

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-011

PERIOD COVERED: January 2013 through March 2014

DATE REPORTED: May 5, 2014

SUBJECT(S) NAME: Deputy Sean Dwan ID 7110

INVESTIGATING OFFICER: Sergeant Thomas Tatum ID 2405

BASIS FOR INVESTIGATION:

On May 5, 2014, Staff Assistant II Loretta Voss received a letter from Ms. Janet Ivanhoe stating there was no deputy working security at the Rockin Ranch bar on March 28, 2014, and the signature on the billing docket for that date was not hers. Ms. Ivanhoe is the owner/operator of the Rockin Ranch country bar and has a contract with the Volusia County Sheriff's Office to provide security for her business. The letter was dated May 4, 2014, and signed by Ms. Ivanhoe. *(See Tab C for Official Complaint)*

Deputy Sean Dwan was the deputy scheduled to work the security detail on March 28, 2014. Research was conducted on previous billing dockets submitted by Deputy Dwan for the Rockin Ranch beginning in January 2013, and ending March 2014. The billing dockets for other deputies who had worked the Rockin Ranch detail were also pulled beginning in January 2013, and ending March 2014. The signatures for the other deputies who worked the detail appeared to be those of Janet Ivanhoe. The signatures on the billing dockets submitted by Deputy Dwan did not appear to be that of Ms. Ivanhoe because they were drastically different. *(See Tab I for Official Billing Dockets)*

Sergeant Tatum conducted a search in the computer aided dispatch (CAD) system for 801 S. Nova Rd. Ormond Beach, FL; the address of the Rockin Ranch. As a result of the search, it was determined Deputy Dwan failed to notify Central Communications of the location of the detail on March 28, 2014. *(See Tab J for CAD printout)*

On May 21, 2014, Sergeant Tatum and Investigator Glen Bennett conducted an interview with Janet Ivanhoe at her business. Ms. Ivanhoe confirmed she did not sign the billing docket for March 28, 2014, and she could not find the detail deputy when walking in the parking lot of the business. *(See below for details of the interview).*

OFFENSE:

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

22.9.14 Deputies shall notify Central Communications of the location of the detail when coming into service.

26.2.17 Failure or Refusal to Work Overtime or Special Hours - Employees shall report for duty or remain on duty, when scheduled to or assigned to work overtime, special events or special shifts. *(Violation subject up to a 5 day suspension.)*

26.2.109 Falsification of Official Documents - Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document. *(Violation subject up to dismissal.)*

INVESTIGATIVE SUMMARY:

On May 21, 2014, Chief Deputy Mike Coffin assigned the Internal Affairs Unit an investigation of an allegation against Deputy Sean Dwan for failure to work overtime or special hours, falsifying an official document and failure to notify Central Communications of the location of his detail. This report details the internal affairs investigation conducted by Sergeant Thomas Tatum.

Ms. Janet Ivanhoe

On May 21, 2014, Sergeant Tatum and Investigator Bennett conducted a sworn recorded interview with Janet Ivanhoe at the Rockin Ranch located at 801 S. Nova Road in Ormond Beach, FL. The following is a summary of the interview:

Ms. Ivanhoe confirmed she is the owner of the business called the Rockin Ranch in Ormond Beach, FL. Ms. Ivanhoe stated she has an agreement with the Volusia County Sheriff's Office to provide security in the parking lot of her business on scheduled dates. Ms. Ivanhoe said the detail deputy usually has a marked vehicle although sometimes they show up in an unmarked vehicle. The deputy usually stays outside the business in the parking lot and she asks them to periodically make rounds in the parking lot. Ms. Ivanhoe said she likes having the detail deputy available to go inside the business if there is a problem. Ms. Ivanhoe stated the detail deputy will typically park out front but occasionally they park out further in the lot. Ms. Ivanhoe said the detail is from 2300 hours to 0300 hours on Friday nights and she does not require the detail deputy to check in with her at the beginning of the detail, nor at the end of the detail. Ms. Ivanhoe said she will sign the billing docket if the detail deputy presents it to her but sometimes they don't. Ms. Ivanhoe stated nobody else has the authority to sign the billing docket and she did not know of any occasion where somebody other than her has signed the billing docket.

Ms. Ivanhoe did not know Deputy Dwan but she recognized the name. Ms. Ivanhoe confirmed she wrote the letter indicating she could not find the detail deputy who was assigned to work on March 28, 2014, and made a note in her calendar. Ms. Ivanhoe said she and one of her bar-backs walked the parking lot looking for the detail deputy

sometime after midnight but could not find him or her. Ms. Ivanhoe could not recall the reason why she was looking for him, but assumed it was due to a problem inside the business. Ms. Ivanhoe stated she did not go back outside to verify if the detail deputy had returned or was there. Ms. Ivanhoe confirmed she did not sign the billing docket for March 28, 2014, and she did not recognize the signature that was on the docket. Ms. Ivanhoe said she would usually fill out her name and phone number on the billing docket and then sign it.

Sergeant Tatum presented Ms. Ivanhoe with additional billing dockets submitted by Deputy Dwan to include the dates of February 28, 2014, and March 14, 2014, which she confirmed were not signed by her and the signature was not hers. Ms. Ivanhoe was presented with the billing docket dated April 14, 2014, which she confirmed **was** her signature. Ms. Ivanhoe was presented with the billing dockets from other deputies who have worked the Rockin Ranch detail during the calendar year 2014. She was able to confirm the billing dockets that had signatures were hers. Ms. Ivanhoe was shown the billing dockets Deputy Dwan submitted for the calendar year 2013, when he worked the Rockin Ranch detail. Ms. Ivanhoe confirmed the signatures on the billing dockets presented to her during the interview were not hers. Ms. Ivanhoe made the statement she felt like she was cheated.

Sergeant Tatum inquired about video surveillance at the business. Ms. Ivanhoe stated she has many cameras inside and outside the business but the video is recorded over every three weeks; therefore, no video was available. *(See Tab E for Official Transcript)*

On May 23, 2014, Sergeant Tatum and Investigator Bennett conducted surveillance on Deputy Dwan as he worked the assigned detail at the Rockin Ranch. The scheduled hours for the detail were 2300 to 0300. Sergeant Tatum and Investigator Glen Bennett began the surveillance at 2235 hours and observed Deputy Dwan arrive at the Rockin Ranch detail in his department issued prisoner transport van at approximately 2245 hours. Deputy Dwan parked the van on the very south end of the parking lot facing north.

During the course of the surveillance, Deputy Dwan was observed dividing his time between sitting in his van and walking the parking lot. Investigators did not observe Deputy Dwan leave the property at any point during the detail. At approximately 0220 hours Deputy Dwan moved his prisoner transport van approximately 40 feet closer to the business as the parking lot emptied. Deputy Dwan exited his transport van and was walking toward the front doors of the Rockin Ranch when he could no longer be observed by investigators. Investigators concluded the surveillance without detection.

On June 5, 2014, Sergeant Tatum served Deputy Dwan with his Notification of Internal Investigation and he was provided a copy of the Law Enforcement Officer's Rights at the Volusia County Branch Jail first appearance courtroom, Daytona Beach, FL. *(See Tab – B for Official Correspondence)*

Sergeant Jamie Grunder

On June 6, 2014, Sergeant Tatum and Lieutenant Eagan conducted a sworn recorded interview with Sergeant Jamie Grunder at the S. James Foxman Justice Center in Daytona Beach, FL. The following is a summary of the interview:

Sergeant Grunder has been with the Volusia County Sheriff's Office since 1998 and is currently assigned to the S. James Foxman Justice Center in Daytona Beach, FL. Sergeant Grunder has been a supervisor for the past eight years. Sergeant Grunder confirmed that Deputy Dwan works under his command as court security/prisoner transport. Sergeant Grunder is responsible for reviewing and approving the timecards for those under his command to include Deputy Dwan.

Sergeant Grunder stated on March 31, 2014, he manually entered the times of 2300 to 0300 hours for Deputy Dwan in the KRONOS system to reflect the hours he worked an outside detail. The outside detail Deputy Dwan was scheduled to work was the Rockin Ranch and there were red boxes showing missed punches. Sergeant Grunder said he entered the comments "Tech Problems" in the comment box to reflect an issue with the time punch. Sergeant Grunder stated he could not recall exactly what the issue was with Deputy Dwan not punching in for his detail, but said he would use the "Tech Problems" comment when a cell phone was not working to log into KRONOS. Sergeant Grunder said Deputy Dwan does not show him the billing dockets from the details he works he just sends them to Loretta Voss. Sergeant Grunder stated he approved Deputy Dwan's timecard and shortly after Deputy Dwan approved the timecard. *(See Tab F for Official Transcript)*

Deputy Sean Dwan

On June 13, 2014, Sergeant Tatum and Investigator Bennett conducted a sworn recorded interview with Deputy Sean Dwan in the Sheriff's Administrative office conference room in Deland, FL. The following is a summary of the interview with Deputy Sean Dwan:

Deputy Dwan has been with the Volusia County Sheriff's Office since 2005 and is currently assigned to the S. James Foxman Justice Center in Daytona Beach, FL. Deputy Dwan has five years of previous experience with the Florida Highway Patrol.

Deputy Dwan stated he works outside details approximately once or twice a week in different locations. Deputy Dwan confirmed the detail deputy is required to fill out a billing docket for the location, date, time and detail that is worked. He also verified there is a signature line at the bottom of the billing docket where a representative of the vendor signs to verify the hours worked. Deputy Dwan stated if he has a billing docket with him at the detail he would have the vendor sign for the hours, but sometimes he does not carry the billing docket with him. Deputy Dwan acknowledged the details are set up in advance and are rarely last minute.

Deputy Dwan stated he worked an outside detail at the Rockin Ranch on March 28, 2014,

from 2300 to 0300 hours. Deputy Dwan stated he did not notify Volusia County Central Communications (Central) of his location as required by policy when arriving at his detail. Deputy Dwan confirmed he had a portable radio that was in working order that evening. Deputy Dwan advised it was not like him to forget to notify Central of his location. Deputy Dwan said he was driving his department issued prisoner transport van that was marked with the Volusia County Sheriff's Office logo and clear LED external light bar. Deputy Dwan explained that before he was issued the prisoner transport van he would park his patrol car by the front doors of the Rockin Ranch. Due to the large size of the van, Deputy Dwan stated he parked further away in the parking lot on the south end. Deputy Dwan advised he checks in when arriving at this detail on some nights, but the primary function is security in the parking lot.

Deputy Dwan stated he read the letter Ms. Ivanhoe sent to Loretta Voss regarding the allegation that no deputy was working on March 28, 2014, and the signature on the billing docket was not hers. Deputy Dwan stated he was working the detail on March 28, 2014, and arrived around 2300 hours. Deputy Dwan was asked if he left the detail for any amount of time and he said, "*Not that I recall.*" Deputy Dwan said he has left on one or two occasions to get a drink from the 7-11, but could not recall if it was the night of March 28, 2014. Deputy Dwan advised in the past he would mention to the doorman that he would be off property to grab a drink.

Sergeant Tatum asked Deputy Dwan if there was any way for him to verify he worked the detail at the Rockin Ranch on March 28, 2014, since he did not log into KRONOS and did not notify Central Communications of his location. Deputy Dwan stated he could verify that he was there because he talked to a patron/friend named Roxanne Schaper who was there with a group of friends and talked to them in the parking lot. Deputy Dwan stated Ms. Ivanhoe spoke with him near the front door of the business when he worked the detail on April 12, 2014 and told him there was no deputy working for the last two weeks. Deputy Dwan checked his calendar and told Ms. Ivanhoe he was there on March 28, 2014, and he said the doorman interjected telling her he was there on that date. Deputy Dwan stated a senior bartender named "Hope" could also verify he was there on March 28, 2014. Deputy Dwan did not know the name of the doorman. Deputy Dwan stated he did not have Ms. Ivanhoe sign the billing docket because he did not recall seeing her there that night. Deputy Dwan said somebody else who was wearing a Rockin Ranch t-shirt signed the billing docket but he could not recall who it was. When questioned whether it was a male or female who signed the billing docket, Deputy Dwan said, "*I think it was a male, but I really don't know.*" Deputy Dwan stated under oath that the signature on the March 28, 2014 billing docket was not his signature and it was not Ms. Ivanhoe's.

Sergeant Tatum showed Deputy Dwan the billing dockets from other deputies who had worked the Rockin Ranch detail since 2013. Deputy Dwan stipulated that the signatures on the billing dockets from 2013, which were submitted by the other deputies, appeared to have the signature of Ms. Ivanhoe. Deputy Dwan was shown the billing dockets he submitted from the Rockin Ranch for the year 2013 and asked whose signature was on the line where the vendor would sign, Deputy Dwan stated,

“That’s not a signature. I made this line on here. That was when I, I made these out the following day or the day after and I just put it there. And I was just, it’s just me, it’s almost like putting a line. That’s, that’s me doing that.”

Sergeant Tatum asked Deputy Dwan what the purpose was of doing that and he replied,

“Just so there’s something there. I’m not trying to forge a signature that’s not my intent. I’m just; I’m just putting a line. I’m just writing swirls. I’m just, that’s just me putting a line through it. I, I’m not trying to forge Ms. Ivanhoe’s signature. That is not my intent at all. I’m not writing Janet. I’m not writing Ivanhoe. It is Ivanhoe, yeah Ivanhoe. I’m not writing her name.”

Deputy Dwan stated when it comes to the Rockin Ranch detail he just puts a line through the vendor signature the next day. Deputy Dwan admitted none of the 2013-2014 billing dockets with the line or swirl were signed by Ms. Ivanhoe or any other representative of the Rockin Ranch other than March 28, 2014. Sergeant Tatum asked Deputy Dwan why he would write a swirl or a “line” as he called it instead of writing Not Applicable (N/A) or vendor not available. Deputy Dwan stated he never thought about writing N/A or vendor not available. Deputy Dwan was told by investigators that the line or swirl he made on the vendor signature line appeared to be a signature, he replied, *“I’m not trying to make that look like a signature. That’s not my intent. I’m just putting a line; just you know putting a line through.”* Deputy Dwan stated Ms. Ivanhoe was available many of the nights in 2013 to sign the billing docket, but it was his error because he did not bring the billing dockets with him. Deputy Dwan acknowledged he scheduled the outside details in advance and had plenty of time to be prepared with the proper billing dockets when he worked, but he didn’t have them and he was just *“lazy.”* Deputy Dwan admitted that he made the marks just to have something there to send it through. Deputy Dwan stated he was there on all of the nights he was scheduled to work. *(See Tab G for Official Transcript)*

When questioned, Sergeant Dwan had the following response as to whether he felt he violated the following policy:

- | | |
|---|------------|
| 22.9.14 Deputies shall notify Central Communications of the location of the detail when coming into service. | Yes |
| 26.2.17 Failure or Refusal to Work Overtime or Special Hours | No |
| 26.2.109 Falsification of Official Documents | No |

Follow up to information provided by Deputy Dwan:

Sergeant Tatum attempted to contact Roxanne Schaper by telephone on June 16, 17 and 20, 2014. Ms. Schaper did not answer any of the phone calls and did not return any of the messages left for her by Sergeant Tatum.

On June 24, 2014, Sergeant Tatum attempted to contact Ms. Schaper in person at the address listed on her driver's license, 1239 Vagabon Dr. in Port Orange, FL. A male answered the door of the mobile home and stated he has lived at that residence for the past two years and occasionally received mail for the names Roxanne Schaper and Roxanne Gary; however she did not live there. Sergeant Tatum ran the name Roxanne Gary in DAVID and the information for Roxanne Schaper came up with the same address. A search of RMS (Record Management System) showed an address of 833 Hibiscus Ave. in Holly Hill, FL as recently as September 2013 for Roxanne Schaper.

On June 25, Sergeant Tatum and Lieutenant Eagan went to 833 Hibiscus Ave. in Holly Hill, FL and attempted contact with Ms. Schaper with no answer. Sergeant Tatum left a business card on the front door of Ms. Schaper's residence with a notation "Please call." As of July 7, 2014, Ms. Schaper had not contacted Sergeant Tatum.

Hope Hawryluk (Rockin Ranch Bartender)

On June 26, 2014, Sergeant Tatum conducted a sworn recorded phone interview with Hope Hawryluk. The following is a summary of the interview:

Mrs. Hawryluk has worked at the Rockin Ranch for the past three years as a bartender. Her hours are 1800-0300 every Wednesday, Thursday and Friday. Mrs. Hawryluk stated she believed she was working on March 28, 2014, because she doesn't recall taking any time off. Mrs. Hawryluk stated she did not know Deputy Dwan personally, but she may recognize him if she saw him. Mrs. Hawryluk said she talks to a lot of people when she works and all of the nights run together. Mrs. Hawryluk said she would not be able to verify if Deputy Dwan was working on March 28, 2014.

Mrs. Hawryluk stated she does not have the authority to sign billing dockets, only Janet Ivanhoe can sign them because she is always at the bar between 0100 and 0300 hours. Mrs. Hawryluk explained that she only has the authority to sign trespass warnings on behalf of Ms. Ivanhoe, not the billing dockets. *(See Tab H for Official Transcript)*

CONCLUSION:

On July 8, 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:

22.9.7 A billing docket and overtime card shall be completed for each Sustained detail

22.9.14 Deputies shall notify Central Communications of the location of the detail when coming into service. Sustained

26.2.17 Failure or Refusal to Work Overtime or Special Hours -
Employees shall report for duty or remain on duty, when scheduled to or assigned to work overtime, special events or special shifts. *(Violation subject up to a 5 day suspension.)* Not Sustained

26.2.109 Falsification of Official Documents - Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document. *(Violation subject up to dismissal.)* Not Sustained

26.2.124 Compliance with a Direct Order from a Superior or Competent Authority- Employees shall comply with the direct orders or instruction given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. Sustained

On July 14, 2014, Sergeant Tatum and Lieutenant Eagan served Deputy Dwan with his Notice of Intent to Terminate at the James Foxman Justice Center in Daytona Beach, FL. During that service, Deputy Dwan displayed a defiant and insubordinate attitude when dealing with investigators. Deputy Dwan surrendered his firearm, gun belt and uniform shirt then walked away in defiance of an order to stop and return. Investigators intended on transporting Deputy Dwan to his residence in order to take possession of additional Sheriff's Office equipment and credentials. Deputy Dwan defied the order of investigators once again as he walked south on Ridgewood Ave. in Daytona Beach, FL after being ordered to stop. Deputy Dwan was still an employee of the Volusia County Sheriff's Office when he violated a direct order from a superior or competent authority.

On July 18, 2014, Deputy Dwan met with Sheriff Johnson for his pre-discipline hearing in the Sheriff's conference room in the County Administrative building in Deland, FL. Also present during the meeting was Chief Deputy Mike Coffin, Major Rocky Norris, Lieutenant Erik Eagan, Sergeant Tatum, Teamsters representatives Brodie Hughes and Bob Walker. Deputy Dwan accepted responsibility for his actions.

On July 21, 2014, Sheriff Johnson accepted the resignation of Deputy Dwan who waived his right to a Personnel Board Hearing.

EXHIBITS:

- A. Report Of Investigation
- B. Official Correspondence
- C. Complaint – Letter from Janet Ivanhoe
- D. Advisement Administration Of Oath/Perjury Warning/Garrity Warning

- E. Official Transcript of Janet Ivanhoe
- F. Official Transcripts of Sergeant Jamie Grunder (VCSO)
- G. Official Transcript Of Sergeant Sean Dwan
- H. Official Transcript of Hope Hawryluk
- I. Copies of Rockin Ranch Billing Dockets from 2013-2014
- J. Misc. Documents
- K. Digital Media

WITNESSES:

Ms. Janet Ivanhoe
 281 Ocean Shore Blvd.
 Ormond Beach, FL 32176
 386-677-8888

Sergeant Jamie Grunder
 Volusia County Sheriff's Office
 Deland, FL 32721
 386-736-5961

Hope Hawryluk
 1441 Old Kings Rd.
 Daytona Beach, FL 32117
 386-341-7001

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: 7/31/14

**Sergeant Thomas Tatum
 Internal Affairs Investigator**

APPROVED BY:  DATE: 7/31/14

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