

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-13-019**

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

**PERIOD COVERED:** September 7 through September 9, 2013  
**DATE REPORTED:** September 26, 2013  
**SUBJECT(S) NAME:** Deputy Keith Baughman #7278  
**INVESTIGATING OFFICER:** Investigator Glen Bennett #1452

**BASIS FOR INVESTIGATION:**

On September 26, 2013, the Volusia County Sheriff's Office Digital Certificate Coordinator Alan Horne, conducted an audit of the Driver And Vehicle Information Database (DAVID) and submitted a report of his findings. Mr. Horne's report indicated that Deputy Keith Baughman may have accessed personal information using the DAVID database for reasons unrelated to his official duties as a Deputy Sheriff with the Volusia County Sheriff's Office.

Mr. Horne's report showed Deputy Baughman accessed the personal information of five individuals between September 7 and September 9, 2013. These five individuals were discovered by Mr. Horne to be telecommunicators with the Volusia County Sheriff's Office.

Accessing personal information using the DAVID database is in direct violation of the Memorandum of Understanding (MOU) set forth by the Department of Highway Safety & Motor Vehicles (DHSMV) and Florida Statute 322.20.  
*(See Tab - C for Report of DAVID audit)*

**OFFENSE:**

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

**26.2.99 Intentional Abuse of Equipment or Vehicles** - Employees shall ensure the maintenance and utilization of Department or County equipment is in accordance with established procedures and shall not intentionally abuse, misuse or damage said

equipment or vehicles. *(Violation subject up to a demotion.)*

**26.2.106 Untruthfulness** - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities.

*(Violation subject up to dismissal.)*

**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 26, 2013, Chief Deputy Mike Coffin assigned the above case to the Internal Affairs Unit for investigation. This report details the investigation conducted by Investigator Glen Bennett.

On September 30, 2013, Investigator Bennett served Deputy Baughman with his Notice of Internal Investigation and he was provided a copy of the Law Enforcement Officer Rights at Howland Boulevard and Graves Avenue in Deltona, FL.

*(See Tab - B for Official Correspondence)*

Investigator Bennett reviewed Mr. Horne's report and attached documentation provided by the DHSMV. The attached documents were printouts from DHSMV that show the history of who Deputy Baughman researched using the DAVID database between 1:24AM on September 7, 2013 and 4:28AM on September 9, 2013. Deputy Baughman conducted multiple searches of persons during that time frame for legitimate law enforcement reasons; however, as outlined in this report there were seven searches not associated to any official law enforcement purpose.

*(See Tab - C for Report of DAVID audit)*

During Deputy Baughman's shift on September 7, 2013, he accessed the personal information of five VCSO telecommunicators using the DAVID database. Deputy Baughman conducted a total of six searches on September 7<sup>th</sup> using the names of five telecommunicators. Of those six searches, two were of the same telecommunicator. The personal information of five telecommunicators was accessed on that day.

During Deputy Baughman's shift on September 9, 2013, he searched and accessed the personal information of one telecommunicator using the DAVID database. This telecommunicator's personal information was previously accessed twice by Deputy Baughman on September 7, 2013. In total, Deputy Baughman accessed the personal information of five telecommunicators with one of the telecommunicators' personal information being accessed on three different occasions.

On December 3, 2013, Investigator Bennett researched the Computer Aided Dispatch (CAD) report for both September 7 and September 9, 2013. The CAD report showed Deputy Baughman was on duty both days as 1A96 in the City of Deltona. On September 7, 2013 at 2:46AM, Deputy Baughman was assigned to a call involving a missing person (VCSO Case#130024484) when he conducted a search and accessed a telecommunicator's personal information. According to the call history and VCSO report #130024484, the telecommunicator was not part of or involved in any events that occurred during that particular incident. The CAD report for September 9, 2013, indicated Deputy Baughman conducted the search of five telecommunicators using the DAVID database. During the time those searches were conducted he was not assigned to a call for service. *(See Tab - K for Miscellaneous Documents)*

The procedures for accessing personal information using the DAVID database are as follows: Prior to entering search criteria into the DAVID database, you have to first accept and acknowledge the conditions governing the use of DAVID on the David Usage Warning page. You then enter the search criteria of the individual(s) you want to search. Then you select from a drop down menu, located on the Inquiry Reason Screen, the purpose for the search. Only after completing those procedures, can you access personal information in the DAVID database. Deputy Baughman followed those procedures and entered "Verify Identity" as the reason for all seven of the searches he conducted on the department employees.

On December 4, 2013, Investigator Bennett obtained and reviewed the Criminal Sanctions Acknowledgement document that was signed by Deputy Baughman on March 4, 2013. This document outlines the MOU and Florida State Statutes governing the use and dissemination of information garnered from the DAVID database. Investigator Bennett also obtained and reviewed the Confidential Acknowledgement document that was signed by Deputy Baughman on March 4, 2013. Upon signing the Confidential Acknowledgement document, Deputy Baughman acknowledged he was instructed and understood the confidential nature of the information exchanged under the MOU agreement as stated in FSS 119.0712(2) and the Driver Privacy Protection Act (DPPA). *(See Tab - C for Report of DAVID audit)*

#### Telecommunicator [REDACTED]

On December 4, 2013, Investigator Bennett conducted a sworn recorded interview with Telecommunicator [REDACTED] at the William R. Lee Communications Center in Daytona Beach, FL. The following is a summary of that interview:

[REDACTED] has been a telecommunicator with the Volusia County Sheriff's Office for approximately seven years and currently holds the position of training officer. [REDACTED] knows Deputy Baughman only through work; however, she became friends with him approximately six months ago on the social network Facebook. [REDACTED] explained that she accepted his invite to be friends on Facebook because they had mutual law enforcement friends on Facebook. [REDACTED] went on saying she did not

personally know Deputy Baughman and would not recognize him if he walked into the room.

██████████ had no official contact with law enforcement on September 7, 2013 at or around 3:25AM, when Deputy Baughman accessed her personal information. ██████████ stated she was assigned to day shift at the Communications Center and on September 7, 2013, she would not have been working at 3:35AM.

██████████ said she had no contact with law enforcement other than her official duties as an employee of the Sheriff's Office. ██████████ was unaware of any official investigation that would require her personal information to be accessed. ██████████ did not know why Deputy Baughman would have accessed her personal information using the DAVID database or why he would need to verify her identity on September 7, 2013.

In accordance with Florida Statute and department policy, Investigator Bennett advised ██████████ that her personal information was accessed by Deputy Baughman using the DAVID database. *(See Tab - E for Official Transcript)*

#### Telecommunicator ██████████

On December 4, 2013, Investigator Bennett conducted a sworn recorded interview with Telecommunicator ██████████ at the William R. Lee Communications Center in Daytona Beach, FL. The following is a summary of that interview:

██████████ has been a telecommunicator with the Volusia County Sheriff's Office for approximately five years and currently holds the position of training officer. ██████████ advised that she does not personally know Deputy Baughman. ██████████ believed she may have been working night shift on September 7, 2013; however, she was unsure based on when her work shift changed from dayshift to nightshift.

██████████ explained that she was not contacted by law enforcement on September 7, 2013, at or around 3:35AM, when Deputy Baughman accessed her personal information. ██████████ said she was unsure if she was working on the date and time Deputy Baughman accessed her personal information.

██████████ said the only contact she had with law enforcement, other than her work related duties, was when she was stopped in her personal vehicle approximately a year prior to said incident. ██████████ was unaware of any official investigation that would require her personal information to be accessed by Deputy Baughman. ██████████ did not know why Deputy Baughman would need to verify her identity using the DAVID database on September 7, 2013. Investigator Bennett asked ██████████ if she recalled a reason why Deputy Baughman would need to look at her photo line-up using the DAVID database and she stated no.

In accordance with Florida Statute and department policy, Investigator Bennett advised ██████████ that her personal information was accessed by Deputy Baughman using the DAVID database. *(See Tab – F for Official Transcript)*

**Telecommunicator ██████████**

On December 5, 2013, Investigator Bennett conducted a sworn recorded telephone interview with Telecommunicator ██████████. The following is a summary of that interview:

██████████ has been a telecommunicator for the Volusia County Sheriff's Office for approximately one year. ██████████ advised Investigator Bennett that she did not know Deputy Baughman nor has she ever had any contact with him while he was conducting official law enforcement business.

██████████ was working on September 7, 2013, when Deputy Baughman accessed her personal information twice using the DAVID database. ██████████ was asked if she remembered being contacted by Deputy Baughman for any official business on the morning of September 9, 2013, and again she said she was not.

██████████ stated there was no official law enforcement purpose for Deputy Baughman to access her personal information or to verify her identity. In accordance with Florida Statute and department policy, Investigator Bennett advised ██████████ that her personal information was accessed by Deputy Baughman on three occasions using the DAVID database. *(See Tab – G for Official Transcript)*

**Telecommunicator ██████████**

On December 9, 2013, Investigator Bennett conducted a sworn recorded interview with Telecommunicator ██████████ at the William R. Lee Communications Center in Daytona Beach, FL. The following is a summary of that interview:

██████████ has been a telecommunicator with the Volusia County Sheriff's Office for approximately twenty-six years. ██████████ explained that she did not personally know Deputy Baughman and stated that she would not know him if he walked into the room.

██████████ has never been stopped by Deputy Baughman and she never had any contact with him while he was conducting official law enforcement business. ██████████ was working on the morning of September 7, 2013, when Deputy Baughman accessed her personal information using the DAVID database.

██████████ could not recall a reason why Deputy Baughman would access her personal information using the DAVID database to verify her identity. In accordance with Florida Statute and department policy, Investigator Bennett advised ██████████ that her personal information was accessed by Deputy Baughman using the DAVID database. *(See Tab – H for Official Transcript)*

### **Telecommunicator [REDACTED]**

On December 9, 2013, Investigator Bennett conducted a sworn recorded telephone interview with Telecommunicator [REDACTED]. The following is a summary of that interview:

[REDACTED] has been a telecommunicator for the Volusia County Sheriff's Office for approximately eight years. [REDACTED] stated that she did not personally know Deputy Baughman.

[REDACTED] has never had any contact with Deputy Baughman while he was conducting official law enforcement business. [REDACTED] could not recall if she was working the morning of September 7, 2013, when Deputy Baughman accessed her personal information using the DAVID database.

[REDACTED] could not recall a reason why Deputy Baughman would access her personal information using the DAVID database to verify her identity. In accordance with Florida Statute and department policy, Investigator Bennett advised [REDACTED] that her personal information was accessed by Deputy Baughman using the DAVID database. *(See Tab - I for Official Transcript)*

### **Deputy Keith Baughman**

On December 12, 2013, Investigator Bennett and Investigator James Gabriel conducted a sworn recorded interview with Deputy Keith Baughman at the Sheriff's Administrative offices in Deland, FL. Also present during the interview was Chief Teamsters Steward Brodie Hughes and Teamsters Representative Austin Littleton. The following is a summary of that interview:

Deputy Baughman is a nine year law enforcement officer, having worked for the Volusia County Sheriff's Office for the past seven years. He has been assigned to District 4 - Deltona road patrol his entire career with the Sheriff's Office.

Deputy Baughman admitted to signing DAVID Confidential Acknowledgement and Criminal Sanctions Acknowledgement forms on March 4, 2013. The DAVID Confidential Acknowledgement form outlines the state and federal guidelines for personal information accessed from the DAVID database. The DAVID Criminal Sanctions Acknowledgement form outlines the state consequences associated with improper use of the database; including criminal and civil penalties for violating state law in the use of DAVID by knowingly disclosing any information in violation of the Driver Privacy Protection Act (DPPA). He also acknowledged to viewing and accepting the online DAVID Usage Warning that mirrors the verbiage of the two aforementioned documents.

Deputy Baughman told investigators he selected "Verify Identity" for the purpose of searching five female employees who work for the Volusia County Sheriff's Office. All five employees are telecommunicators who work the dispatch radio. Deputy Baughman explained to investigators that he was curious what the females looked like and "...who I was speaking to over the radio." He admitted he has never met the females in person and has not had any personal contact with them before or during the internal investigation. Deputy Baughman told investigators that he did not intentionally violate the DAVID user agreement. He clarified that he selected the Verify Identity purpose code because he thought that code was the best fit for the reason he was looking the telecommunicators' photographs up in the DAVID system. Deputy Baughman did admit that his queries of these employees were not for official business. (See Tab - J for Official Transcript)

Deputy Baughman was questioned if he felt he violated the below listed policies regarding this investigation.

**26.2.99 Intentional Abuse of Equipment or Vehicles** - Employees shall ensure the maintenance and utilization of Department or County equipment is in accordance with established procedures and shall not intentionally abuse, misuse or damage said equipment or vehicles. (Violation subject up to a demotion.) **Yes**

**26.2.106 Untruthfulness** - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. (Violation subject up to dismissal.) **No**

**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.) **Yes**

#### **CONCLUSION:**

On January 14, 2014 this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directive to be:

**26.2.99 Intentional Abuse of Equipment or Vehicles** - Employees shall ensure the maintenance and utilization of Department or County equipment is in accordance with established procedures and shall not intentionally abuse, misuse or damage said equipment or vehicles. (Violation subject up to a demotion.) **Sustained**

**26.2.106 Untruthfulness** - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal **Not Sustained**

activities. *(Violation subject up to dismissal.)*

**26.2.109 Falsification of Official Documents** - Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document. *(Violation subject up to dismissal.)* **Sustained**

**Volusia County Merit System Rules and Regulations 86-453 (13)** - **Sustained**  
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. *(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.)*

On January 21, 2014, Investigator Bennett served Deputy Baughman with an Intent to Suspend letter at the Sheriff's administrative offices in Deland.  
*(See Tab - B for Official Transcript)*

On January 30, 2014, Deputy Baughman met with the Sheriff for a pre-disciplinary hearing in the Sheriff's conference room at the Sheriff's administrative offices in Deland. Also present during the hearing were Chief Deputy Mike Coffin, Major Robert Jones, Sergeant Tom Tatum, Investigator Bennett and Teamster Representatives Bob Walker and Brodie Hughes. After earnest consideration, the Sheriff's final decision was to suspend Deputy Baughman for eighty work hours without pay.

On January 31, 2014, Deputy Baughman was served with a Final Suspension letter which outlined the Sheriff's final decision and dates of suspension.  
*(See Tab - B for Official Correspondence)*

**EXHIBITS:**

- A. Report Of Investigation
- B. Official Correspondence
- C. Complaint - Report of DAVID Audit
- D. Advisement Administration Of Oath/Perjury Warning/Garrity Warning
- E. Official Transcript Of Telecommunicator [REDACTED]
- F. Official Transcript Of Telecommunicator [REDACTED]
- G. Official Transcript Of Telecommunicator [REDACTED]
- H. Official Transcript Of Telecommunicator [REDACTED]
- I. Official Transcript Of Telecommunicator [REDACTED]
- J. Official Transcript Of Deputy Keith Baughman
- K. Miscellaneous Documents
- L. Digital Media

**WITNESSES:**

Telecommunicator [REDACTED]  
Volusia County Sheriff's Office  
386-736-5961

Telecommunicator [REDACTED]  
Volusia County Sheriff's Office  
386-736-5961

Telecommunicator [REDACTED]  
Volusia County Sheriff's Office  
386-736-5961

Telecommunicator [REDACTED]  
Volusia County Sheriff's Office  
386-736-5961

Telecommunicator [REDACTED]  
Volusia County Sheriff's Office  
386-736-5961

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

INVESTIGATOR: [Signature] DATE: 2/3/14  
Investigator Glen Bennett  
Internal Affairs Investigator

APPROVED BY: [Signature] DATE: 2/3/14  
Chief Deputy Mike Coffin  
SHERIFF BEN F. JOHNSON  
VOLUSIA COUNTY FLORIDA