



# 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**

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

## OFFICER

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

## AGENCY

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

## VIOLATION - ALLEGATION

- 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.

- 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:

- 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	_____

- Criminal Charges Filed: N/A



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**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  Internal Investigation Report  Name and Address of Witness
- Witness Statement/Disposition  Certified Court Documents  Other Supportive Information

**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.**

Brian Henderson  
16. Agency administrator's signature

07/26/2023  
17. Date signed

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



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## OFFICER

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

## AGENCY

- Agency ORI: FL 0640000
- Agency Name: Volusia Sheriff's Office
- Agency Contact Person: Sergeant Andrew Calkins
- Agency Contact Person's Telephone Number: (386) 736-5961
- 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.

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11. Agency Disposition: Sustained - (Violation of Section 943.43(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



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**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  Internal Investigation Report  Name and Address of Witness
- Witness Statement/Disposition  Certified Court Documents  Other Supportive Information

**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



1. Last Four Digits of Social Security Number:                     

2. Name: McRae, Sean R  
Last First MI

3. Agency Name: Volusia Sheriff's Office

4. Agency ORI: FL0640060

5. Date Employed: 08/05/2013 6. Separation Date: 07/14/2023

**Employment Class**

Law Enforcement  
 Correctional  
 Correctional Probation  
 Concurrent  
 Special Elected or Appointed  
 Instructor

**Employment Type**

Full Time  
 Part Time  
 Auxiliary

7. Separation Reasons

**7A. ADMINISTRATIVE-ROUTINE**

Voluntary separation not involving misconduct  
 Transfer within agency. No break in service  
 Retired. Not involving misconduct  
 Deceased  
 Budgetary constraints. Local and Federal grants not renewed  
 Extended leave of absence  
 Type: \_\_\_\_\_  
 Periods of Time: \_\_\_\_\_  
 Military leave of absence  
 Periods of Time: \_\_\_\_\_  
 Suspension  
 Periods of Time: \_\_\_\_\_  
 Administrative separation not involving misconduct  
 Special elected or appointed  
 Position: \_\_\_\_\_  
 Anticipated Term: \_\_\_\_\_  
 Instructor request for change of affiliation

**7B. ADMINISTRATIVE-NON-ROUTINE**

Failure to complete basic recruit training  
 Failure to pass the State Officer Certification Examination

**7C. ADMINISTRATIVE - SUBSTANDARD PERFORMANCE**

Failure to satisfactorily complete the agency fieldtraining program (training performance issues)  
 Failure to perform assigned tasks satisfactorily.

**7D. OTHER - EXAMPLE**

Excessive absenteeism, failure to report for duty, sleeping on duty, etc.

**7E. UNFAVORABLE - MISCONDUCT**

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.  
 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.  
 Terminated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.

**7F.** 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.

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.  
 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.  
 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.

**NOTE:** The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.

**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: Brian Henderson

9. Agency Administrator or Designee's Printed Name: Brian Henderson

10. Date: 07/18/2023

11. Agency Administrator or Designee's Title: Chief Deputy

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: Tara Gelsi

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

Print, Type or Stamp Commissioned name of Notary Public: Tara Gelsi

Type of Identification Produced:  Personally Known  OR Produced Identification



# 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 61

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.  NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.	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.  NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.
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 WARNING: Intentional false execution of this Affidavit of Separation constitutes a misdemeanor of the second degree.

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

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: \_\_\_\_\_