

Report of Incident

TO:

Joseph E. Pozzo, Interim Director

Department of Public Protection

FROM:

David Vanis, Captain

Public Protection Administration

Internal Affairs

DATE:

October 24, 2018

SUBJECT:

IA 2018-12, Senior Corrections Officer Jennifer Raulerson

References:

- 1. Request for internal affairs investigation from Director Mark Flowers (Dated September 17, 2018).
- 2. Order to conduct Internal investigation from Public Protection Director Terry Sanders (Dated September 17, 2018).
- 3. Orange City Police Department Case number OC180002776 (Dated September 14, 2018).
- 4. Kohl's surveillance video
- 5. Orange City Police Officer Brie Smith body worn camera video.
- 6. Senior Correction Officer Jennifer Raulerson subject interview transcript (Dated October 5, 2018).
- 7. Orange City Police Officer Brie Smith witness interview transcript (Dated October 17, 2018).

Background:

On Saturday, September 15, 2018, at approximately 1030 hours, Sro. Jennifer Raulerson notified me that she had been issued a Notice to Appear (NTA) for shoplifting on September 14, 2018. She provided me with documents from the Orange City Kohl's department store, an Orange City Police Department case card, and a trespass notice for the Kohl's store. During the conversation, I did not ask any questions relating to the actual incident.

After the conversation I conducted a records check and located the report associated with Sro. Raulerson's arrest (OC180002776). The report indicates that Sro. Raulerson placed seven clothing items and a pair of sandals into a shopping cart and placed a diaper bag on top of the items. Sro. Raulerson then exited the store, passing all point of sale, where she was approached by a loss prevention officer who had witnessed the incident. Orange City Police responded at the request of the loss prevention officer and issued Sro. Raulerson a Notice to Appear (NTA) charging her with petit theft [FSS 812.015(1)D].

I advised Sro. Raulerson not to report to work on September 17, 2018 and that I would be in contact with her on Monday to give her further direction. I notified VCDC Director Flowers and Public Protection Administration of the arrest following my meeting with Sro. Raulerson.

On Monday, September 17, 2018 I was directed to conduct the internal investigation by Public Protection Director Terry Sanders. On the same day, I served Sro. Raulerson notice of this investigation and notice of administrative leave.

I conducted another records search and located a sworn statement by loss prevention officer Alexis Cruz, a Kohl's inquiry receipt with seven items listed for a total value of \$217.29, and an OCPD Written Trespass Warning issued to Sro. Raulerson for the Kohl's location.

Mr. Cruz's statement indicates that after he began surveillance on Sro. Raulerson, she selected four sets of boys pajamas and later entered a fitting room. He specifically states the fitting room was cleaned prior to her entering the fitting room stall. Upon exiting the fitting room, Sro. Raulerson placed two of the pajamas on the return rack. The fitting room was checked and no pajamas were found. He states that an empty shoe box was also located in the fitting room. Sro. Raulerson then went to the register and purchased two "misses" tops and a stuffed animal. After completing the transaction, Sro. Raulerson exited the store "failing to pay for the concealed pajamas." Mr. Cruz's statement indicates that Dustin Sharrick stopped Sro. Raulerson, identified himself, and inquired about the unpaid Kohl's merchandise. The statement indicates that Sro. Raulerson admitted to the theft and was then escorted to the Loss Prevention Office where she returned the pajamas and other items selected prior to his surveillance.

On September 20, 2018, I contacted the loss prevention office at Kohl's and spoke with the supervisor Dustin Sharrick. Mr. Sharrick was aware of Sro. Raulerson's incident and advised me that surveillance was conducted on Sro. Raulerson because they had suspected her of shoplifting from the store prior to this occurrence. He further advised that they were aware of her status as a Corrections Officer due to previous research and she had admitted to him that she concealed the items prior to exiting the store. Mr. Sharrick advised that his company's policy is to only provide video surveillance to the investigating agency. He further advised that neither he, nor Alexis Cruz would be allowed to interview with me regarding this case due to their company's policy.

I later contacted Orange City Police who provided me with a copy of the surveillance video and the responding officer's body worn camera (BWC) video. The following is a summary of the surveillance video:

6:53:49	Surveillance begins.
6:54:08	Sro. Raulerson enters restroom at customer service with two children.
6:55:32	Sro. Raulerson exits restroom. Surveillance resumes.
6:59:13	Sro. Raulerson stops in boys section and looks at pajama sets.
7:00:27	Sro. Raulerson places 4 boy's pajama sets on top of cart.
7:01:25	Surveillance verifies 4 sets multiple times by zooming in on cart.
7:05:40	Sro. Raulerson enters fitting room in women's section with two children.
7:24:07	Sro. Raulerson exits fitting room and places several items that were placed in cart prior to surveillance onto a return rack. One or two pajama sets are handed to a store employee to hang up.
7:25:20	Sro. Raulerson gets in the line at the register.
7:25:56	Sro. Raulerson places items on table for checkout but no pajamas are visible. She appears to pay for the items.
7:29:10	Sro. Raulerson exits store and is stopped by a male in plain clothes. She is escorted, with the two children, by the male off the screen.

The BWC video provided by Orange City Police had poor audio quality. Most of Sro. Raulerson's responses are inaudible. Once in contact with Sro. Raulerson in the loss prevention office, OCPD Ofc. Brie Smith reads Sro. Raulerson her Miranda Rights. Sro. Raulerson agrees to speak with Ofc. Smith. Ofc. Smith asks "Go ahead and explain to me what happened? What did you take from the store?" Sro. Raulerson's response is inaudible but Ofc. Smith refers to several items lying on a table. Ofc. Smith asks "Where did you conceal these items?" Sro. Raulerson's response is not audible but Ofc. Smith replies "In the bottom of the grocery cart. Did you put anything on top of them or anything like that?" Ofc. Smith then states "Ok, so you put these in the bottom of the cart and put the bag on top of them. Ofc. Smith then explains the notice to appear (NTA) process and the video ends.

Senior Corrections Officer Jennifer Raulerson:

I conducted a sworn and recorded interview with Sro. Raulerson on October 5, 2018 at Public Protection Administration. Her attorney, Martin White, was also present for this interview. Prior to the interview, Sro. Raulerson reviewed the documents and video related to this case.

Sro. Raulerson told me that she had been ill the week prior and had not been sleeping well. She specified approximately one to one and a half hours of sleep per night. She told me she had picked up her children from childcare and went to Kohl's because she had Kohls "cash" that was nearing its expiration and needed to use it. She explained that this was late for her children to be out but decided to go anyway. She explained that she selected several items including the pajamas and clothing items for herself to try on. While in the store, her children began to misbehave. She told me that when she entered the fitting room, there was already several articles of clothing in the stall. She handed these items to the attendant so she

could try on the clothes. While in the fitting room, she told me her daughter was "doing headstands on the bench" and her son was getting agitated to the point that she gave him chicken nuggets and a soft drink so he would calm down. She told me her son spilled the soft drink and her daughter had made a mess with ketchup packets while in the fitting room. Her daughter and her placed all their items into and on top of the shopping cart and exited the fitting room. Sro. Raulerson told me she was "stressed and frazzled" at this point because of her children's behavior. She hung up several items and handed some to the attendant once she exited the fitting room and proceeded to the checkout line. She told me she purchased the two tops she had on top of her cart and a stuffed animal at the register. Once she exited the building she was confronted by a male who identified himself as a store employee. The male asked if she had any items in her cart that she didn't pay for. Sro. Raulerson told me she paused for a moment and stated "Can we go somewhere?"

Sro. Raulerson explained that once she was in the Loss Prevention Office, she was asked to empty the contents of her cart and bag. At this point she realized that she had exited the store without paying for several items that were concealed in her bag and under her bag. She couldn't recall what the items were other than a pair of pajamas that was inside her bag. She told me that her daughter had helped place the items in the cart while in the fitting room and did not intentionally exit the store with those items. She offered to pay for the items but told me that male's facial expression indicated that he wouldn't believe her. She compared this look to the look of disbelief she has given to inmates on several occasion when they tell her they didn't commit the crime they were arrested for.

Due to the poor audio quality of the BWC recording, I asked Sro. Raulerson her responses to Ofc. Smith inquiries. Sro. Raulerson agreed to speak with the officer after she was read her Miranda Warning. When asked "Go ahead and explain to me what happened? What did you take from the store?" Sro. Raulerson told the officer she took the items from the store. When asked "where did you conceal these items at?" Sro. Raulerson responded in the shopping cart. When asked "Did you put anything on top of them or anything like that?" Sro. Raulerson responded that she put her bag on top of them.

I asked Sro. Raulerson why she didn't tell Ofc. Smith the same story that she had just told me and she responded that she did not feel the officer would believe her. She also told me that she never told the Kohls' employees or the OCPD officer that she was a VCDC officer.

Sro. Raulerson denies that her intent was to steal the seven items and simply made a mistake. When asked if she had ever intentionally shoplifted before, she told me she had not. She did cite an instance several months ago when her daughter held onto a toy from another store and she did not realize it until they had left. She described that as unintentional. When I asked why the Loss Prevention Officer would select her to watch, out of everyone else in the store, she was not sure.

Sro. Raulerson provided me with reference letters from co-workers and supervisors attesting to her character that had been previously written for a Field Training Officer appointment. She also cited that she has never been disciplined during her thirteen year career with VCDC.

This interview was audio recorded, transcribed, and added to the case file.

Orange City Police Officer Brie Smith:

I conducted a sworn and recorded interview with Ofc. Smith at the Orange City Police Department on October 17, 2018.

Ofc. Smith confirmed that she had issued Sro. Raulerson the Notice to Appear on September 14, 2018. She advised that the call was originally dispatched to her as a "Shoplifting in Progress" and later changed

to just a "shoplifting" call at the Kohl's in Orange City. She initially met with Loss Prevention Officer Alexis Cruz who advised her that Sro. Raulerson placed items in her shopping cart, placed a bag on top of them to conceal them, and tried to exit the store with the items. She told me that she spoke with Sro. Raulerson about the incident. Sro. Raulerson told her it was a "mistake" and that she had taken the items and put them in the shopping cart. Ofc. Smith explained that Sro. Raulerson agreed that everything she was accused of by Mr. Cruz was true. Sro. Raulerson gave no statement to Ofc. Smith indicating her children were involved or that this incident was an accident or mistake. Ofc. Smith did recall that Sro. Raulerson's children were acting up in an adjacent room. She recalled giving one of them her cell phone to occupy their time while she completed her report.

This interview was audio recorded, transcribed, and added to the case file.

Conclusion:

Sro. Jennifer Raulerson was issued a notice to appear for Shoplifting at the Kohl's Department Store in Orange City on September 14, 2018. The report and statements associated with the criminal case indicate that Sro. Raulerson admitted to concealing the seven clothing items in her shopping cart using a diaper bag and exited the store without paying for those items. The Loss Prevention Officer Alexis Cruz's statement indicates that Sro. Raulerson admitted to the theft. Ofc. Smith's BWC video and sworn statement confirm that Sro. Raulerson admitted to concealing the items and exiting the store without paying for them. Sro. Raulerson indicated in her sworn interview that she was frustrated with her children and accidentally left the store with the items. However, she confirmed that she never mentioned this to the Loss Prevention Officers nor OCPD Ofc. Smith because she did not think they would believe her.

Findings:

Findings:

This case was presented to Interim Director Joseph Pozzo, Deputy Director Mark Swanson, and VCDC Director Mark Flowers. Interim Director Pozzo determined the following allegations are **SUSTAINED**:

Volusia County Merit Rules and Regulations Sec. 86-453. - Reasons for disciplinary action. Any of the following violations may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation. These offenses are illustrative and not all-inclusive.

- (2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.
- (8) Criminal, dishonest or other conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service.
- (13) Any conduct, on or off duty that reflects unfavorably on the county as an employer.
- (21) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

Florida Administrative Code 11b-27.0011(4)(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of

adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not: (FSS 812.015)

VCDC Policy 102.09. Correctional Officers shall conduct themselves in a professional manner at all times and remain cognizant of his/her responsibilities to the Division and the inmates in his/her charge.

VCDC Policy 102.09(TT). Employees shall refrain from any activity either on/off duty that would not be of good moral character. Examples of this are, but not limited to, any act constituting a criminal act, any principal, accessory, attempt, solicitation, or conspiracy of committing any criminal act.

Concluding Statement:

Unless otherwise directed, this investigation is considered closed, and is submitted for review and action as deemed appropriate. The original attachments of interviews and other documents pertaining to this investigation remain on file with the Internal Affairs Unit.

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully 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 Statute."

Captain David Vanis

2....

SETTLEMENT AGREEMENT AND NOTICE OF DEMOTION IN LIEU OF DISMISSAL

It is agreed between Jennifer Raulerson and the County of Volusia, Division of Corrections, as follows:

- 1. For the reasons set forth in the memorandum to you dated November 5, 2018, the County of Volusia concluded that as a result of the seriousness of your misconduct on September 14, 2018, and your inability to follow Division Policies, Procedures, Post Orders, and the County's Merit System Rules and Regulations, the Director of Public Protection issued you a Notice of Intent to Dismiss.
- 3. County of Volusia agrees to amend, through this Last Chance Agreement, the Notice of Intent to Dismiss to this Notice of Demotion in Lieu of Dismissal.
- 4. As Jennifer Raulerson has been on Leave Without Pay since November 19, 2018, County of Volusia agrees to restore Ms. Raulerson's employment related benefits, leave accrual, and will back pay Ms. Raulerson from November 19, 2018 through her return to work date, which will be the next work day after the date of the final signature on this agreement.
- 5. Jennifer Raulerson agrees to accept a demotion from Senior Corrections Officer to Animal Control Officer at a rate of pay determined by the County Demotion Pay Guidelines set forth in HR Bulletin 23.
- 6. In lieu of dismissal and in consideration of your past service to the County of Volusia, but with due regard to the past and present problems set forth above, Jennifer Raulerson and the County of Volusia agree that Jennifer Raulerson's employment with the County of Volusia will continue <u>only</u> if she (Jennifer Raulerson) strictly complies with all of the following conditions:
 - A. Employee (Jennifer Raulerson) shall refrain from any actions or acts similar to those for which she has been disciplined, and shall abide by <u>all</u> Volusia County Division of Animal Services SOGs, Volusia County HR Bulletins, and the Volusia County Merit System Rules and Regulations.
 - B. Employee (Jennifer Raulerson) shall accept a demotion to the position of Animal Control Officer.
 - C. Employee (Jennifer Raulerson) must meet all requirements of the Deferred Prosecution Agreement.

Initial

Page 1 of 3

Originals: Employee, Human Resources

- 7. Employee (Jennifer Raulerson) agrees and understands that any violation of the aforementioned paragraphs or occurrence of <u>any</u> incident of her conduct that adversely impacts the operations of, or interferes with the business of the County of Volusia or Volusia County Division of Animal Services shall be grounds for revocation of this Agreement and shall be just cause for dismissal. Employee further agrees that should such action result in her termination, Employee (Jennifer Raulerson) waives any right to appeal or grieve such disciplinary action under sections 86-484 (Grievances) and 86-485 (Appeals), Volusia County Code, and any applicable provision of the Collective Bargaining Agreement between the County of Volusia and I.A.F. F. Local 3574, if any.
- 8. This Agreement, between Jennifer Raulerson and the County of Volusia, commences upon the date set forth below and shall remain in effect for the remainder of employee's (Jennifer Raulerson) employment with the County of Volusia. Jennifer Raulerson expressly acknowledges that she has had the opportunity to fully review this Agreement and that she (Jennifer Raulerson) fully understands her obligations and is voluntarily entering into this Agreement. She (Jennifer Raulerson) expressly acknowledges that she has had the opportunity to consult with an attorney regarding this Agreement. Further, she (Jennifer Raulerson) recognizes that the County of Volusia is under no obligation to enter into this Agreement, but that the County is desirous of providing her (Jennifer Raulerson) with **one last chance** to continue employment with the County of Volusia.
- 9. Nothing contained in this Agreement shall be construed as guaranteeing Jennifer Raulerson's employment. Notwithstanding this Agreement, Jennifer Raulerson shall be subject to all Volusia County Division of Animal Services SOGs and County of Volusia Rules and Regulations governing employment matters not covered herein.
- 10. Employee, Jennifer Raulerson agrees that this Agreement provides her with additional consideration and, notwithstanding any provision of this Notice of Demotion in Lieu of Dismissal, by accepting the terms of this Agreement hereby waives any right that she has to grieve or to appeal the terms of this Notice of Demotion in Lieu of Dismissal and this Agreement under sections 86-484 (Grievances) and 86-485 (Appeals), Volusia County Code.
- 11. Employee, Jennifer Raulerson agrees that by executing this Agreement she waives any further grievance procedure that may be available.
- 12. Employee, Jennifer Raulerson further agree to release County of Volusia and its employees and agents from any claims, regardless of the nature of the claims, including but not limited to any claim under chapter 447, Florida Statutes, that may be made based upon the employment of Jennifer Raulerson through the time of her reemployment.
- 13. Employee, Jennifer Raulerson agrees that this action and Agreement is a one-time non-precedent setting event, based upon the unique facts and circumstances of Jennifer Raulerson's employment, and shall not be admitted into evidence, or used to argue in support of a similar demotion in lieu of dismissal, in any future grievance, appeal, or other court proceeding.

May Initial

AGREED TO this 10th day of December, 2018.

Employee: Jennifer Raulerson

Employee ID #: 17432

Tom Motes, Human Resources Director County of Volusia

PAGE INTENTIONALLY LEFT BLANK



KAREN DRISCOLL MY COMMISSION # GG258473 EXPIRES: October 13, 2022

A Anitial

Page 3 of 3 Originals: Employee, Human Resources