



# VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

## REPORT OF INVESTIGATION

REPORT NUMBER: IA 23-007

**PERIOD COVERED:** March 06, 2023, through July 5, 2023

**DATE REPORTED:** July 5, 2023

**SUBJECT(S) NAME:** Deputy Enmanuel Pena, #9153  
Deputy Sean McRae, #8206

**INVESTIGATING OFFICER:** Sergeant Andrew Calkins, #7929

### BASIS FOR INVESTIGATION:

On July 5, 2023, Sergeant Calkins was apprised of an inappropriate sexual relationship involving a female recruit and two members of Volusia Sheriff's Office training staff. The female recruit, Cari Haines, admitted to engaging in a consensual sexual relationship with Deputy Enmanuel Pena and Deputy Sean McRae. Another female recruit, Kimberly Pugliese, aware of both relationships, provided information to substantiate the information. Both former deputies were assigned to the training section as instructors at the time. Deputy Pena's official position was the Academy Coordinator, responsible for managing the recruits, including Haines and Pugliese. Through initial interviews, it was discovered the sexual activities involving Deputy Pena possibly happened on Volusia Sheriff's Office property. Due to the allegations, Deputy Pena was immediately placed on administrative leave. Deputy McRae's official position was the Emergency Vehicle Operations Course (EVOC) instructor. Deputy McRae was reassigned to court services due to the incident locations being less clear at the time. During the active internal affairs investigation, Deputy McRae and Deputy Pena resigned from the Volusia Sheriff's Office.

On July 5, 2023, Chief Deputy Brian Henderson initiated an internal affairs investigation due to the nature of the allegations.

## **OFFENSES:**

### **Former Deputy Enmanuel Pena**

**GO-026-02.IV.B.3** – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

**GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order** – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

**GO-026-02.IV.G.2.a – General Proficiency** – VSO personnel are required to possess a sound working knowledge of the policies and procedures established by general orders and standard operating procedures.

**GO-026-02.IV.C.5.f – 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.

**GO-026-02.IV.D.9.m - Fraternization** – In order to promote the efficient and effective operation of the VSO and to avoid misunderstandings, complaints of favoritism and other problems of supervision, security, morale, and possible claims of sexual harassment, hostile work environment or discrimination, direct-report romantic relationships are discouraged. Should a direct-report relationship develop, it is incumbent upon both parties involved to immediately notify the Sheriff in writing via chain of command.

**GO-026-02.IV.D.9.x – Code of conduct** – Employees of the VSO are employed to provide service to the citizenry and the public in general and are expected to conduct themselves in a manner that will reflect credit upon the VSO. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business.

**GO-026-02.IV.G.3.a - Supervisory Responsibility** - Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor has the responsibility and authority for assigning, reviewing, and monitoring activities of subordinate staff under their command. In addition, a supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all VSO written direction as provided through general orders, Training Bulletins, policies and procedures.

**Former Deputy Sean McRae**

**GO-026-02.IV.B.3** – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

**GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order** – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

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**GO-026-02.IV.G.3.a - Supervisory Responsibility** - Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor has the responsibility and authority for assigning, reviewing, and monitoring activities of subordinate staff under their command. In addition, a supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all VSO written direction as provided through general orders, Training Bulletins, policies and procedures.

## **INVESTIGATION:**

On July 5, 2023, Chief Deputy Brian Henderson assigned the above incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Sergeant Andrew Calkins.

Immediately after being notified of the allegations, former Deputy Pena and former Deputy McRae were removed from the training facility. As stated earlier, former Deputy Pena was placed on administrative leave with pay, while former Deputy McRae was transferred to court services.

On July 5, 2023, Sergeant Calkins served former Deputy Pena with a Notice of Internal Investigation and his Law Enforcement Officer's Bill of Rights. Both documents were signed by former Deputy Pena, acknowledging his receipt. In addition, former Deputy Pena was placed on Administrative Leave with Pay effective immediately, pending the outcome of the internal affairs investigation.

On July 6, 2023, Sergeant Calkins served Deputy McRae with a Notice of Internal Investigation and his Law Enforcement Officer's Bill of Rights. Both documents were signed by former Deputy McRae, acknowledging his receipt.

Sergeant Calkins obtained all the Volusia Sheriff's Office email correspondence between Haines, former Deputy Pena, and former Deputy McRae. Sergeant Calkins also obtained the text messages from former Deputy McRae's work cell phone. Sergeant Calkins did not observe any notable information pertinent to the investigation. Sergeant Calkins noted former Deputy Pena was not issued a work cell phone.

### **Interview with Deputy Recruit Kimberly Pugliese**

On July 11, 2023, at approximately 0906 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Recruit Kimberly Pugliese. Sergeant Calkins conducted the interview at the Stephen Saboda Training Center, located at 3901 Tiger Bay Road, Daytona Beach. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Pugliese advised she has been with the Volusia Sheriff's Office since March 6, 2023, and is in the Volusia Sheriff's Office academy. Pugliese was asked how the command structure worked as a recruit. Pugliese stated both former Deputy Pena and Haines were part of her chain of command. Pugliese explained as a recruit, she would report to the squad leader, who would then report to the class leader, which previously was Haines. The class leader would report to the academy coordinator, former Deputy Pena, who reported to Sergeant Rego.

Pugliese advised she became friends with Haines due to having similar interests. Pugliese stated she and Haines would exercise frequently off duty and occasionally have dinner. Due to their close relationship, Haines confided in Pugliese personal information, including that she developed a sexual relationship with former Deputy Pena and former Deputy McRae. Haines provided Pugliese with some details of the relationship as it evolved.

Pugliese was asked about her knowledge of the sexual relationship, specifically between Haines and former Deputy Pena. Pugliese stated she was unsure when the relationship developed but believed it started as a friendship that eventually escalated. Sergeant Calkins asked Pugliese how former Deputy Pena and Haines communicated with each other. Pugliese advised Haines and former Deputy Pena used Snapchat to communicate, which started on May 26, 2023. On that date, former Deputy Pena, utilizing the pseudonym "*Frank Lewis*," friend requested Haines and began communicating frequently. Pugliese was asked about the intricacies of how to use Snapchat. Pugliese advised that messages and pictures are sent between two parties and that they typically auto-delete after they are read. Pugliese stated you can change the settings to save for 24 hours which after that time will auto delete. Pugliese was unsure if Haines had any of the messages on Snapchat.

Pugliese advised former Deputy Pena, and Haines had a sexual relationship numerous times, including outside work and on Volusia Sheriff's property. Pugliese was asked about the sexual relationship on Volusia Sheriff's Office property. Pugliese stated on Fridays, she and Haines would typically shower in the locker room after class so they could go immediately to dinner. Pugliese advised on an unknown Friday, after working hours, she was showering when Haines received a message from former Deputy Pena on Snapchat to meet him in his office. Haines left the locker room and returned as Pugliese was getting changed. Haines admitted to Pugliese that she and former Deputy Pena had a sexual relationship in his office before getting into the shower. Pugliese stated she was in disbelief and disgusted so she went home afterward instead of getting dinner. Pugliese said the incident occurred past work hours after everyone had left the facility. Haines also disclosed a similar incident to Pugliese that happened after she and Haines went for a run.

Pugliese stated that former Deputy Pena met Haines into the simulator room while on break during class hours. Pugliese said she observed Haines exit the room and during a later conversation, disclosed she and former Deputy Pena were kissing and groping each other. Pugliese advised Haines disclosed on a separate date during a break that former Deputy Pena met Haines in a closet and had sexual relations before working hours.

Pugliese stated the sexual relationship between Haines and former Deputy Pena also happened off duty. Pugliese recalled one incident where former Deputy Pena drove his agency-issued vehicle to an elementary school in Deltona to meet with Haines. Former Deputy Pena got into Haines's personal vehicle and drove around the area while engaging in sexual acts.

Pugliese was asked about her knowledge of the sexual relationship, specifically between Haines and former Deputy McRae. Like former Deputy Pena, former Deputy McRae used Snapchat to communicate with Haines. Pugliese advised that Haines and former Deputy McRae would mostly meet off-duty outside Volusia county so they wouldn't be seen together. According to Pugliese, she believed there was one instance of a sexual relationship at the EVOC track between Haines and former Deputy McRae. Pugliese advised that Haines had to complete remedial training on an exercise with former Deputy McRae. During the exercise, both individuals in the vehicle alone engaged in sexual acts while the vehicle windows were rolled up. Pugliese was told about the incident by Haines later that day.

According to Pugliese, Haines frequently showed her photos on Snapchat from former Deputy McRae and former Deputy Pena. Pugliese recalled one photo where former Deputy McRae sent a picture of his face with the caption, "... *can't wait to put handcuffs on you later or something along those lines.*" Pugliese advised former Deputy McRae friend requested her on social media but that she deleted it. Pugliese never added former Deputy Pena on social media.

Pugliese stated that to her knowledge, neither former Deputy Pena nor former Deputy McRae knew about each other's sexual relationship with Haines. Pugliese said former Deputy Pena made several comments to Haines about keeping the relationship quiet because he was married and that he would lose his job. According to Pugliese, the relationships between Haines, former Deputy Pena, and former Deputy McRae were consensual. Pugliese advised she's had no contact with either individual since they were removed from the facility.

Pugliese advised that just before the sexual relationship became public, Haines disclosed the relationship with former Deputy Pena to another instructor, Deputy Pedro Palmier. Haines also disclosed the relationship to Deputy Royce James. Haines made the disclosures around and during the Fourth of July weekend. After Haines revealed the relationship, Pugliese knew she had to make her knowledge of the association known, so when she returned to work after the long weekend on July 5, she immediately contacted Sergeant Rego. Pugliese advised she didn't go to the chain of command earlier because her chain involved Haines and former Deputy Pena.

It should be noted, according to Volusia Sheriff's Office General Order GO-022-10 - Sexual Harassment, it states if the complaint is against a supervisor, employees can circumvent the chain of command and make the complaint to any other supervisor within the agency. Each recruit reviews this specific general order and signs a document acknowledging they have reviewed and understand the policy. (See Summary for Further Details)

At the conclusion of the interview, Pugliese added that during former Deputy Pena and Haines's sexual relationship, she was approached by Haines about joining the sexual relationship. Haines

frequently asked Pugliese if she wished to participate, which Pugliese vehemently and repeatedly declined. Pugliese advised former Deputy Pena made the request through Haines, but former Deputy Pena did not know that Pugliese repeatedly rejected it due to Haines never telling him.

### **Interview with Deputy Recruit Cari Haines**

On July 11, 2023, at approximately 1125 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Recruit Cari Haines. Sergeant Calkins conducted the interview at the Stephen Saboda Training Center, located at 3901 Tiger Bay Road, Daytona Beach. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Haines advised she has been with the Volusia Sheriff's Office since March 6, 2023, and is currently in the Volusia Sheriff's Office academy. Haines was asked how the command structure worked as a recruit. Haines stated she was initially selected as the class leader and reported directly to former Deputy Pena, the academy coordinator. Haines noted that recruits would report to the squad leaders, who would report to her. Haines stated that during the academy, she was removed as the class leader due to an unrelated incident.

Haines was asked about her sexual relationship with former Deputy Pena. Haines admitted to having a sexual relationship with him on three occasions. Haines stated she didn't have an exact date but advised it started middle to the end of April. Haines said the relationship began as mutual between herself and former Deputy Pena. The relationship escalated after former Deputy Pena added her on Snapchat under the pseudonym "Frank Lewis." Haines was asked if she still had the messages on Snapchat, to which she advised "no" and that they were deleted. Haines said they autodeleted, and she never saved any of them to her device.

Haines was asked if any of the sexual relationships took place on the clock while getting paid by the Volusia Sheriff's Office. Haines stated they did not and took place before and after work. Haines admitted to having a sexual relationship on Volusia Sheriff's Office property in former Deputy Pena's office and the closet of classroom 101. Haines stated the incident in his office happened after hours, while the incident in the closet happened before work hours. Haines denied having a sexual relationship anywhere else on Volusia Sheriff's Office property. Haines stated she and former Deputy Pena went into the simulator room during class hours, but it only consisted of flirting and didn't engage in anything sexual. Haines denied having a sexual relationship in former Deputy Pena's agency-issued vehicle but did admit to having a sexual relationship in her car off-duty. Haines was unable to provide the dates of the incidents.

Haines was asked about her sexual relationship with former Deputy McRae. Haines admitted to having a sexual relationship with him on three or four occasions off-duty and outside Volusia County. Haines was asked specifically about the incident at the EVOC track that Pugliese provided

in her interview. Haines adamantly denied having a sexual relationship with former Deputy McRae in the car at EVOC. Sergeant Calkins asked Haines why Pugliese would say otherwise. Haines advised she told Pugliese that former Deputy McRae put his hand on her leg while in the vehicle and that she misconstrued the incident.

Sergeant Calkins asked Haines if she disclosed the relationship to any other personnel. Haines stated before going on the Fourth of July break, she went into Deputy Palmier's office after hours to discuss defensive tactics. During the conversation, she disclosed that she and former Deputy Pena were engaged in a sexual relationship but had since stopped. Haines stated they didn't mention specifics about the relationship, just that it had occurred. Deputy Palmier told Haines she needed to notify a supervisor about the former relationship, which she acknowledged she would do.

Haines advised she disclosed the sexual relationship to Deputy James a few days later during the Fourth of July break. Haines stated Deputy James teaches a financial class with the recruits, and she contacted him about getting her finances in order. Deputy James began advising her on becoming a successful deputy when she disclosed the relationship between herself and former Deputy Pena to him. Haines failed to disclose the relationship to Deputy James between herself and former Deputy McRae. Deputy James told her that she needed to tell Sergeant Rego immediately upon returning to work Wednesday, July 5.

Haines admitted that former Deputy Pena asked her if Pugliese would like to join the sexual relationship. Haines admitted to asking Pugliese for former Deputy Pena and stated Pugliese denied the invitation repeatedly. Haines stated, "...I knew that that was something that she [Pugliese] wasn't going to do and that was something that I wasn't interested in either." Haines said she continued to ask Pugliese because she didn't want to upset former Deputy Pena and "...yes'd him to death until it just died off."

As previously mentioned, the Volusia Sheriff's Office General Orders covers this type of behavior under section GO-022-10.III.E.3 - Sexual Harassment which specifically states:

- *Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome. (See Summary for Further Details)*

Haines stated her relationship with former Deputy McRae started after her relationship with former Deputy Pena and that neither knew about the other's relationship. Haines said she was told by former Deputy Pena, both in person and through Snapchat, that they should keep their relationship



a secret. Haines added that both sexual relationships were completely consensual. Haines advised she hasn't had any contact with either former Deputy Pena or former Deputy McRae since the incident became public and that they blocked her on social media.

Sergeant Calkins asked Haines if she received any preferential treatment due to her relationships. Haines denied getting preferential treatment and had no personal gain other than a physical relationship. Haines provided an example stating when the class needed corrective action, she still had to partake and never got to take off. Sergeant Calkins asked Haines if she had completed her peer review with a sergeant at training. Haines advised she had completed her peer review with Sergeant Rego but didn't disclose any of the issues.

### **Interview with Deputy Royce James**

On July 12, 2023, at approximately 1531 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Royce James. Sergeant Calkins conducted the interview at the Volusia Sheriff's Office Administration Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Deputy James advised he is currently assigned to District 6 patrol and has been with the Sheriff's Office for approximately seven years. Deputy James is a Deputy Training Officer (DTO) and often teaches various subjects to recruits at training. During the Fourth of July break, Deputy James said he received a phone call from Haines for financial advice. Deputy James has a background in finance and often speaks to recruits about savings and retirement. The phone call occurred later in the evening on July 3. During the conversation, Haines asked Deputy James about DTO and whether former Deputy Pena and former Deputy McRae were good deputies. The conversation switched when Haines asked Deputy James about deputies dating each other. Deputy James questioned Haines, who eventually admitted to being in a sexual relationship with former Deputy Pena. Deputy James asked Haines if the relationship was consensual or if she was pressured into the relationship. Haines told Deputy James the relationship was completely consensual and that she was attracted to former Deputy Pena. According to Deputy James, Haines expressed that former Deputy Pena told her numerous times that he would be in trouble and lose his job if the relationship became public.

Deputy James advised Haines said she and former Deputy Pena had a sexual relationship approximately three times. Deputy James said Haines didn't disclose the locations of where the incidents specifically took place, just that "*...the locations would get her in trouble and the fact that she's doing it with Pena would get her in trouble.*" Haines never informed Deputy James of her relationship with former Deputy McRae.

Deputy James advised he told Haines the relationship was unacceptable and that she needed to end communication with him immediately. Deputy James also told Haines that when she returned to work on July 5, she needed to inform the chain of command by going straight to Sergeant Rego's office and explaining the situation.

It should be noted all non-essential personnel, including recruits, were on holiday break on Monday, July 3, and Tuesday, July 4. The first day back from holiday break was Wednesday, July 5, the same day former Deputy Pena and former Deputy McRae were removed from training.

After the phone call with Haines, Deputy James called former Deputy Pena to confirm and confront him about the allegations. Deputy James told former Deputy Pena he knew about the relationship, to which former Deputy Pena asked: "*...what did she tell you?*" Deputy James advised former Deputy Pena's mood changed drastically, but before Deputy James could obtain more information, former Deputy Pena terminated the conversation due to being around other people. Deputy James advised he received another call from former Deputy Pena later in the night but that he didn't answer.

Deputy James advised after the conversation with Haines; he received a phone call from Pugliese, who was distraught. Pugliese told Deputy James that she had spoken to Haines and knew Deputy James was aware of the relationship. Pugliese told Deputy James she knew about the relationship with former Deputy Pena and also disclosed Haines was in a sexual relationship with former Deputy McRae. Pugliese told Deputy James similar information, which was documented during her interview with Internal Affairs. Deputy James told Pugliese she also needed to go straight to the chain of command and speak with Sergeant Rego when they returned to work on July 5.

Deputy James advised he was made aware of the information late at night and knew the recruits were on vacation the next day. Deputy James contacted Sergeant Rego immediately the next morning on July 4, and apprised him of the information.

Sergeant Calkins asked Deputy James about the rank structure at training. Deputy James provided the same examples given by Haines and Pugliese. Deputy James advised Haines was the class leader and would report to former Deputy Pena, the academy coordinator.

### **Interview with Deputy Pedro Palmier**

On July 13, 2023, at approximately 0905 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Pedro Palmier. Sergeant Calkins conducted the interview at the Stephen Saboda Training Center, located at 3901 Tiger Bay Road, Daytona Beach. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Deputy Palmier advised he is currently assigned to training as the defensive tactic coordinator. Deputy Palmier was asked about the chain of command at training. Deputy Palmier provided a similar rank structure established through previous interviews. As part of the chain of command, the class leader, Haines, reported directly to former Deputy Pena.

Deputy Palmier advised that just before the Fourth of July weekend on Wednesday, June 28, Haines came into his office after hours to follow up on some reading material he had given her the day prior. During the conversation, Haines stated she knew something that could get former Deputy Pena in trouble. Deputy Palmier described Haines as reluctant to provide the information and, after asking probative questions, deduced that Haines and former Deputy Pena were in a sexual relationship. Deputy Palmier was asked if Haines disclosed details of the sexual relationship. Deputy Palmier stated Haines didn't provide any further information, and he felt it was inappropriate to ask at the time. Deputy Palmier was able to deduce that it possibly happened on Volusia Sheriff's Office property when Haines inquired if there were any cameras in the building.

Deputy Palmier advised due to the context of the conversation; he felt the sexual relationship was consensual between Haines and former Deputy Pena. Haines never indicated to Deputy Palmier that she was pressured into the relationship. Sergeant Calkins asked Deputy Palmier if he knew about the sexual relationship between Haines and former Deputy McRae. Deputy Palmier advised prior to Haines disclosure he had no knowledge of their relationship and wasn't made aware of it until after the Fourth of July break.

Sergeant Calkins asked Deputy Palmier what his thought process and plan of action after Haines made the disclosure. Deputy Palmier advised, *"So that Wednesday earlier that day he had left, former Deputy Pena had left to go to New Jersey for his baby shower. I knew that he was driving and I knew he was driving with his wife. And so initial, my immediate thought was not to go talk to a supervisor. My immediate thought was to it was I have to confront him about it and, and tell him he needs to come forward with this or I'm gonna have to. But I didn't wanna do it over the phone and I didn't wanna do it over text. And I knew he was going, I knew he was driving with his wife you know it's a 15 or 17 hour drive and I certainly didn't want to call him you know during that drive or anytime that he would be with 100 members of his family during his baby shower to confront him about this then. So my plan was to wait for him to come back and talk to him in person and we were coming back on July 5th the day after the holiday."* Deputy Palmier indicated that since former Deputy Pena was in another state and separated from Haines, further occurrences could not occur.

Deputy Palmier advised he returned to work after the Fourth of July weekend on July 5. Deputy Palmier arrived at the facility early and saw Deputy Pena was acting "off." Deputy Palmier

confronted former Deputy Pena, who admitted he "*...messed around with a class leader,*" referring to Haines. Deputy Palmier advised that he later contacted Sergeant Rego and told him he knew information about the sexual relationship.

Deputy Palmier advised he never suspected Haines and former Deputy Pena were in a relationship. Deputy Palmier provided further context stating that the communications between the class leader and the academy coordinator differs from the rest of the recruits. This is due to the chain of command structure set in place. The class leader is the point of contact for the class and coordinates and disseminates information to them from the training staff.

### **Interview with Sergeant Chris Rego**

On July 13, 2023, at approximately 1336 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Chris Rego. Sergeant Calkins conducted the interview at the Stephen Saboda Training Center, located at 3901 Tiger Bay Road, Daytona Beach. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Rego advised he has been with the Volusia Sheriff's Office for approximately 24 years. Sergeant Rego has been assigned to training since 2021 and currently supervises the academy. Sergeant Rego stated he received a call on July 4 from Deputy James, who told him about the sexual relationships. Immediately after the conversation with Deputy James, Sergeant Rego called his chain of command, Captain Bosco, to make him aware of the information. Sergeant Rego advised that everyone assigned to training, including recruits, was off for the Fourth of July.

On Wednesday, July 5, the next business day, at approximately 0745 hours, Pugliese asked to speak with him in the office. During the conversation, Pugliese disclosed the sexual relationship involving Haines, former Deputy Pena, and former Deputy McRae. At the conclusion of the discussion, Sergeant Rego told Pugliese to stay in the office while he immediately contacted former Deputy Pena. Sergeant Rego remanded former Deputy Pena to his office and ordered him not to have contact with anyone. Former Deputy Pena was removed from the facility shortly after that. Sergeant Rego advised Haines never contacted him about the allegations.

Sergeant Rego advised he's never seen anything inappropriate between Haines and former Deputy Pena. Sergeant Rego noted that since Haines was the class leader and reported directly to former Deputy Pena, they would inherently have more contact, so nothing seemed unusual. Sergeant Rego advised that all the instructors assigned to training are experienced and given great trust. Sergeant Rego stated he hadn't had any contact with former Deputy Pena or former Deputy McRae since they were removed from training.

Sergeant Rego was asked about the chain of command at training involving the academy class. Sergeant Rego confirmed that the squad leader reported to the class leader, who then reported to the academy coordinator, former Deputy Pena. Sergeant Rego advised former Deputy Pena then reported directly to him. Sergeant Rego also noted that all training staff personnel hold the role as a supervisor over training academy recruits which included former Deputy McRae.

### Summary

As previously mentioned, both former Deputy Pena and Deputy McRae resigned from the Volusia Sheriff's Office before the conclusion of the active internal affairs investigation. After their separation, Sergeant Calkins contacted both former deputies to inquire if they wished to provide a statement. Both former Deputy Pena and former Deputy McRae declined to participate in a sworn recorded interview.

Sergeant Calkins conducted further research and located documents related to the previous statement regarding recruits' knowledge and understanding of the general order covering sexual harassment. Sergeant Calkins observed each recruit is provided a "*Workplace Harassment and Discrimination Policy and Acknowledgement*," which covers in detail each section of GO-022-10 – Sexual Harassment. Sergeant Calkins observed Haines signed the document acknowledging she reviewed and understood the policy on February 20, 2023, at 1645 hours. Pugliese signed the document acknowledging she reviewed and understood the policy on February 23, 2023, at 2049 hours.

Sergeant Calkins also noted that Haines understood section GO-022-10.III.F.2 - Relationship in the Workplace which states:

- VSO strongly discourages romantic or sexual relationships between a manager or other supervisory employee and an employee who reports directly or indirectly to that person, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken.

On July 26, 2023, the Internal Affairs investigation was presented to Sheriff Chitwood and the executive command staff. Upon completion of the presentation, Sheriff Chitwood sustained the aforementioned General Order violations against former Deputy Pena:

GO-026-02. IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.	Sustained
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Sustained
GO-026-02.IV.G.2.a – General Proficiency	Sustained
GO-026-02.IV.C.5.f – Inattention to Duties, Loafing, Sleeping	Sustained
GO-026-02.IV.D.9.m – Fraternization	Sustained
GO-026-02.IV.D.9.x – Code of conduct	Sustained
GO-026-02.IV.G.3.a – Supervisory Responsibility	Sustained

Sheriff Chitwood sustained the aforementioned General Order violations against former Deputy McRae:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.	Sustained
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Sustained
GO-026-02.IV.G.2.a – General Proficiency	Sustained
GO-026-02.IV.C.5.f – Inattention to Duties, Loafing, Sleeping	Sustained
GO-026-02.IV.D.9.m – Fraternization	Sustained
GO-026-02.IV.D.9.x – Code of conduct	Sustained
GO-026-02.IV.G.3.a – Supervisory Responsibility	Sustained

**EXHIBITS:**

- A. Report of Investigation
- B. Official Correspondence
- C. Transcript of Interview with Recruit Kimberly Pugliese
- D. Transcript of Interview with Recruit Cari Haines
- E. Transcript of Interview with Deputy Royce James
- F. Transcript of Interview with Deputy Pedro Palmier
- G. Transcript of Interview with Sergeant Chris Rego
- H. Digital Evidence (Audio of Interviews)

**WITNESSES:**

**Volusia Sheriff's Office**

123 W. Indiana Avenue  
DeLand, FL 32720

Recruit Kimberly Pugliese  
Recruit Cari Haines  
Deputy Royce James  
Deputy Pedro Palmier  
Sergeant Chris Rego



Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

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.

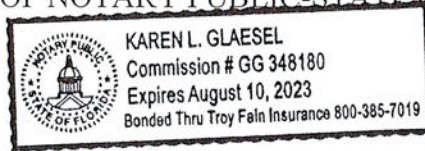
DETECTIVE: Andrew Calkins DATE: 7/26/23  
**Detective Sergeant Andrew Calkins**  
**Internal Affairs Detective Sergeant**

**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online  
Notarized this 26 day of July, 2023 by Sergeant Andrew Calkins

Karen L. Glaesel

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR  PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: Brian Henderson DATE: 07-26-23  
**Chief Deputy Brian Henderson**  
**VOLUSIA COUNTY, FLORIDA**



Please type or print in black or blue and use capital and small letters for names, titles, and address

**OFFICER**

1. Last Four Digits of Officer's Social Security Number: [REDACTED]
2. Officer's Name: Pena Enmanuel  
Last First MI
3. Officer's Last Known Address: [REDACTED] [REDACTED] FL [REDACTED]  
City State Zip Code
4. Officer's Telephone Number: [REDACTED]

**AGENCY**

5. Agency ORI: FL 0640000 6. Agency Name: Volusia Sheriff's Office
7. Agency Contact Person: Sergeant Andrew Calkins 8. Agency Contact Person's Telephone Number: (386) 736-5961
9. Agency Fax Number: (386) 740-5190

**VIOLATION - ALLEGATION**

10. Nature of Allegation(s): GO-026-02.IV.B.3 - Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.C.5.g - Failure to Follow General Order, Standard Operating Procedure, or Order - Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position, GO-026-02.IV.G.2.a - General Proficiency - VSO personnel are required to possess a sound working knowledge of the policies and procedures established by general orders and standard operating procedures, GO-026-02.IV.C.5.f - 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, GO-026-02.IV.D.9.m - Fraternization - In order to promote the efficient and effective operation of the VSO and to avoid misunderstandings, complaints of favoritism and other problems of supervision, security, morale, and possible claims of sexual harassment, hostile work environment or discrimination, direct-report romantic relationships are discouraged. Should a direct-report relationship develop, it is incumbent upon both parties involved to immediately notify the Sheriff in writing via chain of command, GO-026-02.IV.D.9.x - Code of conduct - Employees of the VSO are employed to provide service to the citizenry and the public in general and are expected to conduct themselves in a manner that will reflect credit upon the VSO. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business, GO-026-02.IV.G.3.a - Supervisory Responsibility - Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor has the responsibility and authority for assigning, reviewing, and monitoring activities of subordinate staff under their command. In addition, a supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all VSO written direction as provided through general orders, Training Bulletins, policies and procedures.

11. Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.)   
Sustained - (Violation of Agency Policy):  Not Sustained:  Unfounded:  Exonerated:
12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 07/05/2023 Date Internal Investigation Completed: 07/26/2023

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Told
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____
<input type="checkbox"/> Ongoing compliance hearing proceeding	_____

13. Criminal Charges Filed: N/A



# INTERNAL INVESTIGATION REPORT

Florida Department of  
Law Enforcement


Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



**CJSTC**  
**78**

14. Agency Disciplinary Action: Resigned during Internal Affairs investigation
15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.
- |                               |                                     |                               |                                     |                              |                                     |
|-------------------------------|-------------------------------------|-------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| Summary of the Facts          | <input checked="" type="checkbox"/> | Internal Investigation Report | <input checked="" type="checkbox"/> | Name and Address of Witness  | <input checked="" type="checkbox"/> |
| Witness Statement/Disposition | <input checked="" type="checkbox"/> | Certified Court Documents     | <input type="checkbox"/>            | Other Supportive Information | <input checked="" type="checkbox"/> |

**NOTICE:** Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. **If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.**

  
16. Agency administrator's signature

07/26/2023  
17. Date signed

Chief Deputy Brian Henderson  
18. Agency administrator's name and title

## INSTRUCTIONS FOR COMPLETING FORM CJSTC-78

The Internal Investigation Report form should be completed any time an internal investigation has been completed.

1. Use this form to report to the Commission any sustained allegations(s) of non-compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.
2. Submit this form within 45 days of the date the allegation has been sustained.
3. Submit this form to the Criminal Justice Professionalism Program if the circumstances meet the following criteria:
  - The officer pleads guilty, no contest, is found guilty, or is convicted of any felony or of a misdemeanor involving perjury or a false statement, regardless of withheld adjudication or suspended sentence.
  - A plea of guilty or a verdict of guilty for any of the enumerated misdemeanor violations or, the perpetration by an officer of an act that would constitute any felony offense or any of the enumerated misdemeanors.
4. The substantiated facts involve an act or conduct which constitutes:
  - Excessive use of force;
  - Misuse of official position (Section 112.313(6), F.S.);
  - Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee;
  - Sexual harassment involving physical contact or misuse of official position;
  - Engaging in sex while on duty;
  - False statements during the employment application process;
  - Violation of standards of test administration for the Basic Abilities Test (BAT) or State Officer Certification Examination (SOCE);
  - Conduct which subverts or attempts to subvert the Criminal Justice Standards and Training Commission, criminal justice training school, or employing agency examination process.
  - Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others;
  - Any willful and offensive exposure or exhibition of sexual organs in public or on the private premises of another or so near that it is likely to be seen, except in any place provided or set apart for that purpose;
  - Willful failure of the agency head to comply with Chapter 943, F.S., as it pertains to Commission rule;
  - Intentional abuse of a Temporary Employment Authorization;
  - Any willful and knowledgeable misuse of electronic databases used to access restricted information for an illegitimate or personal purpose with bad intent;
  - Testing positive for any controlled substances.
7. **Agency Contact Person.** Enter the name of person in your agency who can provide additional information to the Criminal Justice Standards and Training Commission regarding the officer's misconduct.
8. **Agency Contact Telephone Number.** Enter the telephone number of the contact person whose name you entered in item 7.
9. **Agency FAX Number.** Enter the FAX number for the agency if the agency has one.
10. **Nature of Allegation(s).** Enter a brief explanation of the officer's misconduct. Indicate in the narrative whether the elements of the misconduct constitute a felony or misdemeanor, whether criminally charged or not, or, constitutes a moral character violation.
11. **Agency Disposition.** Indicate the findings of the internal investigation by entering an X beside the appropriate box.
  - **Sustained: Violation of Section 943.13(4) or (7) F.S., or Rule 11B-27.0011, F.A.C.** In this case, the Internal Investigation Report form should be forwarded to the Criminal Justice Professionalism Program along with supporting documentation.
  - **Sustained: Violation of Agency Policy.** This indicates a violation of agency rules and/or regulations. These violations do not need to be reported to the Criminal Justice Professionalism Program.
  - **Not Sustained:** Insufficient evidence available to prove or disprove the allegation.
  - **Unfounded:** This indicates that the allegations are false or not supported by facts.
  - **Exonerated** - This indicates that the internal investigation determined that the alleged actions occurred but were lawful and proper.
12. **Limitation Period for Disciplinary Action.** Enter the date the internal investigation was initiated and completed. If any exceptions to the limitation period for disciplinary action exist, check all that apply and indicate the number of days tolled.
13. **Criminal Charges Filed.** Enter whether or not criminal charges were filed against the officer for the sustained misconduct. If criminal charges were filed, indicate charge and disposition along with the court case number. In addition, attach copies of all available court documentation.
14. **Agency Disciplinary Action.** Enter the type of administrative disciplinary action taken, if applicable i.e.; suspension, probation, etc.
15. **Attach and Forward the Following.** If the allegations have been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., indicate which of the following information has been attached with this form by entering an X beside the appropriate box.
  - **Summary of the Facts.** This should be in the form of letter and/or report giving a brief synopsis of the facts.
  - **Internal Investigation Report.** This should be a copy of the internal investigation report regarding the officer's misconduct.
  - **Witness Information.** This should include names, addresses and telephone numbers of individuals who witnessed the officer's misconduct.
  - **Statements and Depositions.** This should include any and all sworn testimony from either the officer or witnesses.
  - **Certified Court Documents.** This should include any evidence, pictures, audio or video tapes, etc., or any other information that would support the sustained allegation of officer misconduct.
16. **Agency Administrator's Signature.** Agency administrator or designee's signature.
17. **Date Signed.** The date the agency administrator or designee signed this form.
18. **Agency Administrator's Name and Title.** Type or print in black ink the agency administrator or designee's name and title.

**NOTE: DO NOT** forward this form to the Criminal Justice Professionalism Program if the allegations have been sustained, but are violations of agency policy only, or other agency disposition has been found. If the allegations do not prove to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., a copy of this form should be made a part of the investigative package and kept on file at the agency.

### HOW TO COMPLETE EACH ITEM

1. **Officer's Social Security Number.** Enter the last four digits of the officer's Social Security number as in this example: 000-00-1234.
2. **Officer's Name.** Enter the officer's legal last and first name. If the officer has middle initial, enter it above Ml.
3. **Officer's Last Known Address.** Enter the officer's last known street address including the apartment number or P.O. Box number and the city. Enter the two-digit U.S. Postmaster's abbreviation of state and nine-digit zip code for the last known address on the third line. Enter the first five digits of the zip code as in this example: 32314-6554.
4. **Officer's Telephone Number.** Enter the officer's last known personal telephone number as in this example: (123) 456-7891.
5. **Agency ORI:** Enter the last seven digits of the agency's originating agency identifier number. There are nine digits in agency ORI codes. The first two have been entered, which are FL. Enter as in this example: FL0370000.
6. **Agency Name.** Enter the agency's name.

### AGENCY REQUIREMENTS

Submit the completed Internal Investigation Report form CJSTC-78 and attachments to: **Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Professional Compliance.**



Please type or print in black or blue and use capital and small letters for names, titles, and address

**OFFICER**

1. Last Four Digits of Officer's Social Security Number: [REDACTED]
2. Officer's Name: McRae Sean R  
Last First MI
3. Officer's Last Known Address: [REDACTED] [REDACTED] FL [REDACTED]  
City State Zip Code
4. Officer's Telephone Number: [REDACTED]

**AGENCY**

5. Agency ORI: FL 0640000 6. Agency Name: Volusia Sheriff's Office
7. Agency Contact Person: Sergeant Andrew Calkins 8. Agency Contact Person's Telephone Number: (386) 736-5961
9. Agency Fax Number: (386) 740-5190

**VIOLATION - ALLEGATION**

10. Nature of Allegation(s): GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position, GO-026-02.IV.G.2.a – General Proficiency – VSO personnel are required to possess a sound working knowledge of the policies and procedures established by general orders and standard operating procedures, GO-026-02.IV.C.5.f – 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, GO-026-02.IV.D.9.m - Fraternization – In order to promote the efficient and effective operation of the VSO and to avoid misunderstandings, complaints of favoritism and other problems of supervision, security, morale, and possible claims of sexual harassment, hostile work environment or discrimination, direct-report romantic relationships are discouraged. Should a direct-report relationship develop, it is incumbent upon both parties involved to immediately notify the Sheriff in writing via chain of command, GO-026-02.IV.D.9.x – Code of conduct – Employees of the VSO are employed to provide service to the citizenry and the public in general and are expected to conduct themselves in a manner that will reflect credit upon the VSO. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business, GO-026-02.IV.G.3.a - Supervisory Responsibility - Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor has the responsibility and authority for assigning, reviewing, and monitoring activities of subordinate staff under their command. In addition, a supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all VSO written direction as provided through general orders, Training Bulletins, policies and procedures.

11. Agency Disposition: Sustained – (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.   
Sustained – (Violation of Agency Policy):  Not Sustained:  Unfounded:  Exonerated:
12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 07/05/2023 Date Internal Investigation Completed: 07/26/2023

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Told
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____
<input type="checkbox"/> Ongoing compliance hearing proceeding	_____

13. Criminal Charges Filed: N/A





# INTERNAL INVESTIGATION REPORT

Florida Department of Law Enforcement

Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



**CJSTC**  
**78**

14. Agency Disciplinary Action: Resigned during Internal Affairs investigation

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

- |                               |                                     |                               |                                     |                              |                                     |
|-------------------------------|-------------------------------------|-------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| Summary of the Facts          | <input checked="" type="checkbox"/> | Internal Investigation Report | <input checked="" type="checkbox"/> | Name and Address of Witness  | <input checked="" type="checkbox"/> |
| Witness Statement/Disposition | <input checked="" type="checkbox"/> | Certified Court Documents     | <input type="checkbox"/>            | Other Supportive Information | <input checked="" type="checkbox"/> |

**NOTICE:** Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. **If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.**

BH

16. Agency administrator's signature

07/26/2023

17. Date signed

Chief Deputy Brian Henderson

18. Agency administrator's name and title

## INSTRUCTIONS FOR COMPLETING FORM CJSTC-78

The Internal Investigation Report form should be completed any time an internal investigation has been completed.

1. Use this form to report to the Commission any sustained allegations(s) of non-compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.
2. Submit this form within 45 days of the date the allegation has been sustained.
3. Submit this form to the Criminal Justice Professionalism Program if the circumstances meet the following criteria:
  - The officer pleads guilty, no contest, is found guilty, or is convicted of any felony or of a misdemeanor involving perjury or a false statement, regardless of withheld adjudication or suspended sentence.
  - A plea of guilty or a verdict of guilty for any of the enumerated misdemeanor violations or, the perpetration by an officer of an act that would constitute any felony offense or any of the enumerated misdemeanors.
4. The substantiated facts involve an act or conduct which constitutes:
  - Excessive use of force;
  - Misuse of official position (Section 112.313(6), F.S.);
  - Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee;
  - Sexual harassment involving physical contact or misuse of official position;
  - Engaging in sex while on duty;
  - False statements during the employment application process;
  - Violation of standards of test administration for the Basic Abilities Test (BAT) or State Officer Certification Examination (SOCE);
  - Conduct which subverts or attempts to subvert the Criminal Justice Standards and Training Commission, criminal justice training school, or employing agency examination process.
  - Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others;
  - Any willful and offensive exposure or exhibition of sexual organs in public or on the private premises of another or so near that it is likely to be seen, except in any place provided or set apart for that purpose;
  - Willful failure of the agency head to comply with Chapter 943, F.S., as it pertains to Commission rule;
  - Intentional abuse of a Temporary Employment Authorization;
  - Any willful and knowledgeable misuse of electronic databases used to access restricted information for an illegitimate or personal purpose with bad intent;
  - Testing positive for any controlled substances.
7. **Agency Contact Person.** Enter the name of person in your agency who can provide additional information to the Criminal Justice Standards and Training Commission regarding the officer's misconduct.
8. **Agency Contact Telephone Number.** Enter the telephone number of the contact person whose name you entered in item 7.
9. **Agency FAX Number.** Enter the FAX number for the agency if the agency has one.
10. **Nature of Allegation(s).** Enter a brief explanation of the officer's misconduct. Indicate in the narrative whether the elements of the misconduct constitute a felony or misdemeanor, whether criminally charged or not, or, constitutes a moral character violation.
11. **Agency Disposition.** Indicate the findings of the internal investigation by entering an X beside the appropriate box.
  - **Sustained: Violation of Section 943.13(4) or (7) F.S., or Rule 11B-27.0011, F.A.C.** In this case, the Internal Investigation Report form should be forwarded to the Criminal Justice Professionalism Program along with supporting documentation.
  - **Sustained: Violation of Agency Policy.** This indicates a violation of agency rules and/or regulations. These violations do not need to be reported to the Criminal Justice Professionalism Program.
  - **Not Sustained:** Insufficient evidence available to prove or disprove the allegation.
  - **Unfounded:** This indicates that the allegations are false or not supported by facts.
  - **Exonerated** - This indicates that the internal investigation determined that the alleged actions occurred but were lawful and proper.
12. **Limitation Period for Disciplinary Action.** Enter the date the internal investigation was initiated and completed. If any exceptions to the limitation period for disciplinary action exist, check all that apply and indicate the number of days tolled.
13. **Criminal Charges Filed.** Enter whether or not criminal charges were filed against the officer for the sustained misconduct. If criminal charges were filed, indicate charge and disposition along with the court case number. In addition, attach copies of all available court documentation.
14. **Agency Disciplinary Action.** Enter the type of administrative disciplinary action taken, if applicable i.e.; suspension, probation, etc.
15. **Attach and Forward the Following.** If the allegations have been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., indicate which of the following information has been attached with this form by entering an X beside the appropriate box.
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  - **Statements and Depositions.** This should include any and all sworn testimony from either the officer or witnesses.
  - **Certified Court Documents.** This should include any evidence, pictures, audio or video tapes, etc., or any other information that would support the sustained allegation of officer misconduct.
16. **Agency Administrator's Signature.** Agency administrator or designee's signature.
17. **Date Signed.** The date the agency administrator or designee signed this form.
18. **Agency Administrator's Name and Title.** Type or print in black ink the agency administrator or designee's name and title.

**NOTE: DO NOT** forward this form to the Criminal Justice Professionalism Program if the allegations have been sustained, but are violations of agency policy only, or other agency disposition has been found. If the allegations do not prove to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., a copy of this form should be made a part of the investigative package and kept on file at the agency.

### HOW TO COMPLETE EACH ITEM

1. **Officer's Social Security Number.** Enter the last four digits of the officer's Social Security number as in this example: 000-00-1234.
2. **Officer's Name.** Enter the officer's legal last and first name. If the officer has middle initial, enter it above MI.
3. **Officer's Last Known Address.** Enter the officer's last known street address including the apartment number or P.O. Box number and the city. Enter the two-digit U.S. Postmaster's abbreviation of state and nine-digit zip code for the last known address on the third line. Enter the first five digits of the zip code as in this example: 32314-6554.
4. **Officer's Telephone Number.** Enter the officer's last known personal telephone number as in this example: (123) 456-7891.
5. **Agency ORI:** Enter the last seven digits of the agency's originating agency identifier number. There are nine digits in agency ORI codes. The first two have been entered, which are FL. Enter as in this example: FL0370000.
6. **Agency Name.** Enter the agency's name.

### AGENCY REQUIREMENTS

Submit the completed Internal Investigation Report form CJSTC-78 and attachments to: **Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Professional Compliance.**



# AFFIDAVIT OF SEPARATION

Florida Department of Law Enforcement

Incorporated by Reference in Rules 11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



CJSTC  
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1. Last Four Digits of Social Security Number: <span style="background-color: black; color: black;">[REDACTED]</span>		<b>Employment Class</b> <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Correctional <input type="checkbox"/> Correctional Probation <input type="checkbox"/> Concurrent <input type="checkbox"/> Special Elected or Appointed <input type="checkbox"/> Instructor <b>Employment Type</b> <input checked="" type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Auxiliary
2. Name: <u>Pena, Enmanuel</u>		
Last: _____ First: _____ MI: _____		
3. Agency Name: <u>Volusia Sheriff's Office</u>		
4. Agency ORI: <u>FL0640000</u>		
5. Date Employed: <u>12/09/2019</u>	6. Separation Date: <u>07/05/2023</u>	

### 7. Separation Reasons

<b>7A. ADMINISTRATIVE-ROUTINE</b> <input type="checkbox"/> Voluntary separation not involving misconduct <input type="checkbox"/> Transfer within agency. No break in service <input type="checkbox"/> Retired. Not involving misconduct <input type="checkbox"/> Deceased <input type="checkbox"/> Budgetary constraints. Local and Federal grants not renewed <input type="checkbox"/> Extended leave of absence Type: _____ Periods of Time: _____ <input type="checkbox"/> Military leave of absence Periods of Time: _____ <input type="checkbox"/> Suspension Periods of Time: _____ <input type="checkbox"/> Administrative separation not involving misconduct <input type="checkbox"/> Special elected or appointed Position: _____ Anticipated Term: _____ <input type="checkbox"/> Instructor request for change of affiliation	<b>7C. ADMINISTRATIVE - SUBSTANDARD PERFORMANCE</b> <input type="checkbox"/> Failure to satisfactorily complete the agency fieldtraining program (training performance issues) <input type="checkbox"/> Failure to perform assigned tasks satisfactorily. <b>7D. OTHER - EXAMPLE</b> <input type="checkbox"/> Excessive absenteeism, failure to report for duty, sleeping on duty, etc. <b>7E. UNFAVORABLE - MISCONDUCT</b> <input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.  <b>NOTE:</b> The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.	<b>7F.</b> Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer or instructor it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.  <input checked="" type="checkbox"/> Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.  <b>NOTE:</b> The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.
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NOTICE: Section 943.139(2), F.S., requires the execution of an Affidavit of Separation by the employing agency in a case of officer separation.  
WARNING: Intentional false execution of this Affidavit of Separation constitutes a misdemeanor of the second degree.

<u>[Signature]</u>	<u>Brian Henderson</u>	<u>07/18/2023</u>
8. Agency Administrator or Designee's Signature	9. Agency Administrator or Designee's Printed Name	10. Date
<u>Chief Deputy</u>		
11. Agency Administrator or Designee's Title		

### 12. OATH

Pursuant to Section 117.05(13)(a), Florida Statutes

STATE OF FLORIDA, COUNTY OF Volusia

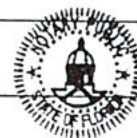
Sworn to (or affirmed) and subscribed before me by means of Physical Presence  OR Online Notarization  this 18 day of July, year 2023, By Brian Henderson

Signature of Notary Public - State of Florida [Signature]

Tara Gelsi  
Comm. # GG947012  
Expires: Jan. 14, 2024  
Bonded Thru Aaron Notary

Print, Type or Stamp Commissioned name of Notary Public Tara Gelsi Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_







# AFFIDAVIT OF SEPARATION

Florida Department of Law Enforcement

Incorporated by Reference in Rules 11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



CJSTC  
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1. Last Four Digits of Social Security Number: <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Employment Class</b> <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Correctional <input type="checkbox"/> Correctional Probation <input type="checkbox"/> Concurrent <input type="checkbox"/> Special Elected or Appointed <input type="checkbox"/> Instructor <b>Employment Type</b> <input checked="" type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Auxiliary
2. Name: <u>McRae, Sean R</u> Last First MI	
3. Agency Name: <u>Volusia Sheriff's Office</u>	
4. Agency ORI: <u>FL0640000</u>	
5. Date Employed: <u>08/05/2013</u>	
6. Separation Date: <u>07/14/2023</u>	

### 7. Separation Reasons

<b>7A. ADMINISTRATIVE-ROUTINE</b> <input type="checkbox"/> Voluntary separation not involving misconduct <input type="checkbox"/> Transfer within agency. No break in service <input type="checkbox"/> Retired. Not involving misconduct <input type="checkbox"/> Deceased <input type="checkbox"/> Budgetary constraints. Local and Federal grants not renewed <input type="checkbox"/> Extended leave of absence Type: _____ Periods of Time: _____ <input type="checkbox"/> Military leave of absence Periods of Time: _____ <input type="checkbox"/> Suspension Periods of Time: _____ <input type="checkbox"/> Administrative separation not involving misconduct <input type="checkbox"/> Special elected or appointed Position: _____ Anticipated Term: _____ <input type="checkbox"/> Instructor request for change of affiliation	<b>7C. ADMINISTRATIVE - SUBSTANDARD PERFORMANCE</b> <input type="checkbox"/> Failure to satisfactorily complete the agency fieldtraining program (training performance issues) <input type="checkbox"/> Failure to perform assigned tasks satisfactorily. <b>7D. OTHER - EXAMPLE</b> <input type="checkbox"/> Excessive absenteeism, failure to report for duty, sleeping on duty, etc. <b>7E. UNFAVORABLE - MISCONDUCT</b> <input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.  <b>NOTE:</b> The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.	<b>7F.</b> Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer or instructor it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.  <input checked="" type="checkbox"/> Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.  <b>NOTE:</b> The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.
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**NOTICE:** Section 943.139(2), F.S., requires the execution of an Affidavit of Separation by the employing agency in a case of officer separation.  
**WARNING:** Intentional false execution of this Affidavit of Separation constitutes a misdemeanor of the second degree.

8. Agency Administrator or Designee's Signature <u>[Signature]</u>	9. Agency Administrator or Designee's Printed Name <u>Brian Henderson</u>	10. Date <u>07/18/2023</u>
11. Agency Administrator or Designee's Title <u>Chief Deputy</u>		

### 12. OATH

Pursuant to Section 117.05(13)(a), Florida Statutes

STATE OF FLORIDA, COUNTY OF Volusia

Sworn to (or affirmed) and subscribed before me by means of Physical Presence  OR Online Notarization  this 18 day of July, year 2023, By Brian Henderson

Signature of Notary Public - State of Florida [Signature]

Print, Type or Stamp Commissioned name of Notary Public Tara Gelsi  
 Type of Identification Produced Personally Known  OR Produced Identification

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