



December 9, 2011

Volusia Exposed

To whom it may concern:

Re: PRR- 101911 (Re: Smith, Goodell investigations)

In response to your request received in our office, I am enclosing the copy of the file for the above-referenced request. Per F.S. 119.071(4) (d) all exempt information has been redacted. The fee for coping these documents plus the fee for the labor is \$14.00. Please make the check payable to the County of Volusia – Division of Corrections and mail to:

County of Volusia – Division of Corrections
1300 Red John Drive
Daytona Beach Fl.
32124

When issuing your check, please note on it that it is for photocopying fees regarding the above-referenced request.

Should you have any questions, please do not hesitate to contact me at the number listed below.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Langdon".

Lieutenant Larry Langdon
Volusia County Division of Corrections
(386) 258-4044

Public Records Volusia County Fee Schedule

"The charge is limited to actual cost of duplication of the record. The phrase 'actual cost of duplication' is defined in Florida Statutes to mean the cost of the materials and supplies used to duplicate the record, but it does not include the labor costs and overhead costs of such duplication. An exception, however, exists for copies of County maps or aerial photographs supplied by County constitutional officers which may include a reasonable charge for the labor and overhead associated with their duplication." — *Florida Government-In-The-Sunshine Manual.*

Volusia County's public records duplication fee policy

Paper copies -- The cost to duplicate paper records is 5 cents per page.

If the nature or volume of public records to be copied requires the extensive use of information technology resources or extensive clerical or supervisory assistance, or both, a reasonable service charge based on the cost actually incurred should be charged on a case by case basis. Extensive use of resources is defined as more than 15 minutes. This should be the direct hourly labor rate calculated for the Activity where the records are requested. (Please see formula below or consult Management and Budget for assistance).

Video cassettes -- Actual video tape cost and, if any, extensive clerical labor (see calculation sheet)

Audio cassettes -- Actual cassette tape cost and, if any, extensive clerical labor (see calculation sheet)

Electronic information retrieval -- Paper copy cost and, if any, Microcomputer Services extensive labor (see calculation sheet)

Formula for determining public records extensive labor costs based on one person or more than one person in your area:

1. Determine the person's annual direct labor hours (40 hr week x 52 weeks).
2. Total person's annual current budgeted salary (current salary, plus FICA, plus insurance, plus retirement).
3. Divide line 2 by the number of direct labor hours in line 1. The result is the direct hourly labor rate.
4. If more than one person is involved, multiply each person's direct hourly labor rate by the number of hours that person was involved in the project. Add together.

(Copy and give to requestor of records)

PUBLIC RECORDS DUPLICATION COST ESTIMATE FORM – A determination of the cost of providing the requested information should be made as quickly as possible. This shall be conveyed to the requestor of information. The requestor of information shall be given a form estimating the cost of compliance with the information requested. The requestor shall pay for the cost of records in advance.

Paper copies -

Number of copies x \$.05 per page =

Paper copies -

Number of copies x \$.05 per page =

\$

Paper copies -

Number of copies x \$.05 per page = 80

\$4.00

Electronic information retrieval

Labor as quoted by IT Department

\$ _____

Number of copies _____ x \$.05 per page =

\$ _____

Video VHS, CD-R, DVD

Actual replacement cost

\$ _____

Audio cassettes

Actual cassette tape cost

\$ _____

County maps

Determined by size, black and white or color

\$ _____

Extensive office/clerical labor costs

Extensive labor #1 (time 1 @ \$ 10.00 per hour)

\$ 10.00

Extensive labor #2 (time _____ @ \$ _____ per hour)

\$ _____

Extensive labor #3 (time _____ @ \$ _____ per hour)

\$ _____

POSTAGE to mail materials

\$ _____

EMAIL SEARCH – PER QUOTE ATTACHED

\$ _____

Total due from requestor of information

\$14.00

PRINT NAME: _____

SIGNATURE

DATE

(By signing you agree to pay the County of Volusia public record duplication and labor costs IN ADVANCE.)

FDLE

Florida Department of
Law Enforcement

AFFIDAVIT OF SEPARATION

Incorporated by Reference in Rule
11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



**CJSTC
61**

- 1. Social Security Number: [REDACTED]
- 2. Name: Smith, Josh T
- 3. Agency name: Volusia County Department Of Corrections
- 4. Agency ORI: FLD64013C
- 5. Date employed: 12/15/2003
- 6. Separation Date: 10/18/2011
- 7. Separation Reasons

Employment Class & Type
Full-Time Correctional

<p>7A. ADMINISTRATIVE - ROUTINE</p> <p><input type="checkbox"/> Voluntary separation not involving misconduct</p> <p><input type="checkbox"/> Transfer within agency. No break in service</p> <p><input type="checkbox"/> Retired. Not involving misconduct</p> <p><input type="checkbox"/> Deceased</p> <p><input type="checkbox"/> Budgetary Constraints. Local and Federal grants not renewed.</p> <p><input type="checkbox"/> Extended leave of absence Type: _____ Periods of Time: _____</p> <p><input type="checkbox"/> Military leave of absence Periods of Time: _____</p> <p><input type="checkbox"/> Suspension Periods of Time: _____</p> <p><input type="checkbox"/> Administrative termination not involving misconduct.</p> <p><input type="checkbox"/> Special elected or appointed Position: _____ Anticipated term: _____</p> <p><input type="checkbox"/> Instructor request for change of affiliation</p>	<p>7B. ADMINISTRATIVE - NON-ROUTINE</p> <p><input type="checkbox"/> Failure to complete basic recruit training</p> <p><input type="checkbox"/> Failure to pass the State Officer Certification Examination.</p> <p>7C. ADMINISTRATIVE - SUBSTANDARD PERFORMANCE</p> <p><input type="checkbox"/> Failure to satisfactorily complete agency field training program (training performance issues)</p> <p><input type="checkbox"/> Failure to perform assigned tasks satisfactorily</p> <p>7D. OTHER - EXAMPLE</p> <p><input type="checkbox"/> Excessive absenteeism; failure to report for duty and sleeping on duty, and etc.</p>	<p>7E. UNFAVORABLE - MISCONDUCT</p> <p><input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Terminated for violation of agency or training school policy (Not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.)</p> <p>7F. Form CJSTC-61A must be completed and submitted with form CJSTC-61 for any of the following:</p> <p><input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.</p> <p><input checked="" type="checkbox"/> Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined by Rule 11B-27.0011, F.A.C.</p>
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NOTICE: Section 943.139(2), F.S., requires the execution of an Affidavit of Separation by the employing agency in a case of officer separation. If the officer is separated, whether voluntary or involuntarily, for failure to comply with provisions of Section 943.13, F.S., the agency is required to go specify when completing the Affidavit of Separation Supplement form CJSTC-61A. WARNING: Intentional false execution of the Affidavit of Separation constitutes a misdemeanor of the second degree.

8. Agency Administrator or Designee's Signature: Marilyn Chandler Ford
 9. Agency Administrator or Designee's Printed Name: Marilyn Chandler Ford
 10. Date signed: 11/15/11
 11. Agency Administrator or Designee's Title: CORRECTIONS DIRECTOR

AFFIDAVIT

12. STATE OF FLORIDA, COUNTY OF Volusia, The foregoing instrument was acknowledged before me this date 11/15/11 by M.C. Ford who is personally known or who has produced identification. Type of identification: Nola Green



Print, type, or stamp Commissioned Name of Notary

Notary Seal: _____

Upon witnessing the agency administrator or designee's signing of this affidavit, the notary public shall complete the notary block.

Effective 10/16/1997

Form Effective Date 6/9/2008

FDLE

Florida Department of
Law Enforcement

AFFIDAVIT OF SEPARATION SUPPLEMENT

Incorporated by Reference in Rule
11B-20.001(3)(a)5.b., and 11B-35.001(6)(b), F.A.C.



CJSTC
61A

Form CJSTC-61A must be completed and submitted with form CJSTC-61 for any of the following:

- Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.
- Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.
- Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.

1. Officer or Instructor's Name: **Smith, Josh T**

2. Officer or Instructor's Address:

City

3. Officer or Instructor's Telephone
Number:

4. Agency or training school contact person: (For more
information):

Capt. N. Dofflemyer

5. Contact Telephone Number: **386-254-1591**

6. Detailed Description of Misconduct: Do not use generic terminology in this section such as conduct unbecoming, failed to meet agency standards, violation of agency operating procedures, etc. Detailed information describing the act of misconduct is needed for efficient processing.

Inappropriate behavior with a female inmate.

7. Criminal Charges Filed: Yes No

CHARGE(S):

Effective 10/16/1992

Form Effective 6/9/2008

FDLE

Florida Department of
Law Enforcement

INTERNAL INVESTIGATION REPORT
Incorporated by Reference in Rule 11B-27.003(2)(a), F.A.C.



CJSTC
78

Please type or print in black or blue ink and use capital and small letters for names, titles, and addresses

OFFICER

- 1. Social Security Number:
- 2. Officer's Name:
- 3. Officer's Last Known Address:
- 4. Officer's Telephone Number:



AGENCY

- 5. Agency ORI: FL064013C
- 6. Agency Name: Volusia County Department Of Corrections
- 7. Agency Contact Person: Capt. N. Dofflemyer
- 8. Agency Contact Person's Telephone Number: 386-254-1591
- 9. Agency FAX Number: 386-258-4071

VIOLATION - ALLEGATION

10. Nature of Allegation(s): Inappropriate behavior with a female inmate. Including phone calls and adding money to her account.

11. Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.)
Sustained - (Violation of Agency Policy) Not Sustained Unfounded Exonerated

12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: Date Internal Investigation Completed:
Exception to limitation period for disciplinary action: Place a check mark by the exception to limitations that apply Days Tolerd

- Written waiver of limitation by officer
- Ongoing criminal investigation or criminal prosecution
- Officer incapacitated or unavailable
- Multi-jurisdictional investigation
- Emergency or natural disaster as declared by the Governor

13. Criminal Charges Filed: None

14. Agency Disciplinary Action: Terminated from employment.

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

- Summary of the Facts
- Internal Investigation Report
- Name & Address of Witness
- Witness Statement/Disposition
- Certified Court Documents
- Other Supportive Information

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

Mary Chandler Ford
16. Agency administrator's signature

11/15/11
17. Date Signed

Marilyn Chandler Ford, Ph.D., C.J.M.,
18. Agency administrator's name and title
Director

Effective 1/1/1983

Form Effective Date: 6/9/2008



IN LER-OFFICE MEMORANDUM
Department of Public Protection
125 West New York Ave., Suite 183
DeLand, Florida 32720
386-740-5120 - Fax - 386-740-5283

TO: Officer Joshua Smith
DATE: October 26, 2011
FROM: Mike Coffin, Director *MC*
Department of Public Protection
FILE NO: DPP11-117
SUBJECT: Notice of Dismissal
REFERENCE: NOID DPP11-109

Purpose: This letter serves as notice of your dismissal from employment with the County of Volusia effective October 18, 2011. The action is the result of the review and findings of your misconduct with a female inmate that was discovered on September 19, 2011.

Background: You received my Notice of Intent to Dismiss on October 17, 2011. I met with you on October 19, 2011. Ultimately, you provided no information that would rebut or mitigate the substantive elements or seriousness of your misconduct, as described below. Therefore, I am proceeding with the intended action.

Information: On September 26, 2011, you were placed on administrative leave without pay pending the review and investigation of alleged misconduct. This action was taken based on direct observation and related documentation of your actions on September 19 and September 20, 2011.

On September 19, 2011 at 1522 hours you called Captain Reinhart and stated you would not report for your duty which was to start at 1945 hours that day due to "not feeling well."

On September 19, 2011, at approximately 2145 hours, Sgt. Painter received a phone call from an unidentified male inquiring about inmate C. Ranero's release time. This female had entered custody that same afternoon with a bond of \$1,500. Due to Ranero's mental health issues, she was classified as a special needs release. This meant that Ranero's release was pending the arrival of her transportation; the unidentified caller inquiring about Ranero was advised of this process. At 2100 hours, Sgt. Pendegrass arranged for inmate Ranero to make a phone call to determine when her transportation would arrive. At 2130 hours, inmate Ranero advised Sgt. Pendegrass that someone from her family or a family friend should be out in the VCCF parking lot waiting for her.

A few minutes after the initial 2145 hours answered by Sgt. Painter, the same male caller spoke with Sgt. Painter again, informing her that he was there to pick up inmate Ranero. The caller was informed that due to the inmate's housing status he would need to come inside the facility and speak to the supervisor on duty. The unidentified male came into the lobby to use the phone and speak to the supervisor at which time you were recognized and identified accordingly to the supervisor on duty.

Once you realized that you had been recognized by Sgt. Painter, you asked whether you were going to get in trouble for picking up inmate Ranero. You stated that you had not posted bond for the inmate, but that as a favor to the family you were giving the inmate a ride home. Sgt. Painter informed you to document this incident when you returned to work, and that you should wait in the lobby while she informed Sgt.

(Continued)

Certified mail

7005 2570 0000 7711 6392

10/31/11

Pendergrass that you were picking up the inmate. Yet you did not remain in the lobby. Instead, you went back to your vehicle to wait for the inmate. Ranero was escorted to the parking lot by Sgt. Pendergrass who confirmed that inmate Ranero got into the vehicle with you.

On September 20, 2011, the anticipated date of your return to duty, you called out sick again. Upon your return to work on September 23, 2011, you met with Lt. Corbett and Sgt. Martin. They instructed you to document your conduct in this incident. When questioned by Lt. Corbett and Sgt. Martin you denied any current personal relationship with this inmate. In your written response dated September 23, 2011, to the above referenced incident, you state that your intention was only to provide a ride and help out a friend.

The recording of your telephone conversation from Ranero on September 19, 2011 suggests you are more than just a family friend and you have a more personal relationship with Ranero. In one part of the conversation you call Ranero, "Baby," and in another part of the conversation you tell her, "You are here for her." Your conversation closes with you telling Ranero, "I love you," to which she then responds in the same fashion.

Your actions in trying to conceal your identity when you came to pick up Ranero are suspicious. This may be due to the fact that you had stated you were too ill to come to work, but you subsequently were well enough to perform this improper action. Although you were in a sick leave status, you were given instructions by a supervisor (Sgt. Painter) at your place of employment to wait in the VCCF lobby until Sgt. Pendergrass exited with Ranero. Yet you did not remain in the lobby, but went out to your vehicle. Finally, your continued failure to report to duty on September 20, 2011 also appears questionable in light of your actions the prior night.

Your misconduct resulted in sustaining the following violations:

Volusia County Division of Corrections' Policy 102.09 – Correctional Officer/Employee conduct, Section (T): *COs shall not engage in, nor develop any personal relationship with inmates or ex-inmates without the approval of the Corrections Director. It shall be the responsibility of the CO to notify his/her Warden via VCDC-401 if a family member, relative, close friend or someone he/she may have a relationship with becomes an incarcerated person.*

Volusia County Division of Corrections' Policy 102.02 – Correctional Officer/Employee conduct, Section (C): *All staff shall make or cause to be made accurate, complete and truthful reports and official records. 1. No staff member shall knowingly make or cause to be made any false report or falsify any official record. 2. No staff member shall make or cause to be made any inaccurate, misleading, contradictory, or improper report/official record.*

Volusia County Division of Corrections Policy and Procedure 102.09, (NN): *Each employee shall refrain from acts of insubordination, including: 3. Compliance and execution of lawful orders: All staff shall promptly comply with and execute any reasonable or official order or instructions given by a supervisor or superior officer, and shall not refuse to comply or execute such orders or instructions when the orders or instructions are lawful and reasonable.*

(Continued)

Notice of Dismissal
Officer Joshua Smith
October 26, 2011
Page 3 of 3

Volusia County Merit System, Section 86-453 Reasons for Disciplinary Action (13): Any conduct, on or off duty that reflects unfavorable on the County as an employee.

A review of your personnel file reveals no past corrective or disciplinary actions of a similar nature. However, the incident described in this letter undermines your integrity and is serious, unprofessional behavior. It is the responsibility of all corrections officers to know and to follow Division policy and procedure. As importantly, however, is your failure to take responsibility for your behavior and conduct.

You have been employed by the Division of Corrections for almost 8 years. Good moral character and honesty are essential to the performance, reputation, and trust placed in corrections officers. Your misconduct calls into question your ability to responsibly and dependably function as a corrections officer. Therefore, as a result of your substantiated misconduct in this incident and its seriousness I am dismissing you from employment with the County of Volusia effective October 18, 2011.

Action: In accordance with section 86-485 (a)(3) of the Merit System Rules and Regulations you have ten (10) working days from receipt of this notification to appeal this action through the County Personnel Board. Should you decide to exercise your right to appeal, submit your written request to the County Personnel Director, 230 N. Woodland Blvd., Suite 262, DeLand, Florida. 32720. If you do not contact the County Personnel Director by the time indicated, it will be assumed that you have waived this right.

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) (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

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Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

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Manage Your Mail

Shop

Business Solutions

Track & Confirm

SET EMAIL UPDATES PRINT DETAILS

YOUR LABEL NUMBER

94052782000711030

SERVICE

STATUS OF YOUR ITEM

DATE/TIME

LOCATION

FEATURES

Delivered

November 04, 2011, 4:41 pm

DELTOUR, FL 32733

Certified Mail™

Notice Left

November 03, 2011, 1:45 pm

DELTOUR, FL 32733

Departed from USPS
Sort Facility

November 02, 2011

IND FLORIDA, FL 32733

Processed through
USPS Sort Facility

November 02, 2011, 12:10 am

IND FLORIDA, FL 32733

Check on Another Item

What's your label (or receipt) number?



LEGAL

- Privacy Policy
- Terms of Use
- FEA
- FOIA
- FOIA Act 2010

OTHER USPS SITES

- Business Customer Gateway
- Postal Inspector
- Inspector General
- Postal Employee

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Postage	\$ 44
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Return Receipt Fee (Endorsement Required)	2 30
Postpaid Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5 59

Postmark: NOV 01 2011

Sent To: [Redacted]



County of Volusia

OCT 17 2011

Dept. of Public Protection

INR-OFFICE MEMORANDUM

Department of Public Protection

125 West New York Ave., Suite 183

DeLand, Florida 32720

386-740-5120 - Fax - 386-740-5283

TO: Officer Joshua Smith
DATE: October 14, 2011
FROM: Mike Coffin, Director *MC*
Department of Public Protection
FILE NO: DPP11-109
SUBJECT: Notice of Intent to Dismiss
REFERENCE:

Purpose: This letter serves as notice of my intent to dismiss you from employment with the County of Volusia. The intended action is the result of the review and findings of your misconduct with a female inmate that was discovered on September 19, 2011. The effective date of your dismissal is October 18, 2011.

Background: On September 26, 2011, you were placed on administrative leave without pay pending the review and investigation of alleged misconduct. This action was taken based on direct observation and related documentation of your actions on September 19 and September 20, 2011.

Information: On September 19, 2011 at 1522 hours you called Captain Reinhart and stated you would not report for your duty which was to start at 1945 hours that day due to "not feeling well."

On September 19, 2011, at approximately 2145 hours, Sgt. Painter received a phone call from an unidentified male inquiring about inmate C. Ranero's release time. This female had entered custody that same afternoon with a bond of \$1,500. Due to Ranero's mental health issues, she was classified as a special needs release. This meant that Ranero's release was pending the arrival of her transportation; the unidentified caller inquiring about Ranero was advised of this process. At 2100 hours, Sgt. Pendegrass arranged for inmate Ranero to make a phone call to determine when her transportation would arrive. At 2130 hours, inmate Ranero advised Sgt. Pendegrass that someone from her family or a family friend should be out in the VCCF parking lot waiting for her.

A few minutes after the initial 2145 hours answered by Sgt. Painter, the same male caller spoke with Sgt. Painter again, informing her that he was there to pick up inmate Ranero. The caller was informed that due to the inmate's housing status he would need to come inside the facility and speak to the supervisor on duty. The unidentified male came into the lobby to use the phone and speak to the supervisor at which time you were recognized and identified accordingly to the supervisor on duty.

Once you realized that you had been recognized by Sgt. Painter, you asked whether you were going to get in trouble for picking up inmate Ranero. You stated that you had not posted bond for the inmate, but that as a favor to the family you were giving the inmate a ride home. Sgt. Painter informed you to document this incident when you returned to work, and that you should wait in the lobby while she informed Sgt. Pendegrass that you were picking up the inmate. Yet you did not remain in the lobby. Instead, you went back to your vehicle to wait for the inmate. Ranero was escorted to the parking lot by Sgt. Pendegrass who confirmed that inmate Ranero got into the vehicle with you.

(Continued)

On September 20, 2011, the anticipated date of your return to duty, you called out sick again. Upon your return to work on September 23, 2011, you met with Lt. Corbett and Sgt. Martin. They instructed you to document your conduct in this incident. When questioned by Lt. Corbett and Sgt. Martin you denied any current personal relationship with this inmate. In your written response dated September 23, 2011, to the above referenced incident, you state that your intention was only to provide a ride and help out a friend.

The recording of your telephone conversation from Ranero on September 19, 2011 suggests you are more than just a family friend and you have a more personal relationship with Ranero. In one part of the conversation you call Ranero, "Baby," and in another part of the conversation you tell her, "You are here for her." Your conversation closes with you telling Ranero, "I love you," to which she then responds in the same fashion.

Your actions in trying to conceal your identity when you came to pick up Ranero are suspicious. This may be due to the fact that you had stated you were too ill to come to work, but you subsequently were well enough to perform this improper action. Although you were in a sick leave status, you were given instructions by a supervisor (Sgt. Painter) at your place of employment to wait in the VCCF lobby until Sgt. Pendergrass exited with Ranero. Yet you did not remain in the lobby, but went out to your vehicle. Finally, your continued failure to report to duty on September 20, 2011 also appears questionable in light of your actions the prior night.

Your misconduct resulted in sustaining the following violations:

Volusia County Division of Corrections' Policy 102.09 – Correctional Officer/Employee conduct, Section (T): *COs shall not engage in, nor develop any personal relationship with inmates or ex-inmates without the approval of the Corrections Director. It shall be the responsibility of the CO to notify his/her Warden via VCDC-401 if a family member, relative, close friend or someone he/she may have a relationship with becomes an incarcerated person.*

Volusia County Division of Corrections' Policy 102.02 – Correctional Officer/Employee conduct, Section (C): *All staff shall make or cause to be made accurate, complete and truthful reports and official records. 1. No staff member shall knowingly make or cause to be made any false report or falsify any official record. 2. No staff member shall make or cause to be made any inaccurate, misleading, contradictory, or improper report/official record.*

Volusia County Division of Corrections Policy and Procedure 102.09, (NN): *Each employee shall refrain from acts of insubordination, including: 3. Compliance and execution of lawful orders: All staff shall promptly comply with and execute any reasonable or official order or instructions given by a supervisor or superior officer, and shall not refuse to comply or execute such orders or instructions when the orders or instructions are lawful and reasonable.*

Volusia County Merit System, Section 86-453 Reasons for Disciplinary Action (13): *Any conduct, on or off duty that reflects unfavorably on the County as an employee.*

A review of your personnel file reveals no past corrective or disciplinary actions of a similar nature. However, the incident described in this letter undermines your integrity and is serious, unprofessional

Notice of Intent to Dismiss
Officer Joshua Smith
October 14, 2011
Page 3 of 3

behavior. It is the responsibility of all corrections officers to known and to follow Division policy and procedure. As importantly, however, is your failure to take responsibility for your behavior and conduct.

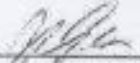
You have been employed by the Division of Corrections for almost 8 years. Good moral character and honesty are essential to the performance, reputation, and trust placed in corrections officers. Your misconduct calls into question your ability to responsibly and dependably function as a corrections officer. Therefore, as a result of your substantiated misconduct in this incident and its seriousness, it is my intent to dismiss you from County service. The effective date of your dismissal is October 18, 2011.

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 Friday, October 21, 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.

 J. Smith 10-17-11
Employee Signature (Or Witness, if Employee Refuses to Sign) (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



INTER-OFFICE MEMORANDUM
Department of Public Protection
Division of Corrections
1300 Red John Drive
Daytona Beach, Florida 32120-2865

TO: Officer Joshua T. Smith
186 Citation Ave
Deltona, Fl. 32738

DATE: October 12, 2011

FROM: Cherry Freeman 
Administrative Services Manager

SUBJECT: Paid Leave Adjustment

REFERENCE: Notice of Administrative
Leave

On September 26, 2011, you were notified that you were being placed on Administrative Leave Without Pay pending our review and investigation of alleged misconduct. In addition, you were told that you would be paid for prior 3 days of administrative leave on September 23, 24, 25, 2011. Unfortunately, due to a payroll coding error you were not paid for the 3 days as previously advised.

Due to the coding error and the delay in notifying you of the outcome of the alleged misconduct the Division of Corrections will be amending your status from leave without pay to leave with pay. Therefore, you will be paid for the following days: October 3, 4, 7, 8, 9, 12, 13, 2011. You will return to a LWOP status on Saturday, October 15, 2011.

If you need additional information you may contact me at 386.248.1786 ext. 1918

TIME DETAIL

Time Period: Current Pay Period
 Dates: 10/01/2011 - 10/14/2011

Printed: 10/11/2011

Name: SMITH, JOSHUA T ID: 16380 Pay Rule: CO OFFCR HOURLY FT 12 NO DED
 Primary Account(s): 5/14/2011 - forever Corrections/Branch Jail/Delta/ID & REC/ID & Rec Property Post 1/CO CO
 .1111.C000008901

Date	Apply To	In Punch	In Exc	Out Punch	Out Exc	(\$)Amt	Adj/Ent Amount	Totaled Amount	Cum. Tot. Amount	Absence
Sat 10/01									0:00	
Sun 10/02									0:00	
Mon 10/03	[LWOP EXC]	7:45PM		- 9-23			12:15		12:15	
Tue 10/04	[LWOP EXC]	7:45PM		- 9-24			12:15		24:30	
Wed 10/05									24:30	
Thu 10/06									24:30	
Fri 10/07	[LWOP EXC]	7:45PM		- 9-25			12:15		36:45	
Sat 10/08	[LWOP EXC]	7:45PM		9-28			12:15		49:00	
Sun 10/09	[LWOP EXC]	7:45PM		9-29			12:15		61:15	
Mon 10/10									61:15	
Tue 10/11									61:15	
Wed 10/12	[LWOP EXC]	7:45PM					12:15		73:30	
Thu 10/13	[LWOP EXC]	7:45PM					12:15		85:45	
Fri 10/14									85:45	
Total 2 Sat 15 3 Sun 16						0.00	85:45	0:00	85:45	
Account Summary Account Summary Pay Code 5 Tue 18 .1111.C000008901 7 Thur 20										
Pay Code Summary Pay Code						Money	Hours	Wages		
LWOP EXC							85:45	1,372.86		
Totals						0.00	85:45	1,372.86		

Seven days total

TIME DETAIL

Time Period: Previous Pay Period
 Dates: 9/17/2011 - 9/30/2011

Printed: 10/11/2011

Name: SMITH, JOSHUA T ID: 16380 Pay Rule: OO OFFCR HOURLY FT 12 NO DED
 Primary Account(s): 5/14/2011 - forever Corrections/Branch Jail/Delta/ID & REC/ID & Rec Property Post 1/CO CO
 JJJJCO0000890J

Date	Apply To	In Punch	In Exc	Out Punch	Out Exc	(\$)Amt	Adj/Ent Amount	Totalled Amount	Cum. Tot. Amount	Absence
Sat 9/17									0:00	
Sun 9/18									0:00	
Mon 9/19	49L PERS LV Unexc Leave- Sick Personal						12:15		12:15	
Tue 9/20	49L PERS LV Unexc Leave- Sick Personal						12:15		24:30	
Wed 9/21									24:30	
Thu 9/22									24:30	
Fri 9/23	LWOP UNEXC Susp Without Pay						12:00			
Fri 9/23		7:41PM		8:07PM	EV			0:15	36:45	
Sat 9/24	LWOP UNEXC Susp Without Pay						12:15		49:00	
Sun 9/25	LWOP UNEXC Susp Without Pay						12:15		61:15	
Mon 9/26									61:15	
Tue 9/27									61:15	
Wed 9/28	LWOP UNEXC Susp Without Pay						12:15		73:30	
Thu 9/29	LWOP UNEXC Susp Without Pay						12:15		85:45	
Fri 9/30									85:45	

Totals 0.00 85:30 0:15 85:45

Account Summary
 Account Pay Code Money Hours Wages

JJJJCO0000890J
 01P HOURS WORKED 0:15 4.00
 49L PERS LV 24:30 392.25
 LWOP UNEXC 81:00 976.51

Pay Code Summary
 Pay Code Money Hours Wages

01P HOURS WORKED 0:15 4.00
 49L PERS LV 24:30 392.25
 LWOP UNEXC 81:00 976.51

Totals 0.00 85:45 1,372.86

VOLUSIA COUNTY DEPARTMENT OF CORRECTIONS
REPORT

PAGE ___ of ___

INMATE NAME - n/a BOOKING NUMBER - n/a CELL NUMBER - n/a

SUBJECT INVESTIGATION LOCATION - DATE 09/23/11 TIME 2000

On 9-19-11 at approx 1700 hrs I spoke to Capt. Reinhart over the phone as I was calling out due to not feeling well. Later that evening I received a call from a family friend Victoria Kanera that she needed help picking her daughter up Cecilia from VCCF after her bond had been posted. I then spoke to Sgt B. Painter in control at VCCF. And then Sgt Pondgrass to complete the pickup. My intention during this was only to provide a ride and help out a friend. I did not have anything to do with the bond or actual release process.

Home phone number is now 407 474 1183

OFFICER'S SIGNATURE



Shift 906.

DATE 9-23-11

TIME 2000

VCDC 402

Revised 7/25/95 CR-0059-0805

4905

Vermont County Division of Corrections
Incident Report

Page ___ of ___

THE INFORMATION BELOW WILL BE FILLED IN COMPLETELY BY THE OFFICER FILING THE REPORT AT THE TIME THE INCIDENT TAKES PLACE. USE VCDC 402 (SUPPLEMENTAL REPORT) FOR CONTINUATION.

Subject: Officer Joshua Smith (Employee #856) Date: 09/23/2011 Time: 1945
Inmate Name: Ranero, Cecilia Booking No.: 857642 Cell No.: H05L

On the above date and approximate time, Officer Smith was pulled into the Wardens Office by myself, Lt. Corbett and Sgt Martin. He was instructed to document a VCDC 402 in reference to his participation of him picking up an Inmate who was released from VCCF. He documents only to being a friend of her family. He denies any current personal relationship with her. He was advised that he will be going home on a suspension with pay and the Division would be in contact with him at the conclusion of this investigation. He was asked to turn over his badge, radio and thumb drive. Lt. Corbett is currently in possession of his radio at this time. He was walked out of the building without incident.

Captain N. Hunter #381
Reporting Officer - Print Name

Capt Hunter
Signature of Reporting Officer

CORRECTIVE ACTION OR COMMENTS BY HOUSING UNIT SUPERVISOR

[Empty box for Housing Unit Supervisor comments]

Signature of Housing Unit Supervisor

CORRECTIVE ACTION OR COMMENTS BY SHIFT SUPERVISOR

Forward to Warden Pronovost.

Capt N. Hunter #381
Signature of Shift Commander

REVIEWED

Distribution:

[Empty box for Distribution list]

Signature of Warden

Volusia County Division of Corrections
Incident Report

THE INFORMATION BELOW WILL BE FILLED IN COMPLETELY BY THE OFFICER FILING THE REPORT AT THE TIME THE INCIDENT TAKES PLACE. USE VCDC 402 (SUPPLEMENTAL REPORT) FOR CONTINUATION.

Subject: Release of MHC CWI Inmate Date: 09/19/11 Time: 2154
Inmate Name: Ranero, Cecilia Booking No.: 857642 Cell No.: H05L

After assuming duty on 09/19/11 at 1930 hours, I was briefed by Sgt. Derman that MHC CWI Inmate Ranero, Cecilia 857642 had been on the JMS active release list since 1730 hours and Inmate Ranero had been given the opportunity to call to make arrangements for someone to pick her up. At 2100 hours, I asked the North Wing officer to provide Inmate Ranero with another telephone call so we could determine when her transportation would arrive, or if other arrangement should be made by the Division. Inmate Ranero called on the "H" Block telephone and spoke to someone for 5-10 minutes. At 2130 hours, I spoke with Inmate Ranero at her cell door, H05L, and she stated that someone from her family, or a family friend, should be out in the VCCF parking lot now. I walked out to the parking lot and looked around but saw no one sitting in their car or walking around. At 2145 hours, the VCCF Control Room Operator, Sgt. Painter, notified me that Officer J. Smith was in the lobby and, as a favor to the family, was here to pick up Inmate Ranero. I called North Wing to get Inmate Ranero ready for release. At 2154 hours, I

Sgt. Pendegrass #494
Reporting Officer - Print Name

Sgt. Pendegrass #494
Signature of Reporting Officer

CORRECTIVE ACTION OR COMMENTS BY HOUSING UNIT SUPERVISOR

walked Inmate Ranero from the VCCF ID and Receiving area out to the VCCF parking lot. I looked again at the vehicles in the parking lot and could see no one waiting for Inmate Ranero. I asked Ms. Ranero if she could identify any of the vehicles. Ms. Ranero stated, "There it is" and walked over to a dark vehicle and got into the vehicle. The vehicle started up immediately and began to move. I tapped on the left back of the car with my hand and the car stopped. I walked up to the drivers' side of the window and I identified the driver as Officer J. Smith. I informed Officer Smith that when he returned to work he needed to write a VCDC 401 of this incident. He nodded to me that he understood and said, "I will."

Sgt. Pendegrass #494 - [Signature]
Signature of Housing Unit Supervisor

CORRECTIVE ACTION OR COMMENTS BY SHIFT SUPERVISOR

As stated above, Inmate Ranero, Cecilia 857642 was released by Nurse Collette for release without restriction, due to her MHC/CWI status prior to being on the release list. This Inmate was then picked up by Officer Smith, Inmate #206. Officer Smith is assigned to U03 DECA Shift 204-230. On 09/19/11 this inmate called out AS at approx. 1822 hours for this night shift. At approx. 2145 hours he arrived at VCCF to pick up Inmate Cecilia Ranero, although VCDC 402 by Sgt. Painter and additional information forwarded up chain of command for review.

[Signature]
Signature of Shift Commander

REVIEWED

Distribution:

Review Documentation Provide Report from Off. J. Smith.

[Signature]
Signature of Warden

VOLUSIA COUNTY DIVISION OF CORRECTIONS
 SUPPLEMENTAL REPORT

INMATE'S NAME: Ranero, Cecilia	BOOKING NUMBER: 857642	CELL NUMBER: H05L
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SUBJECT: Special Needs Release	LOCATION: VCCF	DATE: 09 19 11	TIME: 2154
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On 09 19 11 at approximately 2154 hours inmate Ranero, Cecilia #857642 was released BOS and picked by a staff member. At approximately 2145 hours, I received a phone call from an unidentified male inquiring about the release of inmate Ranero. I informed him that she was pending release upon the arrival of transportation. The caller then thanked me and hung up. A few minutes later the same caller inquired again about inmate Raneros release but this time informed me that he was here to pick her up. I asked him if he was at the Correctional Facility and he stated yes. I informed him that because of her housing status he would have to come inside the facility and speak to the supervisor on duty. He stated ok and hung up. I notified Sgt. Pendegrass that transportation had arrived for inmate Ranero and that he was instructed to come inside to speak to her. A few minutes later, the unidentified male came to lobby and using the lobby phone advised me that he was the transportation for inmate Ranero. As I spoke to him, I recognized him to be Officer Joshua Smith. He obviously knew that I recognized him asked me if he was going to be in any trouble for picking up inmate Ranero. I advised him that Sgt. Pendegrass would be speaking with him and that his name would be part of her report as to who picked inmate Ranero up. I also informed him that he should document this incident upon his return to work. I asked him if he posted her bond and why he was picking her up and he responded no and he gave the indication that he was doing a favor. The conversation was limited and obviously uncomfortable for him. I informed him to wait in the lobby and advised him that Sgt. Pendegrass would speak with him because she was the supervisor that would release inmate Ranero to him. I then noticed that Sgt. Pendegrass was in ID/REC with inmate Ranero preparing to escort her out of the building. I then spoke to Sgt. Pendegrass and advised her of who was picking this inmate up. While doing so I noticed that Officer Joshua Smith was no longer in the lobby nor could I observe him via the cameras. Sgt. Pendegrass escorted inmate Ranero out of the building via ID/REC. Upon her returning inside the facility, Sgt. Pendegrass informed me that inmate Ranero got into the vehicle with Officer Joshua Smith. Lt. Corbett was notified of this situation as it occurred.



OFFICER'S SIGNATURE: Sgt. B. Painter	EMP. NO.: #149	DATE: 09 19 11	TIME: 2215
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Inmate Detail	Booking No.	SP#	Inmate Name	Housing Location	Security/Idig Status	Seg
M	857842	509330	RIVERA, CELIA V		MAXI	FNSF MRC



Mugshot Taken at 09/19/2011 3:59 PM by INTERFACE

Print

Close

Jail Management System

Charge Details - 857642 RANERO, CECILIA V

September 20, 2011 03:10

Arrest

Arrest Statute: 322.34(5) Desc: DRIVING WHILE LICENSE REVOKED (HABITUAL) Charge Status: BOS

Stat Class: Felony Degree: Third ARN: 110028156 Cap/War No: Citation No: 2452gul 5

Case No: 2011 002682 CFAW Charge Seq No: 1 First App Rqd: Yes Off Loc: Daytona CBTS: 6401163008

Arrest Type: On View Arrest ORI(FL): FL0640000 Off Dt: 09/19/2011 12:03 Division: County

Arrest Date: 09/19/2011 12:03 Arrest Agency: VCISO - VOLUSIA COUNT East/Westside: D4

Book Date: 09/19/2011 15:17 Arrest Officer: TEW Jurisdiction: In County

Atmnts: Affidavit(s) Stmtmt(s) NTA Report CIT(s) COT DV Gen Off: Not Applicable

Technical VOP
 New Law VOP
 Parole VOP

Pre-Trial

Bond Amt: 1,500.00 Bond Special Conditions: Bond Comments:

PTR Type: Cleared PTS:

Sentence

Sent. Statute: Desc: Disposition:

Stat Class: Degree: Sent Red/Mod: Sentence Type: Concur Judge:

Sentence	CTS	Suspend	Sentence Start Date	Sentenced Date	CTO Risd Date	Conf Type	Years	Months
Months: <input type="text"/>	<input type="text"/>	<input type="text"/>	00/00/0000 00:00	00/00/0000 00:00	00/00/0000 00:00	<input type="text"/>	0	0

Life Death
 Civil Weekender Fine: .00 Purge: .00

Special Conditions

Sentence Comments

Record Identification

User Id: bswainston

Date Entered: 09/19/2011 15:37

Last Modified: 09/19/2011 17:11

Jail management system
Movement History - 857642 RANERO, CELILIA V

September 19 2011

Unscheduled Event HOUS-UNSCH occurred at 09/19/2011 15:18 - 09/19/2011 15:18

Unscheduled Event HOUS-UNSCH occurred at 09/19/2011 18:26 - 09/19/2011 18:55

Event In Process REL-VCBJ (637629) scheduled at 09/19/2011 17:23 - 18:23 occurred at 09/19/2011 21:49 - 09/19/2011 21:54

Checked out of VCCF-NW-H-05L-001 on the way to VCBJ-OUTH-1-1-6 at 09/19/2011 21:49

Checked into VCBJ-OUTH-1-1-6 at 09/19/2011 21:54

SUPERVISOR'S DOCUMENTATION OF EMPLOYEE CALL OUTS

This form is to be used to document employee call outs only (401 not required with form)

Date: 09/19/2011 Time: 1522 hrs. Supervisor Name Capt. Hunter

Employee Name Ofc. Joshua Smith #866 Employee Telephone # _____
Employee's current or call back information

Reason for call out: Sick FMLA _____ Emergency _____ Other _____

Employee's reason given for absences Not feeling well
Please document the conversation as closely as possible

Anticipated date of return to work 09/20/2011
If more than 3 days have employee contact Administrative Services

Period of Absence: Regular work schedule Mandated OT _____ Voluntary OT _____
Use Leave and Absence Codes as applicable.

- ALL CALL OUTS FOR MANDATED OT – REQUIRE SUPPORTING DOCUMENTATION
- CALL OUTS FOR FMLA – REQUIRE VERIFICATION OF FMLA CERT. WITH ADMINISTRATIVE SERVICES
- MEDICAL RELEASE FORMS MUST BE FORWARDED TO ADMINISTRATIVE SERVICES FOR INCLUSION IN EMPLOYEE FILE.

Additional comment:

Supervisor Signature Capt. Reinhart

Forward to: Wardens
Staff Scheduling
Admin Services
Delta Shift / VCBJ

CAN TO: 407-414-1183

Volusia County, FL Records Summary Report

RE: CECILIA RAMERO
857642

Search Criteria:

Folder Name: 407-414-1183

File Name	Size (KB)	Created	Modified	Accessed	Permissions
Volusia County Correctional Facility	4074741183	09-19-2011 21:15:14	09-19-2011 21:16:40		688
					1.43

Total Files: 1 Total Size: 0.21 (MB) Total Duration (Sec): 68 Total Duration (Min): 1.43

Print Summary:



WORK/CELL CHANGE

Name Banero Cecilia No. 857642 Date 09-19-11

SEC.	STATUS	SEG.	SPEC. HANDLE	WORK ASGN.

Change from Cell H-05 to release

Remarks From date for release denied suicidal thoughts

C. Collins, IN

Signature of Classification Counselor/Shift Supervisor

Move Accomplished by: - Control Room Operator

Change Master Roster

Return to Classification Section

VCDC - 208 rev 1-87

COUNTY OF VOLUSIA

CR-0037-0293

Cecilia Ranero

DOB: 02/19/1982

Current age: 29

857642	Driving with license suspended – habitual 09/19/11
850521	Driving with license suspended 06/14/11
846463	Driving with license suspended 04/19/11
83158	possession of cannabis 03/23/11
829522	Possession of cannabis 08-19-10
822337	Possession of cannabis 05/13/10
819405	Possession of cannabis 04/15/10
800623	Possession of cannabis 08/02/09



INTER-OFFICE MEMORANDUM
Department of Public Protection
125 West New York Ave.
DeLand, Florida 32720
386-740-5120

TO: Officer Joshua T. Smith
FROM: Mike Coffin, Director *MC*
Department of Public Protection

DATE: September 27, 2011

FILE NO: DPP11-102

SUBJECT: NOTICE OF PLACEMENT ON
ADMINISTRATIVE LEAVE WITHOUT PAY

REFERENCE:

Purpose: This memorandum is to advise you that you are being placed on administrative leave without pay pending conclusion of the review and investigation of your alleged misconduct. Your previous administrative leave with pay status effective September 23-25, 2011 is hereby changed to administrative leave without pay effective September 26, 2011.

Background: On September 19, 2011 at approximately 2145 hours, after calling out sick earlier that day, you came into the lobby at VCCF and informed the Control Room Operator that you were there to pick up female inmate Cecilia Ranero as a favor to a friend of the family. You had not previously notified your warden of this situation and upon your return to work on September 23, 2011; you were placed on administrative leave with pay until further notice pending information concerning your relationship with inmate Ranero. From a telephone call made by inmate Ranero to you that evening, it is apparent that a more personal, affectionate relationship exists.

It is your responsibility as a Corrections Officer to know and to follow policy. Your actions have violated Volusia County Division of Corrections Policy 102.9, specifically:

Division of Correction Policy 102.9 – Correctional Officer/Employee Conduct, Section (T): COs shall not engage in, nor develop any personal relationship with inmates or ex-inmates without the approval of the Corrections Director. It shall be the responsibility of the CO to notify his/her Warden via VCDC-401 if a family member, relative, close friend, or someone he/she may have a relationship with becomes an incarcerated person.

Action: In accordance with section 86-455 (c) (1) of the Merit System Rules and Regulations: Suspension without pay. An appointing authority, with the concurrence of the legal department and the personnel director, may suspend an employee without pay in the following situation: (a.) Investigation. Whenever the appointing authority has reason to believe that an employee may have committed a serious violation or offense, but sufficient evidence is not yet available to make a proper evaluation and determination of appropriate final action, the appointing authority may suspend an employee for up to seven calendar days pending investigation.

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)

(Date of Signature)

MDC/cf

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

certified mail 7008 1140 0001 8285 8487