouse.

Deputy Walters recalled the incident that occurred on October 17, 2017 while working in Judge Clayton's Courtroom. Deputy Walters described the banter back and forth between Deputy Wells and Deputy Hadd in the courtroom as "joking around." Deputy Walters explained that Deputy

Wells hit Deputy Hadd in the left eye with a towel, Deputy Hadd was angry; she then took out her Taser and activated it, then walked out of the courtroom. Deputy Walters initially thought they were joking around and apologized later to Deputy Hadd for laughing about the incident.

Deputy Walters felt it was "immature" to activate the Taser in the courtroom. He confirmed there were people in the audience, and court was in session but he did not feel the Taser disrupted court proceedings. Deputy Walters felt one woman in the audience saw the incident because he scanned the courtroom after the Taser activated and she looked at him and smiled.

Deputy Walters advised he did not inform a supervisor of the Taser incident because he was not certain if he should. Deputy Walters did not feel the conduct of Deputy Wells and Deputy Hadd was professional in the courtroom. (See Tab-F for Official Transcript)

#### Ms. Donna Dea

On December 19, 2017, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Ms. Donna Dea at the Volusia County Courthouse in Deland, FL. The following is a summary of that interview:

Ms. Dea is currently assigned as Court Operations, Deputy III, at the Volusia County Courthouse; she has worked for the Clerk of the Court for more than thirty-one years. Ms. Dea recalled an incident that occurred with the Taser in the courtroom but did not know the exact date.

Ms. Dea advised she recalled hearing a Taser, she was not certain if it was a discharge or a test, but she did not see the Taser in anyone's hands. Ms. Dea advised she has heard Tasers activated in the past, but could not give specifics of where she has heard them. Ms. Dea knows Deputy Hadd, Deputy Wells, and Deputy Walters, and has worked with them in the courtrooms. Ms. Dea again could not recall the specific date, but has witnessed loud conversations going on over to the side of her (the video shows Deputy Wells, Deputy Hadd and Deputy Walters are to the left of Ms. Dea). Ms. Dea felt their behavior was a distraction, she recalled one of the deputies leaving the courtroom quickly after the incident. (See Tab-G for Official Transcript)

#### **Deputy Steven Wells**

On December 4, 2017, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Deputy Steven Wells. The following is a summary of that interview:

Deputy Wells has been employed with the Volusia County Sheriff's Office for approximately eighteen years. Deputy Wells is currently assigned as a bailiff at the Volusia County Courthouse.

Deputy Wells could recall the incident that happened on October 17, 2017, he was assisting with prisoner movement on this day in Judge Clayton's courtroom. Deputy Wells explained he had marked Deputy Hadd with a marker or pen, they began "joking back and forth" about something, he then picked up a microfiber rag, and rolled it up to pretend he was going to hit her. Deputy Wells explained the banter back and forth continued, he then flipped the rag and it hit Deputy Hadd on the side of her face. Deputy Wells explained Deputy Hadd walked over by the clerks and did something, then took her Taser out, took the cartridge off, and activated the Taser. Deputy Wells recalled after viewing the video that Deputy Hadd also struck him on his arm either before or after the Taser was activated. Deputy Wells said they joked around approximately another minute until Deputy Hadd left the courtroom.

During the interview, Deputy Wells denied witnessing Deputy Hadd pushing down the hood on the top of her firearm, and he was not certain if she was armed in the courtroom on this day.

Deputy Wells explained he and Deputy Hadd have worked together and they get along well, he admitted that they have horse played in the past and stated, "I horseplay with everybody. It's just my persona."

Deputy Wells witnessed Deputy Hadd take her Taser out of the holster and activate it, he said it was pointed at the ground, he could not recall if anything was said when she did this. He assumed she intentionally pulled the trigger on the Taser due to her taking the cartridge off the end before activating it, but he could not be certain.

Deputy Wells could not recall anyone being distracted in the courtroom when the Taser was activated; the clerks looked back at them but he was not aware of anyone else being distracted. Deputy Wells confirmed court was in session during this incident. Deputy Wells did not feel they were acting professional on this day when court was in session.

Deputy Wells could not recall what Deputy Hadd said prior to leaving the courtroom, he did not know if she was angry with him or just pretending to be angry with him. Deputy Wells apologized to Deputy Hadd and they have worked together since the incident and get along well.

Deputy Wells was asked if he violated the following policies:

26.2.25 Horseplay or Other Distracting Activity

Yes

86-453 Volusia County Merit System Rules and Regulations (13)

Yes

(See Tab-H for Official Transcript)

# Deputy Veronica Hadd

On December 12, 2017, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Deputy Veronica Hadd. The following is a summary of that interview:

Deputy Hadd has been employed with the Volusia County Sheriff's Office for approximately three and a half years. Deputy Hadd is currently assigned as a bailiff at the Volusia County Courthouse.

Deputy Hadd recalled the incident with the Taser on October 17, 2017 in Judge Clayton's courtroom. Deputy Hadd explained she and Deputy Wells were behind the clerk's desk and Deputy Wells hit her in the face with a cloth. Deputy Hadd recalled after watching the video that she punched Deputy Wells. Deputy Hadd stated, "I forgot until I watched the video and read my packet that I punched him first, but I guess I thought that wasn't enough, so I was going to one up his smack in the face, and I took my Taser out, and I took the cartridge off the front, and I kept it pointed at the ground, I pulled the trigger for like a half a second and turned it off." Deputy Hadd

explained after the Taser was activated in the courtroom she took the rag and threw it by the garbage cans to prevent him from hitting her again with it. Afterwards, Deputy Hadd was leaning on a counter next to Deputy Wells, he pushed her arm off; Deputy Hadd stated; "that kind of pissed me off and before I wanted to, before it got worse, I left because I didn't want get, go any further."

Deputy Hadd explained the roles in the courtroom, she has worked with Deputy Wells in the past and since this incident, they remain friends. Deputy Hadd said Deputy Wells makes her laugh, they cut up, and she described him as a "great guy." Deputy Hadd could not recall exactly what the banter was between herself and Deputy Wells; she denied it was anything mean or derogatory.

Deputy Hadd confirmed she had her firearm in her holster while in the courtroom on this day. Deputy Hadd denied putting the hood of her holster down, she stated; "And even when I watched again, if you watch the beginning I was fixing my uniform and when it sticks, it sticks right here (indicating her side by her firearm) and I pull it like that because I can't breathe." When referring to the hood of her holster, Deputy Hadd also stated; "Not that a Taser's funny, but that's definitely not funny so no I don't think that would have been even remotely close to what I would have been doing."

Deputy Hadd expressed she was "annoyed" and "irritated" with Deputy Wells when he hit her in the face with the rag, but denied that Deputy Wells was ever upset or angry with her, he was laughing or smiling during the incident.

During her interview, Deputy Hadd confirmed the Taser was pointed toward the ground when it was activated and she intentionally pulled the trigger. She did not feel the Taser being activated distracted anyone in the courtroom; she confirmed court was in session and approximately half a dozen people were in the audience along with other court personnel.

Deputy Hadd explained Deputy Wells later apologized for what occurred. Deputy Hadd does not feel their actions were professional in the courtroom while court was in session. Deputy Hadd confirmed she has completed the Taser training which authorizes her to carry the Taser; and she can use the Taser for "self-safety" besides for spark testing or for law enforcement purposes. In

regards to the Taser, Deputy Hadd also stated; "I mean I don't remember, but it's not like I was gonna shoot him."

Deputy Hadd was asked if she violated the following policies:

26.2.25	Horseplay or Other Distracting Activity	Yes
26.2.94	Use and Handling of Weapons	Yes
86-453	Volusia County Merit System Rules and Regulations (13)	Yes

Prior to completion of the interview, Deputy Hadd was asked by her representative Nancye Jones, "And with regard to you putting your hand on your gun, are you saying you didn't see that or you didn't do that" and Deputy Hadd stated; "I didn't do that." However, the video was reviewed by Internal Affairs Detectives; after Deputy Hadd adjusts her uniform, she did in fact rest her hand on top of the hood of the holster containing her firearm. Furthermore, Deputy Wells picks up a small towel and is interacting with Deputy Hadd, Deputy Hadd then while looking at Deputy Wells and smiling, turned her right hip toward him and pushed the top safety mechanism of the holster forward then back. Deputy Hadd then takes a step back away from Deputy Wells while shaking her finger at him, an unknown dialogue was exchanged before Deputy Wells hits her with the towel. Deputies at Volusia County Sheriff's Office are issued Safariland holsters, they have two levels of retention to release the firearm, the hood or hood latch is one of the two safety mechanisms that secures the firearm inside the holster. (See Tab-1 for Official Transcript)

## **EXECUTIVE SUMMARY:**

On October 23, 2017, Detective Tara Burke received a supervisor's inquiry drafted by Sergeant Robert Rohm; the subjects of the inquiry were Deputy Veronica Hadd and Deputy Steven Wells.

According to the supervisor's inquiry, on October 17, 2017, Deputy Hadd and Deputy Wells were working courtroom security in Judge Clayton's courtroom at the Deland courthouse. While court was in session, the deputies were engaged in horseplay with each other. After an exchange of back and forth banter between Deputy Hadd and Deputy Wells; Deputy Hadd removed her Taser X26P

from the holster, removed the cartridge to set it up for drive stun mode, and pulled the trigger displaying a warning arc. The horseplay continued after the Taser incident; Deputy Hadd became angry, threw a small object at Deputy Wells, and then left the courtroom.

Copies of the audio and video from the incident in Judge Clayton's courtroom were provided for review, they accurately depict what was stated in the supervisor's inquiry.

During the horseplay incident, court was in session and there were several other people in the courtroom to include; the judge on the bench, five attorneys, two clerks, other deputies, a prisoner, and approximately six people in the audience.

During his interview with Internal Affairs Detectives, Deputy Wells witnessed Deputy Hadd take her Taser out of the holster and activate it, while it was pointed at the ground. He assumed she intentionally pulled the trigger on the Taser due to her taking the cartridge off the end before activating it, but he could not be certain.

Deputy Wells could not recall anyone being distracted in the courtroom when the Taser was activated; the clerks looked back at them but he was not aware of anyone else being distracted. However, the video and audio shows that several attorneys along with the clerks were distracted during this incident. Deputy Wells confirmed court was in session during the incident and does not feel their behavior was professional on this day in the courtroom. Deputy Wells admitted to starting the horseplay with Deputy Hadd in the courtroom, and he later apologized to Deputy Hadd for his actions.

During her interview with Internal Affairs Detectives, Deputy Hadd explained the roles in the courtroom; she has worked with Deputy Wells in the past and since this incident occurred, they remain friends. Deputy Hadd said Deputy Wells makes her laugh, they cut up, and she described him as a "great guy." Deputy Hadd could not recall exactly what the banter was between herself and Deputy Wells; she denied it was anything mean or derogatory. Deputy Hadd expressed she was "annoyed" and "irritated" with Deputy Wells when he hit her in the face with the rag, but

denied Deputy Wells was ever upset or angry with her, he was laughing or smiling during the incident.

During the interview, Deputy Hadd confirmed the Taser was pointed toward the ground when it was activated and she intentionally pulled the trigger, she did not feel the Taser being activated while court was in session distracted anyone in the courtroom. However, Deputy Owens heard the Taser activated from the other side of the courtroom while guarding a prisoner, the clerks were distracted, and several attorney's (as seen and heard on video and audio).

#### **Conclusion:**

26.2.25

On December 20, 2017, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department and county policies for Deputy Hadd to be:

26.2.25	Horseplay or Other Distracting Activity	Sustained		
26.2.94	Use and Handling of Weapons	Sustained		
26.2.134	Knowledge of Official Directives	Sustained		
86-453	Volusia County Merit System Rules and Regulations (1)	Sustained		
86-453	Volusia County Merit System Rules and Regulations (2)	Sustained		
86-453	Volusia County Merit System Rules and Regulations (10)	Sustained		
86-453	Volusia County Merit System Rules and Regulations (13)	Sustained		
86-453	Volusia County Merit System Rules and Regulations (21)	Sustained		
The Sheriff determined the violation of the below listed department and county policies for Deputy				
Wells to be:				

Horseplay or Other Distracting Activity

26.2.134 Knowledge of Official Directives

**Sustained** 

Sustained

86-453	Volusia County Merit System Rules and Regulations (1)	Sustained
86-453	Volusia County Merit System Rules and Regulations (2)	Sustained
86-453	Volusia County Merit System Rules and Regulations (10)	Sustained
86-453	Volusia County Merit System Rules and Regulations (13)	Sustained
86-453	Volusia County Merit System Rules and Regulations (21)	Sustained

The decision of Sheriff Chitwood was to suspend Deputy Hadd and Deputy Wells both for 40 hours without pay. On January 5, 2018, Detective Bennett met with Deputy Wells and Deputy Hadd at the Deland courthouse and served them with their Intent to Suspend letters. (See Tab-C for Official Correspondence)

On January 19, 2018, Deputy Wells met with Sheriff Chitwood, and on February 7, 2018, Deputy Hadd also met with Sheriff Chitwood along with her representation Nancye Jones.

On February 7, 2018, the Sheriff rendered his final decision; both Deputy Hadd and Deputy Wells are to receive sixteen- hour suspensions. (See Tab-C for Official Correspondence)

On February 15, 2018, Deputy Hadd was served with her Final Suspension Letter. Deputy Hadd was ordered to serve her sixteen-hour suspension on March 22 and March 23, 2018.

On February 21, 2018, Deputy Wells was served with his Final Suspension Letter. Deputy Wells was ordered to serve his sixteen-hour suspension on March 1<sup>st</sup> and March 2<sup>nd</sup>, 2018.

#### **Exhibits:**

- A. Report of Investigation
- B. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence
- D. Official Transcripts of Ms. Theresa McCormick
- E. Official Transcripts of Deputy Michael Owens
- F. Official Transcripts of Deputy Robert Walters

- G. Official Transcripts of Ms. Donna Dea
- H. Official Transcripts of Deputy Steven Wells
- I. Official Transcripts of Deputy Veronica Hadd
- J. Miscellaneous Documents
- K. Digital Media

### **WITNESSES:**

Sergeant Robert Rohm Volusia County Sheriff's Office 386-736-5961

Deputy Michael Owen Volusia County Sheriff's Office 386-736-5961

> Ms. Donna Dea Clerk of the Court Deland Courthouse 386-736-5915

Ms. Theresa McCormick Clerk of the Court Deland Courthouse 386-736-5915 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: 03 12 18

Detective Tara Burke Internal Affairs Detective

APPROVED BY: \_\_\_\_\_\_DATE: 3/26/

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