

VOLUSIA COUNTY SHERIFF'S OFFICE INTERNAL AFFAIRS

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-003

PERIOD COVERED: March 11, 2014 and March 14, 2014

DATE REPORTED: March 31, 2014

SUBJECT(S) NAME: Deputy Keith Baughman #7278

INVESTIGATING OFFICER: Sergeant Thomas Tatum #2405

BASIS FOR INVESTIGATION:

On January 31, 2014, Deputy Keith Baughman was ordered to serve an eighty (80) hour suspension without pay in reference to internal investigation IA-13-019. The dates of his suspension were February 24, 2014 through March 7, 2014. During the second pay period Deputy Baughman was suspended, he worked overtime on two of his days off; March 11 and March 14, 2014, which is in direct violation of Sheriff Johnson's written order in his Final Letter of Suspension. The order clearly reads, ***"You may not work any additional hours (i.e., scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition."*** Deputy Baughman had a total of 111.15 hours of work for the pay period ending on March 14, 2014. Deputy Baughman was served and signed for his Final Letter of Suspension referenced by IA-13-019, on January 31, 2014.

OFFENSE:

26.2.124 Compliance With Direct Order of a Superior or Competent Authority - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)*

INVESTIGATIVE SUMMARY:

On March 31, 2014, Chief Deputy Mike Coffin assigned the above described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Tom Tatum.

On April 1, 2014, Sergeant Tatum served Deputy Baughman with his Notice of Internal Investigation at the Saboda Training Center in Daytona Beach, FL. Deputy Baughman was provided a copy of the Law Enforcement Officer Rights.

Sergeant Tatum reviewed Deputy Baughman's timecard which showed he accumulated a total of 111.15 hours; including his 40-hour suspension without pay. The pay period covered the dates of March 1, 2014 through March 14, 2014. Deputy Baughman worked an outside detail on his scheduled day off on March 11, 2014 at Destination Daytona. Deputy Baughman punched in for his detail at 0858 hours and punched out at 1933 hours for a total of 10.5 hours. Deputy Baughman worked another scheduled day off on March 14, 2014. He punched in at 0558 hours and worked in Pierson, FL covering 21 Zone in District Two and punched out at 1801 hours for a total of 12 hours of work. Deputy Baughman had a total of 22.5 hours of overtime scheduled and worked for his days off during the pay period.

Major Robert Jones

On April 3, 2014, Sergeant Tatum conducted a sworn recorded interview with Major Robert Jones in his office located in the Sheriff's Office administrative building in Deland, FL. The following is a summary of the interview:

Major Jones has worked for the Volusia County Sheriff's Office for the past 26 years. His current assignment is the Commander of the Law Enforcement Services Division. Major Jones stated he was aware of the suspension dates Deputy Baughman had served reference IA-13-019 which were February 24- March 7, 2014. Major Jones did not authorize Deputy Baughman to work his scheduled days off (March 11 and March 14, 2014) during the pay period of his suspension. Major Jones stated at no time did he waive the order that is listed on the Final Letter of Suspension which indicates that the Division Commander may waive this prohibition at his discretion. *(See Tab E for Official Transcript)*

Sergeant Joel Turney

On April 7, 2014, Sergeant Tatum conducted a sworn recorded telephone interview with Sergeant Joel Turney. The following is a summary of the interview:

Sergeant Turney has worked for the Volusia County Sheriff's Office for the past 12 years. His current assignment is the supervisor of the Traffic and K-9 Unit in Deltona, FL where he has served for the past four years.

Sergeant Turney sent out an e-mail to all districts on February 2, 2014 looking for coverage on an outside detail at Destination Daytona during Bikeweek 2014. The detail was for the pedestrian crosswalk at the rear of the property on Destination Daytona Lane. Sergeant Turney stated he received a response via e-mail from Deputy Baughman on February 7, 2014, requesting to work the overtime on March 11, 2014. Sergeant Turney sent Deputy Baughman an e-mail on February 13, 2014, confirming the detail. Sergeant Turney stated Deputy Baughman never told him he could not

work the detail due to his suspension. *(See Tab I for e-mail Correspondence)*

Sergeant Turney stated he had a concern if Deputy Baughman was going to be able to work the detail he signed up for on March 11, 2014, due to his suspension. He could not recall if he spoke with Deputy Baughman or somebody else, but he was assured he would be able to work the detail. *(See Tab F for Official Transcript)*.

Sergeant George Maddox

On April 7, 2014, Sergeant Tatum conducted a sworn recorded telephone interview with Sergeant George Maddox. The following is a summary of the interview:

Sergeant Maddox has been with the Volusia County Sheriff's Office for 18 years and his current assignment is patrol supervisor for District Two in Deland, FL. He has been a supervisor for the past eight years.

Sergeant Maddox had a vacant zone on his shift (Charlie 21) and sent an e-mail on February 27, 2014, looking for coverage. Sergeant Maddox received two responses via e-mail from Deputy Baughman on February 27, 2014, which read, "I'll take the 14th, 16th and 19th." Sergeant Maddox stated the first e-mail he received from Deputy Baughman was at 0818 hours and the second was at 0822 hours. Both e-mails said the same thing as above. *(See Tab I for e-mail Correspondence)*

Sergeant Maddox never spoke with Deputy Baughman on the phone and only had correspondence via e-mail. Sergeant Maddox said Deputy Baughman did not tell him he could not work due to his suspension. *(See Tab G for Official Transcript)*

It should be noted that when Deputy Baughman signed up for the overtime in District Two on February 27, 2014, he was serving his 80 hour suspension.

Deputy Keith Baughman

On April 10, 2014, Sergeant Tatum and Lieutenant Erik Eagan conducted a sworn recorded interview with Deputy Baughman in the Sheriff's conference room in the Deland administrative building in Deland, FL. Also present during the interview was Teamster representative Brodie Hughes. The following is a summary of the interview:

Deputy Baughman has been with the Volusia County Sheriff's Office for the past 8 years. He is currently assigned to patrol in District Four, Deltona, FL.

Deputy Baughman stated when he received his Final Letter of Suspension on January 31, 2014, he read the letter but did not realize he was not allowed to work overtime during the pay periods of the suspension. Deputy Baughman told investigators he thought he was not allowed to work overtime only during the weeks he served his suspension. He said once he served the final day of suspension he thought he could go back to full duty. Deputy Baughman admitted to working his scheduled days

off on March 11, 2014 and March 14, 2014. Deputy Baughman told investigators it was not his intent to violate the written order and it was not done in malice, but he just misunderstood the wording. Deputy Baughman never requested permission nor did he receive permission from Major Jones to work his scheduled days off, because he thought the suspension was over.

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

26.2.124 Compliance With Direct Order of a Superior or Competent Authority - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.) (See Tab H for Official Transcript)* **Yes**

CONCLUSION:

On April 14, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff and his staff determined the violation of the below listed Department Standards Directive to be:

26.2.124 Compliance With Direct Order of a Superior or Competent Authority - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)* **Sustained**

Sheriff Johnson tentatively determined Deputy Baughman would serve a **forty (40) hour** suspension **without pay** for his discipline as a result of this internal investigation.

On April 21, 2014, Investigator Glen Bennett served Deputy Baughman with his Intent to Suspend letter at in the parking lot of the Winn-Dixie at the intersection of SR 44 and SR 15A in Deland, FL.

Deputy Baughman met with Sheriff Johnson on April 29, 2014 for a pre-discipline hearing in the Sheriff's conference room at the Volusia County Administration building in Deland, FL. Also present during the meeting was Chief Deputy Mike Coffin, Major Robert Jones, Lieutenant Erik Eagan, Sergeant Tatum and Teamster representative Brodie Hughes. After earnest consideration; Sheriff Johnson's final decision in accordance with Directive 26.1.72, was to deduct forty (40) hours of personal leave from Deputy Baughman's personal leave account in lieu of suspension.

Deputy Baughman was served with his Final Letter of Suspension on April 30, 2014 at his residence in Deland, FL.

EXHIBIT(S):

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint-Timecard printout for Deputy Baughman (March 1, 2014 through March 14, 2014)
- D. Advisement of Rights for Disciplinary Interview/Oath-Perjury Warning
- E. Official Transcript of interview with Major Robert Jones
- F. Official Transcript of interview with Sergeant Joel Turney
- G. Official Transcript of interview with Sergeant George Maddox
- H. Official Transcript of interview with Deputy Keith Baughman
- I. Miscellaneous documents
- J. Digital Media

WITNESSES:

Major Robert Jones
Volusia County Sheriff's Office
(386) 736-5961

Sergeant Joel Turney
Volusia County Sheriff's Office
(386) 736-5961

Sergeant George Maddox
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: 05/01/14

**Sergeant Thomas Tatum
Internal Affairs Investigator**

APPROVED BY: M. D. Coffin _____ DATE: 5/12/14

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