

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-023

PERIOD COVERED: August 06, 2014

DATE REPORTED: August 06, 2014

SUBJECT(S) NAME: Deputy Gregory Ray #7558

INVESTIGATING OFFICER: Inv. James Gabriel

BASIS FOR INVESTIGATION:

On August 06, 2014, Deputy Greg Ray notified Sergeant Genovese that he had caused damage to county property. Deputy Ray indicated that he had been training Deputy Aaron Chavez on how to retrieve information regarding a wanted person on his Mobile Data Computer (MDC). Deputy Ray explained to Sergeant Genovese that the MDC was not responding quickly enough for him. In frustration, he then struck the screen of the MDC with his fist. This action shattered the screen of the MDC. *(See Tab C for Incident Report)*

Sergeant Genovese subsequently interviewed Deputy Ray in the Sergeant's Office at District 6. During the interview Deputy Ray maintained that he did not intentionally damage the MDC but it was his reaction to frustration. Deputy Ray took full responsibility for his actions. Sergeant Genovese learned from VCSO Information Technology that the estimated damage to the MDC was \$1,000.00, later determined to be \$650.00.

On August 07, 2014, Sergeant Genovese completed a Supervisory Inquiry and an Auto Incident Report documenting the events as reported by Deputy Ray. Upon completion, both documents were forwarded through the chain of command for review. *(See Tab C for Supervisory Inquiry and Auto Incident Report)*

OFFENSE(S):

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

26.2.99 - Intentional Abuse of Equipment or Vehicles - Employees shall ensure the maintenance

and utilization of Department or County equipment is in accordance with established procedures and shall not intentionally abuse, misuse or damage said equipment or vehicles. (*Violation subject up to a demotion.*)

INVESTIGATIVE SUMMARY:

On October 10, 2014, Chief Deputy Mike Coffin assigned the above incident to the Internal Affairs unit. This report details the internal affairs investigation conducted by Investigator James Gabriel.

On October 17, 2014, at approximately 1630 hours, Investigator Gabriel met with Deputy Ray at the Volusia County Training Center. At this time he was delivered the Notification of Internal Investigation form (File: 041M0107.14). Deputy Ray was also given a copy of his Law Enforcement Bill of Rights. (*See Tab B for Official Documents*)

Deputy Aaron Chavez

On October 23, 2014, at 1305 hours Investigator Gabriel conducted a sworn recorded interview with Deputy Aaron Chavez within the Internal Affairs Office of the Volusia County Sheriff's Office. The following is a summary of the interview:

Deputy Chavez is a one (1) year veteran of the Volusia County Sheriff's Office. His current assignment is District Four Patrol. Deputy Chavez has no prior law enforcement experience.

Deputy Chavez advised that on August 06, 2014, he was accompanied by Deputy Ray who was training him during the road phase of training. He advised that the hours of the shift were from 1500 to 0300 hours. At one point during the shift Deputy Ray attempted to retrieve information about a wanted person on the MDC. Deputy Chavez stated that Deputy Ray became impatient due to a slow response by the MDC, striking the MDC screen with his fist. The result of Deputy Ray's action caused the screen to shatter. Deputy Ray then made the statement "Don't do that."

Deputy Chavez indicated that Deputy Ray subsequently wrote a report which detailed the incident and told him that he was going to list him (Deputy Chavez) as a witness. Deputy Chavez further advised that Deputy Ray took full responsibility for the incident. Additionally, he advised that during the ensuing days Deputy Ray made no further comments to him about the incident. (*See Tab- E for Official Transcript*)

Deputy Gregory Ray

On October 24, 2014, at 1330 hours Investigator Gabriel conducted a sworn recorded interview with Deputy Gregory Ray within the Internal Affairs Office of the Volusia County Sheriff's Office. (Deputy Ray had no representative with him) The following is a summary of the interview:

Deputy Ray was provided an opportunity to review all documentation pertaining to the incident.

Prior to the interview he was provided with a copy of the Advisement of Rights for a Disciplinary Interview (Garrity Warning). Deputy Ray signed the form and acknowledged that he understood it.

Deputy Ray has been employed by the Volusia County Sheriff's Office since July 2008. His current assignment is District Six Patrol (Swing shift). Deputy Ray has no prior law enforcement experience.

Deputy Ray advised that on August 06, 2014, he was working patrol with his trainee- Deputy Aaron Chavez. Deputy Ray advised that he attempted to pull up information on a wanted person via his MDC. He stated that the MDC was very slow and he became very frustrated. He then struck the screen of the MDC with his fist. Deputy Ray advised that this action caused the MDC screen to shatter. He subsequently notified his superiors of the incident and also wrote an incident report that detailed the damage.

Deputy Ray advised that he regretted his action and did not intentionally damage the MDC. He indicated that he was personally embarrassed and took full responsibility for his action.

When questioned, Deputy Ray had the following response as to whether he felt he violated the following policies:

26.2.99 Intentional Abuse of Equipment or Vehicles **Yes**
(See Tab E for Official Transcript)

CONCLUSION:

On October 24, 2014 this investigation was concluded. The statements given by Deputy Ray and Deputy Chavez were consistent with what was documented in the supervisory inquiry submitted by Sgt. Genovese. After review, the Sheriff determined the violations of the below listed Department Directive to be:

26.2.99 - Intentional Abuse of Equipment or Vehicles **Sustained**

On November 11, 2014 Deputy Ray was served his letter Final Letter of suspension at the Sheriff's Office administrative offices, Deland.

EXHIBIT(S):

- A. Report of Investigation
- B. Official Correspondence
- C. Supervisory Inquiry
- D. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- E. Copies of Official Transcript of Deputy Aaron Chavez
- F. Copies of Official Transcript of Deputy Gregory Ray
- G. Digital Media

WITNESSES:

Deputy Aaron Chavez
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: James Gabriel DATE: 11/18/14
Investigator James Gabriel
Internal Affairs Investigator

APPROVED BY: Mike Coffin DATE:
Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA