



Florida Department of Law Enforcement

INTERNAL INVESTIGATION REPORT
Incorporated by Reference in Rule 11B-27.003(2)(a), F.A.C.



CJSTC 78

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

OFFICER

- 1. Social Security Number: [redacted]
2. Officer's Name: Summers, Michael S
3. Officer's Last Known Address: [redacted]
4. Officer's Telephone Number: [redacted]

AGENCY

- 5. Agency ORI: FL0640000
6. Agency Name: Volusia County Sheriff's Office
7. Agency Contact Person: Lt. Robert Goggin
8. Agency Contact Person's Telephone Number: 386-736-5961
9. Agency FAX Number: 386-740-5190

VIOLATION - ALLEGATION

- 10. Nature of Allegation(s): Deputy was alledged to have used his position as a supervisor to Harass a subordinate deputy.
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 [x] Exonerated []

- 12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 09-01-2010 Date Internal Investigation Completed: 09-28-2010

Exception to limitation period for disciplinary action: Place a check mark by the exception to limitations that apply Days Tolled

- [] Written waiver of limitation by officer
[] Ongoing criminal investigation or criminal prosecution
[] Officer incapacitated or unavailable
[] Multi-jurisdictional investigation
[] Emergency or natural disaster as declared by the Governor

- 13. Criminal Charges Filed: NONE.
14. Agency Disciplinary Action: NONE - UNFOUNDED.

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 & 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 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.

Signature of Agency administrator: [Handwritten Signature]

16. Agency administrator's signature

Date Signed: 10/5/10

17. Date Signed

WILLIAM R. LEE CHIEF DEPUTY
18. Agency administrator's name and title

Effective 1/1/1993

Form Effective Date: 6/9/2008

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA- 10-019

PERIOD COVERED: December 2008 to August 27, 2010.

DATE REPORTED: September 01, 2010.

SUBJECT(S) NAME: Captain Michael Summers ID # 2366

INVESTIGATING OFFICER: Lieutenant Robert Goggin

BASIS FOR INVESTIGATION:

On September 01, 2010, Deputy Heather Post submitted a memorandum (# 052M066.10) listing the subject matter as: **Discrimination / Hostile work Environment**. The five page document alleges Captain Michael Summers has discriminated against Deputy H. Post due to her gender, and also lists allegations of harassment and intimidation.

OFFENSE(S):

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

And, Volusia County Merit System Rules and Regulations 86-453 (13), any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

INVESTIGATIVE SUMMARY:

On September 01, 2010, Chief Deputy William Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Lieutenant Robert Goggin.

On September 01, 2010, Lieutenant Goggin obtained and reviewed the memorandum, completed by Deputy H. Post. The memo reads and describes three "**General behavior**" issues observed by Deputy Post.

- 1) Deputy Post alleges Captains Summers sits in his office staring at and making comments of how, "*hot*" the females walking past the office windows are.
- 2) She alleges Captain Summers has a photo of a female Marine that is kept in his desk that he shows to people and makes comments of how, "*hot*" the marine is.
- 3) She alleges that Captain Summers uses his computer to watch music videos in his office and makes comments about how "hot" the female singers are.

Allegations titled "**General behavior toward me**", describe events where Deputy Post alleges Captain Summers waits until Deputy Post is seated in his office and then orders her to change chairs, stares at her during discussions for long periods of time, Ignores her in passing, has called her in from road patrol to question her about prior training, and ignored and took no action on what she perceived were safety issues involving her. Deputy Post alleges Captain Summers made negative comments of female deputies and female doctors, reassigned her to communications while she was on light duty, and failed to forward information pertaining to her light duty status and transfer requests. (SEE MEMO TAB - B)

On **September 01, 2010**, Lieutenant Goggin conducted a recorded interview with Deputy H. Post at the Sheriff's Administrative Office in Deland. Also present for the interview were Sergeant T. Morgan, Ms. Nancy Jones, and Teamster Representative Jeff Candage.

Deputy Heather Post

Deputy Post advised she believes the events described in her memo are the result of her being a female and began when she was assigned to district II in December 2008, under the command of Captain Summers.

In regards to Allegations titled: "**General behavior.**"

Deputy Post stated in regards to the floor length windows in Captain Summers office, she has witnessed him making comments about females walking past. Deputy Post advised he (Summers) is, "*Always checking out the women that are coming out of the salon next door.*" Deputy Post stated Captain Summers would interrupt his conversations to make comments of how, "*hot*" the woman appeared. Deputy Post stated she witnessed Captain Summers make these comments, "*once or twice*", but could not provide a date of incident, other than believing the incident occurred during the first few months of being assigned to the district. Deputy Post could not provide witness names to this incident and could not provide names of any other witness's who have observed Captain

Summers conduct himself in this manner. Deputy Post advised she has no additional information as to if Captain Summers makes different types of comments about persons walking past the office windows. Deputy Post stated it is "*Common Knowledge*" within the district that Captain Summers watches and makes comments about females walking past, but could not provide any names of persons who have witnessed him do so, or provide names of persons who she (Post) has discussed the issue with.

Deputy Post stated in regards to the photograph of the female marine, she was in his (Summers) office when he removed the photo from his desk and showed her the photo. She advised it was a news paper article and Captain Summers made comments that the photograph was "*hot*". Deputy Post described the marine to be in full uniform and wearing a hat. Deputy Post advised Captain Summers mentioned he had found the photo in a restroom several years ago. Deputy Post advised the photograph was not distasteful, however, she felt due to his comment of how "*Hot*" the marine looked, along with him having found the photograph in a restroom, and keeping it for what she believes was a extended period of time, she felt it was, "*Icky*." Deputy Post could not provide a date of this incident, but stated it occurred during the, "*First several months when I was at the district*". Deputy Post stated "*someone*" was present when the incident occurred, but could not identify that person.

In regards to the music video, Deputy Post advised she was entering the office of Lieutenant M. Newman, she (Post), observed Captain Summers in his office, using a laptop and heard music. Deputy Post stated she could not recall the reason she was meeting with Lt. Newman, or what the conversation entailed. Deputy Post advised she heard Captain Summers make a comment about a Britney Spears video he was watching, and he, (Summers) made a statement of how, "*Hot*" she (Spears) was. Deputy Post stated she did not view the video and she was not offended about Captain Summers comments. Deputy Post stated she felt it was "*a little icky*" that a person of Captain Summers age would make those type comments while viewing a Brittany Spears video.

In regards to allegations made by Deputy H. Post titled on her Memorandum as: "**General behavior toward me**".

Deputy Post stated "*every time*" she enters into Captain Summers office and seats herself, he, (Summers) will have her change / move to a different seat. Deputy Post did not provide dates of incidents, but did state the alleged incidents have been observed by Sergeants Mejias, Nardiello and possibly Sergeant Barnard.

Deputy Post advised on an unknown date, to which she described as sometime after being assigned to district II, she was called in off the road by Captain Summers and met with Captain Summers and Lieutenant Newman. Deputy Post stated Captain Summers questioned her in regards to her completing a SWAT course in the past. Deputy Post stated she informed Captain Summers she had completed SWAT school approx. 15 years prior. Deputy Post stated no inappropriate language was used by Captain Summers, however she felt the manner in which she was questioned was demeaning. Post stated she does not recall by what means, or who contacted her to respond to the district office.

In regards to Allegations titled: **Safety concerns:**

Deputy Post advised on an unknown date, she was involved in an incident on SR 40 which she felt was a matter of her safety. She stated she requested a back-up deputy when a suspicious vehicle drove past her vehicle more than once in a remote area. Deputy Post advised (Ex-Deputy R. Henshaw) failed to respond due to wanting to take a meal break. Deputy Post stated the incident was reported to her chain of command and no action was taken. Deputy Post stated she knows no action was taken due to being questioned at a later (and unknown) date by Captain Summers in regards to incidents involving (EX) Deputy Henshaw. Deputy Post advised she reminded the captain of the incident in which she felt her safety was at risk, and he (Summers) made a comment of not wanting to document that incident.

Deputy Post advised at no time did she ever report any her concerns to anyone in her chain of command above Captain Summers. Deputy Post advised she did speak with some supervisors of "*Frustrations over incorrect information or no information being passed on by Captain Summers*".
(See complete transcript tab – D).

On September 02, 2010, Lieutenant reviewed and noted that on both September. 17, 2009, and April 27, 2010, Deputy Post signed the "Workplace Harassment and Discrimination Policy Review", stating therein that she (Post) is familiar with the policy, had not witnessed any violations of the policy and knew the proper procedure to take should she (Post) witness or be a victim of any incidents of workplace harassment or discrimination. (See tab – M)

On September 09, 2010, Lieutenant Goggin of the Internal Affairs Unit, served Captain M. Summers with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officers Bill of Rights.

On September 09, 2010, Captain Summers provided a photocopy of the photograph and attached news paper article of the female marine. The photograph is a 2"x 3" photo of a female marine wearing a class A, dress uniform. The marine is not wearing a hat as described by Deputy H. Post. The photo shows the marine standing with other persons, while attending an awards ceremony hosted by the Springfield American legion 176 post. (See photocopy Tab – C).

On September 10, 2010, Lieutenant Goggin conducted a recorded interview with Lieutenant M. Newman at the Sheriff's Administrative office in Deland. Also present was Sergeant T. Morgan.

Lieutenant Michelle Newman

Lieutenant Newman stated she was assigned at the district II office as the Assistant commander between the dates of October 15, 2007 to July 24, 2009. Lieutenant Newman denies being a witness to Captain Summers viewing / listening to a music video as described by Deputy H. Post. Lieutenant Newman advised at no time has she witnessed Summers ever view / listen to a

music video or hear Captain Summers make comments about the entertainer. Lieutenant Newman stated she recalls having a conversation with Captain Summers in regards to the music video, and does recall a period of time in which a deputy or deputies purchased I-Phones and listened to a Britney Spears music video, but at no time did Captain Summers have a I-Phone nor did she (Newman) ever witness him with a I-Phone. Lieutenant Newman stated at no time did Deputy Post make her (Newman) aware of any concerns involving the music video or alleged comments made by Captain Summers.

Lieutenant Newman advised she has not witnessed, and has no information on the allegations brought forth by Post as to being ordered to change chairs after she has been seated within the captain's office.

Lieutenant Newman advised the issue brought forth by Deputy Post in regards to a safety concern to which Post advised no action was taken involving an ex-deputy was brought to her attention by Deputy Post. Lieutenant Newman advised she (completed) an inquiry into the incident and spoke to the parties involved. Lieutenant Newman stated no violations were discovered and she met with Deputy Post on March 13, 2009, and discussed her findings. Lt. Newman advised Captain Summers was kept informed, but had no direct involvement in the inquiry. Lt. Newman advised she has no information or knowledge of Captain Summers attempting to conceal the inquiry from the chain of command as alleged by Deputy Post.

Lieutenant Newman advised Deputy Post made her aware of a second safety concern involving her sergeant at the time (Nardiello). Deputy Post had reported she felt uncomfortable during a firearms inspection conducted by Sergeant Nardiello. Lieutenant Newman advised she conducted an inquiry into the incident and found no violations of policy and each deputy involved in the firearms inspection were required to and completed the same process. Lt. Newman advised she documented the incident and placed a copy in Deputy Posts field file. Lt. Newman advised Captain Summers had no direct involvement in the inquiry, however, as the district captain, he was kept informed.

Lieutenant Newman advised in regards to Deputy Posts allegations she (Post) was called in from road patrol to answer a question in reference to a SWAT training certificate was false. Lt. Newman stated she (Newman) nor Captain Summers called Deputy Post into the district, and she (Newman) encountered Post in the hallway of the district where Deputy Post provided her (Newman) was a unrequested resume. Lieutenant Newman stated she (Newman) and Deputy Post went to Captain Summers office for a short period of time and reviewed Posts resume. Lt. Newman advised while reviewing the resume, Captain Summers asked if, "*she (Post) had been on a SWAT team, and if so, with what agency or something along those lines and that was about it, it was a very short conversation.*" Lt. Newman advised the question was not asked in a sarcastic or demeaning tone. Lt. Newman stated at no time has Deputy Post made her (Newman) aware of her (Posts) concerns about the alleged incident and or the demeanor of Captain Summers during the conversation.

Lieutenant Newman states she has witnessed the photograph of the female marine that is kept in Captain Summers office. Lt. Newman identified the photocopy provided to Internal Affairs by

Captain Summers as being the same photo. Lieutenant Newman advised at no time did she witness Captain Summers show the photo to Deputy Post, or Captain Summers have conversation with Deputy Post in regards to the photo.

Lieutenant Newman advised at no time has she witnessed Captain Summers make a sexual comment or improper comments about the photo. Lieutenant Newman advised she had conversation with Captain Summers in regards to the photo of, "*how squared away she (Marine) was, and just how impeccable her uniform and hair were.*" Lieutenant Newman stated she has not been made aware by Deputy Post or any deputy of Captain Summers making lewd or improper comments about the photo of the Marine.

Lieutenant Newman advised that at no time has she ever witnessed Captain Summers treat or speak to Deputy Newman in an unprofessional manner. Lieutenant Newman advised Deputy Post has approached her (Newman) numerous times to discuss what she (Post) perceived to be concerns with her sergeants and shift. Lieutenant Newman stated at no time did Deputy Post ever discuss the information/ allegations as alleged in her (Posts) memorandum. (*For complete transcript see tab – F*).

On **September 13, 2010**, Lieutenant Goggin conducted a recorded interview with School Crossing Guard Supervisor, Ms. Bea Leatherman at the Sheriff's district II Office located in Deland. Also present was Sergeant T. Morgan.

Bea Leatherman

Ms. Leatherman stated she at no time has witnessed any improper or unprofessional conduct on the part of Captain Summers towards Deputy H. Post. Ms. Leatherman advised she has not witnessed Captain Summers make any demeaning comments to Deputy Post or treat her (Post) any differently than he does any other deputy assigned to the district. Ms. Leatherman stated Deputy Post has not made her (Leatherman) aware of any concerns on her (Posts) behalf. (*See complete transcript tab – I*).

On September 13, 2010, Lieutenant Goggin conducted a recorded interview with Victim advocate, Ms. Kate Blanton at the Sheriff's district II Office located in Deland. Also present was Sergeant T. Morgan.

Kate Blanton

Ms. Kate Blanton stated she has been assigned to the dist. II office since January 2008. Ms. Blanton advised at no time has she witnessed any improper or unprofessional conduct on the part of Captain Summers towards Deputy H. Post or any deputy. Ms. Blanton advised she has not witnessed Captain Summers make any demeaning / unprofessional comments to Deputy Post or treat her (Post) any differently than he does any other deputy assigned to the district. Ms. Blanton stated Deputy Post has not made her (Blanton) aware of any concerns on her (Posts) behalf. (*See complete transcript tab – J*).

On September 13, 2010, Lieutenant Goggin conducted a recorded interview with Victim advocate, Ms. Pat Taylor at the Sheriff's district II Office located in Deland. Also present was Sergeant T. Morgan.

Pat Taylor

Ms. Taylor stated that she has been employed by the Volusia County Sheriff's Office and assigned to district II since January of 2002. . Ms. Taylor advised at no time has witnessed any improper or unprofessional conduct on the part of Captain Summers towards Deputy H. Post or any deputy. Ms. Taylor advised she has not witnessed Captain Summers make any demeaning / unprofessional comments to Deputy Post or treat her (Post) any differently than he does any other deputy assigned to the district. Ms. Taylor stated Deputy Post has not made her (Taylor) aware of any concerns on her (Posts) behalf. *(See complete transcript tab – K).*

On September 13, 2010, Lieutenant Goggin conducted a recorded interview with Office assistant Ms. Kathy Burnsed at the Sheriff's district II Office located in Deland. Also present was Sergeant T. Morgan.

Kathy Burnsed

Ms. Burnsed advised at no time has she witnessed Captain Summers speak to or treat Deputy Post in an unprofessional / rude or demeaning manner. Ms. Burnsed stated at no time has Deputy Post made her (Burnsed) aware of any concerns on her (Post) behalf regarding Captain Summers. Ms. Burnsed advised she has no information of Deputy Post speaking to anyone regarding concerns involving Captain Summers. *(See complete transcript tab – L).*

On September 13, 2010, Lieutenant Goggin conducted a recorded interview with Sergeant Vidal Mejias at the location of 761 International Speedway Blvd. Deland, FL.

Sergeant Vidal Mejias

Sergeant Mejias stated he has been assigned to district II, and the supervisor of Deputy H. Post for approx. One year. Sergeant Majias advised he has accompanied Deputy H. Post approx. five times to Captain Summer's office, and has not witnessed at any time, Captain Summers order Post to change chairs or re-seat herself.

Sergeant Mejias advised he has not witnessed Captain Summers treat Post unprofessionally, use unprofessional language or speak to her in a demeaning manner. Mejias advised that Deputy Post has not made him aware of concerns on her part of allegations of Harassment, Discrimination or a Hostile work Environment being created by Captain Summers. *(See complete transcript tab – G).*

On September 13, 2010, Sergeant Morgan conducted a recorded interview with Sergeant Brian Nardiello at Nova Road and Highway U.S. 1, located in Port Orange Fl.

Sergeant Brian Nardiello

Sergeant Nardiello advised he was Deputy Heather Post's direct supervisor while assigned to District II for a short period of time. Sergeant Nardiello stated during that time frame he recalls being called to Captain Summer's office Three or Four times with Deputy Post. During those meetings he at no time witnessed Deputy Post being asked or told to switch chairs. Sergeant Nardiello added Captain Summers displayed a professional attitude towards Deputy Post and other Deputies throughout the District. Sergeant Nardiello stated during his assignment at District II, Deputy Heather Post at no time approached him (Sergeant Nardiello) to complain, or attempt to provide information in reference to harassment. (*See complete transcript tab – H*).

On **September 15, 2010**, Lieutenant Goggin conducted a recorded interview with Captain Michael Summers at the Sheriff's Administration Office, Deland, Florida.

Captain Michael Summers

Captain Summers advised he has been assigned to the dist. II office as the district commander (Captain) for Two years / Seven months. Captain Summers stated allegation by Deputy Post that he (Summers) made comments on the appearance of females as they pass by the office windows is false.

Captain Summers advised he does have in his office Marine Corps memorabilia to include a photograph and attached news paper article of a female marine. Captain Summers advised he has never shown the photograph or had conversation with Deputy Post about the photograph / newspaper article. Captain Summers described the photo and attached news article of the Marine as, "*an interesting article with what I perceived to be you know, a model Marine.*"

Captain Summers advised the allegations made by Deputy Post that he (Summers) watches and listens to music videos on a lap top computer in his office are false. Captain Summers stated at no time has he had a lap top computer with the capabilities of playing music videos in his office. Captain Summers advised at no time did Deputy Post make him aware, nor does he have knowledge of Deputy Post making anyone aware of her concerns of videos, musical lyrics, or comments made by him (Summers).

Captain Summers advised the allegations made by Deputy Post that he (Summers) requires her (Post) to change chairs after she has seated herself in his office are false. He stated he has never required her to do so.

Captain Summers advised the allegations made by Deputy Post that he (Summers) did not follow up on information and he attempted to hide safety concerns brought forth by Post are false. Captain Summers advised inquiries were conducted by Lieutenant Newman into the concerns of

Deputy Post. Captain Summers advised he was briefed on the complaints by Lt. Newman and no violations of policy were found. Captain Summers advised he did not speak with Deputy Post about the incidents. Captain Summers denied the allegation(s) he attempted to conceal these incidents from his chain of command.

Captain Summers advised the allegations made by Deputy Post that he (Summers) ordered her to the district to question her about a SWAT certification are false. Captain Summers denied calling Post from her road patrol duties, and stated Deputy Post brought to him an unsolicited resume that he, Lieutenant Newman, and Deputy Post reviewed briefly in his office. Captain Summers denied speaking to Post in an unprofessional or demeaning tone. Captain Summers advised at no time did Post bring to his attention, nor is he aware that she (Post) brought to anyone's attention that she felt he spoke to her in a demeaning or unprofessional tone.

Captain Summers advised the allegations made by Deputy Post that he (Summers) has used his position to deny Deputy Post transfers or re-assignments are false. Captain Summers advised he recommended a denial to transfer for Post to another district only once, and that was due to her being under an Internal Investigation at the time, and after consulting with his chain of command. Captain Summers stated he at no time denied any request for reassignment from Dep. Post due to reasons of harassment or discrimination. Captain Summers advised he at no time purposely withheld and not forwarded requests for reassignment through the chain of command in an attempt to prevent Dep. Post from being considered for reassignment.

Captain Summers advised the allegations made by Deputy Post that he (Summers) singled her out while she was on light duty by transferring her to central communications are false. Captain Summers stated Deputy Posts light duty status and temporary reassignment was discussed with the division commander who made the decision. Captain Summers advised he at no time intentionally miscommunicated information or knowingly passed on incorrect information through his chain of command in regards to Dep. Post's light duty status. (*See complete transcript tab – E*).

On **September 21, 2010**, Lieutenant Goggin conducted a phone interview with Sergeant B. Barnard. The interview was in reference to Deputy H. Posts statement of Sergeant Barnard being a witness to the events, in which she alleges Captain Summers has attempted to intimidate her by ordering her to change chairs after she has seated herself in his office. Sergeant Barnard denies having witnessed the incident(s) or having any knowledge of it. Sergeant Barnard advised he does not recall witnessing any interactions, at any time, between Captain Summers and Deputy H. Post due to Post being on the opposite shift. Sergeant Barnard advised he has no information of Deputy Post having concerns in regards to Captain Summers.

Conclusion:

On September 28, 2010, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the above listed Department Standards Directives to be: **UNFOUNDED**.

EXHIBIT(S):

- A) Official Correspondence
- B) Memorandum completed by Deputy H. Post.
- C) Photocopy of Marine photo.
- D) Transcription of Deputy Heather Post.
- E) Transcription of Captain M. Summers.
- F) Transcription of Lieutenant M. Newman.
- G) Transcription of Sergeant V. Mejias.
- H) Transcription of Sergeant B. Nardiello.
- I) Transcription of Bea Leatherman.
- J) Transcription of Kate Blanton.
- K) Transcription of Pat Taylor.
- L) Transcription of Kathy Burnsed.
- M) Workplace Harassment and Discrimination Policy Reviews

WITNESSES:

Deputy Heather Post
VCSO / District II

Bea Leatherman
VCSO / District II

Captain M. Summers
VCSO / District II

Kate Blanton
VCSO / District II

Lieutenant M. Newman
VCSO / District II

Pat Taylor
VCSO / District II

Sergeant V. Mejias
VCSO / District II

Kathy Burnsed
VCSO / District II

Sergeant B. Nardiello
VCSO / District II

Sergeant B. Barnard
VCSO / District II

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR: Robert E. Goggin DATE: _____
Lieutenant Robert Goggin
Internal Affairs Investigator

APPROVED BY: William R. Lee DATE: 10/5/10
Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA

Sheriff's Office



William R. Lee

Chief Deputy

123 W. Indiana Avenue
P.O. Box 569
DeLand, FL 32721-0569

TO: Captain Michael Summers ID #2366
LES/District II

DATE: September 8, 2010

FROM: William R. Lee
Chief Deputy *WAR*

FILE: 041M0072.10

SUBJECT: Notification of Internal Investigation

REFERENCE: IA #10-019

Pursuant to **Directive 52.1.58** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Chief Deputy William R. Lee.

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

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

And, Volusia **County Merit System Rules and Regulations 86-453 (13)**., Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

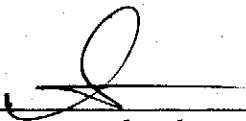
The alleged violations were reported to have occurred during the calendar years of December 2008 to August 2010.

Enclosed please find a copy of the Law Enforcement Officer's Rights which includes your rights and responsibilities relevant to this investigation.

Be advised that you are **prohibited** from contacting the complainant and/or witnesses relative to this investigation.

A handwritten signature in black ink, appearing to be the initials "SL".

An appointment will be made with you at a later date for the purpose of taking your statement.



This memo read and received by:
Captain Michael Summers ID #2366
Date: 9-9-10
Time: 1320 Hrs
WRL/tm041M0072.10

Sheriff's Office



William R. Lee

Chief Deputy

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

TO: Captain Michael Summers ID # 2366
LES / District II

DATE: September 28, 2010

FROM: William R. Lee *WRH*
Chief Deputy

FILE: 041M0083.10

SUBJECT: Disposition of Internal Investigation

REFERENCE: IA #10-019

Based upon the facts presented in this investigation regarding 26.2.63 Harassment which was reported to have occurred during the calendar years of December 2008 to August 2010, the complaint has been classified as: **UNFOUNDED.**

The completed case file is retained in the files of the Volusia County Sheriff's Office, Internal Affairs Unit, located in DeLand, Florida.

cc: Internal Affairs
File



Sheriff's Office

Volusia County

Ben F. Johnson, Sheriff

INTERNAL AFFAIRS
SEP 01 2010
RECEIVED

To: Chief Lee, via chain of command *wah*

Date: August 27th, 2010

From: Deputy Heather Post *[Signature]*

File: 052M066.10

Subject: Discrimination/Hostile Work Environment

I am currently assigned to District 2 Uniform Patrol. As the only female Deputy assigned to District 2 Patrol under Captain Shane Summers, I have been subjected to discrimination based upon my sex, in addition to harassment and intimidation which I believe have risen to the level of a hostile work environment.

As a proud member of law enforcement for many years, I am aware of the many aspects of this male dominated field and have dutifully accepted them, but the continued behavior and escalating harassment perpetrated by Captain Summers is unacceptable.

Below are just some of the incidents/behaviors I have been subjected to:

General behavior:

- * He office has one complete wall of floor-length windows. He sits and stares at the women walking by outside his office (there is a hair salon and spa next door) and makes comments about how "hot" they are, sometimes interrupting conversations going on in his office, to point them out. This is common knowledge in the district.
- * He has a photo of a woman Marine he found in a newspaper several years ago. He keeps it in his desk and pulls it out to show people how "hot" she is.
- * He has been observed watching music videos on the computer in his office, talking about how "hot" the female singers are.

While these actions were not directed at me, I feel they lay the foundation of Captain Summer's overall perception of women. I do not feel these actions represent the highest standards set forth in departmental policy or County merit rules.

General behavior toward me:

- * No matter where I sit when called in to his office, he tells me to get up and sit in a chair he designates, by pointing and saying, "No. Sit in THIS chair", when I sit down.
- * When called in to his office, he finished a sentence and then just sits there and stares at me. When I make a gesture or say, "is there something else?", he continues to stare for a good length of time. I feel this is done to make me feel uncomfortable and he appears to get amusement out of this.

(page 1 of 5)

* Prior to writing me up, he has always blatantly ignored me in passing. Now he goes out of his way to make contact and smugly says, "And how are you today, Deputy Post?" in an attempt to illicit a response. This is very patronizing. I have had to exit the district a few times already out the back door after running into him on the way in, so that I did not have to deal with him on the way out. I have also recently had to deal with this while on scene on a high priority/dangerous call.

Some specific incidents:

* A few months after I came to the District, he called me in to his office off of road patrol just to say, "I've been going over your list of training and it says Basic SWAT School on here." He just sat there and stared at me. When I inquired, "Yes????.....and?????????...", he said, "And what does that mean?" I asked what it was he was asking. Captain Summers replied, "YOU went to SWAT School?" I said, "yes", and he grunted and told me I was dismissed.

* When I requested two hours a week for five weeks for medical treatments needed, Captain Summers said, "So what you're telling me, MS. Post, is that you're not fit to be a Deputy?"

* Captain Summers refused my attempts to retain/recertify law enforcement certifications that I had (Intoxilyzer operator and CVSA operator) and those certifications expired.

* In June of 2010, I submitted a "Request for Reassignment" to apply for a Major Case Investigator position, well before the closing date. After discussion with Lt. Adkins (I was temporarily assigned at the Communications Center on light duty status), I gave him the request. Lt. Adkins advised he had discussed the request with Captain Almodovar, Captain Almodovar had spoken with Captain Summers about it, and there was nothing more I needed to do to get on the application list. A day or so after the closing date, I saw Captain Summers in person at the District Two front office. He told me to wait a minute and came back holding my request for reassignment paperwork. He said he had not received the request in time so I was not going to be able to interview. He said that he was not aware that I had put in a request until that morning. When I brought up that I knew that Captain Almodovar had discussed it with him the week before and it was given to him AND that I was aware of a conversation he had with other personnel about who had put in for the position and he brought up that I had put in for it, he stammered and said he would look into it. I went back and advised Lt. Adkins what had happened and I was soon notified that I had been added to the list.

* In 2009, I was involved in an extremely suspicious incident that occurred in the midnight hours in a desolate area on State Road 40 while my patrol vehicle was parked on the side of the roadway while I wrote a report. A dark-tinted minivan slowly drove by my vehicle two or three times and then sped off when I pulled out onto the roadway. My sergeant advised me not to follow it and to pull over. I did so and the vehicle subsequently turned around and parked on the side of the roadway approximately 100 yards in front of me, facing my patrol vehicle. No one got out and I requested back-up.

Deputy Ralph Henshaw by-passed me after my request for back up on State Road 40, advising he couldn't assist because he was going to lunch shortly. (It should be noted that Deputy Henshaw had to pass State Road 40 to go home from his zone for lunch). This was brought to my sergeant's attention (Sergeant Nardiello) and also to Captain Summer's attention, by both myself and other deputies on the shift who were very upset about the incident. To my knowledge, nothing was ever done. Later, after an unrelated departmental investigation involving Deputy Henshaw, when Captain Summers was trying to get a list of complaints together from district two deputies against Deputy Henshaw to pass on to the administration, Captain Summers called me into this office, off of road patrol. I advised him that the incident detailed above was the only major problem I had with Deputy Henshaw and I believed it to be extremely major, Captain Summers stated he could not put it on the list because the 4th floor would wonder why he never addressed the issue and he didn't want them aware that things like that happened at his district. Captain Summers then told me he didn't need any information from me, that he had enough documentation already, and abruptly dismissed me.

* There were numerous reported incidents that occurred involving Sergeant Nardiello and personnel at District Two during his tenure there. While I was on Sergeant Nardiello's shift, I notified Captain Summers of a crazy, ranting email Sergeant Nardiello had sent to me and another deputy. To my knowledge, nothing was done. I also notified Captain Summers that there had actually been serious discussion amongst personnel of how a Baker Act would be initiated on Sergeant Nardiello if/when the situation presented itself. I also notified him of my concern for my safety. Nothing was done. Sergeant Nardiello had already been transferred to the Communications Center as part of the normal District Two rotation by that time and he continued to email me with funny emails and photos. After I requested he not send me them and he continued, he was notified by Lt. Newman not to email me anymore. Sergeant Nardiello returned to District Two after the rotation to Communications. In April of 2010, Captain Summers called me into his office with my current sergeant and told me he was transferring me back to Sergeant Nardiello's shift. When I expressed amazement at this, Captain Summers told me it was because I was the least senior deputy on the shift and it was only fair. When I advised him that I had seniority over three people on the shift, he said, "Well, you're the one I've decided to move anyway." Captain Summers said, "I know you have a problem with being on his shift but does the move conflict with your *personal schedule* in any way?" When I said that there was no conflict with my day planner, but that I did have a problem with being put back on his shift, my current sergeant inquired as to what had happened previously. Captain Summers waved his hand and pointed out to my current sergeant that there was a "previous issue" but that it didn't matter. Numerous personnel came to me in amazement when they found out I was transferred and said, "What?!?!?? How can he put you back on his shift??" These were persons aware that both Deputy Cobb and I had been advised by Captain Summers we would never have to be on Sergeant Nardiello's shift again.

* During a meeting with Captain Summers in his office on June 18th, 2010, he told me:

* "Women can't shoot shotguns". While discussing the upcoming annual qualifications I had scheduled, Captain Summers asked me if I really thought I was going to be able to pass the shotgun qualifications. When I said, yes, that it was not going to be a problem, he said, "Well, I know women can't shoot shotguns. Are you sure you're going to pass?"

* During this meeting, he said, "Gee, Heather. You seem aggravated." And sat there smugly smiling at me. This was clearly in the context of sarcasm.

* "Female doctors don't know anything". After discussing everything pertinent to our meeting, Captain Summers stated he was waiting on a telephone call from Major Jones and he did not know when that telephone call was going to come. I went to get up to leave and he told me to sit back down so we sat there staring at each other. He asked me if the doctor I went to really helped me and I replied, "Yes, she...." Captain Summers said, "SHE??" When I said, "Yes, it's a female doctor. Why? Is there something wrong with that? You don't like female doctors?", he told me, "Female doctors don't know anything." When I said, "Seriously? This is what you're telling me?", and I repeated what he had said, he smiled very smugly and said, "Yes. That's what I'm telling you."

* He then told me, "No female is going to be able to crack the back of a big, strong guy like me".

* Captain Summers told me, "All of this light duty stuff is ridiculous." He proceeded to tell me how he was injured only once in his career with a deep cut in his hand. When his sergeant told him he could not work with stitches in his hand, he said he looked him in the eyes and pulled out all of the stitches and then went to work. Captain Summers then sat there and stared at me.

* I requested to speak with Lt. Chilcot about my light duty situation because he was newly transferred to the district and I wanted to make sure he correctly understood my light duty status/situation. I requested to do this off-duty, on my own time. Captain Summers ordered me not to talk with Lt. Chilcot about it, even after I advised him the reason for the conversation and reassured him that I was not wanting to speak with him in an "official" capacity. (It should be noted that another deputy on light duty status during the same approximate timeframe was advised to deal *mostly* with Lt. Chilcot.)

* I was transferred to the Communications Center while on light duty status. (It should be noted that at least two other deputies on light duty status right after me during the same approximate timeframe remained at district two and assisted in the investigative division.) My being away from district two also caused difficulties when situations arose when I needed to complete supplements and close cases. I inquired as to why the cases

were not being re-assigned to another deputy for follow-up and was told I needed to do them.

* I called Captain Summers as ordered, on June 11th, 2010, and the first thing he said was, "You're not on a recorded line, are you?" When I responded, no, that I was on my cell phone, he stated he had no information for me. When I brought up the fact that I had the fitness for duty form to give to my doctor, so that at least would be covered, he said, "What form??" This is a continuation of the entire miscommunication between the district level and others of the proper documentation of FMLA.

* Captain Summers advised me the department should have taken my weapons from me because I had failed to qualify while on light duty status. When I advised him that was incorrect, that I had not failed a qualification course, I had simply not attempted it yet, and was well within the annual time period, he repeatedly insisted they should have taken my weapons.

Constant harassment, neglect of duty, and intentional miscommunications (neglecting to pass on information and/or passing on incorrect information) by Captain Summers pertaining to my light duty status, has caused me tremendous stress, especially while trying to deal with medical issues. This has tremendously delayed my healing process.

I have now been served with an Internal Affairs investigation initiated by Captain Summers for three separate charges because he is upset that I confronted him during our meeting on June 18th, 2010. I am in awe that such a ridiculous claim is even being entertained, and that it continues to drag on after several weeks. This is just unacceptable.

I am proud to be a member of the Volusia County Sheriff's Office and have shown my dedication in numerous ways (many on my own time). I have been passed over thus far for approximately ten investigative positions, all of which I believed I had the most training and experience (much more) over the other candidates. I know that I can shine as an employee if given the opportunity and without being subjected to this behavior.

I am sure that further investigation will show a pattern of behavior with past subordinates of Captain Summers. Thank you for your consideration in this matter.

(page 5 of 5)

Cc: County Personnel

A handwritten signature in black ink, appearing to be the initials 'RJ' followed by a stylized flourish.

Quantico

The Co

71st Year, No. 14

Serving Marine Corps Base Quantico, Va., since 1935

Marine honored at aw

By Sgt. LaToya T. Graddy
Combat Correspondent

SPRINGFIELD - One of Quantico's own was awarded the Marine Corps Person of the Year for Community Service award by the Springfield's American Legion Post 176 at its annual award ceremony Saturday evening.

Along with individuals who won awards for helping victims of dreadful crimes, saving lives, fighting fires, and keeping the community safe, Sgt. Pamela Sue Dunn, a Marine, Helicopter Squadron 1 Marine, was nominated by Quantico and approved by the sergeant major of the Marine Corps to represent the Corps for community service at the event.

She was awarded the post's "2005 Marine Corps Person of the Year for Community Service" for her hard work and dedication to the Corps and community by giving many hours to volunteer projects.

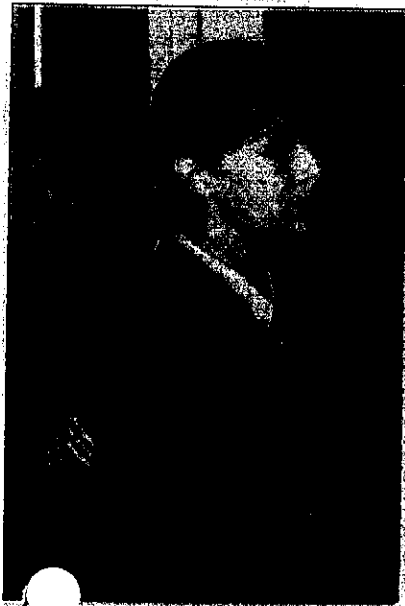
This award nominates Dunn for the National Spirit Award, which is presented by the American Legion each year, said Jim Kampanos, commander of the Springfield post.

Dunn was nominated by the Corps, in part, because she spent four years working for the Single Marine Program - the first year as a unit representative and the past three years as president for the overall base program while she was stationed at Quantico.

According to a letter from Sgt. Watkins, base s "Sgt. Dunn planned and executed all the [Program] events. Corps Base Quantico's position is tary.

"Thus, she dedicated hours of her time to the quality of life, promotion and camaraderie of her fellow Marines," Watkins letter.

During duty hours, Dunn worked as an aviation operator at the White House and spent at least two days at the White House.



By Sgt. LaToya T. Graddy
Sgt. Pamela Sue Dunn stands while being recognized for service to the Corps and community at American Legion Springfield Post 176 annual award ceremony Saturday.

WITNESS STATEMENT

BG – Lt Robert Goggin TM – Sgt Tim Morgan HP – Heather Post

NJ – Nancye Jones JC - Jeff Candage

BG Heather before we begin I just want to remind you that you are not the subject of this investigation, that you are merely a witness to this investigation and we're here today to discuss with you an incident involving a memo that you completed because of the seriousness of your allegations. The Sheriff takes this very seriously and that's why we're doing this today so quickly. I want to also remind you that this investigation that we're beginning today is separate and apart from the Internal Affairs investigation that you're currently the subject of. Do you understand that?

HP Yes

BG Ok

NJ Can I clarify something for the record?

BG Yes please

NJ I'm Nancye Jones I'm here from the County Attorney's Office and I have been in contact with Personnel about this because obviously they received a copy of this memo as well. And it was reported to me from Chandra Gordon and from Tom Motes that you had been given a couple of options in terms of the reporting of these incidents and that you voluntarily chose to report this through your chain of command. Is that accurate?

HP Yes I was very hesitant to report it through chain of command...

NJ Right

HP ...that's why I contacted them first I guess.

NJ Right, no I understand that, I just...

HP But yes I wanted to follow all protocol and procedure yes.

NJ Ok I just wanted to make sure that that was, that was what they told me and I wanted to make sure that was accurate that you had been in discussions with Ms. Gordon and um they, the Personnel Director is aware that the Sheriff's Office is doing this investigation, that the Internal Affairs Unit is doing it and so I'm kind

of here on both sides in terms of that and sort of watching from, for them as well so.

HP Ok

BG This will be a taped interview in reference to an Internal Affairs Investigation. Today's date is September 1st 2010 the current time is 1:10pm. The location of this interview is the Sheriff's Office Administrative Office Deland, Florida. Presently being interviewed is Dep. Heather Post. Dep. Post for the record please spell your last name.

HP P-O-S-T

BG Thank you, also present for the interview is Sgt Tim Morgan with the Volusia County Sheriff's Office, Mrs. Nancye Jones with Volusia County Legal, Teamster representative Jeff Candage. Dep. Post I am Lt Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Are you aware this interview is being recorded?

HP Yes

BG As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn please. Do you solemnly swear or affirm that the statement you are about to give is the truth and nothing but the truth so help you God?

HP Yes

BG Dep. Post can you please describe the events that occurred which caused you to complete a memo, memo #052M066.10 with the subject matter of discrimination and hostile work environment naming Capt Shane Summers.

HP Um there had just been a number of incidents that occurred, um quite a number of them over and over since I had been assigned to District II and um I just got to the point where that's not right and decided to report it.

BG Ok in your memo in the first paragraph it reads that "I have been subject to discrimination based upon my sex" can you please describe that for me in detail?

HP Um well I believe all of the instances that I've been discriminated against are because I'm female and because of Capt Summers opinion or outlook on females.

BG And again Heather, do you have a copy of your memo?

HP Yes

BG You list some of those behaviors and can you go ahead and give me a little bit more detail?

HP Just to go through each bullet? Or? Yeah ok, um I mean the three top behaviors are self explanatory um. Just he's got floor length mirrors along his office and he's always checking out the women that are coming out of the salon next door, making comments I've heard those comments I know that a number of other people in the District have heard those comments. Um he's got um a photo that he pulled out and showed me and I know he's pulled that out and showed several other people. Um...

BG Ok but before we move on Heather to your second point there let's, and I'm going to talk to you a little bit about that window. What exactly and what did you observe, or did you observe that behavior by Capt Summers staring out the window and making comments?

HP I don't remember exactly what he said because it was just, it's...

BG No, did you observe him doing this?

HP Yes I did.

BG Ok

HP Yes I did.

BG And do you remember the dates of this?

HP I don't have any idea?

BG How many times?

HP Um I have no idea probably, I probably observed that once or twice and it's common knowledge in the District that that happens and...

BG And when you observed it, what exactly did you observe?

HP Him looking out the window as someone walked by and just stopping his conversation and just checking out whoever was there and making a comment how hot they are.

BG Ok and did you see what he was looking at outside?

HP Yes

BG And what did you see?

HP It was just a lady walking by.

BG Ok and again Heather, and the reason you were in his office at that time was what?

HP I don't remember, I've been in his office so many times I don't remember.

BG Do you recall who was with you who was with you in the office that time?

HP No

BG Can you give me a date approximately, a month when this happened?

HP That was right when I came to the District so that would have been towards the beginning because this, these were my first impressions of him, these top three, um within the first few months of my coming to the District.

BG Ok when was that?

HP Uh I want to say it was late 2008 or early 2009?

BG And again you observed this one time?

HP Once or twice.

BG And do you remember who was in the room?

HP No I know I mentioned it to people and then other people said "oh yeah that's common knowledge" and that, someone said that you know he's got his window tinted right there so he can do that um.

BG And did you follow, when you heard other people talking about it Heather did you speak to anybody specifically about he only makes those comments, or those types of comments about women?

HP No I'm assuming, I, no I would assume that he doesn't say that guys are hot going by his window.

BG Ok and your next point that you started on was the photo?

HP Yeah he actually, he pulled that out and showed it to me, it was a newspaper article that was in his desk.

BG Uh huh

HP And it was um he said he had a photo of a hot marine and I'm thinking a you know a photo of a hot marine and he pulled it out and it was just a regular newspaper article photo of a woman marine in uniform but he was saying you know how hot she was and everything and he mentioned that he, I remember this specifically because it was sort of icky, but um he mentioned something to the effect of that he found it in the bathroom, the newspaper the marine newspaper at some point and that he found it several years ago and it's actually um it's just a, and I'm, it's a newspaper photo that he keeps in his desk and I was thinking because again these were my first impressions of him coming into the District as my Captain and I was thinking um ok I'm pretty sure he hasn't kept this office or he hasn't had this office for this many years so he's toted this picture around and shows it to people? I don't know.

BG And describe the picture to me. What did you see?

HP It's just a photo of a woman marine in uniform, in a marine uniform. But he pulls it out and shows everyone how hot she is...

BG Do you recall is she like in...

HP ...and I mentioned it, go ahead.

BG ...is she in like a utility uniform, class blue uniform, is she?

HP I don't remember, it's a uniform, a hat and a uniform I don't know.

BG And when he showed you that picture was anybody in the office with you?

HP I remember there being someone there but I don't remember who it was, um I know I mentioned to again to several people because that was just weird and icky um...

BG Would you say the picture was distasteful photograph of the female marine?

HP No but his comments of you know hey, you know, there's, I have this photo of this hot marine and look how hot women marines are and then the fact that he kept it for several years and then the fact that he told me he found the newspaper in the bathroom that's sort of icky.

BG Ok and again do you recall when you saw that photograph?

HP Again that was the first several months when I was at the District um I know it's, someone else had said, I know he had said that he had had it for several years and um someone else had told me that it was dated and it was several years back but I didn't, I remember seeing a date on it or anything.

BG Ok and Heather just to back you up a little bit the comment about the women walking in front of the window, and I know you said there was nobody in there or you don't recall or do you know any other specific witnesses that have observed Shane, Capt Summers, make those type of comments?

HP I don't know of any, I don't remember who I talked to about, it's just common knowledge in the District that that happens I mean...

BG Ok

HP I don't remember who I talked to about it or, but I know that it's common knowledge. Like if you asked anyone...

BG Ok

HP And I mean also the fact that he's excited that his window's tinted so that he can do that all day long and no one can see him.

BG And he's told you that?

HP This is what other people have told me when I've had this discussion with them and I, not discussion after I brought this up but back then when it was occurring.

BG Ok can give me a name of a deputy that gave you that information?

HP I don't know, it's just common knowledge and I've, he's, I've talked to different people in the District about stuff that's been going on I don't remember anyone specifically that I talked to about the window.

BG Ok you can go on.

HP Um the music video thing I remember, and I remember that incident because again that was um really icky. Again that was new when I was to the District and I was forming my opinion. Um and I remember walking back in the hallway and he was on his laptop and um I heard music I went to the Lt Newman's office next door because Lt Newman was in there and I don't remember why I was back there or what I was talking to her about but I poked my head in, said something to her talked to her for a second and then Capt Summers, I don't remember what he said but I remember he was remarking about the Brittany Spears video that he was watching and um talking about how hot she was and I remember looking at Lt Newman like ok and she just gave me the same look and then I left. But I remember thinking you know, he's around my age he's around he's around 40 and why are we looking at Brittany Spears videos and talking about how hot, isn't she like, that's a little icky.

BG And it was just the two of you in the office you and Lt Newman?

HP We weren't in his office, she was in her office next door but he has a habit of doing things in his office and like calling out to people and that's what that was.

BG Ok did you actually see the video?

HP No

BG Could you hear the video?

HP Yes

BG Ok

HP And I think there was some conversation about it prior to my coming back there because it seemed like they were all discussing it and I don't know if someone had just left his office or what but I had just walked back there.

BG And Heather at the time were you offended by his comments about the video?

HP I just thought it was, it wasn't a very good impression for me of him as my, I just thought it was really icky like who does that?

BG Ok anything else on that topic?

HP Uh uh

BG Ok you can go on.

HP Um ok the next thing on here is just general behavior. Um every time I come into, every time I've ever been called in his office no matter where I sit, he has several chairs in his office and I've actually sort of played the round robin because I'll think ok well he want me to sit here next time and I sit down in the chair and he says "no, no sit there" so I have to get up and move over here and I know that, I don't know if he read a book about intimidation at some point or what but I get it. He's in charge, he wants to make me get up and keep moving.

BG And during these incidents with him where is he seated at the time?

HP At his desk.

BG Ok and where are you attempting to sit?

HP I've attempted to, there's...

BG I'm familiar with his office, I mean he's got chairs in front of his desk...

HP He's got chairs in front of his desk, he's got chairs towards the side of his desk and then he's got chairs around the table. I have sat in all of those chairs in an attempt to sit somewhere where he's not going to go through the process of telling me to get up and move and each time, because he has two chairs directly in front of his desk and no matter which chair in front of his desk he tells me to get up and move to the other chair in front of his desk.

BG And while you're in the office with him is there any other witnesses to this?

HP Um I've, there's been people in there before when that's happened. My Sergeants um...

BG When you say my Sergeants? Your Sergeant who?

HP Um Mejias has been in there, um Nardiello has been in there, who else has been my Sergeant at District II? Um maybe Barnard I'm not sure. Um I don't know but that's every time I go into his office.

BG Ok Dep. Post on your memo it reads that the behavior is escalating uh and I'll just read it "but the continued behavior and escalating harassment perpetrated by Capt Summers is unacceptable". Can you explain to me how this is escalating?

HP Well the entire rest of the memo shows how it's escalating. I mean this is how I started when I came to his District with these little things and then I've had all this other bullshit happen, pardon my language.

BG Ok Dep. Post as this was going on in your time assigned to District II did you report this to any other supervisors?

HP Above the Captain?

BG The Lieutenant, Sergeants anyone else in your chain of command that you felt that you were being harassed?

HP This stuff, if you'll read the stuff that happened...

BG Uh huh and I have.

HP ...um people not backing me up and um my request for reassignment I reported that and that was just taken care of um. The Nardiello incident um, spelling error there, that's concern for my safety and no one did anything and then I went through all this light duty stuff over the last six months over light duty status which I thought was pretty ridiculous of not being able to talk to anyone on the

fourth floor over that. Um I've been trying not to make any waves I've just been trying to you know come in do and my job and you know my motto's always been no problem, no problem um you know no problem. He put me back on Nardiello's shift I went on light duty um and I figured I would just try and deal with that when I came back off light duty. I've just been trying to deal with all of this as best as possible because I know that he's a Captain and I'm just a peon and I haven't wanted to make any waves um...

BG Ok

HP You know I'm trying to get into investigations I'm trying to do really good in the department I'm volunteering all this stuff I'm just trying to be a good employee and I haven't wanted to make any waves. Um but like I said I'm at the point where this is just ridiculous so.

BG And you made mention a moment ago about that your request for reassignment, can you explain that?

HP Um actually I've made several requests for reassignment. Um most of them have been for investigator positions but I've also requested transfers and I haven't, the last transfer I put in I haven't heard, never heard anything back. I don't even know if the fourth floor got it. Um I'm assuming that we're supposed to get a response on that stuff at some point?

BG And Dep. Post this specific one that you documented here.

HP Yes

BG And when you say that you spoke to him, I guess he waited for you, you had a conversation with him at the front door or the front entrance to the District?

HP In the, inside the District yeah.

BG Right was there anybody witness to that conversation?

HP Uh I don't remember if anyone was standing there or not. I know as soon as I left the District um I know I talked to, I know I talked to Josh Mott about it because he was on my shift. Um I know, I talked to Josh Mott about a lot of this stuff. I've talked to Martha Adamczyk about a lot of this stuff. I've talked to a lot of people about a lot of this stuff as it was going on.

BG Ok when you mention those deputies, did they witness any of this? Or was this information that you spoke to them after the fact?

HP They weren't, these people that I'm, Josh and Martha and all them weren't actually there when this happened.

BG Ok but do you recall if anybody was there that could help you with the comment that was made at the front door?

HP I don't remember if anyone was there or not. I just remember it happening and me immediately leaving and I'm pretty sure I called like Randy before I even left the parking lot.

BG Ok

HP And I went straight back to Comm. Center and got with Lt Adkins and said uh what the heck and all the sudden I was on the list so.

BG Ok and Dep. Post is it possible that Shane just made a mistake with that?

HP I don't believe so.

BG Ok and when I say Shane for the record I mean Capt Summers.

HP And the reason I say that and I say it in here is because when he had this discussion with me he told me that this was the first he had ever heard of it and I know that the Admin over at Comm. Center had discussed it with him the week before. Um and I know that so he's looking at me and telling me oh well you cant get this because this is the first that I've ever even heard about it you wanting to be in it number one and then second um one of the guys in CID Josh ended up telling me that he had heard the week before they were all in a conversation with Capt Summers and they were all discussing who had put in for the Major Case position and Capt Summers is actually the one that brought my name up and said that I had put in. So if he didn't realize that I put in then why is he telling them that I put in and you know? There was a, there was actually I think because I tried to, I didn't know who again with the whole light duty status I didn't know who to put my transfer request into so I didn't know if I was supposed to do it through Comm. Center because I was temporarily assigned out there or if I was supposed to turn it in at the District. Um so I tried to turn it in out at Comm. Center so I turned it into them way before the deadline and then they said no, no we've talked to Capt Summers you know let's do it through your chain of command and go ahead and give it to us we're going to make sure that it gets through over there and then you don't, and then I said you're positive I don't need to do anything more about it so I'm good? Yeah. And that was it but. But he also did this in his same little, this discussion that we had is in his same demeanor but I said excuse me but I know for a fact that um you did know about so let's try this again and um that's when he threw it in his box and said I'll look into so I went back and said well obviously I'm not going to get anywhere here let me just go back and get with Lt Adkins and ask you know what's going on. And then all I know like I said is that all the sudden I was on the list and I got an email from Lt Kelley saying you know sorry we didn't realize you're on the list we're putting

you on now so. Um but I know there's like a thing about because I obviously really want to get into investigations that's my whole background um and I've been trying to bide my time in the department to get back into investigations, the Captain knows that and I think that this was a thing to, so that I wouldn't get the opportunity to put in. Um just like while and it' another thing in here just like while I was on um light duty status um I was sent to Comm. Center. Two other people that were right after me that were on light duty status were, remained at the District and were in Investigations the whole time. We still have a guy that's still in investigations in there. Um and while I was out at Comm. Center I had to keep all my cases to do supplements and follow up on and everything and they, I had a job to out there they wouldn't allow me time to sit at the computer or call people or do District stuff and they said well if you're doing District stuff you should be at District II why you know if they want you to do, it should be one or the other and then I asked about that several times I said look I so basically I'm having to do this stuff at home to try and do 707's or get this through and um they said we're not reassigning it to anyone else you just need to do it so.

BG And at the time who was giving you the instruction or direction to do your follow ups while you're on light duty?

HP Um I know that Barnard did, um I know that Barnard had talked to Chilcot, um I don't know if, I think Nardiello also sent me an email saying to take care of it and he also got with Jody Thomas out at Evidence because I was out there for I want to say a week and a half? Prior to going to Comm. Center.

BG Dep. Post did you ever ask for an explanation? I mean if you felt like you were being slighted or picked on at the time while you were out at Dispatch. Did you ever ask that question through your chain of command?

HP Did I, no there would be no point to go to the Captain and say why are you putting me in Comm. Center um. I had, I discussed with Lt Adkins um the whole, I discussed with Lt Adkins a lot of this stuff and um he said he was confused as to why I was out at Comm. Center because I should, you know normally it's procedure where you stay at the District and you would work CID but um. I did a good job out there I mean I just got my eval. out there and it was, what is the highest one? Exceptional? Yeah and it also said I followed orders and...(laughs)

BG well very good.

HP ...did a very good job so um...

BG And Dep. Post I'm not trying to cut you off. Is there anything, you have the memo is there anything else that you'd like to discuss that's on this memo? Or anything that you feel is pertinent that we need to know about?

HP I can discuss everything on the memo if you want. I mean I'm here. Um under having him move, having me move from chair to chair um whenever I'm in his office he just, he'll talk to me and he'll just finish his sentence and then he'll just sit and stare and me and I'm like ok. And it's not just a short pause it's like a full minute and again I don't know if that's because he read a book somewhere or what but it's obviously to make me very uncomfortable. And even when I say um is there anything else? He won't answer he just sits there and stares. And I don't know what that's about but. Um he's always ignored me in passing and uh even going out to like the awards ceremonies and stuff out at Training and things like that where's there's a lot of brass around and um and I know a lot of people that work in the department especially the detectives and stuff that are out there and so I'll say hey to everybody and um he wont even, I could be standing right next to him and he wont even acknowledge that I'm there. I could say hello and he won't even acknowledge that I'm there. And then after this, after the IA came through like every time I, he's down the hall or anytime I see him it's been you know seeking me out and saying, just being real smug and you know well hello how are Dep. Post, how are you today and just being real snotty. And um...

BG Does he say anything inappropriate to you?

HP No he just says that and it's obviously just a continued, it's obviously just to irritate me or make me uncomfortable or um and he did that on, I mention in there, I was on there was a signal 20 call um at one of the over passes um Cassadaga I think or Lake Helen and um they were the Captain and the Lieutenant and everybody were out for um uh I don't know whatever that op was they had at night to Parole and Probation or I don't know what it was but they were all out on a night op so they were still working. And I go out on this call he's supposed to be you know wanting to hurt L.E.O. and he was standing on the over pass and then he disappears and goes off in the woods so I'm on scene. I'm trying to get information from his family, he went behind his house in the woods. Um I'm trying to do all this stuff and find this signal 20 guy that's gonna you know that might harm us and um he comes up pulls his car right up and leans against it and as I'm like walking to like try and get with Sarge he's, he does the same thing again. And I'm like really I don't, like I'm trying to deal with the signal 20 guy I really don't need to deal with this right now or you know or you getting me you know irritated right now it's just.

BG And explain to me what the Captain was doing?

HP He was just, he showed up and then he was just leaning against the car and I went to go by and again he said um well hello how are you Dep. Post. And I said well I'm fine sir um what did I say? I said oh I said good morning and then he said well it's not morning and I was just like whatever. (laughs) but it was a, just in the same, he's never talked to me, like he never acknowledges me ever and but I don't need him showing up you know when I'm trying to deal with this stuff, I don't need him showing up doing that stuff that's...

BG Ok

HP The next thing is um uh again after I, when I came to the District he called me in off the road and Lt Newman was in the office and um he said he'd been going over my training and he said, I said "yes", he said "it says basic SWAT school on here" I said "yes" and then he just sat and stared at me and I said "ok I'm not sure what you're getting at, are you asking me something?" and he said "you're telling me that you went to SWAT school?" and I said "yes" and he sat there again and just started at me and I was like "ok I'm still not sure what you're getting at, are you asking me something?" and he just sat there and looked at me and so then I looked at Lt Newman and I said "well of course that was like 10-15 years ago when I was like superwoman now I'm like a regular person (laughs) but yes I did and I'm proud of that" and then he said "well alright you're dismissed" and I left thinking what the hell, you know what was that?

BG Any inappropriate language towards you during...

HP No it was just very demeaning and like what was that, you called me in just to?

BG Did he dispute the fact that you've had SWAT training school?

HP No he just kept saying, he said "what you're telling me is you went to SWAT school? You went to SWAT school?" "yes" "So you went to SWAT school?, is this something else?" "no it's SWAT school" I don't like I don't know what you don't understand. So that was that conversation. Um the deal this last January when uh I needed two hours a week for five weeks for medical treatments. Um I went into the office, I talked about it with Sarge and we both went into the office um to tell Capt Summers and ask for those two hours off a week and um I was trying to do it so that I can be, because I knew our shifts were short and everything and I was trying to do it to where you know I wasn't taking time off and I was taking as little time away from shift as possible and um. But when I explained all that instead of, and he was aware of past medical issues that I had been dealing with up to that point um and uh all I got from him was you know the same look the same smugness and "so what you're telling me" you know and it wasn't even Dep. Post it was Ms Post "so what you're telling me Ms Post is that you're not fit to be a deputy sheriff?" and I was like "no that's not what I'm telling you, I'm telling you, I'm asking for two hours a week for five weeks off to go get these treatments and or I could take you know six weeks off, I'm asking for two hours a week I'm not telling you that I'm not fit to be a deputy sheriff" and again it was just his demeanor. And I actually got very aggravated when he said that and I was visibly aggravated um.

BG It's ok take your time. And again just to follow up there any inappropriate language on his part?

HP No cuss words.

BG Ok any unprofessional comments?

HP I think all of this is very unprofessional.

BG In his delivery.

HP Yes

BG Ok

HP Um so I think the rest is pretty self explanatory.

BG Ok I think so also Dep. Post but if you can take your time and look at that if there's anything else that you feel that's in there that you didn't cover enough or you want to expound on please feel free to do so.

HP Well (laughs)

BG Dep. Post is there any other witnesses or that were witness to any of these conversations between you and Capt Summers that you feel necessary to bring forth now? Or any other documentation that you'd like to pass on to us?

HP Well on then last paragraph of page four obviously Lt Chilcot's a witness to that um Sgt Mejias is a witness to that.

BG And go ahead and explain for the record Dep. Post what you're speaking to. You're saying the bottom of page four, where at on the bottom of page four?

HP The second to last paragraph on page four. I requested to speak with Lt Chilcot it starts with.

BG Ok

HP And then the last paragraph of page two and all of page three my shift pretty much everyone at District II.

BG Where're we at? What was that last?

HP Page two, the bottom paragraph of page two and all of page three.

BG And on the incident on State Road 40 Dep. Post you're saying nothing was done. How do make that statement? How do you know nothing was done?

HP Um no one ever said anything to me about it and there was a number of people on my shift that were super pissed about it and they came to me and said that they had brought it up and said they were super pissed about and they were upset that nothing had been done.

BG Ok when you say, and who are these people?

HP Uh well Dep. Whitener because he was actually the one that backed me up. Uh who else was on the shift then? I don't remember who else was on the shift then but it was everybody on the shift. (laughs) Um and I know that one of the reasons that I knew that pretty much nothing has been done is because at the last section in that first paragraph on page three where Capt Summers, when he was calling everyone in to document Dep. Henshaw and I said that that was my only major complaint about Dep. Henshaw and he said "oh no I can't put that down never mind" the last section of the first paragraph on page three.

BG Ok

HP So that again sort of backed up for me that uh that was being brushed under the rug and no one really cared.

BG Ok Dep. Post anything else that you would like to bring forth today in reference to this interview?

HP I don't think so at this point.

BG And again Dep. Post this is going, you made mention of this, this started almost immediately upon being assigned to District II up until the time you completed this memo which is dated August 27th had you made your concerns known to anybody else in the chain of command above Capt Summers?

HP No I never contacted Major Jones or the Chief about it no.

BG Ok any supervisors, anybody in the supervisory position with the Sheriff's Office where you felt you were being discriminated against and or that you were working in a hostile work environment?

HP Um all the Sergeants, um Lt Adkins, Sgt Miles, um Lt Newman, um I think I discussed with Lt Barrs my frustration over incorrect information or no information being passed on by Capt Summers before he left um. That's...

BG Ok I don't think I have anything else, Mrs. Jones?

NJ Can I ask a couple, just to clarify a couple things...

HP Sure

NJ I'm just going to go back to the beginning because I tried to write notes so I don't forget. Um and some of these he might have asked you and I apologize I tried to scratch it out if he asked it. In terms of the first page the um comments about women being hot and things of that nature. Did you say whether anyone else had heard them when you were there or that, or was anyone there when he said it in front of you? That you recall?

HP Uh well with the video there was people around.

NJ Lt Newman right?

HP Right

NJ Anybody else around?

HP I don't remember with the newspaper who was there.

NJ Ok and I think you said that you couldn't name anybody that you talked to about, you couldn't remember anybody that you talked to about it but that it was common knowledge?

HP Right

NJ Ok so there's no other names of anybody that we could talk to about these three issues on the front page there that you can tell us that you that might be able to corroborate that or?

HP Well I'm pretty sure if they're being honest that if you ask anyone at District II they'll tell you. (laughs)

NJ Ok and that time frame was either late '08 or early '09 you said?

HP Um yeah that was the first...

NJ When you first went to District II?

HP ...several, first few months of my being at District II.

NJ Ok because I'm sure there's been some transfers right, in and out of there in terms of asking other people?

HP Right, right

NJ Ok

HP And my shift has almost completely changed so.

NJ Ok, how long have you been with Sgt Mejias?

HP Uh gosh I have no idea, probably nine months maybe? I don't know.

NJ Ok

HP I have no idea.

NJ Ok the marine photo issue, did you ever tell anyone else about that? And if so who would you have told? Actually you did say mentioned it to several people.

HP I've talked to a bunch of people about just all of the different things that are going on and that I cant believe that this stuff's going on and everyone's just, everyone has the same uh, I talked with numerous people about it just people on shift and people in passing. You know how everybody discusses things, not...

NJ Uh huh

HP ...go ahead...

NJ No, no that's ok I just want, when you say because of everything that's going on and because of this you kind of talk in general terms. Are you talking about the things that you're relaying in this memo?

HP I think pretty much everything in this memo is common knowledge.

NJ Ok

HP Pretty much everything

NJ Ok but what I'm asking you is the people, you're telling us that you've discussed this with a lot of different people. When you say I've discussed this are talking about the things that you've mentioned in here?

HP Yes

NJ Ok and um have you ever talked to Sgt Mejias about it?

HP Um

NJ About anything in this memo?

HP Not in an official capacity.

NJ Ok what do you mean by that?

HP Um I've just, I have expressed to a number of people a number of times my amazement at the Captain...inaudible

NJ Well let's stay with Mejias because you said you've talked to him not in an official capacity. What things have you talking to him specifically that either in here or not in here about Capt Summers?

HP Um

NJ You're saying nothing officially right? You said you haven't talked to him in an official capacity as your Sergeant but unofficially I think you used that word.

HP Right

NJ What do you mean by that? First of all what do you mean you spoke to him in an unofficial capacity?

HP Just again discussing everyone...

NJ Were you outside of work or at work?

HP No at work I've never I've met him outside of work.

NJ Ok, ok well that's what I'm trying to understand because at work he's your supervisor...

HP Right

NJ ...when you're talking and chatting in a group or whether you're you know on a call.

HP Right, right

NJ Ok so alright so in terms of what you talked about in front of Sgt Mejias that Capt Summers, the things that...

HP I mean pretty much everything I mean

NJ Ok, ok um, lets see, would you, when you were describing some of the things and I didn't pick up on this necessarily when I was reading but is this fairly chronological would you say? Your memo? Because you said that the first page was sort of the thing you observed in the beginning that formed your initial impression of him.

HP Uh, some of it bounces around actually...

NJ Ok, ok just wanted to make sure. You said that you had, you were talking about your concern for safety the concern for your safety with regards I think to Sgt. Nardiello is that accurate?

HP Right.

NJ And I think you said you reported that, did you report that you were concerned for your safety?

HP Yes.

NJ And who did you report that to?

HP To Lt. Newman and Capt. Summers.

NJ Alright and when would that have been?

HP That would have been the, I can tell you exactly if you pull up the dates that he was working there.

NJ So some, if we were going to go back and look it would be during the period of time you were working for Sgt. Nardiello?

HP Yes.

NJ Ok.

HP His last, I took the last night on his shift off and they brought me in and said "did you" you know "did you take the last night of his shift off because you were afraid he was going to write you up for something?" and I said "no it's because I...(laugh)"...

NJ What did you tell him?

HP Just because I told him I thought he was crazy and I was concerned for my safety.

NJ Ok.

HP Because of an incident that occurred the last night that I had worked and again I don't, pretty sure nothing was ever done about that.

NJ Ok are you saying that that was your last night working on his shift?

HP Yes this would have been when I came back to duty.

NJ Uh huh.

HP After he was transferred...

NJ Comm Center.

HP ...to Comm Center yeah.

NJ Ok.

HP So this would've been like my next shift back so basically his first day at Comm Center maybe?

NJ Ok so he was out at the Comm Center?

HP He had just switched.

NJ Ok, ok.

HP And they asked me...

NJ Why you had taken off the night, that last night.

HP Right.

NJ Ok, and you told, and that was Capt. Summers and Lt. Newman both?

HP Right.

NJ And you specifically told them you were in fear for your safety.

HP Right.

NJ Ok. What did they say to you?

HP They just looked at each other and said "Ok thank you"

NJ Ok.

HP And again this is my point of what's the point of bringing all this up when I mention this stuff and even there you know everybody at the District is aware of what's going on and I actually come to them and say you know this incident occurred, this is, I am, I was concerned for my safety and that's why I didn't actually come into work that night and nothing's done about it so...

NJ How do you know nothing was done about it? Because you weren't, no one came back and told you something was done about it?

HP No one in IA ever questioned me about it.

NJ Ok but I guess what I'm trying to understand is because a lot of the things you say "nothing was ever done about this" and it seems that that's the perception you have because you were never notified something was done.

HP Well no like I said before the, like the, like the incident with Dep. Henshaw...

NJ Uh huh.

HP ...not backing me up, Capt. Summers actually told me when he called me back in to get documentation on him later that "oh never mind I don't want to know about it I am not putting that incident down because I don't want anyone to know about it and you're dismissed" so...

NJ Ok.

HP ...when it physically comes out of his mouth then that tells me no one cares.

NJ Well what was the time frame on that from the time the incident happened on 40 and they were, you were asked about, or the shift was asked about incidents with Henshaw?

HP Oh...

NJ Was it a long time or a short time?

HP I have no idea, I don't know.

NJ Did you know why they were asking the shift about incidents involving Henshaw?

HP I don't really know what happened but there was an incident with him off duty and I guess he was involved in an IA at that point for something or they were looking at him for something I don't know but, but the Captain said he called pretty much everybody in off the road and said "I want a list of basically how he screwed you over in the past or you know where he called out sick and you had to work for him at the last minute" or you know so everybody was going into his office and being called in and um...

NJ So when you explain to him what your, the one major incident that had happened...

HP Right.

NJ ...what exactly did Capt. Summers say to you?

HP Um well I went in I said “look I’m not you know I’m not here to get anyone in trouble he is what he is so you guys can work that out yourself but..” I said “there’s only one major incident that I had a problem with and that was, that’s because that’s my safety” and you know I know lunch is valuable but it’s not...really? I mean and when you have capacity to go to eat and honestly on this call I seriously, seriously thought I was getting ready to like be in a drive by.

NJ Ok.

HP I seriously thought that.

NJ And you told Capt. Summers all that?

HP Yes.

NJ And what did he say after you told him that?

HP “Ok”

NJ Exactly what do you recall him saying to you? At that point when you...

HP When he called me in?

NJ Yeah when he called you in.

HP Well I said you know “that was the only major incident” he said “what major incident?” I said “well the incident on 40 where he didn’t back me up da da da” and he just said “oh well I can’t put that down” and I said “well ok, well I don’t know what to tell you” that’s the only, I don’t have a list on Henshaw I just that’s the only incident I have.

NJ Sure.

HP And he said “well I’m not going to put that down because I don’t want the 4th floor knowing that that stuff happens here or something to that effect.

NJ Ok.

HP And then he just, the same thing that he always does he just said “you’re dismissed” and I left and thinking what the heck is that?

NJ Did you get the impression that he hadn't heard about that prior to you telling him?

HP No because I told him.

NJ No I'm talking, you told him before this?

HP Yes I had talked to him about the incident.

NJ When it happened?

HP And so had other deputies.

NJ Ok how do you know that?

HP That other deputies had talked to him?

NJ Uh huh.

HP Because the other deputies, my shift was royally pissed...

NJ Ok.

HP ...that this had occurred because, and we had, the deputy who had to back me up who had to come out of Pierson was royally pissed that that occurred.

NJ Ok so when did you first tell Capt. Summers about that incident with Henshaw?

HP Um, I don't know, I don't know when the incident occurred but like within that week of when it occurred we were on night shift at the time but.

NJ Ok, what was the, how did that come about that you told him that you told Capt. Summers?

HP I don't remember.

NJ But you personally told him?

HP I personally told him.

NJ Ok.

HP Yes.

NJ And what did he say at that time when you told him about it?

HP The same thing “oh well, ok” and it was the same thing as me discussing, you know, why I didn’t come in.

NJ Ok.

HP For that shift.

NJ And so you’re, I’m going to make sure I understand what you’re saying. So you told him about it when it first happened or approximately soon after it happened.

HP Right.

NJ And then again you reminded him of it when he was asking for information from the whole shift?

HP Right.

NJ Ok is that accurate?

HP Yes.

NJ Ok, ok. And you say in here to my knowledge nothing was ever done but...

HP Well because he tells me nothing was ever done.

NJ Because, why do you assume that because he said the 4th floor...

HP He said he doesn’t want anybody to know (laughs).

NJ Ok, ok.

HP And I never heard about anything being done I mean and you know, you know how everybody hears about everything.

NJ Ok.

HP I didn’t hear anything.

NJ Ok.

HP And I know that everyone at the, on my shift was very upset about it and I’m sure that if anyone had heard anything about it they would have told me.

NJ Was Lt. Newman still at the District when this one, when the Henshaw incident happened?

HP Yes.

NJ And did you report that to her as well?

HP I don't remember if she was in the room at the time or not with Summers, she might have been.

NJ How about the first time you told him about it?

HP Oh he, nobody was in the room when...

NJ The second time.

HP ...Capt Summers called me in for the list.

NJ Ok.

HP But there were several other deputies that he called in that same day for the list.

NJ Ok.

HP I don't remember if she was in there the first time or not.

NJ Ok.

HP I think, I think she was. I don't remember.

NJ Ok. A couple times I think you've said that you talked to you were naming Josh Mott and Martha I don't know how to say...

HP Adamczyk.

NJ Adamczyk thank you, and you were talking I think at that point about your request for reassignment and what had happened with regards to that. But you used the term again you've talked to them about a lot of "this stuff", when you say "this stuff" are you talking about again about the things that are in this memo?

HP Yes.

NJ Ok and in terms of talking to I guess those are co-workers? Josh Mott...

HP Right.

NJ What's the nature of your discussion with them? I mean is it kind of just a gripe session or how would you describe your conversations with them when you're talking about the things that you've written in this memo?

HP Some have been calls or running into them and me saying “Oh my God I can’t believe what just happened” (laughs)

NJ Uh huh.

HP Um several discussions were brought up that way.

NJ And you’re talking about when you say “I can’t believe what just happened” you’re talking about the things that you’ve listed...

HP Right.

NJ ...and some of the things you’ve listed in this memo?

HP Right, right.

NJ Ok.

HP And other things were just stuff that was just brought up in conversation.

NJ Ok. We talked about the issue with your request to be interviewed by Major Case.

HP Right, right.

NJ Called a request, is that called a request for reassignment?

HP Right.

NJ Ok and I know that at the time you were assigned to the Communications Center or you were there on light duty.

HP Right.

NJ What would be the process because I don’t understand exactly, would you fill out a form requesting that or? Ordinarily what would...

HP Yes.

NJ And so what did you do in this case? Did you fill out the form and give it to Lt. Adkins or Capt Almodovar?

HP Yes.

NJ And then what happened? They came, who spoke with you from, which one of them spoke to you about what...

HP I always dealt with Lt. Adkins because he was...

NJ Ok, ok.

HP ...right there.

NJ Alright and tell me what happened. After, so you fill out the form and is it electronic or it's a hard copy?

HP No it's a hard copy.

NJ Ok and you give it to Lt. Adkins?

HP Right.

NJ Ok and tell me what happens from that point?

HP Um, I, the next thing I knew I had this um, well he told me, I think he actually called me um, I think I had gone to a doctor's appointment I don't know but he called me and said, informed me that um, uh that he had talked to Capt Almodovar had talked to Capt Summers um that he was aware that I put in my transfer and they were going to make sure that it was hand delivered to Capt Summers.

NJ Ok when you say he was aware about the transfer you mean Capt Summers was?

HP Right.

NJ Ok and when you say they were going to make sure the paperwork are you saying the Comm. Center supervisors?

HP Right, right.

NJ Adkins or Almodovar? Ok.

HP Because I wanted to make sure, I really wanted to make sure that it got delivered because there had been several things that I had given to Capt Summers in the past that were not delivered to where they needed to go.

NJ Like what?

HP Like doctor's notes.

NJ What was the time frame for this reassignment request?

HP That was maybe April maybe? March? April?

NJ June of 2010?

HP Huh uh.

NJ That's what it says on page two.

HP Oh wait, maybe it was June?

NJ Ok.

HP I submitted several this year so I'm not sure.

NJ Several requests for reassignment?

HP Right.

NJ Ok and so let me make sure I'm understanding, you're saying you've given Capt Summers doctor's notes prior to this happening and when you say they didn't get where they were supposed to go what happened to, or?

HP I have no idea. (laughs)

NJ How do you know they didn't get where they were supposed to go?

HP Because none of the people that were supposed to get them from him got them and they...

NJ Who are you talking about?

HP Um, the first time it happened um, I gave it to him um, a month later I received or a couple weeks later I guess I received a call from Risk Management saying the 4th floor um never got my note and they were under the impression from what I got that they were under the impression that I just didn't feel like turning it in or didn't want to listen.

NJ Risk Management was saying that? Was saying that they were that Risk Management was under the impression...

HP No, no I got that impression that...

NJ Oh.

HP ...the 4th floor and Risk Management had that impression that, because they were, Risk Management was saying “where is this we asked...” you know “what the heck?”

NJ Uh huh.

HP “It’s been, it’s been a while and we told you to get this” and I said “I gave it to him and he asked me for it saying that the 4th floor needed it so I’m, I assumed that that’s where it was going I don’t know what happened to it after that”

NJ Ok.

HP And then I actually did email to that effect um, to him repeatedly saying “where is, what did you do with it?” and I just kept getting these stand offish responses that never answered my question as to what happened to.

NJ Did you email Capt Summers about this?

HP Yeah.

NJ Ok and did he respond?

HP And then he finally said “it’s in your field file” and it wasn’t in my field file because I checked in my field file the next day but, but the 4th floor never got it and then all of a sudden after these email responses back and forth suddenly the 4th floor had it so.

NJ Ok so you emailed him and he would respond back but not respond sufficiently for what you were looking for about where the note was, why it hadn’t made it to the 4th floor is that what you’re saying?

HP I’m saying the 4th, like no one ever got it until I made a ruckus about “hey where’s the note”

NJ Ok I understand.

HP And then this last...

NJ Wait, wait before you go onto that...

HP (laughs)

NJ I want to make sure I understand what you were emailing him about and what time frame that was.

HP Um, I emailed him because Risk Management got a hold of me and Risk Management got a hold of him and um, he got a hold of me and said “hey Risk Management is looking for you” and I said “I know I already talked to them, it’s because they’re looking for the note that I gave you. What happened, where, where was the note?” and then we went back and forth.

NJ So did you email him about that, is that...

HP Yes.

NJ Ok so what time, which note was that? Was that when you had the...

HP That was for the treatments.

NJ Worker’s comp injury?

HP No that was for medical treatments.

NJ Ok.

HP In January.

NJ Ok, ok alright. And who in Risk Management were you hearing from?

HP Barbara Davis I always dealt with.

NJ Ok, ok.

HP And then the last medical note that I turned in which was requesting light duty status um as far as I know no one ever got a copy of any of that and.

NJ You gave it to him?

HP I never even, I, yes.

NJ Ok alright. Let’s see, just a couple more I think. Just want to make sure I understand on the request for reassignment for the Major Case position that was the paperwork you gave to Lt. Adkins you were told by Lt. Adkins that either he or Capt Almodovar would make sure that paperwork got to Capt Summers?

HP Yes.

NJ Ok so you don’t know what happened after that?

HP Right but they notified me that they had talked that Capt Summers...

NJ Right no, no I understand that. I understand that.

HP ...Capt Summers was aware that the...

NJ Yeah, that you had...

HP ...transfer request was in to them.

NJ Right, ok.

HP And that I was trying to put in and actually that was, that was the discussion was he said "no she can't turn it in through you guys it has to be turned in through me" and so then I had to redo it.

NJ Ok, ok well then I'm really confused now. So who said you couldn't do it through them?

HP I turned it in to Comm. Center.

NJ Gotcha

HP Because I wasn't sure...

NJ Right I got all that.

HP ...of, because I was temporarily assigned.

NJ I got all that.

HP And I guess Capt Almodovar had a discussion.

NJ Correct.

HP This is what I was told.

NJ Right.

HP That he had a discussion with Capt Summers.

NJ Uh huh.

HP Capt Summers said "no she can't turn it in through you guys it has to be turned in through me"

NJ Ok.

HP And then after that was the discussion of “ok she’s going to turn it in through you, we, we’re going to get it, we’ll had deliver it to you” and I was told “don’t worry about it”

NJ Ok so did you redo the paperwork?

HP Yes.

NJ And turn it in to Capt Summers?

HP Yes I redid the paperwork and I did it through Capt Summers and I gave it to Lt. Adkins.

NJ Ok.

HP For them to take care of.

NJ Ok.

HP And they told me “it’s taken care of”

NJ Ok so they took Captain, Lt. Adkins told you it was taken care of?

HP Right.

NJ And that you did not need to hand deliver it or make sure it got delivered to the District office?

HP Right because they said “we’re doing that” as a matter of fact when I called, when I talked to them they said “we’re doing that today”

NJ When you talked to Lt. Adkins?

HP Yes.

NJ Ok that’s where it gets confusing when you say them and stuff.

HP Ok.

NJ Ok so you don’t know as you sit here today though whether they dropped the ball, Lt. Adkins and Capt. Almodovar. I mean they told you they were going to do it but you didn’t see them do it right? I mean you don’t, did anyone ever tell you that they sent it for sure or that it was received in the District office? Are you following me?

HP Lt. Adkins told me that it was done when he talked to me and when Capt Summers tells me that he, this is the first he ever heard about it.

NJ I understand all that.

HP And I know that that was incorrect.

NJ I understand all that, I understand all that. I understand all that from your memo. I'm just trying to get, get as many facts from you as I can to clarify some of these things. When you're talking about having to keep your cases while you were at the Comm. Center or do your supplements and stuff and I think you said Sgt. Barnard and Lt. Chilcot you spoke to them or you had dialog with them about doing that.

HP Right.

NJ Did you ever talk to Capt Summers about that?

HP No.

NJ Ok. So did anyone ever tell you that that was a directive coming from Capt Summers or why you were having to keep them? Your cases?

HP I, I don't remember I just remember being told "you have to it" and.

NJ Ok so did you maybe assume that was coming from the top?

HP Yes.

NJ Ok, ok. And with regards to being put on light duty at the Communications Center do you know who makes that decision about where somebody works light duty? Do you know that that comes, would that have come from Capt Summers or do you know? I mean I understand that you're saying other people haven't had to do that in your District but do you know, did he tell you "look I'm putting you at the Comm. Center on light duty because that's where I want you to go" or?

HP No he just said "you're going to Comm. Center"

NJ Ok, ok so you don't know if he made that decision or someone else did?

HP I have no idea.

NJ Ok I'm just trying, like I said just trying to clarify. And I think you said that you test, that you talked to Lt. Adkins about that, the fact that you were at the Comm. Center and I think you said he was confused about that.

HP Yes.

NJ And tell me about that conversation.

HP Um, uh, I had several conversations with him about all this, a bunch of stuff that was going on.

NJ Those would be unofficial, not in an official capacity?

HP Yeah, yeah, right, right.

NJ Ok but it was while you were working?

HP Right.

NJ Ok and was he your supervisor at the Comm. Center?

HP Um, Sgt. Miles was my direct supervisor.

NJ Uh huh.

HP And then (unintelligible) lieutenant. I also had numerous conversations with Sgt. Miles about it.

NJ Ok and again for clarification when you say "about it" and "about this" you're referring to the incidents and the things you've documented in this memo?

HP Right.

NJ Ok anything else other than what's in here that you would have talked to them about?

HP I, I don't believe so.

NJ With regards to Capt Summers obviously.

HP Right.

NJ Ok. When you were talking about being called in from the road to talk about your training and Lt. Newman was there I think you said, are you saying that's the only reason he called you in off the road?

HP Yes.

NJ Ok and how did that come about? Did you get a call on the radio to come in or?

HP I don't remember but I would imagine that that's, he wouldn't have called me on the cell or anything.

NJ Ok could it have been that you were in the District for some other reason and he called you...

HP No I remember being called in off the road because I remember thinking what the heck is, what? What was that about so.

NJ Ok alright. And did you ever follow that up with Lt. Newman and ask her?

HP No I just have been trying to (laughs) because, because she sort of chuckled like you know good you know you, he's obviously not happy about this and you're, you're telling him that yes that is what it is and so (laughs).

NJ What, what did he, what made you think that he wasn't happy about the fact that you went to SWAT school, is that what you're saying?

HP Right.

NJ What made you, what did he say that made you think he wasn't happy about that?

HP Just his, the whole way he said it he was, that's the only reason he brought me in was to say that and then he was just like "you're telling me YOU went to SWAT school? YOU went to SWAT school?" and at first he was like "so what is this basic SWAT school?" and I said "I don't know it's basic SWAT school what do you mean?" "well so like SWAT you went to SWAT school?" and it was just...

NJ Uh huh.

HP Repetitive questions over and over like that and, and then he just sat the same, just sitting there staring at me and.

NJ Have you, have you witnessed him speaking with other deputies in, do you ever see the same type of things where he just stares after someone's finished talking? That, the kind of things that you've described have you ever seen him do that with other people?

HP I've never witnessed him doing that with other people.

NJ No?

HP Not that I, no, not that I recall.

NJ Ok.

HP I did find out later that he apparently did not pass SWAT school so that might be a, or did not pass SWAT tryouts so I don't know if that's a touchy subject with him especially since I'm a female but I didn't know that at the time I just.

NJ Ok. In January 2010 when you're talking about asking for the two weeks, two hours off a week you said the Sergeant went in with you is that Mejias?

HP Yes.

NJ Ok. And just, I think you said this but the incident when, regarding Henshaw when you went in there wasn't anyone else in the office when he called you in and asked you about any incidents involving Henshaw (inaudible).

HP No for the.

NJ The second one.

HP For the documentation?

NJ Yeah.

HP No, no one was in there.

NJ Ok.

HP But I know like I was you know one of many deputies called in that day.

NJ Ok, ok. Lets see, at the end there you listed a number of people. Lt. Goggin asked you if you had, I think he asked you specifically about the hostile work environment if you had told any supervisors and you said you had told Sergeants, Lt. Adkins, Sgt. Miles, Lt. Newman. Were you speaking specifically to, did you specifically tell them you felt like you were in a hostile work environment?

HP I didn't, I didn't come out and say that sentence.

NJ Ok.

HP But I, you know every time one of these little things would happen I would be like you know what the heck this isn't right.

NJ Ok. And so what would you tell them?

HP Just that I was very frustrated and with the whole light duty status thing of not turning in doctor's notes and everything I told numerous people and I told him numerous times that you know I would welcome the opportunity to talk to everyone on the, to talk to Major Jones and to talk to Laura Bounds and to talk to

the Chief and sit down with them and tell, and I know that I don't have to talk to them about medical stuff or whatever but that I would welcome the opportunity, I'll answer any questions they have just to make sure that you know they actually know what's going on and um...

NJ You're talking about with, specifically with regards to your light duty and the...

HP Right.

NJ All that stuff, ok.

HP And I know that actually, I actually told Lt. Adkins because I know, I know I had actually told Lt. Adkins like "hey" you know "now that you know what the deal is if you happen to be around the 4th floor and you happen to be in passing you know could you maybe bring up like what the real deal is and make sure someone knows?"

NJ Did you ever make a formal request of Capt Summers to go above him in the chain of command to discuss this because of your concerns?

HP Not a formal request but I sat in his office and told him numerous times that I would welcome the opportunity and that I did want to do that, that, and he said there was no need to do that.

NJ Ok.

HP So.

NJ Alright but you never said "I'm requesting your permission to speak with Major Jones."?

HP No because I haven't, I haven't wanted to piss him off any more than.

NJ Ok. Let me make sure that's it. (Unintelligible) notes while I'm here real quick. I think that's all I have unless you have any follow up.

BG I don't have anything further, Tim?

TM No sir.

NJ Anything else that you want to, you know obviously this is a very serious allegation, you're alleging that you were discriminated against because of your sex, because you're a female and I want to make sure we have all the information that we need to investigate your complaint so anything else that you want to tell us at this point?

HP No.

JC Unless you object I have a few clarification questions.

NJ That's fine.

JC Kind of follow ups actually on a lot of your questions.

NJ Ok that would be great. Go right ahead.

JC Dep. Post in response to several questions today you've been asked why you didn't make an official complaint or you didn't report any of the objectionable behavior. Would it be fair to say that you didn't make this complaint because you feared the reaction of the Captain's response to that complaint?

HP Yes.

NJ Objection, leading.

HP (Laughs)

JC What makes you feel, what makes you feel that there would be the potential for retaliation?

HP Just his past demeanor, past actions.

JC Would it be fair to say that Capt. Summers has never been profane in his discourse with you?

HP That would be correct.

JC But that his, the offensive nature of his communication with you is more often tone and intonation?

HP Yes.

JC You mentioned that in regards to the floor length windows in his office, do you remember what types of comments that you heard him make about women coming and going to and from I guess it's a hair salon and spa...

HP Right.

JC ...that are adjacent to the building.

HP I don't remember the exact wording of those I just remember just comments about how hot this person or that person was that was coming out and that like he would

actually interrupt conversation to point that out and I remember thinking how again just how unprofessional this is. He's, he's my Captain it's just weird (laughs).

JC And in regards to the picture of the female marine how did you come to know about that picture?

HP He brought it up and showed it to me.

JC And in what context did that occur?

HP I don't remember what, why he brought it out I just remember that he took it out of his desk and showed it to me and...

JC What did he comment about, what were his comments in regards to the picture?

HP Again I don't remember his exact comments but I remember him just talking about how hot the marine was and I remember looking at it and thinking ok? Because it was, it wasn't someone in lingerie or anything it was a female deputy or a female marine in uniform and I remember thinking ok you saved this? You save an article for this many years? And I remember thinking you, alright you can't have been in this office for that many years so you brought it with you and traveled with this picture and you're keeping it and if I remember correctly because I was so like skeeved out about it (laughs) that he told me that he actually picked it up, he found the newspaper in a bathroom and I remember thinking that was way too much information but.

JC So are you telling us today that you felt that his sharing the photo, the comments about the photo, how and where he obtained the photo had sexual connotations in some way?

HP Yes.

JC That's how you took it, that's your perception?

HP Yes, yeah.

JC And you're saying that on multiple occasions when you go in to meet with him you'd sit in a chair, was it every time he'd direct you to sit in another chair?

HP Yes (laughs) which is, which was, which is what made it even more ridiculous like because I would think ok well next time I'm going to sit in that chair then so that I don't have to go through this. And the next time I would sit in that chair and then I would be told to sit in a different chair.

JC And you say you had discussions about some or all of these events in your memo with other people on your shift. Have you heard in these discussions have any other deputies been subjected to that?

HP I don't remember anyone saying anything about having to move chairs or anything no.

NJ Jeff do you have much more? I'm sorry I have a 2:30 so.

JC Just one or two.

NJ Ok thanks.

JC Briefly in reference to him calling you in off the street to inquire about your attending SWAT school, would it be fair to say that his demeanor seemed incredulous that he was surprised that you had attended SWAT school?

HP Yes.

JC Is that how you took the inquiry?

HP Yes.

JC And at no point during or after this conversation did you ever learn why he inquired about your intending SWAT school?

HP Right.

JC And I assume you successfully completed that SWAT school?

HP Yes.

JC When you referenced talking to various Deputies and/or Sergeants or Lieutenants about some or all of these issues in your memo is it fair to say that all of those conversations regarding sharing any of these events with those people was not in an official capacity? That you were not making an official complaint against Capt Summers?

HP Yes.

JC Yes you were not making an official complaint?

HP Right I was not making an official complaint I was...

JC What was your purpose in sharing these, were you looking for directions, were you venting or some or all of the above?

HP I think some of them or all of the above (laughs).

JC And in any of the discussions, this kind of goes back to one of my previous questions, in any of those discussions did anybody else male or female Deputies ever relate to you that they experienced similar treatment from Capt Summers?

HP I know that there was a lot of discussion that no one was surprised that this was occurring and that there had been you know different things had been brought up like, like Dep. Whitener going to them and complaining and just different incidents yeah.

JC That's all I have.

NJ Just, I need to follow up on a couple things.

JC Sure.

NJ When you talked about, you just answered Mr. Candage's questions about the marine photo and that conversation and the whole scenario and he asked you a leading question regarding whether or not you felt that was, there was a sexual connotation. What do you mean by that? A sexual connotation in what way?

HP Well.

NJ I know it's his word, he used the word sexual...

HP Right.

NJ ...connotation but you said yes so what do you, what do you mean by that?

HP Well I don't know what else I could derive from someone pulling out a photo of a female and saying how hot they look in uniform and you know um.

NJ But I'm trying to understand, there's a lot of different sexual connotations. Do you mean because it was a woman in uniform? That he wanted to have sex with her? That he was being inappropriate? I mean what do you mean when you said that you felt the whole, the whole incident if you will there was a sexual connotation to it what does that mean? What did you feel when that happened?

HP I felt icky but (laughs).

NJ Ok but what about it, I mean what do you mean? I mean I understand what icky means but...

HP Like I wanted to vomit actually but.

NJ ...there's a big difference between icky and a sexual connotation.

HP Um.

NJ You know the record needs to be clear as to what you felt and how it made you feel.

HP It made me feel the same way that all these other incidents have made me feel that.

NJ Which is?

HP Demeaning and or that he was being demeaning and that he was had this impression of females and this impression of himself and.

NJ Ok you said early on when Lt. Goggin asked you specifically about the music video incident that you said you were not offended about that but it wasn't, it was part of not a very good first impression that you had of him. So would that be accurate to say with regards to those three incidents, the marine photo and the, him saying somebody's hot out his window, by the way do you ever hear him say "oh that guy's fat" or "look at that girl pulling her underwear out of her butt" or something like that?

HP No, no, because I, no.

NJ Is it accurate to say that the things that you witnessed, not what somebody else told you or what the common knowledge is but the things that you were a witness to those three things.

HP Right.

NJ That you, not that you were offended by them but you didn't think they were very professional for someone in his position, would that be accurate?

HP I definitely didn't think that they were professional and it definitely gave me that, an impression of him.

NJ Uh huh.

HP Um, the...

NJ Probably didn't have a lot of respect for him after that I mean would that be accurate?

HP That would definitely be accurate yes.

NJ Ok, ok.

HP Certainly as a Captain I have a lot of respect for him but certainly not as a person.

NJ Ok, ok.

HP Um, it made me uncomfortable in a sense that I'm dealing with all of this other stuff and, with him.

NJ But at the time those things happened you had just gotten there.

HP Right but this is the whole um, his whole demeanor with me and at the time he was ignoring me and his whole, it was, it's very obvious that he um has a certain impression of women and I just thought ok he just doesn't like women in law enforcement whatever and I'll just come in and do my job no problem and.

NJ And you based that perception on the things that you told us about today? His perception of or his opinion of women in law enforcement. Your perception of that you base on these things that you told us about?

HP Right pretty much yeah.

NJ Ok. And with regards to these unofficial conversations with supervisors, did you tell any of them, any of the supervisors any of the sergeants or the lieutenants that you talked to that you thought you were being discriminated against?

HP I mentioned numerous times that this isn't right, I never came out and said "I believe I am being discriminated against"

NJ Ok when you say "this isn't right" what are you talking about with regards to this?

HP Well a good number of incidents that occurred that I would be talking about to whoever I'd be talking about. I would just be, I would just say you know I have the old school idea of law enforcement and it's.

NJ Well I'm trying...

HP You're supposed to do what's right by the victim and right by even if a guy's a scumbag (laughs) you still...

NJ Right.

HP ...you still show him respect and.

NJ Well what I'm trying to understand is what...

HP So I have, I have the, you're supposed to do what's, we're in law enforcement so what other profession are we supposed to be doing the right thing?

NJ Well I mean you don't like the way he treats you right? Is that accurate?

HP Well I definitely don't like the way he treats me.

NJ Ok based on these things, these types of things?

HP Yeah.

NJ Ok. But in what way were you discriminated against?

HP Um, all of the ways he treated me and then him not turning in paperwork, him not forwarding paperwork, um him not following up on you know a number of these incidents um...

NJ And you think all of those and I want to make sure this is clear, you think all of those things that you've just described were because you're a female?

HP Yes.

NJ Solely because you're a female?

HP Yes I mean I'm likable so (laughs).

NJ Well you don't know if, do you know whether he's done similar things to not turning in paperwork and not forwarding things to other people?

HP I have never heard of him doing anything like this with not turning in paperwork to anyone else.

NJ You don't know of any other instance?

HP I've never heard of the not turning in, not forwarding paperwork for anyone else.

NJ I think that's all I have. Ok.

BG Ok this concludes the interview; the time now is 2:35 pm.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Dep. Heather Post taken by me on August 26, 2010.

(Signed)

Sworn to and subscribed before me this____
Day of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name
of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known_____

Produced identification

Type of Identification Produced

WITNESS STATEMENT

BG – Lt Robert Goggin SS – Capt Michael “Shane” Summers

BG Ok the recorder is on. This will be a Volusia County Sheriff's Office Internal Affairs administration of oath and perjury warning. The case number is 10-019. The witness name is Capt Michael Summers. Capt Summers, for the record please spell your last name.

SS S-U-M-M-E-R-S

BG Thank you, I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Today's date is September 15th 2010 the current time is 2:35pm. The location of this interview is the Sheriff's Office Admin Deland, Florida. Capt Summers, are you aware this interview is being recorded?

SS Yes.

BG I am conducting an official administrative investigation concerning alleged policy violations 26.2.63 Harassment. As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn please. Do you solemnly swear or affirm that the statement you are about to give is the truth, the whole truth and nothing but the truth?

SS Yes.

BG Any false statements about material matters given by a witness under oath will constitute perjury which is a third degree felony according to section 837.02 Florida Statutes. Do you understand that if you knowingly make material misstatements of facts to me during this investigation you will have committed the crime of perjury?

SS Yes.

BG Captain I'll need your signature at the bottom next to the X please. Capt Summers the form in front of you is an advisement of rights for disciplinary interview as it pertains to Garrity. If you will, take a moment to review that and sign at the bottom please. Thank you, Capt Summers when I provided you with your notice of internal affairs investigation I gave you a copy of your law enforcement officer's bill of rights. Did you have time to review that document?

SS Yes.

BG Do you need any additional time to review that document?

SS No.

BG And the administrative rights for disciplinary interview that you just signed, do you need any additional time to read or understand that form?

SS No.

BG Capt Summers prior to going on record today you were provided with materials that we will discuss during the interview this afternoon. You were provided with a memo completed by Dep. Heather Post, a transcript provided by Dep. Heather Post, um I believe it was seven other witness transcripts. Did you have time to review those documents?

SS Yes.

BG Do you need any additional time to review those documents?

SS No.

BG Captain we're here today to discuss allegations brought forth by Dep. Heather Post in her memorandum documented under 052M066.10. The subject of that memo is discrimination/hostile work environment. Did you have time to review that document?

SS Yes.

BG Captain, how long have you held the rank of Captain?

SS It will be three years in December, two years seven months.

BG Very good, how long have you held the position of Captain at District Two in Deland?

SS The entire time.

BG During that time period was Dep. Heather Post assigned to the District?

SS Yes.

BG Do you recall when she was assigned there?

SS I believe it was December of '08.

- BG Captain in the allegations brought forth by Dep. Post and I'm going to try and do this it's very long and drawn out I think you have it there. I think it's five pages in her memorandum and 45 or 50 pages of her transcript. I'm going to try and keep it in chronological order so you can follow along with your paperwork there. In reference to the incident about your floor length mirrors at your office. She alleges that on an unknown date and time while she was in your office for an unknown reason you interrupted conversation and made comments in regards to the appearance of females walking past your window. She said that you used the comment and described the females as being "hot." Do you recall making that comment in front of Dep. Heather Post?
- SS No I don't recall it and it absolutely did not happen.
- BG Dep. Post alleges, also alleges in her recorded statement that you, that you are and I'm going to quote her saying "always checking out the women as they pass and it's common practice and common knowledge within the District for you to do so." Would you say that's a true statement on her part?
- SS I would say that's a generalization um that has some truth and some untruths. The truth of the matter would be that people do pass by my office at various times during the day it's not a continuous thing and that at times people do pass by and I do see them. But it's not just women it's women, men, children, the whole nine yards so it's a pretty big generalization.
- BG Has Dep. Post ever brought to your attention that she was, that she had concerns about those types of comments made by you?
- SS No.
- BG Are you aware at this time if she's ever made anyone at the District either the assistant District Commander or any of her chain of command aware that she was offended or disturbed by comments that you make?
- SS No.
- BG That you have alleged to make?
- SS No.
- BG Are the windows in your office tinted?
- SS The doorway in my office is tinted. All the windows in my office are not tinted no.
- BG Are all the glass doors in the District office on the north side there, are they all tinted?

SS I believe the majority of them are.

BG Besides your office Captain what other offices and this is for the record, what other offices are made up of glass walls on the north side of the building?

SS All of them.

BG Ok when you say all of them who's, who would be the next office over?

SS That would be the Lieutenant's office.

BG Same setup as yours as far as glass walls and tinted door?

SS No there's no door in her office.

BG Ok.

SS The next door down would be CID, there are two doors in that office. The next office down would be the, basically an open area and I don't recall if there's any doors in there or not.

BG But they all have glass walls?

SS Glass walls.

BG Very good.

SS And then there's the lobby.

BG Captain, do you sit in your office during the day making comments about females as they walk past?

SS No.

BG Captain if you would with your papers continue to follow along if you need me to slow down please ask. She describes in detail of a photo of a female marine. Do you have that in front of you? It should be on the bottom of her memo where she discusses an incident involving you.

SS Do I have the statement of it?

BG Yes.

SS Yes, yes.

BG Ok she's alleging on an unknown date while in your office you showed her a photograph of a female marine. Do you recall that incident?

SS No I don't recall it, it did not happen.

BG Have you ever shown that photo to Dep. Heather Post?

SS No.

BG Have you ever shown that photo while Dep. Post was present in your office?

SS No.

BG Do you ever recall having any conversation with Dep. Post in reference to that photograph?

SS No.

BG Have you ever described the photograph to her?

SS No.

BG Made comments about a photograph of a female marine to her?

SS No.

BG Is the photograph in plain view for someone to enter your office?

SS It has been.

BG And when you say it has been, is it a photograph, and again for the record is it a photograph that's on the wall, on your desk, on a table?

SS It's not just a photograph, it's a newspaper article and the article has been on my desk.

BG And to your knowledge has Dep. Post ever seen that photograph?

SS I don't know, I have not shown her but it could be possible that she could have walked in when it was on my desk.

BG And just for the record Capt Summers I have a copy of what I believe is a photograph provided by you. Can you describe, is this the photograph that's in question that you have a copy of in your office?

SS Yes it is.

BG And the photograph is cut off but it appears to be part of a newspaper story is that correct?

SS Yes it is.

BG Dep. Post alleges in her, has an allegation that you showed her the photograph and made comments to her that she described were “icky” is that a true statement on her behalf?

SS No.

BG Have you ever described that photograph of the female marine to anyone at your office describing the female as being “hot”?

SS I don’t specifically recall describing the female as being “hot” it’s a, just an outstanding United States Marine. I mean I have different Marine Corps memorabilia in my office; it was just an article about the Marine Corps Marine of the year, I mean it’s...

BG And the reason you collect this Marine Corps material is what Captain?

SS I served in the United States Marine Corps, I loved my service in the United States Marine Corps um, a lot of my conversations that don’t have to do with work are about the Marine Corps with other fellow Marines and uh I mean it was just an interesting article with what I perceived to be you know, a model Marine.

BG Ok thank you. Captain we’ll move along now to an incident where she alleges um and describes an incident involving a music video. She alleges that this incident occurred again on an unknown date and time and during the first few months of her assignment there. And Captain as we go along just for the record, she alleges a lot of these things occurred, she doesn’t have time frames or dates during her first three to four months while being assigned to the District or else I would provide you with dates and times of these allegations. She’s alleging that she witnessed you in your office watching and listening to a music video, specifically a Brittany Spears music video on a lap top computer and witnessed you and heard you make comments about how hot the entertainer is. Do you recall that incident?

SS No.

BG Captain, do you sit in your office watching videos as alleged by Dep. Heather Post?

SS No.

BG Do you have a lap top computer in your office?

SS No.

BG During the time frame of December '08 to the summer of '09 did you have a lap top computer with the capabilities of playing music videos in your office?

SS No.

BG Did Dep. Post at anytime then or since make you aware of her concerns about the video, the musical lyrics, or comments allegedly made by you?

SS No.

BG Prior to today's date, have you been made aware of this incident?

SS No.

BG Are you aware if she brought her concerns concerning the music video to anyone in the chain of command?

SS No.

BG Capt Summers do you have any idea or any thoughts of where she might have heard someone listening to a music video or saw someone watching a music video?

SS On a lap top computer?

BG That's what she's alleged yes.

SS No.

BG Any other electronical means where somebody could have viewed a video or listened to a video?

SS Uh at lunch time people watch TV in the conference room. They watch TV in the break room, people have um you know the little media players, so at any given time anybody could have been watching a video while they're on their lunch break, so yes, she very well could have heard someone else in the building listening to a music video.

BG But that person would not have been you in your office?

SS No.

BG Regards to the chair, she alleges and she's made allegations that every time she enters your office you require her to change chairs after she has sat down. Do you require her to do so?

SS Absolutely not.

BG Do you recall at anytime that you required her to change chairs after she's entered your office and sat down?

SS No.

BG Can you estimate how many times she's been in your office?

SS Since she was assigned to District Two?

BG Yes sir.

SS I would say six.

BG And as a road patrol deputy, referring to Dep. Heather Post is that more so or less than a normal road patrol deputy would be in your office?

SS Well there's, there are some deputies that I've worked with for a long time that are more comfortable coming in and speaking to me, just dropping in and saying hey, um those would be deputies that I've worked with for many, many years that would have that comfort level. Um outside of that uh for a newer deputy no that would probably be about right, about six times. But every time, well every time but once whenever she's been in my office there's been someone else in there with me.

BG Ok, the times that she has been in your office has it because you've ordered her into your office?

SS Uh the majority of times she either came in with her supervisor or came in on her own accord.

BG So it's been both by your request and self initiated by her?

SS Correct or her supervisor.

BG She alleges, and I know you read it there, um that this tactic of having her move or change chairs after she's seated is an intimidation tactic that you learned from possible reading a book. Do you use that tactic in an attempt to intimidate Dep. Post or any deputy?

- SS No I don't see it as an intimation tactic, I don't, no I don't know what she's talking about.
- BG Has any other deputy in your District or anywhere since you've been assigned with the Volusia County Sheriff's Department in a supervisory capacity made you aware of concerns of, upon coming into your office and you ordering them to change chairs?
- SS I don't order them to change chairs. When someone, when I ask someone to come into my office when they typically come to the office door and they stop, um once I acknowledge or see they're there I ask them to come in and I direct them to sit in the chair in front of my desk because there's six chairs in my office in various, different areas. Around a conference table, against the front wall and then there's two directly in front of my desk. So typically what I do just because you know there's so many chairs in there I'll generally, I won't say hey sit in this chair but I'll invite them in and motion with my hand please have a seat to the chairs, one of the two chairs directly in front of my desk. But that's, it's not an intimidation aspect it's a more of a direction for them to come in and you know this is what you do. You don't have to stand up but please have a seat and also directly across from the desk is a much better conversation queue than somewhere else in the office. But no there's no, you know, changing seats or something. Now if someone coming in my office on their own accord they can sit wherever they want I mean I won't direct them because obviously they'd have...unintelligible...whatever.
- BG Has Deputy, and just playing off that Capt Summers, do you recall an incident in the half dozen times that Dep. Post that you recall her coming to your office, has she possibly come in there and sat at we'll say the conference table and you've had her move closer to your desk? Do you recall anything like that?
- SS No.
- BG Ok Captain we're going to move on as to what she terms is a safety issue in her allegations against you and this involves an ex-deputy, and the incident involves ex-deputy Henshaw where she was encountering or trying to make contact with a suspicious vehicle and she asked for back up. The deputy at the time Henshaw failed to respond and according to her wanted to go take his meal break. Do you recall anything about that incident?
- SS I recall the incident vaguely; I don't recall the specifics of it.
- BG Did Dep. Post at any time meet with you personally to report to you safety concerns on her part due to that incident?
- SS No.

BG Was the incident reported to you?

SS I believe that Lt Newman briefed me on it.

BG Do you know, or do you have any knowledge if the incident was investigated or was an inquiry was completed at the District level?

SS The best I remember it was handled at the supervisory level um and verified by the Lieutenant, it was taken care of at that level.

BG Do you know if anything in reference to the incident was documented?

SS No.

BG No it wasn't? Or no you have no information?

SS No I don't know if it was documented or not. I just know it was taken care of at the supervisory level.

BG And I believe you already answered this, were you directly involved in that inquiry or investigation?

SS No.

BG Are you normally involved in this type of inquiry?

SS No.

BG Did you attempt to conceal that incident involving Dep. Post and the ex-deputy from anyone in your chain of command?

SS No.

BG Did Dep. Post ever request from you information on what action was taken in regards to that incident?

SS No.

BG Are you aware of anyone in your chain of command, in her chain of command that may have contacted her about the outcome of the inquiry?

SS No.

BG Capt Summers if you still have in front of you her memorandum, on page three it says page three of five, on the top paragraph and I know it's an extended

paragraph but it will be the, I believe it's the sixth line up from the end of the first paragraph where it reads, it starts off "I had Dep. Henshaw"

SS "I had with Dep. Henshaw"?

BG Yes.

SS Ok.

BG In there she, at the end of that there's a comma break, and it says Capt Summers stated that she met with you, actually I'm going to go up just a little bit further it says "I advised him of the incident and detailed above" let me get my light here, "I advised him that the incident detailed above was the only major problem that I had with Dep. Henshaw" she's referring to a meeting that she said she had with you in your office concerning that incident. Did you ever meet with her and discuss that incident?

SS No.

BG If you go on and go ahead and read that it goes on down and says Capt Summers stated he could not put that information on the list because the fourth floor would wonder why he never addressed the issue and he didn't want them to be aware of things like that happened at his District". Did you ever make that comment to Dep. Post?

SS No.

BG Did you make any comments similar to that to Dep. Post?

SS No.

BG Did you in fact call her into your office to discuss anything about Dep. Henshaw?

SS No.

BG She lists a second safety issue that occurred while she was assigned at the District involving Sgt Nardiello. Do you recall that incident?

SS Yes.

BG Did Dep. Post at anytime meet with you or report to you her safety concerns on her part due to that incident?

SS I don't remember her meeting with me, she met with the Lieutenant.

BG Was that incident ever reported to you?

SS Yes.

BG And by what means?

SS Uh it was verbally and through a short unofficial memorandum by the Lieutenant that she placed in I believe Sgt Nardiello's field file, one of their field files either his or hers.

BG Was that incident investigated or a query done at the District level?

SS Yes.

BG And was that information, is that what you're referring to as placed into a memorandum or a into his discipline file at the District?

SS Yes, his field file yes.

BG His field file ok. Do you recall off hand if any action was taken?

SS No, no action was taken. Let me take it back, the incident was investigated, um a thorough review of it was conducted by the Lieutenant. The information was then documented and placed in a field file.

BG And again Capt Summers for the record the Lieutenant would be?

SS Lt Newman.

BG Ok were you directly involved in the inquiry?

SS No.

BG Are you normally involved in this type of inquiry?

SS I would be involved in that query if at any time it was determined that some sort of policy violation was committed. And that involvement would be through direction to the Lieutenant on how to proceed with whatever was going to be done such as discipline or forward to Internal Affairs for possible adverse action.

BG But this specific incident you weren't involved in?

SS No because it never rose to that level.

BG Very good, did you attempt to conceal that incident involving Dep. Post and Sgt Nardiello from anyone in your chain of command?

SS No this information was passed to Capt Coffin.

BG Captain we're now going to move an incident involving, where she's alleging um that you, and this involves a SWAT certification, if you can find that there in your paperwork. I think on the transcript it's possibly page 13.

SS Transcript?

BG On her transcript yes, she discusses it both in the memorandum and on the transcript.

SS Ok.

BG She's alleging that she was called in from the road and questioned about a SWAT training class certification that was in her file. She's made allegations that you questioned her and that Lt Newman was present. Do you recall calling her in off the road to question her about a SWAT certification?

SS No, I didn't not call her in off the road.

BG Do you recall having a conversation about her certifications?

SS I briefly recall having a conversation with her about her various schools that she's been through.

BG Do you recall where that conversation took place?

SS I believe uh in my office, she came in my office with her list of schools under the pretense that she wanted to show myself and the Lieutenant who was in there also uh you know the various things that she could do if she could assist the District with any needs that we may have.

BG Did you solicit that information from her or did she just bring it to you?

SS No she just brought it in.

BG And again she's alleging that she was doing her assignment, doing her job on the road and she was called in to the District to answer that question specifically about her SWAT certificate. Is that a true statement?

SS No that's not a true statement.

BG Are you aware if Lt Newman, or did you, or let me ask you this, did you order Lt Newman or anyone to order Dep. Post into the District to answer the question specifically about her certification?

SS No.

BG Do you have information that anyone called her in to the District to ask her questions about certifications?

SS No.

BG During your conversation with her about her training certification SWAT or otherwise did you harass her in any way?

SS No.

BG Did you use any improper language?

SS No.

BG Did you speak to her any differently than you would normally speak to any other deputy at the District?

SS No.

BG Did you discuss with her any other training certificates that she may have had?

SS I don't recall, I reviewed the entire list, it was a, two or three pages of uh, of different schools it was an extensive amount of training. So I gave it a you know its due regard, if somebody comes in and asks you to look at something I mean I look at it all.

BG Ok and I'm just trying to picture this in my head Captain. This is just a normal business day at the District?

SS Normal business day.

BG She comes to your office with the Lieutenant or she comes to your office by herself and you have the Lieutenant come in? Do you remember how all three of you ended up in the office?

SS No.

BG Ok do you recall if you already had these training certifications, this resume prior to her coming in?

SS I did not, no.

BG Ok and she just, she initiated the conversation by staying she wanted to discuss the resume? Or do you recall anything about that?

SS Just basically that she wanted myself and the Lieutenant to be aware of the various certifications that she had um just like came in and handed it, I don't know if she handed it to me and the Lieutenant I don't remember. But I remember her handing it to me and saying "I just wanted to let you know these are the things that I've been certified in if you ever need any help at the District um with any of these specialized trainings you know I'm available for it".

BG Ok but this was nothing that you and the Lieutenant were reviewing and had questions about her file so you summonsed her in from the road?

SS No.

BG Did you speak with Dep. Post in a demeaning tone of voice?

SS No.

BG Is it common that a road deputy would bring the District commander of the assistant District commander a resume of past classes that they've had?

SS I've never witnessed it before.

BG Did she at any time then or since other than in the memo that you have there make you aware that felt that your questioning and tone were demeaning or hurtful to her?

SS No.

BG Capt Summers another allegation that she makes is in regards to transfers. Um she's alleging that you've hindered her in some way from being allowed to transfer and my question for you today is have you denied any transfer request from Dep. Post due to reasons of harassment or discrimination?

SS No.

BG Have you denied transfer requests for Dep. Post for any other reasons?

SS I've denied one transfer request for Dep. Post.

BG And can you explain that please?

SS She put in a transfer request two or three days after she was served with an internal affairs investigation. I consulted with Major Jones on that topic. I told her that she had put in a transfer to go to another District, I called Major Jones and said you know "I don't believe that it would be proper to agree to a transfer when she's currently going through a disciplinary action". He agreed, I denied the

transfer request and I wrote at the bottom “currently under disciplinary review” because she was under an internal affairs investigation at the time. That information would not be privy to um District VI personnel which is where she would be transferring to.

BG Are you aware of any other transfer requests that she submitted while, since she’s been assigned to you at the District?

SS She’s put in for...

BG Not requests for reassignment but transfers to other Districts?

SS No, no.

BG Because in her statement she refers to I’ve also requested transfers that have been denied. You can only recall one?

SS Transfer to another location in the District correct, but there’s been training requests.

BG Ok and we’ll get to that now. The request for reassignment.

SS Right.

BG Have you denied any request for reassignment from Dep. Post due to reasons of harassment or discrimination?

SS No.

BG Have you denied request for reassignment for any other reason? And again when we’re speaking of reassignment that’s to investigative positions.

SS I believe that I’ve approved every transfer or request for reassignment that’s she’s put in for. I just, I’m trying to think back um you know almost two years ago if she may have put in for something that she would not have qualified for because of her time on the agency. But I don’t believe that that’s happened but if it did it would have been because she did not meet the minimum qualifications for time.

BG For probationary period...

SS But I don’t remember if that’s the case so I don’t want to speak out of line...

BG Ok that’s fine

SS ...but absent that no I’ve approved all of them.

BG Have you purposely withheld and not forwarded requests for reassignment through the chain of command in an attempt to prevent Dep. Post from being considered for reassignment?

SS No.

BG Did you at any time prevent her from interviewing for a position for which she applied?

SS No.

BG Did you make the final decision or any decision on whether or not she was selected for an investigative position that she'd applied for.

SS The only position that I had the potential to impact would have been a CID position for District II investigator several months back. However I did not involve myself in that process as I allowed Sgt Thoman and Sgt Chilcot at the time to select who they wanted to go into that unit. Um they selected the person that was at the top of the grading scale. There's a panel that investigators go in front of they all interview there's basically a score placed on all the candidates and they choose, they chose from the top. Um from what I understand and I wasn't at that interview I wasn't involved in that process but Dep. Post was at the bottom of that list. Regardless of that I still did not have any; even though I could have vetoed it I did not have any input on who came to that unit it was Sgt Thoman's selection for Dep. Mott to come in.

BG Ok so it wasn't a situation where she finished well and you overrode a decision by...

SS No, no.

BG ...either a Lieutenant or a Sergeant?

SS No, as a matter of fact like I said from what Sgt Thoman advised me and I'm not sure if Chilcot was in on that meeting but he also told me through either personnel that he contacted or if he was there I don't recall but uh I believe that out of a list of seven or ten people she was the bottom one or two.

BG Ok have you at anytime purposely withheld any type of documents that would have prevented Dep. Post from doing or completing her job as a deputy sheriff?

SS No.

BG On June 18th 2010, do you recall a conversation with Dep. Post in regards to annual deputy refresher?

SS Yes.

BG And if you need to look at your notes and the paperwork you have there I believe it's page four, the third entry of her transcript?

SS Ok.

BG Dep. Post alleges that you made comments and statements to her that women can't shoot shotguns. Did you make that statement to her?

SS No I did not.

BG She's alleged that you made comments and statements to her that female doctors don't know anything. Did you make that comment to her?

SS Absolutely not.

BG Dep. Post discussed with us and documented a transfer to the dispatch and Communications while she was on light duty from the District. Do you recall that?

SS I'm sorry say that again.

BG Dep. Post discussed with us and one of her allegations is that while she was on light duty she was ordered to go to dispatch the Communications Center to work a light duty detail.

SS Yes.

BG She's advising that you singled her out for that and transferred her to Communications and you allowed another deputy or deputies to work light duty within the District. Is that true?

SS No.

BG Was she moved to Communications?

SS Yes.

BG Did you as the Captain of the District solely make the decision to move her?

SS No.

BG Was the decision for Dep. Post to be moved to Communications discussed with anyone in your chain of command?

SS Yes.

BG Can you speak a little bit about that Capt Summers? Who did you discuss that with and what was discussed?

SS Typically when somebody's going to be out on light duty we uh, well I notify the division commander which is Major Jones at the time, explained to him that Dep. Post had advised us that she was going to be on light duty for an undetermined amount of time, I believe that it was going to be for several months at that time he told me that she would be going to the Comm. Center.

BG Are you aware if she's had any training or prior experience within Communications?

SS I don't know.

BG Do you have any information that she was previously assigned to Communications prior to starting as a deputy sheriff at the District?

SS No.

BG Do you recall if any other deputy who may have been on light duty at the District at the time had prior experience at the Communications Center?

SS No.

BG Dep. Post alleged while on light duty and assigned to the Communications Center she was required to complete and close cases she had opened prior to going to light duty. Um did you at anytime order her to complete cases while she was assigned out at dispatch?

SS No.

BG Do you have any information of anyone who required or ordered her to close cases that she had started while she was at the District level?

SS No.

BG Capt Summers have you used your position as a Captain to harass Dep. Post?

SS No.

BG Have you intentionally miscommunicated information or knowingly passed on incorrect information through your chain of command in regards to Dep. Post's light duty status?

SS No.

BG Capt Summers in your capacity as a Captain at the Sheriff's Office and/or a Lieutenant have you ever dealt with light duty related statuses before? Deputy's being on light duty?

SS Yes.

BG Have you had any other complaints from deputies or employees that were brought to your attention or the attention of anyone by the employee other than Dep. Post in regards to mishandling or mismanagement of light duty status?

SS No.

BG Have you ever used abusive language, obscene language while speaking to Dep. Post?

SS Absolutely not.

BG Prior to this memo at anytime while you were assigned to District II did Dep. Heather Post make you aware of any concerns on her part of discrimination or hostile work environment being created by you?

SS No.

BG Prior to her completing and submitting this memo, did you have information from anyone that Dep. Post had brought forth concerns on her part of discrimination or hostile work environment being created by you?

SS No.

BG Capt Summers have you discriminated against or harassed or created a hostile work environment for Dep. Post due to her gender or for any reason?

SS Absolutely not.

BG Captain I don't believe I have any other questions, is there anything else that you would like to add or delete from your statement today?

SS No.

BG Well this completes the interview. Captain thank you for your time this afternoon the time is now 3:20PM.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Captain Shane Summers taken by me on September 15, 2010.

(Signed)

Sworn to and subscribed before me this____
Day of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name
of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known_____

Produced identification

Type of Identification Produced

WITNESS STATEMENT

BG – Lt. Bobby Goggin TM – Sgt. Tim Morgan
MN – Lt. Michelle Newman

BG Ok the recorder is on. This will be a taped interview reference to IA case number 10-019. Today's date is September 10, 2010. The current time is 1:55 PM. The location of this interview is the Sheriff's Administration office Deland, Florida. Presently being interviewed is Lt. Michelle Newman. Lieutenant, for the record please spell your last name.

MN Newman, N-E-W-M-A-N

BG Also present for this interview is Sgt. Tim Morgan with the Volusia County Sheriff's Office. I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Lt. Newman, are you aware that this interview is being recorded?

MN Yes sir.

BG As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn please. Do you swear that the statement you are about to give is the truth, and nothing but the truth so help you God?

MN I do.

BG Lt. Newman we're here today to discuss allegations brought fourth by Dep. Heather Post, and documented in her memo number 052M066.10, she lists on that memo the subject of her complaints of being discrimination and hostile work environment. During the time period of December 2008 and 2009 were you assigned to district two in Deland Florida?

MN Yes but I left in July of 09.

BG Ok can you give me the time periods that you were assigned to district two?

MN Yes sir it was October 15, 2007 to July 24, 2009.

BG Was Dep. Heather Post assigned to district two at that time?

MN Yes.

BG Lt. Newman we're going to discuss an incident that she documents in her memo concerning a music video. Dep. Post alleged that you are a witness to that

incident and that she was present with you during, in your office during that encounter. What she alleges in her complaint is that she was in your office speaking to you and prior to entering your office she walked down the hallway and saw Capt. Summers in his office looking at a lap top computer. She says that she entered your office and had a conversation with you, she doesn't recall what that conversation entailed but said at some time while she was in there she could hear music being played from the Captain's office, recognized it to be a Brittany Spears video and Capt. Summers making a comment, comments about how hot Brittany Spears looked. Do you recall that conversation?

MN No sir.

BG Do you recall anything similar to where Dep. Post would have been in your office and hearing music coming from the Captain's office?

MN No sir.

BG Have you at any time with her, without Dep. Heather Post being in your office heard Capt. Summers make comments about entertainers while listening to videos in his office?

MN No sir.

BG And just staying with that subject Lieutenant, during this time period again she recognizes that time period to be in the first few months while she was assigned to the district. She doesn't know the month or a date or anything. Do you recall any time during Dep. Post's assignment at district two where any deputies were playing music on videos?

MN I do. I do remember, I don't remember which deputy but I remember when a couple people had gotten some I-phones and they were watching videos specifically, I believe it was a Brittany Spears video Womanizer video, but mainly more so talking about the I-phone and that it can play videos.

BG Ok does Capt. Summers do you recall at the time did he have an I-phone?

MN He did not.

BG Do you ever recall Capt. Summers having anybody's I-phone in his possession and watching a video of Brittany Spears or anyone?

MN I believe he watched the video, I don't know you know I wasn't present when he watched the video but I believe we talked about the video.

BG Ok, do you recall him making any comments about Brittany Spears?

MN No sir.

BG Do you recall him making any comments about any female entertainers?

MN No sir.

BG Ok. Had Dep. Heather Post at that time or any time since approached you to discuss concerns about Capt. Summers watching or viewing videos in his office?

MN No sir.

BG Are you aware through a third party deputy or second party deputy that Dep. Post had concerns or complaints about her Captain watching videos or listening to music in his office?

MN No sir.

BG Prior to today had you ever heard that before?

MN No sir.

BG Ok. Lt. Newman she also alleges in her complaint and she lists in there that every time she goes into the Captain's office that no matter which chair or seat she takes that the Captain makes her stand and change to a different seat in his office. Have you ever witnessed that?

MN No sir.

BG Have you ever heard conversation that Capt Summers has required her to do so?

MN No sir.

BG Has Capt. Summers ever told you that he requires her to do so?

MN No sir.

BG Do you have any knowledge that Capt Summers requires any deputy within the district to change seats while they're in his office?

MN Not that I recall.

BG Has any deputies while you were assigned to district two either then or now reported that information to you?

MN No sir.

BG An allegation, a separate allegation that she has concerns a safety issue that she spoke to us about and documented in her memo involving an ex Dep. Henshaw, she alleges that while in the in a rural area off of SR 40 I believe that a vehicle drove by her several times, she requested back up for safety reasons, Dep. Henshaw failed to show and either then or later made a comment that he had, he wanted to go to lunch he had a meal break and that he wasn't going to back her up. She felt that was a safety concern that she addressed through her supervisors and that nothing was ever done about that. Do you recall the incident?

MN I do.

BG Ok what can you tell me about that?

MN She came to me and reported that she was at 40 and 11 typing reports or something when this vehicle came driving by a couple times. She felt that it was suspicious; I believe she tried to get on the radio and ask for back up because she wanted to stop this vehicle. She was advised that Henshaw was going 10-10. Not really sure if she ended up stopping the vehicle or not but her sergeant ultimately I believe told her he had the impression, after I later talked to him, had the impression that maybe she was going to either follow the vehicle or something to that effect and he told her to basically call it off and go the opposite direction from that vehicle. She complained that she felt like it was a safety issue because Henshaw didn't come and back her up and that the sergeant did nothing to basically fix the problem. When I talked to Sgt. Nardiello, and I did talk to Sgt. Nardiello he explained his reasoning for it. He explained that Henshaw basically I think he lived in Deland at the time, Henshaw was almost at his house already when Heather called or requested back up and that he in his mind felt like you know that she shouldn't follow after the vehicle that he wanted her to go 10-8 or back in service so I felt very comfortable with the information that he had given to me at that time.

BG And how were you made aware of that complaint or that incident?

MN She came to me personally, I think she met with me in my office and gave me a couple of different things that she was unhappy with Sgt. Nardiello over so I wrote them down and kind of addressed each one of those things with Sgt. Nardiello at a later time.

*****Recorder cuts off*****

BG Ok the recorder is on, the time now is 2:23pm. Due to technical difficulties the original recorder has stopped and we will be restarting the questioning again. Lt. Newman in regards to the inquiry or investigation that you conducted involving the incident with ex Dep. Henshaw and Dep. Heather Post, was this documented in an official capacity or no?

MN No.

BG Ok and you refer to having notes on the incident, are those notes available if needed?

MN Yes sir.

BG Ok. And again the action that was taken by you was to speak with the deputies involved?

MN Yes sir I spoke to Dep. Post and then I talked to Sgt. Nardiello to get his opinion of how things happened.

BG And the action you took was what?

MN Basically no action was taken other than keeping my notes and documenting that I talked to Post and Nardiello because I felt very comfortable with the explanation that Sgt. Nardiello gave.

BG Very good. Was Dep. Post, was she, did you approach her or have a conversation with her to let her know the outcome of your inquiry?

MN Yes sir.

BG Ok and do you recall when that was?

MN I believe it was on March 13 of 2009 when I was out addressing other issues.

BG Very good. Was Capt. Summers directly involved in the inquiry or the investigation?

MN No sir.

BG Was he kept abreast of the investigation?

MN He was kept informed he just didn't have direct involvement in the investigation.

BG And do you have any information that Capt Summers attempted to conceal that incident involving Dep. Post and ex Dep. Henshaw from anyone in his chain of command?

MN No sir.

BG The second safety issue involving, that was brought forth by Dep. Heather Post involving Sgt Nardiello, an incident where she describes him during her testimony

and in her memorandum was that she felt that he was unstable or crazy. Do you recall that incident?

MN Yes sir.

BG Can you please tell us about that?

MN Yes sir. On May 5th of 2009 Heather Post came to my office and explained to me how she felt very uncomfortable during a recent inspection of her firearm by Sgt. Nardiello so I asked of course why she felt uncomfortable and she explained that while at the district they were back by his office and he told her to go to the briefing area, unload and break down her firearm and that he'd be there within a few minutes and I guess as she started to walk away he just started to laugh. She couldn't explain why he was laughing but he was laughing. It just made her feel very uncomfortable and so she went to the briefing area to unload her firearm and break it down like she had been directed but in the mean time because of his laughing and it making her feel uncomfortable she took some steps I guess in her mind she felt somehow threatened although there were no threats made so she said she placed a chair in between where she and Sgt Nardiello would be standing. She had put the microphone to the district radio close to her just in case she needed it. I asked her why she did all those things she said you know there was no specific threats made, he didn't do anything threatening towards her but she just felt like he was being creepy. He ultimately came there and did the inspection, she put her gun back together and went back in service and nothing happened, there was no explanation as to why she felt that way, there was no explanation as to why he made her feel creepy, she reiterated, in my notes I put down seven different times that he never made any threatening statements towards her but that he merely creeps her out. I basically just talked to Sgt Nardiello just to make sure that those were the same steps that he takes with other deputies on the shift when inspecting their firearm, he confirmed that it was. There were no policy violations that were committed by Sgt Nardiello by asking her to do that so what I did was just typed everything in a note and placed it in her Dep. Post's field file.

BG And you're looking at, it's a form there Lt Newman is that your notes or the email from the incident?

MN Yes sir, this is an actual note that I typed up and placed in Dep. Post's field file after I looked into the incident.

BG Very good. Did she ever come back do you recall to question you or ask you any other information in regards to the document you have there?

MN No never.

BG And do you recall off hand were there any other witnesses to that event?

MN No sir.

BG Ok. No there wasn't or no you don't recall?

MN I don't recall there being anybody else there.

BG Was Capt Summers directly involved in that inquiry?

MN No sir.

BG Reference to the incident she documents involving a SWAT certification, she alleges that Capt Summers called her in to or that she was summonsed to the district to speak with them about a SWAT certification and that discussion took place in your presence. Do you recall that incident?

MN Yes sir.

BG Ok can you tell me what you recall?

MN I recall Capt Summers, myself and Dep. Post being in Capt Summers office and Capt Summers and I had both been given a copy of her training and in looking at it we both noticed that she had taken SWAT school and so Capt Summers while she was there at the district asked if she had been on a SWAT team and if so with what agency or something along those lines and that was about it, it was a very short conversation.

BG Ok she's alleging that she was on the road, she was doing her job as a patrol deputy and that she was summonsed in from the road. Did you call her in from the road?

MN No sir.

BG Are you aware if Capt Summers had her drive to the district to answer that question?

MN No sir. As a matter of fact I think I encountered her in the hallway I believe she was going to drop the training forms off in my box and Capt Summers' box and the reason I believe that is there was a note posted on it with "Lieutenant" and then a little note that she wrote in her handwriting and then signed it with her name so it just kind of indicated to me that she must have been trying to drop those off and then leaving and I believe I encountered her so we ended up in Capt Summers' office looking at it together.

BG Ok so the way you remember, just passing her in the hallway?

MN I believe so.

BG And then discussing her, a type of resume that she had?

MN Yes sir.

BG In her hand?

MN Yes sir.

BG And then you ended up in the Captain's office?

MN Yes sir.

BG Ok. During that conversation do you recall Capt Summers being sarcastic with her, speaking to her in a demeaning tone or an unprofessional tone?

MN No sir.

BG Any unusual language, demeaning language, cuss words involved?

MN No sir.

BG Would you, do you recall speaking to her directly about it or did Capt Summers talk to her about her SWAT training or both?

MN It was all three of us had the conversation. We were all there looking through it was several pages of training and classes that she had taken so we were all kind of actively looking through the pages but it was mainly Capt Summers who asked about the SWAT.

BG So there was more of a discussion then just the specific SWAT certification?

MN It mainly was around the SWAT certification because it was very short, I don't remember if it was because she got called somewhere but it was very short conversation it wasn't anything lengthy it was look through the pages while you know talked about the SWAT school and her explaining whether or not she was on a SWAT team and that was it.

BG Did Capt Summers speak to her that day in any different tone of voice or any different language that he would speak to a normal deputy with?

MN No sir.

BG And again Lt. Newman you've got paperwork there in front of you, is that the resume that she provided you with that day or a copy of?

MN Yeah this is the one that she dropped off with the original note that she had attached and then I also have a copy of it.

BG And do you recall why she was providing you and the Captain with a copy of her resume?

MN No sir.

BG Ok. Did she at any time after that day, and do you recall when that was?

MN No sir.

BG Approximate date, month?

MN No sir.

BG Ok.

MN At any time after that or since that time has she approached you and had any discussion with you about her concerns about the Captain's demeanor or tone with her that day?

MN No sir.

BG Are you aware of a photograph that Capt Summers keeps on or near his desk of a female Marine?

MN Yes sir.

BG Have you seen that photograph?

MN I have.

BG Is this the photograph or a copy of a photograph that the Captain has?

MN Yes sir it is.

BG At any time do you recall an incident where he produced this photograph and showed it to Dep. Post?

MN No sir.

BG Do you know if Dep. Post has ever seen this photograph?

MN I don't know.

BG At any time with just you present has Capt Summers ever produced this photograph and said anything sexual about the Marine or made any improper comments about this female Marine?

MN No sir the time that I recall seeing that picture of the Marine we talked about how squared away she was and just how impeccable her uniform and hair were, was the conversation.

BG Have you heard any deputy while you were assigned to district two, hear any conversation or have any knowledge of any other deputies saying that Capt Summers has produced this photograph, shown it to deputies and made lewd or improper comments about the Marine?

MN No sir.

BG Have you ever witnessed Capt Summers on any incident use abusive language or obscene language while speaking to Dep. Post?

MN No sir.

BG At any time while you were assigned to district two did Dep. Post make you aware of any concerns on her part of discrimination or that Capt Summers was creating a hostile work environment for her?

MN No sir, never.

BG Have you ever witnessed or have any information that Capt Summers has discriminated against Dep. Post because of her gender?

MN No sir.

BG In your day to day dealings with the deputies in district two, Lt Newman, have you ever observed Capt Summers deal with, use a tone with Dep. Post that was different than the other deputies?

MN No sir.

BG You would say that he treats all the deputies the same?

MN Yes sir.

BG I'm going to look over her statement real quick. Sgt. Summers,.. or Morgan if you'd like to ask a few questions.

TM Yeah I just want to build off of one of the Lieutenant's questions and I wanted to ask you Lieutenant. Do you feel Dep. Post felt comfortable in speaking to you?

MN Absolutely.

TM And more specifically do you feel she was comfortable enough to come to you and complain about any district problems?

MN I do, based on the numerous times she came into my office to talk about different issues and complaints, things that she didn't like about Sgt Nardiello or the shift. The fact that she would just want to drop by and drop off a training request or not a training request but a list of training classes that she has had with a note that says "Lieutenant just info, thanks for talking with me, have a great day, Heather" is you know indicative to me that she's very comfortable in stopping by and talking pretty much about anything that she needed to.

TM Ok. And the Lieutenant already kind of hit on this question but since we built up that, during your assignment at district two at any time did Dep. Heather Post come to you about a hostile work environment being created by Capt Summers?

MN No sir.

TM About any other issues, no other issues with Capt Summers?

MN No sir, never.

BG I believe that's going to be all. And again this is a little bit separate from the internal investigation we're conducting now from the allegations brought forth by Dep. Post but in your experience in dealing with Capt Summers, have, has he ever been or used language to you that you felt offended by?

MN No sir, never.

BG Do you have any information or concerns that he doesn't believe female deputies should have the position if you will of deputies within this agency?

MN No sir.

BG Has he ever held you back from putting in for classes or additional training or transfers?

MN No sir.

BG Do you have any information that he's ever held back and failed to forward paperwork on Dep. Heather Post?

MN No sir.

BG Being whether it transfers, schools, recertification's?

MN No sir, and I can only talk or vouch for when I was there but I have a list of all classes that deputies to include Dep. Post have put in for from the time that I was in district two until the time that I left in July of 09 and basically just documents that date that I received those items, who the deputy was, what the class was that they were requesting, whether or not it got kicked back due to typographical errors or what not, but then also the date in which it would have been forwarded to the Captain, but like I said I can only speak of the time that I was there.

BG Ok very good.

TM And during that time frame did Heather Post, Dep. Post I should say put in for any classes?

MN During my time there she put in for two classes and the two classes that she put in for were both submitted to me on May 22, 2009 she put in for Instructor Techniques which was basically a two month course at Daytona State College and Electronic Surveillance. The Instructor Techniques course was because it was such a long course the Captain and I really sat for a long time and had to do some rescheduling and planning working with other deputies to swap shifts with Dep. Post to accommodate her to be able to take this very long course but those are the only two that I have documented that she put in for.

TM And both she attended?

MN And I believe, she definitely attended the instructor techniques and I believe she also went to the Electronic Surveillance course.

TM Ok.

BG Lt. Newman is there anything else that you'd like to add or delete from your statement today?

MN No sir.

BG Thank you very much for coming by. This concludes the interview, the time now is 2:40pm.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Lt. Michelle Newman taken by me on September 10, 2010.
(Signed)

Sworn to and subscribed before me this____
Day of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name
of Notary Public)
My Commission Expires:
My Commission Number is:
Personally Known_____
Produced identification
Type of Identification Produced

WITNESS STATEMENT

BG – Lt. Bobby Goggin TM – Sgt. Tim Morgan
VM – Sgt. Vidal Mejias

BG Ok the recorder is on. This will be a taped interview reference to IA case number 10-019. Today's date is September 13, 2010. The current time is 3:42 PM. The location of this interview is the Deland YMCA located on McDonald Rd and Hwy 17-92 Deland, Florida. Presently being interviewed is Sgt. Vidal Mejias of the Volusia County Sheriff's Office. For the record Sgt. Mejias could you please spell your last name.

VM M-E-J-I-A-S

BG I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Sgt. Mejias are you aware that this interview is being recorded?

VM Yes sir.

BG As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn please. Do you swear that the statement you are about to give is the truth, the whole truth and nothing but the truth so help you God?

VM Yes I do.

BG Sgt. Mejias we're here to discuss a internal affairs investigation involving Dep Heather Post wherein she has completed a memo outlining allegations against Capt Summers being hostile work environment, harassment and several other allegations. She lists you as a possible witness in the harassment part of that memo where she says that on dates that are unknown to her, that she was in Capt Summers' office accompanied by you, where as she came in and took a seat and Capt Summers has played a chair game with her, and no matter where she sits he's ordered her to move out of the chair into a separate chair. Did you witness that event?

VM No.

BG How many times since being assigned to district two would you say you've been in Capt Summers' office with Dep Heather Post?

VM Approximately five times.

BG And at any one of those times do you recall him not allowing her to sit in the seat that she was seated in when she first came into the office?

VM No

BG Anything similar to that, that you can recall?

VM No.

BG How long have you worked as a supervisor for Dep Heather Post?

VM I started over here I think it was September 26th of last year which was I think it was a Saturday, September 26th of last year 2009.

BG And when did Dep Post become, when did you become the supervisor of the shift Dep Post was on?

VM That day, September 26th, that's the day I was transferred from Deltona CID to district two patrol.

BG At any time since that date has Dep Heather Post spoke to you about mistreatment by the captain about him playing this chair game with her where he doesn't allow her to sit in certain chairs in his office?

VM No.

BG Has deputy Post come to you officially or not officially reference to any complaints about Capt Summers' treatment of her?

VM No.

BG Have you ever witnessed Capt Summers use unprofessional language towards Dep Post?

VM No.

BG Have you ever witnessed Capt Summers using demeaning language or making demeaning comments about Dep Post?

VM No.

BG Have you ever witnessed Capt Summers treat Dep Post any differently than any other deputy assigned to the district?

VM No.

BG Has she made you aware of any issues or concerns officially reference to complaints that she has about Capt Summers in regards to a hostile, that he's created a hostile work environment for her?

VM No.

BG Are you aware that Capt Summers is deliberately not allowing her to transfer out of the district or denying her opportunities to go to investigative positions?

VM No.

BG Have you ever, in any of those few times that you were in the captain's office were you ever present when Capt Summers allegedly removed a photograph from his desk and showed Dep Post a photograph of a female Marine?

VM When he showed me the picture I don't know if, I don't think she was in the office so.

BG Do you recall approximately when he would have showed you that photograph?

VM No I don't remember when it was.

BG But it's been since you've been assigned to the district?

VM Yeah it's probably five six months ago.

BG Do you recall if anybody was in the office when he showed you that photograph?

VM No I think I was the only one in the office when he showed it to me.

BG Do you recall any conversation, what he said about the picture of the female Marine?

VM Just that she was a squared away Marine.

BG Do you recall any other comments that he made?

VM No.

BG Do you have any knowledge that Dep Heather Post has made any of our other supervisors aware of a hostile work environment or created by Capt Summers?

VM No.

BG Is there anything else you would like to add or delete from your statement today?

VM No.

BG Thank you for your time, this concludes the interview, the time now is 3:47pm.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Sgt. Vidal Mejias taken by me on September 13, 2010.
(Signed)

Sworn to and subscribed before me this ____
Day of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name
of Notary Public)
My Commission Expires:
My Commission Number is:
Personally Known _____
Produced identification
Type of Identification Produced

WITNESS STATEMENT

TM – Sgt. Tim Morgan BN – Sgt. Brian Nardiello

TM This will be a taped interview reference to IA case number 10-019. Today's date is 09-13-10 and the time is 3:55pm. The location of this interview is Nova and US1. Presently being interviewed is Sgt. Brian Nardiello. Can you spell your last name for the record?

BN N-A-R-D-I-E-L-L-O

TM Ok I'm Sgt. Tim Morgan with the Volusia County Sheriff's Office Internal Affairs Unit. Sgt. Nardiello are you aware that this interview is being recorded?

BN Yes.

TM As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn please. Do you swear that the statement you are about to give is the truth, the whole truth and nothing but the truth so help you God?

BN I do.

TM Sgt we're here to discuss a complaint which consists of a five page memo that was completed by Deputy Heather Post which alleges that Capt Shane Summers of district two created a hostile type work environment and has been harassing her. Were you assigned to district two at any time during the past two years from 2008 to 2010?

BN Yes.

TM Have you ever served as Deputy Heather Post's supervisor during that timeframe?

BN Yes.

TM And do you recall when that was?

BN Let me see, I believe it was in 2008. We had a short period we were on day shift I believe where I was her supervisor and then I think I was still her supervisor while we were on nights for a short period of time.

TM And during that timeframe at any time were you called into Capt Summers' office who's the district commander with Deputy Heather Post for any reason?

BN Yes.

TM And can you say about how many times?

BN Um.

TM And it doesn't have to be exact but.

BN Yeah I'm just guessing maybe three or four times, less than half a dozen.

TM And during the times you were present in the office was it duty related?

BN Yes.

TM And during that time that you were present with Deputy Post at any time did Capt Summers treat her differently than any other Deputy that you've been in his office with?

BN No.

TM At any time did you witness Capt Summers have Deputy Heather Post move from chair to chair?

BN No.

TM While in your presence at any time did he have her move from a chair for any reason?

BN No, I, no.

TM And during your contact while you were with Deputy Post or that you witnessed within the district did you see Capt Summers act any other way than professional?

BN No.

TM Did you see or witness Capt Summers treat Deputy Heather Post in any demeaning type manners?

BN No.

TM Did you witness Deputy Heather Post being treated by Capt Summers anything outside professional?

BN No.

TM And during your time, you were her direct supervisor correct?

BN Correct.

TM Did she ever report any type of harassment to you?

BN No.

TM On or off duty?

BN No.

TM In your opinion did Capt Summers treat Deputy Heather Post and we probably covered this already, any different than you've seen him treat any other Deputy within your district?

BN No I never saw him treat Deputy Post any differently than any other Deputy. Capt Summers in my recollection was always professional in everybody that he dealt with. I never noted or observed any problems or concerns with his conduct or, at all and nobody's ever reported any concerns to me about his conduct.

TM Ok, is there anything you'd like to add or delete at this time?

BN Not that I can think of, no.

TM Ok well this concludes the interview; the time is 4:00.

I, Sgt. Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Sgt. Brian Nardiello taken by me on September 13, 2010.

(Signed)

Sworn to and subscribed before me this ____ Day
of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name of
Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known _____

Produced identification

Type of Identification Produced

WITNESS STATEMENT

BG – Lt. Bobby Goggin TM – Sgt. Tim Morgan
BL – Bea Leatherman

BG Ok the recorder is on. This will be a taped interview reference to IA case number 10-019. Today's date is September 13, 2010. The current time is 12:30 PM. The location of this interview is the District Two Substation Deland, Florida. Presently being interviewed is Ms. Bea Leatherman. Ms. Leatherman for the record please spell your last name.

BL It's L-E-A-T-H-E-R-M-A-N

BG Thank you. Also present for this interview is Sgt. Tim Morgan with the Volusia County Sheriff's Office. Ms. Leatherman I am Lt. Bobby Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Are you aware that this interview is being recorded?

BL I am.

BG As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn please. Do you swear that the statement you are about to give is the truth, the whole truth and nothing but the truth so help you God?

BL I do. I think he knocked.

BG Ms Leatherman we're here today to discuss events that were in reference to a memo completed by Dep Heather Post with numerous allegations against Capt Shane Summers. What I'd like to ask you today is have you ever witnessed any interactions between Capt Summers and Dep Heather Post?

BL No.

BG And what I'm referring to, there is, have you ever been in Capt Summers' office where Dep Heather Post has either been requested to come in or came in on her own?

BL No sir.

BG Ok. Just day to day office interactions between Capt Summers and Dep Heather Post have you ever witnessed Capt Summers be unprofessional to Dep Heather Post?

BL No sir.

BG Any demeaning comments to her?

BL No sir.

BG Has Dep Heather Post ever spoke to you or just in general conversation or came to you in private to relay to you that she feels that Capt Summers treats her differently than any other deputies or demeans her?

BL No sir.

BG Has she ever spoke to you about her being, that she feels that she's being harassed by Capt Summers or anybody in the chain of command?

BL No sir.

BG Has Capt Summers ever made unprofessional or demeaning comments to you?

BL No sir.

BG Has he ever used any unprofessional language, rude obscene language in front of you?

BL No, as a matter of fact I think he goes to the other extent where I mean if anything's being said that he thinks is unprofessional or whatever he just basically leaves. I mean yeah he doesn't get involved with.

BG Would you say he tolerates anybody in his chain or command...

BL No.

BG ...using obscene language?

BL No, I've heard him comment to more than one about their language.

BG So he handles the situation if it occurs in front of him.

BL Correctly.

BG Has Dep Post ever talked to you about that she's reported any improper conduct or harassment or felt that Capt Summers was creating a hostile work environment to her to another supervisor?

BL No I've never heard anything.

BG Ok.

BL I want to say months ago that there was conversation in the office from other employees that something was going on as far as she was unhappy but I've never talked to her about it. She's never come to me.

BG Ok and do you recall, and again do you recall who was involved in that conversation?

BL I want to say Kathy.

BG Ok.

BL Yeah.

BG And do you believe that...

BL They may have talked.

BG Ok and when you're saying Kathy, Kathy who for the record?

BL Kathy Burnsed.

BG Ok.

BL And Heather may have discussed it or discussed something but I wasn't privy to any conversation.

BG Ok. Are you aware of any deputy in district two besides the conversation you just spoke about that possibly occurred between Dep Post and Kathy Burnsed, any other deputies have complaints on Capt Summers? Not in regards to his management style but as far as unprofessional comments, demeaning comments or anything such as that?

BL No sir, huh uh.

BG Discrimination type comments?

BL No he would be the furthest that I mean, he'd be the furthest one that you would even think of to do that.

BG Very good, how long have you been assigned here at district two?

BL Uh, 98.

BG And how long has Capt Summers been with you?

BL Well I worked with him out at the airport after the tornado and I believe we were at the old district together and then out at the airport and then when he came back as Captain here so.

BG And how would you grade Capt Summers as...

BL Very professional.

BG Very good. Ok Ms. Leatherman I don't believe I have anything else, Sgt. Morgan?

TM No I just have one thing, she completed an email and sent it to you?

BG No.

TM Regard, ok, ok my fault that's it I have nothing.

BG And again just for the record Sgt. Morgan you're referring an email completed by Kathy Burnsed.

TM Yes, yes, yes, yes, my fault.

BG Ok. Ms. Leatherman anything else that you'd like to add or delete from your statement today?

BL No, this is a total surprise I mean as far as.

BG Ok well I appreciate you taking time out of your day to speak to us. This will conclude the interview. The time now is 12:36.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Bea Leatherman taken by me on September 13, 2010.

(Signed)

Sworn to and subscribed before me this____
Day of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name
of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known_____

Produced identification

Type of Identification Produced

WITNESS STATEMENT

BG – Lt. Bobby Goggin TM – Sgt. Tim Morgan
KB – Kate Blanton

BG Ok the recorder is on. This will be a taped interview reference to IA 10-019. Today's date is September 13, 2010. The current time is 12:45 PM. The location of this interview is the District Two Substation Deland, Florida. Presently being interviewed is Ms. Blanton is that correct?

KB Yes

BG Ms. Blanton for the record please spell your last name.

KB B-L-A-N-T-O-N

BG Ms Blanton also present for this interview is going to be Sgt. Tim Morgan. I am Lt. Bobby Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Are you aware that this interview is being recorded?

KB Yes

BG As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn please. Do you swear that the statement you are about to give is the truth, the whole truth and nothing but the truth so help you God?

KB Yes

BG Ms Blanton we're following up on an internal affairs investigation wherein a memo was completed by Dep. Heather Post making allegations of harassment and hostile work environment against Capt Summers. How long have you been assigned to or been working out of the District II office?

KB January of '08

BG Ok and until present?

KB Yes

BG And during that time period have you had interactions with Dep. Heather Post?

KB Yes

BG Ok at any time has she spoke to you about any type of complaints against, that she had against Capt. Summers?

KB No

BG Um at any time have you accompanied her into Capt Summers' office for any official or non official related functions?

KB No

BG Have you ever heard Capt Summers make unprofessional comments to Dep. Heather Post?

KB No

BG Demeaning comments to Dep. Post?

KB Any comments to Dep. Post? No

BG No, demeaning comments?

KB Oh demeaning, no.

BG Any comments sexual in nature or any unprofessional comments whatsoever to Dep. Heather Post?

KB No

BG Um have you ever witnessed Capt Summers treating Dep. Post differently than he treats other deputies?

KB No

BG Has Dep. Post ever came to you work related wise or outside of the scope of work to provide you with information that she felt this way about Capt Summers?

KB No

BG Has Capt Summers ever treated you in a demeaning way or spoke to you in a demeaning way?

KB No

BG Unprofessional comments to you?

KB inaudible

BG How would you describe Capt Summers interaction with the deputies at the Volusia County Sheriff's Office?

KB Um I guess limited, I don't see, I mean I don't know who, he's back here I'm up front so I don't really see the interaction.

BG Ok but besides Dep. Heather Post have you ever heard Capt Summers make demeaning comments to any deputy with the Volusia County Sheriff's Office?

KB No

BG Go out of his way to harass or belittle any deputies to included Dep. Post?

KB No

BG Do you have any complaints against the way Capt Summers deals with you or Deputy Sheriff's at the Volusia County Sheriff's Office?

KB No I don't have any.

BG And how would you, again I might have covered this, how would you describe in your words how he interacts or how he treats the deputies here at the District?

KB I think it's limited. I don't see a whole of interaction, I think it's limited.

BG Ok

KB Other than when he comes up and gets his mail and goes back here, and he's just, he's not out front very much.

BG Ok and again just in walking by have you ever heard him use obscene language or offensive language?

KB No, no

BG Ok, Sgt Morgan?

TM No I don't have nothing.

BG Ms. Blanton anything that you would like to add or delete from your statement today?

KB No

BG Ok well thank you for taking time to speak to us. This concludes the interview, the time is 1:48.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Kate Blanton taken by me on September 13, 2010.
(Signed)

Sworn to and subscribed before me this____
Day of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name
of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known_____

Produced identification

Type of Identification Produced

WITNESS STATEMENT

BG – Lt. Bobby Goggin TM – Sgt. Tim Morgan
PT – Pat Taylor

BG Ok the recorder is on. This will be a taped interview reference to IA case number 10-019. Today's date is September 13, 2010. The current time is 12:52 PM. The location of this interview is the District Two Substation located in Deland, Florida. Presently being interviewed is Ms. Pat Taylor. Ms. Taylor for the record please spell your last name.

PT T-A-Y-L-O-R

BG Also present for this interview will be Sgt. Tim Morgan with the Volusia County Sheriff's Office Internal Affairs unit. Ms. Taylor I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Are you aware that this interview is being recorded?

PT Yes.

BG As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn please. Do you swear that the statement you are about to give is the truth, the whole truth and nothing but the truth so help you God?

PT I do.

BG Thank you. Ms Taylor we're here to discuss a internal affairs investigative matter which resulted from a memo being completed by Dep Heather Post alleging allegations against Capt Summers. Are you aware that she did this?

PT No.

BG The allegations range from harassment to hostile work environment, discrimination for her gender. Has Dep Heather Post ever approached you and spoke to you about her concerns involving Capt Summers?

PT No.

BG Has she ever talked to you either professionally while you were working or off duty reference to any complaints against Capt Summers?

PT No.

BG Have you ever been with her or accompanied her into Capt Summers' office where she had any dialogue with him?

PT No.

BG At any time have you witnessed any unprofessional comments being made on the part of Capt Summers towards Dep Heather Post?

PT No.

BG Have you ever witnessed Capt Summers speak to Dep Post with demeaning comments?

PT No.

BG Have you ever witnessed Capt Summers speak with or deal with Dep Heather Post any differently than he has any other deputy assigned to the district?

PT No.

BG Has Capt Summers ever used unprofessional language towards you?

PT No.

BG Has he ever spoke to you with demeaning comments or belittling comments?

PT No.

BG Are you aware if Dep Heather Post has reported any of these type of behaviors as she alleges against Capt Summers to anybody in her chain of command?

PT Not that I'm aware of.

BG And again how long have you worked at district two?

PT I started with the Sheriff's Office in January of 2002 and I've been assigned to district two for all of that time.

BG And how would you describe your relationship with Dep Heather Post?

PT Professional, friendly, just, we don't interact after work we don't see each other outside the office and just you know speak when I see her here.

BG I don't think I have anything else. Sgt. Morgan?

TM Nope that's, no questions from me.

BG Ms. Taylor is there anything that you would like to add or delete from your statement today?

PT No, I have no knowledge of any of this so.

BG And before we conclude the interview, how would you grade or how would, what would be your opinion of Capt Summers' treatment of the deputies here at the district?

PT I would say he's professional. He treats them in a professional manner.

BG Well that will conclude the interview then Ms. Taylor; I thank you for your time this afternoon. The time now is 12:56pm.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Pat Taylor taken by me on September 13, 2010.
(Signed)

Sworn to and subscribed before me this____
Day of _____, 2010.

Signature of Notary Public-State of Florida

(Print, type or Stamp Commissioned Name
of Notary Public)
My Commission Expires:
My Commission Number is:
Personally Known_____
Produced identification
Type of Identification Produced

WITNESS STATEMENT

BG – Lt. Bobby Goggin TM – Sgt. Tim Morgan
KB – Kathy Burnsed

BG Ok the recorder is on. This will be a taped interview reference to IA number 10-019. Today's date is September 13, 2010. The current time is 1300 hours. The location of this interview is the District Two Substation located in Deland, Florida. Presently being interviewed is Ms. Kathy Burnsed. Ms. Burnsed for the record please spell your last name.

KB B-U-R-N-S-E-D

BG Thank you. Also present for this interview will be Sgt. Tim Morgan. Ms. Burnsed I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Are you aware that this interview is being recorded?

KB Yes.

BG As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn. Do you swear that the statement you are about to give is the truth, the whole truth and nothing but the truth so help you God?

KB Yes.

BG Ms Burnsed we are here to discuss a matter that is currently an internal affairs investigation with the sheriff's office involving a memo completed by Dep. Heather Post, where she alleges harassment, hostile work environment and discrimination against her gender, all created by Capt Summers. Prior to going on record today have you been made aware of any of those allegations?

KB No.

BG Are you aware that she completed the memo?

KB Not until today.

BG Ok. Has Dep Burnsed ever spoke to you in reference to her, any complaints in reference to Capt Summers?

KB You mean Heather?

BG I'm sorry. Dep Heather Post.

KB No she has not.

BG Have you ever been in Capt Summers' office with Dep Heather Post?

KB No.

BG Have you ever witnessed Capt Summers make unprofessional comments to Dep Heather Post?

KB No.

BG Any demeaning comments to Dep Heather Post?

KB No.

BG Have you ever witnessed Capt Summers treat Dep Post any differently than any other deputies assigned to district two?

KB No.

BG Has Capt Summers ever used unprofessional language or made unprofessional comments to you?

KB No. In fact I try to get him to, and he just won't play. He won't play.

BG Has he ever used demeaning comments to you?

KB No.

BG And again Ms Burnsed these items that we just covered, Dep Heather Post has not come to you whether working or off duty to discuss these incidents with you? She's never made you aware of those?

KB Not at all.

BG Has she ever told you that she's reported these type of incidents to anybody else in her chain of command?

KB No.

BG How long have you been assigned to district two?

KB Almost five years.

BG So you've known Dep Heather Post since she's been assigned to the district?

KB Yes.

BG How would you describe, when you witnessed it, how would you describe Capt Summers' interactions with Dep Heather Post?

KB I really didn't see that much, I mean he doesn't hang out by the front desk.

BG Ok.

KB And like I said, she we're just you know social acquaintances here in the office I don't have any interaction other than that.

BG How would you describe how Capt Summers deals with the deputies here in district two?

KB He's a little too by the book for me.

BG Ok.

KB But other than that.

BG Was that a, would that be, would you consider that to be he handles his job professionally?

KB Yes, too professionally.

BG Ok I don't believe I have...

KB He needs to lighten up a little bit.

BG Ok and again we'll just cover that for the record, when you say lighten up is he harsh to the deputies and demeaning with the deputies?

KB No, he doesn't, the way I look at it he doesn't want to fraternize with them, he kind of keeps himself apart as being the captain and the leader rather than fraternizing with the deputies.

BG Ok, so he's business.

KB Yeah, he's business.

BG Sgt. Morgan?

TM No I have nothing.

BG Ms. Burnsed is there anything that you'd like to add or delete from your statements today?

KB Not that I can think of.

BG Well thank you very much for your time, this concludes the interview. The time now is 1306.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Kathy Burnsed taken by me on September 13, 2010.
(Signed)

Sworn to and subscribed before me this____
Day of _____, 2010.

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VOLUSIA COUNTY SHERIFF'S OFFICE
Ben F. Johnson, Sheriff



**WORKPLACE HARASSMENT AND DISCRIMINATION
POLICY REVIEW**

After reviewing Directive 22.10 with you, I am required to ask you the following questions:

1. Do you understand this policy?

Yes No

BJP
Initial

2. Do you have any questions about this policy?

Yes No

BJP
Initial

3. Do you know how to file a complaint should you ever have a problem with harassment, or if you see inappropriate behaviors at work?

Yes No

BJP
Initial

4. Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace that are inconsistent with this policy?

Yes No

BJP
Initial

Reporting this type of conduct can be done to any one of the following:

- * Anyone in your Chain of Command *
- * Internal Affairs *
- * Volusia County Personnel Office *
- * Florida Commission on Human Rights *
- * Equal Employment Opportunity Commission *

Deputy H. Post 7557
(PRINT) EMPLOYEE'S NAME D.I.D.

[Signature]
EMPLOYEE'S SIGNATURE

09-17-09
DATE

Sgt. M. Mathieson 1455
(PRINT) SUPERVISOR'S NAME D.I.D.

[Signature]
SUPERVISOR'S SIGNATURE

09-17-09
DATE

VOLUSIA COUNTY SHERIFF'S OFFICE
Ben F. Johnson, Sheriff



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Heather J. Post 7557
(PRINT) EMPLOYEE'S NAME D.I.D.

[Signature] 7557
EMPLOYEE'S SIGNATURE

04/27/2010
DATE

NEVIAS, V. 1388
(PRINT) SUPERVISOR'S NAME D.I.D.

[Signature]
SUPERVISOR'S SIGNATURE

4/27/10
DATE