



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

TO: Senior Officer Brian E. King
FROM: Mike Coffin, Director *MC*
Department of Public Protection

DATE: September 23, 2011

FILE NO: DPP11 -094

SUBJECT: Notice of Intent to Suspend

REFERENCE: **Erroneous Release**

Purpose:

The purpose of this memorandum is to provide you with notice of intent to suspend without pay for one (1) work day, which equates to one (1) 12 hour shift. The intended action is the result of the erroneous release of an inmate due to your error.

Background:

On September 6, 2011, you were assigned to the Booking Office at the Branch Jail. On that date you received and processed a cash bond intended for inmate McDowell, David (856665). Due to your failure to follow Standard Operation Procedure (SOP) inmate McDowell, B. (856688) was erroneously released.

Information:

At approximately 2331 hours, you spoke with a civilian that wanted to bond out inmate McDowell, who was arrested for trespassing. You looked down the list of names and found an inmate B. McDowell. You pulled his booking card and confirmed that the charge was for trespassing. The last name and the charge for trespassing matched the information that was provided to you by the civilian. You accepted the bond and processed inmate B. McDowell for release. Inmate B. McDowell was released at approximately 2347 hours.

At approximately 0148 hours, the civilian waiting for inmate McDowell came back to booking stating he had been waiting in the lobby and the person he was waiting for never came out. You then pulled the JMS photo up and showed it to the civilian who informed you that this was not the person he intended to bond out. Upon further investigation you realized that you had erroneously released McDowell, B. (856688).

Upon discovering the mistake you took a break from your Booking Office post and checked the lobby for inmate B. McDowell. Inmate B McDowell had already left the building so you retrieved the key to a Corrections' vehicle and drove around the property to see if you could locate B. McDowell. You located B. McDowell walking down Red John Drive and explained to him that he had been released in error. B. McDowell willingly came back to jail and was rebooked without incident. When you returned to the jail, you informed Lt. Corbett of the incident and started the process of bonding out inmate McDowell, David.

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Your failure to obtain a visual confirmation from the person paying the cash bond caused the erroneous release of an inmate. Further you failed to immediately notify your supervisor of the release and your intentions of going to look for the ex-inmate. Your actions in this incident violated the following Division of Corrections Policy and Procedure:

- **Volusia County Merit System, Section 86-453, Reasons for Disciplinary Action:** *Incompetent or unsatisfactory performance of duties.*
- **Volusia County Division of Corrections Booking/SOP, Cash Bonds:** *When it is determined who the individual is to be bonded, and that this person is in our custody, pull the booking picture up on the computer located next to the booking window and show picture to the prospective depositor to ensure positive identification. When proper identification is made, tell the depositor the exact total amount of bond required.*
- **Volusia County Division of Corrections Policy and Procedure 102.09 (YY):** *Employees are expected to be effective. For example: to organize their work, to stay focused on job-related activities during work hours, to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgments to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, and technology, and to be committed to improving individual performance.*

A review of your personnel file reveals the following past corrective and disciplinary actions:

09/12/09 Employee Performance Notice (EPN) Absenteeism.

To your benefit you have accepted responsibility for your actions. It is noted that a contributing factor to this erroneous release was the similarity in name, the same arrest charge, the same bond amount, and both inmates were flagged as mental health constant watches (MHC). The release of an inmate on a MHC cannot be ignored. Your actions of failing to notify your supervisor, and confronting a released MH individual alone could have resulted in an undesirable situation for you and the County.

As a Senior Correction Officer with 11 years tenure, you have the knowledge and experience to perform your duties. This lapse in the performance of your duties does not meet this organization's standards for acceptable performance.

It is the responsibility of the Booking Office to effectively and accurately process each individual according to established policies and procedures. Policies and detailed steps are currently in place to prevent errors of this nature. However, when staff ignores these policies, it reflects poorly on the whole organization. As a result of your actions in this incident, it is my intent to suspend you without pay for one work day which equates to one (1) 12 hour shift.

Please know that any further violations of Division and/or County policy may result in more severe discipline, up to, and including, dismissal. If there is anything I can do or Dr. Ford can do to assist you to improved performance, please let me know.

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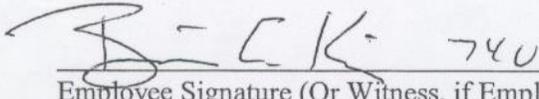
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Action:

In accordance with section 86-455 (c) of the merit System Rules and Regulations you may respond either orally or in writing within three (3) calendar days of receipt of this letter. If you wish to respond, such response will not be accepted after Thursday, *October 13, 2011 at 4:30 p.m.* If you wish to meet with me in person, you must contact me within the time limit stated above. I may be reached at 386-740-5120 or by e-mail at: MCoffin@co.volusia.fl.us. If you do not contact me by the time indicated, it will be assumed that you have waived this right. Should your response be inadequate or should you fail to respond in a timely manner, this action will proceed.

Pursuant to Merit Rule 86-455, the Legal Department and the Personnel Director have reviewed this notice and concur with the proposed action.

I certify that I have read this notification and acknowledge receipt of the original copy.



Employee Signature (Or Witness, if Employee Refuses to Sign)

10-7-11

(Date of Signature)

MDC/cf

cc: _____ James R. Ryan, Deputy Director Public Protection _____ Marilyn Chandler Ford, Corrections Director
_____ Tom Motes, Personnel Director _____ Nancye Jones, Assistant County Attorney
_____ Chandra Gordon, EEO Coordinator