

FDLE

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: **Post, Heather Jessica**
- 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: **Lieutenant Goggin**
- 8. Agency Contact Person's Telephone Number: **386-736-5961 x 2118**
- 9. Agency FAX Number: **386-740-5190**

VIOLATION - ALLEGATION

- 10. Nature of Allegation(s): **Deputy failed to follow directive or order given by her district commander on two separate dates. While providing sworn statements during the internal investigation, deputy provided false statements of fact.**
- 11. Agency Disposition: **Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.)**
 Sustained - (Violation of Agency Policy) Not Sustained Unfounded Exonerated

- 12. Limitation Period for Disciplinary Action: **15-2010** Date Internal Investigation Initiated: **07-15-2010** Date Internal Investigation Completed: **08-31-2010**
Exception to limitation period for disciplinary action: Place a check mark by the exception to limitations that apply Days Told

 - 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: **Employee Terminated.**

- 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.

William R. Lee
16. Agency administrator's signature

10/13/10
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- 10-013

PERIOD COVERED: June 11, 2010 through June 22, 2010

DATE REPORTED: July 14, 2010

SUBJECT(S) NAME: Deputy Heather Post ID # 1453

INVESTIGATING OFFICER: Lieutenant Robert Goggin

BASIS FOR INVESTIGATION:

On June 29, 2010, Captain S. Summers completed a Supervisor's memorandum #052M050.10 documenting the actions of Deputy Heather Post. The inquiry was in reference to allegations that Deputy H. Post failed to follow directives and orders issued by him on the dates of 06-11-2010 and again on 06-22-2010.

OFFENSE(S):

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.*)

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 July 14, 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 July 14, 2010, Lieutenant Goggin obtained and reviewed Captain S. Summers supervisor Memo, and copies of E-mails composed by Captain Summers, Sergeant V. Mejias and Sergeant K. Vickery.

The memo reads that on 06-11-2010 Deputy Post sent a e-mail to Captain Summers inquiring as to what is required on her part to return to full duty. Captain Summers contacted Deputy Post by phone to obtain information on when she expected to return to full duty and was informed by Deputy Post her last treatment would be 06-18-2010, and she would be released on that date. The memo reads Captain Summers instructed Deputy Post to bring him the release to full duty paperwork from her doctor when she obtained it and he would then make arrangements for her to meet with Laura Bounds for further direction. The memo further reads that Deputy Post acknowledged the direction of Captain Summers.

The Memo reads that on 06-17-2010 Captain Summers received an e-mail from Risk Management advising him they had received a return to work notification from Deputy Post.

Captain Summers documents that on 06-18-2010, Deputy Post came to his office to advise she had been cleared for duty. Captain Summers questioned her on his direction for her to bring the release to him. Deputy Post advised that she delivered the return to duty form to Risk Management, stating if she released the form to him (Summers) it would be a HIPAA violation.

Captain Summers stated in his memo he then provided direction to Deputy Post as to fulfilling her obligations at Central Communications. He then ordered her to report to Sergeant Ken Vickery on 06-22-2010 to complete deputy refresher training and to contact him (Captain Summers) immediately upon completing deputy refresher training. Captain Summers documents that he repeated his instruction to Deputy Post and asked her if she wanted to write the instructions down or for him to e-mail the instructions to her. Captain Summers stated Deputy Post acknowledged his direction by replying, "*I've got it.*"

The memo further reads that Deputy Post failed to contact Captain Summers after completing deputy refresher as directed. Deputy Post was questioned by Sergeant Mejias as to why she failed to follow the direction provided by Captain Summers and she replied that she was told by Sergeant Vickery that he (Vickery) had contacted Captain Summers and for her (Post) "*not to worry about it.*" Captain Summers advised he contacted Sergeant Vickery who denied advising Deputy Post "*not to worry about it.*" (*SEE MEMO TAB- B*)

On July 15, 2010, Investigator J. Gabriel of the Internal Affairs Unit, served Deputy Heather Post with a Notice of Internal Investigation and provided her with a copy of the Law Enforcement Officers Bill of Rights.

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

Captain Shane Summers

Captain Summers statement mirrored that of his memorandum (052M050.10) dated June 29, 2010. Captain Summers stated on 06-11-2010 he received an e-mail from Deputy H. Post requesting instruction on what is required for her to return to full duty. Captain Summers advised he contacted Ms. Laura Bounds for clarification on this issue and then contacted (same date) Deputy H. Post by phone. Captain Summers stated he provided instruction to Deputy Post to include directing her to bring to him a release from her doctor allowing her to return to full duty status. Captain Summers advised Deputy Post acknowledged his direction to bring the release to full duty form to him and did not object to his order.

Captain Summers stated on June 18, 2010, Deputy Post arrived at his office without prior notice or order to discuss issues with her MDC. During that meeting Summers questioned her in regards to her failure to bring to him the release to duty form, to which Deputy Post advised it was a HIPAA violation for her to do so. Captain Summers advised Deputy Post did not explain what she felt the violation was, but did offer at that time to provide a copy of the release to duty form and she attempted to explain her medical issues, which Captain declined.

Captain Summers advised he has no knowledge of Deputy H. Post notifying, verbally or in writing, the chain of command of her concerns of what she felt was an improper order.

Captain Summers advised he then provided direction to Deputy Post as to completing her obligations at Central Communications, and after phone contact with his (Summers) chain of command, verbally ordered Deputy Post to report to Training on 06-22-2010 to complete Deputy refresher. Captain Summers advised he ordered Deputy Post to contact him immediately upon completing the training, asked her if she understood his order, and had her repeat the order back to him.

Captain Summers stated Deputy Post did not contact him as ordered on 06-22-2010. Captain Summers advised he contacted both Lieutenant Chilcot and Kathy Burnsed to ensure that Deputy Post did not contact them while attempting to reach him. Captain Summers ordered (by e-mail) the supervisor of Deputy Post (Sergeant V. Mejias) to contact Post and ascertain why she failed to follow his direction. Sergeant Mejias replied by e-mail that he spoke with Deputy Post who stated after completing training she was talking with a group of people about contacting Captain Summers and that Sergeant Vickery overheard the conversation and stated to her he had contacted Captain Summers and advised Deputy Post, "Not to worry about it."

. Captain Summers stated he forwarded that email to Sgt. Vickery asking if that was accurate. Sgt. Vickery replied to that email stating in his email, *"I had advised her that I spoke to you earlier and advised that she had passed the mandatory's, we spoke right before and directly after the stress shoot. I did not advise her not to call you or report in as instructed. Even some type of*

misunderstanding would not put a sergeant's advise over a captain's order in my book."

Captain Summers also advised after receiving the e-mail from Sergeant Vickery, he contacted Vickery by phone to clarify information as to who was present when he (Vickery) spoke with Deputy H. Post, to which he provided the name of Deputy Randy Post. Captain Summers stated he questioned Sergeant Vickery if at any time he (Vickery) made *"any kind of inference, indication, anything that she (H. Post) didn't need to call me (Summers) to tell me that she completed the deputy refresher?"* he (Vickery) said *"absolutely not" he would never in any way tell a subordinate not to contact a supervisor let alone a captain.*" Captain Summers stated Deputy Post has returned to full duty to her night shift and has not contacted her in regards to this incident. (SEE COMPLETE TRANSCRIPT TAB – C)

On July 15, 2010, Lieutenant Goggin conducted a recorded interview with Sergeant Ken Vickery at the Sheriff's Administration Office, Deland, Florida.

Sergeant Ken Vickery

Sergeant K. Vickery stated on June 22, 2010, he did speak with Deputy H. Post at approx. 1400 hrs. after she completed the Stress shoot portion of training, but prior to her completing all required training. Sergeant Vickery advised he *"made a comment to Deputy Post"* that he had spoken to Capt Summers about her stress shoot qualification because he (Summers) called Vickery at the conclusion of the stress shoot. Sergeant Vickery stated his conversation with Captain Summers was at approx. 1015 hrs.

Sergeant Vickery stated at no time did Deputy H. Post make him aware she was under direction or an order from Capt Summers to contact him (Summers) upon her completion of training. Sergeant Vickery advised he at no time ordered her, directed her, or told her *"not to worry about"* contacting Captain Summers.

Sergeant Vickery stated he was not made aware of an order given by Captain Summers to Deputy Post until being contacted by Captain Summers sometime after his conversation with Deputy Post.

Sergeant Vickery stated in is opinion there should be no misunderstanding on Dep. Heather Post's part that he (Vickery) was going to contact Capt Summers on her behalf to let him (Summers) know she had successfully completed training. (SEE COMPLETE TRANSCRIPT TAB – E).

On Friday, July 16, 2010, Lieutenant Goggin conducted a phone interview with Sergeant V. Mejias. Sergeant Mejias advised on Wednesday, June 23, 2010, he received an e-mail from Captain Summers instructing him to contact Deputy H. Post. He advised Captain Summers instructed him to question Deputy Post in regards to her failure to follow orders given to her on Tuesday, June 22, 2010. Sergeant Mejias advised upon returning to work he contacted Deputy Post and documented

his findings in a e-mail to Captain Summers. Sergeant Mejias advised he had no other information on this incident. (*SEE E-MAIL TAB – L*).

On Tuesday, July 20, 2010, Lieutenant Goggin conducted a phone interview with Investigator Charles Lee. Investigator Lee stated he was present for annual deputy refresher training on June 22, 2010, but does not recall witnessing any conversation between Sergeant Vickery and Deputy H. Post other than general directions while on the range. Investigator Lee advised he did not hear any conversation between Sergeant K. Vickery and Deputy H. Post involving Captain S. Summers.

On Thursday, July 29, 2010, Lieutenant Goggin conducted a recorded interview with Deputy Randy Post at the Sheriff's Administration Office, Deland, Florida. Also present was Teamster Representative Sergeant Les Cantrell.

Deputy Randy Post

Deputy R. Post stated on June 22, 2010, he was present at Deputy refresher when Sergeant Vickery approached Deputy Heather Post and himself. Deputy Randy Post stated Sergeant Vickery held his cell phone in his hand, and as he approached, Deputy Heather Post made a comment of her need to contact Captain Summers. Deputy Randy Post stated Sergeant Vickery closed his phone and made the statement, "*I just got off the phone with him, I already told him you passed everything, don't worry about it,*" words verbatim out of his mouth. *It might not be in that exact, but that is what he said*". Deputy R. Post stated the conversation took place just after Deputy H. Post completed her stress shoot and prior to the lunch break. Deputy Randy Post stated Deputy Heather Post had at that time completed all of her shooting requirements, but had not completed Taser, ASP, OC, and weapon retention. (*SEE COMPLETE TRANSCRIPT TAB –F*)

On Thursday, July 29, 2010, Lieutenant Goggin conducted a recorded interview with Deputy Heather Post at the Sheriff's Administration Office, Deland, Florida. Also present was Teamster Representatives Jeff Candage and Sergeant Les Cantrell.

Deputy Heather Post

Deputy Heather Post stated on Friday, June 11, 2010, she sent Captain S. Summers a e-mail in an attempt to obtain information on what was needed on her part to return to full duty status. Deputy Post stated she spoke with Captain Summers by phone after sending the e-mail but could not recall the date. During that phone conversation she advised Captain Summers advised her to obtain a release to full duty notice and to bring that notice to him on Friday, June 18, 2010. Deputy Post stated she did follow that order, however, she also delivered the paperwork to County personnel prior to bringing a copy to Captain Summers. She stated she did so due to her believing there was much confusion between the Sheriff's Office and County personnel on her work status.

Deputy Post disputed Captain Summers written statement in which he (Summers) documented that Deputy Post stated she did not bring to him the medical release form due to it being a HIPAA violation for her to do so. Deputy Post advised, *"Yeah, I don't know anything about HIPAA violations or anything, so I would never have said anything about a HIPAA violation"*.

Deputy Heather Post stated in reference to the allegation of her not following orders issued by Captain Summers to contact him upon completing deputy refresher she felt a statement made by Sergeant Vickery while at the range absolved her of the responsibility. Deputy Post stated during the afternoon hours of June 22, 2010, she was approached by Sergeant K. Vickery. Deputy Post stated she made the comment that she needed to contact Captain Summers in regards to her qualifications. She stated Vickery made the statement *"you know, don't worry about it, he's already been contacted, and I said really, and he said yes, I just got off the phone with him he already knows about everything, I, saying thank God I don't have to talk to him"*.

Deputy Post stated that conversation between herself and Sergeant Vickery took place during the afternoon hours and prior to her completing all aspects of training. Deputy Post stated she did not notify Sergeant Vickery she was under order from Captain Summers to contact him (Summers) upon completing training. (SEE COMPLETE TRANSCRIPT TAB – D)

On Tuesday, August 10, 2010, Lieutenant Goggin conducted a phone interview with Ms. Debbie Misita of County personnel. Ms. Misita stated during her interactions with Deputy H. Post there were no issues / confusion made known to her by Deputy H. Post. Ms. Misita advised at no time did Deputy Post contact her in regards to "confusion" on what was needed to return to full duty.

On Tuesday, August 10, 2010, Lieutenant Goggin conducted a phone interview with Ms. Barbara Davis of County Risk management. Ms. Davis advised on June 16, 2010, she had a phone conversation with Deputy H. Post who was requesting information on what to do with her return to full duty notice. Ms. Davis stated she instructed Deputy H. Post to bring the notice to Personnel due to it being a FMLA.

Ms. Davis advised on June 17, 2010, Deputy Post delivered a copy of her (Post) return to full duty notice to Risk Management after having been advised the day prior to deliver the paperwork to Personnel. Ms. Davis advised that Deputy Post then contacted her by phone on June 18, 2010, to ensure that she (Davis) was in receipt of the document. Ms. Davis advised that Deputy Post made a statement to Ms. Davis of *"Remind the Doctor he released her (Post) to full duty."* Ms. Davis advised she felt the comment made by Post was unusual; however, she (Davis) was not made aware of any issues / confusion by Deputy Post.

On Thursday, August 19, 2010, Investigator J. Gabriel of the Internal Affairs Unit, served Deputy Heather Post with a amended Notice of Internal Investigation with a additional allegation of 26.2.108 Perjury in an Official Proceeding and provided her with a copy of the Law Enforcement Officers Bill of Rights.

On Friday, August 20, 2010, Lieutenant Goggin and Sergeant T. Morgan conducted a recorded interview with Deputy Ed Hart at the Sheriff's Administration Office, Deland, Florida.

Deputy Ed Hart

Deputy E. Hart stated on June 22, 2010, he was present at Deputy Refresher involving Deputy H. Post. Deputy Hart advised Sergeant Vickery was approaching both H. Post and Deputy R. Post when Deputy H. Post made a comment to Deputy R. Post in regards to contacting Captain Summers. Deputy Hart stated Sergeant Vickery, who held his cell phone in his hand, and closed it prior to speaking, made a comment of, *"no you don't have to worry about that"*. Deputy Hart described the interaction between Sergeant Vickery and Deputy Post not as conversation between the two, however, he described it as words being exchanged. Deputy Hart stated the exchange took place after Deputy H. Post had completed her stress course, however, he could not be sure if the exchange was prior to or after the lunch break. Deputy Hart advised he did not recall any other conversation between the two (Vickery / Post). (SEE COMPLETE TRANSCRIPT TAB – G).

On Thursday, August 26, 2010, Lieutenant Goggin along with Sergeant T. Morgan conducted a second recorded interview with Deputy Heather Post at the Sheriff's Administration Office, Deland, Florida. The interview was conducted to clarify statements made by Deputy Post on July 29, 2010. Also present was Teamster Representatives Jeff Candage and Les Cantrell.

Deputy Heather Post

Deputy Post stated in regards to her sworn statement taken on July 29, 2010, wherein she was questioned about advising Captain Summers it would be a HIPAA violation for her to provide a return to full duty status form to him, she replied, *"Yeah, I don't know anything about HIPAA violations or anything, so I would never have said anything about a HIPAA violation and that was my whole problem with personnel, so no, I did not specifically say anything about a HIPAA violation."*

Deputy Post was provided with and reviewed her Training / Certifications resume which reads she completed training in March 2003 in State of Florida HIPAA 101. The resume was completed And used by Deputy Post for an investigative position in June of 2010. Deputy Post stated *"I see that in March of 2003 I took something that says State of Florida HIPPA 101. I don't remember what that was or what that entailed um, I'm sure I can find the certificate"*.

When questioned in regards to her sworn statements taken on July 29, 2010 in regards to her reported repeated attempts to contact Captain Summers for instruction on what was needed by her to return to full duty, she (Post) was read the following excerpt from her transcript:

BG And how many times prior to June 11th would you say you attempted to contact Capt. Summers?

HP Oh my gosh um...

BG And by what means?

HP Um, I have, I have no idea. I know that I tried contacting him **several times**.

BG By email?

HP Not by email, this email was my final thing of 'hey I have a week left I haven't heard anything and I'm trying to, I know our shift is short I'm trying to get back to duty' so.

BG When you say you were trying to contact him, phone conversations? Going to the office? How were you attempting to contact him?

HP Um, **some of them were by phone, it was probably just maybe twice within a month.**

BG Did you leave messages on his phone?

HP No, **if I ever called him**, I called through the front desk.

Deputy Post was then asked to read a e-mail composed by Kathy Burnsed (Front desk Dist II) which reads, "*I just checked all of the messages I have sent to you back to February. Not one is from Heather Post.*"

Deputy Post stated that she used her personal cell phone to attempt to contact Captain Summers through the front desk numerous times. Deputy Post advised she cannot explain no records of her alleged calls to the district and stated she did not leave messages on Captain Summers phone.

Deputy Post stated she did not miss any work hours and her return to full duty status was not affected. (*SEE COMPLETE TRANSCRIPT – TAB D*)

At the conclusion of the interview, Deputy Post advised she had copies of her personal cell phone bill which showed calls from herself to the main district phone line. Deputy Post advised she would provide the list after she redacted personal calls. Deputy Post advised she would provide this office with copies of her cell phone bill that same evening or the following day (08-27-2010).

Approx. 15 minutes after the interview concluded, Deputy Post contacted Lieutenant Goggin by phone and requested an additional item be made part of the investigation. Teamster representative Jeff Candage, who was still present in the I.A Office, exited the office to met with Deputy Post. Deputy Post along with Jeff Candage returned a short time later to the main entrance area of the Sheriff's Office where Deputy Post provided a three page copy of a series of e-mails. The e-mails appear to be initiated by Captain Summers on Wednesday, February 10, 2010, and sent to and from Deputy H. Post. (*SEE TAB – K*)

On Monday, August 30, 2010, at approx. 1700 hrs., Deputy Post, while off duty delivered a unidentified copy of what appeared to be a phone bill, along with a Memorandum, (Memo # 052M066.10) titled **Subject – Discrimination / Hostile work environment** to the Sheriff's Administrative Office in Deland.

Conclusion:

On August 31, 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: **Sustained.**

EXHIBIT(S):

- A) Official Correspondence
- B) Memo #052M050.10 completed by Captain Summers.
- C) Transcript of Captain M. Summers.
- D) Transcripts of Deputy H. Post
- E) Transcript of Sergeant K. Vickery
- F) Transcription of Deputy R. Post.
- G) Transcription of Deputy E. Hart
- H) Training / Certifications by Heather J. Post
- I) E-mails between Captain M. Summers and Deputy H. Post.
- J) E-Mail from Kathy Burnsed.
- K) E- mail from Deputy H. Post to Captain Summers.
- L) E- mail from Captain M. Summers to and from Sergeants K. Vickery and Sergeant V. Mejias.
- L) Misc. paperwork.

WITNESSES:

Captain M. Summers
VCSO/Dist II

Deputy H. Post
VCSO/Dist II

Sergeant K. Vickery
VCSO/Training

Deputy Randy Post
VCSO/Training

Deputy Ed Hart
VCSO/Training

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: LT. R.E. Goggin DATE: 10-01-10
Lieutenant Robert Goggin
Internal Affairs Investigator

APPROVED BY: William R. Lee DATE: 10/13/10
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: Deputy Heather Post ID #7057
LES/District II
WAR, 07-15-2010. **DATE:** July 14, 2010

FROM: William R. Lee
Chief Deputy *WAR* **FILE:** 041M00⁵⁹29.10

SUBJECT: Notification of Internal Investigation **REFERENCE:** IA #10-013

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:

26.2.34 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)*

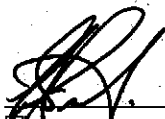
And, **Volusia County Merit System Rules and Regulations 86-453 (13)**., Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the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

The alleged violations were reported to have occurred between the dates of June 11, 2010, and June 22, 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.

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



This memo read and received by:

Deputy Heather Post ID# 7557

Date: 07.15.2010

Time: 1:45 hrs.

WRL/rg041M0070.10

59.

Sheriff's Office



William R. Lee

Chief Deputy

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

TO: Deputy Heather Post ID # 7557
LES/District II

DATE: August 19, 2010

FROM: William R. Lee *WRL*
Chief Deputy

FILE: 041M0067.10

SUBJECT: Notification of Internal Investigation

REFERENCE: IA #10-013

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:

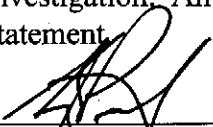
26.2.108 Perjury in an Official Proceeding - Employees shall not knowingly make false statements while under oath in any court, civil or criminal, in statements made to internal affairs investigators, notaries and persons taking depositions or other testimony or any other official proceeding as defined in F.S. 837. (*Violation subject up to dismissal*)

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 violation was reported to have occurred on July 29, 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. An appointment will be made with you at a later date for the purpose of taking your statement.


This memo read and received by:

Deputy Heather Post ID# 7557

Date: 08-19-2010

Time: 1640 hrs.

WRL/rg041M0067.10

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

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

September 22, 2010

Deputy Heather Post # 7557
Volusia County Sheriff's Office
LES/ District II

**Re: Intent to Terminate
Suspension with Pay**

Deputy Heather Post,

Be advised that as a result of your actions documented in Internal Investigation #10-013, it has been determined that you did violate the following Volusia County Sheriff's Office Standards Directives:

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)*

26.2.108 Perjury in an Official Proceeding - Employees shall not knowingly make false statements while under oath in any court, civil or criminal, in statements made to internal affairs investigators, notaries and persons taking depositions or other testimony or any other official proceeding as defined in F.S. 837. *(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.*

To wit:

This internal affairs investigation was initiated due to two separate incidents of failure to follow a directive or order, as set forth below.

*Received by
09-23-2010*

On June 11, 2010, you contacted Captain Shane Summers, the District II Commander, via e-mail requesting information on what was needed by you to return from light duty to full duty status. The Captain responded to your request and spoke with you by phone. At that time, you were given clear and concise orders by Captain Summers that, upon obtaining your return to duty paperwork, you were to bring that paperwork directly to him. In addition the captain also advised you that, when he received your return to work note, he would refer you to the appropriate Sheriff's Office administrative personnel for further direction. You acknowledged his order and directions. The District Lieutenant, who was with Captain Summers while he spoke with you on the phone, has confirmed that Captain Summers' order was abundantly clear.

On June 17, 2010, you delivered your return to work paperwork directly to Risk Management in Deland, in direct contravention of your Captain's order to bring the paperwork directly to him upon your receipt of same. On that same date, you then attempted to meet with, and deliver additional copies of that paperwork to the Sheriff's administrative personnel office in Deland, again, without regard to Captain Summers' direction to you. You stated that you did this due to what you perceived as confusion between the Sheriff's Office, County Personnel, and Risk Management. Although you came to Deland and delivered the paperwork to Risk Management, you made no attempt to deliver that paperwork to Captain Summers, who is also in Deland, as he had ordered you to do. You did not make any attempt to contact Captain Summers at all that day.

On June 18, 2010, you stopped by Captain Summer's office without an appointment to ask him about getting your MDC back for your return to full duty. This meeting was initiated by you and was not a scheduled meeting. Captain Summers has testified under oath that when he questioned you as to why you turned your paperwork into Risk Management the day before and did not follow his order directing you to bring the return to work paperwork directly to him, you advised that you did not bring the note to him because it would have been a HIPAA violation to give a medical document directly to him. During further discussion with the captain you offered to provide him with a copy of the paperwork, that you indicated you had left in your vehicle.

On July 29, 2010, during your Internal Affairs sworn interview regarding this failure to follow a directive or order, you denied that you had said anything about a HIPAA violation to Captain Summers. You disputed his sworn statement, and stated "*I don't know anything about HIPAA violations or anything, so I would never have said anything about a HIPAA violation*". When asked if you said anything to Captain Summers regarding concerns that a medical document being given to him, you said no.

Also during the meeting of June 18, it was determined that you would need to complete deputy refresher before you could return to full duty and you were scheduled to do so on the following Tuesday. You were given direction by Captain Summers at that time that you were to contact him on Tuesday immediately upon completing the deputy refresher. He explained to you the importance of your contacting him and made it clear that you were to call him immediately upon your completion of the refresher course. You

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09-23-10

indicated that you understood the directions that he was giving you. However, although you completed the course on that day, you failed to contact your captain as ordered.

On July 29, 2010, during your sworn statement, you admitted that you were fully aware that you were given a direct order by your captain to contact him after completing deputy refresher in order to return to active duty. However, you admitted that you failed to contact your captain. During your statement, you attempted to justify your reason for failing to follow a direct order from a superior by advising that you were told by a Sergeant at training that your captain was already aware that you had completed the deputy refresher course, and that you did not need to contact him. The Sergeant involved in this incident denied telling you not to contact your captain. In addition, he is not in your direct chain of command and was unaware of your previous orders / directions. Regardless, your acknowledgment of having received a direct order from Captain Summers that you did not comply with is an admission of a violation of the directive.

On August 26, 2010, you were afforded the opportunity to clarify the statements made by you during your initial sworn interview on July 29, 2010 which were in conflict with those given by the other witnesses. Prior to your interview, the Internal Affairs unit discovered that you had prepared a résumé which you submitted in order to obtain an interview for the position of investigator in June 2010, which showed that you in fact attended and successfully completed a course of study titled, "State of Florida HIPAA 101", dated March 2003. When confronted with this, you advised that, although you had received training in HIPAA you failed to remember what the course entailed, and in your mind your statement under oath was not a false statement.

Deputy Post you have previously been the subject of the following disciplinary action:

01/20/10	26.2.034 Failure to Follow Directives and Orders	Sustained
	26.2.035 Submission of Reports and Documents	Sustained
07/20/10	26.2.034 Failure to Follow Directives and Orders	Sustained

On August 26, 2010, you were advised by the Internal Affairs unit that the investigation surrounding IA case #10-013 would be presented to the Sheriff and his staff on August 31, 2010. On August 30, 2010, at 1700 hours, you dropped off a five page memo with the subject of "Discrimination/Hostile Work Environment" in which you made numerous allegations against Captain Summers. You alleged that you have been subjected to discrimination based on your sex and that the harassment and intimidation had risen to the level of a hostile work environment. Due to the seriousness of your allegations, you were promptly interviewed on September 1st 2010, in reference to your complaint. You provided a sworn statement, accompanied by your union representative and provided the names of witnesses who would corroborate some of your assertions.

Your allegations against Captain Summers were thoroughly investigated during an Internal Affairs investigation initiated against him. Several witnesses you provided during your sworn testimony that you claimed would corroborate your allegations denied

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09-23-2010

having witnessed what you alleged and completely refuted those particular facts. In addition, other female employees in District II were asked under oath if they had ever witnessed or been subjected to any sexually discriminatory behavior by Captain Summers and all denied same. The investigation of Captain Summers has resulted in the allegations against him being unfounded.

On Sept. 17, 2009 and April 27, 2010, you signed the "Workplace Harassment and Discrimination Policy Review", stating therein that you were familiar with the policy, had not witnessed any violations of the policy and knew the proper procedure to take should you witness or be a victim of any incidents of workplace harassment or discrimination. These forms reflect that you denied having been a victim of or witness to any such acts. In addition, your sergeant reviewed and discussed this policy with you and you failed to mention any concerns regarding Captain Summers' behavior in the workplace. Finally, you were in the chain of command and frequently conversed with Lt. Michelle Newman for a significant period of time while she was assigned to District II and never mentioned any of the allegations you made against Captain Summers in your August 27, 2010 memo.

It is suspiciously coincidental that your allegations against Captain Summers, who was the primary witness against you in a veracity investigation, were made in very close proximity to the conclusion of that investigation and raises suspicion as to your motivation. Deputy Post, your conduct documented during this Internal Investigation shows your unwillingness to adhere, and conform to the policies and procedures of this agency. Your actions as described above demonstrate a lack of moral character, and you have brought discredit to yourself and the Volusia County Sheriff's Office. These continued actions by you will not be tolerated. It has been determined that you violated the above listed policies. In addition, your attempt to discredit a superior officer leaves me no choice but to **terminate** your employment with the Volusia County Sheriff's Office. Upon receipt of this letter, you are hereby suspended immediately (**With Pay**) until this matter is resolved.

While on Administrative Suspension, you are hereby directed to be at your residence between 0800-1600 hours, Monday through Friday. You are to be available by phone. During the period of suspension you are instructed not to drive a department vehicle, nor act in any capacity as a Deputy Sheriff. You may leave your residence during these hours only for a doctor appointment or to meet with your attorney regarding this case. Additionally, prior to leaving your residence for an authorized reason, you will notify the Internal Affairs Supervisor. You will also notify the Internal Affairs Supervisor upon your return from the appointment.


Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

If you wish to refute my decision in this matter, you may do so by responding either orally and/or in writing within three (3) days of receipt of this notification with any

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09-23-2010

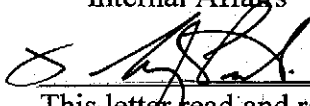
information in law or fact showing that the intended decision is improper. If you elect to respond, it must be no later than Tuesday September 28, 2010 at 1600 hours. During this period you will remain in your current status of suspended with pay. If you fail to respond or your response is inadequate, I will proceed with the aforementioned discipline.

Sincerely,



Ben F. Johnson
Sheriff

BFJ/tm040L0350.10
cc: County Personnel
County Legal
Internal Affairs



Received.

This letter read and received by:
Deputy Heather Post # 7557
Date: 09.23.2010
Time: 1522 hrs.

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

September 28, 2010

Deputy Heather Post # 7557
Volusia County Sheriff's Office
LES/ District II

Re: Termination

Deputy Heather Post,

Be advised that as a result of your actions documented in Internal Investigations #10-013, and #10-019 it has been determined that you did violate the following Volusia County Sheriff's Office Standards Directives:

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)*

26.2.108 Perjury in an Official Proceeding - Employees shall not knowingly make false statements while under oath in any court, civil or criminal, in statements made to internal affairs investigators, notaries and persons taking depositions or other testimony or any other official proceeding as defined in F.S. 837. *(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.*

To wit:

This internal affairs investigation was initiated due to two separate incidents of failure to follow a directive or order, as set forth below.

On June 11, 2010, you contacted Captain Shane Summers, the District II Commander, via e-mail requesting information on what was needed by you to return from light duty to full duty status. The Captain responded to your request and spoke with you by phone. At that time, you were given clear and concise orders by Captain Summers that, upon obtaining your return to duty paperwork, you were to bring that paperwork directly to him. In addition the captain also

Signature
09/28/2010

advised you that, when he received your return to work note, he would refer you to the appropriate Sheriff's Office administrative personnel for further direction. You acknowledged his order and directions. The District Lieutenant, who was with Captain Summers while he spoke with you on the phone, has confirmed that Captain Summers' order was abundantly clear.

On June 17, 2010, you delivered your return to work paperwork directly to Risk Management in Deland, in direct contravention of your Captain's order to bring the paperwork directly to him upon your receipt of same. On that same date, you then attempted to meet with, and deliver additional copies of that paperwork to the Sheriff's administrative personnel office in Deland, again, without regard to Captain Summers' direction to you. You stated that you did this due to what you perceived as confusion between the Sheriff's Office, County Personnel, and Risk Management. Although you came to Deland and delivered the paperwork to Risk Management, you made no attempt to deliver that paperwork to Captain Summers, who is also in Deland, as he had ordered you to do. You did not make any attempt to contact Captain Summers at all that day.

On June 18, 2010, you stopped by Captain Summer's office without an appointment to ask him about getting your MDC back for your return to full duty. Captain Summers has testified under oath that when he questioned you as to why you turned your paperwork into Risk Management the day before and did not follow his order directing you to bring the return to work paperwork directly to him, you advised that you did not bring the note to him because it would have been a HIPAA violation to give a medical document directly to him. During further discussion with the captain you offered to provide him with a copy of the paperwork, that you indicated you had left in your vehicle.

On July 29, 2010, during your Internal Affairs sworn interview regarding this failure to follow a directive or order, you denied that you had said anything about a HIPPA violation to Captain Summers. You disputed his sworn statement, and stated "*I don't know anything about HIPAA violations or anything, so I would never have said anything about a HIPAA violation*". When asked if you said anything to Captain Summers regarding concerns that a medical document being given to him, you said no.

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On July 29, 2010, during your sworn statement, you admitted that you were fully aware that you were given a direct order by your captain to contact him after completing deputy refresher in order to return to active duty. However, you admitted that you failed to contact your captain. During your statement, you attempted to justify your reason for failing to follow a direct order from a superior by advising that you were told by a Sergeant at training that your captain

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09/20/2010

was already aware that you had completed the deputy refresher course, and that you did not need to contact him. The Sergeant involved in this incident denied telling you not to contact your captain. In addition, he is not in your direct chain of command and was unaware of your previous orders / directions. Regardless, your acknowledgment of having received a direct order from Captain Summers that you did not comply with is an admission of a violation of the directive.

On August 26, 2010, you were afforded the opportunity to clarify the statements made by you during your initial sworn interview on July 29, 2010 which were in conflict with those given by the other witnesses. Prior to your interview, the Internal Affairs unit discovered that you had prepared a résumé which you submitted in order to obtain an interview for the position of investigator in June 2010, which showed that you in fact attended and successfully completed a course of study titled, "State of Florida HIPAA 101", dated March 2003. When confronted with this, you advised that, although you had received training in HIPAA you failed to remember what the course entailed, and in your mind your statement under oath was not a false statement.

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On August 26, 2010, you were advised by the Internal Affairs unit that the investigation surrounding IA case #10-013 would be presented to the Sheriff and his staff on August 31, 2010. On August 30, 2010, at 1700 hours, you dropped off a five page memo with the subject of "Discrimination/Hostile Work Environment" in which you made numerous allegations against Captain Summers. You alleged that you have been subjected to discrimination based on your sex and that the harassment and intimidation had risen to the level of a hostile work environment. Due to the seriousness of your allegations, you were promptly interviewed on September 1st 2010, in reference to your complaint. You provided a sworn statement, accompanied by your union representative and provided the names of witnesses who would corroborate some of your assertions.

Your allegations against Captain Summers were thoroughly investigated during an Internal Affairs investigation initiated against him. Several witnesses you provided during your sworn testimony that you claimed would corroborate your allegations denied having witnessed what you alleged and completely refuted those particular facts. In addition, other female employees in District II were asked under oath if they had ever witnessed or been subjected to any sexually discriminatory behavior by Captain Summers and all denied same. The investigation of Captain Summers has resulted in the allegations against him being unfounded.

On Sept. 17, 2009 and April 27, 2010, you signed the "Workplace Harassment and Discrimination Policy Review", stating therein that you were familiar with the policy, had not witnessed any violations of the policy and knew the proper procedure to take should you witness or be a victim of any incidents of workplace harassment or discrimination. These forms reflect

*Received
[Signature]*

that you denied having been a victim of or witness to any such acts. In addition, your sergeant reviewed and discussed this policy with you and you failed to mention any concerns regarding Captain Summers' behavior in the workplace. Finally, you were in the chain of command and frequently conversed with Lt. Michelle Newman for a significant period of time while she was assigned to District II and never mentioned any of the allegations you made against Captain Summers in your August 27, 2010 memo.


It is suspiciously coincidental that your allegations against Captain Summers, who was the primary witness against you in a veracity investigation, were made in very close proximity to the conclusion of that investigation and raises suspicion as to your motivation. Deputy Post, your conduct documented during this Internal Investigation shows your unwillingness to adhere, and conform to the policies and procedures of this agency. Your actions as described above demonstrate a lack of moral character, and you have brought discredit to yourself and the Volusia County Sheriff's Office. These continued actions by you will not be tolerated. It has been determined that you violated the above listed policies. In addition, your attempt to discredit a superior officer leaves me no choice but to **terminate** your employment with the Volusia County Sheriff's Office.

You were served an "**Intent to Terminate**" notice in reference to your employment on September 23, 2010. This notice detailed the reasons why this action was being taken. In the notice, you were provided an opportunity to appear and refute the decision in your case. On September 27, 2010, you submitted a written response. After earnest consideration, my decision to terminate you remains unchanged. Effective upon receipt of this letter, you are hereby terminated from the Volusia County Sheriff's Office.

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

If you wish to appeal my decision in this matter, you may do so by filing a written request through the County Personnel Director within ten (10) days of receipt of this notification.

Sincerely,

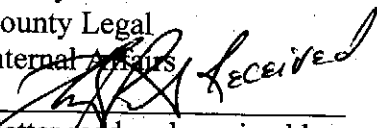

Ben F. Johnson
Sheriff

BFJ/tm040L0362.10

cc: County Personnel

County Legal

Internal Affairs

 *Received*
This letter read and received by:

Deputy Heather Post # 7557

Date: 09.28.2010

Time: 1000 hrs



Sheriff's Office

Volusia County

Ben F. Johnson, Sheriff

INTERNAL AFFAIRS
JUL 13 2010
RECEIVED

To: Major Robert Jones
L.E.S. Commander

Date: June 29, 2010

From: Capt. Shane Summers
District-2 Commander

File: 052M050.10

Subject: Progressive Discipline For Deputy Heather Post

On 03-22-10, Deputy Heather Post was placed on light duty, TDY to the Communications Center. She was given instruction to keep me apprised of her light duty status and to notify me when she would be returning to full duty. On 06-11-10, Deputy Post sent me an email requesting information on what she needed to do in order to return to full duty. I called Deputy Post on the phone to determine when she expected to be released to full duty. She advised her last treatment would be on 06-18-10 and she would be released on that date. I told her to bring the return to work note from her doctor directly to me when she obtained it. I told her once I reviewed the note, I would send her to Laura Bound's office where she would receive further direction. Deputy Post acknowledged this direction.

On 06-17-10, I received an email from Risk Management indicating they had received a return to work notification from Deputy Post. I contacted Laura Bounds to advise her of this information as we had already discussed the process by which Deputy Post was to report this information. Laura advised that Deputy Post had also come to her office that date but she was not available to talk to her.

On 06-18-10, Deputy Post came to my office to advise she had been released to full duty. I asked her where her "return to duty note" was and she replied that she had taken it to Risk Management. I asked her why she did not follow my instructions to bring it to me. She stated that if she gave me the return to duty paperwork it would have been a HIPPA violation. I reiterated to Deputy Post that she needed to follow instructions from her supervisors.

I instructed Deputy Post to complete her day at the Communications Center and also report to the Communications Center on 06-21-10 for an eight hour shift. I told her to report to Sgt. Vickery on 06-22-10 to attend Deputy Refresher and to contact him to find out what time she needed to be there. I told her that she must call me immediately upon completing Deputy Refresher for further direction on returning to full duty with Bravo Shift. I repeated these instructions, then had her repeat them back to me to insure she completely understood. Deputy post repeated the

instructions and I asked her if she wanted to write it down or if she would like for me to send her an email of the instructions. Deputy Post replied "I've got it", and left my office.

On 06-22-10, Deputy Post failed to call me when she completed Deputy Refresher. On 06-23-10, I had her supervisor, Sgt. Mejias, inquire why she did not follow this direction. Deputy Post told Sgt. Mejias that Sgt. Vickery told her that he (Sgt. Vickery) had called me and "not to worry about it". I asked Sgt. Vickery if he told Deputy Post "not to worry about it" and he stated he did not. He further stated that he would never tell a deputy not to follow the direction of a supervisor.

Deputy Post was issued a Written Reprimand on 03-01-10 for 26.2.34 (Failure to Follow Directive or Order) and 26.2.35 (Submission of Reports and Documents). She went on light duty shortly after this disciplinary action. Deputy Post is exhibiting a pattern of inability or blatant refusal to follow supervisory directions or orders. The short time span between these instances indicates that lesser forms of discipline are ineffective. This continued disregard for supervisory instruction can not be tolerated and has possibly risen to the level of Adverse Action.

Volusia County Sheriff's Office

Investigations by Employee

Employee	Case #	Incident Date	Type	Status	Report #	Employee	ID	Allegation	Violation	Finding	Action Taken
Post, Heather J - 7557											
	CC-09-028	7/5/2009	Citizen Complaint	Closed		Post, Heather J	7557	26.2.131 General Proficiency	Job Knowledge and Performance	Unfounded	None
	SD-10-039	1/20/2010	Supervisor Discipline	Closed	10-1789	Post, Heather J	7557	26.2.034 Failure to Follow Directive or Order		Sustained	Written Reprimand
								26.2.035 Submission of Reports and Documents		Sustained	Written Reprimand

View Records Where:

[(Person Type = 'Employee') AND (Employee Name = 'Post, Heather J')]

Total: 2

WITNESS STATEMENT

BG – Lt. Bobby Goggin SS – Captain Shane Summers

BG Ok the recorder is on. This will be a taped interview reference to IA case number 10-013. Today's date is July 15, 2010. The current time is 9:05 am. The location of this interview is the Sheriff's Office Administrative Office Deland, Florida. Presently being interviewed is Capt. Shane 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. Capt. Summers are you aware that the interview is being recorded?

SS 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, and nothing but the truth so help you God?

SS Yes.

BG Capt. Summers can you briefly describe the events which led you to complete a memo dated June 26, 2010 documenting the actions of Dep. Heather Post.

SS Would you like me to read the memo or do you want me to wing it?

BG Whatever you choose captain.

SS A very short synopsis of events, on or about 3-22-10 Dep. Post was placed on light duty for an injury or medical condition that was not the result of an on duty incident. She was TDY to the communications center; during her tenure at the communications center I maintained contact with her either directly with her or through the lieutenant out there. On 6-11-10 Dep. Post sent me an email requesting the process by which she needed to return to duty in district two. I consulted with Laura Bounds about that process. Laura Bounds spoke with some other people, got back with me, told me that there were certain things that Heather Post would need to do to return to duty but in the mean time basically what she needed to do was submit a return to duty form or letter or note or some form of correspondence from her doctor to me stating that she can return to duty. At that time Laura Bounds and I discussed that once that form met with my satisfaction that she was being returned to duty I would then refer Dep. Post to Heather

Bounds, or Heather Bounds, Laura Bounds on a date and time to be determined by Laura Bounds and myself. I contacted Dep. Post on the phone on that date 6-11, told her that the process by which she needed to return to duty would be was she needed to obtain a release to duty form, letter, note some sort of correspondence from her doctor and bring it directly to me. I told her that once she brought it to me I would review the form and then I would refer her to Laura Bounds. On 6-17-10 I received an email, it was a group email to me and several others including Laura Bounds from Risk Management saying that Heather Post had been or they had received notification from Heather Post's physician that she was able to return to duty. The Risk Management email had some sort of language, I don't have the email and I couldn't find it prior to coming here that there was confusion on how she was going to return to duty which was the whole reason why Laura needed to take the head on the return to duty forms. After receiving that email I contacted Laura Bounds, Laura Bounds told me that she also had received the email and that on that date Heather Post had come up there to see her. She said that she didn't have time to see Heather Post or she never talked to her but Laura Bounds also said that that was contrary to what we had discussed on how she was to return to duty and that obviously things had happened that we were trying to avoid through the process we had determined on how she was going to return to duty by Heather bringing the note to me and then me referring her to Laura Bounds. So the ball started rolling down the wrong lane. On 6-18-10 the day after Risk Management sent out the email and I talked to Laura Heather Post came to my office. She said that she had been released to duty and that she was trying to find her MDC so that she could have a keyboard she had purchased connected to the MDC by IT. Her MDC had been loaned out to SRD's that were on loan to the district for the summer. I told her that I would work on getting the MDC for her and then I asked her why she did not follow the process that I told her to follow with her bringing me the return to work note. She said that she did not bring me the note specifically because by bringing me the documentation that she had to return to work it would have been a HIPAA violation for her to give me the medical documents. I told her, I said that I did not believe that it was a HIPAA violation to bring a supervisor a return to work note, I told her that she needed to follow directions from supervisor personnel specifically her district commander. She then said "well I have a copy of it in my car if you'd like it" I told her that it was a moot point now that the process had already started through Risk Management because it circumvented me and Laura Bounds the personnel director for the Sheriff's Office. In the meantime while she was in my office I received, actually I called Major Jones or Major Jones called me I don't remember which but they were in the process of having a meeting with Laura Bounds, the Chief and someone else from county personnel I believe, possibly an attorney discussing on how she was going to return to work. I told Heather to hang out there shortly while we tried to get her computer from the SRD, I also told her that we were trying to determine on the process by which she would be returning to duty. During this timeframe which was somewhere I would say between a half hour to an hour Dep. Worlledge who is the SRD that was working in the district he was the one that had her computer. Had him bring her

computer in, found another computer for Dep. Worlledge, Dep. Worlledge gave her, Heather, her computer back. Sometime during this process I received notification from Major Jones that Heather was to report to training on Tuesday to complete her deputy refresher that she had not completed. Upon completion of the deputy refresher or she did everything that they needed to do out there with training, successfully passing it she would then be assigned to a shift. I acknowledged that then I told Dep. Post I said "listen this is what you need to do..." I asked her how many hours she had in for the week, I told her "you can leave my office from here, I need you to respond to central and finish out your eight hours for the day. Respond to central on Monday, finish out an eight hour shift on Monday and then I need you to contact Sgt. Vickery and find out what time you need to report to training to do your deputy refresher to finish up what you didn't finish on your deputy refresher" she says "well it's almost lunch time do you care if I go to lunch?" I said "no I don't care if you go to lunch just make sure that you get your eight hours in out at central when you're done with lunch" she said "well then I would like to, on my way from here to go get my computer fixed by IT and then go" I said "that's fine" she goes "is there any way that I can go home and finish out the rest of my day getting my car ready to report to work?" I said "absolutely not, that's something you do off duty" she said "well it's probably going to take up most of my day getting my computer fixed" I said "listen when you leave my office here do what you need to do to get your computer fixed but you need to leave my office, you can go and take whatever your lunch period you're given while you're at central then you may go directly from there to the computer place, the IT out at operations but from IT you must return to work at central, you're not to go home. You fix your car and everything else on your off duty time" she said well "Randy was spraying insulation in the attic and it got all over my stuff for my car" and I said "that's something you need to take care of off duty" So I said "why don't you go ahead now..." because I wasn't sure that she was getting it. I said "go ahead right now and contact Sgt. Vickery and find out what time he needs you to report to training to finish your deputy refresher" because I wanted to get an absolute time line for her so that she was 100% sure what she needed to do. So she called, I'm assuming her husband Randy, and thru the phone conversation there I, she was trying to determine what time she needed to report on Tuesday. Once she finished her phone conversation with Randy who I was guessing was there at training with Vickery I don't know if he was or not, she told me that Sgt. Vickery didn't want to talk to her and I said "well it's incumbent upon you and you alone to find out from Sgt. Vickery what time you need to report to training on Tuesday" and I said "I'm going to cover this one more time just so that we're completely clear" I said "you're to leave here, you can go to lunch I don't care, you can go to get directly from lunch and no more time than that, you can go to IT to get your computer situated and directly from there you're to go to central and finish out whatever is left of your eight hour day. So starting from the time that you started working on this this morning, eight hours from that time is what you need to put in out at central. Do you understand that?" "Yes" "Monday you're going to put in eight hours at central, do you understand that?" "Yes" she said yes. "Tuesday you're to report

to training to complete your deputy refresher and you need, you have to get with Sgt. Vickery on the time to report, do you understand that?" "Yes" I said "ok repeat it back to me" and she repeated it back to me "ok I finish out my eight hours today, I can get my computer fixed then I need to go out to central, I need to report to central Monday for eight hours and then Tuesday I need to go to training to complete my deputy refresher" I said "that's accurate" and I said "do you want to write it down?" I said "I'll give you a pad of paper if you want to write it down" she goes "I don't need to write it down" I said "do you want me to send you an email just to make sure that you understand because this has to be done this way" "I understand" and I said "in addition to that you must contact me when you're completed with your deputy refresher on Tuesday. You have to contact me do you understand that?" "I understand that" I said "the reason why you have to contact me is because if it doesn't work out or you don't pass it we have to cover that shift so I have to make plans and we're going to be on stand by for you to call me on how we're going to manage your vacancy on that shift. We've got it covered now if you pass we cancel the coverage, if you don't pass we don't cancel the coverage, everything's relying on that, you must call me upon completion of that" "I understand" "you sure?" "I've got it" "Ok" that was the last conversation I had with Dep. Post. She never, she never called me after, after she left my office I haven't talked to her, correspondence, phone, person, nothing. Wednesday, it was a Tuesday or Wednesday. On 6-23 which I believe is Wednesday. Is 6-23 Wednesday?

BG 6-23 is Wednesday, yes sir.

SS I sent an email to Dep. Post's sergeant Sgt. Mejias asking him to inquire why she did not call me upon completion of the deputy refresher. Sgt. Mejias was off on Wednesday I believe it was because of SWAT. Tuesday night or Thursday night the following day the 24th Sgt. Mejias contacted her and sent me an email that morning the 25th at 3:22, and his email stated after talking to Dep. Post about the instructions given to you by her she advised that when she completed deputy refresher she was talking in a group about contacting you, Sgt. Vickery overheard the conversation and advised her that he, Sgt. Vickery had called you and not to worry about it. I forwarded that email to Sgt. Vickery asking if that was accurate. Sgt. Vickery replied to that email stating in his email, 'I had advised her that I spoke to you earlier and advised that she had passed the mandatory's, we spoke right before and directly after the stress shoot. I did not advise her not to call you or report in as instructed. Even some type of misunderstanding would not put a sergeant's advise over a captain's order in my book' After receiving this email from Sgt. Vickery I called him on the phone and I don't remember the time frame that I called him, I don't, just to clarify some information I basically asked him who the group was that she said that she was talking with and he said he doesn't recall there being a group, the only people he recalled being there was Heather Post and her husband Randy Post. I just reiterated with him "did at any time you make any kind of inference, indication, anything that she didn't need to call me to tell me that she completed the deputy refresher?" he said "absolutely not" he

would never in any way tell a subordinate not to contact a supervisor let alone a captain. Upon verifying that information I completed my memo to Major Jones advising him that on two recent occasions she flat out refused I guess to obey my instructions. She had already been reprimanded for not following an order in the past and that this needed to be reviewed for adverse action.

BG Ok Capt. Summers, when you directed Dep. Heather Post to bring you the return to full duty paperwork, was that in person or how did you contact her?

SS That was on the phone.

BG And that was after you received an email from Dep. Post?

SS Yes.

BG Did you ask her to bring medical forms or just the return to full duty paperwork?

SS Just the return to duty paperwork.

BG Did she acknowledge that direction from you?

SS Yes.

BG Did she object in any way?

SS No. And I was specifically responding to her request on what she needed to do to return to duty.

BG And you covered this earlier, when she came to your office on June 18, 2010, you didn't order her to your office is that correct?

SS That is correct.

BG She came to you in reference to some work related items, computer and stuff that she would need for work?

SS She came to my office requesting where her MDC was because she wanted to have an external keyboard attached to it by IT and something else, something else with her computer but I don't remember what it was.

BG And at that time she was still on duty?

SS Yes.

BG Civilian clothes?

SS Yes.

BG Do you know if she was being paid by the Volusia County Sheriff's Office that day?

SS I believe she was she was on light duty status.

BG Was she operating her assigned patrol vehicle? Or did you ever see her...

SS I don't know I didn't see it.

BG When you questioned her about not bringing the release to work form or paperwork to you and she brought up what she felt was a HIPAA violation, did she explain why she felt in her mind that that was a violation? Or did she just tell you that it is a HIPAA violation?

SS She just stated it was a HIPAA violation she didn't explain how it was a violation. She did however state that she wanted to tell me exactly what her medical condition was, I told her "I don't want to know that's not my business, I don't care to know" and she says "well I really want to tell you because I don't think everybody understands what's going on" I said "Heather I really don't want to talk to you about whatever medical conditions she has" she goes "well..." and then she went into a dissertation of what was going on with her neck issue, that was about all she said about her medical condition, medical papers.

BG To your knowledge did Dep. Post notify anyone in her chain of command verbally or in writing of her concern of what she felt in her mind was a improper order by you?

SS No.

BG And you went over this already, and it's in your memo, and you clarified it for me today, that you did give her proper direction, you know where to go for deputy refresher training and who to contact out at training?

SS Yes.

BG And you were very clear with her that she was to contact you immediately upon successfully completing that training?

SS Made her repeat it, yes.

BG Any possibility of a misunderstanding, that you would need to be contacted by her or anyone that she had completed that training?

SS There's no possibility and I think it reaffirms in her statement to Sgt. Vickery that she was discussing the need to contact me upon completion of the deputy refresher, that she said she was discussing in a group, so no there can't be any question that she was instructed to do that.

BG Any knowledge on your part that she attempted to contact you and you could not be contacted on that afternoon?

SS No, prior to leaving, going off duty that day, a little bit before five, I contacted Kathy Burned the front desk person and asked her if Heather Post had called me or tried to get a hold of me, she said no she had not, I rechecked my email and rechecked my phone and there were no calls or emails from Dep. Post, so no.

BG Any knowledge that she contacted Lt. Mike Chilcot who's the lieutenant that's assigned to district two?

SS I discussed this with Lt. Chilcot upon his return to duty, he did not state that she tried to contact him and he was on vacation on that day.

BG Since completing the memo have you personally spoke with Dep. Post?

SS No.

BG About her failure to follow your direction?

SS No.

BG Dep. Post is back to active duty, where is she assigned now?

SS She's assigned to bravo shift.

BG Which is a night shift?

SS Night shift, Sgt. Mejias.

BG Capt. Summers have you had any past practice of having deputies bring to you a release to duty form upon coming off of light duty?

SS Every time. As a matter of fact Dep. Post has given me a return to duty form in the past. Or it might not have been a return to duty but it was a, it was a form from her doctor saying that she was ok to work in full capacity as a deputy sheriff. I would say it was a return to duty because when she initially went out on sick leave for her back she, it wasn't the sick leave, she started getting some sort of treatments from her back, she came to me saying look or her sergeant came to me saying "Dep. Post needs to take two hours off a day to go and have some procedure done to her back" that raised a flag to me that maybe she was injured

some way, contacted Laura Bounds said “hey Dep. Post is requesting to have two hours off a day to have some treatment done to her spine, this is of concern to me that somebody’s having this kind of work done” she says, she agreed and we asked her to produce a fit for duty form which she did. Her doctor filled out a form saying that she was good to go to work.

BG Ok. Capt. Summers I don’t think I have anything, any other questions for you, I just want to remind you that this is an ongoing active IA, internal affairs investigation, you’re directed not to speak about the investigation. Is there anything that you’d like to add or delete from your statement today?

SS No.

BG This concludes the interview; the time now is 9:30 am.

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

HP – Heather Post BG – Lt Robert Goggin LC – Sgt. Les Cantrell

JC - Jeff Candage

BG Ok the recorder is on. This is going to be an administrative oath and perjury warning Volusia County Sheriff's Office case number is 10-013. The witnesses name is Dep. Heather Post. I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Today's date is June 29th and the current time is 3:45pm. The location of this interview is the Volusia County Sheriff's Administrative Center in Deland, Florida. Also present during this interview is Teamsters representative Jeff Candage and Sgt. Cantrell. Dep. Post, are you aware this interview is being recorded?

HP Yes I am.

BG I am conducting an official administrative investigation concerning alleged violations 26.2.34 Failure to Follow Directives or Order. 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?

HP Yes I do.

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?

HP Yes.

BG Dep. Post I need your signature on the bottom left right next to the "X" please.

HP Alright.

BG Thank you. Dep. Post this is your advisement of rights for disciplinary hearing as it pertains to Garrity if you would take a moment to look that over.

HP Ok.

BG And I'll need your signature and date on the bottom please.

HP There you go.

BG Thank you and do you need any other time to review this?

HP No.

BG Ok. Dep. Post when you were served your notice of Internal Affairs investigation you were provided a packet of your law enforcement officer's bill of rights is that correct?

HP Yes, yes.

BG Do you need a second copy?

HP No I don't.

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

HP No.

BG Dep. Post you were also provided prior to coming to my office today with a copy of the supervisory memo completed by Capt. Shane Summers, two witness transcripts, two pages of emails and one audio witness transcript. I know that you didn't have an opportunity to listen to that would you like to listen to that now?

HP No...

LC It's a transcript of Dep. Post.

BG Dep. Post's statement prior to, that you're a witness to.

LC We're ok.

HP Ok.

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

HP No.

BG Heather we're here today to discuss alleged violations of failure to follow directives or order. The first occurring, documented, occurred on June 11th of this year. Do you recall what your assignment was on June 11th of this year?

HP I was on light duty status in the Comm. center.

BG Did you have an opportunity to review an email that you sent to Capt. Shane Summers?

HP Yes I did.

BG And can I ask you the reason you sent that email?

HP The reason I sent the email was because I had contacted him several times prior and he had yet to give me any information as to what I was to do to return to duty and my return to duty date was coming quickly and I was trying to be prepared.

BG Ok so you were seeking clarification on what to do to come back to full duty?

HP I was trying to seek any information on what to do to come back to duty.

BG Ok and what were you directed to do by Capt. Summers?

HP He said that I was to come to his office the following Friday the 18th and he asked what time I normally come to duty at the Comm. center, he said to arrive at that time at his office and to bring the, to bring doctor paperwork showing I was fit for duty to him.

BG Did you execute that order?

HP Yes.

BG On what date?

HP On the 18th.

BG Did you deliver the return to notice to anyone else prior to bringing it to Capt. Summers?

HP I went to personnel as directed by personnel through FMLA information. I hadn't been getting any information from anyone through out this entire process as to what I was supposed to be doing and so I had tried to get clarification also from personnel and I was under the understanding that I needed to give my, a copy of the doctor's note or the doctor's note to personnel because of the FMLA status so on Thursday the 17th I went to personnel and I gave that to them.

BG Did you contact personnel prior to or after speaking to Capt. Summers?

HP After speaking to him on the 18th?

BG Correct, after he gave you the order to bring the notice, return to work notice to him?

HP Well he didn't tell me to bring the original he just said he needed paperwork showing that I was fit for duty.

BG Ok did you explain to him at that time that you were going to deliver that paperwork to anyone else?

HP No I, no.

BG Did you acknowledge his order to bring the release, the return to work notice to him?

HP Yes.

BG He indicates in his memo that, you have a copy of there, that you felt it was a HIPAA violation for you to bring the medical release to him.

HP Yeah, I don't know anything about HIPAA violations or anything, so I would never have said anything about a HIPAA violation and that was my whole problem with personnel, so no, I did not specifically say anything about a HIPAA violation.

BG Did you bring to Capt. Summers any concerns on your part that you thought that medical document shouldn't be in his hands? And again I'm referring to the notice, the return to, notice.

HP No, I said I had the document to give to him and he said that he did not need it because I had already given it to personnel and already had started the chain of events in motion and he didn't need it.

BG Ok and again just to clarify this for me. Capt. Summers gave you the order on June 11th to bring the return to duty notice to him?

HP He said "Bring me a note from your doctor saying you're fit for duty"

BG Correct and that was on the 11th?

HP Right and I did that on the 18th.

BG But prior to, you delivered another copy to Personnel?

HP Right because I was given a personnel form and told that this needs to go to personnel. This was the form from personnel that needed to be returned prior to my return to duty.

BG By chance do you have that form with you?

HP No.

BG And do you remember who directed you to bring that form to personnel?

HP Um, no I know that I talked to Debbie Misita and Chris Mooney in personnel.

BG And again, do you recall if that was prior to, or after the order from Capt. Summers?

HP No, I got the note; I got the note prior to the 11th. I got the doctor's form prior to the 11th because when I talked to the Captain on the phone and I mentioned the form he said he had no idea what form I was talking about.

BG And again I'm going to refer back to the memo, and Capt. Summers has in here that you made it a point to notify him that you felt it was a HIPAA violation, you're saying that's incorrect?

HP At no point did I ever say this in violation of HIPAA or anything because that's been the problem this whole time is I haven't had any direction from anyone as to what I'm supposed to do concerning any kind of medical anything. All I knew that I was supposed to return that form to personnel and in essence to me that was my return to work form also so I was giving a copy of that to Capt. Summers also.

BG And prior to June 11th prior to you sending Capt. Summers the email on June 11th how did he contact you that day?

HP I believe Lt. Adkins told me to call him.

BG But it was the same day you sent that email to him?

HP Um...

BG He indicated in his memo, and you have a copy of it, he indicates he received the email on June 11th and that he contacted you by phone on that same date.

HP He didn't contact me by phone at all. Lt. Adkins told me to call him and I called him and he, his first thing was "is this on a recorded line?" and then I said "no I'm on my cell phone I'm outside Comm. center"

BG Ok but you did have a...

HP But I don't remember if it was that day or it may have been the following Monday or Tuesday? Actually, I don't know it may have been the following Monday or Tuesday I don't remember if it was that day at all.

BG Ok so you're saying, and again he's saying that you sent him the email and that he returned your call that day. You don't believe you spoke to him on the same day that you sent the email?

HP I don't remember if I talked to him on the same day at all? I don't remember.

BG At that time did you let him know that or give him any information that you were going to bring the return to duty notice to anybody else except him?

HP No, I said that I have been given a return to, I had been given the form from personnel and I had the form from personnel and he said "what form?" and I said "well that's the only thing I've been given this far to return to duty so I'm going to fill that, it's the personnel form"

BG And his direction to you at that point?

HP He didn't give me any direction about the form he just said "ok" and he said he didn't know anything about the form and that I was supposed to bring him something from the doctor showing that I was fit for duty.

BG And how many times prior to June 11th would you say you attempted to contact Capt. Summers?

HP Oh my gosh um...

BG And by what means?

HP Um, I have, I have no idea. I know that I tried contacting him several times.

BG By email?

HP Not by email, this email was my final thing of 'hey I have a week left I haven't heard anything and I'm trying to, I know our shift is short I'm trying to get back to duty' so.

BG When you say you were trying to contact him, phone conversations? Going to the office? How were you attempting to contact him?

HP Um, some of them were by phone it was probably just maybe twice within a month.

BG Did you leave messages on his phone?

HP No, if I ever called him, I called through the front desk.

BG And when Capt. Summers, if he wasn't available, did you ask to speak to the lieutenant at the time which was probably Lt. Chilcot?

HP No because Capt. Summers ordered me not to talk to Chilcot about anything related to my light duty status.

BG Did he give you a reason why he did that?

HP No, I have no idea. Well, actually he did.

BG Ok, go ahead.

HP Yeah, well the reason I had wanted to talk to Chilcot was to explain to him what was going on because I got the feeling that he didn't really realize the extent of everything that had been happening over the few months in regards to my light duty status and everything and he was new to the district and I wanted to make sure that he knew what the deal was so I had called the lieutenant and said "hey do you mind if I come in this afternoon, off duty and just you know let you know, fill you in on what's going on?" and he called he said "sure" we made an appointment for that afternoon at 1:00 or 2:00, he called me back shortly after and said "I just told the Captain you're coming by, the Captain said you don't need to talk to me and the Captain wants you to call him" so I called the Captain and the Captain told me "you don't need to talk to the lieutenant about anything in regards to your light duty status. Anything that you would talk to them about you can come to me" and I said "well this wasn't in an official capacity in any way I don't need to talk to you I just wanted to fill him in on what's going on" and he said "there's no reason for you to talk to him" so that's why I didn't talk to the lieutenant because he had ordered me not to.

BG On June 17th who did you bring your release to work paperwork to?

HP Chris Mooney with personnel, Debbie Misita was out.

BG And again your assignment that day?

HP Comm. center light duty.

BG And was that a work day for you?

HP Yes it was.

BG Did you notify your chain of command at the Comm. center what you were doing that day?

HP Yes I did.

BG On June 17th did you come up to the 4th floor of the Sheriff's Administration Center and attempt to speak to Ms. Laura Bounds?

HP Yes I did.

BG And can you explain to my why?

HP Again all the miscommunication and not really getting any information from anyone as to what I was to do to come back to light duty or from light duty. I went and saw personnel, my intent was to try and get any doctor's notes or anything that they needed and have it ready Friday morning when I saw the Captain so that 'ok here's whatever you need and we're good to go' and I saw personnel, I contacted Risk Management, Risk Management said "well since this is an OJI" and I said "this isn't an OJI, I don't, I think you're confused" and they said "it's not, let us get back to you" I talked to them again, they said "well that's FMLA we have nothing to do with it you shouldn't be talking to us about it at all" so again seeing that there's a large amount of miscommunication going on I thought well let me come up here maybe I can do the same that I was going to try and do with Lt. Chilcot and say look I'm not exactly sure if you know, if you're getting the correct information passed on so but she didn't want to see me so. And I left a phone number for her to call me and she never called me back but I, I had also received direction a while back to contact Laura Bounds directly for anything related to FMLA so.

BG Again I'm referring to Capt. Summers' memo where he's advising you to bring the return to work note from the doctor directly to him once you obtained it. Did you follow that direction?

HP He told me to be in his office Friday morning at whatever my normal start time was to be and to bring a notice from my doctor showing that I was fit for duty and I did that. And he said he didn't want it.

BG And again the reason he didn't want it at that time?

HP Because he said I had already contacted personnel and the chain of events were in motion and...

BG Prior to coming up to Ms. Laura Bounds' office did you phone, did you call her to ask to come see her to make a meeting with her?

HP No I was just right across the way, I was at personnel so I figured, well let me just drop in if she's here, if not I'll just leave my number.

BG Did you speak to anyone in your chain of command in regards to the lack of information prior to coming to speak to Ms. Laura Bounds?

HP Oh my gosh, yes.

BG Ok and the reason I'm asking you that is because you're saying you're not getting information from your Captain; did you speak to anybody else?

HP Any time that I had asked to speak to the Captain about this he had said "I don't need to know about it" and this was my concern and this was our discussion on the 18th when I was in his office I told him, I said "you can understand my concern sir that you're telling me that the 4th floor is trying to make decisions about my status but no one has asked me anything and you're, the only information is being channeled through you and you're telling me that you don't want to hear anything and you haven't asked me anything so I'm very concerned about that" and then when Risk Management tells me it's an OJI and I've got all these different, the Captain told me that day that I failed qualifications which was incorrect and I should have had my weapons taken. He gave me a number of indications that were completely incorrect as to what had been happening and I had a concern that the correct information was not being forwarded on.

BG And I understand that Dep. Post. With all that confusion, what you believe was confusion, at that time did you attempt to seek through your chain of command outside of Capt. Summers clarification on what you need to do to return to work? Within the Volusia County Sheriff's Office?

HP Higher than Capt. Summers?

BG Yes.

HP I tried to contact Laura Bounds to find out what was going on.

BG Anyone else?

HP I didn't go to Major Jones no. I talked to my supervisors out at Comm. center.

BG Did you seek clarification from them?

HP Yes I did.

BG And what were you advised from them?

HP And Lt. Adkins sent an email to Laura Bounds in May when I was attempting to seek clarification and Laura Bounds sent him the personnel form to have me fill out which is the same form that Capt. Summers on the 11th was unaware even existed.

BG Ok do you have a copy of that today?

HP Yes I do.

BG Ok.

HP Hold on.

BG That's fine.

HP Oh right here.

BG If I could just get a copy of that before you leave unless you have a problem with that.

HP Yeah that's fine.

BG Thank you.

HP And that was dated May 14th and, yeah that was dated May 14th.

BG We're going to move to June 18th.

HP Ok.

BG Did you meet with Capt. Summers in his office?

HP Yes I did.

BG Were you instructed to go to his office?

HP Yes.

BG That morning?

HP Yes he ordered me to meet him there at my normal start of duty time.

BG And again that, what date did he order you to meet him there? During the same phone conversation?

HP Uh yeah I believe so. On the phone call that we had prior to that yes.

BG Possibly on the same day that you sent the email?

HP Right I don't remember if it was the same date or not.

BG Ok but that phone conversation?

HP Right, right.

BG And on June 18th you were still assigned to the Comm. services or I'm sorry communication center?

HP Yes. (unintelligible) yes, yes.

BG And did you notify your supervisors that day that you would be going to Deland to speak to Capt. Summers?

HP Yes.

BG And the reason he asked you to come in that morning?

HP To bring him a doctor's note showing that I was fit for duty and that he would tell me what my assignment would be. He had told me prior to that he wasn't sure even what shift I was going to go back on.

BG And what discussion did you have with him?

HP Do you want the whole conversation? We talked for a long time.

BG Did he question you as in regards to the release to work notice?

HP Um, yes.

BG And your explanation as why you didn't bring it directly to him was?

HP Well why don't we just start from where I came into the door how about that?

BG We can start, whether or not we'll stay there, but go ahead with that.

HP Ok um, so I came in the office and he said "what is this you have there?" I said "it's my day planner" he said "well where's your note?" and I said "oh it's in the car let me run and get it" and he said "well no hold on a minute, where did you go yesterday?" I said "well I went to personnel yesterday and I had a jury trial yesterday" I went through the run down. He said "well I don't need the note because apparently you've already turned in the note to personnel and the chain of events is already in motion as to what's going to happen now for you to return to duty" and I said "well that's good then, it's going" Um, we had a discussion, he told me that I shouldn't have turned in the letter to personnel and I said "well I was told to turn it in to personnel because it's FMLA paperwork and personnel told me any FMLA paperwork was to go to them so I wanted to go to them and all I was doing was trying to get clarification ahead of time, any doctors notes I would need so that when I saw you this morning boom you know you'll have everything you need and there's not any you know a week later me still trying to

get doctor's notes or whatever's needed so I was just trying to do that" and that's when we got into the discussion of the department should have taken my weapons because I had failed qualifications and I told him that was incorrect and he said "no that is correct" and I said "no I believe it's incorrect and we could call Randy to clarify now if you wish" he said "no" he also told me, he also mentioned that it was an OJI, I again clarified that it was not an OJI and on that note I said um, "I specifically gave you my doctor's note last time saying from the doctor saying that this was specifically me asking for a specific time frame on light duty to heal so how could you not know that and was that information passed on because I was in Personnel yesterday they told me that they never received it and they weren't aware of it and then when I spoke to Risk Management they apparently never received it either and I asked exactly who did you pass that letter onto and he didn't answer me. I told him "you know with all due respect you can understand my frustration um you're telling me to wait because everyone's in an uproar now trying to find out what to do with me to come back to full duty and I don't think, I think there's a lot of miscommunication going on and I'm concerned because you're telling me, um, that this information should only come from you and now you're telling me stuff that's completely incorrect so you can understand my concern, so I would like today to hash out, and I'm willing to sit down with Laura Bounds or Chain of Command or whoever needs to know to tell them so that we can make sure that everybody's on the same page. And he said "no I'm sure that the fourth floor knows exactly what's going on and"

BG Ok we got to a point where he ordered you to attend annual deputy refresher during that conversation?

HP Right

BG And gave you a date when to show up?

HP Right he said, um, Tuesday go to deputy refresher, um, asked if I would be able to pass all of that, um, and then, um, that passing all that Wednesday night I would start back on Bravo Shift, nighttime.

BG And did he order you at that time to contact him immediately after completing deputy refresher?

HP He told me that he needed to be notified as soon as I completed all of my qualifications because he needed to make the proper notifications for Josh Mott to go to CID and um...

BG But you do recall him ordering you to contact him immediately upon completing training?

HP Yes he said he needed to be notified to make the proper notifications.

BG Ok on June 22nd did you attend deputy refresher training?

HP Yes I did.

BG What were your hours that day?

HP Uh I don't remember, 7:30 for eight hours or eight o'clock for eight hours.

BG It was a full eight hours day?

HP Right, right.

BG Did you successfully complete training?

HP Yes

BG And what time do you recall at the end of the day did you finish?

HP I don't remember, sometime in the afternoon.

BG At the end of your work day and upon completion of deputy refresher did you contact Capt Shane Summers as directed by him?

HP No I did not call him that day.

BG Can you explain why?

HP Um, when I was done qualifying, and were all walking over to do the taser recert. Um, I mentioned aloud that, ok, I have to remember to call Capt. Summers as soon as I get done um he needs to be notified and Sgt Vickery was there and Sgt Vickery said, um, you know, don't worry about it, he's already been contacted and I said really and he said yes I just got off the phone with him he already knows about everything, I, saying thank God I don't have to talk to him.

BG Do you recall what time that conversation was that you had with Sgt Vickery?

HP I don't know, whenever I got done with all my qualifications sometime in the after noon.

BG When you had that conversation with Sgt Vickery had you completed all aspects of deputy refresher?

HP I completed all my qualifications yes.

BG Ok had you completed all aspects of deputy refresher? You completed firearms at that time is that correct?

HP Yes I had completed all of my qualifications, the only thing that I had left was taser recert. which was not a qualifying factor to go back to the road.

BG You read the transcript from Sgt Vickery, who's advising me that you hadn't completed all of your mandatory retraining at that time, at the time that he had a conversation with you.

HP Ok

BG Ok and obviously you read it there where he is denying making a comment to you...

HP Hold on one second

BG ...about his interaction with Capt. Summers?

HP Which part are you referring to?

BG I'm referring to the part where he says he had a conversation with Capt. Summers on his cell phone at approximately ten AM in the morning and he actually puts in there that he makes a comment about something about it will be five minutes because that's what time you're allowed to run it.

HP Ok uh huh

BG He's indicated in there and he told me there that's the conversation, he had that conversation at 10 or 10:30 in the morning with Capt. Summers.

HP Ok

BG And at 10:30 in the morning you had not completed your training so he could not have told Capt. Summers that you had completed all aspects of your training.

HP Ok at 10:30 in the morning I had finished, it wasn't 10:30 in the morning that we had this conversation it was in the afternoon sometime, I don't remember exactly what time...

BG About two o'clock?

HP Probably yes

BG But Sgt Vickery is saying that he had his phone conversation with Capt. Summers at approximately ten o'clock in the morning.

HP Ok well our conversation in the afternoon was, I just got off the phone with him.

BG So you're saying Sgt Vickery is mistaken in his...

HP I'm saying that our conversation in the afternoon was, I just got off the phone with him, he's been notified and I said thank God.

BG During that conversation with Sgt Vickery did you notify him that you were under orders from your chain of command, Capt. Summers to contact him upon successfully completing the training?

HP No we didn't have any kind of discussion about any kind of order.

BG But you were ordered by Capt. Summers to contact him?

HP Yes he told me that he needed to be notified to make the proper notifications.

BG Correct

HP So that's why I brought up that I needed to call him.

BG Ok and at anytime did you make Sgt Vickery aware whether or not he said he contacted Capt. Summers at any time during that day that you were under order to contact Capt. Summers?

HP I didn't specifically say order. The whole conversation was started by me saying ok I need to call Capt. Summers.

BG Did you clarify that with Sgt Vickery that you were under order by a Captain...

HP No this wasn't an official conversation, this was just, this wasn't an official direct conversation.

BG Ok, in the idol conversation you were having, you were given a direct order by a captain in your chain of command, in an idol conversation with a training Sergeant who said "hey I talked to Capt Summer's she's passed" you felt that was enough to ignore the order by Capt. Summers to contact him?

HP No, in no way was I trying to ignore an order, I believed that notification had been made and the reason for my contacting him had been contacting him had been taken care of so. I certainly wasn't trying to ignore his order.

BG But you didn't follow through and contact your Captain?

HP I did not contact the Captain no.

BG By St Vickery saying that he's made this comments, with your words, Sgt Vickery said that he's contacted Capt. Summers which Vickery has a different opinion on that, did you feel that those were conflicting orders? That Sgt Vickery from training said I've taken care of the phone call for you and Capt. Summers ordered you to contact him?

HP No, I took Capt. Summers request of saying, I need to be notified, you understand why I need to be notified, when you qualify because I need to make the proper notifications and when Sgt Vickery told me that he had been notified, no problem, it's taken care of, I assumed that to have meant that basis was covered.

BG And again I think there might be a little confusion in the verbiage that we're using here. At the bottom of the first page he clearly writes, "I told her (Dep. Heather Post) that she must call me immediately upon completing deputy refresher.

HP Bottom of Capt. Summers?

BG Yes

HP Uh

BG Third line of the bottom paragraph, his memo.

HP Oh sorry ok...

BG And it reads "I told her that she must call me immediately upon completing deputy refresher"

HP But it also says for further direction of returning to duty with bravo shift, that's incorrect because he had already given me, he said if you, you know when you qualify this is what you will be doing, you are to return to full duty Wednesday night and I actually called Sgt Mejias and told him that.

BG But that's specifically referring to where he's ordered you to contact him...

HP For further direction on returning to full duty, that's incorrect.

BG So this is something else that you think is incorrect in Capt. Summers memo?

HP The reason to call?

BG Correct, did Capt. Summers order you to contact him immediately upon completing deputy refresher?

HP Yes he did.

BG Did you contact Capt. Summers when you completed deputy refresher training?

HP No I did not and he also said to contact him specifically so that he could make the proper notifications.

BG Did you ever contact Capt. Summers that day or any day to let him know that you completed training?

HP No I did not, he had already given me direction to start back to full duty Wednesday night at completion of qualifications so I did that and I relieved not to have to talk to him again.

BG Were you questioned by Sgt Mejias in reference to not contacting Capt. Summers?

HP Yes

BG Can you tell me what that discussion entailed?

HP He said he received an email from Capt. Summers wanting to know in writing why I had not called him. And I gave him the same information that I'm telling you, that he told me to contact him so that he could make the proper notifications and I went over the discussion that I had with Ken, with Sgt Vickery.

BG And you read the email from Capt. Summers to...

HP I did not, I read it today I didn't read it then.

BG And where Sgt Vickery denies saying that to you?

HP I know it's in here somewhere.

BG Take your time.

HP Can I look at your copy?

BG Absolutely.

HP Alright...unintelligible...

BG Heather your copy should be stapled to the Capt. Summers memo.

HP Ok, I saw it, I'm sure I have it, I just, well he states well I did not advise her not to call you or report in as instructed and like I said before we didn't discuss any kind of official order or anything like that so he's correct that at no time did he say do

not follow an order or do not report in to someone that's, the conversation didn't even go there.

BG Ok if you would go to his transcript for me please? Sgt Vickery's page two...

HP Ok

BG And right in the middle of the page right next to where it says BG...

HP Uh huh

BG I asked Sgt Vickery "did she" meaning Dep. Heather Post "ever make you aware that she was under direction or order from Capt. Summers to contact him upon completion of her training?" He replied "No sir" did she make, did she ever "did you ever order her or direct her not to contact Capt. Summers?" "No sir" "As far as you're understanding could have there have been any misunderstanding on Dep. Heather Post's part that you were going to contact Capt. Summers on her behalf to let him know that she had qualified?" his answer "No sir".

HP Ok

BG "Did you at anytime tell Dep. Heather Post "not to worry about contacting Capt. Summers?" "No sir, I advised her that I had spoken to Capt. Summers. That was at approximately 10:00 in the morning."

HP Ok

BG Followed up "Prior to her qualifying?" "Prior to her qualifying."

HP Ok

BG His statement was that he did not tell you that he was going to contact Capt. Summers on your behalf.

HP And what is your question?

BG My question is, you're telling me, general conversation, he told you not to worry about it.

HP That's correct.

BG But that's not what he's saying. He didn't tell you not to, and that there's no misunderstanding that you shouldn't follow direction from your Captain.

HP You're correct in that we didn't, we never had a conversation about not following orders from people or anything like that. There was no official discussion about

orders or anything like that, this was a general conversation. This was not, we didn't discuss anything about official orders.

BG Dep. Post I'm just a little confused on that. If you're just having a general conversation, so you took a general conversation with Ken Vickery as and again it's not his words, in your words, hey, I'll take care of it for you? Unintelligible...a direct order from your Captain?

HP The conversation began by my stating I need to call the Captain. That's how the whole conversation began so on page two under "Did he ever make you aware that she was under direction or under an order from Capt. Summers to contact him upon her completion of training" I guess you could take that either way. That is how the conversation began by my stating that I needed to call Capt. Summers. This was...again I guess I'm not sure exactly what your question is.

BG I think you answered it Dep. Post.

HP Ok

BG I don't know that I have anything else, Jeff?

JC I'll give you some fodder. Please...unintelligible...Dep. Post what was your interpretation of the intent of Capt. Summers order to call him with the results of your qualification?

HP He told me that he needed to make the proper notifications so he needed to know as soon as I qualified.

JC He needed to know that you were eligible to return to work post qualifications in order to make personnel decisions?

HP Yes in order to call Josh Mott.

JC So was it your interpretation of that order that the importance of that order was that you call him or that he be notified so that he could make the proper personnel actions?

HP That he be notified because he needed to contact Josh that he was being transferred.

JC Were comments made to you after you qualified in going back to this conversation you had with Sgt Vickery that conversation is initiated by you saying that you needed to contact Capt. Summers in order to inform him of the successful completion of your qualifications and his response to you as I recall it was you don't have to worry about that I just got off the phone with him and notified him that you had qualified.

HP That's correct.

JC And your interpretation of that was that sort of reinforced his interpretation of that was similar to your interpretation that he required notification of your qualification of your qualifications correct?

HP That's correct.

JC And was it your understanding that it really mattered who notified him?

HP No, yes that was my understanding.

JC Right, um did Capt. Summers at any time expressly prohibit you from bringing any return to work information to Personnel or Risk Management?

HP Only after I had done so.

JC So prior to the 18th when he said and I guess the order from him to you came on the 11th to meet in his office on the 18th and bring the return to work information on the 11th he didn't say do not contact anyone else in the county relative to this?

HP That's correct.

JC Did you feel that when you contacted Personnel that you were in violation of any order or any policy or directive?

HP No as a matter of fact I notified my chain of command at the Comm. Center and told them what I was going to be doing.

JC When you delivered that information to Personnel did you do that in good faith?

HP Yes.

JC You weren't trying to circumvent any policy or protocol?

HP No.

JC Since you've been injured and on FMLA have you had reason to believe that County Personnel or HR and the Sheriff's Office were not communicating well?

HP Yes.

JC Did that experience instill in you in any way the idea that it was your obligation to keep both sides informed?

HP Yes very much so.

JC I don't have anything else, Les?

LC Nothing right now.

BG Dep. Post do you feel that you violated 26.2.34 Failure to follow directives or orders?

HP No I do not.

BG In regards to the direction given to you by Capt. Summers to bring him the duty notice?

HP No because I did bring him the return to duty notice and he refused to take it.

BG Do you feel that you violated 26.2.34 Failure to follow directives or orders on not contacting Capt. Summers as directed after being notified to contact him immediately up completing training?

HP No I do not.

BG Ok Dep. Post I have no further questions. I just want to remind you that this is an ongoing internal affairs investigation and that you're ordered not to speak about this matter until it's resolved.

HP Ok

BG Is there anything you'd like to add or delete?

HP No.

BG Very good this concluded the interview the time is 4:30PM.

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 July 29, 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 TM – Sgt Tim Morgan HP – Heather Post

LC – Sgt. Les Cantrell JC - Jeff Candage

BG This will be Volusia County Sheriff's Office of Internal Affairs administration of oath and perjury warning case number is 10-013. The witnesses name is Dep. Heather Post. Dep. Post, for the record please spell your last name.

HP P-O-S-T, like the Post Office

BG Thank you, I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Today's date is August 26th 2010 the current time is 1:15pm. The location of this interview is the Sheriff's Office Admin Deland, Florida. Also present during this interview will be Sgt Tim Morgan, Teamster representatives Jeff Candage and Sgt. Les Cantrell. Dep. Post, are you aware this interview is being recorded?

HP Yes

BG I am conducting an official administrative investigation concerning alleged violations 26.2.108 Perjury in an Official Proceeding. 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?

HP 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?

HP Yes.

BG Dep. Post if I can get your signature and date please. Thank you. Dep. Post prior to going on record today you were provided with your advisement of rights for disciplinary hearing as it pertains to Garrity. Do you need any additional time to review that form? And that's the first one you signed.

HP No

BG You were also served, when you were served with your notice of internal investigation you were provided with a packet of your law enforcement officer's bill of rights, is that correct?

HP Yes

BG Do you need an additional copy?

HP No

BG Do you need additional time to review that form?

HP No

BG Dep. Post prior to coming to my office today you were provided with a copy of your transcripts of your interview taken on July 29th and transcripts of Deputy, given by Dep. Eddy Hart, Dep. Randy Post. I also provided you with an email provided by Kathy Burnsed and a copy of your law enforcement training. Do you time to review those documents?

HP Yes

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

HP No

BG Ok Dep. Post we're here today to afford you the opportunity to clarify sworn statements provided by you on July 29th of this year during your internal affairs investigation and interview. I'm going to need you to look at, do you still have your copy of your memo completed by Capt. Summers with you?

HP Yes I do

BG And if you also will pull out your transcript.

HP Ok

BG And on page four

HP Uh huh

BG It will be page four the sixth entry starting with BG.

HP Ok

BG Ok concerning a memo completed by Capt Summers where he states when questioned on why you failed to follow his instructions to bring him the release to duty notice you advised him, this is his version “if you provided the return to duty paperwork to him it would be a HIPAA violation”. If you look back at your transcript now when I asked you that question and it reads “He indicates in his memo that, you have a copy of it there, that you felt it was a HIPAA violation for you to bring the medical release to him.” You replied “Yeah, I don’t know anything about HIPAA violations or anything, so I would never have said anything about a HIPAA violation” do you see that on the transcript?

HP Yes

BG I now need for you to pull out your training certification.

HP Ok

BG Page three, where it reads State of Florida HIPAA 101, course completion date March of 2003.

HP Ok

BG Can you explain from your statement of having, that you made, of having no knowledge and knowing nothing about HIPAA violations when you’ve completed a course in that study?

HP Ok I don’t remember what that was State of Florida HIPAA 101, I don’t remember what that was but um, I do know and if you speak to everyone that I’ve spoken to at Personnel and...

BG Ok but I’m going to ask you specifically your answer to that question that day was that you have no knowledge or you know nothing about HIPAA violations. But yet you have taken a course HIPAA 101 in 2003 is that correct?

HP Yes and again I don’t remember what that course entailed, it says State of Florida HIPAA 101, I have no idea what that entailed um...

BG So having answered the question of having no knowledge of HIPAA that would have been a false statement to me when you gave your statement to me on July 29th.

HP No in my mind that is still not a false statement. And if you speak to everyone in Personnel that I’ve tried to contact and all the people that I’ve tried to contact over the last several months about all this light duty status and everything I have no idea anything about FMLA, HIPAA, any of that stuff and I have not been given any direction on what to do...

BG (Dep. Post and Lt Goggin speak simultaneously) Are speaking, are you just, and are you...unintelligible...that you have a certificate in HIPAA?

HP ...that's been the problem of the last several months.

BG Ok we're not talking about the last several months Dep. Post. We're specifically talking about the answer that you provided during your IA interview. Where you say and you can read it again that you have no knowledge, you have no information on HIPAA.

HP Uh huh and my answer is still the same.

BG That you have no knowledge of HIPAA violations?

HP My answer would still be the same to you.

BG And your answer is?

HP Ok my answer is I see that in March of 2003 I took something that says State of Florida HIPAA 101. I don't remember what that was or what that entailed um I'm sure I can find the certificate and again if you speak to everyone that I have spoken to over the last several months and the whole reason for all of this miscommunication and all of this hoopla over the last several months over my light duty status is because I have no idea of anything about FMLA or HIPAA or any of that stuff and that has been the problem. Because I haven't been given any direction and I've been trying to get some direction because I don't know about any of that stuff. So my answer would still be the same.

BG That you have no knowledge of HIPAA?

HP My answer would still be the same to you.

BG Ok Dep. Post I need for you to go now to page six of your transcript and this is going to be concerning your numerous recorded statements of not receiving information or direction from your chain of command being Capt Summers as far as the return to full duty status. If you look at page six, the seventh entry beginning with BG. And it reads "And how many times prior to June 11th would you say you attempted to contact Capt. Summers?" You replied "Oh my gosh um... I replied "by what means?" you replied "Um, I have, I have no idea. I know that I tried contacting him several times." Are you following me?

HP Uh huh

BG Ok I asked you "By email?" You replied "Not by email, this email was my final thing of 'hey I have a week left I haven't heard anything and I'm trying to, I know our shift is short I'm trying to get back" I questioned you as "When you say you

were trying to contact him, phone conversations? Going to the office? How were you attempting to contact him?” You reply “Um, some of them were by phone it was probably just maybe twice within a month.” I asked you “Did you leave messages on his phone?” You reply “No, if I ever called him, I called through the front desk.”

HP Uh huh

BG I need for you to now to look for the email from Kathy Burnsed.

HP Ok I have that.

BG Could you read it for me please?

HP Uh from Kathy Burnsed dated Tuesday August 10th 2010 “I just checked all of the messages I have sent you back to February not one is from Heather Post just FYI, K”

BG When you state that you’d tried contacting him several times this email was my final thing of hey I have a week left and I haven’t heard anything. How did you attempt to contact Capt Summers?

HP Hold on one second here. Uh well my phone records indicate to speak to the Captain between January and June of 2010 approximately 15 times and I have phone records to prove that.

BG Who did you speak to?

HP I, sometimes I spoke to the Captain. There were times when I know when Lt Adkins um and the front office staff at Communications can testify that I called um because they were there when I called him and actually physically called the district and spoke to him on the phone. Um...

BG Dep. Post you told me “several times”, “maybe twice”, “if I ever”. We’re showing no electronic means that you attempted to contact Capt Summers. You told me that you left no messages for him. Kathy Burnsed...

HP I don’t send...right I never sent him emails except for that last one.

BG Ok I understand, Kathy Burnsed says she checked back to February no contact, if you didn’t try to contact him by electronic means, in person, by phone how are you attempting to contact him?

HP Ok I did attempt to contact him in person. I did actually contact him in person. I also did attempt to contact him by phone and I also did contact him by phone. I

didn't send him a bunch of emails. I didn't realize that I was going to have to document all of this stuff.

BG But you told me that you didn't speak to him, that you "left maybe two,... if I ever contacted him, if I ever left a phone message" but who did you leave that message with?

HP So what is your question?

BG How did you attempt to contact him?

HP I called the district...

BG And spoke to who?

HP And spoke to Kathy or Bea or whoever answered the phone and she would put me back through to the Captain or she would say he's not here...

BG And Kathy said she checked the records back to February.

HP I don't know what to tell you maybe there's no written phone log, maybe there's no written phone messages for him but when I called if he was there she's not going to write down a phone message she's going to put me through to him. If he's not there I would just say well ok I'll give him a call back later. Or just tell him to call me, I don't...

BG So you left a message on his phone?

HP On his?

BG On his phone, his office phone.

HP No, I really didn't like talking to Capt Summers and didn't like, I didn't want to write emails and leave messages or anything. If he was in I talked to him if he wasn't in I would say ok I'll call back later. There were several times I saw him in person at the District.

BG And asked him about this direct incident?

HP Asked him about which direct incident?

BG Your return to duty status.

HP Yes there were, uh between January and June I was going crazy trying to get some direction from someone about what was going on and I report that to numerous people that I was having a problem getting direction. I reported to Lt

Adkins, I reported that to Sgt Miles um I reported that to Sgt Mejias, I reported that to um all my friends on shift, there were numerous people that knew that I had been trying to figure out, to try and get some direction as to what I was supposed to do for all of this light duty status. I was turning in doctor's notes that weren't getting forwarded to the Captain. Um I was giving the Captain information, that information was not being passed on...

BG What phone records, you brought up a few minutes ago you have phone records of what?

HP I have phone records that I called the fourth floor to talk to Laura Bounds 13 times

BG We're specifically talking...

HP ...between January and June...

BG Yeah correct we're talking about your specific phone...

HP I have phone records that I called Risk Management seven times...

BG Heather, Heather listen to me for a second...

HP Go ahead

BG Your direct contact through your chain of command, what do you have where you tried to contact someone through your chain of command about direction to return to full duty?

HP Well I know that I talked to my Sergeant quite a few times and I also called the District to speak with the Captain I know approximately 15 times between January and June.

BG Do you have specific dates and times?

HP Those are my cell phone records, yes. The ones that are marked District II on them that are highlighted. Do you want me to go through and list the dates and times?

BG No we'll look at it.

HP Ok I can make copies of these but I'd like to...

BG That's fine and Heather when you answered the question during your sworn statement, you twice, that you attempted to contact him during this period so it's more than twice?

HP It's been twice that I attempted to contact him during the several months?

BG Uh huh

HP On page six I said :I know that I tried contacting him several times” and then under that “maybe twice with in a month, probably just maybe twice within a month” because every time I would talk to him he would say I have no idea what's going on, I don't have any information for you, um I talked to Lt Adkins in May at the beginning of May and told him that look, I'm looking at this date as maybe coming back do you have any idea, have you heard anything of what I'm supposed to be doing to try and prepare to come back to duty because there was such a problem in January over, I had to get three separate doctor's notes over the course of a month and a half. I turned in one doctor's note that wasn't good, so on and so forth there was a big problem with that so I wanted to make sure that it was good. Lt Adkins sent Laura Bounds one email. She wrote back and said yes this is the form that she needs to fill out...

BG Heather, before we get this thing too wide...

HP Ok

BG Wide open here...

HP Ok but Capt Summers continually told me I have no direction “I have no idea what to tell you”. So my calling him...

BG And the phone calls you have are just to the District...

HP Every week...

BG The phone calls that you provided today are just phone calls to the District?

HP Yes

BG Are you willing, are you saying today that Capt Summers refused to talk to you in any of these phone conversations?

HP There were times when I called that he wasn't, he didn't answer the phone.

BG And when it went to voice message you did what with that?

HP I don't remember if I left voice messages or not, probably not.

BG Ok

HP When I did actually speak to Capt Summers which was several times over the course of January to June to talk about my light duty status every single time he told me “I really don’t have anything to tell you I have no idea what’s going on.” This is why on June 11th I sent that email because I was, it was a week left and I was like what the heck?

BG Did you ever miss any work Heather because of any delays by Capt Summers? Were you withheld, stopped from coming back to full duty by Capt Summers?

HP Stopped coming back from full duty?

BG From light duty status to full duty status?

HP No

BG Ok at any of this time would you consider confusion amongst your Captain or Personnel and Risk Management, did you lose any time because of inaction by Personnel, Rick Management, or the Sheriff’s Office?

HP Did I lose any time?

BG Correct.

HP Um

BG That affected your paycheck?

HP It didn’t effect my paycheck it certainly affected my health.

BG I don’t think I have anything else, Sgt Morgan?

TM No I don’t have nothing right now.

BG Jeff?

JC Dep. Post when you answered Lt Goggin in reference to the class, the HIPAA 101 class that you took approximately seven years ago, do you have any clear recollection of what you took in that class seven years ago?

HP No like I said I have not even...

JC Was it a forty hour class, was it an eight hour class?

HP I have no idea, I’m not even...

JC Do you have any of the paperwork from that class seven years ago?

HP I have the certificate.

JC Do you have any of the course material?

HP No definitely not.

JC Are you aware of any of the changes to HIPAA law that's occurred over the last seven years?

HP No

JC Do you have any reason to have been kept notified with the HIPAA laws and changes?

HP No

JC Is it fair to say that the whole light duty or return to work issue was fairly confusing and complex going between HR and the District?

HP Very yes

JC And were you given conflicting information from all parties involved?

HP Yes

JC So when you indicated to Lt Goggin in the initial interview on the 29th that you didn't really have any knowledge of HIPAA laws. Were you being truthful when you answered?

HP Yes

JC Do you have any firm grasp of any HIPAA laws or regulations as we sit here today?

HP No and I don't really want to learn them, that's what other people get paid for so.

JC Ok that's all I have.

BG Les?

LC I'm good

BG Ok Dep. Post this concludes the interview, the time now is 1:35 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. Bobby Goggin KV – Sgt Ken Vickery

BG Ok the recorder is on. This will be a taped interview reference to IA case number 10-013. Today's date is June 15, 2010. The current time is 9:40 AM. The location of this interview is the Sheriff's Office Administrative Building Deland, Florida. Presently being interviewed is Sgt. Ken Vickery. Sgt Vickery, for the record please spell your last name.

KV V as in Victor, I-C-K-E-R-Y

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

KV 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?

KV Yes sir.

BG Sgt Vickery I'm conducting an internal affairs investigation involving Dep. Heather Post. The alleged allegation against Heather Post is Failure to Follow Directives or Orders. Those orders were given to her by Capt Shane Summers. He in his email scheduled her for annual deputy refresher training on I believe it was Tuesday June 22nd of this year. Were you present that day?

KV On the 22nd yes sir.

BG Were actively involved in Dep. Heather Post's recertification?

KV No sir.

BG Who was the Range Master that day? Who assisted her with the recertification?

KV Dep. Eddy Hart, Range Master Bob Applegate, and I believe Dep. Post was also out there, Randy Post

BG Ok did she qualify on June 22nd?

KV Yes sir

BG At anytime did you speak to Dep. Heather Post about , or make any type of comment to her about, that you've notified Capt Shane Summers that she had successfully qualified?

KV Yes sir.

BG Ok can you explain to me the conversation you had with Dep. Heather Post?

KV After the qualification sir I went down to the range to see what time they were going to be done. I know they still had their less lethal portions to do at that point. I walked down there was Dep. Chuck Lee, Dep. Heather Post, Dep. Randy Post were standing there talking. I was talking to them in general about a previous incident to where she was supposed to contact me in reference to making a schedule. The date at which time I was talking to the Major about getting her scheduled for the 22nd and there was a comment made by Dep. Randy Post about me not wanting to talk to her, that was on that specific date. At that point I made a comment about, I made a comment to her in reference to the fact that I would never not want to talk to her, she could always call me whenever she wanted to and I said that I'd spoke, that I had made the comment to her that I had already spoken to Capt Summers about her qualification because he called me right after the stress shoot.

BG Did she ever make you aware that she was under direction or under an order from Capt Summers to contact him upon her completion of training?

KV No sir.

BG Did you ever order her or direct her not to contact Capt Summers?

KV No sir.

BG As far as your understanding could there be any misunderstanding on Dep. Heather Post's part that you were going to contact Capt Summers on her behalf to let him know that she had qualified?

KV No sir.

BG Did you at any time tell Dep. Heather Post "not to worry about contacting Capt Summers?"

KV No sir, I advised her that I had spoken to Capt Summers. That was at approximately 10:00 in the morning.

BG Prior to her qualifying?

KV Prior to her qualifying for, her qualifying for the stress shoot, Capt Summers had called me on the NEXTEL and asked me if she was done. I walked outside, said no sir, she was actually just then getting ready to run her qualification, I said I'll call you back in hopefully under five minutes. Kind of a joke, five minutes is the timeframe to run the stress shoot, about six to eight minutes later I did call him back and said that she had passed and that was probably between 10:00 in the morning and 10:15 and that was the last conversation I had with him. Speaking to her with the conversation that I spoke of earlier was approximately 2:00 in the afternoon at which time I advised her that I spoke to him earlier letting him know that she qualified, not that she was completed with training because she still had less lethal and other things she had to complete that day.

BG Ok any other conversation with her that you can recall at this time?

KV No sir not about that.

BG At which point were you made aware that Dep. Post was under an order or a directive by her Captain to contact him?

KV I found out that when Capt Summers brought it to my attention.

BG And that was after...

KV Whether it was via that email that you're looking at there or it was during the conversation but it was after.

BG It was after Tuesday June 22nd?

KV It was after the last time I spoke to her yes sir.

BG Ok Sgt Vickery I don't think I have anything else. Is there anything that you'd like to add or delete from your statement?

KV No sir.

BG Ok I'd just like to remind you that this is an active Internal Affairs investigation, that you're not to speak about the investigation and this concludes the interview. The time is 9:45 AM thank you.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Sgt. Ken Vickery taken by me on July 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

RP – Dep. Randy Post

LC – Sgt Les Cantrell

BG Ok the recorder is on. This will be a taped interview reference to IA 10-013. Today's date is June 29, 2010. The current time is 2:35 PM. The location of this interview is the Sheriff's Office Administrative Building Deland, Florida. Presently being interviewed is Dep. Randy Post. Dep. Post, for the record please spell your last name.

RP P-O-S-T

BG Thank you. Also present is Sgt Les Cantrell with the Volusia County Sheriff's Office. Sgt Cantrell the purpose of your visit today is representation of...

LC Yes sir, union rep.

BG Thank you I am Lt. Robert Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. Dep. Post, are you aware that the interview is being recorded?

RP 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, and nothing but the truth so help you God?

RP Yes I do.

BG Dep. Post, were you working on June 22nd 2010 on that specific date it was deputy refresher involving Dep. Heather Post.

RP Yes I was.

BG What was your function out there that day?

RP My function was I was a range officer and a safety officer and to help administer the test for Heather Post and Chuck Lee, he was also there.

BG At any time during that day did you witness a conversation between Sgt Vickery and Dep. Heather Post?

RP Yes I was right next to her when he said it.

BG Ok approximately what time was that?

RP I'm not sure of the exact time it was right when we got done with the actual stress shoot.

BG Was that before or after lunch?

RP It was probably right before I believe, I'm not sure.

BG Ok, Sgt Vickery in his statement to me stated it was approximately about ten AM that she shot the stress course. Is that correct?

RP Correct.

BG Ok and you were present for the conversation?

RP I was standing two feet from her. Dep. Hart was ten feet behind me.

BG Ok describe in detail if you can what that conversation entailed?

RP Alright can I stand up?

BG Sure

RP Alright I remember like it was yesterday. Sgt Vickery was coming out of the main building he was on his County NEXTEL and my wife we were sitting next to her just walking slowly off the steel range.

BG Ok let me interrupt you real quick, you say your wife, for the transcriptionist...

RP Dep. Post and myself were walking, Dep. Heather Post and myself were walking off of the steel range and she just got completed and did all the required shooting for the annual training for the year. She made a statement as Sgt Vickery was getting close, she goes "I gotta call the Captain, I don't know if I should do it now or wait until everything else is done. I have to do taser and asp, OC and weapon retention". After she said that statement Sgt Vickery got off his NEXTEL closed it like this put it on his belt clip and said "I just got off the phone with him, I already told him you passed everything, don't worry about it" words verbatim out of his mouth. It might not be in that exact but that is what he said and she said "Oh thank God" because she's been stressing out about contacting the Captain because he has given her grief in the past on phone calls. And that's what was said in the conversation. You can get with Dep. Hart he was ten foot behind he recalls it also. Words to that effect saying yeah he said "don't worry I took care of it" or what not.

BG Had in fact at ten o'clock in the morning had she completed it? Her full day of training.

RP She completed all her shooting requirements.

BG Had she completed all her requirements?

RP Not taser, and not asp, OC, and the weapon retention.

BG Which were conducted later that afternoon?

RP Correct.

BG At that time did Dep. Heather Post make Sgt Vickery aware that she was under orders to contact Capt. Summers?

RP I think she said, I was supposed to contact, she goes "I gotta call the Captain when I'm done with everything" and he said "you don't have to, don't worry about it, I took care of that" he said "I just got off the phone with him, told him you passed everything." She took that as an order from a Sergeant saying don't worry about it do not contact your Captain I already took care of that.

BG At any time did she explain to Sgt Vickery that she was receiving conflicting orders at that time?

RP No she may have said something like I thought the Captain wanted me to call him and I think he said "I already got off the phone with him". I don't know if the Capt called Sgt Vickery or if Sgt Vickery called the Captain I'm not sure but he's saying that I told him you passed everything and I'm sorry...

BG It's ok just take your time

RP It's just, no go ahead I'm, that's pretty much everything that was said I mean if it's like we're splitting hairs here I mean I understand he was notified and she was happy because she didn't have to talk to him because he's always stressed her out in the past by calling and you know the statements and stuff...

BG Stay specific to that day.

RP Ok I'm sorry.

BG Any other conversation, that you witnessed that day between Sgt Vickery and Dep. Heather Post?

RP I don't believe so.

BG Do you know if Dep. Heather Post ever contacted Capt Summers in regards to his direct order to contact him?

RP No I'm not sure.

BG Dep. Post I believe that's all I have, is there anything you'd like to add or delete from your statement?

RP That's it the only thing I would add is that she was under the assumption from a Sergeant saying it was taken care and you don't have to worry about calling the Captain and that he was notified.

BG I don't believe I have anything else. Sgt Cantrell?

LC I'm good.

RP You can get with Dep. Hart too, he'll let you know what he heard also.

BG Ok this concludes the interview the time now is 2:40.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Dep. Randy Post taken by me on July 29, 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
EH – Dep. Eddie Hart

BG Ok the recorder is on. This will be a taped interview reference to IA case number 10-013. Today's date is April 20, 2010. The current time is 2:25 PM.

EH You said April 20th.

TM It's August.

BG I'm sorry August 20th, 2010. Presently being interviewed is Dep. Eddie Hart. Dep. Hart for the record please spell your last name.

EH H-A-R-T.

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

EH 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?

EH Yes I do.

BG Dep. Hart were you working on June 22, 2010 during deputy refresher involving Dep. Heather Post?

EH Yes I was.

BG What was your assignment that day?

EH My assignment was an instructor as well as a safety officer giving the firearms and what not she had to complete.

BG At any time during that day did you witness a conversation between Sgt. Vickery and Dep. Heather Post?

EH I wouldn't call it a conversation. I would say that I remember Heather saying something about having to notify Capt. Summers about the fact that she had completed the deputy refresher and Sgt. Vickery was coming out of the main office building and he was still on the phone but he had, I believe she was talking to Randy at that time which I happened to be right there and "I've got to..." you know "I don't want to get in trouble for not telling him I better make sure I tell him" and at that time I remember Sgt. Vickery he brought the phone down, he closed the phone and he says "no you don't have to worry about that" so it wasn't really a conversation between the two however words were exchanged and that's as fast as I can remember it happening to the best of my...

BG Ok and approximately what time of the day was that?

EH Oi.

BG Do you remember was it before lunch, after lunch break?

EH I think it was before lunch, I'd really have to sit back and...

BG Ok and again after you, if something sparks your memory in the next few minutes or during this interview just...

EH Yeah.

BG ...we'll get back to that. Could that conversation have taken place anytime immediately after she ran the stress course?

EH Yes. It was after she ran the stress course. We were on the pneumatic steel range right where the picnic table is that's at the...

BG Is that normally before or after lunch that you're on that range?

EH Well she was a special case where she was coming in on her own time and I'm trying to remember, I believe she came in in the morning because she also had asp and freeze +P and stuff like that to do too. So yes I believe it was before lunch. I can't be completely sure.

BG Ok.

EH The time of that day and, that's a good question.

BG And again I want you to go back real quick. What brought the conversation up? Do you have any idea why she made the comment that she needs to contact...

EH No.

BG ...Capt. Summers? And who did she make that comment to?

EH I believe she was making it to Randy her husband who was also a firearms instructor and range safety officer out there as well.

BG And Sgt. Vickery was in ear shot of that at the time?

EH Yes sir.

BG Ok.

EH Yes sir.

BG Do you recall any other conversation that took place between those two?

EH No. No I, no. I mean the only reason why I remember this one so well is the fact that I remember Heather saying that she was going to get in trouble if she didn't notify Capt. Summers that's why I kind of perked up, going, what?

BG Ok so you heard her make that statement and then Sgt. Vickery...

EH Right, might not be verbatim but it was something like that. Yeah it was like "I've got to tell Capt. Summers right away or I'm going to get in trouble"

BG Ok and again she said that she has to notify him why, or did she?

EH I understood that she said she had to, she was saying this because he needed her to let him know, Capt. Summers, as soon as she was done and had passed and had successfully completed what she had to get done out there at the range.

BG Ok and at the time of that conversation that you overheard between Sgt. Vickery and Dep. Heather Post, had she completed all aspects of deputy refresher training?

EH I believe so. And again I'm telling you I believe so because I can't remember if she had more to do after that like I think, no that was it. Because she did the PPC, she actually passed the PPC so she didn't have to reshoot the PPC. So the only thing she had to do was stress shoot.

BG And had she completed the stress shoot?

EH Yes she did complete the stress shoot, I'm positive of that absolutely positive.

BG And again, if this conversation took place before the lunch break, what was she required to do that afternoon?

EH I can't recall, I mean I don't know if she was supposed to have done something it might not have had my involvement then, I don't know.

BG But as far as your recollection is right now she completed all the training that she needed to complete at that time?

EH As far as I can, yes, recollect yes.

BG Ok.

EH I'm pretty certain.

BG Any conversation that you heard between Dep. Heather Post and any other deputies after Sgt. Vickery left the area?

EH No, absolutely not.

BG Did you ever hear or do you recall Dep. Post, Heather Post letting Sgt. Vickery know that she was under order from a Captain to contact him?

EH No, only other than when like I said, she said something in a round about way to I believe it was Dep. Post and Sgt. Vickery had heard that. That's the best way I can remember that day and that particular incident taking place. And she, because when he came out he hung the phone up and said "you don't have to worry about that" I remember that, or something to that effect.

BG Any conversation since that day with Dep. Heather Post or Dep. Randy Post in regards to that incident?

EH No.

BG Sgt. Morgan?

TM Just a couple. I'll bring you back a little bit; I know the questions come at you pretty fast.

EH Uh huh.

TM Earlier you did say about the as she had to do asp and use of force still, was that already done prior to the morning shoot?

EH And I'm going to tell you again and that's why I, I believe it was because if I'm not mistaken, yeah when she got there she had already passed the practical pistol course and that day. Then she had to do the stress shoot and I don't believe, I did not do that day the day she did the stress shoot when she came back, I don't

believe we did asp and freeze +P. And again that's the best I can recollect I'm trying to.

TM I think the lieutenant might have touched on this but has anybody approached you about this internal investigation or asked you any type of questions...

EH No.

TM ...about this internal investigation?

EH No.

TM The first you heard of this internal investigation was how?

EH First I heard of the internal investigation was just basically thru the grapevine and the grapevine was that Heather was being investigated for, Capt. Summers name had come up and that's when Heather's name came up and that's pretty much where it stopped.

TM No more mention of what it was in reference to?

EH No. But I had a good idea; I had a really good idea.

TM And then the phone call I'm taking that Sgt. Vickery's walking out of the main center, he's on the phone, you're having a conversation and she says "I've got to call Capt. Summers" and Sgt. Vickery said "don't worry about that"?

EH Something to that effect yes, I barely remember that you know him saying "don't worry about it" putting the phone back.

TM Was there any additional conversation after that by Sgt. Vickery saying why she didn't have to worry about it?

EH Not that I can recollect at all.

TM Did she say any...I'm sorry.

EH No not that I can recollect I mean and I hate to give you guys answers like that I mean I you've got to keep in mind if I'm standing there and I'm walking, I mean I'm walking with if he said something and I remember that particular part of her saying that, which I believe was to Randy and then him saying "no you don't have to worry about that" I mean we were pretty much done at that time, I've got to go off and do what I'm going to do and they go off and do what they're going to do at that point so.

TM Did Dep. Post inquire why she did not have to contact Capt. Summers?

EH With Ken?

TM Yes.

EH If he did I don't know I do not recall that no. No.

TM That's all I have. Lieutenant?

BG Eddie, any information that you might have regarding this incident that we haven't discussed here today?

EH No.

BG Anything that you'd like to add or delete from your statement today?

EH No.

BG Ok.

EH I answered the best I could.

BG Dep. Hart I just want to remind you and I'm going to order you and let you know that this is an ongoing IA that you're ordered not to speak about the incident until the incident is closed. Thank you for your time today. This concludes the interview; the time now is 2:32 pm.

I, Lt. Robert Goggin, swear that the forgoing is an accurate transcription of the sworn recorded statement of Dep. Eddie Hart taken by me on August 20, 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

~~AAA~~
June 10th
Use & For Training

Training/ Certifications

Management Courses:

- Generation "X"; Strategies for Managing, Motivating, and Retaining the "New" Police Culture 08/2007
- Line Supervision – 80 hr. *FDLE Advanced Training* 11/2007
- CMS Field Training Officer – 40 hr. *FDLE Advanced Training* 09/2007
- Instructor Techniques – 64 hours *FDLE Advanced Training* 07/2009 ✓

Tactical:

- Basic SWAT School -- 50 hr. 03/2001
- ATF's Mental Preparation for Armed Confrontations 11/1997
- Officer Involved Shooting 03/2008
- Surveillance Techniques 12/2005
- Combat Shooting Course 10/2005
- Active Shooter – 16 hours 10/2008
- Field Force Training 08/1997
- Tactical Firearms Training 06/2004
- Patrol Rifle – 16 hours 10/2008
- Firearms/Shotgun – 36 hours 07/2008
- Low Light Shooting – 4 hours 07/2008
- Defensive Tactics/ASP/Freeze+P – 40 hours 08/2008
- FATS Firearms Training Simulator 10/2005

Investigations:

- Sex Crimes Investigations – 40 hr. *FDLE Advanced Training* 09/2006
- Sexual Assault Response Team Program – 40 hr. 02/2007
- Juvenile Sex Crimes Investigations 02/2007
- FBI Innocent Images Program, Computer Crimes Investigation and Prosecution, etc. 07/2006
- Investigative Interview – 40 hr. *FDLE Advanced Training* 11/2006
- Certified Examiners Course in Truth Verification Techniques 03/2007
- The REID Technique of Interviewing & Interrogation 06/2007
- Crisis Intervention Training – 40 hr. 10/2008
- Basic Fire Scene Investigations 03/1998
- MS-13 Gang Presentation, Tracking Gun Runners, Virginia Tech Shootings, Current Counterfeiting Trends & International Scams, etc. 11/2007
- Hate Crimes & Extremist Groups, Terrorism & Drug Trade, etc. 07/2007

(cont.) Training/ Certifications

- Current Trends of Right Wing Extremists, Militant Islamic Signs & Indicators, etc. 03/2007
- Advanced Property Crimes Investigations I 10/1993
- Advanced Property Crimes Investigations II 04/1994
- Florida Pawnbroking Act 07/1996
- Property Crimes Seminar 05/1999
- Jewelry Identification Seminar 11/1998
- Property Crimes 05/1998
- Cops & Computers 05/1995
- Advanced Property Crimes Investigations III 07/1994
- Financial Fraud Investigations – 40 hr. *FDLE Advanced Training* 05/2009

Miscellaneous Courses:

- D.A.R.E. – 80 hr. *FDLE Advanced Training* 04/2006
- Spanish for Law Enforcement 05/2005
- Verbal Judo 01/2005
- Use of Force in Law Enforcement 03/2004
- Use of Force Civil Liability & Risk Management 03/2004
- Report Writing for Increased Convictions 01/2004
- Metal-Tech 1400 03/2004
- Advanced Taser M26 Certification 03/2004
- M26-X26 Taser Certification – 8 hours 09/2008
- OC Aerosol Use in Law Enforcement 03/2004
- Radar Operator 01/2004
- Laser and Radar Speed Measurement – 40 hours
FDLE Advanced Training 10/2008
- Intoxilyzer 5000/8000 BTO Qualification Course 01/2005
- Coaching the Emergency Vehicle Operator 11/1993
- EVOC – 40 hours 08/2008
- American Heart Association CPR Certification 09/2006
- Nutrition & Fitness for the Law Enforcement Practitioner 03/1994
- Ethical Fitness 11/2002
- Effective Time Management Workshop 10/2000
- Updated Computer Training 10/1996
- FEMA's WMD Standardized Awareness Training Program 09/2008

- WMD Terrorism Operational Response

12/2001

Heather J. Post

(page 3 of 3)

(cont.) Training/ Certifications

- FEMA Introduction to Incident Command System 01/2006
- State of Florida HIPAA 101 03/2003
- NIMS 700 – 2 hours 09/2008
- ICS 100E-200E – 4 hours 09/2008

- FTEP Field Phase Training – 240 hours 12/2008
- FTEP Field Phase Evaluation Program – 600 hours 07/2008

Up-to-date on the following mandatory retraining:

- Human & Cultural Diversity w/Traffic Profiling 10/2008
- Domestic Violence – 8 hours 10/2008
- Juvenile Sex Offender - 1 hour 09/2008
- FCIC Certification



Date: Wednesday, March 31, 2010 8:08 AM
From: Post, Heather <HPost@vcso.us>
To: hpost <hpost0259@cfl.rr.com>
Subject: FW: Risk Management

From: Summers, Shane
Sent: Wed 2/10/2010 11:46 AM
To: Post, Heather
Subject: RE: Risk Management

Please see me first thing Friday morning.

From: Post, Heather
Sent: Wednesday, February 10, 2010 11:44 AM
To: Summers, Shane
Subject: RE: Risk Management

Do you know who was sent the original?

From: Summers, Shane
Sent: Wed 2/10/2010 11:43 AM
To: Post, Heather
Subject: RE: Risk Management

There is a copy in your field file. Your Sergeant can give it to you on Friday.

From: Post, Heather
Sent: Wednesday, February 10, 2010 11:40 AM
To: Summers, Shane
Subject: RE: Risk Management

Was that note just for the district level? Do you still have it?

From: Summers, Shane
Sent: Wed 2/10/2010 11:38 AM
To: Post, Heather
Subject: RE: Risk Management

O.K., just make sure they get whatever they need.

Thanks
SS

From: Post, Heather
Sent: Wednesday, February 10, 2010 11:34 AM
To: Summers, Shane
Subject: RE: Risk Management

I thought the note I gave to you was requested per a request from the 4th floor but they are saying

S

they never got it?

From: Summers, Shane
Sent: Wed 2/10/2010 11:27 AM
To: Post, Heather
Subject: RE: Risk Management

Does she have everything she needs?

From: Post, Heather
Sent: Wednesday, February 10, 2010 11:25 AM
To: Summers, Shane
Subject: RE: Risk Management

I called her back at 10:51am.

From: Summers, Shane
Sent: Wed 2/10/2010 11:21 AM
To: Post, Heather
Subject: RE: Risk Management

Did you speak to her today, if so what time?

From: Post, Heather
Sent: Wednesday, February 10, 2010 11:13 AM
To: Summers, Shane
Subject: RE: Risk Management

Captain,

I received call(s) at home and contacted her. This was in reference to the note I received from the doctor and gave to Sarg to give to you that same date so that I could continue working without going to light duty.
Heather

Deputy H. Post #7557
VOLUSIA COUNTY SHERIFF'S OFFICE
District 2
1706 S. Woodland Boulevard
Deland, FL 32720
OFFICE: (386) 943-7866
CELL: [REDACTED]
FAX: (386) 943-7874
EMAIL: hpost@vcso.us

From: Summers, Shane
Sent: Wed 2/10/2010 11:01 AM
To: Post, Heather
Cc: Mejias,Vidal
Subject: Risk Management

Heather,

Please call Barbara at Risk Management on your next work day in reference to your previous instruction by them.



Thank you,
SS

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Goggin, Robert

From: Summers, Shane
Sent: Tuesday, August 10, 2010 4:25 PM
To: Goggin, Robert
Subject: FW: calls

From: Burnsed, Kathryn
Sent: Tuesday, August 10, 2010 4:23 PM
To: Summers, Shane
Subject: calls

I just checked all of the messages I have sent to you back to February. Not one is from Heather Post. Just FYI.
K

"Carpe Diem"

Goggin, Robert

From: Summers, Shane
Sent: Wednesday, July 14, 2010 9:52 AM
To: Goggin, Robert
Subject: FW: road patrol

INTERNAL AFFAIRS
JUL 14 2010
RECEIVED

From: Post, Heather
Sent: Friday, June 11, 2010 2:40 PM
To: Summers, Shane
Subject: road patrol

Captain,

I wondered if you had any information yet as to what I need to do to return to duty at this point?

Who do I need to give the personnel form filled out by the doctor and do you have any idea of what my schedule will be at this point?

Also, if possible, I will need to get my MDC back a few days early so that I can get it set with info systems and get my printer working again.

Please let me know when you get a chance.

My cell is [REDACTED]

Thank you,
Deputy H. Post

Goggin, Robert

INTERNAL AFFAIRS
JUL 14 2010
RECEIVED

From: Summers, Shane
Sent: Wednesday, July 14, 2010 9:51 AM
To: Goggin, Robert
Subject: FW: Deputy Post

From: Vickery, Kenneth
Sent: Monday, June 28, 2010 7:57 AM
To: Summers, Shane
Subject: RE: Deputy Post

I had advised her that I spoke to you earlier and advised that she had passed the mandatory's (we spoke right before and directly after the stress shoot), I did not advise her not to call you, or report in as instructed. Even some type of misunderstanding would not put a Sergeant's advice over a Captains order in my book.

From: Summers, Shane [mailto:ssummers@vcso.us]
Sent: Friday, June 25, 2010 8:27 AM
To: Vickery, Kenneth
Subject: Fw: Deputy Post

Ken

Is this accurate?

SS

----- Original Message -----

From: Mejias, Vidal
To: Summers, Shane
Cc: Chilcot, Mike
Sent: Friday, June 25, 2010 3:22 AM
Subject: RE: Deputy Post

Good Morning Captain,

After talking with Deputy Post about the instructions given to her by you, she advised that when she completed Deputy Refresher she was talking in a group about contacting you. Sgt. Vickery over heard the conversation and advised her that he (Sgt. Vickery) had called you and that "not to worry about it".

Thanks, V.


From: Summers, Shane
Sent: Wednesday, June 23, 2010 10:08 AM
To: Mejias, Vidal
Subject: Deputy Post

Sgt. Mejias,

Deputy Post was instructed to call me immediately upon completion of her Deputy Refresher training on Tuesday. Please determine if there is a reasonable explanation as to why she did not follow this direction.

SS

7/14/2010

 You forwarded this message on 6/16/2010 2:52 PM.
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Post, Heather

From: Adkins, Paul **Sent:** Wed 6/16/2010 2:18 PM
To: Post, Heather
Cc:
Subject: FW: Heather Post
Attachments:  FITNESS FOR DUTY CERTIFICATION.doc(46KB)

From: Bounds, Laura
Sent: Friday, May 14, 2010 1:09 PM
To: Adkins, Paul
Subject: RE: Heather Post

Attached is the clearance form – it needs to state that she can performs all the duties of a DSII.

From: Adkins, Paul
Sent: Friday, May 14, 2010 12:47 PM
To: Bounds, Laura
Subject: Heather Post

In preparation of Heather Post being released from light duty by her doctor, what steps and documentation will be needed?

PER 211 JJJ
 RE: 17 EMBLEK 1051

District 2	124	MON	01/25/2010	12:44PM	386-943-7866	DE LAND FL	2	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	127	MON	01/25/2010	1:50PM	386-943-7866	DE LAND FL	1	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	160	TUE	01/26/2010	2:07PM	386-943-7866	DE LAND FL	2	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	328	THU	02/04/2010	11:41AM	386-943-7866	DE LAND FL	2	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	105	FRI	02/26/2010	2:15PM	386-943-7866	DE LAND FL	1	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	365	FRI	03/12/2010	11:32AM	386-943-7866	DE LAND FL	1	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	13	FRI	03/19/2010	3:20PM	386-943-7866	DE LAND FL	4	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	343	TUE	04/13/2010	9:01AM	386-943-7866	DE LAND FL	3	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	344	TUE	04/13/2010	9:21AM	386-943-7869	INGOMING CL	2	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	220	TUE	05/04/2010	8:32AM	386-943-7866	DE LAND FL	2	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	221	TUE	05/04/2010	8:37AM	386-943-7869	INCOMING CL	1	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	223	TUE	05/04/2010	8:10AM	386-943-7869	DE LAND FL	5	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	9	WED	05/19/2010	12:58PM	386-943-7866	DE LAND FL	1	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	197	FRI	06/11/2010	2:46PM	386-943-7866	DE LAND FL	4	7ESM	DT	M2MC	0.00	0.00	0.00
District 2	244	WED	06/16/2010	4:05PM	386-943-7866	DE LAND FL	3	7ESM	DT	M2MC	0.00	0.00	0.00

INTERNAL AFFAIRS
 AUG 31 2010
 RECEIVED

work
 8-4
 women
 8-4

These are phone calls to / from District 2 just on my cellphone.
 These do not include calls I made from other phones.
 * It should be noted that on 04/13 & 05/04, it shows I called; then some time later, received a call back. Apparently my request(s) for return phone call(s) were not documented on the receptionist's phone message log?