

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-13-017**

**PERIOD COVERED:** August 28, 2013

**DATE REPORTED:** September 23, 2013

**SUBJECT(S) NAME:** Deputy Andrew Oliver ID 7949

**INVESTIGATING OFFICER:** Lieutenant Erik Eagan ID 2273

**BASIS FOR INVESTIGATION:**

On August 28, 2013, at 1625 hours, Deputy Andrew Oliver was dispatched to 925 Hemingway Dr., Deltona, FL to the report of a theft. After being on scene for the theft investigation, Deputy Oliver came in service after seventeen minutes without a police report and wrote computer aided dispatch (CAD) comments: "At least 2 week time lapse, old neighbor who moved possibly took some misc items from the bathroom. No report requested at this time."

On September 13, 2013, Sergeant Michael Odgers received information that Deputy Oliver may have improperly investigated the theft allegation. Sergeant Odgers launched a supervisor's inquiry into the matter and was told by Deputy Oliver that the complainant, Barbara Miller only vaguely knew the suspect who was a previous neighbor. Deputy Oliver told Sergeant Odgers, Mrs. Miller could not provide a suspect name and she wasn't sure where the suspect used to live on her street. Deputy Oliver also told Sergeant Odgers he could not check the Pawn Shop database because he did not have a suspect name. He also explained to Sergeant Odgers that Mrs. Miller "didn't really want a report."

Sergeant Odgers interviewed Mrs. Miller and she told him, she surely knew the suspect, June Stivers, who used to live directly across the street from her. She explained, Mrs. Stivers grew up across the street from her and she knew the suspect quite well. She also told Sergeant Odgers that the suspect's husband, Homer "Travis" Stivers came to her home and confessed to pawning her stolen jewelry. Mrs. Miller was adamant she provided Deputy Oliver with the suspects' names.

Mrs. Miller told Sergeant Odgers she thought Deputy Oliver had completed a report, because he gave her a business card. She said Deputy Oliver told her, "*There is not much I can do, it is your word against hers.*" Mrs. Miller expressed her displeasure with Deputy Oliver's handling of her stolen jewelry incident. (See Tab – C For Police Report and Supervisor's Inquiry)

## **OFFENSE:**

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

**26.2.35 Submission of Reports and Documents** - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor. *(Violation subject up to a 1 day suspension.)*

**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.)*

**26.2.106 Untruthfulness** - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. *(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.)*

## **INVESTIGATIVE SUMMARY:**

On September 23, 2013, Chief Deputy Mike Coffin assigned the Internal Affairs Unit an investigation for allegations against Deputy Andrew Oliver for being neglectful in his duties as a deputy sheriff working District 4 road patrol in Deltona, FL and not being truthful with his supervisor during the subsequent supervisor's inquiries. This report details the internal affairs investigation conducted by Lieutenant Erik Eagan.

On September 24, 2013, Sergeant Tom Tatum served Deputy Oliver with his Notification of Internal Investigation and he was provided a copy of the Law Enforcement Officer's Rights at the District 4 office in Deltona, FL. *(See Tab – B for Official Correspondence)*

### **Sergeant Michael Odgers**

On September 27, 2013, Lieutenant Eagan and Sergeant Tom Tatum conducted a sworn recorded interview with Sergeant Odgers at the Deltona Fire Station #65 in Deltona, FL. The following is a summary of the interview:

Sergeant Odgers is a twenty-four year law enforcement officer, with the past sixteen years with the Volusia County Sheriff's Office. He has been a supervisor for the past ten years. Sergeant Odgers is Deputy Oliver's immediate supervisor, who is assigned to road patrol duties.

Sergeant Odgers was tasked by his lieutenant to look into CAD call #P132401761 which was originally handled by Deputy Andrew Oliver. Sergeant Odgers was familiar with a serial thief operating in Deltona, who would use a scheme to gain access to victim's homes, steal jewelry and items of value from unwitting victims. Sergeant Odgers believed the CAD call given to him by his lieutenant was related to the serial thief, whom he had dealt with several times. Sergeant Odgers began his supervisor's inquiry by asking Deputy Oliver if he remembered handling the call and Deputy Oliver told him that he did. Sergeant Odgers asked Deputy Oliver to tell him about the call.

Sergeant Odgers said Deputy Oliver told him, "*She [Barbara Miller] didn't want to do anything about it. It was a couple weeks old and she didn't really want to do anything.*" Deputy Oliver continued telling Sergeant Odgers that the victim did not know the suspects' names and they had lived four or five houses down the street. Sergeant Odgers believed Deputy Oliver was not being truthful with him based on his answers and explanation of how he handled the call. Sergeant Odgers was familiar with the habitual suspects and the street address of the victim and he thought both addresses were caddy corner or directly across from one another.

Sergeant Odgers' testimony mirrored his supervisor's inquiry. He told investigators that Deputy Oliver told him he did not have suspect names to check the Pawn Shop database. He told Sergeant Odgers that he did not complete a police report because the victim didn't really want one. Deputy Oliver said Mrs. Miller knew she wasn't getting a police report and she was fine with that.

Sergeant Odgers described his interview with Mrs. Miller to investigators. He said Mrs. Miller was not happy with the way Deputy Oliver handled the investigation. She told Sergeant Odgers she told Deputy Oliver who she believed stole her jewelry and that the suspect was the only one in her and her husband's home. She told Deputy Oliver the suspects' names were June and Homer "Travis" Stivers. She went so far as explaining to Deputy Oliver that Homer Stivers came to Mrs. Miller's house and confessed that June had stolen her jewelry and that he had pawned her jewelry. She told Sergeant Odgers that Deputy Oliver seemed disinterested in the suspects' names and kept telling her, "*There's not much I can do, it's your word against hers.*"

Mrs. Miller told Sergeant Odgers, she thought Deputy Oliver was uninterested in the whole call. According to Sergeant Odgers, Deputy Oliver told Mrs. Miller, "If you find any of the jewelry at area pawn shops, call us back and refer to the case number on the back [of his business card]." Mrs. Miller told Sergeant Odgers, she thought Deputy Oliver had completed a police report on the theft and there was going to be an investigation into the matter. *(See Tab-E For Complete Transcript of Interview)*

Summary of discrepancies between Deputy Oliver's statement to Sergeant Odgers and the witness' sworn statement:

- Deputy Oliver told Sergeant Odgers the victim didn't want to do anything and didn't want a police report.

- Deputy Oliver told Sergeant Odgers the victim did not know the suspects or their names.
- Deputy Oliver told Sergeant Odgers the victim thought the suspects used to live four or five houses away from theirs.
- Deputy Oliver told Sergeant Odgers that Mrs. Miller knew she wasn't getting a police report and she was fine with that.

### **Barbara Miller**

On September 27, 2013, Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview with Mr. and Mrs. Miller at their home, 925 Hemingway Dr., Deltona, FL. The following is a summary of the interview:

Mrs. Miller told investigators she met Deputy Oliver on August 28, 2013, when he came to her home for the report of her jewelry being stolen by a known suspect. Mrs. Miller explained, her old neighbor, June Stivers, who used to live directly across the street from her home, had knocked on her and her husband's front door and requested if her minor child could use their bathroom. Mrs. Miller said she was out of the country on vacation and her husband let June, her husband Homer "Travis" and their small child into their home on or about August 21, 2013. Mrs. Miller told investigators she believes June stole some of her jewelry from her dresser and some coin change from a box on her dresser, because she was the only one in her bedroom and home while she was away. Mrs. Miller said when she returned from her overseas trip on August 23, 2013, she noticed her jewelry and coin change were missing. She stated Travis Stivers called her the next day apologizing for his wife, June taking her jewelry. Travis also confessed to Mrs. Miller, saying he pawned the jewelry June had given him after visiting their home.

Mrs. Miller told investigators that the suspect's husband, Travis Stivers later came to their home and again confessed and apologized for pawning the jewelry June had stolen from Mrs. Miller. Mrs. Miller said when she told Deputy Oliver about the confession, he told her, *"It's your word against hers."* Deputy Oliver later told Mr. and Mrs. Miller, *"There's not much I can do, it's your word against hers."* Mrs. Miller specifically remembers telling Deputy Oliver that she knew the suspects, she gave him their names and she knew where they lived. Mrs. Miller told Deputy Oliver that June and Travis used to live across the street from their home.

Mrs. Miller and her husband were under the impression Deputy Oliver had completed a police report and was investigating her theft complaint. Mrs. Miller checked the area pawn shops looking for her own jewelry at the suggestion of Deputy Oliver. Mrs. Miller valued her jewelry loss at more than \$1200.00. She based the approximation on the money Travis received from the gold buyer. She was told by an investigator with the Sheriff's Office, that most gold buyers pay twenty-five percent of the value of the gold. Mrs. Miller said there was some sentimental value to some of the stolen jewelry; because it came from her deceased sister's estate. Mrs. Miller expressed disappointment in the manner Deputy Oliver handled her jewelry theft investigation. She said, *"I had no idea at that time he could've gone on the computer and found my jewelry but by the time*

*Officer Welch came out it was past the time that they could get rid of it. She said they melted it down.” (See Tab-F For Complete Transcript of Interview)*

Summary of discrepancies between Deputy Oliver’s CAD comments and the witness’ sworn statement:

- Deputy Oliver wrote: *“Old neighbor...possibly took some misc items from the bathroom.”*
- Deputy Oliver wrote: *“No report requested at this time.”*

### **Jackie Miller**

On September 27, 2013, Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview with Mr. and Mrs. Miller at their home, 925 Hemingway Dr., Deltona, FL. The following is a summary of the interview:

Mr. Miller told investigators that he immediately noticed a large amount of coin change was missing from a box on his wife’s vanity after the Stivers left their home. Mr. Miller explained; he wasn’t sure if his wife had taken the coin change on her trip or if Mrs. Stivers had stolen the money. He later learned Mrs. Stivers had stolen the money when his wife returned home and noticed pieces of her jewelry missing.

Mr. Miller confirmed during the interview that he and his wife told Deputy Oliver the suspects’ names and they knew where the suspects lived. He also stated that Deputy Oliver told them, *“...it’s your word against hers.” (See Tab-F For Complete Transcript of Interview)*

Summary of discrepancies between Deputy Oliver’s CAD comments and the witness’ sworn statement:

- Deputy Oliver wrote: *“Old neighbor...possibly took some misc items from the bathroom.”*
- Deputy Oliver wrote: *“No report requested at this time.”*

On October 17, 2013, Lieutenant Eagan received Sergeant Odgers’ supervisor notes on Deputy Oliver regarding three similar incidents where Deputy Oliver improperly handled calls for service. After reviewing the supervisor’s notes and the incidents with Chief Coffin, these three incidents were incorporated into the same internal investigation.

### **Jennifer Rutherford**

On October 29, 2013, Lieutenant Eagan conducted a sworn recorded interview with Ms. Rutherford by phone. Ms. Rutherford told Lieutenant Eagan she had recently contracted the flu and was still contagious. The following is a summary of the interview:

Ms. Rutherford had a clear recollection of the incident involving her nine year old son which was referenced by Volusia County Sheriff’s Office (VCSO) computer aided dispatch (CAD) event numbers P130931517, P131071975 and VCSO case number 13-



10369. She explained to Lieutenant Eagan the incident that she described to Deputy Oliver on April 3, 2013, when she called to report a juvenile battery incident involving her nine year old son. According to Ms. Rutherford, her son and some similarly aged children were playing two houses down from her home, afterschool. She explained that she resides directly across the street from Friendship Elementary School at 2781 Fulford St., Deltona, FL. While in the neighbor's yard, three boys who she identified to Deputy Oliver as: Xavier Murphy, Aidan Murphy and Isaiah (unknown last name), began hitting her son, pushed and held him down on the ground and Isaiah urinated on her son's face and chest.

Ms. Rutherford told Lieutenant Eagan that Deputy Oliver appeared to trivialize the event involving her son. She said Deputy Oliver suggested her son meet him outside the school while he conducts extra patrols in front of the school and her son point out who the suspects were. Ms. Rutherford thought Deputy Oliver's suggestion was strange, since they knew two of the suspects' names and the third suspect's first name. She also mentioned that the idea by Deputy Oliver could put her son in further jeopardy for pointing the suspects out.

Ms. Rutherford was under the impression that Deputy Oliver completed a police report of the incident. She responded to Deputy Oliver's CAD comments that the incident was horseplay. She stated, *"If it started as horseplay, it certainly turned a dark corner."* She went on to say, *"I think he knew better than to not make a report."* Ms. Rutherford never told Deputy Oliver she did not want a police report and she did not request more presence afterschool hours. She told Lieutenant Eagan that Deputy Oliver suggested more police presence and added, *"In lieu of maybe a report. That this would be a, that that would be a, something that would appease us..."* Ms. Rutherford expressed dissatisfaction with the way Deputy Oliver handled the call. She said her fiancé and son were there while Deputy Oliver handled the battery complaint call. (See Tab-G For Complete Transcript of Interview)

Summary of discrepancies between Deputy Oliver's CAD comments and the witness' sworn statement:

- Deputy Oliver wrote: ***"Horseplay between kids. RP does not want a report, just requesting more presence after school hours."***

#### **Robert Stone Jr.**

On October 29, 2013, Lieutenant Eagan conducted a sworn recorded interview with Mr. Stone by phone. Mr. Stone's fiancé told Lieutenant Eagan she had recently contracted the flu and was still contagious. The following is a summary of the interview:

Mr. Stone called the Sheriff's Office on April 13, 2013, to report his antique Robin Hood three-wheel bicycle stolen. He told Lieutenant Eagan although he did not have the serial number for the 1950's bicycle, he thought Deputy Oliver had completed a police report. Mr. Stone remembers receiving some sort of case number from Deputy Oliver the day he reported his bicycle stolen.

The day after reporting his bicycle stolen to Deputy Oliver, Mr. Stone found his bicycle in the front of someone's yard two blocks away from his home. Mr. Stone called the Sheriff's Office back to report the recovery and get assistance to contact the suspect. Mr. Stone said he later found out from Sergeant Vickery that Deputy Oliver had not completed a police report on his stolen bicycle. Mr. Stone told Lieutenant Eagan he does not remember telling Deputy Oliver that his fiancé's son's friends may have stolen the bicycle. He went so far as saying his "son" didn't really have any friends in the neighborhood. Mr. Stone also told Lieutenant Eagan he did not request Deputy Oliver to patrol the neighborhood that day or the day Deputy Oliver came for the juvenile battery complaint against his "son" ten days prior as Deputy Oliver typed into each CAD call comments.

Mr. Stone expressed his displeasure with the way Deputy Oliver handled his bicycle theft complaint. He described Deputy Oliver as, *"playing things off like it wasn't you no big deal..."* Mr. Stone said Deputy Oliver seemed very arrogant while handling the call. Mr. Stone explained that Deputy Oliver said, *"It wouldn't do any good. It was under \$500 in value and that we could go to court by there probably wouldn't be anything done to the kid."* Mr. Stone stated Deputy Oliver should have, *"been more informative to let you know that you know hey this isn't a report, this is an incident number to for this time for what I was doing or whatever and it's not a police report."* Mr. Stone did not believe Deputy Oliver documented and investigated his matter properly. He said Deputy Oliver, *"was cutting corners and a little bit on the lazy side to me."* Mr. Stone did not see Deputy Oliver conduct a neighborhood canvass or make any effort to investigate the theft.

Mr. Stone confirmed what his fiancé told Lieutenant Eagan during her interview concerning how he thought Deputy Oliver improperly handled his "son's" battery investigation. Mr. Stone is the surrogate father of the juvenile victim involved in the battery incident. He corroborated Ms. Rutherford's description of the incident, that Deputy Oliver had a lack of initiative to complete a police report and investigate the matter. He said he and his fiancé gave Deputy Oliver the names of the three boys who battered and urinated on his son. He also shared with Lieutenant Eagan that there were two juveniles two doors down from their house who witnessed the incident; and Deputy Oliver made no attempt to interview them. Mr. Stone thought Deputy Oliver did not perform his job properly while handling the juvenile battery complaint. *(See Tab-H For Complete Transcript of Interview)*

Summary of discrepancies between Deputy Oliver's CAD comments/police report and the witness' sworn statement:

- Deputy Oliver wrote: ***"RP was unsure if it is sig 39 (juvenile) friends of his son. RP requesting extra patrols throughout the evening."***

#### **Supervisor Todd Healy**

On October 31, 2013, Lieutenant Eagan conducted a sworn recorded interview with Mr.

Healy at the Deltona Water Department, 255 Enterprise Road, Deltona, FL. The following is a summary of the interview:

Mr. Healy has been with the Water Department for twenty-four years and is the supervisor of utilities. He told Lieutenant Eagan he remembers the incident because of the way Deputy Oliver handled the water meter theft incident. On September 5, 2012, Mr. Healy met Deputy Oliver at 2302 E. Dana Dr., Deltona, FL while he was reporting the theft of a City of Deltona water meter from 2772 Kimberly Dr., Deltona, FL which was recovered at the Dana Dr. address. Mr. Healy told Lieutenant Eagan that Deputy Oliver first met with Deltona Water Department technician Jose Corsino, who had originally responded to the Dana Dr. address to make sure the water was still shut off and the water meter was not in place. However; Mr. Corsino found a stolen water meter and contacted Mr. Healy, his supervisor to report the matter to the Sheriff's Office.

When Mr. Healy arrived at the Dana Dr. address, Deputy Oliver was waiting in his patrol car and did not make any effort to investigate the matter. Mr. Healy said Deputy Oliver told him it was not necessary to complete a statement and that he would complete a report of the stolen water meter. Mr. Healy told Lieutenant Eagan that Deputy Oliver did not seem interested in the call for service and as soon as he completed the witness statement, Deputy Oliver grabbed the statement from him and told Mr. Healy, "Ok I gotta go. I've got another call to go on." Lieutenant Eagan confirmed in CAD that Deputy Oliver responded to a burglary in progress call immediately after clearing the water meter theft call.

Mr. Healy expressed his dissatisfaction with the manner Deputy Oliver handled the call for service, based on his previous interaction with VCSO deputies on similar matters. Mr. Healy told Lieutenant Eagan he had met with deputies on similar reporting incidents and felt as though Deputy Oliver was not going to complete a police report because of his lack of initiative to contact the resident who was the suspect, nor did he conduct any sort of neighborhood canvass. Mr. Healy explained that was why he insisted on completing a statement and that was the only time that Deputy Oliver got out of his patrol car, the whole time Mr. Healy was there.

Mr. Healy referred to his notes on his Deltona Water Illegal Connection Report he completed on September 5, 2012. Mr. Healy summarized his notes:

*"...he didn't introduce himself to me. He didn't give me a card. He didn't give me a case number. Right below that is, case number provided. I wrote none provided because I was not provided any at the time. Another thing that we have down here is description of the customers, and uh if, if there was any contact and I wrote down that there was no contact. Um, and then in my, in the bottom there's a comment and my sentence were, was I filled out a police report; officer did not even make attempt to contact the customer. Officer did not want me to fill out a report. He said he would. I insisted on filling, I insisted too. Gave report to officer. He sped off and said he had to go on another call.*



Mr. Healy disagreed with Deputy Oliver's incident description in his police report. Mr. Healy did not believe the matter was a *suspicious incident*; rather a stolen and recovered water meter and a theft of water services from the City of Deltona. Mr. Healy told Lieutenant Eagan the police report was for prosecution and not for billing purposes as Deputy Oliver wrote in his report. The last line Mr. Healy wrote in his witness statement was: "City of Deltona would like to press charges." Mr. Healy did not believe the case status of this incident was unfounded as there was evidence a crime had occurred and was still being committed.

Mr. Healy described Deputy Oliver's attitude as: "*[Deputy Oliver] seemed like he didn't want to be there. ...didn't seem interested in getting out of the car to even knock on the door. ...didn't want me to fill out a police [witness statement]. I was not happy with it and I even followed up with an e-mail to Captain Brannon.*" (See Tab – O For Captain Brannon E-Mail) (See Tab-I For Complete Transcript of Interview)

Summary of discrepancies between Deputy Oliver's police report and the witness' sworn statement:

- Incident reported as a Suspicious Incident rather than a theft of services.
- Report generated for any further documentation needed for billing of the used water sources.
- Deputy Oliver provided Healy with a department issued Volusia County Sheriff's Office business card including case number.
- Case Status: Unfounded.

#### **Technician Jose Corsino**

On October 31, 2013, Lieutenant Eagan conducted a sworn recorded interview with Mr. Corsino at the Deltona Water Department, 255 Enterprise Road, Deltona, FL. The following is a summary of the interview:

Mr. Corsino told Lieutenant Eagan he was tasked with checking 2302 E. Dana Dr., Deltona, FL address which had been disconnected for non-payment of their water bill. When he arrived at the address, he noticed there was another City of Deltona water meter in place. When he ran the numbers through the Deltona Water dispatch, he found out the water meter had been stolen from 2772 Kimberly Dr., Deltona, FL and unlawfully placed at the Dana Dr. address. Mr. Corsino said he contacted his supervisor; Todd Healy, who responded to the scene after law enforcement was contacted.

Mr. Corsino stated Deputy Oliver arrived at the Dana Dr. address before Mr. Healy and Mr. Corsino tried to explain to Deputy Oliver why he was contacted. Mr. Corsino said Deputy Oliver seemed confused when he tried to explain that a water meter was stolen from one address and placed on this address, where the water had been shut off. Mr. Corsino continued saying at one point he motioned to Deputy Oliver in a friendly gesture to tap his arm, let him know everything was okay and Deputy Oliver responded by pulling away and said something to the effect, "Why you touching (me)?" Mr. Corsino

said he became scared, fearful of being arrested and stepped back from Deputy Oliver.

Mr. Corsino then told Deputy Oliver that he would have to wait until Todd Healy arrived and Mr. Healy could explain the matter to him. Mr. Corsino thought Deputy Oliver may have not understood him because English is a second language for him and he has a slight accent. Throughout the interview, Lieutenant Eagan only had trouble with one word Mr. Corsino said during the interview. The word was lock-off, a technical term he had never heard before. Mr. Corsino said the term was used in the water service industry which means to disconnect water service. Mr. Corsino described his interaction with Deputy Oliver as: "...it was kind of confusing for him but he was asking me the questions with an attitude. So he was acting very im(un)professional you know...unprofessional." He said Deputy Oliver seemed not mad, but unhappy to be there handling the call for service.

Mr. Corsino told Lieutenant Eagan he knocked on the front door of the residence prior to the deputy's arrival and Deputy Oliver never made any effort to contact the resident. He said the only time Deputy Oliver got out of his patrol car was when Mr. Corsino showed Deputy Oliver the stolen water meter illegally connected in the ground, inside the water meter box. *(See Tab-J For Complete Transcript of Interview)*

Summary of discrepancies between Deputy Oliver's statement to Sergeant Odgers and the witness' sworn statement:

- Deputy Oliver told Sergeants Odgers and Whitener he knocked on the door of the house.
- When challenged, Deputy Oliver told the sergeants he, "followed the guy up to the door and the guy knocked."
- Mr. Corsino knocked on the residence door prior to Deputy Oliver's arrival.
- Mr. Corsino and Mr. Healy never saw Deputy Oliver approach or knock on the residence door.

#### **Sergeant Michael Odgers (2<sup>nd</sup> Interview)**

On November 4, 2013, Lieutenant Eagan conducted a sworn recorded interview with Sergeant Odgers at the Graves Ave extension near Howland Blvd., Deltona, FL. The following is a summary of the interview:

Lieutenant Eagan interviewed Sergeant Odgers regarding similar incidents he had documented as supervisor notes on Deputy Oliver regarding improper handling of calls for service. Sergeant Odgers told Lieutenant Eagan he remembered the three incidents he documented in his supervisor notes.

The first incident occurred on September 5, 2012, when Deputy Oliver responded to a theft of water services call. Sergeant Odgers remembered receiving a complaint e-mail from his supervisor, Lieutenant Eric Westfall on September 6, 2012. The e-mail cited an e-mail from Deltona Water Department Supervisor Todd Healy to Captain Dave Brannon expressing his dissatisfaction with Deputy Oliver and his poor handling of a theft of water services call. The e-mail alleged Deputy Oliver never got out of his patrol car and

made no effort to identify the resident/suspect or investigate the matter.

Sergeant Odgers told Lieutenant Eagan he first spoke with Supervisor Healy and then called Deputy Oliver into his office along with Sergeant Charles Whitener. Sergeant Odgers said Deputy Oliver was immediately defensive about the incident and told the sergeants that he went and knocked on the door in an attempt to contact the resident. When challenged, Deputy Oliver recanted and said he followed the water technician to the door and watched the water technician knock on the door.

After the third time of Deputy Oliver changing his explanation of what he did, Sergeant Odgers ordered Deputy Oliver to stop talking and to listen. Sergeant Odgers chastised Deputy Oliver for lying and told him that there was nothing worth lying for in his job. Sergeant Odgers admonished Deputy Oliver and explained the importance of conducting a proper investigation. Sergeant Odgers directed Deputy Oliver to follow up on the theft of water services case and to identify the resident/suspect. It should be noted that Deputy Oliver made one attempt on September 6, 2012 to contact the resident/suspect and completed a supplement report of his effort. The suspect was never identified and no other follow-up was documented.

In another matter that occurred on April 3, 2013, Sergeant Odgers discussed a juvenile battery complaint that Deputy Oliver handled and did not complete a police report until ordered on April 17, 2013 by Sergeant Vickery. Sergeant Odgers completed the supervisor notes on the matter that he witnessed Sergeant Vickery conduct with Deputy Oliver. According to Sergeant Odgers, Sergeant Vickery had received the complaint and worked a portion of the call with Deputy Oliver and therefore, Sergeant Vickery took the lead.

Sergeant Odgers told Lieutenant Eagan that Sergeant Vickery learned Deputy Oliver responded to a complaint of a nine year old juvenile who had been beaten, pushed down, held down by two juveniles and urinated on by a third juvenile. Deputy Oliver failed to investigate the matter, he failed to document the matter and his CAD comments were listed as: *"horseplay between kids, RP does not want a report, just requesting more presence after school hours."* Sergeants Odgers and Vickery both agreed the incident was far from horseplay and explained to Deputy Oliver the importance of completing a police report at the very least and notifying the school about the incident.

The third incident coincidentally involved the surrogate father of the juvenile battery victim's complaint. On April 13, 2013, the father tried to report his antique three-wheel British made Robin Hood bicycle stolen. During this incident, Deputy Oliver responded and failed to complete a police report. On April 14, 2013, the father found his unique bicycle a couple of blocks away in the suspect's front yard. Sergeant Vickery responded to the found bicycle call and soon learned of Deputy Oliver's lack of initiative in completing a police report. Sergeant Vickery had Deputy Oliver complete a police report and he soon resolved the poor handling of the juvenile battery incident with Deputy Oliver.

Sergeant Odgers told Lieutenant Eagan that he and Sergeant Vickery spent the time with Deputy Oliver reviewing these calls and the proper call handling procedures as a means to fix his inadequacies. Deputy Oliver was warned again to conduct a thorough investigation and properly and accurately document his actions in a police report and CAD. *(See Tab-E For Complete Transcript of Interview)*

#### **Sergeant Ken Vickery**

On November 4, 2013, Lieutenant Eagan conducted a sworn recorded interview with Sergeant Vickery at the Graves Ave extension near Howland Blvd., Deltona, FL. The following is a summary of the interview:

Sergeant Vickery's interview mirrored the interview with Sergeant Odgers and Sergeant Odgers' supervisor notes. Sergeant Vickery expressed his concern for Deputy Oliver's call handling practices and told Lieutenant Eagan, he and Sergeant Odgers made an extra effort to monitor Deputy Oliver's performance and his work product. *(See Tab-K For Complete Transcript of Interview)*

#### **Sergeant Charles Whitener**

On November 4, 2013, Lieutenant Eagan conducted a sworn recorded interview with Sergeant Whitener at the Graves Ave extension near Howland Blvd., Deltona, FL. The following is a summary of the interview:

Sergeant Whitener told Lieutenant Eagan he did not have a good recollection of the meeting with Sergeant Odgers, Deputy Oliver and himself more than one year ago. He did remember Deputy Oliver trying to tell the sergeants that he had knocked on the resident's door and Deputy Oliver changed his explanation to walking up to the door with the technician. Sergeant Whitener believes Deputy Oliver was lying to both sergeants about how he handled the incident. Sergeant Whitener said Deputy Oliver was caught in a lie and tried to alter his story to persuade the sergeants. *(See Tab-L For Complete Transcript of Interview)*

#### **Deputy Andrew Oliver**

On December 11, 2013, Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview with Deputy Oliver at the Sheriff's conference room in the County Administration building in DeLand, FL. Also present were Teamster's Business Agent Bob Walker and Teamster's Representative Richard Lecates. The following is a summary of the interview:

Deputy Oliver is a two and one half year law enforcement officer, having worked for the Volusia County Sheriff's Office for the past two years. He has been assigned to District 4 - Deltona since completing the field training and evaluation program (FTEP).

### **Grand Theft Incident – 13-25271**

Deputy Oliver recalled responding to and handling the jewelry theft incident at 925 Hemingway Dr., Deltona, FL on August 28, 2013. He told investigators the complainant did not want to pursue the matter when Deputy Oliver confirmed for Mrs. Miller that her complaint would be her word against the suspect's word. Deputy Oliver said he did not tell Mr. and Mrs. Miller there wasn't much he could do, it's your word against hers. He suggested that the Miller's took what he said out of context. Deputy Oliver said he explained the whole criminal complaint process to the Millers.

Deputy Oliver stated the Miller's never told him the suspects' names, but did give him a nickname that may have been June [June Stivers]. Deputy Oliver said the Millers never mentioned the suspect's husband, Homer confessing to the incident. He said reading the Miller's transcript was the first time he heard about the male suspect and the alleged confession. Deputy Oliver admitted he did not ask the Millers which house the suspect used to live in when she was a neighbor of theirs. He told investigators after being pressed; he made up the fact that the suspect lived four or five houses away, when questioned by Sergeant Odgers. He rationalized that the Millers described the suspect as a former neighbor and he assumed if she used to be a neighbor, then she must have lived within four or five houses from the victims. He conceded he never asked the Millers where the old neighbor used to live and was neglectful in his investigation. He also acknowledged he never conducted a neighborhood canvass, nor attempted to look for the stolen items in the department's Pawn Shop database.

Deputy Oliver steadfast that he told the Millers he was not completing a police report and was unsure why they would think otherwise. Deputy Oliver admitted there was more he could have done to investigate this case and that he should have completed a police report. He said he thought if a complainant did not want to pursue criminal charges against the suspect, there was no need to complete a police report.

### **Water Meter Theft – 12-26315**

On September 6, 2012 Deputy Oliver responded to 2302 E. Dana DR., Deltona, FL regarding the theft and recovery of a stolen water meter from 2772 Kimberly Dr., Deltona, FL. Deputy Oliver told investigators he initially contacted Mr. Corsino, the water technician who appeared to have been working on the water meter in a hole in the ground. Deputy Oliver said he was professional with Mr. Corsino and did tell him to stop touching him, because Mr. Corsino was getting close to his hands and arm in his animated talking style.

Deputy Oliver recalled giving Mr. Corsino a statement form to fill out. While Mr. Corsino was completing the written statement, Deputy Oliver said he walked up to the front door and knocked in an attempt to contact the resident. Deputy Oliver agreed with investigators that it was odd that Mr. Corsino did not see him walk up to and knock on the front door of the house. Deputy Oliver was adamant that he knocked the first and second time he responded to the residence in an attempt to identify the resident. He also told investigators it did not appear that anyone was home when he attempted contact.



Deputy Oliver acknowledged that he was neglectful for not making more of an effort with his investigation. He said he did not complete a neighborhood canvass either trip to the residence and he made no effort with the Kimberly Dr. address where the water meter was originally stolen from. Deputy Oliver did not recall immediately responding to a burglary in progress after handling the water meter theft call for twenty-nine minutes. He suspects he was rushed when he left the call and may not have given Mr. Healy or Mr. Corsino a business card and case number as he wrote in his police report. Deputy Oliver said he used a report template with standard verbiage about giving a case card to the reporting party and did not intentionally try to erroneously mislead the reader.

Deputy Oliver told investigators he was truthful with Sergeants Odgers and Whitener about how he handled the water meter theft call. He said each time he explained to the sergeants what he did, Sergeant Odgers cut him off. Deputy Oliver stated he can see where the sergeants may have misinterpreted what he said about the water technician walking up to the door with him, when the water technician was in the driveway the whole time. Deputy Oliver said what he meant to say was that the water technician was on the call with him, in the driveway while he walked up and knocked on the residence front door.

#### **Juvenile Battery Incident – 13-10369**

On April 3, 2013, Deputy Oliver was dispatched and responded to 2781 Fulford St., Deltona, FL in regard to a juvenile battery complaint. Deputy Oliver told investigators the incident was more than juvenile horseplay as he inaccurately wrote in his CAD comments after clearing the call for service with no report. Deputy Oliver said the incident happened a week prior to the reporting and he did not get the impression from the parents that they wanted anything more than him to talk to the parents of the other juveniles. However, Deputy Oliver never contacted the parents until the victim's parents complained to Sergeant Vickery two weeks later.

Deputy Oliver admitted he did not investigate and follow through with this complaint because he did not believe the matter was criminal because the victim's parents did not want to pursue criminal charges. He thought he went above and beyond by offering to extra patrol the school zone after school and offering to have the victim identify the suspects as they walked home from school. Deputy Oliver made no attempt to contact the school, knowing one of the suspects was in the same classroom as the victim. He also admitted to not conducting a neighborhood canvass or asking if there were any witnesses to the incident.

The original call information indicates that the victim knew the suspect children's names, although Deputy Oliver makes no attempt to positively identify or question them. Deputy Oliver acknowledges his shortcomings and negligence in his handling in this incident. Deputy Oliver told investigators the parents of the victim knew they were not getting a police report. He stated he explained to the parents there was a report of the incident in CAD. He later acknowledged he may have not been clear with his explanation about the police report with the parents.

After being ordered to properly document the incident by Sergeant Vickery, Deputy Oliver completed an incident report referenced by VCSO 13-10369. Deputy Oliver had Mrs. Rutherford, the mother of the victim complete a written statement. Deputy Oliver denied telling Mrs. Rutherford to write, "I do not wish to pursue criminal charges as juveniles." Deputy Oliver tried to explain to investigators that he tells complainants when writing a statement; they need to write whether they do or do not want to prosecute. He said he didn't tell Mrs. Rutherford what to write. Deputy Oliver's explanation is completely contrary to Mrs. Rutherford's sworn statement. Mrs. Rutherford told Lieutenant Eagan she has never heard or used that sort of verbiage in her life.

#### **Bicycle Theft Incident – 13-10039**

On April 13, 2013, Deputy Oliver responded 2781 Fulford St., Deltona, FL in regard to a stolen bicycle complaint. Deputy Oliver told investigators the bicycle Mr. Stone was reporting as stolen was unique; it was an antique three wheel bicycle with an unusual manufacturer name of Robin Hood. Deputy Oliver admittedly said he should have completed a police report regarding the stolen bicycle complaint. He explained that it was a common practice to not complete a police report on a stolen bicycle if there was not a serial number available to enter the bicycle in FCIC/NCIC as stolen. Sergeant Vickery confirmed Deputy Oliver's explanation that deputies often do not complete police reports on stolen bicycles without serial numbers. However; Sergeant Vickery believed under the circumstances, Deputy Oliver should have completed a police report because the complainant requested one and the uniqueness of the bicycle made it easily identifiable.

Deputy Oliver acknowledged he did not investigate the matter properly. He did not complete a neighborhood canvass. He remembered giving Mr. Stone a business card and event number and stated he may not have communicated well with Mr. Stone that a police report was not being completed.

When questioned, Deputy Oliver had the following response as to whether he felt he violated the following policy:

**26.2.35 Submission of Reports and Documents** - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor. Yes  
(Violation subject up to a 1 day suspension.)

**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. Yes  
(Violation subject up to a demotion.)

**26.2.106 Untruthfulness** - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. No  
(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.) (See Tab-M For Complete Transcript of Interview)* Yes

#### **CONCLUSION:**

On January 13, 2013, this investigation was presented along with a collateral investigation referenced by IA-13-024 to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directive to be:

**26.2.35 Submission of Reports and Documents** - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor. *(Violation subject up to a 1 day suspension.)* **Sustained**

**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.)* **Sustained**

**26.2.106 Untruthfulness** - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. *(Violation subject up to dismissal.)* **Sustained**

**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.)* **Sustained**

On January 13, 2013, Deputy Oliver was served with his Notice of Intent to Terminate and Suspension Without Pay at his home in DeLand by Sergeant Tatum and Investigators Gabriel and Bennett. His assigned vehicle and equipment were collected by investigators.

On January 22, 2014, Deputy Oliver was scheduled to meet with the Sheriff for his pre-disciplinary hearing. The meeting was canceled by Deputy Oliver's Teamster representative and Chief Steward Brodie Hughes. A Teamsters representative delivered Deputy Oliver's resignation letter. Sheriff Johnson waived Deputy Oliver's two week notice and accepted his resignation and waiver of appeal to the County Personnel Board. *(See Tab - B for Official Correspondence)*

**EXHIBITS:**

- A. Report Of Investigation
- B. Official Correspondence
- C. Complaint – Supervisor’s Inquiry & Police Report
- D. Advisement Administration Of Oath/Perjury Warning/Garrity Warning
- E. Official Transcripts Of Sergeant Mike Odgers
- F. Official Transcript Of Barbara and Jackie Miller
- G. Official Transcript Of Jennifer Rutherford
- H. Official Transcript Of Robert Stone Jr.
- I. Official Transcript Of Supervisor Todd Healy
- J. Official Transcript Of Technician Jose Corsino
- K. Official Transcript Of Sergeant Ken Vickery
- L. Official Transcript Of Sergeant Charles Whitener
- M. Official Transcript Of Deputy Andrew Oliver
- N. Miscellaneous Documents
- O. Water Meter Theft Incident 12-26315
- P. Juvenile Battery Incident 13-10369
- Q. Bicycle Theft Incident 13-10039
- R. Digital Media

**WITNESSES:**

Sergeant Mike Odgers  
Volusia County Sheriff's Office  
386-860-7030

Sergeant Ken Vickery  
Volusia County Sheriff's Office  
386-860-7030

Sergeant Charles Whitener  
Volusia County Sheriff's Office  
386-860-7030

Barbara Miller  
925 Hemingway Dr.  
Deltona, FL  
386-860-0309

Jackie Miller  
925 Hemingway Dr.  
Deltona, FL  
386-860-0309

Jennifer Rutherford  
2781 Fulford St.  
Deltona, FL  
386-837-3096

Robert Stone Jr.  
2781 Fulford St.  
Deltona, FL  
386-837-3096

Supervisor Todd Healy  
255 Enterprise Rd.  
Deltona, FL  
386-804-2383

Technician Jose Corsino  
255 Enterprise Rd.  
Deltona, FL  
386-804-2383



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: 01.22.14

**Lieutenant Erik Eagan**  
**Internal Affairs Investigator**

APPROVED BY: \_\_\_\_\_

DATE: 1/22/14

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

