



Department of Public Protection

Report of Incident

TO: Terry Sanders, Director
Department of Public Protection

FROM: David Vanis, Captain
Public Protection Administration
Internal Affairs

DATE: September 20, 2018

SUBJECT: IA 2018-07, Division Director Raymond Manchester, Volusia County Beach Safety

References:

1. Request for internal investigation memos (Dated July 3, 2018).
2. Intimidation and criminal accusations grievance authored by Ofc. Brian Dean (Dated June 29, 2018).
3. Officer Brian Dean complainant interview transcript (Dated July 19, 2018).
4. Captain Michael Berard witness interview transcript (Dated July 11, 2018).
5. Supplemental documents and emails provided by Capt. Berard.
6. Officer Neal Kelly witness interview transcript (Dated July 18, 2018).
7. Officer Jesse Dyer witness interview transcript (Dated July 20, 2018).
8. Director Raymond Manchester subject interview transcript (Dated August 8, 2018).
9. Coalition of First Responders letter to Volusia County Council (Dated June 18, 2018).

Complaint:

On June 27, 2018, Public Protection Deputy Director Mark Swanson received a phone call from Teamsters Business Agent Gary Conroy regarding an incident that occurred on June 20, 2018, between Beach Safety Officer Brian Dean and Beach Safety Director Raymond Manchester. Mr. Conroy told Mr. Swanson that Ofc. Dean had gone to Beach Safety Headquarters on June 20, 2018 for an interview for a Field Training Officer (FTO) position. Prior to his interview, Ofc. Dean was allegedly berated by Dir. Manchester for a letter that was recently released by the Beach Safety Union. It should be noted that Ofc. Dean is one of the six appointed Union Stewards for the Beach Safety Union. Ofc. Dean later learned that he was not selected for one of the open FTO positions.

Ofc. Dean submitted a grievance regarding this incident on June 29, 2018. The grievance is titled "Intimidation and Criminal Accusations Grievance." Ofc. Dean's grievance alleges that he was the subject of "anti-union intimidation" and an accusation of criminal behavior by Dir. Manchester. Ofc. Dean stated that on June 20, 2018, at 0829 hours, he was in the lobby at Beach Headquarters dressed in his class A uniform for his interview. Dir. Manchester entered the lobby and they exchanged greetings. Once Dir. Manchester reached the door, he turned to Ofc. Dean and stated "That letter the Waterman's Association put out, does the word 'libel' come to mind?" Ofc. Dean responded, "No," and Dir. Manchester stated, "Because it's disturbing, it's inaccurate, and it's unfounded." Dir. Manchester then left the room. Ofc. Dean stated that Dir. Manchester had a "hostile tone" during this interaction.

Ofc. Dean's grievance further explains he felt that Dir. Manchester was accusing him of criminal activity and this conversation had an adverse effect on his performance during the interview. Ofc. Dean also expressed that he felt Dir. Manchester could not remain neutral when deciding which officers to appoint to FTO. Ofc. Dean submitted the grievance after learning he was not one of the officers selected for the position.

Mr. Swanson requested an internal investigation into the matter and Public Protection Director Terry Sanders directed me to conduct the investigation on July 3, 2018. When Ofc. Dean and Teamsters Business Agent met with Director Sanders regarding Step III in the grievance process, Ofc. Dean agreed to toll the grievance pending the outcome of this investigation.

Dir. Manchester was provided notice of this internal investigation on July 27, 2018 at Beach Safety Headquarters.

Officer Brian Dean:

I conducted an interview with Ofc. Dean on July 19, 2018 at Public Protection Administration in Deland. HR Manager Tammy King and Teamsters Business Agent Gary Conroy were also present for this interview.

Ofc. Dean reiterated what he had previously written in his grievance. Ofc. Dean stated the quotes provided were direct quotes because he authored a memo to the other union stewards and Mr. Conroy shortly after his interaction with Dir. Manchester on June 20, 2018. Ofc. Dean's grievance memo described Dir. Manchester's tone as "hostile" during the encounter on June 20, 2018. When questioned regarding this tone, Ofc. Dean told us:

He did have a raised voice. It wasn't yelling, but he did have a raised voice. Director Manchester can be both subdued and animated when he is irritated or angry at something. His head moves more. He's more expressive and he speaks more deliberately whereas when he is happy about something he tends to speak a little bit quicker but with a little bit less body

language to it. Based on my years of working with him, I can tell based on his body language that he was angry and/or irritated as he brought it up. And it certainly made me feel extremely uncomfortable both based on the content of his accusations and on the manner in which it was delivered.

Ofc. Dean told me he had no evidence to support that Dir. Manchester directly influenced the interview panel, nor does he suspect Officers Kelly or Dyer would allow anyone to influence their scoring. Ofc. Dean's understanding of the selection process was that Dir. Manchester selected the FTO's based off the ranking after the interview and file review. He added that he did not believe Dir. Manchester was qualified to make that selection due to his comments before the interview.

This interview was added to the case file as item 3.

Captain Michael Berard:

HR Manager Tammy King and I conducted a sworn interview with Capt. Berard at Beach Safety Headquarters on July 11, 2018. Capt. Berard is the division's training officer and supervises the Field Training Program.

Capt. Berard told us that he advertised the FTO position via an email sent to all Beach Safety Officers. The process included an oral interview and a disciplinary file review. Ten officers were interviewed for the positions. Capt. Berard selected Officers Jesse Dyer and Neal Kelly for the interview panel. He sent them a list of suggested questions and requested they select five for the scored interviews. Capt. Berard was present for the interviews on June 20, 2018, but did not participate in the scoring. The scoring was done by Officers Dyer and Kelly. The final selections for the FTO positions were made by Dir. Manchester.

Capt. Berard advised that he was never influenced by Dir. Manchester on who to select for the positions. After the interviews and file review, Capt. Berard tallied the scores and provided a list to Dir. Manchester ranking the applicants from highest to lowest score. Dir. Manchester selected five officers for the positions and those officers were ranked one through five. Capt. Berard provided us with the interview score sheets and several other emails and documents relating to the FTO selection process.

This interview was transcribed and added to the case file as item 4.

Officer Neal Kelly:

HR Manager Tammy King and I conducted a sworn interview with Ofc. Kelly at Beach Safety Headquarters on July 18, 2018. Ofc. Kelly is an FTO and was part of the FTO selection process interview panel on June 20, 2018.

Ofc. Kelly advised his role was to ask and score questions of the FTO applicants. He advised that he was never influenced by anyone, including Dir. Manchester, to select certain officers for the positions; nor was he given any special instructions regarding Ofc. Dean by anyone including Dir. Manchester.

This interview was transcribed and added to the case file as item 6.

Officer Jesse Dyer:

HR Manager Tammy King and I conducted a sworn interview with Ofc. Dyer at Beach Safety Headquarters on July 20, 2018. Ofc. Dyer is an FTO and was part of the FTO selection process interview panel on June 20, 2018.

Ofc. Dyer advised his role was to ask and score questions of the FTO applicants. He advised that he was never influenced by anyone, including Dir. Manchester, to select certain officers for the positions; nor was he given any special instructions regarding Ofc. Dean by anyone including Dir. Manchester. Ofc. Dyer told us he never discussed the selection process with Dir. Manchester. Ofc. Dyer advised that he discussed the process with Ofc. Dean after the selections had been made. Ofc. Dyer told us that he advised Ofc. Dean the scores were close and provided constructive criticism for future interviews. Ofc. Dyer told us he also had the same discussion with two other applicants who were not selected.

This interview was transcribed and added to the case file as item 7.

Beach Safety Director Raymond Manchester:

HR Manager Tammy King and I conducted a sworn interview with Dir. Manchester on August 8, 2018 at Public Protection Administration. Prior to the interview, Dir. Manchester reviewed the interviews and documents associated with this case.

Dir. Manchester told us on June 20, 2018, he walked into the front lobby of Beach Headquarters as he was coming into work. He saw Ofc. Dean standing by the desk and exchanged a greeting. As he entered the stairway door, Dir. Manchester told us he turned toward Ofc. Dean and asked if he knew about the letter that was posted by the Waterman's Association. Dir. Manchester told Ofc. Dean he believed the letter was "libelous and didn't appreciate it." Dir. Manchester concurred with Ofc. Dean's description of the incident. He added the letter he was referring to was authored by the "Coalition of First Responders" and addressed to the Volusia County Council on June 18, 2018. This was two days prior to the interaction with Ofc. Dean (Letter added to the case file as item 9).

Dir. Manchester told us he did not realize until later that morning that Ofc. Dean was at Headquarters for his FTO interview. When asked what the purpose of his comments to Ofc. Dean was, Dir. Manchester responded "I spontaneously expressed my frustration with the contents of the letter and told him I didn't appreciate them. They were untrue." Dir. Manchester explained the comments in the letter stating that he did not have a college education were false and made him upset. Dir. Manchester added:

...I've worked very hard to acquire a college education and I'm working towards higher degrees as we speak and I didn't appreciate the fact that this letter went out to everybody and anybody expressing something about me that's not true.

His comments to Ofc. Dean were not meant to sabotage his FTO interview as alleged. The comments were not meant to accuse Ofc. Dean of a crime. Dir. Manchester did not believe his tone was "hostile" as described by Ofc. Dean and believed his tone was subdued during the brief meeting. Dir. Manchester told us that he took out his frustration on Ofc. Dean because he is a Union steward and a representative of the union. He did not specifically look for Ofc. Dean and once again stated his statements were spontaneous.

Dir. Manchester told us that he did not attempt to influence anyone during the application process regarding FTO appointments. The five officers he chose for the positions were ranked one through five after the selection process.

This interview was transcribed and added to the case file as item 8.

Conclusion:

Dir. Manchester confirmed he made the comments alleged by Ofc. Dean on June 20, 2018 at approximately 0830 hours. Dir. Manchester advised the comments about his education contained in a letter partly authored by the Beach Safety Union were untrue statements. Dir. Manchester expressed his

frustration to Ofc. Dean due to his position as a union representative. Dir. Manchester denied that he was accusing Ofc. Dean of criminal conduct and further denied that his tone was angry or “hostile.” Dir. Manchester denied that his comments were meant to sabotage Ofc. Dean’s FTO interview and he stated he wasn’t aware, at the time, that Ofc. Dean was at Beach Headquarters to participate in the FTO selection process. Dir. Manchester acknowledged the appointments to the FTO position is his responsibility but he selected officers for the position based off the rankings provided by Capt. Berard, Ofc. Kelly, and Ofc. Dyer. This was confirmed by Capt. Berard.

Findings:

This case was presented to Director Sanders, Deputy Director Bythwood, and Deputy Director Swanson. Director Sanders determined the following allegations are **not-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.

- (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.

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.”

 9/29/18
Captain David Vanis Date

 09/20/18
Approved Date