



INTER-OFFICE MEMORANDUM
Department of Public Protection
Administration
125 West New York Ave., Suite 183
DeLand, FL 32720
386-740-5120 – FAX 386-740-5283

TO: Nikki Dofflemyer, Captain
Department of Public Protection
Internal Affairs Unit

FROM: Joseph E. Pozzo, Deputy Director
Department of Public Protection

SUBJECT: Closure of Internal Investigation
2011-12-302

DATE: December 28, 2011

FILE NO: DPP11-150

REFERENCE:

In regards to the previous direction to initiate a separate investigation as specified in DPP11-144, regarding Cara Gittner, I am directing you to hereby close IA-2011-12-302; effective date of closure is December 22, 2011 with no findings.

JEP/tab

County of Volusia
DEC 23 2011
Dept. of Public Protection

Cara Gittner

December 23, 2011

Joseph Pozzo, Deputy Director
Volusia County Department of Public Protection

Deputy Director Pozzo,

I am officially tendering my resignation as a Senior Lifeguard with the Volusia County Beach Patrol. My resignation is effective January 7, 2012.

Sincerely,



Cara Gittner

ACCEPTED
12/23/2011
JEP



INTER-OFFICE MEMORANDUM

To: Captain Nikki Dofflemyer
Internal Affairs

Date: December 14, 2011

From: Joseph Pozzo, Deputy Director
Department of Public Protection

File: DPP-11-144

Subject: Internal Investigation – Cara Gittner, Beach Safety Division

Based on information contained in the sworn testimony provided on 12/9/2011 by Officer Gittner as a party to IA-2011-09-297 and her failure to comply with the direct orders of a superior, you are directed to conduct a separate internal investigation into her conduct.

By copy of this memo, the Beach Safety Division Director will provide assistance in obtaining additional documentation and scheduling interviews as may be required. In addition, by copy of this memo, due to the seriousness of the allegations, Director Sweat is directed to reassign Officer Gittner to administrative duties during the pendency of this investigation.

Cc: Mike D. Coffin, Director, Department of Public Protection
Kevin Sweat, Director, Beach Safety Division

Department of Public Protection
125 W. New York Avenue, Suite 183 • DeLand, FL 32720
Phone: 386.740.5120 • FAX: 386.740.5283

740-5283

INTER-OFFICE MEMORANDUM



To: Captain Nikki Dofflemyer
Internal Affairs

Date: December 14, 2011

From: Joseph Pozzo, Deputy Director
Department of Public Protection

File: DPP-11-144

Subject: Internal Investigation – Cara Gittner, Beach Safety Division

Based on information contained in the sworn testimony provided on 12/9/2011 by Officer Gittner as a party to IA-2011-09-297 and her failure to comply with the direct orders of a superior, you are directed to conduct a separate internal investigation into her conduct.

By copy of this memo, the Beach Safety Division Director will provide assistance in obtaining additional documentation and scheduling interviews as may be required. In addition, by copy of this memo, due to the seriousness of the allegations, Director Sweat is directed to reassign Officer Gittner to administrative duties during the pendency of this investigation.

Cc: Mike D. Coffin, Director, Department of Public Protection
Kevin Sweat, Director, Beach Safety Division



ORDER TO PRODUCE RECORDS

From: Joseph Pozzo, Deputy Director
Volusia County Department of Public Protection

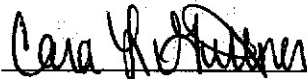
To: Officer Cara Gittner

Re: Internal Affairs Investigation - 2011-09-297

YOU ARE HEREBY ORDERED to produce any and all personal cellphone records reflecting telephone calls and text messages sent or received by you, to and from Captain Richard S. Gardner, during hours when you were on duty with the Volusia County Division of Beach Safety, or working as an officer of the Volusia County Division of Beach Safety during an off-duty detail, from January 1, 2011 to October 18, 2011. Said records are to be obtained by you and delivered to Captain Nikki Dofflemyer, Internal Affairs Investigator, at 1300 Red John Road, Daytona Beach, Florida, no later than Monday, December 12, 2011.

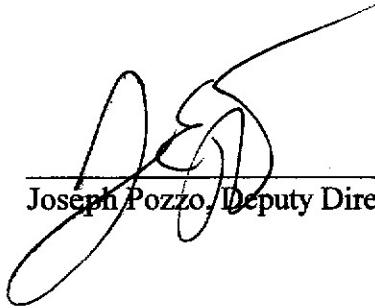
DATED: December 7, 2011.

Received by:



Officer Cara Gittner

Date:



Joseph Pozzo, Deputy Director

OBJECTION TO ORDER TO PRODUCE RECORDS

From: Cara Gittner, Officer
Volusia County Division of Beach Safety

To: Joseph Pozzo, Deputy Director
Volusia County Department of Public Protection

Re: Internal Affairs Investigation - 2011-09-297

I object to your ORDER TO PRODUCE RECORDS, dated December 7, 2011. This request for my cell phone records from the date of January 1, 2011 to October 18, 2011 while I was on duty with the Volusia County Division of Beach Safety, or working as an officer of the Volusia County Division of Beach Safety during off-duty details, violates Volusia County Division of Beach Safety Policy 27.01.36, this policy is to be conducted in accordance with CFA Standard 27.04 B, C, D. Per CFA Std. 27.04, B. Member photographs; C. Lineups; and D. Financial Disclosure Statements can be used in *internal affairs investigations*. According to this Commission for Florida Law Enforcement Accreditation Standard, cell phone records do not fall within one of the prescribed forms of evidence which can be requested.

DATED: December 12, 2011.



Cara Gittner, Officer



INTER-OFFICE MEMORANDUM
Department of Public Protection
Administration
125 West New York Ave., Suite 183
DeLand, FL 32720
386-740-5120 – FAX 386-740-5283

TO: Officer Cara Gittner
Division of Beach Safety

FROM: Joseph E. Pozzo, Deputy Director
Department of Public Protection

SUBJECT: Direct Order To Produce

DATE: December 20, 2011

FILE NO: DPP11-146

REFERENCE:

On December 7, 2011, you were given a written order, signed by me, requiring you to produce certain records relevant to an active internal affairs investigation no later than December 12, 2011, which you failed to do. On December 13, 2011, I met with you personally to make certain that you understood that you were being given a direct order and that you understood the information format that was being requested. You answered in the affirmative that you understood. You refused to comply with the order.

This letter is to advise you that your actions as outlined above, which are considered an act of insubordination and grounds for disciplinary action, up to and including termination, will be dealt with separate and apart from the actions for which you are under investigation in Internal Affairs Investigation 2011-09-297.

JEP/tab



To: Cara Gittner, Senior Lifeguard
Division of Beach Safety

From: Nikki Dofflemyer, Captain
Department of Public Protection
Internal Affairs Unit

Subject: Notification of Internal Investigation

Date: December 14, 2011

Reference: IA 2011-12-302

Pursuant to **Directive 27.01** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Deputy Director Joseph Pozzo.

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

Veracity:

11.01.98 Untruthfulness – *(Violation subject up to dismissal)*

11.01.99 Untruthfulness in an Official Proceeding – *(Violation subject up to dismissal)*

11.01.100 Perjury in an Official Proceeding – *(Violation subject up to dismissal)*

Insubordination:

11.01.116 Compliance With Direct Order of a Superior or Competent Authority – Employees shall comply with the direct orders or instructions given by a Supervisor or superior Officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)*

Enclosed please find a copy of the Law Enforcement Officer's Rights which includes your rights and responsibilities relevant to this investigation.

Be advised you are prohibited from discussing any details that are associated with this investigation in accordance with Florida Statue 112.533 (4).

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

During the period of the investigation you will report to Director Sweat for administrative assignments.

This memo read and received by:
Officer Cara Gittner

Date: _____

Time: _____

CC: Mike Coffin, Director, Department of Public Protection
Joseph Pozzo, Deputy Director, Department of Public Protection
Kevin Sweat, Director, Division of Beach Safety