

**FLORIDA DEPARTMENT OF CORRECTIONS  
CORRECTIVE ACTION/DISPOSITION REPORT**

(This form must be typed. Complete a form for each subject.)

**This Section To Be Completed By The Office Of The Inspector General**

Case #: 06-32764 Facility: Tomoka Work Camp

IG Field Office: Orlando Institutional Region: III

Name: Neel, Dustin Position/DC#: Correctional Officer

Allegation/Charges: F.A.C. 33-208.002(5)(Providing Items to Inmates), F.A.C. 33-208.002(3)(Failure to Maintain Proper Security), Alleged Introduction of Contraband, Alleged Prohibited Relationship

**ACTION TAKEN**

**This Section To Be Completed By Appropriate Disciplining Official**

EMPLOYEE: (Name and Title): Neel, Dustin; Correctional Officer

Allegations are: ☒ Substantiated ☒ Unsubstantiated ☐ Exonerated

Action Taken:

☐ Counseling  
☐ Dismissal

☐ Reprimand  
☒ Resignation

☐ Suspension  
☐ Other ☐ None

Comments: Dustin Neel resigned 10/28/06

Reviewing Authority Signature/Title:  Warden Date: 12/18/06

Date Subject Notified: 1/1/07

INMATE/OFFENDER (Name and DC#)/CIVILIAN: \_\_\_\_\_

Allegations are: ☐ Substantiated ☐ Unsubstantiated

Administrative Action Taken/Comments: \_\_\_\_\_

Reviewing Authority Signature/Title: \_\_\_\_\_ Date: \_\_\_\_\_

This Section For Whistle Blowers Act Cases: 112.3189 Florida Statutes

James R. McDonough  
Secretary

**STATE OF FLORIDA  
DEPARTMENT OF CORRECTIONS**

NOV 06 2006

**OFFICE OF THE INSPECTOR GENERAL  
CONFIDENTIAL MEDICAL INFORMATION-NOT FOR DISTRIBUTION  
OUTSIDE OF THE DEPARTMENT OF CORRECTIONS**

**MEMO TO:** Paul C. Decker  
Inspector General

**FROM:** John E. Joiner  
Institutional Inspector

**DATE:** November 2, 2006

**SUBJECT:** Inquiry into allegation of introduction of contraband, prohibited relationship, providing inmates with food and failure to maintain proper security by Correctional Officer Dustin Neel and possible interference in an investigation by CO Joshua Rhoden at Tomoka Work Camp. **I.G. Case # 06-32764**

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**SUMMARY:**

On August 12, 2006, Inmate James Beavers alleged that on August 12<sup>th</sup> or 13<sup>th</sup>, 2006 visitors had dropped off contraband in the woods near the training building at Tomoka Correctional Institution. Beavers said that Officer Neel had previously introduced contraband into the Tomoka Work Camp and had offered to bring in contraband for Inmate Beavers so that he could pay for his motorcycle. Inmate Beavers submitted to a CVSA which indicated no deception concerning allegations involving Officer Neel.

A search of the training building area by security staff on August 13, 2006, resulted in no contraband being found. A review of the inmate telephone system indicated no evidence of introduction involving Officer Neel. A suspicious deposit made to Inmate Curtis Brown's inmate account was identified. Conflicting testimony of others indicated Neel may have been involved in a scheme to introduce contraband for unlawful compensation, and that Neel was involved in placing money into Brown's account. Neel denied any involvement in this scheme but acknowledged some information as reported by others.

During the course of this investigation, Inmate Beavers volunteered to participate in a Covert Personal Intercept Operational Plan involving subject Officer Neel but the plan was unsuccessful. There was an indication that CO Rhoden may have advised Neel something about the plan but Rhoden denied same. Officer Neel denied allegations that he received money and deposited money into Inmate Brown's account and that he introduced contraband or narcotics into Tomoka Work Camp. Officer Neel did admit to allowing inmates to return to the Work Camp compound after visitation with canteen items that were not finished during visitation and that he has brought in food for his own consumption but if he was full he would give the leftover food items to inmates.

Neel did resign during this investigation after being interviewed.

The Office of the State Attorney for the 7<sup>th</sup> Judicial Circuit was contacted concerning the findings related to this case and indicated no intent to prosecute based on insufficient evidence for criminal prosecution.

**As a result of this investigation, it could not be determined if Correctional Officer Dustin Neel was involved in a prohibited relationship with Inmate Curtis Brown, or that he introduced any contraband or received money from inmates at Tomoka Work Camp, therefore these allegations are Unsubstantiated.**

**It could not be determined if CO Rhoden interfered with this investigation, therefore this case is Unsubstantiated in that regard.**

**As a result of this investigation, it was determined that Officer Dustin Neel has violated the following:**

- **F.A.C. 33-208.002 (5) (Providing items to inmates) by giving leftover food items, which he had brought in for his own consumption**
- **F.A.C. 33-208.002(3) (a)(Failure to maintain proper security) by allowing inmates to exit the Visiting Park after visitation with food items that were purchased during visitation.**

**FINDING(S):**

During a sworn, tape-recorded interview, Inmate Beavers alleged that Officer Neel has introduced narcotics into the Tomoka Work Camp for Inmate Curtis Brown and has indicated to Beavers his (*Neel*) willingness to introduce items of contraband and narcotics for payment. Beavers indicated his willingness to assist the Inspector's Office in an operational plan against Officer Neel for conspiracy. Inmate Beavers was willing to submit to a CVSA based on his allegations. Inmate Beavers further alleged that around the first part of September 2006, Inmate Brown had given Officer Neel one hundred sixty dollars (\$160.00) with one hundred dollars (\$100.00) to be sent back into Brown's account via Western Union. Officer Neel contacted his (*Beaver's*) girlfriend (*Michelle Tyer*) by telephone at a hotel in Daytona Beach (*where she was staying during her visitation with Inmate Beavers*) and solicited her to send the money to Inmate Brown in his behalf. Inmate Beavers indicated that his girlfriend refused to cooperate with Neel and has had no further contact with him. He alleged that Inmate Brown did receive the money but only ninety dollars (\$90.00) via Western Union from a Mrs. Brown. **(Exhibit B-1)**

A CVSA was conducted by Senior Prison Inspector C.E. Moorman on Inmate Beavers concerning his allegations. A review of the CVSA results indicated that the subject of the test (*Beavers*) was not deceptive in responses to relevant questions concerning Officer Neel.

- 1) Did Officer Neel tell you he would bring marijuana to you? **The subject answered, yes.**
- 2) Did you receive marijuana from Officer Neel? **The subject answered, yes.**
- 3) Did you deliver the marijuana to Inmate Curtis Brown? **The subject answered, yes.**

**(Exhibit A-1)**

A review of Inmate Brown's deposit history indicated a deposit made via Western Union on September 3, 2006, by Mrs. Brown. The transaction indicated an address of [REDACTED], Orlando, FL 32160 and telephone number of (407) [REDACTED]. An internet search of the address indicated that the address does not exist and the telephone number indicated a registration in Winter Park with a service provider as "Porta-phone Division of John H. Phipps". The agent city was located as Holly Hill, FL. Western Union security services indicated a purchase location of a Winn-Dixie store at 1541 North Nova Road, Holly Hill, FL. The Winn-Dixie Store manager "Shawn" was contacted and provided a copy of the original written "Quick Collect" payment. A request was made to the Winn-Dixie store Manager for a copy of the store recorded video system for September 3, 2006, the store manager advised that no video with September 3, 2006, could be located and therefore was not available.

**(Exhibit A-2)**

*A review of handwriting samples for Officer Neel did not indicate any similarities in the hand writing on the Western Union receipt.*

On October 6, 2006, a Covert Operational Plan was attempted but was unsuccessful. Items were given to Lt. Stroh to pass to Beavers. The only recorded conversation between Inmate Beavers and Officer Neel occurred while Officer Neel was assigned to the Perimeter post but there was no evidence of improper conduct recorded during that conversation. Nor was there anything recorded regarding CO Rhoden.

During a sworn, tape-recorded interview, after the conclusion of the Covert Operational Plan, Inmate Beavers indicated that Officer Neel was working Perimeter and he had a brief conversation with him. After he was re-assigned to the compound, Beavers attempted to engage Officer Neel in conversation but he became nervous. Neel indicated that he wanted Beavers to give the money to Inmate John Bowden to hold until the next day and that he would not take the money that day. Beavers indicated to Neel that he would not give the money to anyone else. Officer Neel told him to hold on to it until tomorrow and that he would meet his visitor at the Winn Dixie store because he still needed to send the money he had for Inmate Brown. He then left the dorm. Inmate Beavers alleged that while waiting to be escorted to the Main Unit for placement into Confinement that Officer Neel threatened him for trying to set him up.

**(Exhibit B-2)**

Inmate John Bowden approached Lt. Stroh and requested protection and indicated that he was involved with Inmate Beavers and Officer Neel. Inmate Bowden was placed in A/C confinement with Inmate Beavers.

During a sworn, tape-recorded interview, Inmate Bowden alleged that he had direct knowledge that Officer Neel has given money to Inmate Beavers and Inmate Brown on several occasions. Inmate Bowden further alleged that Mrs. Heather Miller has deposited money into Inmate Brown's account because Officer Neel did not want the money traced back to him. He alleged that Officer Neel has directly brought him money from the Visiting Park and food from the Visiting Park to hold for Inmate Beavers and for himself. He alleged that he had observed Officer Neel introduce narcotics to Inmate Beavers on several different occasions. Officer Rhoden had stepped to Neel and stated, you got to watch what you say around here don't you

Beavers? Officer Neel told Inmate Beavers to give the money to him (*Bowden*) to hold until tomorrow. **(Exhibit B-3)**

During a sworn, tape-recorded interview, Inmate Brown denied that Officer Neel has sent money to him or that he has given any money to Officer Neel. He indicated that he did receive a deposit for \$90.00 dollars but could not identify who had sent the money to his account. He denied that he has received any money or narcotics from Officer Neel. **(Exhibit B-4)**

During a sworn, tape-recorded telephonic interview, former Inmate Eric Robbins alleged that upon his release on September 1, 2006, he remained in the Daytona Beach area with Inmate Beavers' girlfriend/wife and his girlfriend (*Heather Miller*) and met Officer Neel at a Winn Dixie store in Holly Hill on September 3, 2006, late in the afternoon. His girlfriend Heather Miller filled-out the Western Union money transmittal for Officer Neel to send money to Inmate Curtis Brown. He described Officer Neel's motorcycle and recognized him from being incarcerated at Tomoka Work Camp. He alleged that he and Officer Neel walked around the store together while Miller was filling out the money transmittal. Officer Neel had written down Inmate Brown's information and gave it to Miller and then threw it away. Officer Neel gave her one hundred dollars and the fee for the transmittal was to be taken out of the hundred dollars. When he was incarcerated at Tomoka Work Camp, that Officer Neel had introduced tobacco items and food items to him. **(Exhibit B-5)**

During a sworn, tape-recorded interview, Lieutenant Stroh (*Safety Officer*) indicated that on October 5, 2006, he received a telephone call from Officer Rhoden indicating that he had confiscated a recording device from Inmate Beavers, he indicated that he met with Officer Rhoden in the Officer's Station of O-Dorm and advised him (*Rhoden*) that this was part of a criminal investigation and not to discuss this incident with anyone. This conversation was recorded. Stroh retrieved the recorder and the money from Inmate Beavers. On October 6, 2006, the recording device and money was returned to Stroh and forwarded to Beavers. Stroh observed that Officer Neel had been assigned to Perimeter and advised the shift OIC to have him relieved, upon his reassignment to the compound he (*Stroh*) observed Officer Rhoden walk from his assigned dorm to the dorm that Neel was assigned. Stroh didn't think that Rhoden would say anything. He observed Officer Neel moving around the yard numerous times and Beavers attempting to make contact with Officer Neel. Inmate Beavers approached him and indicated that the recording device had stopped working and he advised the Inspector's Office. Beavers approached him at the end of the day and told Stroh that Neel had told him to give the money to Inmate Bowden. He indicated to Neel that wanted to get the money tomorrow and the other hundred from Beavers' wife when she visited on Saturday, so he would have all the money. Lieutenant Stroh did not observe Officer Neel threaten Inmate Beavers and Inmate Bowden approached Stroh and indicated that Officer Neel was dirty and he would take the money and give it to Officer Neel. Inmate Bowden's request was denied and he subsequently requested protection due to his involvement with Inmate Beavers and Officer Neel and was placed in A/C/Confinement. **(Exhibit B-6)**

During a sworn, tape-recorded telephonic interview, Ms. Heather Miller alleged that on September 3, 2006, she met with Officer Neel at a Winn Dixie Store and sent money via Western Union to Mr. Brown, she indicated that she filled out the transmittal with Mrs. Brown as sender. Ms. Miller described directions to the Winn Dixie Store in Holly Hill. She indicated that Officer



Neel was riding a motorcycle, he gave her a piece paper with Brown's information on it and that she made up the address. Officer Neel gave her a one hundred dollar bill and indicated that the cost of the transmittal was to be taken out of it, so she sent \$90.00 dollars. Inmate Robbins was not with her at the Winn Dixie but that he was at the resort. She recognized Officer Neel from visitation. **(Exhibit B-7)**

During a sworn, tape-recorded interview, Officer Rhoden denied providing or warning Officer Neel about Inmate Beavers or that Inmate Beavers was or had worn a recording device. Officer Rhoden denied any knowledge of improper conduct by Officer Neel. **(Exhibit B-8)**

During a sworn, tape-recorded interview, Officer Neel denied the allegations that he received any money from Inmate Brown and made arrangements to deposit any money into Inmate Brown's inmate account. He denied that he introduced narcotics, or money into Tomoka Work Camp. He did see former Inmate Robbins, his girlfriend (*Heather Miller*) and Inmate Beavers' wife at the Winn Dixie store in Holly Hill but could not remember the date. He was at his girlfriend's house on 6<sup>th</sup> Street in Holly Hill, but then indicated that he didn't know her last name and that she had moved from that address. He denied that he purposely meet them there to have them send money to Inmate Brown. Officer Neel denied that on October 6, 2006 Inmate Beavers attempted to pass him a one hundred dollar bill and denied that he told Beavers to give any money to Inmate Bowden or that he threatened Inmate Beavers while he was in the holding cell at the Work Camp. He denied that Officer Rhoden had told him anything about having to watch his back; Inmate Bowden had told him that on October 6, 2006. Officer Neel admitted that while assigned as Visiting Park Officer that he had allowed inmates to exit the Visiting Park with canteen items they had not finished during their visits. Officer Neel indicated that he has brought in food for his own consumption but if he was full he would give the leftover food items to inmates. Officer Neel was advised that Inmate Beavers submitted to a CVSA and had shown no deception to relevant questions concerning him (*Neel*) introducing contraband, Officer Neel declined to submit to a CVSA. **(Exhibit B-9)**

On October 28, 2006, Officer Neel contacted the Tomoka Work Camp via telephone and indicated that he had another job and was calling to advise that he was quitting. He indicated that this was his verbal resignation. **(Exhibit A-3)**

*It should be noted that there is no fixed video camera in the area where this incident allegedly occurred.*