

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-019

PERIOD COVERED: October 2013 thru August 2014

DATE REPORTED: August 8, 2014

SUBJECT(S) NAME: Sergeant Shon McGuire #1652

INVESTIGATING OFFICERS: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On August 8, 2014, Investigator Glen Bennett interviewed Deputy Donna Bowen as a witness for internal affairs investigation IA-14-015. During the course of the interview, Deputy Bowen alleged that Sergeant McGuire treated her differently than her male colleagues often excluding her from shift briefings. Furthermore, Deputy Bowen claimed that Sergeant McGuire's conduct towards women made her feel inferior to her male coworkers.

OFFENSES:

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

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

RE: 22.10 Workplace Harassment And Discrimination

26.2.62 Derogatory Ethnic Remarks - Employees shall not make derogatory remarks concerning race, sex, religion, age or national origin of any person. *(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 August 26, 2014, Chief Deputy Mike Coffin assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Investigator Glen Bennett.

On August 27, 2014, Investigator Bennett served Sergeant McGuire with his Notice of Internal Investigation and a copy of the Law Enforcement Officer's Rights at S. Clyde Morris Blvd and Hancock Road in Daytona Beach. (See Tab – B for Official Correspondence)

Deputy Donna Bowen

On August 28, 2014, Investigator Glen Bennett conducted a sworn recorded interview with Deputy Donna Bowen at the District-3 headquarters in Ormond Beach. The following is a summary of that interview:

Deputy Bowen has been with the Sheriff's Office for thirteen years and has spent the last six years assigned to patrol duties in District-3. Sergeant Shon McGuire was Deputy Bowen's patrol sergeant for approximately seven months and during that time she was the only female assigned to the patrol shift.

Deputy Bowen described an incident between her and Sergeant McGuire that occurred at District-3 while their shift was getting their Mobile Data Computer (MDC) worked on. Sergeant McGuire asked the whereabouts of a deputy and he was told the deputy was parking his patrol car under the overhang because it was raining. According to Deputy Bowen, Sergeant McGuire looked at her from across the briefing table and said, *"...I have a bunch of women working for me. When I was sitting at the other end of the table."* Deputy Bowen said she took offense to the comment and he didn't say it once, he repeated the comment a second time. Deputy Bowen went on saying, *"...my feeling was that he [Sergeant McGuire] was saying girls or women are whiners and are going to melt if they get wet."* Deputy Bowen added that Sergeant McGuire had a smirk on his face and was laughing when he made the comment. Deputy Bowen added, *"It directly offended me as a woman..."*

Deputy Bowen described another incident that occurred during a patrol briefing at the district, where Sergeant McGuire made inappropriate comments. While conducting briefing, Sergeant McGuire was discussing a shooting that occurred outside a Daytona Beach tanning salon. A woman was sexually assaulted inside the salon and the suspect was later shot and killed by Daytona Beach Police. According to Deputy Bowen, Sergeant McGuire made the comment, *"...that female [victim] was 34'd which for us [law enforcement] was a sexual assault; was a hottie [victim]."* Deputy Bowen then explained, *"...I felt this woman was a victim, sexually assaulted and you're [Sergeant McGuire] going to refer to her [victim] as that woman is a hottie. It just made me feel that he degraded woman."* Deputy Bowen said she was offended as a female, and that Sergeant McGuire's negative comments were always towards the female gender. Deputy Bowen did not participate for the remainder of the briefing and asked to be dismissed.

While on alpha patrol shift, Deputy Bowen was assigned to the unincorporated area on beachside in Ormond Beach. Deputy Bowen's zone is separated from the mainland by the Halifax River which kept her rather isolated from the rest of her patrol shift. Deputy Bowen said as long as

Sergeant McGuire did not come over the bridge she was fine and added, *"That I didn't have to see him or communicate with him at all. I tried as little as possible to have to communicate with him."* When Deputy Bowen was asked why she didn't want to see or communicate with Sergeant McGuire she replied, *"I, I was offended by the way he talks and treats, treated me as a person, deputy and as a female."*

Deputy Bowen never confronted Sergeant McGuire nor did she tell him to stop with his treatment of her. Deputy Bowen explained, *"I didn't feel that that was something that I could say to him because I felt he would then degrade me. I, I, I felt intimidated that it wasn't gonna; it wouldn't have helped if I said something to him."* Deputy Bowen said she had an opportunity to transfer to another district; however, she liked the deputies on her shift and thought she shouldn't be the one who transfers since she was the one offended.

In a briefing Sergeant McGuire held at the district, he asked everyone to friend one another on Facebook. Deputy Bowen advised that she and her husband were both religious and her husband would often post bible verses on their joint Facebook account. Sometime later during a separate briefing, Sergeant McGuire stated, in front of the patrol shift, that he was going to start blocking her Facebook posts because of all the bible verses. Deputy Bowen said she felt offended by Sergeant McGuire's comments adding, *"I felt that he, you know, was singling out my religion."*

According to Deputy Bowen, fellow deputies on the patrol shift advised her that they believed Sergeant McGuire singled her out. Deputy Bowen said she didn't understand why she was being treated differently since her evaluations were all rated as exceeds standards. Deputy Bowen explained that during alpha shift briefings, Sergeant McGuire would regularly tell her he had no information for her and that she was to go to her patrol zone; only to continue briefing her fellow deputies on the shift. Sergeant McGuire's actions made Deputy Bowen feel as if she wasn't wanted, since nobody else on her shift was directed to go to their patrol zone.

Deputy Bowen believed Sergeant McGuire treated her differently because she was a woman. Deputy Bowen said she tried to stay away from Sergeant McGuire as much as possible because, *"...it was an uncomfortable feeling around him."* Deputy Bowen further stated that she felt, *"...as a woman I was being degraded or unwelcomed, unwanted on the shift...that a man could do the job better. That, that they were superior and I was not needed."*

Deputy Bowen was shown a copy of a document titled, Workplace Harassment And Discrimination Policy Review. The document asks the deputy if they reviewed, and were made aware of, Directive 22.10: Workplace Harassment And Discrimination. The document is provided to all deputies when they receive their annual evaluation from their supervisor. Deputy Bowen's signature was indicated at the bottom of the document, acknowledging that she reviewed and was made aware of the policy. The document also has four questions asking the deputy if they were aware of any behavior that violated said policy. Deputy Bowen answered no to the question; furthermore, she made no mention of the treatment or behavior she was

experiencing from Sergeant McGuire. The document was signed and dated on June 6, 2014, approximately three months after Sergeant McGuire was reassigned to another patrol shift.

Deputy Bowen explained that she, along with the rest of her patrol shift, met with District-3 command staff and expressed their concerns with Sergeant McGuire's conduct. Deputy Bowen believed she communicated her concerns with command staff and no longer felt she needed to address the issue during her annual evaluation. Not long after the meeting with District-3 command staff, Sergeant McGuire was reassigned and a supervisor's inquiry was conducted. *(See Tab – D for Official Transcript)*

Deputy Robert Leffler

On August 28, 2014, Investigator Bennett conducted a sworn recorded interview with Deputy Robert Leffler at the District-3 headquarters in Ormond Beach. The following is a summary of that interview:

Deputy Leffler has been with the Sheriff's Office for approximately three years and has been assigned to alpha patrol shift in District-3 since May of 2012. Sergeant McGuire was his supervisor on alpha shift for a seven months between 2013 and 2014.

Deputy Leffler described how Deputy Bowen would express her displeasure for Sergeant McGuire's derogatory comments towards females; however, those comments were not directed at her personally.

In reference to alpha shift briefings, Deputy Leffler said Sergeant McGuire would often dismiss Deputy Bowen and she would report to her patrol zone on the beachside. Deputy Leffler explained that after she was dismissed, Sergeant McGuire would often continue briefing the remaining deputies on whatever needed to be discussed. Deputy Leffler couldn't recall if Deputy Bowen was ever provided all the law enforcement information Sergeant McGuire disseminating to the rest of the deputies after she was dismissed. According to Deputy Leffler, Deputy Bowen expressed to him how she felt singled out from the rest of the shift.

Deputy Leffler said Deputy Bowen told him on a number of occasions that some of Sergeant McGuire's comments and behavior offended her. Deputy Leffler spoke of the incident involving a female Deputy Bowen had arrested for battery on a woman that she found with her husband. Sergeant McGuire made inappropriate comments while Deputy Bowen was present. Deputy Leffler stated, *"At that point in time I think she reached her, her breaking point with dealing with Sgt. McGuire and the way that he treated women from her perspective."*

Deputy Leffler mentioned the incident that occurred at District-3 when deputies were getting their MDC's worked on. Sergeant McGuire made a comment in reference to having women working for him. Deputy Leffler explained, *"...she [Deputy Bowen] left and expressed that that was another point where he [Sergeant McGuire] degraded women and it upset her."*

Deputy Bowen confided in Deputy Leffler and he explained, “*Yeah well we talked about it, her feeling that her being the only woman on the shift and he degraded women at times and that she you know would be sent. She’d be singled out and sent to beachside and she wouldn’t be included on certain things and such and so forth.*” (See Tab – F for Official Transcript)

Deputy Brad Schindelheim

On August 28, 2014, Investigator Bennett conducted a sworn recorded interview with Deputy Brad Schindelheim at the District-3 headquarters in Ormond Beach. The following is a summary of that interview:

Deputy Schindelheim has been with the Sheriff’s Office for twelve years and has been assigned to patrol duties in District-3 for the last six years. Sergeant McGuire was Deputy Schindelheim’s sergeant on alpha patrol shift from October 2013 until May of 2014.

Deputy Schindelheim described an incident when Sergeant McGuire had made an inappropriate comment towards a female that was in custody. Deputy Schindelheim explained that Sergeant McGuire commented on how good she looked and how thin she was. Comments that Deputy Schindelheim stated he would not have made himself.

According to Deputy Schindelheim, Sergeant McGuire’s comments were never directed at Deputy Bowen. Sergeant McGuire had made comments during briefing while Deputy Bowen was present. Deputy Schindelheim recalled when Sergeant McGuire was talking about a woman that was sexually assaulted in Daytona Beach and the suspect was later shot by police. Deputy Schindelheim said he could not recall exactly what Sergeant McGuire said; however, he did remember whatever was said offended Deputy Bowen.

Deputy Schindelheim has known Deputy Bowen for twelve years and the two have talked on many occasions. Deputy Bowen had told him that during briefings, Sergeant McGuire would tell her that he had nothing for her and would advise her to go to her patrol zone. Sergeant McGuire would continue briefing the rest of the shift and this bothered Deputy Bowen. Deputy Schindelheim added, “*...she doesn’t feel part of the shift. She felt like she was being ostracized away.*” Deputy Schindelheim said Sergeant McGuire would tell Deputy Bowen, “*...I don’t need you, you can go.*” The way Sergeant McGuire spoke to Deputy Bowen shocked Deputy Schindelheim.

Deputy Schindelheim stated that each deputy on the shift had an issue with Sergeant McGuire. The shift, at one point, ultimately decided to speak to Sergeant McGuire about their issues, all except Deputy Bowen. Deputy Schindelheim said he felt Deputy Bowen didn’t go to Sergeant McGuire with her concerns because she was intimidated by him. Deputy Bowen had told him in the past that she felt Sergeant McGuire had a problem with females. (See Tab – G for Official Transcript)

Deputy Christopher Igo

On September 2, 2014, Investigator Glen Bennett conducted a sworn recorded telephone interview with Deputy Christopher Igo. The following is a summary of that interview:

Deputy Igo has been with the Sheriff's Office for approximately four years and is currently assigned to patrol duties in District-5 in New Smyrna Beach. Prior to his assignment in District-5, Deputy Igo was assigned to alpha patrol shift in District-3 under the supervision of Sergeant McGuire.

Deputy Igo explained that Deputy Bowen expressed to her fellow deputies that Sergeant McGuire had made comments that offended her. One incident, described by Deputy Igo, occurred during a briefing when Sergeant McGuire made the comment, "...*what do I have a bunch of women working for me.*" According to Deputy Igo, Deputy Bowen expressed her displeasure in reference to certain comments Sergeant McGuire would make. Deputy Igo stated that he couldn't say for a 100% that Sergeant McGuire treated Deputy Bowen any different than the males on the shift; however, he was told by Deputy Bowen that she felt singled out by Sergeant McGuire.

Deputy Igo recalled comments that Sergeant McGuire had made in conversation that he felt were degrading towards women. Those comments however were never directed at or in front of a woman. Deputy Igo stated that those types of conversations you tend to get used to based on a person's personality.

Deputy Igo described one situation when Deputy Bowen had a female prisoner and Sergeant McGuire was supposedly flirting with her. Deputy Igo recalled during a conversation with Deputy Bowen, "*I remember her [Deputy Bowen] being very adamant that, that [behavior] made her very embarrassed.*" Deputy Igo could not recall any similar instances with females that were in custody.

According to Deputy Igo, Sergeant McGuire, on multiple occasions, would make a comment at or near the end of the shift that he needed, "...*to get home on time to meet a woman or whatever it was.*" These comments were sometimes made while Deputy Bowen was present. When asked if Deputy Bowen expressed her displeasure when she heard the comments, Deputy Igo said she made it apparent that a lot of stuff Sergeant McGuire did bothered her. Deputy Igo was unable to remember any other incidents when Sergeant McGuire said or did something that he felt were degrading towards women. (See Tab – E for Official Transcript)

Deputy Jason Turner

On September 4, 2014, Investigator Bennett and Lieutenant Jessica Paugh conducted a sworn recorded telephone interview with Deputy Jason Turner. The following is a summary of that interview:

Deputy Turner has worked in law enforcement for approximately six years and has been with the Sheriff's Office since August of 2013. Deputy Turner has been assigned to alpha patrol shift in District-3 since January of 2014 and Sergeant McGuire was his supervisor for five months.

During the time Sergeant McGuire was his supervisor, Deputy Turner could not recall a time Deputy Bowen was asked to leave the briefings early. Deputy Turner did remember the incident at the district when some of the deputies were getting their MDC's worked on and Sergeant McGuire made the comment that he had a bunch of women working for him. Deputy Turner thought the comment was a little out of place; however, he was unaware if the comment offended Deputy Bowen.

Deputy Turner said he never heard Sergeant McGuire make any derogatory comments towards women. Deputy Turner was never told by Deputy Bowen that she was having issues with Sergeant McGuire. According to Deputy Turner, Sergeant McGuire displayed a rather aggressive demeanor towards all the deputies on the shift and he did not believe Deputy Bowen was singled out. *(See Tab - H for Official Transcript)*

Sergeant Shon McGuire

On September 12, 2014, Investigator Bennett and Lieutenant Paugh conducted a sworn recorded interview with Sergeant McGuire at the Sheriff's Office administrative offices in Deland. Also present for the interview was Teamsters Representative Brodie Hughes.

Sergeant McGuire has been with the Sheriff's Office for approximately twelve years and has been assigned to patrol duties as a supervisor for approximately three years. Sergeant McGuire was assigned to the alpha patrol shift as a supervisor in District-3 for approximately seven months from 2013 - 2014.

Sergeant McGuire said he held his briefings at the district headquarters and depending on the calls for service, everybody on his shift would attend. Deputy Bowen was assigned to patrol the beachside, which was an area farthest from the district office. Sergeant McGuire advised that he would send Deputy Bowen to her assigned patrol zone when he concluded that he had no further business for her at the briefing. Sergeant McGuire was never told by Deputy Bowen that his dismissing of her from briefing, gave her a feeling of exclusion from the rest of shift. Sergeant McGuire contested that he only dismissed Deputy Bowen, "...when I was done with what was needed for her zone or for her I would send her up there [patrol zone] because it needed to be filled." Sergeant McGuire said Deputy Bowen was dismissed from briefing only after she was

provided all the information that was pertinent to her patrol zone. According to Sergeant McGuire, it was not his intention to exclude Deputy Bowen.

Sergeant McGuire was asked, if during one of his briefings, he called a woman that was a victim of sexual battery a hottie. Sergeant McGuire acknowledged that he did make the comment; however, he remembered saying he hoped it wasn't the girl he knew. Sergeant McGuire said, *"She [victim] goes to the gym and she's nice but I did say that she was a hottie."* Sergeant McGuire stated that nobody at that briefing ever informed him his comments were offensive.

Sergeant McGuire could not recall asking his patrol shift to friend one another on Facebook. Sergeant McGuire confirmed that he did tell Deputy Bowen he was going to block her Facebook posts because she was posting so many bible verses. Sergeant McGuire added, *"Yeah I said that, I was just teasing with her 'cause I mean we've known each other for like ten years. We were zone partners. I didn't know that would affect anything. It wasn't personal or it wasn't against her religion or anything like that."*

Sergeant McGuire was questioned on another incident that took place at the District-3 headquarters when the shift was getting their MDC's worked on. It was alleged that Sergeant McGuire made a comment that he had a bunch of women working for him. Deputy Bowen claimed that she was present when the comment was made and it offended her. Sergeant McGuire said he did not recall making such a comment but if he did he said, *"...if I said it, I was just teasing you know, nothing to any more than that."* Sergeant McGuire added, *"No I mean I would, I mean I would have probably have said it. I don't know. I was just joking if I did though. It wasn't anything personal."*

Sergeant McGuire did not believe his comments offended anyone on his shift. Sergeant McGuire believed that his shift was close and he described the environment as, *"It's almost like a, you know, kind of like a locker room mentality you know, a lot of guys talk and stuff. It's, it was nothing more than that."*

Sergeant McGuire has known Deputy Bowen for ten years or more. At one time, the two were zone partners in District-3 prior to him becoming a sergeant. Sergeant McGuire explained that he had no personal issues with Deputy Bowen and he was kind of shocked by the allegations. He thought of his patrol shift as friends until he discovered they had gone to the District-3 assistant commander with the complaints. Sergeant McGuire said he would never have said the things he did had he known it offended anyone. Sergeant McGuire stated, *"I thought we were friends and you know, I've heard her [Deputy Bowen] say things worse than this, as you know we were zone partners and I've heard her say all kinds of stuff and I, I never thought something like the things that she's saying here would have ever offended her."* Sergeant McGuire attested that the conversations amongst alpha shift were no different than any other shift he has been on. (See Tab – I for Official Transcript)

When questioned, Sergeant McGuire had the following response as to whether he felt he violated the following policies:

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)* **No**

RE: 22.10 Workplace Harassment And Discrimination

26.2.62 Derogatory Ethnic Remarks - Employees shall not make derogatory remarks concerning race, sex, religion, age or national origin of any person. *(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.)* **No**

CONCLUSION:

On September 23, 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:

26.2.34 Failure to Follow Directive or Order -- Sustained

26.2.62 Derogatory Ethnic Remarks- Sustained

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

On September 26, 2014, Investigator Bennett served Sergeant McGuire with a Notice of Intent to Suspend and Demote at [REDACTED], Daytona Beach. *(See Tab - B for Official Correspondence)*

On October 7, 2014, Sergeant McGuire met with the Sheriff in reference to his final discipline. As a result of the findings documented in IA-14-015 and IA-14-019, the Sheriff's final decision was to suspend Sergeant McGuire for twenty four work hours without pay. Sergeant McGuire was also ordered to attend a Preventing Sexual Harassment and Other Forms of Discrimination class provided by the Volusia County Personnel Department.

On October 9, 2014, Investigator Bennett served Sergeant McGuire with a Final Suspension letter at the Sheriff's administrative offices in Deland. *(See Tab - B for Official Correspondence)*

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- D. Official Transcripts of Deputy Donna Bowen
- E. Official Transcripts of Deputy Christopher Igo
- F. Official Transcripts of Deputy Robert Leffler
- G. Official Transcripts of Deputy Brad Schindelheim
- H. Official Transcript of Deputy Jason Turner
- I. Official Transcript of Sergeant Shon McGuire
- J. Miscellaneous Documents
- K. Digital Media

WITNESSES:

Deputy Donna Bowen
Volusia County Sheriff's Office
386-736-5961


Deputy Robert Leffler
Volusia County Sheriff's Office
386-736-5961

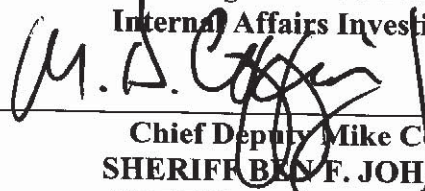
Deputy Brad Schindelheim
Volusia County Sheriff's Office
386-736-5961

Deputy Christopher Igo
Volusia County Sheriff's Office
386-736-5961

Deputy Jason Turner
Volusia County Sheriff's Office
386-736-5961

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

INVESTIGATOR:  DATE: 10/16/14
Investigator Glen Bennett
Internal Affairs Investigator

APPROVED BY:  DATE: 10/22/14
Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA