

From: VolusiaExposed.Com <volusiaexposed@cfl.rr.com>

To: David Vanis <dvanis@volusia.org>

Cc: Bernice Wendland <BWendland@volusia.org>, Joanne Magley <JMagley@volusia.org>, Larry Langdon <LLangdon@volusia.org>, Mark Flowers <MFlowers@volusia.org>

Subject: Officers' Careers / Lives Matters - Sgt. Darlene Capps

Date: Tue, 20 Jun 2017 14:14:10 -0400

OPEN LETTER TO THE VOLUSIA COUNTY DIVISION OF CORRECTIONS

Captain Vanis (others):

I made the public record request - because I had a suspicion that your agency did NOT complete the internal affairs investigation.

If I correctly recall your agency's IA policy - your office (IA) only submits an "investigative recommendation" - the VCDPP Director has final authority. My PRR was for that final authority letter. However, your below email response NOW appears to sustain that the investigative process was halted on May 31, 2017 - with Sgt. Capps' resignation.

Also - logic dictates that if your May 25, 2017 memo was the conclusion of the investigative process - then Sgt. Capps did NOT "resign while under investigation" as her CJSTC 61 and 61A indicates - and was filed by your agency.

Florida Law (FAC & Statutes) requires that IF an agency suspects a violation of a MORAL CHARACTER STANDARD (FAC11-B-27.0011) that regardless of the officer's resignation or retirement - the agency MUST complete the investigative process.

I submit for your review - a copy of CJSTC Professional Bulletin # 40 - May 2010 (see bottom of page 3 and all of page 4 of bulletin).

<http://volusiaexposed.com/vcso/cjstcbulletin.pdf>

I (VolusiaExposed) have been down this same road with the Volusia County Sheriff's Office in 2010. They (VCSO) suspected that Captain Osowski had violated FDLE / CJSTC MORAL CHARACTER STANDARDS. PRIOR to opening an investigation on Captain Osowski - he retired. The VCSO stated in the media - that given Osowski's retirement - they would NOT be opening an investigation. If you review the below December 2010 email exchange I had with VCSO officials - you will realize that they admitted that I was right and that they did have a LEGAL obligation to open an IA investigation on Captain Osowski - regardless of his employment status.

<http://www.volusiaexposed.com/vcso/davidsondec14reply.pdf>

The VCSO investigation eventually CLEARED Captain Osowski of any moral character violation.

It would now appear that your agency OPENED - and then illegally CLOSED an investigation - in violation of FAC STANDARDS and Florida State Statutes (F.S. 943.1395(5))

Now - I ask you the same question asked Sgt. Capps (see page 3 of the Capps ROI). What are you (VCDC) going to do to come into compliance with FAC STANDARDS - and in your case - but not in Sgt. Capps' case - into compliance with Florida Statutes?

Sgt. Capps got married to her partner on May 11, 2017 - in her attempt to come into compliance with FAC 11B-27.0011. Apparently that was NOT enough for your agency. Do you NOW imagine that if you (VCDC) RE-OPEN the Capps' investigation - that your agency should be seen as being in compliance with their legal requirements? Must we (the general public) cut you (VCDC) some slack - while VDCD was not willing to give an inch of slack to Sgt. Capps?

While the above is problematic - I suspect your bigger pickle is that your agency has over-read the rather NEW "Romantic association" definition of FAC 11B-27.0011(4)(c)3c. I will not - now - explain our position further - but I reserve that right to expand on this at a later time. However, given our knowledge of corrections / law enforcement - it shall be interesting to see how your agency responds to this particular FAC standard in the future.

What will your agency do - when a officer reports (or is reported) that he or she has been involved in a non-marital romantic association for over two years - children have been the result of this association - and recently the subject officer has become aware that his / her romantic partner is a convicted felon on probation. Will that officer be asked the very same question that Sgt. Capps was asked? (You may wish to give this some serious thought - especially given our below Caveat)

Will that officer be given the choice to either abandon his / her family or his / her career? Or will heterosexual romantic associations be treated differently?

VCDC has a recent past history of being VERY tolerant of alternative life styles - but that was under Director Ford. Is it now appropriate to question whether the sun has set on that tolerance level - with the recent retirement of Director Ford?

Another thought to consider - do you currently have officers that are also ex-inmates of your own agency? Are any of these officers (ex-inmates) involved in "romantic associations" with other officers in your agency? Do you feel the slope getting a little slippery?

Here is our recommendations: Re-open your investigation - complete it - as dictated by your own internal policies and by Florida law. Contact CJSTC / FDLE - and inquire whether you have initially over defined this rather new FAC standard.

A Caveat - Sgt. Capps did NOT make first contact with us (VolusiaExposed.Com). However, we did make contact with Capps AFTER several members of your agency contacted us. So yeah - it's also a morale issue.

A final thought - if perception is reality - then your (VCDC) current reality is NOT a pretty picture. Request a second photo to be taken.

Regards - and good luck!,

VolusiaExposed.Com
volusiaexposed@cfl.rr.com