

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-15-013

PERIOD COVERED: August 2014 –May 2015

DATE REPORTED: May 9, 2015

SUBJECT(S) NAME: Deputy James Greene #2390

INVESTIGATING OFFICERS: Lieutenant Jessica Paugh #6845

BASIS FOR INVESTIGATION:

On May 9, 2015, Deputy John Braman of the Volusia County Sheriff's Office received several email correspondences from a known acquaintance, Beau Glover. The emails addressed Mr. Glover's dislike for Deputy James Greene, advising Deputy Greene was intentionally harassing his family and others associated with his kin. Beau Glover included in his emails, verbiage indicating he knew where Deputy Greene lived, what Deputy Greene drove, and would take matters in his own hands; clarifying his statements were more than idle threats. Deputy Braman brought a copy of these emails to Deputy Greene, who later shared them with his chain of command for support.

After Deputy Greene's chain of command reviewed the emails, it was determined the Mr. Glover's complaints were generated based on specific instances that he believed constituted harassment. The complaints ranged from Deputy Greene always being in the area of a residence belonging to his Aunt, Martha Neely to Deputy Greene's' constant attempt to put his cousin, Austin Neely, in jail. Additional complaints included: Deputy Greene conducting illegal traffic stops on people acquainted with the Neely's, threatening and disrespectful words and gestures toward Mr. Glover and Austin Neely, as well as illegal search and seizure. Based on the content of the emails, an Internal Investigation was initiated to address the validity to Mr. Glover's complaints.

OFFENSES:

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

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. (*Violation subject up to a 5 day suspension.*)

RE: 26.2.48 Use of Profanity - Employees shall not use profanity or vulgarity in speech or gesture at any Department work place, on or off duty, in public or while representing the Department or County in any manner. (*Violation subject up to a 1 day suspension.*)

26.2.63 Harassment - Employees shall not use their official position to harass threaten or coerce any person. (*Violation subject up to a 5 day suspension.*)

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 June 30, 2015, Lieutenant Paugh was provided a copy of all the emails between Deputy Braman and Beau Glover. Lieutenant Paugh was also given a spreadsheet of Deputy Green's Automated Vehicle Locator (AVL) for the date range of June 7, 2014 through June 7, 2015. The print out was created by Captain Bosco, who identified twenty eight (28) separate GPS coordinates indicating Deputy Greene's location to be in the area of 1 Needles Drive, Ormond Beach. This address was determined to be the residence Mr. Glover described as belonging to his aunt, and where his cousin, Austin Neely, resides. Lieutenant Paugh verified the GPS coordinates and then compared them to Force Watch. Deputy Greene was determined to be in the area, not assigned to a call, twenty (20) of the twenty-eight (28) listed on the print out.

Prior to being turned over to Internal Affairs, Lieutenant Pagliari and Sergeant Turner conducted interviews regarding this complaint. A summarized account of each interview was turned over to Lieutenant Paugh for review. Lieutenant Paugh contacted the subjects previously interviewed and scheduled appointments to verify their statements, and swear the testimony provided.

On July 6, 2015, Chief Deputy Robert L. Jones III assigned the above incident to the Internal Affairs Unit. Deputy Greene was served with a Notification of Internal Investigation and a copy of the Law Enforcement Bill of Rights, in Ormond Beach.

Martha Neely

On July 13, 2015, Lieutenant Paugh conducted a sworn, taped interview with Martha Neely. Martha Neely advised Lieutenant Paugh that the content of information, provided in the summary drafted by Sergeant Turner, was true and accurate. Mrs. Neely swore to the following testimony regarding her involvement with Deputy Green:

Mrs. Neely stated she believed Deputy Greene was singling out her grandson, Austin Neely, providing different instances involving Deputy Greene. Mrs. Neely began by referring to a stolen vehicle investigation where Deputy Greene arrived with several other officers at her home and made Austin climb out of his bedroom window. According to Neely, they had tracker dogs

on the property who were seen sniffing around her driveway and she overheard Deputy Greene identifying Austin Neely as a suspect.

Mrs. Neely stated in another incident she was at a local gas station with her son Fred. Deputy Greene, while in plain clothes and off duty, approached her and asked her if she knew who he was. Mrs. Neely stated that Deputy Greene then identified himself and made a reference that "they got him this time". This comment placed Mrs. Neely in fear that Austin would be arrested, however, he was not.

Mrs. Neely stated that Deputy Greene unlawfully conducted a traffic stop on a vehicle Austin was occupying and issued a citation to the driver, only because Austin was in the vehicle. Mrs. Neely stated Deputy Greene then attempted to violate Austin for a curfew violation because he was out past his allotted time. Mrs. Neely advised Deputy Greene conducted another traffic stop on a family member, Paul Glover, for illegal tint. Mrs. Neely stated that this traffic stop occurred only after Deputy Greene parked in the cul- de- sac near her home waiting for people to leave the residence. Mrs. Neely advised the vehicle did have unlawful tint, however Paul Glover did not receive a ticket.

Mrs. Neely stated that Deputy Greene would sit in the area of her home, intentionally shine his spotlight at the residence, and reportedly was told by a neighbor to stop parking in their driveway on her same street due to his frequent presence at that location.

Austin Neely

After speaking with Mrs. Neely, Lieutenant Paugh conducted a sworn, recorded interview with Austin Neely. Austin stated that the summary provided by Sergeant Turner was a true and accurate account of his interview with him. Lieutenant Paugh asked Austin about the incident directly involving him and Deputy Greene at the home of Brianna Jarvis. According to Austin, while in the driveway of Jarvis's home, Deputy Greene pulled up in his marked Volusia County patrol vehicle. Deputy Greene reportedly got out of the car, while in plain clothes, told Austin to leave the property immediately. During this exchange, Deputy Greene used profanity telling Austin to "Get the fuck out of here" and threatened to "kick his ass". Austin also advised that Deputy Greene enlisted the school resource deputy at Seabreeze High school, Deputy James Moore, to caution Austin against talking to Brianna Jarvis.

It should be noted that Brianna Jarvis is the niece of Deputy Greene, and lives on the same street as Deputy Greene.

Fred Neely

On July 15, 2015, Lieutenant Paugh conducted a sworn, recorded interview with Austin Neely's father, Fred Neely. Mr. Neely stated that he has known Deputy Greene for many years from Deputy Greene's proactive policing in his area. Mr. Neely said from when Austin was a boy, Deputy Greene would talk with Austin at the bus stop and always try to be a positive influence on Austin. Mr. Neely stated when Austin began to get into trouble he asked Deputy Greene to

keep an eye on Austin. Mr. Neely states that he believes Deputy Greene may be taking his role too far.

Mr. Neely describes patrol cars in the area spotlighting the neighborhood, traffic stops on people leaving his residence on Needles, and described an incident where Deputy Greene accused Austin of being involved in a vehicle theft after he was awakened by police and K9s in his front yard.

Mr. Neely described Deputy Greene as very helpful over the years and wished his presence back in his neighborhood stating, "I hope he comes back to our neighborhood because I feel safe when he is around".

Deputy James Moore

On July 15, 2015, Lieutenant Paugh conducted a sworn, recorded interview with Deputy James Moore. Deputy Moore stated that his current assignment was the school resource officer at Seabreeze High School. Deputy Moore was asked if Deputy Green ever instructed him to advise Austin Neely to stop talking to Brianna Jarvis. Deputy Moore stated "No". Deputy Moore advised that he was initially told about Austin by the school resource deputy before him. Deputy Moore stated that Deputy Greene had reached out to him about Austin's recent criminal activity and also advised Austin was hanging out with Deputy Greene's niece. Deputy Moore stated that Deputy Greene was concerned with his niece and asked him to keep an eye on her.

Deputy Moore stated that he had sat with Austin on his own accord to gather information about his probation status to update the school administration. Deputy Moore stated that during this conversation he did advise Austin that hanging out with Brianna could be problematic. Deputy Moore stated that he elected to have that conversation on his own, and was not solicited by Deputy Greene. When asked why he felt compelled to get involved he stated:

"Well I mean it's a deputy's family member. It could cause more scrutiny for him and more scrutiny for the deputy and I just didn't want anybody else to get in trouble or cause anymore criminal activity with anybody".

Deputy Moore described the interaction with Austin as positive, stating he was pleasant and receptive to Deputy Moore.

Brianna Jarvis

On July 21, 2015, Lieutenant Paugh conducted a sworn, recorded interview with Brianna Jarvis. Accompanying Ms. Jarvis was her mother, Kim Jarvis. Brianna advised she was the niece of Deputy Greene, and currently attended school with Austin Neely. Brianna stated that one day she and Austin were in her garage, when Deputy Greene pulled into her driveway. Deputy Greene reportedly exited his marked patrol car and began to yell at Austin. Brianna stated that Deputy Greene told Austin to leave her property and to not return. Brianna stated she did not recall Deputy Greene threatening to harm Austin, and he was in plain clothes at the time of the

incident. Brianna stated she had never discussed her friendship with Austin prior to this date, and was unaware Deputy Greene had known Austin. Kim Jarvis described Deputy Greene as a father figure to Brianna and believes his actions were in the best interest of Brianna.

Beau Glover

On July 21, 2015, Lieutenant Paugh conducted a sworn, recorded interview with Beau Glover and his grandmother, Jean Wells. Mr. Glover stated that he drafted messages to Deputy Braman after he was advised by family members of Deputy Greene's alleged harassment. Mr. Glover stated that he knew Deputy Braman from their past relationship as co-workers at an appliance facility. Mr. Glover stated that he reached out to Deputy Braman, not as a formal complaint, but to ask Deputy Braman for assistance with Deputy Greene. Mr. Glover stated that he had no firsthand knowledge of any of the complaints described in his emails, except for the incident where he attempted to speak with Deputy Greene himself.

Mr. Glover went to great lengths in describing the actions of Deputy Greene through the examples provided by his family members. Mr. Glover stated that Deputy Greene appears to have an agenda to arrest Austin, in effort to violate his probation. Mr. Glover indicated that Deputy Greene makes illegal traffic stops on Austin's friends and his family members because he sees them parked at Austin's residence. Mr. Glover stated that Deputy Greene drives up and down the street of Austin's home, shining his spotlight at the residence to be a nuisance. Mr. Glover stated that Deputy Greene threatened to harm his cousin Austin, after Deputy Greene observed Austin at the home of Brianna Jarvis.

Mr. Glover stated that he does not know Deputy Greene and had not encountered him prior to attempting to speak with Deputy Greene at the District Three Office. Mr. Glover described the incident as he felt he needed to speak with Deputy Greene "man to man", in attempt to gain some insight on why Deputy Greene was harassing his family. Mr. Glover stated that just after learning that Deputy Greene conducted a traffic stop on his brother, Paul Glover, for illegal tint, he went to the District Three substation and asked for Deputy Greene. Upon introducing himself to Deputy Greene, Mr. Glover stated Deputy Greene would not speak with him regarding his actions and reportedly "flicked him off" as he drove away in his patrol car.

Mr. Glover stated that he then called in to speak with Deputy Greene's supervisor. Mr. Glover describes the supervisor as "immediately trying to cover the tracks for the agency." Mr. Glover stated he "disconnected the call" with the supervisor "after it sounded like they were just trying to take up for the officer."

In closing, Mr. Glover reiterated that Austin was almost complete with his probation and did not need any additional issues from Deputy Greene to prohibit the successful completion

Sergeant Corey Piser

On July 23, 2015, Lieutenant Paugh conducted a sworn, recorded interview with Sergeant Corey Piser. Sergeant Piser advised that when she became Deputy Greene's sergeant, Deputy Greene was assigned to zone 32. This zone encompassed the residence of Austin Neely, 1 Needles

Drive. Sergeant Piser advised she knew who Austin Neely was because of her long standing patrol function in the District III corridor. Sergeant Piser advised that Deputy Greene had kept a series of files on criminals in his area of responsibility and would share the information with her and shift members, to include a file on Austin Neely. Sergeant Piser described Deputy Greene as very thorough with a sound working knowledge of all criminal activity in the District III area.

Sergeant Piser stated she fielded a call from Mr. Beau Glover when he attempted to complain on Deputy Greene. Sergeant Piser advised Mr. Glover hung up on her once he was notified that she had observed the encounter between Deputy Greene and him through the mirrored glass window of the district Office.

Sergeant Piser further explained she was at the District Office on the date Mr. Glover approached Deputy Greene outside the district Office. According to Sergeant Piser, she was drawn to look out the window because she heard tires screeching. This was later reported to be Mr. Glover taking off at a high rate of speed. Deputy Greene had advised Sergeant Piser that he was approached by a man who identified himself as Beau Glover. Deputy Greene advised he had just pulled over Glover's brother and Beau Glover was trying to solicit conversation with him. Deputy Greene advised Mr. Glover he had no reason to speak with him regarding issues that didn't concern him and exited in his patrol vehicle. Sergeant Piser stated soon after speaking with Deputy Greene she was contacted by Beau Glover. According to Sergeant Piser, neither she nor Deputy Greene knew who Beau Glover was prior to that date.

Sergeant Piser was asked if she had every conducted extra patrol in the area of 1 Needles Drive. Sergeant Piser advised that she, and most members of that district, do regular extra patrols because the area has been known for criminal activity. Sergeant Piser described her extra patrol as driving through the neighborhood and utilizing her spotlights between houses.

Sergeant Piser did not recall any complaints generated against Deputy Greene while working as his supervisor.

Deputy James Greene

On August 6, 2015, Lieutenant Paugh conducted a sworn, recorded interview with Deputy James Greene. Deputy Greene advised he was currently assigned to patrol, and has served with the Volusia County Sheriff's Office since 1997.

Deputy Greene was asked about the Facebook messages he received from Deputy Braman, and his knowledge of Beau Glover. Deputy Greene advised that Deputy Braman had brought him a series of Facebook messages that contained allegations of impropriety on his behalf, as well as threats directed at Deputy Greene. Deputy Greene concerned with the content of the messages, brought the information to the criminal investigative sergeant of the District III office, James Turner. Deputy Greene advised that he had met Mr. Beau Glover on one occasion in front of the District III office after conducting a traffic stop on Glover's brother. During the traffic stop, he discovered the driver, Paul Glover, was related to a known juvenile delinquent, Austin Neely. (Deputy Greene advised he had stopped the vehicle for illegal tint, but did not issue a citation.)

Deputy Greene stated upon reading the Facebook messages, he became alarmed when Beau Glover indicated he knew where Deputy Greene lives and what he drives, believing he and his families were in danger. Deputy Greene stated along with bringing this to the attention of a supervisor, he immediately purchased a security system for his home. Deputy Greene added in recent months an unknown suspect had tampered with his personal vehicle while the vehicle was parked in his residential driveway. That incident, coupled with the threats of Beau Glover, elevated his awareness to the situation at hand.

The interview to follow with Deputy Greene addressed each aspect of the complaints Beau Glover touched upon in his email thread. The following is a summation of how Deputy Greene addressed each point:

- Deputy Greene advised he has known Austin Neely for many years, to include when he was a young boy. Deputy Greene stated that Austin lives in zone 32, at the address of 1 Needles Drive, Ormond Beach. Deputy Greene stated that he has personally been involved in cases where Austin had been arrested for grand theft, and has conducted criminal investigations that Austin was named a suspect. Deputy Greene advised he was friendly with Austin's father, Fred Neely, and was asked by Mr. Neely to look after Austin.

Deputy Greene stated that he has never issued Austin a citation, nor has he ever personally placed Austin under arrest. Deputy Greene stated he keeps a file of Austin in his vehicle that contains a list of his violations and stipulations for probation, along with other known criminals in his zone. Deputy Greene advised the information that he has on Austin was given to him by Carla Quan, stating she is in charge of the juvenile ankle monitoring system for Volusia County. Deputy Greene stated that she provides him all the information on juveniles that are on probation within his area of responsibility. Deputy Greene advised he has been collecting this type of data for approximately thirteen years.

- Deputy Greene was asked about the incident that occurred at the home of Brianna Jarvis. Deputy Greene stated that upon driving home that day, he observed Austin Neely accompanying his niece, Brianna, in the garage of Brianna's home. Deputy Greene advised, unfamiliar with any relationship between the two, he immediately stopped and yelled to Austin. Deputy Greene advised he began pointing his finger at Austin, saying:

“this is not going to happen! She is fourteen years old and you are seventeen.....stay away from my family....you're a convicted felon....your on felony probation....you're a thief...you steal cars at night....get out of here now”.

Deputy Greene stated he was not in uniform, he was not armed (his firearm inside the vehicle), and he never threatened to harm Austin. Deputy Greene stated he does believe he used profanity when he told Austin to leave, describing his level of alarm high.

Deputy Greene stated that Brianna does not have a father, and his role has always been that of a father figure. He attributes his reaction as one a father would have toward his daughter in that given situation. Deputy Greene stated that his residence is around the corner from Brianna's home, and he was just driving passed when he observed Austin in the home. Deputy Greene confirmed he was in his patrol car, but was not on duty.

- Deputy Greene was asked if he had requested Deputy James Moore to contact Austin or to advise him to stay away from Brianna. Deputy Greene stated he never asked Deputy Moore to speak with Austin, but had asked him to keep an eye on Brianna to ensure she was not getting into any trouble.
- Deputy Greene was asked about an incident Mr. Glover refers to in his complaint where Deputy Greene pulled Austin out of his bedroom window, in the middle of the night. Lieutenant Paugh read excerpts of Port Orange Police Report 14-08-00495 to Deputy Greene, which indicates that a stolen vehicle investigation in the area of Austin Neely's home ultimately led the K9 track to Austin Neely's driveway. The report stated Deputy Greene, accompanied by several other officers, conducted an investigation at the home, finding Austin's window open. Austin's father was awakened and an attempt to interview Austin was denied.

Deputy Greene confirmed the events recorded in that report were accurate and confirmed Austin was never pulled from his bedroom window at any point during this incident. Deputy Greene also added that this incident was documented in a report generated by Deputy Greene as well, VCSO 14-23208.

- Deputy Greene was asked about a traffic stop Beau Glover indicated that Deputy Greene affected illegally, and in doing so, also attempted to violate Austin's probation. Lieutenant Paugh provided Deputy Greene with a copy of a uniformed traffic citation, as well as a CAD print out of the stop. Deputy Greene advised he had authored the citation and recalls the violation. Deputy Greene was also provided a copy of the clerk print out with the disposition of the ticket.

The disposition revealed that the ticket was paid by the driver, and the driver elected to take a driving course and the ticket was never contested.

Deputy Greene was then presented with VCSO case 15-2821. Deputy Greene confirmed he authored this report regarding a curfew violation and sent the report to Carla Quan. Deputy Greene stated he did not contact Austin's probation officer directly, nor did he send the paperwork directly to the probation office. The only notification he made was through the ankle monitoring department.

Deputy Greene refrained from initiating an arrest, electing to have the curfew violation reviewed.

- Deputy Greene was asked if he conducts extra patrols in the area of Austin Neely's home. Deputy Greene stated he has done several extra patrols in the area. Deputy Greene advised that he conducts the extra patrols the same as he would any other, utilizing his spotlight and driving through neighborhoods. Deputy Greene stated that he does not always log all extra patrols done within the county as a CAD entry, but does utilize CAD often. Lieutenant Paugh provided a printout to Deputy Greene that revealed statistics gathered based on his past call history.

Deputy Greene identified and confirmed based on these statistics the following:

- Between January 2014- July 2015 Deputy Greene conducted 972 extra patrols
- 35 of these were in the area of Austin Neely's residence.
- Between the dates June 2014 and June 2015 Deputy Greene worked 2,750 hours in 32 zone
- The percentage of time he was in the area of 1 Needles Lane was determined to be less than 1 percent, results indicating .16%

Deputy Greene advised during all his time patrolling, he has never been confronted by a civilian or asked to leave the area, as reported by Martha Neely.

- Deputy Greene was asked about an incident where he reportedly approached Martha Neely at a gas station, while off duty, and exchanged words about Austin. Deputy Greene stated he does not recall ever speaking with her while in an off duty capacity or in the situation described by Mrs. Neely.

At the conclusion of Deputy Greene's interview, Deputy Greene explained that he strives to combat juvenile crime by being a positive role model. Deputy Greene states that he makes appoint to interact with the juveniles in his zone, being visible on school property and available when they need assistance. Deputy Greene advised he interacts with local parents, offering advice and counseling kids to be better people. Deputy Greene stated his goal is to educate kids and the public on criminal activity. Deputy Greene also explained that his intent toward Austin Neely was never to harass him, but to "enforce the law when he breaks it".

Deputy Greene was questioned if he felt he violated the below listed policies regarding this investigation. The following are his responses to the alleged violations:

26.2.34 Failure to Follow Directive or Order RE: 26.2.48 Use of Profanity	No
26.2.63 Harassment	No
Volusia County Merit System Rules and Regulations 86-453 (13).	No

CONCLUSION:

On September 15, 2015, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff and his staff determined the allegations to be:

26.2.34 Failure to Follow Directive or Order RE: 26.2.48 Use of Profanity	Unfounded
26.2.63 Harassment	Unfounded
Volusia County Merit System Rules and Regulations 86-453 (13)	Unfounded

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- D. Official Transcripts of Martha Neely
- E. Official Transcripts of Austin Neely
- F. Official Transcripts of Fred Neely
- G. Official Transcripts of Deputy James Moore
- H. Official Transcripts of Brianna Jarvis
- I. Official Transcripts of Beau Glover

- J. Official Transcripts of Sergeant Corey Piser
- K. Official Transcripts of Deputy James Greene
- L. Miscellaneous Documents
- M. Digital Media

WITNESSES:


Martha Neely
1 Needles Drive
Ormond Beach, FL

Austin Neely
(Juvenile)

Fred Neely
1 Needles Drive
Ormond Beach, FL

Beau Glover
203 South Orchard Street
Ormond Beach, FL


Brianna Jarvis
(Juvenile)

Kim Jarvis

Ormond Beach, FL

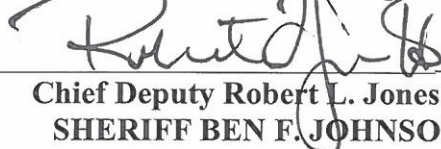
Deputy James Moore
VCSO

Sergeant Corey Piser
VCSO

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: 9-17-15

**Lieutenant Jessica Paugh
Internal Affairs Investigator**

APPROVED BY:  DATE: 10-20-15

**Chief Deputy Robert L. Jones III
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA**