

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-13-025

PERIOD COVERED: November 12, 2013
DATE REPORTED: November 12, 2013
SUBJECT(S) NAME: Telecommunicator Shauna Justice #7421
INVESTIGATING OFFICER: Investigator James Gabriel #2201

BASIS FOR INVESTIGATION:

On November 12, 2013 at approximately 1235 hours Claire Metz, a reporter for WESH -2 News went to the residence of Telecommunicator (TC) Shauna Justice (██████████ New Smyrna Beach) in order to interview her about a recent news story (relating to recent SD-13-138). Ms. Metz initially approached and knocked on the front door of the residence. When Ms. Justice opened the door she pointed a handgun directly at the head of Ms. Metz. Ms. Justice then cursed at her and told her to get off of her property. Ms. Metz's coworker, William Breneman was a witness to the incident. Ms. Metz reported the incident to the Volusia County Sheriff's Office (VCSO) District 5 office in New Smyrna Beach, FL. Deputy Thomas Proctor subsequently arrested Ms. Justice for Aggravated Assault with a Deadly Weapon without Intent to Kill (FSS 784.021(1)(A)). Ms. Justice was transported to the District 5 office for processing and later to the Volusia County Branch Jail for booking.

OFFENSE(S):

26.2.130 Commission of Felony - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not.
(Violation subject to dismissal.)

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

INVESTIGATIVE SUMMARY:

On November 12, 2013, Chief Deputy Mike Coffin assigned the Internal Affairs Unit an investigation concerning the felony arrest of TC Shauna Justice. Ms. Justice was arrested on

November 12, 2013 for the above listed felony charge. Lieutenant Erik Eagan directed Investigator James Gabriel to serve a Notice of Internal Investigation memorandum referenced by 040M0076.13 to Ms. Justice. This notice was served to Ms. Justice on November 12, 2013 at 1535 hours at the VCSO District 5 office. Lieutenant Timothy Morgan was also present when she was served her Notice of Internal Investigation. This report details the internal affairs investigation conducted by Investigator Gabriel. (See Tab - B for Official Correspondence)

Deputy Thomas Proctor

On November 14, 2013, Investigator Gabriel conducted a sworn recorded interview with Deputy Thomas Proctor at the Volusia County Sheriff's District 5 office. The following is a summary of the interview.

Deputy Proctor is a nineteen (19) year veteran of the Volusia County Sheriff's Office. His current assignment is in Patrol in District 5. He is currently assigned to Charlie Shift and works zone fifty-three (53). Prior to his employment with Volusia County Sheriff's Office, he was employed as a Reserve Officer for the City of Orange City. He was with that agency for six (6) months.

Deputy Proctor was asked how he was originally directed to [REDACTED], New Smyrna Beach. He indicated that Sergeant Perrotta called him directly and told him to respond to that location. Sgt. Perrotta gave him no reason at that time. Deputy Proctor advised that when he arrived he met with Captain Summers at the intersection of Jungle Rd. and Otter Blvd., New Smyrna Beach. Captain Summers was standing near Claire Metz and her cameraman. Deputy Proctor observed Lieutenant Tim Morgan and Sergeant Perrotta to be situated near the front door of [REDACTED].

Shortly after his arrival, Deputy Proctor interviewed Claire Metz. She advised that she and her coworker, William Breneman, had driven a WESH van to [REDACTED], New Smyrna Beach in order to interview Shauna Justice about a recent news story. Ms. Metz advised that she approached the front door without a camera or microphone. Ms. Metz then knocked on the exterior storm door. She advised that Shauna Justice opened the interior door and pointed a black handgun at her head. Ms. Justice then began yelling "Get the fuck off my property!" Ms. Justice then opened the exterior storm door and continued to aim the gun at Ms. Metz's head while repeatedly yelling "Get the fuck off my property!" Ms. Metz then told Ms. Justice that she was making a mistake and started backing up towards the WESH news van. When Ms. Metz was approximately three quarters of the way back to the van Ms. Justice dropped the gun down to her side. After reaching the van Mr. Breneman and Ms. Metz drove down the street to get clear of the residence. Ms. Metz then telephoned Gary Davidson, the VCSO public information officer (PIO) and advised him about the incident.

Deputy Proctor then contacted Sergeant Perrotta who was inside the residence. Sergeant Perrotta told him that Ms. Justice admitted to him that she had pointed the handgun at Ms. Metz. Deputy Proctor then interviewed Ms. Justice. Ms. Justice advised that the two subjects (Metz and Breneman) were trespassing on her property and she felt threatened and harassed. She further stated to Deputy Proctor that she had the right to arm herself and defend her property with her gun. Deputy Proctor advised that he then placed Ms. Justice under arrest for Aggravated Assault with a Deadly

Weapon without Intent to Kill (F.S. 784.021(1)(A).

Deputy Proctor told Investigator Gabriel that he knew Ms. Justice while working at the Sheriff's Communications Center. He also had contact with her at various department social events.

Deputy Proctor took five (5) digital photographs of the front of Ms. Justice's home from different vantage points and later submitted them to the Sheriff's Office Digital Crime Scene database. Deputy Proctor interviewed Mr. Breneman and said his version of the incident closely corroborated what Ms. Metz had previously told him. *(See Tab-H For Complete Transcript of Interview)*

Sergeant Albert Perrotta

On November 15, 2013, Inv. Gabriel conducted a sworn recorded interview with Sergeant Al Perrotta at the Volusia County Sheriff's District 5 Office. The following is a summary of the interview.

Sergeant Perrotta has been employed by the Volusia County Sheriff's Office for approximately twenty-four (24) years. He has held the rank of sergeant for the past ten (10) years. He is currently assigned to District 5 Patrol on alpha shift. Prior to his employment with Volusia County he was employed as a police officer with the City of New Smyrna Beach for five (5) years.

Sergeant Perrotta advised he was not dispatched to the [REDACTED] address but he had received a telephone call from off duty Sergeant Dominick Amendolare. Sergeant Amendolare told him that he had just received a phone call from Shauna Justice who was upset and crying. She wanted help because a news crew was trespassing on her property. While talking to Sergeant Amendolare, Ms. Justice did not mention that she had pointed a hand gun at Claire Metz. Sergeant Amendolare requested that a deputy be sent to the area to investigate. There were no deputies available, therefore Sergeant Perrotta responded. As he was arriving on scene Sergeant Perrotta received a telephone call from Captain Summers. Captain Summers did not know Sergeant Perrotta was already responding and wanted him to respond and meet with him and the Lieutenant at the same location. Sergeant Perrotta advised Captain Summers that Sergeant Amendolare had alerted him earlier and he was already on scene.

Sergeant Perrotta advised that upon arrival he met with Ms. Metz and questioned her about the incident. Ms. Metz advised him that she had gone to [REDACTED] in order to interview Ms. Justice about a recent incident that she was involved in. When she knocked on the front door she was met by Ms. Justice who was pointing a firearm directly at her head. Ms. Metz then retreated back to the marked WESH news van. According to Sergeant Perrotta, Ms. Metz's demeanor was calm but "concerned."

Sergeant Perrotta and Lieutenant Tim Morgan then went to the front door of the residence in order to make contact with Ms. Justice. She opened the door and was questioned as to what happened. Ms. Justice stated that she had been receiving harassing telephone calls from reporters about her recent incident at work and was extremely upset when a reporter knocked on her door. She said she felt

threatened and harassed by the reporter [Ms. Metz] and felt that she had the right to defend her property with her gun. Ms. Justice further described how she aimed her gun at Ms. Metz and repeatedly told her to get off of her property. After the reporter retreated to her van, Ms. Justice then telephoned Sergeant Amendolare for help. While at the residence, Sergeant Perrotta retrieved the handgun from Ms. Justice's bedroom and later submitted it into evidence. The firearm was identified as a Smith and Wesson model MP-90, 9mm, with 11 rounds in the magazine and none in the chamber.

Sergeant Perrotta told Investigator Gabriel that he had supervised Ms. Justice while he was assigned to the Sheriff's Communications Center. *(See Tab - I For Complete Transcript of Interview)*

Lieutenant Timothy Morgan

On November 15, 2013, Inv. Gabriel conducted a sworn recorded interview with Lieutenant Timothy Morgan at VCSO District 5. The following is a summary of the interview.

Lieutenant Morgan has been employed by the Volusia County Sheriff's Office for thirteen (13) years. He has been a lieutenant for the last two years and is currently assigned as the Assistant District Commander for District 5. Prior to his employment with VCSO he was employed as a police officer with the Youngstown (Ohio) Police Department for nine (9) years. He also served four (4) years in the United States Air Force.

Lieutenant Morgan advised that he was initially contacted by Captain Summers and advised that he needed to come with him because a dispatcher had threatened a media person [Claire Metz] with a handgun. When they arrived at Otter Blvd. and Jungle Rd., Lieutenant Morgan observed Sergeant Al Perrotta present at that location. He was observed to be standing next to Claire Metz and her camera man. After a short briefing by Sergeant Perrotta, he and Sergeant Perrotta went directly to [REDACTED] in order to make contact with Shauna Justice. After making contact, Lieutenant Morgan advised that Ms. Justice was visibly upset. He stated that Sergeant Perrotta then conducted a majority of the questioning.

Prior to the questioning, Ms. Justice showed them where the handgun was and they secured it. Ms. Justice then described how the reporter knocked on her door and she responded by opening the door and pointing a handgun at her. She told the reporter repeatedly to get off of her property. She was asked why she pointed the handgun at the reporter [Ms. Metz] and Ms. Justice stated that she had the right to protect her property. Ms. Justice felt completely justified with her actions.

Lieutenant Morgan stated that this was the first time that he had ever been in contact with Ms. Justice. He also stated that he did not observe any "No Trespassing" signs posted on the property. *(See Tab - K For Complete Transcript of Interview)*

Captain Shane Summers

On November 15, 2013, Investigator Gabriel conducted a sworn recorded interview with Captain

Shane Summers at the Volusia County District 5 office. The following is a summary of the interview.

Captain Summers has been employed by the Volusia County Sheriff's Office for nineteen (19) years. He has been a Captain for approximately six (6) years and is currently assigned as the District 5 Commander. Prior to being employed by the Sheriff's Office he was employed by the South Daytona Police Department.

Captain Summers indicated that he was initially contacted by Major Melady who stated Claire Metz from WESH 2 News had gone to Ms. Justice's residence in order to seek an interview relating to an earlier incident at the Sheriff's Communications Center. It was reported that Shauna Justice pointed a gun at the head of Claire Metz and ordered her off her property.

Due to the seriousness of the incident, Captain Summers decided to personally respond to the residence. He was accompanied by Lieutenant Morgan. While en route, Lieutenant Morgan contacted Sergeant Perrotta who advised that he was already on scene. Sergeant Amendolare had already called Sergeant Perrotta and asked him to respond to the home of Shauna Justice. When Captain Summers arrived on scene, he directed Sergeant Perrotta and Lieutenant Morgan to make contact with Ms. Justice. Captain Summers made contact with the news crew.

When Sergeant Perrotta and Lieutenant Morgan questioned Ms. Justice, she admitted to them that she had opened her main front door and pointed a handgun at Ms. Metz from behind the glass door. While pointing the handgun at Ms. Metz, she told her to get off the property. Ms. Justice then admitted to them that she opened the outer glass storm door and continued to aim the handgun at Ms. Metz and again ordered her off the property. Captain Summers stated that Claire Metz provided him with the same scenario and sequence of events.

Once Deputy Proctor arrived on the scene, Captain Summers directed him to gather the facts as he would on any other call. After Deputy Proctor interviewed Ms. Justice and Ms. Metz, he advised Captain Summers that he thought an arrest was warranted. Captain Summers then met with Ms. Justice in order to personally observe what her emotional state was. He wanted to see if her behavior fit a criminal act or Baker Act situation. After talking with her, Captain Summers determined that the incident was criminal in nature. *(See Tab - L For Complete Transcript of Interview)*

PIO Gary Davidson

On November 15, 2013, Investigator Gabriel conducted a sworn recorded interview with Mr. Davidson, the Public Information Officer for the Volusia County Sheriff's Office. The interview was held at the VCSO Administrative offices. The following is a summary of the interview.

Mr. Davidson has been employed by the Volusia County Sheriff's Office for eighteen (18) years as the Public Information Officer. According to Mr. Davidson, Claire Metz telephoned him on Tuesday, November 12, 2013. He received the call at approximately 12:47 p.m. He stated that he

was already on another call when she called him. Initially, she sounded very agitated and shaken. She told him that Shauna Justice had pulled a gun on her. She said she needed a Deputy there. Mr. Davidson told her he would call her right back after he ended the conversation with the other caller.

Mr. Davidson called Ms. Metz right back and told her he needed to get a deputy to her. He stated that she was somewhat reluctant; however, he encouraged her to report the incident. Mr. Davidson telephoned Major James Melady and gave him a brief overview of Ms. Metz's situation.

After speaking to Major Melady, Ms. Metz provided Mr. Davidson with the details of the incident. Ms. Metz told Mr. Davidson that she approached the front door without a camera or microphone while her cameraman William "Hutch" Breneman stayed at the news van. She then knocked on the door and Ms. Justice answered the door with a gun in her hand. Ms. Metz told Mr. Davidson that Ms. Justice pointed the gun at her head through the storm door and stated "*Get the fuck off my property.*"

Ms. Metz then advised she tried to calm Ms. Justice down by telling her she was making a mistake, etc. Ms. Metz said as she was retreating back to the van, Ms. Justice opened the outer door and continued to point the gun at her. Ms. Metz indicated at some point Ms. Justice stopped coming at her and lowered the gun to her side. Once Ms. Metz made it to the news van, she and her cameraman drove away from the house. (*See Tab - E For Complete Transcript of Interview*)

Sergeant Dominick Amendolare

On November 19, 2013, Investigator Gabriel conducted a sworn recorded interview with Sergeant Dominick Amendolare. The interview took place at VCSO District 5. The following is a summary of the interview.

Sergeant Amendolare has been employed by the Volusia County Sheriff's Office for twenty-six (26) years. He is currently a sergeant assigned to the District 5 office where he has worked for the past seven (7) years.

Sergeant Amendolare told Investigator Gabriel that while off duty at a friend's house, he noticed he had three missed phone calls. One of the calls had been made by Shauna Justice. When he called Ms. Justice back, she was crying hysterically and said the media was at her house. She said they wouldn't leave and that she needed help. Sergeant Amendolare told her he wasn't working but he would call Sergeant Perrotta and have him respond. Sergeant Amendolare advised that people who know him well in the New Smyrna Beach area and often call him directly, rather than going through Central Communications.

During the interview Sergeant Amendolare reiterated that **Ms. Justice never told him that a gun was produced or aimed at anyone.** Therefore, when he talked to Sergeant Perrotta he did not mention the aspect of a handgun being produced by Ms. Justice. Additionally, he was asked if he had ever had any previous dealings with Ms. Justice. Sergeant Amendolare said that he had met her previously at Central Communications while he was temporarily assigned as a supervisor there.

The day after the arrest of Ms. Justice, Sergeant Amendolare was notified that some of Ms. Justice's jewelry had been inadvertently left at the District 5 office. Therefore, he and Deputy Proctor delivered the jewelry to her at her mother's home located on [REDACTED] in Edgewater, FL. Sergeant Amendolare said when he arrived at Ms. Justice's location, she was observed to be crying hysterically. Sergeant Amendolare told her that she needed help [REDACTED]. (See Tab - J For Complete Transcript of Interview)

Claire Metz

On November 19, 2013, Investigator Gabriel conducted a sworn recorded interview with Claire Metz, a news reporter with WESH TV, Channel 2 News. This interview took place at the WESH TV studios in Daytona Beach. The following is a summary of the interview.

Ms. Metz has been employed by WESH 2 News since 1984. She has held the positions of both news anchor and news reporter. She is currently based in the Daytona Beach studios.

Ms. Metz was initially asked why she went to [REDACTED] New Smyrna Beach. She indicated that her superiors wanted her to follow up on the previous incident whereby Shauna Justice was disciplined for not properly supervising a trainee. Ms. Metz advised she looked up Shauna's address in the white pages and went to her residence in order to see if she would talk with her. Ms. Metz said she was accompanied by her cameraman William Breneman.

According to Ms. Metz, when she arrived at Ms. Justice's home she approached the front door by herself. She did not have a camera or a microphone with her. She indicated that there was an interior wooden door and an exterior storm door. As the interior door opened Ms. Metz observed a lady [Shauna Justice] to be standing there with her arm outstretched and aiming a handgun directly at her head. Ms. Justice repeatedly shouted to her, "Get the fuck off my property!" Ms. Justice then opened the storm door and continued to aim the gun at her. Ms. Metz stated that as she backed up toward the location of the WESH news van, she tried to verbally calm Ms. Justice down. Ms. Metz said the distance from the handgun to her head was approximately "one foot."

As Ms. Metz reached the WESH news van, she observed that Ms. Justice lowered the handgun to her side. Ms. Metz then observed her colleague, William Breneman take two photographs of Ms. Justice with the handgun in her hand. Ms. Metz and Mr. Breneman were in agreement that they should drive away from the area. Therefore, they drove to a location about a block away. At that time, Ms. Metz telephoned Gary Davidson, VCSO Public Information Officer and told him about the incident. He immediately told her he would send law enforcement to her location.

After the deputies arrived, interviews were conducted with Ms. Metz and all persons involved with the incident. The deputies then met with Ms. Metz and advised her they were considering either Baker Acting or arresting Ms. Justice. A short time later, Ms. Metz was informed that an arrest would be made. Ms. Metz indicated no matter what the outcome was, she wanted Ms. Justice to obtain help. (See Tab - F For Complete Transcript of Interview)

William Breneman

On November 19, 2013, Investigator Gabriel conducted a sworn recorded interview with Mr. Breneman. The location of the interview was the WESH TV studios in Daytona Beach. The following is a summary of the interview.

Mr. Breneman is currently employed as a photo journalist for WESH TV. He has been employed by this organization for over twenty-five (25) years. Mr. Breneman advised that he and his associate, Claire Metz went to [REDACTED], New Smyrna Beach in order to interview a telecommunicator who had been suspended for a previous work related incident. He said they drove to the residence utilizing a WESH TV company van. Prior to arrival they agreed that Ms. Metz would approach the residence alone without carrying a microphone or a camera.

Upon arrival, both Ms. Metz and Mr. Breneman exited the van. Ms. Metz then walked towards the front door. He remained at the exterior of the van and waited for Ms. Metz to "waive" him up with the camera. After Ms. Metz knocked on the front door, he observed Ms. Justice to step out and raise a black handgun. Ms. Justice pointed the handgun directly at the head of Ms. Metz. From his vantage point he observed that the distance between the gun and her head was no more than a couple feet. Mr. Breneman also heard Ms. Justice to say, "*Get the fuck off my property.*"

According to Mr. Breneman, he was positioned about thirty (30) to forty (40) feet from where Ms. Metz was standing. He heard Ms. Justice repeatedly say "*Get the fuck off my property.*" After approximately fifteen (15) seconds had elapsed Ms. Metz started to back up slowly. While Ms. Justice was still standing on the porch she continued to point the handgun at Ms. Metz. When Ms. Metz was approximately three quarters of the way back to the news van, Ms. Justice lowered the handgun to her side.

While standing next to the news van, Mr. Breneman took two (2) photographs of Ms. Justice armed with the handgun. As Ms. Metz reached the news van, Ms. Justice was observed to turn around and go back into the house. At this time, Ms. Metz placed a phone call to Gary Davidson. Mr. Breneman then suggested to Ms. Metz that they get into the WESH van and drive to a safer location. They drove to the intersection of Otter Blvd. and Jungle Rd., New Smyrna Beach. Mr. Breneman said he did not see any "No Trespass" signs posted on the property of [REDACTED] (*See Tab - G For Complete Transcript of Interview*)

On December 2, 2013, Investigator Gabriel telephoned Ms. Justice and informed her that a compact disc (CD) that contained all reports and transcripts pertaining to the Internal Investigation was available for her to review. Investigator Gabriel and Investigator Glen Bennett delivered the CD to Ms. Justice at her home at approximately 1600 hours. Investigator Gabriel told Ms. Justice during the drop off that she would be formally interviewed on December 5, 2013, at 0900 hours at the Volusia County Sheriff's administrative office located in DeLand, Florida.

On December 2, 2013, at approximately 1645 hours, Investigator Gabriel received a telephone call from Ms. Justice. She stated that she was at her attorney's office, and while on speaker phone, a man

who identified himself as Attorney Phil Peterson started to speak. He stated that Ms. Justice would not be coming in for an interview on December 5, 2013 at 0900 hrs. Mr. Peterson advised that as long as the criminal case was pending she would not be interviewed. Investigator Gabriel reiterated to Mr. Peterson that this was an *administrative investigation* and that his position regarding the investigation would be conveyed to the Volusia County Sheriff's Office administrative personnel.

On December 4, 2013, at 1518 hours, Investigator Gabriel and Sergeant Tatum delivered an amended Notice of Internal Investigation to Ms. Justice at her residence referenced by memorandum # 040M0079.13 and amendment to original memorandum #040M0076.13. The contents of the memorandum from Sheriff Johnson, directed Ms. Justice to appear for an appointment/interview at the Volusia County Sheriff's administrative office, 123 W. Indiana Ave., DeLand. The memorandum also indicated that Ms. Justice's failure to appear for the appointment would subject Ms. Justice to disciplinary action up to and including dismissal for insubordination. The memorandum further stated that if there were any schedule conflicts with her attorney to notify Investigator Gabriel immediately. After the delivery of the memorandum, Investigator Gabriel did not receive any notifications.

On December 5, 2013, at approximately 0915 hours, Ms. Justice appeared at the Volusia County Sheriff's administrative office. She immediately provided Investigator Gabriel and Lieutenant Eagan with a letter addressed to Sheriff Ben F. Johnson. The letter was dated December 4, 2013 and signed by Attorney Philip B. Peterson. The content of the letter requested that the administrative interview be postponed until there was a resolution with Ms. Justice's criminal charges. Lieutenant Eagan delivered the letter to Sheriff Johnson and also consulted with Deputy County Attorney Charles Hargrove. Sheriff Johnson ordered internal affairs investigators to proceed with Ms. Justice's administrative interview as scheduled. Mr. Hargrove contacted Ms. Justice's criminal attorney, Phil Peterson by phone. Mr. Peterson told Mr. Hargrove that he did not represent Ms. Justice regarding her administrative investigation, only her criminal case that is pending in Circuit Court. Mr. Hargrove told Mr. Peterson that Ms. Justice's statement to internal affairs investigators could not be used in her pending criminal case under the Garrity case law ruling. Mr. Hargrove explained to Mr. Peterson that if Ms. Justice refused to speak with investigators and answer their questions, the failure would be considered an act of insubordination and faced discipline, up to and including dismissal. Mr. Peterson told Mr. Hargrove he understood and thought the administrative interview was unprofessional since his client's case was still pending in court and she had not been formally charged.

On December 5, 2013 at approximately 1000 hours Investigator Gabriel and Lieutenant Eagan again met with Ms. Justice in the Sheriff's Office administrative lobby to see if she would proceed with the administrative interview. She was reluctant to proceed; therefore the differences between a criminal and an administrative investigation were thoroughly explained to her. She then agreed to the administrative interview.

Shauna Justice

On December 5, 2013 at 1016 hours Investigator Gabriel and Lieutenant Eagan conducted a sworn

recorded interview with Shauna Justice in the Internal Affairs interview room at the Volusia County administration building in DeLand.

Ms. Justice advised that she was currently employed as a telecommunicator with the Volusia County Sheriff's Office. She has held this position for approximately six and one half (6 ½) years. She was provided a copy of the Garrity Advisement of Rights Form which she read, signed and acknowledged that she understood. Investigator Gabriel also read the Garrity Advisement of Rights into the interview record.

Ms. Justice answered the initial questions that dealt with her residence, employment, and the existence of any trespass signs. However, when questioned about what her response was to the lady knocking on the door she replied, "*I don't wish to be insubordinate, but I'm not able to answer.*" She indicated that she was exercising her constitutional right to remain silent. At that time Lieutenant Eagan ordered Ms. Justice to answer the question. She was informed that failure to answer the questions would be viewed as insubordination. Lieutenant Eagan explained to Ms. Justice that she was being compelled to answer the questions. After a short pause, Ms. Justice stated, "*Let it be on record then that I resign my position at the Sheriff's Office.*" Investigator Gabriel and Lieutenant Eagan asked her if she had any further questions before concluding and she did not. She was then provided with the necessary paper to facilitate a resignation letter. After completion of Ms. Justice's resignation letter, Lieutenant Eagan delivered the letter to Sheriff Johnson, who accepted it. (*See Tab- M For Complete Transcript of Interview*)

CONCLUSION:

On December 17, 2013, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directives to be:

26.2.130 Commission of Felony - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. (*Violation subject to dismissal*) **Sustained**

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. **Sustained**

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Police Report and Supplements
- D. Advisement Administration of Oath/Perjury Warning/ Garrity Warning
- E. Official Transcript of Mr. Gary Davidson
- F. Official Transcript of Mrs. Claire Metz
- G. Official Transcript of Mr. William Breneman
- H. Official Transcript of Deputy Thomas Proctor
- I. Official Transcript of Sergeant Albert Perrotta
- J. Official Transcript of Sergeant Dominick Amendolare
- K. Official Transcript of Lieutenant Timothy Morgan
- L. Official Transcript of Captain Shane Summers
- M. Official Transcript of Shauna Justice
- N. Miscellaneous Documents
- O. Digital Media

WITNESSES:

**PIO Gary Davidson
Volusia County Sheriff's Office
386-736-5961**

**Claire Metz
WESH 2 News
211 N. Ridgewood Ave.
Daytona Beach, FL.
386-214-1591**

**William Breneman
WESH 2 News
211 N. Ridgewood Ave.
Daytona Beach, FL.
386-689-1381**

**Deputy Thomas Proctor
Volusia County Sheriff's Office
386-423-3301**

**Sergeant Albert Perrotta
Volusia County Sheriff's Office
386-423-3301**

**Sergeant Dominick Amendolare
Volusia County Sheriff's Office
386-423-3301**

**Lieutenant Timothy Morgan
Volusia County Sheriff's Office
386-423-3301**

**Captain Shane Summers
Volusia County Sheriff's Office
386-423-3301**

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: James Gabriel DATE: 12/17/13
Investigator James Gabriel
Internal Affairs Investigator

APPROVED BY: M. S. Coffin DATE: 12/17/13
Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA