

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-004

PERIOD COVERED: January 11, 2014 through February 9, 2014

DATE REPORTED: February 9, 2014

SUBJECT(S) NAME: Deputy Scott Gering ID 7741

INVESTIGATING OFFICER: Sergeant Thomas Tatum ID 2405

BASIS FOR INVESTIGATION:

On February 9, 2014, Sergeant Tatum was notified by Chief Deputy Mike Coffin that Deputy Scott Gering was found sleeping in his patrol vehicle while on duty. Deputy Gering admitted consuming alcoholic beverages prior to his shift and reported for duty in an unfit manner.

Sergeant Tatum responded to the District Two Office in Deland, FL and met with Sergeant Mike Hattaway who is Deputy Gering's immediate supervisor. Sergeant Hattaway briefed Sergeant Tatum of the circumstances surrounding his encounter with Deputy Gering. Sergeant Hattaway advised that Deputy Gering was not logged onto the computer aided dispatch (CAD) prior to his scheduled shift at 0600 hours. Sergeant Hattaway contacted Deputy Gering by phone and Deputy Gering said that he had overslept and his alarm did not go off. Deputy Gering logged on for duty shortly after 0600 hours.

At 0754 hours Sergeant Hattaway noticed Deputy Gering was on a directed patrol at 2670 Spring Garden Ave. in Deland since 0738 hours. Sergeant Hattaway drove to Deputy Gering's location and observed his patrol car stationary on the side of the roadway. Sergeant Hattaway observed Deputy Gering to be seated in the patrol car sleeping. Sergeant Hattaway made contact with Deputy Gering who advised him that he had consumed alcohol at approximately 0230 hours prior to his shift at 0600 hours. Sergeant Hattaway did not detect the odor of an alcoholic beverage on Deputy Gering's breath or person. Sergeant Hattaway had another deputy drive Deputy Gering's patrol car to the District Two Office in Deland.

Deputy Gering has had several incidents in recent months related to tardiness issues which were documented in Employee Performance Notice - Counseling SD-14-008. Sergeant Hattaway completed a supervisor inquiry reference this incident which was documented by memorandum 052M011.14. (See Tab C for Supervisor Inquiry and EPN - Counseling SD-14-008)

OFFENSE(S):

26.2.13 Failure to Report for Duty Due to Conduct - Employees shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time. *(Violation subject up to a 5 day suspension.)*

26.2.14 Tardiness - Employees shall promptly report for duty properly prepared at the time and place required by assignments or orders. *(Violation subject up to a 1 day suspension.)*

26.2.33 Inattention to Duties, Loafing, Sleeping - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty. *(Violation subject up to a 1 day suspension.)*

INVESTIGATIVE SUMMARY:

On February 9, 2014, Chief Mike Coffin assigned the Internal Affairs Unit an investigation of an allegation against Deputy Scott Gering for tardiness and inattention to duties. This report documents the investigation by Sergeant Tatum.

On February 9, 2014, after responding to District Two, Sergeant Tatum requested Sergeant Keith Peck conduct a driving under the influence (DUI) investigation. Deputy Gering consented to field sobriety exercises (FSE) conducted by Sergeant Peck. The exercises were performed at the Risk Management office located at 230 N. Woodland Blvd in Deland, FL. At the conclusion of Sergeant Peck's investigation it was determined no probable cause existed for a criminal charge of driving under the influence.

[REDACTED]
[REDACTED]
[REDACTED] Due to Deputy Gering's inattention to duties and tardiness, he was relieved from duty for the rest of his shift. [REDACTED]
[REDACTED]

On February 14, 2014, Investigator James Gabriel served Deputy Gering with his Notification of Internal Investigation and provided him with a copy of the Law Enforcement Officer's Rights at his residence. *(See Tab B for Notice of Investigation)*

Sergeant Mike Hattaway

On March 12, 2014, Sergeant Tatum conducted a sworn recorded interview with Sergeant Mike Hattaway at the District Two office in Deland, FL. The following is a summary of the interview:

Sergeant Hattaway has been with the Volusia County Sheriff's Office since 2002 and is currently assigned to the District Two office in Deland, FL as a patrol supervisor. Sergeant Hattaway has been the immediate supervisor for Deputy Gering for the past five months.

Sergeant Hattaway stated within the past few months Deputy Gering has been reporting for duty late which he documented in Employee Performance Notice counseling that was issued on January 10, 2014. Sergeant Hattaway said during two incidents (January 1, 2014 and January 10, 2014), Deputy Gering overslept and Sergeant Hattaway had to call him or go to his residence to wake him up. Sergeant Hattaway advised the next day on January 11, 2014, Deputy Gering was scheduled to work at 0600 hours and once again was not logged onto the computer aided dispatch (CAD) just prior to his shift. Sergeant Hattaway stated he went to Deputy Gering's residence and woke him up. Deputy Gering advised Sergeant Hattaway the reason he was late was that he overslept and did not hear his alarm. Deputy Gering also told Sergeant Hattaway he had consumed alcoholic beverages the night prior and that may be a contributing cause for his chronic tardiness. Sergeant Hattaway [REDACTED]

[REDACTED] addressed the issue of alcohol consumption and use before his shift. Sergeant Hattaway also told Deputy Gering to obtain sleep at an earlier hour the night prior to his shift.

On February 9, 2014, Sergeant Hattaway noticed Deputy Gering was not logged onto CAD just prior to 0600 hours. Sergeant Hattaway called Deputy Gering on the phone and woke him up. Deputy Gering told Sergeant Hattaway he once again overslept and did not hear his alarm sounding. Deputy Gering logged on to CAD at 0601 hours. Sergeant Hattaway stated Deputy Gering did not show up to briefing until about 0630 or 0645 hours and appeared to be tired.

Sergeant Hattaway stated he checked CAD and saw Deputy Gering was logged out on a directed patrol at 2670 S. Spring Garden Ave. in Deland, FL. Sergeant Hattaway said he went to that location to meet with Deputy Gering to discuss his tardiness issue. Sergeant Hattaway advised he observed Deputy Gering parked on the side of the roadway and walked up to the patrol car and observed Deputy Gering sleeping behind the steering wheel. Sergeant Hattaway stated he stood by the patrol car for approximately three minutes and then opened the driver's side door which startled Deputy Gering. Sergeant Hattaway said he asked Deputy Gering if he was intoxicated due to his previous statement about consuming alcoholic beverages prior to his shift. Deputy Gering said he didn't believe he was intoxicated. Deputy Gering told Sergeant Hattaway he had consumed four beers and two shots of vodka the night before. Deputy Gering said he stopped drinking alcoholic beverages at approximately 0230 hours that morning. Sergeant Hattaway did not think Deputy Gering was fit for duty and contacted the District Two Assistant Commander, Lieutenant Don Taylor and briefed him on the incident. Lieutenant Taylor advised Sergeant Hattaway to take Deputy Gering to the District Two office and have another deputy drive his patrol car. Once it was determined Deputy Gering was not under the influence of alcohol; Sergeant Hattaway gave him a ride to his residence and relieved him from duty for the day. During the drive to Deputy Gering's residence, he told Sergeant Hattaway he believed he had an alcohol problem and he had been trying to handle it himself for the past two years which may be a contributing factor in his tardiness issues. [REDACTED]

Sergeant Hattaway stated Deputy Gering's work performance overall was, "Exceeds standards." Sergeant Hattaway said he had not noticed a decline in Deputy Gering's work performance over the

past few months other than the tardiness issues. (See Tab E for Official Transcript)

Deputy Scott Gering

On March 17, 2014, Sergeant Tatum and Lieutenant Erik Eagan conducted a sworn recorded interview with Deputy Scott Gering in the Public Information Office conference room in the Sheriff's Office Administration building in Deland, FL. Also present during the interview was Teamsters' Representative Brodie Hughes. The following is a summary of the interview:

Deputy Gering has been with the Volusia County Sheriff's Office since 2010 and is currently assigned to District Two patrol in Deland, FL. Deputy Gering has no previous law enforcement experience.

Deputy Gering stated he was late reporting for duty on January 11, 2014 because he slept through his wake up alarm and KRONOS alarm. He advised Sergeant Hattaway responded to his residence and woke him up. Deputy Gering stated he consumed vodka on the night prior to his shift and did not recall what time he went to bed. [REDACTED]

[REDACTED] Deputy Gering acknowledged the counseling notice written by Sergeant Hattaway for his tardiness issues that occurred on January 1, 2014 and January 10, 2014. Deputy Gering said after he was late two days in a row (January 10, 2014 and January 11, 2014) [REDACTED]. He realized he needed help and could not handle his alcohol problem on his own.

Deputy Gering said on February 9, 2014, Sergeant Hattaway called and woke him up because he once again overslept. He stated the reason why he overslept was that he did not get enough sleep and had been consuming alcoholic beverages the night before. Deputy Gering stated he reported for duty at approximately 0630 hours. Deputy Gering said once he left briefing, he logged out on a directed patrol at 2670 S. Spring Garden Ave. in Deland, FL. He said while he was on the directed patrol, he fell asleep in his patrol car. Deputy Gering said he was parked on the side of the road facing north at the end of a dead end street. Deputy Gering acknowledged he was in uniform in his assigned patrol car while sleeping. Deputy Gering stated Sergeant Hattaway woke him up and asked if he had been drinking the night before and he told him yes. When asked why he was sleeping in his patrol car, Deputy Gering responded, "I didn't get enough sleep the night before and I also had alcoholic beverages the night before." Deputy Gering confirmed he did not have any medical issues that would cause him to fall asleep. Deputy Gering stated he consumed four beers before midnight and then he consumed two shots of vodka between 0200 and 0230 hours. Deputy Gering stated he was at a birthday party in Debarry and then went to a bar where he stayed until approximately 2330 hours and was aware he had to work the next day. Sergeant Tatum asked Deputy Gering if he was intoxicated when he stopped drinking and he said, "I believe so yes." Deputy Gering acknowledged it was not a wise choice to consume alcoholic beverages several hours prior to his shift. Deputy Gering stated he believed the alcohol consumption was a contributing factor in his tardiness issues in recent months.

Deputy Gering said he told Sergeant Hattaway he had an alcohol dependency problem and had been attempting to resolve the issue on his own for the past two years. When Deputy Gering was asked if he has a dependency problem with alcohol, he said, "I did. I haven't had anything to drink for three weeks now." [REDACTED]

Deputy Gering said he was not fit for duty on February 9, 2014 because he did not get enough sleep.

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

26.2.13 Failure to Report for Duty Due to Conduct - Employees shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time. *(Violation subject up to a 5 day suspension.)* **Yes**

26.2.14 Tardiness - Employees shall promptly report for duty properly prepared at the time and place required by assignments or orders. *(Violation subject up to a 1 day suspension.)* **Yes**

26.2.33 Inattention to Duties, Loafing, Sleeping - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty. *(Violation subject up to a 1 day suspension.) (See Tab F for Official Transcript)* **Yes**

March 20, 2014, investigators received a copy of a letter of reprimand issued to Deputy Gering on January 15, 2014, for Deputy Gering's third tardiness since January 1, 2014, which occurred January 11, 2014. Sergeant Hattaway did not disclose this discipline to Sergeant Tatum during his internal affairs interview or in his supervisor inquiry. *(See Tab C for Letter of Reprimand - SD-14-047)*

CONCLUSION:

On March 21, 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 Directive to be:

26.2.13 Failure to Report for Duty Due to conduct -	Sustained
26.2.14 Tardiness -	Sustained
26.2.33 Inattention to Duties, Loafing, Sleeping -	Sustained

Sheriff Ben Johnson tentatively determined Deputy Gering would serve a three (3) day suspension without pay which equates to twenty-four (24) hours, [REDACTED] and a Performance Improvement Plan (PIP) for his discipline as a result of this internal investigation. Sheriff Johnson also ordered Deputy Gering to schedule a meeting with him in the next five days to discuss his future with the Volusia County Sheriff's Office.

On March 24, 2014, Investigator Glen Bennett served Deputy Gering with his Intent to Suspend letter at his residence in Orange City, FL.

On April 2, 2014, Deputy Gering met with Sheriff Johnson for his pre-disciplinary hearing in the Sheriff's administrative conference room in Deland, FL. Also in attendance were Chief Deputy Mike Coffin, Major Robert Jones, Lieutenant Erik Eagan, Sergeant Tatum and Teamsters representative Brodie Hughes. Deputy Gering took full responsibility for his actions. After earnest consideration Sheriff Johnson's final decision was to suspend Deputy Gering for three (3) eight (8) hour work days without pay [REDACTED]

On April 4, 2014, Sergeant Tatum served Deputy Gering with his Final Notice of suspension at the District Two office in Deland, FL.


EXHIBIT(S):

- A) Report of Investigation
- B) Official Correspondence
- C) Complaint-Supervisor Inquiry
- D) Administration of Oath/Perjury Warning
- E) Official Transcript of Sergeant Mike Hattaway
- F) Official Transcript of Deputy Scott Gering
- G) Miscellaneous Documents
- H) Digital Media

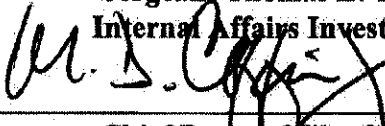
WITNESSES:

Sergeant Mike Hattaway
Volusia County Sheriff's Office
386-943-7866

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: 04/04/14

**Sergeant Thomas E. Tatum
Internal Affairs Investigator**

APPROVED BY:  DATE: 4/4/14

**Chief Deputy Mike Coffin
SHERIFF RENE JOHNSON
VOLUSIA COUNTY FLORIDA**