

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-13-028

PERIOD COVERED: December 18, 2013
DATE REPORTED: December 27, 2013
SUBJECT(S) NAME: Deputy Jan Jennings #7941
INVESTIGATING OFFICER: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On December 27, 2013, the Volusia County Sheriff's Office (VCSO) Internal Affairs Unit received a written complaint from Neil Wittlin. The complaint alleged that Deputy Jan Jennings, while handling a call for service, stole an envelope containing approximately \$500.00 in U.S. currency from Mr. Wittlin's residence.

Mr. Wittlin contacted the Sheriff's Office on December 18, 2013 to report that he was the victim of a mystery shopper scam. Deputy Jennings responded to Mr. Wittlin's residence to conduct the initial investigation which was documented in VCSO incident report #13-34593. According to Mr. Wittlin's complaint, the envelope of money was unsealed and last seen on his kitchen table prior to Deputy Jennings arrival. Later that day Mr. Wittlin discovered the envelope missing and after he and his wife searched the residence he determined that Deputy Jennings may have taken it.

OFFENSE(S):

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

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 December 30, 2013, Chief Deputy Mike Coffin assigned the above case to the Internal Affairs Unit for investigation. This report details the investigation conducted by Investigator Glen Bennett.

Investigator Bennett reviewed Neil Wittlin's written complaint and VCSO incident report #13-34592 written by Deputy Jennings. In the written complaint, Mr. Wittlin alleged that Deputy Jennings took an open envelope that contained approximately \$500.00 while she was at his residence conducting a criminal investigation. (See Tab - H For VCSO Reports)

Neil Wittlin

On January 2, 2014, Investigator Bennett and Sergeant Tom Tatum conducted a sworn recorded interview with Neil Wittlin at 636 North Goodrich Drive in Deltona. The following is a summary of that interview:

Mr. Wittlin was unemployed for approximately a month and was in the process of searching for employment. Mr. Wittlin answered an ad in the newspaper about becoming a "Mystery Shopper" and was contacted by a man only known to him as "Boss." "Boss" sent a check to Mr. Wittlin with instructions to cash the check and use the money to make several specific purchases. Two of the purchases he made were gift cards at Walmart but according to "Boss", Mr. Wittlin purchased the wrong cards. When Mr. Wittlin attempted to return the cards he was advised by Walmart management that the cards were not returnable and that he was a victim of a scam. Mr. Wittlin then contacted the Sheriff's Office to report the mystery shopper scam (case# 13-34593). (See Tab - I For Miscellaneous Documents)

Mr. Wittlin was home alone at his residence when Deputy Jennings arrived. According to Mr. Wittlin, there was a white business type envelope containing approximately \$500.00 in U.S. currency on his kitchen table. Mr. Wittlin said the envelope was unsealed and according to him was very thick since it contained numerous cash denominations. Mr. Wittlin was not sure if the envelope contained exactly \$500.00 but he said it was within twenty dollars. Mr. Wittlin explained the envelope was on the kitchen table prior to Deputy Jennings arrival and it was discovered missing a few hours later after Deputy Jennings left his residence. When asked what the \$500.00 was for Mr. Wittlin replied, "That money was money I was holding on to that was part of a mystery shopper's scheme." Mr. Wittlin stated that his kitchen table was relatively clean and the envelope was in plain view.

Mr. Wittlin lives with his wife, daughter, son-in-law and their two young children. On the day Mr. Wittlin called to report the scam, he said nobody was home. He stated his family left in the morning and his wife was the first to come home between four and five o'clock that afternoon. When Mr. Wittlin's wife got home she inquired about the money when she didn't see it on the table. Mr. Wittlin said he and his wife began to look everywhere in the house for the envelope even going through his garbage cans thinking it may have been accidentally thrown out.

Mr. Wittlin stated that there were a few, what he described as "fresh dollars" from the bank, in the envelope. Mr. Wittlin was asked what the denominations of the bills were and he said, "Yeah there were probably two or three bills that were \$100 bills and then others were you know broken down into \$20's and so it was a rather thick stuffed envelope. Thick and you couldn't close it..." and there

When Deputy Jennings initially entered the residence she said she followed Mr. Wittlin to his bedroom where he had some information relevant to the case. During that time Deputy Jennings stated that Mr. Wittlin was on the phone as she attempted to gather information for her investigation. After gathering what information she could, Deputy Jennings determined Mr. Wittlin had not lost any money due to the scam. Deputy Jennings was then interested in the check he cashed but it was at the bank and had not yet been reported as fraudulent. Deputy Jennings said Mr. Wittlin did not provide her with any suspect information other than a man he referred to as "Boss." Deputy Jennings informed Mr. Wittlin that she was going to have him write a witness statement and she was going to provide him with a case number. Deputy Jennings said Mr. Wittlin tried to offer her several items including the gift cards and e-mails; however, based on her investigation those items were of no value.

Deputy Jennings said she never sat at the kitchen table; however, she did stand over Mr. Wittlin while he sat at the table only because there was no room based on all the clutter. Deputy Jennings was asked if she remembered seeing an envelope on the kitchen table that contained money and she responded, "*There was so much crap on that table; I don't even remember what was on that table.*" Deputy Jennings further stated that Mr. Wittlin never informed her of an envelope full of money. It should be noted that during Mr. Wittlin's sworn statement to Investigator Bennett, he stated the envelope full of money was part of the mystery shopper scam.

Deputy Jennings described Mr. Wittlin as, "*Kind of scatterbrained.*" Deputy Jennings kept trying to keep him on task so she could gather the proper information for her investigation. Deputy Jennings was sorry that he fell for a scam but according to her investigation he did not lose any money. Deputy Jennings was just gathering the information for her report so she could give him a case number so if the bank determined the check to be fraudulent they wouldn't come after him.

According to Deputy Jennings there was nothing of evidentiary value that she could have taken from Mr. Wittlin. Mr. Wittlin did show her the Walmart gift cards that he purchased with the cash; however, at the time the check had not been reported as fraudulent therefore the transaction was legitimate. Deputy Jennings said there were no investigative leads or suspects she could have followed up on.

Investigator Bennett asked Deputy Jennings if she took the white envelope that contained cash from Mr. Wittlin and she said she did not. Deputy Jennings stated she handled the call to the best of her ability. (*See Tab - F For Official Transcript*)

On January 28, 2014, Investigator Bennett contacted Lieutenant Sean Gowan, Assistant Commander District-4 in charge of investigations. Lieutenant Gowan had one of the District-4 investigators review VCSO case #13-34593 and they concluded that there were no leads that could have been followed up. The investigator determined that Mr. Wittlin was not the victim of a scam since he had not lost any money and the bank had not reported the check as fraudulent. Lieutenant Gowan further

may have also been 5's and singles. Mr. Wittlin was questioned as to whether the envelope was folded just one time and he replied, "Yeah. It had so that it looked like that [holding up his right hand with his pointer finger and thumb spread approximately 3-4 inches apart] you know like..."

Deputy Jennings conducted her investigation on December 18, 2013 and Mr. Wittlin filed the written complaint on December 27, 2013. Mr. Wittlin was asked why he didn't immediately call the Sheriff's Office on December 18, 2013 to report the incident to a supervisor and he replied, "I didn't want to believe it [deputy taking money]. My wife was shocked too. She didn't want to believe it." Mr. Wittlin admitted his life was in a chaotic state since being unemployed, coupled with falling victim to a financial scam which he believed put him further into a financial hole. Mr. Wittlin wanted to believe he misplaced the money; however, he said in his heart there was no other explanation for the money to be missing. (See Tab - E For Official Transcript)

Investigator Bennett made the decision to conduct the interview with Mr. Wittlin in Sergeant Tatum's unmarked vehicle parked in front of the house. This decision was made based on the number of dogs and Investigator Bennett's observations of how cluttered Mr. Wittlin's residence appeared when he initially opened the door.

On January 3, 2014, Investigator Bennett conducted a credit history check on Deputy Jennings. It was determined that Deputy Jennings had an above average credit rating with no outstanding debt. (See Tab - I For Miscellaneous Documents)

On January 6, 2014, Investigator Bennett served Deputy Jennings with a Notice of Internal Investigation at the Volusia County Fair Grounds in Deland. Deputy Jennings was provided a copy of the Officer Bill of Rights. (See Tab- B For Official Correspondence)

Deputy Jan Jennings

On January 15, 2014, Investigator Bennett and Investigator James Gabriel conducted a sworn recorded interview with Deputy Jan Jennings at the Sheriff's administrative offices in Deland. Also present for the interview was Teamsters Representative Brodie Hughes.

Deputy Jennings has been a Deputy Sheriff for the past two years assigned to District-4 patrol in the City of Deltona. Deputy Jennings was working on Wednesday December 18, 2013 and recalled responding to 636 North Goodrich Drive where she made contact with Mr. Wittlin.

Deputy Jennings was unaware of anybody else in the residence other than Mr. Wittlin and herself. When Deputy Jennings entered Mr. Wittlin's residence she described it as, "...hoarder like." Deputy Jennings said the dining room table was full of junk and there was stuff piled higher than she was tall. She further described the residence by saying, "There was food flowing from the pantries. The house smelled of dog urine. There was stuff all over the counters." The residence was described to be in disarray.

advised that Mr. Wittlin had yet to return any calls made to him by the investigator. The case was placed on a pending/suspended status. *(See Tab - H For VCSO Reports)*

Deputy Jennings response to the alleged policy violations:

Volusia County Merit System Rules and Regulations 86-453 (13), Any conduct, on No 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.)*

CONCLUSION:

On February 18, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directives to be:

Volusia County Merit System Rules and Regulations 86-453 (13) - Not Sustained

Deputy Jennings was sent a letter advising her of the Sheriff's final decision.
(See Tab- B For Official Correspondence)

EXHIBIT(S):

- A. Report of Investigation
- B. Official Correspondence
- C. Written Complaint
- D. Advisement Administration Of Oath/Perjury Warning/Garrity Warning
- E. Official Transcript Of Mr. Neil Wittlin
- F. Official Transcript Of Deputy Jan Jennings
- G. VCSO Reports
- H. Miscellaneous Documents
- I. Digital Media

WITNESSES:

Mr. Neil Wittlin
636 N. Goodrich Dr.
Deltona, FL 32725
386-789-3162

Deputy Jan Jennings
Volusia County Sheriff's Office
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.

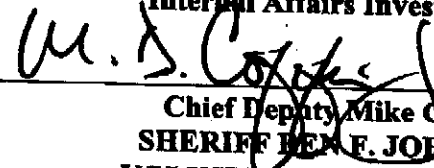
INVESTIGATOR: _____



DATE: 2/16/14

**Investigator Glen Bennett
Internal Affairs Investigator**

APPROVED BY: _____



DATE: 2/24/14

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