

**ORANGE COUNTY CORRECTIONS DEPARTMENT  
INTERNAL AFFAIRS UNIT  
ADMINISTRATIVE INVESTIGATION IV 2018-091**

**Primary Investigator: Justin Key  
Secondary Investigator: Adrian Hill**

**Correctional Officer Lisa Rembert  
Correctional Officer Shawn Kelly  
Correctional Officer Bobby McDonald  
Correctional Officer Joseph Rice  
Correctional Officer Juan Perez**

**Inmate Fraternalization**

**BASIS OF INVESTIGATION:**

On May 25, 2018, the Internal Affairs Unit received a request for investigation from Major William R. Powell, Security Operations Division, which indicated that on May 14, 2018, an incident occurred in Main-4A where contraband was discovered inside of a secured staff locker. In addition to the contraband discovered, written statements were provided by inmate Diaz, Matthew (17032597) and inmate Robinson, William (17010259) that alleged that Correctional Officers Lisa Rembert, Shawn Kelly, Bobby McDonald, Joseph Rice, and Juan Perez violated departmental policy.

Chief of Corrections Cornita A. Riley approved the request on May 17, 2018, authorizing the Internal Affairs Unit to initiate the investigation.

This investigation was initiated to determine if Correctional Officers Lisa Rembert, Shawn Kelly, Bobby McDonald, Joseph Rice, and Juan Perez or any other staff violated Orange County Corrections Department Administrative Orders, Department Standard Operating Procedures, Post Orders, and/or Orange County Policy Manual & Operational Regulations. Any act, omission, or other allegation of misconduct sustained during the course of the investigation shall be clearly and sufficiently detailed such as to allow the employee to ascertain the charges made against him/her. This investigation was concluded on October 31, 2018.

**Note:** This investigation was tolled from August 30, 2018, until September 19, 2018, and again from September 21, 2018, until October 15, 2018, due to the unavailability of subject officer Lisa Rembert.

*\*The following are general summations from interviews and written documents. Please refer to the specific transcription (if provided), audio, or document for specific/expounded details. The summations are arranged according to content and not necessarily in the order indicated in the source audio, transcripts, and/or documents.*

## **MATERIAL EVIDENCE:**

### **GTL/ Inmate Phone System**

A query was conducted into inmate Robert Potchen's (16023422) GTL account for the dates of April 01, 2018, through October 16, 2018, in search of actionable intelligence to link the subject officers or any other staff member to inmate Potchen. During that time, inmate Potchen made eight hundred and seventy-seven (877) phone calls. During the same time period, inmate Potchen made five hundred and ninety-four (594) phone calls to the phone number [REDACTED]

On April 27, 2018, the first successful phone call was completed to the phone number [REDACTED], at 1400 hours, and a female answered the phone. Inmate Potchen addressed the caller as Crystal, at first. On April 27, 2018, at 2312 hours, inmate Potchen began to address the caller as Leslie.

On April 28, 2018, at 0936 hours, inmate Potchen and the female caller discussed the possibility of her visiting inmate Potchen's personal residence. The female caller questioned inmate Potchen if she should bring her "special ID" with her. On April 28, 2018, at 0959 hours, inmate Potchen provided his social security number to the female caller.

On April 29, 2018, at 0819 hours, the female caller stated that she would contact inmate Potchen's criminal defense lawyer and would research criminal attorneys for him in case he wanted like to change lawyers.

On May 01, 2018, at 1057 hours, inmate Potchen provided the female caller with the name Mark Koons and phone number [REDACTED]. Inmate Potchen also instructed the female caller to put international capabilities on her phone. Mark Koons (DOC#V41368) was under the supervision of the Department of Corrections at that time. Later, at 1150 hours the female caller was heard at the mobile phone store turning on the international capabilities on the cellular phone. Inmate Potchen provided the female caller with the country code 044, which allowed the caller to call the United Kingdom. The phone number [REDACTED] [REDACTED] belonged to inmate Potchen's business partner, Steve Purham. On May 01, at 1341 hours, inmate Potchen instructed his business partner to transfer a few Quid into the female caller's bank account. Inmate Potchen informed the female caller that a few Quid meant \$300,000.

On May 02, 2018, at 1603 hours, the female caller made reference to now having Power of Attorney over inmate Potchen. Also, the female caller informed inmate Potchen that because she was having trouble gaining access to his residence and, since she was the new property manager, she utilized a police escort to evict the current residents.

The Internal Affairs Unit contacted the Winter Springs Police Department and was provided with event number 20181191528. The event narrative indicated that on April 29, 2018, Lisa Rembert (Property Manager) requested an escort to 530 Julie Lane to

provide a notice to the current tenant. The event report listed Lisa Rembert's phone number as [REDACTED] and listed the license plate to Lisa Rembert's vehicle as [REDACTED]

On May 12, 2018, at 1216 hours, while explaining to the female caller why he was relocated to a different dorm, inmate Potchen informed her he got rid of his pen and the charger.

On June 25, 2018, at 1400 hours, inmate Potchen informed the female caller his business partner should have the money for her by the upcoming Friday. Also, the female caller informed inmate Potchen that the resident who was staying at his property no longer lived there.

On June 26, 2018, at 1246 hours, inmate Potchen informed the female caller that he received two letters from her dated May 25 and June 14.

On June 27, 2018, at 1543 hours, inmate Potchen informed the female caller that his business partner was once again supposed to deposit \$300,000 into her account. During the phone call at 1559 hours, inmate Potchen told the female caller to go and buy herself a new Dodge Ram once the money was delivered.

On June 28, 2018, at 1315 hours, inmate Potchen called the company in charge of running the gate that allows access to the neighborhood where his residence is located and instructed them to put his name back into the directory and to use the phone number [REDACTED]. Later in the day, at 1322 hours, the female caller informed inmate Potchen that so far she had spent \$12,300 on renovations to his residence. The female caller informed inmate Potchen she had the paperwork on her person signifying she was the new property manager.

On July 02, 2018, at 0931 hours, inmate Potchen informed the female caller he sent out letter #16 to her the night prior. Also, while logged into inmate Potchen's personal email account, the female caller informed him that Linda Ruthlege, who was a volunteer in Main-4A, sent an email notifying him that her volunteer rights had been revoked because she had visited him through video visitation. Inmate Potchen instructed the female caller to email Linda Ruthlege back for him.

On July 06, 2018, at 1340 hours, the female caller informed inmate Potchen that she had spoken to his business partner and that he informed her all of the money and gold inmate Potchen had left with him was gone.

On July 07, 2018, at 1301 hours, inmate Potchen informed Mark Koons to no longer accept phone calls from his property manager. Later in the day, inmate Potchen and the female caller discussed Quit Claim deeds involving his residence. Also, during the phone call at 1339 hours, inmate Potchen called the female caller Ashley. This was the name that inmate Potchen referred to for the entirety of the remaining phone calls. Lastly, during a phone call at 2247 hours, Ashley instructed inmate Potchen to write the name on the Quit Claim deed in pencil so that the name could be changed after he got it

notarized. Inmate Potchen informed Ashley he did not have a pencil and she instructed him just to leave it blank and she would fill in the name at a later date.

On July 12, 2018, at 1523 hours, inmate Potchen informed his brother, Dave Potchen, that the password inmate Potchen used was his \_\_\_\_\_ followed by the numbers \_\_\_\_\_. Later, during a phone call at 1558 hours, inmate Potchen informed Ashley that he put his daughter, Heather, on the Quit Claim deed. Ashley became agitated and questioned inmate Potchen why he did not use one of the names she instructed him to use.

On July 17, 2018, at 2045 hours, Ashley agreed to send Mark Koons a text for inmate Potchen and informed inmate Potchen that all of her funds were gone and that she would not do any further renovations to his residence.

On July 19, 2018, at 0927 hours, Ashley informed inmate Potchen that she possibly found a new tenant for his residence.

On July 20, 2018, at 1523 hours, inmate Potchen gave Ashley the phone numbers to contact his brother, Dave, and daughter, Heather.

On July 21, 2018, at 1614 hours, Ashley instructed inmate Potchen to write her an "I Owe You" and to leave the dollar amount blank so she could fill it in at a later date. Inmate Potchen stated that he would make it payable for thirty (30) days after his release. Later in the day, at 1901 hours, inmate Potchen informed Ashley that he wrote her a Performance Bond Promissory Note for \$77,000. Ashley instructed inmate Potchen to not mention any numbers.

On July 25, 2018, at 0930 hours, Ashley informed inmate Potchen that she spoke to his brother about someone having interest in purchasing inmate Potchen's residence.

On July 31, 2018, at 1136 hours, inmate Potchen and Ashley discussed items hidden around his residence that were worth a significant amount of money. Inmate Potchen informed Ashley that if certain items were still located at his residence they could be sold for tens of thousands of dollars.

On August 01, 2018, at 0820 hours, Ashley informed inmate Potchen that she was unable to locate any of the items he informed her of in his residence.

On August 05, 2018, at 1414 hours, Ashley informed inmate Potchen that the ultimatum time had arrived and she now needed to make a decision. Later in the phone call, inmate Potchen referenced a letter he wrote her when he asked her to lend him some money. Later, during the day, in the 1430 hour phone call, Ashley stated that she needed to change her phone number from \_\_\_\_\_ to a different number because a random inmate called her.

On August 17, 2018, at 0854 hours, inmate Potchen informed Ashley he believed Officer McDonald was fired because the phone that was found looked like the phone he

brought in with him when staff were permitted to bring in electronic devices to stay in contact with family members during the hurricane. Inmate Potchen stated that Officer McDonald must have left the phone in his locker and never took the phone home.

On October 11, 2018, at 0928 hours, inmate Potchen instructed Mark Koons to make a three-way call with Ashley so he could leave her a message. Ashley answered the phone and inmate Potchen informed her company came and visited him the day prior and, based on what was said, everything had been put to bed. Inmate Potchen informed Ashley she had broken his heart and he would not call back until after next week because the "magic day" would have passed by then.

## Winter Springs Police Event Report

Event Report						
Event Number: 20181191528	Event Type: 28IR	Current Status: CLEARED				
<b>ANI/ALI:</b> Connection: 04/29/2018 14:38:44 Created: 04/29/2018 14:39:55 Dispatched: 04/29/2018 14:41:14 Enrouted: 04/29/2018 14:41:17 Arrived: 04/29/2018 14:47:55 Cleared: 04/29/2018 15:09:13						
By: sbrana By: jklepin Primary Unit: W100 Comments:						
On Terminal: WS01 On Terminal: WS02						
<b>Location:</b> 530 JULIE LN <b>Dom Nbr:</b> <b>Business/Sub Division:</b> <b>Caller Name:</b> LISA REMBERT/PROPERTY MANAGER <b>Phone:</b> [REDACTED] <b>Phone2:</b> <b>Caller Location:</b> <b>Tag Number - State:</b> - <b>Municipality:</b> WS <b>Nearest Intersection:</b> <b>Call Source:</b> TEL <b>Priority:</b> 3 <b>Agency:</b> WSP <b>Region:</b> W <b>CSA:</b> WF16 <b>Alt Agency:</b> <b>Alt Zone:</b> <b>Final Event Type:</b> 28IR <b>Case Nbrs:</b> <b>Assigned Units/Status:</b> Flannigan, James-W100-CL <b>Disposition Codes:</b> V						
<b>History</b>						
Crtid	DateTime	TermId	Empld	Radioid	CmdId	Remarks
04/29/2018	15:09:13	7958	F34326	W100	CL	
04/29/2018	15:09:13	7958	F34326	W100	EVM	jflannigan
04/29/2018	15:09:09	7958	F34326	W100	REM	[REDACTED]
04/29/2018	14:47:55	7958	F34326	W100	ARV	
04/29/2018	14:47:55	7958	F34326	W100	EVM	jflannigan
04/29/2018	14:42:07	WS01	B14391	W840	EVM	sbrana
04/29/2018	14:41:34	WS02	K85550	W820	REM	DELAYED DISP REF L OC
04/29/2018	14:41:21	WS01	B14391	W840	EVM	sbrana
04/29/2018	14:41:17	WS01	B14391	W840	REM	DRIVING TIME FROM WSPD LOBBY IN A RED LANCER
04/29/2018	14:41:17	7958	F34326	W100	ENR	
04/29/2018	14:41:14	WS02	K85550	W100	DIS	
04/29/2018	14:41:05	WS01	B14391	W840	REM	COMPL WILL 56 OFF OF BIRD
04/29/2018	14:39:55	WS01	B14391	W840	REM	COMPL NEEDS TO POST A NOTICE TO THE TENANT AND IS REQ AN ESCORT TO THE LOCATION
04/29/2018	14:39:55	WS01	B14391	W840	EVA	sbrana

Printed Date and Time  
6/28/2018 14:05:36

On April 29, 2018, Officer Rembert contacted the Winter Springs Police Department (WSPD) to request assistance gaining access to inmate Potchen's residence located at 530 Julie Lane, Winter Springs, FL 32708. Officer Rembert informed the WSPD she was the property manager and needed to provide the current tenant at the residence a notice. Officer Rembert provided to the WSPD the phone number [REDACTED] and license plate number [REDACTED]. Both the phone number and license plate were linked to Officer Rembert.

### **Staff Email Accounts and U: Drive**

Officers Rembert's, Rice's, Kelly's, McDonald's, and Perez's Orange County email accounts, to include incoming, outgoing, and deleted emails, were reviewed for the dates March 01, 2017, through May 23, 2018. In addition, the above named officers' Orange County U: drives were reviewed in search of additional documents linked to inmate Potchen.

During the time period for emails reviewed, each officer had at least one email in their Orange County email accounts which could be linked to inmate Potchen. The password [REDACTED] which was discovered on a writing pad in inmate Potchen's property, was used to open multiple documents in each officer's email.

Located in Officer Kelly's email account and/or U: drive were multiple documents pertaining to removing a student loan debt from Everest University. Inmate Potchen verbally testified that he either dictated to Officer Kelly what needed to be written or explained to him the next step in the process. In addition, multiple documents with inmate Potchen's security password were discovered. For example, legal motions for inmate Potchen and inmate Patterson were discovered, as well as an Excel sheet titled "Home Expenses", with inmate Potchen's name and address listed. Officer Kelly also forwarded multiple photos of inmate Potchen's residence to Officer Rembert's email account.

Located in Officer McDonald's email account and/or U: drive were multiple documents pertaining to a [REDACTED]. Inmate Potchen testified that he had assisted Officer McDonald with questions pertaining to a [REDACTED] and had dictated some of the documents. Officer McDonald also had some of the same documents that were password protected. In addition, located in Officer McDonald's U: drive was a document pertaining to Officer Perez's mortgage. Inmate Potchen verbally testified that he wrote the document pertaining to Officer Perez's mortgage.

Located in Officer Rembert's email account and/or U: drive were multiple documents which could be linked back to inmate Potchen. In addition to the motions being sent from one subject officer to another, Officer Rembert had multiple password protected documents addressed to Leslie and referencing inmate Potchen. Leslie Sweet is the name of one of inmate Potchen's criminal defense lawyers he used during his current incarceration. In addition to all of the documents pertaining to inmate Potchen, Officer Rembert had fourteen (14) Microsoft Excel video games located in a folder labeled JTO.

Located in Officer Rice's email account and/or U: drive were multiple documents which could be linked back to inmate Potchen that were password protected, including the email titled "Final Homework". Officer Rice also had an email which contained inmate Potchen's personal address, email, and phone number. Officer Rice had multiple emails relating to Officer Rembert. Located in Officer Rice's email account was Officer Rembert's BZA application, as well as documentation pertaining to the property manager for inmate Potchen's residence and paperwork to have the former tenant evicted from the property.

Officer Perez did not have any password protected documents located in either his email account or U: Drive. Officer Perez did, however, have a document related to his mortgage, a motion that was being sent around each other subject officers' email accounts, and the legal court case "New York v. Quarles, (1984)" for reference.

### **Inmate Robert Potchen's Mail**

On May 23, 2018, a request was sent to the Orange County Corrections Department mail room to track when inmate Potchen received mail so it could be reviewed. A letter was received from Ashley Potchen from P.O. Box [REDACTED], post marked May 22, 2018. The letter contained in the envelope was written in German but Google Translate was used to decipher the message. After the letter was translated into English, the letter loosely described that Ashley had been to inmate Potchen's residence, that she had had a repairman inspect both air conditioning units located on the property, and that she was going shopping for materials.

A total of seven (7) letters were received from Ashley Potchen. A letter dated July 24, 2018, was sent from inmate Potchen and addressed to Bob Potchen, 530 Julie Lane. The letter was returned to the Orange County Jail because the residence for which the letter was addressed was vacant. The letter contained inside was started with "My Love." The phone call made between inmate Potchen and Ashley on August 05, 2018, at 1414 hours, referenced this letter in regards to inmate Potchen asking to borrow money from Ashley.

In addition to the letters received from Ashley Potchen, one (1) letter was received from former religious volunteer Linda Ruthlege.

### **Inmate Robert Potchen's Property Search**

Inmate Potchen was relocated from Main-4A to Main-6D on May 11, 2018. Also, on May 11, 2018, after being searched for contraband by security staff members, the bulk of inmate Potchen's property was relocated to the property room located in the Booking and Release Center (BRC). After inmate Potchen's property was relocated the Internal Affairs Unit conducted a search of inmate Potchen's property for any actionable intelligence which could be linked to the subject officers. Located in inmate Potchen's property was a yellow 8 inch by 5 inch writing pad which contained inmate Potchen's personal email accounts and the password [REDACTED]. The password [REDACTED] was

the password which was used to access the password protected documents in the staff members' email accounts.

Also discovered in inmate Potchen's property were five (5) copies of letters addressed to Ashley. In a letter from Ashley Potchen she made mention to reading the six (6) letters inmate Potchen had already sent her.

While in the BRC property room, a search was conducted on inmate Potchen's monetary account for the dates of August 16, 2016, until May 14, 2018. None of the names provided with the monetary deposits into inmate Potchen's account could be linked to any of the subject officers.

### **Daily Shift Reports (DSR)** [REDACTED]

The [REDACTED] and DSR reports were reviewed for Main-4A for the dates of April 30, 2018, until May 14, 2018. Inmate Potchen was relocated from Main-4A on May 11, 2018.

There was video evidence of Officers Rembert, Rice, Kelly, and McDonald spending a significant amount of time in the officer station with inmate Potchen.

On May 04, 2018, at 0637 hours, Officer McDonald was observed raising an object to his facial area and, after a few seconds, blow out smoke from his mouth. It appeared that Officer McDonald repeated this motion four (4) times in the matter of three (3) minutes. Officer McDonald appeared to repeat this motion multiple times throughout the day. Inmate Potchen can be observed entering the officer station at 1245 hours and sitting with Officer McDonald until 1327 hours when lunch arrived to Main-4A. During that time period, inmate Potchen did exit the officer station periodically as it appeared that Officer McDonald would instruct him to do something and once the task was completed he would return. Also, Officer McDonald utilized his e-cigarette while inmate Potchen was in the officer station with him. This pattern was consistent the entirety of the shift.

On May 05, 2018, inmate Potchen was seen in the officer station with Officer Rembert from 2235 hours until 2319 hours. Inmate Potchen was observed leaving the station momentarily during that period of time but returned to his seat after he reentered. Also on May 05, 2018, inmate Potchen was observed sitting in the officer station with Officer Rembert from 0200 hours until 0235 hours when Officer Rembert got up to do her visual inspection. Inmate Potchen returned to the officer station and sat back down as soon as Officer Rembert returned. This pattern continued for the remainder of the night. At 0555 hours, the light in the officer station was on and Officer Rembert was observed sitting at the desk with a document in her hand and inmate Potchen was observed standing and reviewing the document and/or computer screen.

On May 06, 2018, inmate Potchen was observed in the officer station with Officer Rice from 1920 hours until 2000 hours, where both Officer Rice and inmate Potchen leave so Officer Rice could conduct his visual inspection. Officer Rembert entered the officer



station at 2024 hours to relieve Officer Rice. Inmate Potchen returned to the officer station at 2024 hours and stayed until 2036 hours and again from 2050 hours until 2107 hours. Officer Rice returned from his break at 2103 hours and Officers Rice and Rembert, with inmate Potchen, could be seen in the officer station at this time. Inmate Potchen was observed gathering papers from the printer during these times. Inmate Potchen returned to the officer station at 2110 hours after the completion of the visual inspection conducted by Officers Rice and Rembert. Officer Rembert exited Main-4A at 2110 hours and inmate Potchen was observed staying in the officer station with Officer Rice until the next visual inspection at 2202 hours. This pattern continued until lockdown at midnight; however, inmate Potchen reentered the officer station at 0228 hours.

On May 10, 2018, while Officer Kelly was on duty, inmate Potchen was observed entering the officer station at 1952 hours and sitting in one of the chairs. Inmate Potchen and Officer Kelly appeared to be sitting near the computer until 2002 hours when Officer Kelly got up to do his visual inspection. At 2004 hours, inmate Potchen returned to the officer station and sat in the chair he was sitting in prior. Inmate Potchen and Officer Kelly were only in the officer station momentarily before Officer Kelly was summoned to the day room. At 2007 hours, inmate Potchen followed Officer Kelly back into the officer station where they continued to sit at the officer's desk and appeared to be looking at the computer. Officer Kelly and inmate Potchen remained seated at the officer's desk until 2040 hours. At 2056 hours, inmate Potchen followed Officer Kelly back into the officer station where they continued to sit at the officer desk. This routine carried on into the night and after lockdown as inmate Potchen was observed sitting with Officer Kelly at 0100 hours when Officer Kelly exited the officer station to conduct a visual inspection.

No security video was reviewed that showed Officer Perez and inmate Potchen in the officer station together.

## **Social Media**

A query of multiple social media accounts and open source intelligence sources were utilized in search of a history between inmate Potchen and Officers Rembert, Kelly, Rice, McDonald, and Perez. A query of Snapchat, Twitter, and Instagram did not provide any actionable intelligence.

A query of Facebook provided Officer McDonald's account located at [REDACTED], Officer Kelly's account located at [REDACTED], Officer Perez' accounts located at [REDACTED] and [REDACTED], and inmate Potchen's account located at [REDACTED]. No actionable intelligence was discovered to show any relationship between any subject officer and inmate Potchen through social media.

## **SYNOPSIS OF WRITTEN TESTIMONY:**

### **Matthew Diaz (17032597)**

To my understanding all rules and regulations pertain to all inmates in the Orange County Jail. I believe we should all be treated equally and no one should be given any special privileges. Last night and on many nights inmate Robert Potchen is allowed to the back area where the correction officers work at. He is back there all night working on the computer doing "Law Work." Any time Officer Kelly, Officer Rembert, Officer Rice or Officer McDonald are on shift, Potchen is allowed to work on the computer. He never attends any of the church services although all inmates in the Christian Dorm are required to attend all services. If you review the video footage you can see inmate Potchen in the back area at all times of the night. You can ask other inmates if you need more people to attest the statements made. He also uses the microwave. Thank you for your time and consideration. One last thing Officer McDonald smokes on a vapor in the back area.

### **William Robinson (170110259)**

I was in 4-A on 5/5/2018 and 5/6/2018 when I saw McDonald let inmate Potchen inside the room and inmate Potchen on the computer and McDonald let inmate Potchen on the computer any time he need it. Also, inmate Potchen is known to get the officers to give him anything he need to work on his case. Also, Officer Perez also works 4-A time to time and he also let inmate Potchen use the computer to do his law work and also Officer McDonald let inmate Potchen smoke his e-cig.

But Officer Rembert and inmate Potchen is in a relationship. Every time she work up there her and inmate Potchen be inside the room that the officer work in she be back and he be on the computer they be back in the room all night with the lights off she between his leg I think they be kissing but I can't really say at this time.

And Officer Rice let inmate Potchen use the computer when he work 4-A on 5-6-2018 Officer Rice was in the room where the officer work with inmate Potchen in Potchen was using the computer and the officer was sleep.

### **Correctional Officer Robert Morrison**

On May 14, 2018 at 0625 hrs I Officer Morrison was the housing officer of Main 4A. I was approached by Corporal Felton and Sergeant Rosa. They asked me where the 4A lockers were located. I escorted them through the east crossover to storage room [REDACTED] At that time, Sergeant Rosa used an unknown key to open locker [REDACTED] I witnessed him find the following: duty belt, headphones, usb charger, e-cigarette, cellphone, and a cellphone battery.

## **Correctional Corporal Damien Felton**

On May 14, 2018, after Big briefing concluded, Sgt. Rosa informed Officer McDonald, He is being placed on (no inmate contact) and to report to the command center until further notice. While heading to the command center, Officer McDonald Informed Sgt. Rosa, he needed to go get his duty belt out of a locker located on the fourth floor (Main 4A- east side corridor).

Sgt. Rosa advised Officer McDonald, it would not be possible for him to go to the fourth floor due to the no inmate contact status, but he would retrieve the belt for him. Officer McDonald gave Sgt. Rosa a key to open the locker and we proceeded to Main 4A. Once we arrived to Main 4A, I asked Officer Morrison if he knew where the lockers were. He guided us out to the East Side crossover area and Opened room # [REDACTED] We entered the room and saw several lockers with pad locks on them in the room.

Sgt. Rosa used the Key Officer McDonald gave him to open a blue locker [REDACTED] located at the back of the room on the bottom right corner. In the locker, we discovered several items to Include: 1 Cell Phone W/ an extra battery, 2 electronic vaporizers with charges, and 3 earplug headphones. All items were secured by Sgt. Rosa and handed over to Lt. Rowley for further investigation.

## **Correctional Sergeant Edgar Rosa**

On May 14, 2018 at approximately 0610 hours, after conducting main briefing I instructed Officer McDonald that he was placed on no inmate contact and must report to the command center as instructed by Lt. Rowley. Officer McDonald then stated to me that he needed to get his duty belt from a Main 4-A locker. I explained to him that he was not able to enter the back building and I would retrieve his belt for him. Officer McDonald then gave me a key to the locker that was located inside of room [REDACTED] on the east side crossover. Cpl. Felton and I proceeded towards 4-A. Once in 4-A, I advised Officer Morrison to open the crossover door and let us into the room. I opened the blue locker [REDACTED] with the key provided by Officer McDonald.

Once I opened the locker I immediately observed headphones, drinks and usb chargers hanging from hooks. I also observed several magazines and drinks as well. Due to this locker not being an assigned locker, I began to remove all items from this locker. As I began to remove the magazines, a cell phone (black) with an extra battery fell from one of the magazines. I continued to look through the locker and remove all items. During the removal of these items I also found 2 vaping mods (1 silver and 1 green, yellow and red) a vaping tank full of vaping liquid, 2 usb's and 3 headphones with capabilities to connect to the phone. I gathered all the items and notified Lt. Rowley of my findings. Items were placed in evidence bags and sealed by me. An OP-82 was also completed. These items were turned over to Sgt. Schwarzman to have them placed and secured in the appropriate manner and to maintain chain of custody.

## **SYNOPSIS OF SWORN TESTIMONY:**

**William Robinson (17010259)**

**Complainant**

Inmate Robinson was interviewed on May 25, 2018, at approximately 1513 hours, at the Orange County Corrections Department Main Facility in Orlando, FL. Inmate Robinson stated he was currently housed in Main-4A. Inmate Robinson explained he had been housed in Main-4A since January of 2018.

Inmate Robinson was shown the complaint form provided and he verbally acknowledged it was his. Inmate Robinson identified Officers Shawn Kelly, Bobby McDonald, Lisa Rembert, Joseph Rice, and inmate Robert Potchen (16023422) by looking at photographs of each. Inmate Robinson was shown a photograph of the contraband discovered in Officer McDonald's locker located in Main-4A. Inmate Robinson identified both e-cigarettes, the headphones, the charger, and the earplugs as the items he had observed in use in Main-4A. Inmate Robinson explained that he had never observed the phone or battery pack before. Inmate Robinson explained he had observed Officer McDonald using the e-cigarettes in the past and had also observed him refill the e-cigarette utilizing a small clear bottle with a brownish liquid, which was not in the picture. Inmate Robinson stated he has never observed any other officer utilize the e-cigarette.

Inmate Robinson stated he first began to notice that on certain shifts inmate Potchen never attended church. Inmate Robinson also stated he observed inmate Potchen during Officer McDonald's shift utilizing the computer by himself, smoking the e-cigarette, and eating outside food, and that other officers would come to the dorm during the day to speak with inmate Potchen.

Inmate Robinson testified that Officer Perez would also allow inmate Potchen to utilize the computer on this shift. Inmate Robinson explained that he observed Officer Perez bring in paperwork for inmate Potchen to review for him and give his opinion. He stated that at the end of the shift Officer Perez would collect the paperwork. Inmate Robinson stated that Officer Rembert had also given inmate Potchen paperwork to evaluate and explained Officer Rembert was interested in houses. Inmate Robinson explained he had not observed Officer Perez give inmate Potchen food that he brought in but would give him extra trays and allow him to sit in the cage with him on days he worked.

Inmate Robinson explained that on Officer Kelly's shift Officer Rembert would frequent the dorm. Inmate Robinson stated that he observed inmate Potchen give Officer Rembert a foot massage through her shoes and that they would always sit close to one another. Inmate Robinson explained that when he wrote he observed inmate Potchen and Officer Rembert kissing he actually observed them nose to nose. He stated that the rumor was that inmate Potchen was going to "take care" of Officer Rembert once he was released from the jail. Inmate Robinson testified that Officer Rembert would bring inmate Potchen food every night and if she was assigned to the dorm for the night inmate Potchen would sit in the cage all night with her until shift change.

Inmate Robinson testified that Officer Rice would also allow inmate Potchen to utilize the computer on this shift. Inmate Robinson stated that Officer Rice did not give inmate Potchen anything else.

Inmate Robinson stated that he had not been close enough to the computer to observe what inmate Potchen was doing when he was able to utilize it.

Inmate Robinson stated he had observed all of the officers he mentioned leave inmate Potchen in the cage unattended but had never observed inmate Potchen utilize the officers' telephone.

Inmate Robinson testified that he believed that inmate Potchen was promising the officers money in exchange for the benefits he received.

Inmate Robinson explained that inmate Potchen became a law clerk while he was in prison.

**Matthew Diaz (17032597)**

**Complainant**

Inmate Diaz was interviewed on June 14, 2018, at approximately 1155 hours, at the Orange County Corrections Department Main Facility in Orlando, FL. Inmate Diaz stated he was currently housed in Main-4A. Inmate Diaz explained he had been housed in Main-4A for approximately three weeks.

Inmate Diaz stated he did not have an issue with inmate Potchen but did have an issue with Officers Kelly, McDonald, Rice, and Rembert, who allowed him to use the computer. Inmate Diaz testified he had not had any issues with any of the officers he named in his written statement.

Inmate Diaz testified he observed inmate Potchen use the computer approximately three times a week, all while at night. Inmate Diaz explained he was unable to observe what exactly inmate Potchen was doing on the computer or if he physically touched the keyboard. He stated that if anyone questioned inmate Potchen as to what he was doing inmate Potchen would say he was doing his legal work. Inmate Diaz stated that to the best of his knowledge inmate Potchen was representing himself.

Inmate Diaz stated that during the day shift inmate Potchen would always be in the cage with the officer. Inmate Diaz stated that he observed inmate Potchen utilize the officers' microwave and eat Chinese food that was brought in from outside of the jail.

Inmate Diaz stated that he never observed Officer Perez allow inmate Potchen to use the computer. Inmate Diaz testified that Officer Perez approached him after inmate Potchen was relocated to a different housing unit and questioned him if he had realized what he (Diaz) had done. Inmate Diaz stated that Officer Perez claimed that inmate Potchen was helping a lot of the other inmates in the dorm and that Inmate Diaz should be careful in case someone came after him.

Inmate Diaz testified that he observed Officer McDonald utilizing an e-cigarette every shift that he worked. Inmate Diaz stated that Officer McDonald left the e-cigarette on his desk when in use but was unaware of where he stored it. Inmate Diaz stated that he did not observe inmate Potchen utilize the e-cigarette. Inmate Diaz stated that he did not observe any other inmate utilize the e-cigarette or gain any other privilege.

Inmate Diaz explained that one of the rumors going around was that inmate Potchen was paying the officers to utilize the computer but there was no monetary amount being spread.

Inmate Diaz explained that inmate Potchen and the officers named all seemed to be very comfortable with one another and there was a rumor that inmate Potchen and Officer Rembert were in an intimate relationship, although he did not witness anything firsthand to prove that. Inmate Diaz stated that another inmate informed him inmate Potchen would give Officer Rembert massages at night.

Inmate Diaz explained that it was very odd for an inmate to be in the cage with an officer all night long when all other inmates are ordered to go to bed at 10:30 P.M. Inmate Diaz stated that inmate Potchen and the officers were discrete and he was unable to hear what they discussed.

Inmate Diaz stated that all the officers mentioned never made inmate Potchen go church services, that they allowed inmate Potchen to utilize the computer, and that all officers except for Officer McDonald brought inmate Potchen outside food. Inmate Diaz was unaware if any of the officers printed any documents for inmate Potchen.

Inmate Diaz testified he never had any issues with inmate Potchen and only spoke with him a few times. Inmate Diaz explained that inmate Potchen seemed to be very educated.

Inmate Diaz stated that he had never observed any officer utilizing a cell phone.

**Correctional Officer Terry Ellis**

**Witness**

Officer Ellis was interviewed on July 09, 2018, at approximately 1114 hours, at the Internal Affairs office located at 2450 W 33rd St. in Orlando, FL. Officer Ellis stated he was currently assigned to Main D-Building on A-1.

Officer Ellis stated he did not communicate with Officer McDonald very often. Officer Ellis stated he had communicated with Officer Perez and had spoken with him since he retired. Officer Ellis stated he spoke with Officer Kelly from time to time and had spoken to him outside of work. Officer Ellis stated he knew Officer Rembert from when they worked at the juvenile detention center together but that if they saw each other they only exchanged hellos and talked about former coworkers. Officer Ellis stated he did not know Officer Rice.

Officer Ellis testified that the rumor he had heard about the situation was that Officer Perez had his taxes done by inmate Potchen. Another rumor was that one of the officers (she) was sitting on inmate Potchen's lap. Thirdly, Officer McDonald was utilizing an e-cigarette and allowing inmate Potchen to utilize the officer computer.

Officer Ellis testified that Officer Kelly sent him the documentation pertaining to removing student loan debt from Everest University. Officer Ellis explained that Everest University closed sometime in 2017 and the paperwork Officer Kelly sent him could allegedly help remove the student loans from his debts. Officer Ellis testified that Officer Kelly never explained to him how he learned how to do this. Officer Ellis stated that Officer Kelly's girlfriend was also going through the same financial situation with Everest University. Officer Ellis stated that DSO Hunter (Phoenix B-1) informed him about Officer Kelly and his girlfriend and suggested he talk to him about his situation. Officer Ellis explained that Officer Kelly sent him the email roughly within a week of them discussing it during pass on one morning. Officer Ellis stated that he was unaware if Officer Kelly ever submitted the documents he viewed. Officer Ellis stated that he had not spoken with Officer Kelly since his resignation.

Officer Ellis testified that he believed some of the rumors regarding inmate Potchen and the subject officers could be true.

Officer Ellis testified that he could sense a change in Officer Perez before he retired, explaining that Officer Perez had become much more lenient when dealing with certain inmates than he had in years past.

**Correctional Corporal Omar Torres**

**Witness**

Cpl. Torres was interviewed on July 10, 2018, at approximately 2232 hours, at the Orange County Corrections Department Administrative Building in Orlando, FL. Cpl. Torres stated he was currently assigned to Main E-Building on B-1.

Cpl. Torres explained that he had limited dealings with Officers McDonald, Perez, Rice, and Rembert. He stated that he did work the floor with Officer Kelly prior to being promoted and had conversations with him in the past.

Cpl. Torres explained that the extent of the rumors he heard was that someone dropped a "kite" notifying management that someone was bringing contraband into the secured facility. Also, a rumor was being spread about Officer McDonald getting his taxes done.

Cpl. Torres testified that Officer Kelly emailed him the documents to get out of student loan debt from Everest University since they recently closed. Cpl. Torres explained that Officer Kelly informed him that a lawyer drew up the documents but Cpl. Torres stated that he did not ask who the lawyer was or ask any additional questions. Cpl. Torres testified that he never looked into using the documents, explaining that his wife's student loan debt was not that large and he figured he would only put more debt upon himself by hiring a lawyer to submit the paperwork.

Cpl. Torres stated if any of the allegations were true he would believe Officer Rice allowed for some of these things to happen but only because he is a new officer.

**Detention Service Officer Annette Hunter**

**Witness**

DSO Hunter was interviewed on July 11, 2018, at approximately 0058 hours, at the Orange County Corrections Department Administrative Building in Orlando, FL. DSO Hunter stated she was currently assigned to Phoenix on B-1.

DSO Hunter acknowledged having worked with and known both Officer Kelly and Officer Ellis. DSO Hunter denied informing Officer Ellis that Officer Kelly might be able to assist him in getting rid of his student loan debt from Everest University. DSO Hunter stated she was unaware if Officer Kelly or Officer Ellis were in any sort debt.

DSO Hunter testified that the rumors she has heard were that the inmate was being allowed to use the computer and someone had their taxes done.

**Robert Potchen (#16023422) First Interview**

**Witness**

Inmate Potchen was interviewed on August 16, 2018, at approximately 1430 hours, at the Orange County Corrections Department Main Facility in Orlando, FL.

Inmate Potchen stated that on either May 11 or 12, 2018, while sitting in church service, he was instructed by Cpl. Bobian to pack up his belongings. Inmate Potchen stated that he was escorted to Main-6D and had been housed there ever since.

Inmate Potchen explained that Officer Perez was the officer who escorted him to make the phone call to the courts. Inmate Potchen stated that he put the phone on speaker so Officer Perez could hear it.

Inmate Potchen explained that he and Officer Perez had a conversation in regards to Officer Perez's mortgage on his house. Inmate Potchen stated that Officer Perez wanted to know what his rights were. Inmate Potchen verbally confirmed that he wrote the letter in regards to Officer Perez's mortgage. Inmate Potchen testified that he could not recall if Officer Perez ever showed him any of his own paperwork and that he did not do his taxes for him.

Inmate Potchen stated that Officer Perez allowed him to speak to the county's IT department over the phone in order to assist him connecting the printer in Main-4A.

Inmate Potchen testified that there were multiple officers who brought him some of their personal documents to review and explained that multiple officers asked him for legal advice and advice pertaining to their mortgages. Inmate Potchen testified that he could think of 7-8 people who asked him questions but he could not remember the names of the officers.



Inmate Potchen was shown the photograph of the contraband discovered in Officer McDonald's locker and testified that he observed the rainbow colored e-cigarette and the charging cords while he was in Main-4A.

Inmate Potchen identified Officer McDonald by a photograph of him and explained that Officer McDonald had asked for his legal opinion in regards to his mother who was incarcerated in a different county and how to get rid of a public attorney.

Inmate Potchen explained that he did not attend church service during Officer McDonald's shift because he was Officer McDonald's "runner". Inmate Potchen stated that he attended church service during the other shifts.

Inmate Potchen confirmed that the motion to relieve a lawyer found in staff's Orange County email accounts was written by him but he did not know why it was located in their emails.

Inmate Potchen identified Officer Kelly by a photograph of him and explained that Officer Kelly had student loan debt that he wished to get rid of. Inmate Potchen stated that he and Officer Kelly had multiple conversations but Officer Kelly wanted to legitimately get rid of his debt the correct way. Inmate Potchen stated that as Officer Kelly proceeded with getting rid of his student loan debt he would explain to Officer Kelly what the next step would be. Inmate Potchen stated that he would also write examples of the letters that needed to be sent for Officer Kelly.

Inmate Potchen identified Officer Rembert from a photograph of her. Inmate Potchen explained that she was quiet but that he had multiple discussions with her in past, mostly about his past history but none of which pertained to any legal information. Inmate Potchen stated that Officer Rembert spoke to him about his divorce, which he appreciated. Inmate Potchen admitted to being in the cage at night with Officer Rembert after the lights were off; however, Inmate Potchen explained that he was informing Officer Rembert about some of the troubled inmates in the dorm.

Inmate Potchen identified Officer Rice from a photograph of him. Inmate Potchen stated that Officer Rice did not ask him for any legal opinions, but he (Rice) did assist him getting through his divorce, as Officer Rembert did. Inmate Potchen testified that after he showed Officer Rice his paper from the court showing that he was permitted a laptop computer, Officer Rice printed out multiple court cases for him utilizing "Google Scholar" prior to the internet being shut down so he could prepare for his criminal defense.

Inmate Potchen testified that Officer Rice did not allow him onto the computer but he would sit next to him while in the cage and instruct Officer Rice as to what he needed to have printed. Inmate Potchen testified that he never physically typed anything on the computer at any time.

Inmate Potchen also testified that some officers would go on the internet to look up case information for some inmates.

Inmate Potchen stated that he gave many inmates examples of his court documents so they could use them as examples and explained that he may have shown some to different officers, but he could not remember who.

Inmate Potchen testified that he wrote all the new motions for inmate Patterson, Daryl (16017006) in attempts to gain him a retrial. Inmate Potchen stated he was unaware if any officer assisted inmate Patterson with the computer like they did for him.

Inmate Potchen testified that no officer ever brought him in any food from outside of the jail and he only used the officer microwave with the permission of Officer Kelly one time to heat up hot chocolate he bought from the commissary.

Inmate Potchen stated that he met his property manager, Ashley, in the year 2012 or 2013 on the beach. Inmate Potchen would not provide the last name of Ashley. Inmate Potchen described Ashley as a 32 year old white female with blonde hair. Inmate Potchen stated the phone number to contact Ashley was [REDACTED] and that she had been managing his current property for approximately one year.

Inmate Potchen did not have a reason why Ashley's voice became digitized after a few weeks of speaking on the phone.

Inmate Potchen stated that he did not send the Quit Claim deed to Ashley but instead sent it to his daughter, whose name is Heather Watson. Inmate Potchen explained that Ashley wanted the Quit Claim deed to be filled out with the name of a person he did not know.

Inmate Potchen testified that Ashley did have power of attorney for him, as well as access to his personal emails. Inmate Potchen verbally acknowledged that the password [REDACTED] was his password for his personal email accounts.

Inmate Potchen testified that he did not know the exact dollar amount Ashley had spent on renovating his property.

Inmate Potchen stated that he was unaware if any of the subject officers mentioned in the interview had visited his residence.

Inmate Potchen confirmed that the photographs shown to him found on Officer Kelly's Orange County email address where of the outside and inside of his residence.

Inmate Potchen stated that, to the best of his knowledge, Ashley was not living in his residence.

Inmate Potchen explained that he utilized a Post Office box located at [REDACTED] [REDACTED] so other inmates could not view his home address on envelopes that he either sent out or received.

Inmate Potchen stated that he had had no money or promises exchanged with any subject officer.

Inmate Potchen testified that the true identity of Ashley was not Lisa Rembert.

Inmate Potchen testified that he never had his own e-cigarette and when he mentioned getting rid of his "pen" while speaking to Ashley on the phone before being relocated he really meant a writing pen, which would be considered contraband. He also made reference to some highlighters he had.

Inmate Potchen explained that he assisted Mark Koons (DOC#V41368) in getting an early release from the Department of Corrections and told him not to accept anymore phone calls from Ashley when she called.

Inmate Potchen testified that Sgt. Parson never visited his property to trim some of his trees, as he had mentioned in his phone call. Inmate Potchen stated that he misunderstood a conversation between Sgt. Parson and another officer and when he approached Sgt. Parson to discuss it Sgt. Parson informed him he does not trim trees as a side business.

Inmate Potchen stated that he had inmate Loyd, Markeith (17001590) call Ashley just to check to see if the cell phone was turned on.

#### **Robert Potchen (#16023422) Second Interview**

**Witness**

Inmate Potchen was re-interviewed per his request on October 10, 2018, at approximately 1100 hours, at the Orange County Corrections Department Main Facility in Orlando, FL. Inmate Potchen refused to be audio recorded for documentation purposes.

Immediately after walking into the interview room, inmate Potchen questioned what the status of Officer Rembert was and if criminal charges had been filed against her. Inmate Potchen was informed that no criminal charges had been filed and Officer Rembert had a resignation date for the following week. Inmate Potchen verbally testified that the female he referred to as Ashley on the phone was, in fact, Officer Lisa Rembert. Inmate Potchen explained that the day prior Officer Rembert informed him that the Orange County lawyer contacted her and stated they would be filing criminal charges against her. Inmate Potchen stated that Officer Rembert explained to him that because of this she would be leaving the state and she needed money from him. Inmate Potchen testified that he did not believe Officer Rembert's statement and explained he would never accept a liar in his life. He also stated that Officer Rembert told him to never contact her again.

Inmate Potchen testified that to his knowledge Officer Rembert had spent \$20,000 renovating his house. Inmate Potchen stated that he felt that Officer Rembert was upgrading the house because she was going to try and steal it from him utilizing the Quick Claim deed. Inmate Potchen explained that to the best of his knowledge no

officer other than Officer Rembert had been to his residence. Also, inmate Potchen stated that all of the phone calls made to [REDACTED] were to Officer Rembert and that she paid for all of the phone calls herself. Inmate Potchen testified that he and Officer Rembert used code when speaking on the phone so listeners would not know what they discussed.

Inmate Potchen explained that he had had a friendly relationship with different officers since approximately November of 2017. Inmate Potchen stated that he was able to find something in common with each officer to discuss and used the county's poor working conditions and inadequate pay to his advantage. Inmate Potchen testified that he felt like Officer McDonald did some investigating into his background and must have informed people as to his history. Inmate Potchen testified that Officer Rembert approached him to begin the relationship they formed.

Inmate Potchen testified that numerous officers had asked his legal opinion about different things over the past few months. Inmate Potchen explained that he had had to put an end to it after a line began to form one day and he was unable to attend church service. Inmate Potchen testified that the rumor regarding him doing Officer Perez's taxes were true. Inmate Potchen explained that the accountant which Officer Perez hired the year prior had too much money returned to Officer Perez. Inmate Potchen explained that Officer Perez got in trouble and was forced to pay thousands of dollars back to the government.

Inmate Potchen testified that he never did physically type on the computer but that the officers would email his documents to one another so he could continue to work on it. Inmate Potchen testified that there was no physical contact between he and Officer Rembert, as rumors suggested.

Inmate Potchen did not provide any additional information in regards to Officers McDonald, Rice, or Kelly. Inmate Potchen did question if it would be possible for any of the subject officers to be rehired as he felt they did not do anything that deserved them losing their jobs.

### **Correctional Officer Joseph Rice**

### **Subject**

Officer Rice was interviewed on August 30, 2018, at approximately 2006 hours, at the Internal Affairs office located at 2450 W 33rd St. in Orlando, FL. Officer Rice stated he was currently assigned to Main D-Building on B-1. Officer Rice stated he had been employed by the Orange County Corrections Department for three years with approximately half of that being a certified correctional officer.

Officer Rice explained that he had no formal training in Main-4A, as he was trained on days in Main F-Building. Officer Rice stated that Officer Kelly was unofficially assigned to train him on nights and he considered Officer Kelly to be his best friend at work. Officer Rice explained that because of this he did not lock his computer when he left the room if Officer Kelly was there. Officer Rice believed that this was the reason for having emails being sent from his official email account that he could not recall sending.

Officer Rice testified that he did not solicit any help from inmate Potchen on a personal or professional level, as he conducted his daily duties in Main-4A in the manner that he believed to be the norm.

Officer Rice testified that he did not know all of the county policies when it came to the computer and the inmates. Officer Rice explained that he never let an inmate physically on a computer but he had let inmates view the computer to show them things and to print things out for them. Officer Rice admitted he needed to know his policies and procedures better before making decisions.

Officer Rice testified to assisting inmate Potchen because of the "Pro Se" alert listed in the Inmate Management System (IMS) and documents he was shown by other officers or inmate Potchen himself. Officer Rice testified that he printed things for inmate Potchen because inmate Potchen informed him the courts would not accept his paperwork if the document was not legible.

Officer Rice testified he had observed Officer Kelly and inmate Potchen sitting at the computer together but he explained that he did not look at the screen or pay attention to what they said. Officer Rice stated that he would go to Main-4A to relax and "get away from it all" when he was assigned to movement.

Officer Rice explained he was aware that Officer Kelly was in some sort of debt but that he did not know if inmate Potchen assisted him in regards to the debt.

Officer Rice testified that normally when he would be in Main-4A with Officer Kelly inmate Potchen would also be in the cage sitting with them. Officer Rice explained that he did not believe Officer Kelly provided inmate Potchen with any extra privileges, other than being allowed to stay up later than the rest of the inmates, explaining that Officer Kelly was strict.

Officer Rice testified that when he worked Main-4A Officer Kelly did not come to visit often but Officer Rembert would come to "get away from it all", as well. Officer Rice explained that when inmate Potchen would see Officer Rembert he would often begin to talk to her; however, they would not speak in front of him. Officer Rice stated that when assigned to movement, if he went to Main-4A when Officer Rembert was assigned there, he would observe inmate Potchen in the cage sitting next to her. Officer Rice stated that he never observed any physical contact between the two of them.

Officer Rice stated that it did appear that sometimes when Officer Rembert came to Main-4A it was only to visit inmate Potchen. Officer Rice testified that he did not know of anything extra Officer Rembert provided inmate Potchen, other than paperwork for his Pro Se status. Officer Rice stated that the first time he noticed other officers doing things for inmate Potchen was when Officer Kelly asked him to print something out for Potchen because he (Kelly) was not in the dorm that night. Officer Rice explained that as time progressed he would just print things for inmate Potchen when asked. Officer Rice testified that some of inmate Potchen's legal paperwork would be saved between

the officers so inmate Potchen could edit it when he needed. Officer Rice explained that he believed the main body of the document was dictated by inmate Potchen for someone to type up. Officer Rice testified that he assisted inmate Potchen by letting him view the computer and instruct him on what needed to be edited prior to him printing it out for him.

Officer Rice stated that anything he saved for inmate Potchen would be saved in his "U:" drive and if he needed anything from a different officer it would either be emailed or Officer Rembert would provide hard copies. Officer Rice testified that he would sometimes forward an email to another officer so they could print a document for inmate Potchen. Officer Rice stated that he deleted everything out of his U: drive that pertained to inmate Potchen around the time he was placed on no inmate contact and testified that he did not know the exact number of documents.

Officer Rice testified that inmate Potchen approached him about the computer as soon as he began to assist Officer Kelly. Officer Rice explained that inmate Potchen was frustrated with the law library and the fact that a laptop was not provided to him. Officer Rice stated that he printed paperwork for inmate Potchen approximately five times.

Officer Rice explained that he only printed things for inmate Potchen because Officer Kelly asked him to. Officer Rice stated that he never would have done anything for inmate Potchen if Officer Kelly would not have asked him to. Officer Rice stated that he did not know how helping inmate Potchen benefited Officer Kelly.

Officer Rice testified that he never allowed inmate Potchen to physically access the computer and he never observed any other officer allow inmate Potchen to physically access the computer.

Officer Rice stated that he never sent an email for inmate Potchen. Officer Rice explained that he had left other staff members alone in the cage with inmate Potchen and, if an email was sent, another officer must have sent it.

Officer Rice explained he had conducted visual inspections and left the cage and computer unlocked. Officer Rice stated that if inmate Potchen accessed his computer it was at this time when he was not present.

Officer Rice also testified that the voices he heard on the inmate phone calls were of the people he believed to be Officer Rembert and inmate Potchen.

Officer Rice testified he did not know what the link under the file "Inmate Complaint" was utilized for that was saved in his U: drive. This link was known to be formerly utilized to access the internet.

Officer Rice could not recall or did not know why any email located in his email account in regards to inmate Potchen was sent to other staff members. Officer Rice testified that he had seen the emails that needed an additional password to access it but he stated he did not know the password. Officer Rice stated that Officer Kelly would come to

Main-4A and type in the password and he stated that he did not know if inmate Potchen knew the password or not.

Officer Rice stated that he did not partake in filling out the BZA document for Officer Rembert and did not know why it was in his email account, other than her filling it out herself.

Officer Rice testified that he did not utilize the staff lockers located in the back room and explained that he had never observed any of the contraband discovered in Officer McDonald's locker. Officer Rice stated that he never observed inmate Potchen smoke anything.

Officer Rice testified that he could only recall one time when Officer McDonald asked him to assist with inmate Potchen, but he could not recall what it was about.

Officer Rice testified that he printed documents at the request of inmate Potchen for inmate Darryl Patterson (#16017006). Officer Rice did not recall from where the document originated.

Officer Rice testified that at the time of all of this transpiring he did not feel anything was wrong with helping inmate Potchen. Officer Rice explained that he felt officers were helping inmate Potchen from the time he arrived to the area over a year ago.

Officer Rice explained that he did not know the exact reason Officer Kelly resigned but felt he was just disgruntled about the job and no longer wanted to work here.

Officer Rice testified that no officer had ever said anything to him in regards to visiting inmate Potchen's residence, nor had he ever seen the photographs that were located in staff emails.

Officer Rice testified that, as far he knew, nothing besides the printing of the Pro Se paperwork for inmate Potchen and inmate Patterson was done.

Officer Rice stated that inmate Potchen had never paid him or conducted legal paperwork for him and he did not ask inmate Potchen to do any legal work for him.

Officer Rice was adamant that he did not send the document titled "Leslie's Homework" to the email address [REDACTED] and stated that he did not know Officer Kelly's personal email address.

Officer Rice explained that he did not know that Officer Perez had any involvement in the situation until he reviewed the evidence. Officer Rice explained he knew very little in regards to Officer McDonald's role in the situation.

Officer Rice testified that he did not sleep on post, as inmates had testified.

**Correctional Officer Lisa Rembert****Subject**

Officer Rembert began her evidence review prior to her subject interview on September 19, 2018, and concluded her evidence review on September 20, 2018. At the completion of the evidence review, Officer Rembert's legal representative notified the Internal Affairs Unit that Officer Rembert would not be present for her subject interview and would be resigning. Officer Rembert submitted her resignation on September 21, 2018, effective on October 15, 2018, after she took a leave of term.

**Correctional Officer Shawn Kelly****Subject**

Officer Kelly resigned from his position as a Correctional Officer on May 19, 2018, which was prior to his notice of investigation and subject interview. A certified letter ( ) dated September 20, 2018, was sent to the home address of Officer Kelly, which he provided when employed. The certified letter contained Officer Kelly's formal notice of investigation and a request for him to be interviewed, if he agreed to do so. Officer Kelly did not respond to the letter.

**Correctional Officer Bobby McDonald****Subject**

Officer McDonald resigned from his position as a Correctional Officer on May 14, 2018, which was prior to his notice of investigation and subject interview. A certified letter ( ) dated September 20, 2018, was sent to the home address of Officer McDonald, which he provided when employed. The certified letter contained Officer McDonald's formal notice of investigation and a request for him to be interviewed, if he agreed to do so. Officer McDonald did not accept the certified letter and it was returned to the Orange County Jail Mail Room on October 22, 2018. A voice mail was left on the cellular phone number provided by Officer McDonald but he did not respond.

**Correctional Officer Juan Perez****Subject**

Officer Perez retired from his position as a Correctional Officer on May 20, 2018, which was prior to his notice of investigation and subject interview. A certified letter ( ) dated September 20, 2018, was sent to the home address of Officer Perez, which he provided when employed. The certified letter contained Officer Perez's formal notice of investigation and a request for him to be interviewed, if he agreed to do so. Officer Perez did not respond to the letter.



## **FINDINGS:**

This investigation was initiated to determine if Correctional Officers Lisa Rembert, Shawn Kelly, Bobby McDonald, Joseph Rice, and/or Juan Perez violated any OCCD Administrative Orders and/or Orange County Policy Manual and Operational Regulations in regards to their relationships with inmate Robert Potchen (#16023422.)

Listed herein are the major investigative findings.

1. On May 25, 2018, the Internal Affairs Unit received a request for investigation from Major William R. Powell, Security Operations Division, which indicated that on May 14, 2018, an incident occurred in Main-4A where contraband was discovered inside of a secured staff locker. In addition to the contraband discovered, written statements were provided by inmate Diaz, Matthew (17032597) and inmate Robinson, William (17010259.)
2. Inmate Robert Potchen (16023422) was relocated from Main-4A to Main-6D on May 11, 2018, based on the written statements provided by both inmate Diaz and inmate Robinson.
3. Once inmate Potchen was relocated to Main-6D and after being searched for contraband by security staff members, the bulk of inmate Potchen's property was relocated to the property room located in the Booking and Release Center (BRC).
4. Based on the written statements provided by inmates Diaz and Robinson, Officer Bobby McDonald was informed by Sgt. E. Rosa that he was being placed on no inmate contact on May 14, 2018.
5. Officer McDonald requested he be allowed to retrieve his duty belt from his locker in Main-4A but was informed he would not be allowed due to his no inmate contact status. Sgt. Rosa volunteered to retrieve Officer McDonald's duty belt for him and Officer McDonald gave him a key to the locker.
6. Sgt. Rosa and Cpl. D. Felton entered Main-4A and with the assistance of the dorm officer located the locker and opened it utilizing the key provided by Officer McDonald.
7. Located inside of the locker, Sgt. Rosa discovered and collected two (2) electronic cigarettes, two (2) pairs of earphones, multiple USB style chargers, one (1) Samsung electronic device resembling a cellular phone, and one (1) spare battery pack.
8. Officer Bobby McDonald resigned from his position as a correctional officer on May 14, 2018.

9. Officer Shawn Kelly resigned from his position as a correctional officer on May 19, 2018.
10. Officer Juan Perez submitted his letter of retirement on May 20, 2018, with an effective date of May 29, 2018.
11. The Samsung electronic device resembling a cellular phone was examined more closely in attempts to find any actionable intelligence as to whom it might have belonged and if any inmates had access to it.
12. The electronic device was determined not to be a cell phone but was a Samsung Galaxy Player 4.2 (Media Device). After an examination of the device there was no intelligence discovered on the device to link it to anyone other than the email address [REDACTED]
13. A google search for [REDACTED] provided a Deviant Art account with the user being Bobby McDonald from Orlando, FL.
14. The three inmates interviewed identified the electronic cigarettes as belonging to Officer McDonald. All three testified that they observed Officer McDonald using the e-cigarettes.
15. [REDACTED] Officer McDonald was observed utilizing his e-cigarette on May 04, 2018, at 0636 hours, while sitting in the officer station.
16. [REDACTED]  
[REDACTED]  
[REDACTED]
17. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
18. A query was conducted into inmate Robert Potchen's (#16023422) GTL account for the dates of April 01, 2018, through October 16, 2018, in search of actionable intelligence to link the subject officers or any other staff member to inmate Potchen.
19. During that time, inmate Potchen made eight hundred and seventy-seven (877) phone calls. During the same time period, inmate Potchen made five hundred and ninety-four (594) phone calls to the phone number [REDACTED]
20. On April 27, 2018, the first successful phone call was completed to the phone number [REDACTED] at 1400 hours, and a female answered the phone.

21. On April 28, 2018, at 0936 hours, inmate Potchen and the female caller discussed the possibility of her visiting inmate Potchen's personal residence. The female caller questioned inmate Potchen if she should bring her "special ID" with her.
22. On April 29, 2018, at 0819 hours, the female caller stated she would contact inmate Potchen's criminal defense lawyer and would research criminal attorneys for him in case he wanted to change lawyers.
23. On May 01, 2018, at 1057 hours, inmate Potchen provided the female caller with the name Mark Koons and phone number [REDACTED]. Inmate Potchen also instructed the female caller to put international capabilities on her phone. Mark Koons (DOC#V41368) was under the supervision of the Department of Corrections.
24. On May 02, 2018, at 1603 hours, the female caller made reference to now having Power of Attorney over inmate Potchen. Also, the female caller informed inmate Potchen that because she was having trouble gaining access to his residence and, as the new property manager, she utilized a police escort to evict the current residents.
25. The Internal Affairs Unit contacted the Winter Springs Police Department (WSPD) and were provided with event number 20181191528. The event report indicated that on April 29, 2018, Lisa Rembert (Property Manager) requested an escort to 530 Julie Lane to provide a notice to the current tenant. The event report listed Lisa Rembert's phone number as [REDACTED] 57 and listed the license plate to Lisa Rembert's vehicle as [REDACTED].
26. The phone number [REDACTED] was listed as Officer Lisa Rembert's cellular phone number, which she provided in her Peoplesoft personal contact information.
27. To hide the identity of Officer Rembert, inmate Potchen referred to her as Ashley over the phone and through writing.
28. On June 27, 2018, at 1543 hours, inmate Potchen informed Officer Rembert that his business partner was supposed to deposit \$300,000 into her account. During the phone call at 1559 hours, inmate Potchen told Officer Rembert to go and buy herself a new Dodge Ram once the money was delivered.
29. On June 28, 2018, at 1315 hours, inmate Potchen called the company in charge of running the gate that allows access to the neighborhood his residence is located in and instructed them to put his name back into the directory and to use the phone number [REDACTED]. Later in the day at 1322 hours, Officer Rembert informed inmate Potchen so far she had spent \$12,300 on renovations to his residence.

30. During inmate Potchen's second interview he testified that Officer Rembert had spent approximately \$20,000 on renovations towards his residence.
31. On July 02, 2018, at 0931 hours, inmate Potchen informed Officer Rembert that he sent out letter #16 to her the night prior. Also, while logged into inmate Potchen's personal email account, Officer Rembert informed him that Linda Ruthlege, who was a volunteer in Main-4A, sent an email notifying him that her volunteer rights had been revoked because she had visited him through video visitation. Inmate Potchen instructed Officer Rembert to email Linda Ruthlege back for him.
32. On July 06, 2018, at 1340 hours, Officer Rembert informed inmate Potchen that she had spoken to his business partner and that he informed her all of the money and gold inmate Potchen had left with him was gone.
33. On July 07, 2018, at 1301 hours, inmate Potchen instructed Mark Koons to no longer accept phone calls from his property manager.
34. On July 21, 2018, at 1614 hours, Ashley instructed inmate Potchen to write her an "I Owe You" and to leave the dollar amount blank so she could fill it in at a later date. Inmate Potchen stated he would make it payable for thirty (30) days after his release. Later in the day at 1901 hours, inmate Potchen informed Ashley that he wrote her a Performance Bond Promissory Note for \$77,000. Ashley instructed inmate Potchen to not mention any numbers.
35. Discovered in an email between Officers Rembert, Rice, and Kelly were multiple photographs of the inside and outside of inmate Potchen's property.
36. Inmate Potchen verbally confirmed that the photographs discovered were of his property and home.
37. On May 23, 2018, a request was sent to the Orange County Corrections Department mail room to track when inmate Potchen received mail so it could be reviewed.
38. A total of seven (7) letters were received from Ashley Potchen (Lisa Rembert) from [REDACTED] Inmate Potchen verbally testified that the P.O. Box belonged to him.
39. [REDACTED] inmate Potchen was observed inside of the officer's station sitting with the officer(s) for long periods of time.
40. [REDACTED] inmate Potchen could be observed sitting near the computer but could not be observed physically touching the keyboard.
41. Inmate Potchen was observed retrieving paperwork from the printer.

42. [REDACTED]
43. Based upon the testimony of inmate Diaz and inmate Robinson, inmate Potchen was allowed to use the computer.
44. Based upon the testimony of inmate Potchen and Officer Rice, inmate Potchen never physically touched the computer but would dictate what needed to be done to the current document before it was printed.
45. Officer Rice testified he received his on the job training on day shift in Main-F building, so when he was assigned to Main-D building Officer Kelly was unofficially assigned to train him as to how Main-D building operates.
46. Officer Rice testified that he only assisted inmate Potchen because he was asked to do so by Officer Kelly.
47. Officer Rice testified that Officer Kelly would often call him and ask him to print out a document for inmate Potchen. Also, Officer Rice stated that Officer Rembert would often come to Main-4A to see inmate Potchen and bring him hard copies of documents already printed out.
48. Officer Rice stated that he had documents saved for inmate Potchen on his U: Drive and explained that he deleted them around the time he was placed on no inmate contact.
49. Officer Rice explained that some documents were emailed from one officer to another for inmate Potchen.
50. Officer Rice could not explain the reasoning behind multiple emails located in his official Orange County email account. Officer Rice stated that he would not lock his computer if he left the officer's station when either Officer Kelly and/or Officer Rembert were present and believed they must have sent those emails utilizing his account while he was not there.
51. Officer Rice explained that he did not understand how either Officer Perez or McDonald fit into the situation.
52. Inmate Potchen explained that Officer Perez was the officer who escorted him to make a phone call to the courts. Inmate Potchen stated that he put the phone on speaker so Officer Perez could hear it.
53. Inmate Potchen explained that he and Officer Perez had a conversation in regards to Officer Perez's mortgage on his house. Inmate Potchen stated that Officer Perez wanted to know what his rights were. Inmate Potchen verbally confirmed that he wrote the letter in regards to Officer Perez's mortgage.

54. Inmate Potchen testified that he did Officer Perez's taxes and was able to get Officer Perez a return for thousands of dollars.
55. Inmate Potchen explained that Officer McDonald had asked for his legal opinion in regards to his mother who was incarcerated in a different county and how to get rid of a public attorney.
56. Inmate Potchen confirmed that the motion to relieve a lawyer of their duties found in staff's Orange County email accounts was written by him.
57. Inmate Potchen explained that Officer Kelly had student loan debt that he wished to get rid of. Inmate Potchen stated that he and Officer Kelly had multiple conversations but Officer Kelly wanted to legitimately get rid of his debt the correct way. Inmate Potchen explained that as Officer Kelly proceeded with getting rid of his student loan debt he would explain to Officer Kelly what the next step would be.
58. Inmate Potchen stated that he would also write examples of the letters that needed to be sent for Officer Kelly.
59. Inmate Potchen testified that after he showed Officer Rice his paper from the court showing that he was permitted a laptop computer Officer Rice printed out multiple court cases for him utilizing "Google Scholar" prior to the internet being shut down so he could prepare for his criminal defense.
60. Inmate Potchen explained that Officer Rembert hired a new lawyer for him.
61. Officer Rice's subject interview was conducted on August 30, 2018. At the conclusion of the interview, Officer Rice did not return to shift but notified his supervisor he would be taking term leave.
62. Officer Rice submitted a letter of resignation on September 20, 2018, effective immediately.
63. Officer Rembert began her evidence review prior to her subject interview on September 19, 2018, and concluded her evidence review on September 20, 2018. At the completion of the evidence review, Officer Rembert's legal representative notified the Internal Affairs Unit that Officer Rembert would not be present for her subject interview and would be resigning.
64. Officer Rembert submitted her resignation on September 21, 2018, effective on October 15, 2018, after she took a leave of term.
65. On October 11, 2018, at 0928 hours, inmate Potchen instructed Mark Koons to make a three-way call with Ashley so he could leave her a message. Ashley answered the phone and inmate Potchen informed her that company came and

visited him the day prior and based, on what was said, everything had been put to bed. Inmate Potchen informed Ashley (Officer Rembert) that she had broken his heart and he would not call back until after next week because the magic day (resignation date) would have passed by then.

66. Officer Kelly resigned from his position as a Correctional Officer on May 19, 2018, which was prior to his notice of investigation and subject interview. A certified letter ( ) dated September 20, 2018, was sent to the home address of Officer Kelly, which he provided when employed. The certified letter contained Officer Kelly's formal notice of investigation and a request for him to be interviewed, if he agreed to do so. Officer Kelly did not respond to the letter.
67. Officer McDonald resigned from his position as a Correctional Officer on May 14, 2018, which was prior to his notice of investigation and subject interview. A certified letter ( ) dated September 20, 2018, was sent to the home address of Officer McDonald, which he provided when employed. The certified letter contained Officer McDonald's formal notice of investigation and a request for him to be interviewed, if he agreed to do so. Officer McDonald did not accept the certified letter and it was returned to the Orange County Jail Mail Room on October 22, 2018. A voice mail was left on the cellular phone number provided by Officer McDonald but he did not respond.
68. Officer Perez retired from his position as a Correctional Officer on May 20, 2018, which was prior to his notice of investigation and subject interview. A certified letter ( ) dated September 20, 2018, was sent to the home address of Officer Perez, which he provided when employed. The certified letter contained Officer Perez's formal notice of investigation and a request for him to be interviewed, if he agreed to do so. Officer Perez did not respond to the letter.

## **CONCLUSIONS:**

Based on the preponderance evidence discovered during this investigation, it is “SUSTAINED” that **Correctional Officer Lisa Rembert** violated the following:

### **Orange County Corrections Department Administrative Order** **HR.200 Code of Conduct, V. Procedures, B. Employee Conduct** **Effective Date: 08/30/17**

6. Examples of prohibited behavior include, but are not limited to:
  - k. Recommending or furnishing any legal advice or any other advice concerning the selection of a specified lawyer or bondsman to inmates/offenders.
  - r. While either on or off duty, engaging in behavior or conduct that is improper or that may cause the appearance of being improper.
  - s. Fraternizing with inmates or offenders under any type of community corrections supervision.
  - t. Corresponding, calling, or receiving telephone calls from inmates incarcerated in any local, state, or federal correctional facility or offenders under any type of community corrections supervision without prior written approval of the Division Major/Manager or designee, using form (AD-62) “Notification of Family or Household Member Incarceration.”

### **Orange County Corrections Department Administrative Order** **HR.200 Code of Conduct, V. Procedures, F. Inmate/Offender Fraternization** **Effective Date: 08/30/17**

1. To preserve the confidence of the public and to avoid even the appearance of impropriety, members of this agency will not associate with inmates/offenders except as necessary in the performance of official duties.

### **Orange County Corrections Department Administrative Order** **HR.200 Code of Conduct, Attachment III, FDLE Standards for Correctional Officers, Principle Four**

Correctional Officers shall not, whether on or off duty, exhibit any conduct that discredits them or their Department or otherwise impairs their ability or that of other officers or the Department to provide corrections services to the community.

- 4.8 Correctional Officers shall avoid continuous personal, off-duty, associations with persons who are known to engage in criminal activity. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.



**Orange County Corrections Department Administrative Order**  
**AM.410 Access and Use of Data Systems, Software, Internet, and Equipment. V.**  
**Procedures, B. Standard Messages, Notes, and/or Documents**  
**Effective Date: 08/30/2017**

- 1. All messages, notes, and/or documents written or sent by users via electronic media must be official Orange County business (e.g. incident reports, policy issues, shift concerns, ideas, or suggestions with the scope of users job duties, etc.).

To wit:

Based on the preponderance of the evidence obtained as a result of the investigation, Correctional Officer Lisa Rembert did violate policy when she accepted five hundred and ninety-four (594) telephone calls between April 01, 2018, and October 16, 2018, from inmate Robert Potchen (16023422). While reviewing the phone calls between Officer Rembert and inmate Potchen, Officer Rembert made mention that she had power of attorney over inmate Potchen, wanted him to sign over his property to her utilizing a Quit Claim deed, and that she utilized the Winter Springs Police Department (WSPD) to gain access to his property to provide a notice of eviction to the current resident as she was the current property manager. During a later phone call Officer Rembert informed inmate Potchen she had spent \$12,300 on renovations to his residence.

Also, while reviewing phone calls between inmate Potchen and Officer Rembert, there were multiple mentions of Officer Rembert making contact with Mark Koons (DOC#V41368) who is currently under the supervision of the Department of Corrections.

Officer Rembert went by the alias of “Ashley” when she was in contact with inmate Potchen. During the course of the investigation, a total of seven (7) letters were addressed to inmate Potchen from Ashley Potchen.

██ Officer Rembert was observed on camera multiple times with inmate Potchen in the officer station.

Based on the preponderance evidence discovered during this investigation, it is “SUSTAINED” that **Correctional Officer Bobby McDonald** violated the following:

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, B. Employee Conduct**  
**Effective Date: 08/30/17**

6. Examples of prohibited behavior include, but are not limited to:
  - r. While either on or off duty, engaging in behavior or conduct that is improper or that may cause the appearance of being improper.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, F. Inmate/Offender Fraternization**  
**Effective Date: 08/30/17**

1. To preserve the confidence of the public and to avoid even the appearance of impropriety, members of this agency will not associate with inmates/offenders except as necessary in the performance of official duties.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, Attachment III, FDLE Standards for Correctional Officers, Principle Four**

Correctional Officers shall not, whether on or off duty, exhibit any conduct that discredits them or their Department or otherwise impairs their ability or that of other officers or the Department to provide corrections services to the community.

**Orange County Corrections Department Administrative Order**  
**HR.203 Smoking-Tobacco Use, V. Procedures, H.**  
**Effective Date: 11/30/2017**

Any person introducing contraband, to include tobacco products, nicotine dispensing devices and/or tobacco accessories, onto any Orange County Corrections property may be referred for prosecution under Florida State Statute §951.22, “County Detention Facilities; Contraband Articles.”

**Orange County Corrections Department Administrative Order**  
**AM.410 Access and Use of Data Systems, Software, Internet, and Equipment. V. Procedures, B. Standard Messages, Notes, and/or Documents**  
**Effective Date: 08/30/2017**

1. All messages, notes, and/or documents written or sent by users via electronic media must be official Orange County business (e.g. incident reports, policy issues, shift concerns, ideas, or suggestions with the scope of users job duties, etc.).

To wit:

When Officer McDonald was notified by Sgt. Rosa that he was being placed on no inmate contact, Officer McDonald requested to retrieve his duty belt from inside his locker in Main-4A. Sgt. Rosa informed Officer McDonald that he would be unable to enter Main-4A as he was on no inmate contact but he (Sgt. Rosa) would retrieve his belt. Officer McDonald gave Sgt. Rosa the key to unlock the lock to gain access to the locker. Located inside of the locker, Sgt. Rosa discovered and collected two (2) electronic cigarettes, two (2) pairs of earphones, multiple USB style chargers, one (1) Samsung electronic device resembling a cellular phone, and one (1) spare battery pack.

The electronic device was determined not to be a cell phone but was a Samsung Galaxy Player 4.2 (Media Device). After an examination of the device, there was no intelligence discovered on the device to link it to anyone other than the email address [REDACTED]. A google search for [REDACTED] provided a Deviant Art account with the user being Bobby McDonald from Orlando, FL.

The three inmates interviewed identified the electronic cigarettes as belonging to Officer McDonald and all three testified that they observed him use the e-cigarettes. [REDACTED], Officer McDonald was be observed utilizing his e-cigarette on May 04, 2018, at 0636 hours, while sitting in the officer station. In addition, inmate Potchen was be observed on camera with Officer McDonald in the officer station.

While reviewing Officer McDonald's email account, multiple legal motions were discovered. Inmate Potchen testified that Officer McDonald requested his legal opinion in regards to a [REDACTED] for a family member. Inmate Potchen explained that he wrote the motion for Officer McDonald to file on the behalf of his family member.

Based on the preponderance evidence discovered during this investigation, it is “SUSTAINED” that **Correctional Officer Joseph Rice** violated the following:

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, B. Employee Conduct**  
**Effective Date: 08/30/17**

6. Examples of prohibited behavior include, but are not limited to:
  - r. While either on or off duty, engaging in behavior or conduct that is improper or that may cause the appearance of being improper.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, F. Inmate/Offender Fraternization**  
**Effective Date: 08/30/17**

1. To preserve the confidence of the public and to avoid even the appearance of impropriety, members of this agency will not associate with inmates/offenders except as necessary in the performance of official duties.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, Attachment III, FDLE Standards for Correctional Officers, Principle Four**

Correctional Officers shall not, whether on or off duty, exhibit any conduct that discredits them or their Department or otherwise impairs their ability or that of other officers or the Department to provide corrections services to the community.

**Orange County Corrections Department Administrative Order**  
**AM.410 Access and Use of Data Systems, Software, Internet, and Equipment. V. Procedures, B. Standard Messages, Notes, and/or Documents**  
**Effective Date: 08/30/2017**

1. All messages, notes, and/or documents written or sent by users via electronic media must be official Orange County business (e.g. incident reports, policy issues, shift concerns, ideas, or suggestions with the scope of users job duties, etc.).

To wit:

During Officer Rice’s subject interview, he testified that he printed a number of different legal documents and/or motions for inmate Potchen. Officer Rice explained that inmate Potchen showed him a paper from the court which allowed inmate Potchen the use of a laptop computer and stated that Officer Kelly asked him to print out documents for inmate Potchen. Officer Rice testified that he was unaware of the policies and procedures pertaining to this until he was served his notice of investigation with the policies listed. Officer Rice stated that he never allowed inmate Potchen to be on the

computer but he would allow inmate Potchen to sit next to him and dictate what he needed to have typed. Officer Rice testified that all documents pertaining to inmate Potchen had been saved on his U: drive until he deleted them around the time he was placed on no inmate contact.

Officer Rice was unable to give a reason for all of the emails pertaining to inmate Potchen sent from his Orange County email account. Officer Rice stated that the emails must have been sent by either Officer Kelly or Officer Rembert when he walked away from his computer without locking it.

 Officer Rice can be observed on camera in the officer station inmate Potchen.

Based on the preponderance of the evidence discovered during this investigation, it is “SUSTAINED” that **Correctional Officer Shawn Kelly** violated the following:

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, B. Employee Conduct**  
**Effective Date: 08/30/17**

6. Examples of prohibited behavior include, but are not limited to:
  - r. While either on or off duty, engaging in behavior or conduct that is improper or that may cause the appearance of being improper.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, F. Inmate/Offender Fraternization**  
**Effective Date: 08/30/17**

1. To preserve the confidence of the public and to avoid even the appearance of impropriety, members of this agency will not associate with inmates/offenders except as necessary in the performance of official duties.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, Attachment III, FDLE Standards for Correctional Officers, Principle Four**

Correctional Officers shall not, whether on or off duty, exhibit any conduct that discredits them or their Department or otherwise impairs their ability or that of other officers or the Department to provide corrections services to the community.

**Orange County Corrections Department Administrative Order**  
**AM.410 Access and Use of Data Systems, Software, Internet, and Equipment. V. Procedures, B. Standard Messages, Notes, and/or Documents**  
**Effective Date: 08/30/2017**

1. All messages, notes, and/or documents written or sent by users via electronic media must be official Orange County business (e.g. incident reports, policy issues, shift concerns, ideas, or suggestions with the scope of users job duties, etc.).

To wit:

Inmate Potchen testified he had conversations with Officer Kelly about his debts. Inmate Potchen testified that he wrote the documents that were discovered in regards to Officer Kelly’s student loan debt from Everest University.

Based on Officer Rice’s verbal testimony, he observed inmate Potchen sitting at the computer with Officer Kelly on numerous occasions. Officer Rice stated that he did not pay attention to what exactly inmate Potchen and Officer Rice were doing or saying.

[REDACTED] Officer Kelly can be observed on camera in the officer station with inmate Potchen.

Based on the preponderance of the evidence discovered during this investigation, it is “SUSTAINED” that **Correctional Officer Juan Perez** violated the following:

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, B. Employee Conduct**  
**Effective Date: 08/30/17**

6. Examples of prohibited behavior include, but are not limited to:
  - r. While either on or off duty, engaging in behavior or conduct that is improper or that may cause the appearance of being improper.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, V. Procedures, F. Inmate/Offender Fraternization**  
**Effective Date: 08/30/17**

1. To preserve the confidence of the public and to avoid even the appearance of impropriety, members of this agency will not associate with inmates/offenders except as necessary in the performance of official duties.

**Orange County Corrections Department Administrative Order**  
**HR.200 Code of Conduct, Attachment III, FDLE Standards for Correctional Officers, Principle Four**

Correctional Officers shall not, whether on or off duty, exhibit any conduct that discredits them or their Department or otherwise impairs their ability or that of other officers or the Department to provide corrections services to the community.

**Orange County Corrections Department Administrative Order**  
**AM.410 Access and Use of Data Systems, Software, Internet, and Equipment. V. Procedures, B. Standard Messages, Notes, and/or Documents**  
**Effective Date: 08/30/2017**

1. All messages, notes, and/or documents written or sent by users via electronic media must be official Orange County business (e.g. incident reports, policy issues, shift concerns, ideas, or suggestions with the scope of users job duties, etc.).

To wit:

Inmate Potchen testified that he had conversations with Officer Perez about his debts. Inmate Potchen testified that he wrote the documents that were discovered in regards to Officer Perez’s mortgage. Inmate Potchen also testified that the rumor regarding him doing Officer Perez’s taxes were true.



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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**I HAVE READ THE FOREGOING AND CONCUR:**

Thomas W. Hungerford, Senior Investigator  
Internal Affairs Unit

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**I HAVE READ THE FOREGOING AND CONCUR:**

Brice A. Gyurisko PHD., Administrator  
Internal Affairs unit

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date