

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-17-027**

**PERIOD COVERED:** May 2016 to January 2017  
**DATE REPORTED:** August 21, 2017  
**SUBJECT(S) NAME:** Lieutenant Richard Fortin #7105  
**INVESTIGATING OFFICERS:** Sergeant Thomas Tatum #2405  
**BASIS FOR INVESTIGATION:**

On August 8, 2017, Sergeant Tatum conducted a sworn recorded interview with Lieutenant Richard Fortin as a witness reference internal affairs investigation IA-16-015, in which Sergeant Hughes was the focus. During the interview, the topic of field notes were discussed as they relate to Sergeant Brodie Hughes and the Body Worn Cameras. Lieutenant Fortin stated he would keep his field notes up to date and make the entry the day of the occurrence.

On August 21, 2017, Sergeant Tatum conducted a sworn recorded interview with Sergeant Hughes regarding his internal investigation (IA-16-015). During the interview, Sergeant Hughes claimed the field notes authored by Lieutenant Fortin were false and a lie. Sergeant Hughes claimed the field notes written by Lieutenant Fortin were not documented as he indicated in a timely manner. Sergeant Hughes pointed out that the field notes he received upon request had dates missing that were on Lieutenant Fortin's field notes. Sergeant Hughes also questioned why there was a memo number (054M124.16) entered on the November 30, 2016, field note when the memo was written in December 2016.

**OFFENSES:**

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

**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 27, 2017, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. On October 27, 2017, at 1537 hrs. Sergeant Tatum served Lieutenant Richard Fortin the Notice of Internal Investigation at the District 4 Office, and provided him with the Officer Bill of Rights. Sergeant Tatum pre-arranged for Chris Thoman, of Sheriff's Office Information Technology (IT), to meet at the District 4 Office in Deltona to recover the hard drives from two computers Lieutenant Fortin used during his time in Deltona. Mr. Thoman replaced the hard drives he removed. This report details the internal affairs investigation conducted by Sergeant Tatum.

On October 30, 2017, Sergeant Tatum met with IT staff who duplicated the hard drives recovered from Lieutenant Fortin's computers. The original hard drives were taken to Detective Keith Earney for forensic data search. The search was for any documents related to Sergeant Hughes field notes. Both hard drives were placed on a thumb drive and given to Sergeant Tatum for review.

Over the next few days, Sergeant Tatum searched the hard drives which contained approximately 19,000 files dating back to 2004. One document located had a partial copy of what appeared to be field notes. The search did reveal a document where Sergeant Hughes was present for a Sergeants meeting at District 4. As part of the minutes, the topic of Body Worn Camera's was covered and referenced Staff Notes from August 2016. Nothing of further relevance was located on the hard drives.

On November 8, 2017, Sergeant Tatum met with Detective Earney at the Operation Center in order for him to verify the lack of field notes on the hard drives. Detective Earney did not find anything different than what Sergeant Tatum found.

Sergeant Tatum contacted Lieutenant Fortin to ask where he would have kept the field notes on his computer. Lieutenant Fortin advised it was saved under his "G" drive on a word document and volunteered to show Sergeant Tatum where they were located. Lieutenant Fortin logged on to his "G" drive and showed Sergeant Tatum the document. The field notes appeared to be consistent with notes provided to detectives earlier in the original investigation (IA-16-015), that was attached to a Memo authored by Lieutenant Fortin regarding the audit of Body Worn Camera videos of the Street Crimes Unit in December 2016. It should be noted that the "G" drive is saved on a remote server, and not on the hard drives.

Sergeant Tatum compared those field notes to field notes Sergeant Hughes had a copy of. The following is a summary of the dates in comparison.

Sergeant Hughes copy of field notes:

May 16

May 20

June 2

June 16

August 31

September 19

Lieutenant Fortin field notes:

May 16

May 20

June 2

June 16

August 19

August 31  
September 15  
September 19  
November 7  
November 30  
December 1  
January 11  
January 12  
January 18  
January 19

### **Lieutenant Richard Fortin**

On November 10, 2017, Sergeant Tatum and Detective Bennett conducted a sworn recorded interview with Lieutenant Richard Fortin in the Office of Internal Affairs in Deland, FL. The following is a summary of the interview.

Lieutenant Fortin has been the Assistant Commander for Deltona District 4 for the past year and a half. Sergeant Tatum confirmed Lieutenant Fortin recalled being interviewed reference to Internal Affairs Investigation IA-16-015 on August 8, 2017. During that interview, Sergeant Tatum discussed the topic of field notes he kept on Sergeant Hughes, and Lieutenant Fortin stated he kept the notes in a timely manner. At that time, Lieutenant Fortin was not asked if he ever made edits to the field notes. During the current interview, Sergeant Tatum asked Lieutenant Fortin if he ever made edits to his field notes, and he said there would be times where he made edits to the field notes.

Lieutenant Fortin stated the field notes Sergeant Hughes had a copy of was the notes he placed in Sergeant Hughes' field file up to a certain point. He never gave Sergeant Hughes a copy of his field notes, he assumed Sergeant Hughes obtained the copy that was already in his field file. Lieutenant Fortin initially began placing the field notes in Sergeant Hughes' field file as they were updated. It got to the point where he was printing an updated version on a regular basis and it

became cumbersome, therefore; he only saved the notes in his computer and stopped printing a copy and placing it in the field file. There were dates missing from Sergeant Hughes' field notes that were on his (Lieutenant Fortin's) field notes as referenced above. When asked, Lieutenant Fortin advised Sergeant Hughes had a copy of the old notes, a copy of the updated notes was not placed in his field file. At times, Lieutenant Fortin would write down notes and make the entry on his computer at a later date when he had time, then he would discard the written note(s). The last date on the field notes that Sergeant Hughes had was September 19, 2016. As stated above, the remaining dates were kept on the computer and not added to the field file.

Lieutenant Fortin was asked about the BWC audit on the Street Crimes Unit he conducted on November 30, 2016, and the memo that was written in December. The question was asked, if Lieutenant Fortin kept his field notes up to date, how the December memo number appeared on the November 30<sup>th</sup> entry. Lieutenant Fortin advised he made an edit to the November 30<sup>th</sup> field note to use as a reference to the memo he had written. He felt the field notes were his writings, and if he needed to make edits he would do so accordingly. Lieutenant Fortin said there was no intent to be deceptive on his field notes.

Sergeant Tatum asked Lieutenant Fortin when he pulled the memo number for the document he wrote in December. Sergeant Tatum inadvertently asked Lieutenant Fortin why the date on the first page of the memo was September 27<sup>th</sup>. This was an error, the date on the first page of the memo was December 27<sup>th</sup>, not September 27<sup>th</sup> as asked by Sergeant Tatum. According to the memo log at District 4, Lieutenant Fortin pulled the memo number on December 29, 2016. Lieutenant Fortin advised it is not uncommon for a memo to be written then pull the memo number.

Lieutenant Fortin was asked if he felt he violated the following Merit Rule:

**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**

## **EXECUTIVE SUMMARY:**

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#### **CONCLUSION:**

On November 27, 2017, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

**Volusia County Merit System Rules and Regulations 86-453:**

**Not Sustained**

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

**EXHIBITS:**

**Witnesses**

Sergeant Brodie Hughes  
Volusia County Sheriff's Office  
Special Operations Section  
386-736-5961

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: 11/27/17

**Sergeant Thomas Tatum  
Internal Affairs Detective**

APPROVED BY:  DATE: 11/27/17

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