

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-15-015

DAVID Investigation: All personal information garnered from DAVID that is contained in this report will be kept confidential in accordance with Florida State Statute and Federal Law.

PERIOD COVERED: June 23, 2015
DATE REPORTED: September 8, 2015
SUBJECT(S) NAME: Sergeant Jonelle Hillyard #2383
INVESTIGATING OFFICERS: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On March 13, 2015, Sergeant Jonelle Hillyard utilized the Driver and Vehicle Information Database (DAVID) to access personal information without a legitimate law enforcement purpose. According to the Florida Department of Law Enforcement (FDLE), Sergeant Hillyard accessed the emergency contact information belonging to [REDACTED]. In accordance with Florida Law, the Sheriff's Office Records Division notified [REDACTED] in writing of the incident.

On June 3, 2015, Lieutenant James Day sent Sergeant Hillyard an e-mail requesting an explanation as to why she accessed DAVID. The e-mail contained an attachment which listed the names, dates and reason indicated for the query. Sergeant Hillyard responded to the request, stating that she "honestly" did not know why she queried the names, adding that deputies under her supervision at the courthouse would ask her to look up names for various reasons without a call being generated.

On July 11, 2015, Sergeant Hillyard was given a letter of reprimand for accessing a secure/restricted database without a legitimate business purpose.

On September 8, 2015, Sheriff's Office Records Department received correspondence from [REDACTED], outlining her concerns about the accessing of her personal information. [REDACTED] believed Sergeant Hillyard's actions were not by mistake.

It was alleged that Sergeant Hillyard should have identified [REDACTED] on the spreadsheet and notified Lieutenant Day.

OFFENSES:

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

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 September 10, 2015, Chief Deputy Robert L. Jones III assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Investigator Glen Bennett.

[REDACTED]

On September 11, 2015, Investigator Bennett and Sergeant Justin Sawicki conducted a sworn recorded interview with [REDACTED] at her residence in [REDACTED], FL. The following is a summary of that interview:

[REDACTED] received a letter from the Sheriff's Office on September 6th advising that her personal information was accessed by a Sheriff's Office employee. [REDACTED] contacted the Sheriff's Office Records Section on September 8th expressing her concern over the incident. Upon learning it was Sergeant Hillyard who accessed her information, [REDACTED] replied [REDACTED] it was her belief that the search of her personal information was no accident.

[REDACTED]
[REDACTED] According to [REDACTED]
[REDACTED] therefore Sergeant Hillyard would have no reason to query her name using DAVID.

Lieutenant James Day

On September 14, 2015, Investigator Bennett conducted a sworn recorded interview with Lieutenant James Day at the District-2 headquarters in Deland, FL. The following is a summary of that interview:

Lieutenant Day has been with the Sheriff's Office since October of 2001 and is currently in charge of Community Services. Sergeant Hillyard works under Lieutenant Day's command and has done so since June of 2015.

Lieutenant Day received an e-mail from Major Charles "Chico" Mandizha on June 23rd advising him to ascertain a reason for the queries Sergeant Hillyard conducted on DAVID. Attached to

the e-mail was a spreadsheet which included the names of the deputies, dates and purpose for the searches conducted. Prior to forwarding the e-mail to Sergeant Hillyard, Lieutenant Day called and advised her of the major's request.

Lieutenant Day forwarded the e-mail to Sergeant Hillyard at 9:28AM and he received her answer at 9:50AM that same day. Lieutenant Day read a portion of the e-mail response received from Sergeant Hillyard; "*Honestly, I don't know why I have looked at emergency contact information unless it was by accident...She goes on to state while I was assigned at the courthouse deputies would ask her to be run [names] for various reasons without a call being generated.*" Upon receiving Sergeant Hillyard's response, Lieutenant Day sent Sergeant Hillyard's reply up the chain of command as requested. A few weeks later, Lieutenant Day was advised to issue Sergeant Hillyard a letter of reprimand as a result of her unauthorized use of the DAVID database.

On the day Sergeant Hillyard was issued the letter of reprimand, Lieutenant Day explained, "*She [Sergeant Hillyard] looked me straight in the eye and assured me that she did not use the information for any illegal or immoral purpose. I mean that was directly eye to eye contact and she also assured me that it would never, ever happen again.*" Additionally, Sergeant Hillyard advised Lieutenant Day, "*...I don't know why I ran those two people's names...*" According to Lieutenant Day, he believed Sergeant Hillyard was truthful in her explanation.

Sergeant Jonelle Hillyard

On September 23, 2015, Investigator Bennett and Sergeant Sawicki conducted a sworn recorded interview with Sergeant Jonelle Hillyard at the Sheriff's administrative offices in Deland, FL. The following is a summary of that interview:

Sergeant Hillyard has been with the Sheriff's Office since May of 1996 and was promoted to the rank of Sergeant in January of 2004. Sergeant Hillyard was assigned to Court Services prior to transferring to Community Services on June 6, 2015.

Sergeant Hillyard received a letter of reprimand on August 11, 2015 as a result of the unauthorized searches she conducted using the DAVID database. After being disciplined, questions were raised regarding the search she conducted on [REDACTED]

When Sergeant Hillyard received the e-mail from Lieutenant Day requesting an answer for her queries, she said she opened the spreadsheet but didn't spend much time looking at it. The spreadsheet was set up in a series of columns and rows indicating dates, times, purpose of the search and the names queried by the deputy. There were nine deputies and thirty six individuals whose names were queried. Sergeant Hillyard indicated in the interview that she only saw the names, [REDACTED] and [REDACTED]. [REDACTED]'s name was listed directly on

top of the name [REDACTED] with [REDACTED] just above [REDACTED]. [REDACTED] was queried by another deputy listed below Sergeant Hillyard on the spreadsheet.

Sergeant Hillyard said she did not recognize [REDACTED]'s name on the spreadsheet, "...it did not register. Like I said I, I opened [spreadsheet] up quickly. Again I was like this is; this is a mistake because you know I didn't use this information." It was later explained to Sergeant Hillyard that merely accessing someone's emergency contact information is a violation whether it is used or not. Sergeant Hillyard explained, "...I accept full responsibility. I shouldn't have run it [REDACTED]. I have no reason to run her emergency contact information." (See Tab – G for Spreadsheet)

Sergeant Hillyard took responsibility for running [REDACTED] and could only think of two reasons why she did. "There's only two reason I would run her name, to see if her license was suspended [REDACTED] or [REDACTED]"

Sergeant Hillyard didn't take the e-mail seriously since she never used the emergency contact information nor did she remember accessing it. When Sergeant Hillyard sent her response to Lieutenant Day, she was not trying to deceive him in anyway and takes responsibility for her actions.

When questioned, Sergeant Hillyard had the following response as to whether she felt she violated the following policies:

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.	YES
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CONCLUSION:

On October 13, 2015, 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:

Volusia County Merit System Rules and Regulations 86-453 (13).	Unfounded
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The Sheriff's decision was based on the prior discipline Sergeant Hillyard received on August 11, 2015.

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- D. Official Transcripts of [REDACTED]
- E. Official Transcripts of Lieutenant James Day
- F. Official Transcripts of Sergeant Jonelle Hillyard
- G. Miscellaneous Documents
- H. Digital Media

WITNESSES:



Lieutenant James Day
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: 10/15/15

Glen Bennett
Investigator Glen Bennett
Internal Affairs Investigator

APPROVED BY: _____ DATE: 10/20/15

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