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Bcc:
Subject: Request for records
Date: Fri, 16 Dec 2011 14:22:31 -0500

Mr. Coffin / Mr. Pozzo

Please accept this email as both a public record request and a request for information and clarity.

You (Coffin) were recently involved in internal investigations of two correctional officers (Smith and Goddell).

Please refer to the below referenced Daytona Beach News Journal article.

<http://www.news-journalonline.com/news/local/east-volusia/2011/12/14/volusia-fires-2-corrections-officers-over-relations-with-inmates.html>

Documents attached to these investigations appear to indicate that you met with these officers in separate, but scheduled interviews, in which you invited these officers to present additional evidence that might “rebut or mitigate” the conclusion of the internal investigative findings.

Florida Statutes 943.1395 (5) mandates that a law enforcement or correctional agency must conduct an internal investigation should they suspect an officer has failed to maintain compliance with the moral character standards of F.S. 943.13 (4) or (7). (see below reference to 943.1395)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.1395.html

Moral character is further defined in Florida Administrative Code 11B-27.0011. (Please see attached MS Word copy of FAC 11B-27.0011)

Engaging in an unprofessional relationship with an inmate is a violation of FAC 11B-27.0011, and therefore must be internally investigated by the employing agency. (943.1395)

Florida Statutes 112.532 to 112.535 (commonly referred to as the Florida Officer's Bill of Rights) institutes strict mandates of how this investigative process must be accomplished and recorded. (see below reference to 112.532 – 112.535)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-

0199/0112/0112PartVIContentsIndex.html&StatuteYear=2011&Title=-%3E2011-%3EChapter%20112-%3EPart%20VI

Florida Statute 112.532 (1)(g) requires all formal interrogations of the subject officer to be audio recorded. Therefore we (VolusiaExposed.Com) requested a audio copy of all interrogations conducted by Volusia County on these officers (Smith and Goddell), to include your above mentioned meetings.

Lt. Langdon (records custodian for the Division of Corrections) – has advised us that he and the Division of Corrections are NOT in possession of these recorded interrogations. We, therefore, make our public records request known to your office, for your assistance in gaining these records.

Should Volusia County hold the position that these officers were not formally interrogated, therefore, there were no requirement to record their statements, then we would bring your attention to F.S. 112.533(2)(A) which states - “All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer shall be made under oath pursuant to s. 92.525.”

Therefore, if audio recorded statements can not be provided to us, then please provide records that verify that statements made by the subject officers, to include your scheduled pre-disciplinary meetings, were sworn statements, as required by the above mentioned Florida Statutes.

VolusiaExposed.Com is currently working on an article that will explore whether Volusia County, in the particular, it's Department of Public Protection (VCDPP) is in compliance with Florida Statutes regarding law enforcement and correctional officer misconduct investigations. We further intend to incorporate our concerns, that such a failure by the VCDPP has negatively affected several high profile investigations within the following divisions, of the VCDPP (Beach Patrol, Fire Services and Corrections).

Any clarity you can bring to these matters, will be greatly appreciated.

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Cc. - County Manager - James Dinneen
Jail Director - MC Ford
Volusia County Public Information Officer - Dave Byron

Bcc. - several