



Department of Public Protection

Report of Incident

TO: George Recktenwald, Director
Department of Public Protection

FROM: David Vanis, Captain
Public Protection Administration
Internal Affairs

DATE: October 27, 2015

SUBJECT: Case # IA 2015-03, Senior Officer Isadore Wood, Volusia County Division of
Corrections

References:

1. Request for Internal investigation DPP15-070 (Dated August 14, 2015).
2. Notice of Internal Investigation (Dated August 25, 2015).
3. Surveillance video from VCCF men's dormitory (Dated July 28/29, 2015).
4. VCDC 408 completed by Sro. Wood (Dated July 29, 2015).
5. Robert Schaetz complainant interview transcript (Dated July 31, 2015).
6. Roderick Poole witness interview transcript (Dated August 31, 2015).
7. Senior Officer Isadore Wood subject interview transcript (Dated September 2, 2015).
8. Lieutenant Steven Smith witness interview transcript (Dated September 2, 2015).

Background:

On July 30, 2015, VCDC administration was provided a written complaint from I/M Robert Schaetz. I/M Schaetz' complaint alleged that he was mistreated by Sro. Wood during the early morning hours on July 29, 2015 in the men's dormitory at VCCF. DD Sanders advised me of this complaint and I assisted Warden McClelland and AD Flowers with the initial inquiry.

I/M Schaetz' written complaint alleged that Sro. Wood was up all night laughing and talking with another inmate. During the early morning on July 29th, 2015, I/M Schaetz could not get back to sleep due to the noise caused by Sro. Wood and the unnamed inmate. I/M Schaetz stated that he got out of his bed and stated "We are trying to sleep!" Sro. Wood allegedly replied "What did you say?" and approached I/M Schaetz telling him "You got a problem mother fucker?" Sro. Wood allegedly continued to scream at the inmate and "manhandled" him while placing the inmate into the lockdown cell. While in the lockdown cell, Sro. Wood orders I/M Schaetz out to speak with a nurse who is there for another inmate. The nurse asks "What is wrong?" I/M Schaetz writes that when he began to answer the nurse, Sro. Wood tells him "Raise your hand again and I will slap the fire out of you." After another verbal exchange with Sro. Wood, I/M Schaetz is allowed to go use the restroom. While using the restroom, Sro. Wood addressed the entire unit and asked "Did I wake any of you?" I/M Schaetz stated that the majority of the pod answered affirmatively and Sro. Wood allegedly replied "Step forward or you are all cowards." I/M Schaetz states that he was placed back into the cell and when let out for breakfast, Sro. Wood asked him "You want to fight me don't you?" I/M Schaetz replied that he didn't and walked away.

Lt. Gallenkamp retrieved the surveillance video from the dormitory on the night in question. Although there is no audio recording, an inmate is viewed at the Officer's desk for the majority of the night. The interaction between Sro. Wood and I/M Schaetz begins at 0413 hours and appears to be as described by I/M Schaetz in his written complaint. It does not appear that any force was utilized by Sro. Wood beyond an escort and pat search prior to placing the inmate in the holding cell. Nurse Barbara Turner is viewed entering the dorm at 0442 hours and there does appear to be a conversation involving her, Schaetz, and Sro. Wood but it occurs inside the holding cell out of camera view. When Sro. Wood walks Schaetz back to the restroom area, Sro. Wood appears to address the other inmates while I/M Schaetz is using the facility. Sro. Wood is seen raising his arms briefly as if he was asking a question. At 0452 hours, I/M Schaetz is placed back into the holding cell and Nurse Turner leaves the dorm. At 0530 hours, Schaetz is removed from the holding cell by Sro. Wood and gets into the chow line with the other inmates.

During an additional review of the video surveillance, Warden McClelland noted that he did not observe Sro. Wood complete a 0300 headcount as was indicated by a head count slip (VCDC 408) submitted by Sro. Wood on July 29, 2015.

After reviewing the inquiry up to this point, Director Ford requested an internal investigation on August 14, 2015 based on the possible policy violations. On the same date, I was directed by Director Recktenwald to initiate the investigation. Sro. Wood was provided notice of the investigation, advisement of rights form, and a copy of the Law enforcement and corrections' officer's rights on August 25, 2015.

Robert Schaetz:

On July 31, 2015, I conducted a sworn interview with I/M Schaetz at VCCF. Warden McClelland was also present for this interview. I/M Schaetz recalled the incident just like he had originally written. When questioned regarding the inmate standing at the officer's station for the majority of the night, I/M Schaetz told me that he didn't know the inmate's name but he goes by the nickname "Chicago." I/M Schaetz added that Sro. Wood had given Chicago a Styrofoam boxed meal earlier that night. I/M Schaetz believed that this was a fish dinner brought from outside the facility. I/M Schaetz speculated that Sro. Wood and

Chicago were related but was not sure. I/M Schaetz told me that Chicago was at the officer's station almost the entire night talking and laughing with officer wood. I/M Schaetz explained that he was compliant with Sro. Wood throughout the incident and felt that if he had not been, Sro. Wood would have become violent with him. This was based off of Sro. Wood's demeanor.

Warden McClelland was able to identify Chicago as I/M Roderick Poole based off of the description given by I/M Schaetz and Poole's bunk location. Warden McClelland compared the shift's documentation from Dorm 3 for Sro. Wood's shift beginning on July 28, 2015 with the video surveillance. Warden McClelland noted that the headcount sheet indicates that a head count was conducted at 0330 hours, however the surveillance indicates that Sro. Wood never left the officer's station near this time. Warden McClelland advised me that VCDC training dictates that head count should be done in person by walking around the dorm and verifying that all inmates are present and in good health (breathing). Warden McClelland also advised that Sro. Wood is viewed on two separate occasions during the shift giving I/M Poole a boxed meal; once when Sro. Wood first arrives at the dorm and again when he returns from a break. Warden McClelland discussed the incident with Nurse Turner who did not recall what had occurred between Sro. Wood and I/M Schaetz the morning of July 29, 2015.

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

Roderick Poole:

I conducted a sworn witness interview with Inmate Roderick Poole at VCBJ on August 31, 2015. I/M Poole told me that he is currently serving a sentence at VCDC and has been to this facility several times during his life. He also advised that he is familiar with Sro. Wood and remembered the night of July 28/29, 2015. He specifically remembered this night because Sro. Wood is not normally assigned to the dorms. He told me that he knows Sro. Wood through this facility and does not associate with him outside of the corrections environment. He is not related to Sro. Wood as alleged by I/M Schaetz.

I/M Poole confirmed that he had been awake that night speaking with Sro. Wood at the officer's desk for the majority of the night. He told me that it was just idle conversation and did not remember a specific topic. I/M Poole told me that Sro. Wood gave him a salad early in the evening and he believed some cookies later on. I/M Poole told me that the food was "payment" for cleaning tile inside the facility. I/M Poole told me that Sro. Wood did not give him any food from outside the facility.

I/M Poole remembered the interaction between I/M Schaetz and Sro. Wood. He told me that he may have been a little loud and accepted responsibility for waking up the other inmate. I/M Poole told me that "the other inmate" started by saying "Really, really?" and stated the time which he could not recall. Sro. Wood responded "Well hey, first of all you need to hold your voice down. When you address me, you address me as Officer. Sro. Wood approach I/M Schaetz and I/M Poole could not recall I/M Schaetz exact words but described them as disrespectful. Sro. Wood escorted I/M Schaetz near the holding cell and asked I/M Schaetz "Are you alright?" I/M Schaetz was told to keep his hands down at his side and eventually Sro. Wood told him to go into the holding cell. I/M Poole told me that Sro. Wood contacted the nurse to check on I/M Schaetz. I/M Poole told me that the only time that Sro. Wood touched I/M Schaetz was for a pat search. When asked if Sro. Wood used any profanities while speaking with I/M Schaetz, I/M Poole told me that he did not and that he had never heard Sro. Wood curse or use profanity. I/M Poole told me that the nurse came onto the unit shortly after but did not hear any the conversation between Sro. Wood, the nurse, and I/M Schaetz.

I/M Poole did not remember Sro. Wood addressing the entire dorm from the area of the restrooms.

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

Senior Officer Isadore Wood:

I conducted a sworn interview with Sro. Wood on September 2, 2015 at VCBJ. Sro. Wood acknowledged that he had reviewed the reports and video associated with this case prior to the interview. Sro. Wood further acknowledged that it was his choice not to be accompanied by representation.

Sro. Wood told me that he has been a Corrections' Officer for VCDC for nearly ten years. During this time he has been assigned to most positions at VCDC. Sro. Wood told me that the night of July 28th, 2015, he was originally assigned to ID/Rec at VCCF. Due to another officer's absence, he was relocated to the men's dormitory at VCCF. Sro. Wood told me that I/M Poole was the inmate viewed on surveillance video at the officer's desk the majority of the night. He told me that he does not associate with I/M Poole outside of the facility and that he knows him because he is a "regular." Sro. Wood told me that the Styrofoam container that he gave to I/M Poole near the time that he first arrived on the unit was a salad. Sro. Wood told me that he was instructed by Sgt. Miller to give I/M Poole the salad for cleaning or buffing tile inside the facility earlier that evening. When I asked if he thought this was fair to the other inmates in the dorm, Sro. Wood told me that he was just following his supervisor's orders. Sro. Wood told me that he has supervised I/M Poole previously but he did not stay at the officer's station during that time because it was on southwing, which has a different layout than the dormitories. Sro. Wood told me that the conversation(s) with I/M Poole that night were about jobs that the inmate had been assigned and other jobs that he was interested in. No personal topics were discussed. Sro. Wood told me that he did not give I/M Poole any of his personal food but did give him an omelet from the chow hall early in the morning.

Sro. Wood told me that early in the morning, prior to the inmate's waking up for breakfast, he observed I/M Schaetz standing away from his bunk with his arms raised. When Sro. Wood asked what he (Schaetz) was doing, I/M Schaetz responded "What are you doing?" or something similar to that question. Sro. Wood directed I/M Schaetz to go back to his bunk and be quiet but I/M Schaetz refused. Sro. Wood grabbed a pair of gloves and approached I/M Schaetz. Sro. Wood told me the following regarding his interaction with I/M Schaetz:

...I went over there and I'm like, "What's your problem?" I said, "Do you take mental health meds," this and that. Make a long story short, he kept on with his hands and I said, "Keep your hands at your side." Like he was getting agitated. I said, "Go this way." So I patted him down. I put him in the multi-purpose room. I called Nurse Turner. I see somewhere in there they said that she came...it was the inmate...but I called her. I said, "This guy said that he got moved over here from the branch and hasn't had his meds." She said, "When I come out there to pass the morning meds, I will talk to him."

Sro. Wood explained that he had placed I/M Schaetz into the multi-purpose room to calm down due to his agitation. He further explained that he had not received any training or instruction regarding the use of this room prior to this incident.

Sro. Wood told me that when the nurse arrived at the dorms and was speaking with I/M Schaetz that they did have another verbal exchange. Sro. Wood directed I/M Schaetz to "Look at me while your talking to her." Sro. Wood felt that I/M Schaetz had an angry appearance at the time and did not want to scare the nurse. Sro. Wood confirmed that he told I/M Schaetz to direct his "breath" somewhere else, not toward the wall as reported, because I/M Schaetz's breath had a foul odor. While the nurse was still in the dorm, and after the other inmates had woken up, Sro. Wood addressed the entire dorm from the restroom area. He told me that he asked "Did I wake any of you up?" Sro. Wood told me that a couple of unknown inmates responded affirmatively in, what he perceived as, a jokingly manner. Once the nurse left the

dorms after providing medication to the other inmates, I/M Schaetz was allowed to line up with the rest of the inmates for breakfast.

Sro. Wood told me that at morning chow, he reported I/M Schaetz behavior to Lt. Smith. Lt. Smith was told that I/M Schaetz was "...talking crazy. I patted him down, stuck him in the holding cell until we came to chow." Lt. Smith did not direct Sro. Wood to document the incident.

When I questioned Sro. Wood regarding the headcount he reported at 0300 hours, Sro. Wood explained that he did not properly conduct this headcount. Sro. Wood told me that while returning from the restroom, he visibly verified that every inmate was accounted for in their bunk but failed to ensure each inmate's well being.

Sro. Wood denies ever threatening or using profanity while addressing I/M Schaetz and added that he never uses profanity.

At the conclusion of the interview, I asked Sro. Wood if he believed that he violated the following policies. His responses are listed below:

- No** *Volusia County Division of Corrections Policy and Procedure: 102.09 (A) Each Correctional Officer (CO) shall adopt a professional attitude toward his/her particular job. Officers shall be impartial and courteous at all times.*
- No** *Volusia County Division of Corrections Policy and Procedure: 102.09 (F) The use of violent, profane, provocative, or offensive language is prohibited.*
- No** *Volusia County Division of Corrections Policy and Procedure: 102.09 (N) Showing partiality or favoritism toward an inmate or group of inmates shall not be tolerated. All prisoners with like classifications are to be treated the same.*
- No** *Volusia County Division of Corrections Policy and Procedure: 102.09 (R) The CO shall maintain discipline at all times and under all circumstances among the inmates under his/her direct supervision or any that frequent the area of the CO's assignment. Suspicious circumstances, actual breaches of security, and other disciplinary infractions shall be reported by the CO to his/her supervisor.*
- No** *Volusia County Division of Corrections Policy and Procedure: 102.09 (V) Every CO shall know the proper procedures and techniques for making a search of individuals, buildings, and vehicles for contraband and for making security inspections and conducting counts.*
- Yes** *Volusia County Division of Corrections Policy and Procedure: 102.09 (YY) Employees are expected to be effective. For example: to organize their work, to stay focused on job-related activities during work hours, to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgement; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, and technology, and to be committed to improving individual performance.*
- Yes** *Volusia County Division of Corrections Policy and Procedure: 102.09 (C):*

1. All staff shall make or cause to be made accurate, complete and truthful reports and official records.
2. No staff member shall knowingly make or cause to be made any false report or falsify any official record.
3. No staff member shall make or cause to be made any inaccurate, misleading, contradictory, or improper record/official record.

- No** *Volusia County Division of Corrections General Post Order (6): Ensure the safety of staff and the safe custody and care of all inmates in their charge. Each employee shall be responsible for exercising good security and custody methods within a safe and sanitary environment.*
- No** *Volusia County Division of Corrections General Post Order (29): Notify their immediate supervisor and make a complete written report of all unusual incidents that occur during a tour of duty or when off duty unusual incidents that pertain to the safety or security of the institution and it's staff or inmates.*
- Yes** *Volusia County Merit Rules and Regulations Sec. 86-453 Reasons for disciplinary action (1): Willful neglect in the performance of the duties of the position to which the employee is assigned.*
- No** *Volusia County Merit Rules and Regulations Sec. 86-453 Reasons for disciplinary action (13): Any conduct, on or off duty, that reflects unfavorably on the county as an employer.*
- No** *Volusia County Merit Rules and Regulations Sec. 86-453 Reasons for disciplinary action (10): Incompetent or unsatisfactory performance of duties.*

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

Lieutenant Steven Smith:

Immediately following the interview with Sro. Wood on September 2, 2015, I conducted a sworn interview with Lt. Smith at VCCF.

Lt. Smith acknowledged that he was familiar with I/M Schaetz and recalled the night of the incident due to Sro. Wood reassignment to the men's dormitory. Lt. Smith told me that he remembered Sro. Wood notifying him at morning chow that I/M Schaetz was placed in the multi-purpose room due to Sro. Wood not being comfortable with the inmate's behavior. Lt. Smith further advised that I/M Schaetz was placed on a mental health watch and transferred to VCBJ for evaluation that same day. Lt. Smith could not recall if he was told how long I/M Schaetz was placed inside the multi-purpose room. Lt. Smith would not have expected Sro. Wood to document this incident on an incident report.

When asked if it was permissible to "reward" inmates or trustees with food for working around the facility, Lt. Smith advised that it was a common practice. He didn't specifically remember I/M Poole being rewarded that night but told me that he wouldn't have a problem with it.

Lt. Smith told me that he has never heard Sro. Wood use profanity.

This interview was recording and transcribed. It was added to the case file as item 9.

Conclusion:

All interviews associated with this case, in addition to the unit's surveillance video, confirm that Sro. Wood allowed I/M Poole to stay at the officer's desk throughout Sro. Wood's shift on July 28, 2015. This action alone can be perceived as being distracting for Sro. Wood by not allowing him to focus on the other inmates in his care.

Sro. Wood confirmed that he gave I/M Poole food on two occasions during the shift; however, it was confirmed that Sro. Wood was told to reward this inmate for work completed early in the shift by his superior(s).

I am unable to substantiate or refute the allegations made by I/M Schaetz accusing Sro. Wood of threatening him and using profanities. Sro. Wood and I/M Schaetz gave conflicting statements regarding this issue and I/M Poole did not hear any threats or profanity from Sro. Wood but acknowledged that he did not witness the entire interaction. Surveillance video from the dormitory shows that Sro. Wood's only physical contact with I/M Schaetz included an escort and PAT search. Initially, it was believed that Sro. Wood did not document nor report this incident with I/M Schaetz, however, Lt. Smith advised that he was informed of the incident at morning chow following I/M Schaetz being placed in the multi-purpose room. I/M Schaetz was subsequently referred to mental health counseling for the incident.

The VCDC 408 (Headcount slip) submitted by Sro. Wood on July 29, 2015 at 0300 hours indicates that a headcount was completed at that time. Sro. Wood confirmed that this was not a proper headcount in accordance with VCDC Policy 400.18 which states "The officer is required to see 'flesh' and ensure the inmate is breathing. Flashlights shall be used judiciously (by shining the light on the ceiling and wall) to ensure the inmate is seen." Sro. Wood advised that he simply counted the number of occupied bunks to verify the correct number of inmates. He did not "see flesh" or verify that each inmate was breathing.

Findings:

Based upon witness testimony, documentation, and video surveillance, I recommend the following allegations are **sustained** against Senior Officer Isadore Wood:

Volusia County Division of Corrections Policy and Procedure: 102.09 (V) Every CO shall know the proper procedures and techniques for making a search of individuals, buildings, and vehicles for contraband and for making security inspections and conducting counts.

Volusia County Division of Corrections Policy and Procedure: 102.09 (YY) Employees are expected to be effective. For example: to organize their work, to stay focused on job-related activities during work hours, to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgement; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, and technology, and to be committed to improving individual performance.

Volusia County Division of Corrections Policy and Procedure: 102.09 (C):

- 1. All staff shall make or cause to be made accurate, complete and truthful reports and official records.*
- 2. No staff member shall knowingly make or cause to be made any false report or falsify any official record.*

3. No staff member shall make or cause to be made any inaccurate, misleading, contradictory, or improper record/official record.

Volusia County Division of Corrections General Post Order (6): Ensure the safety of staff and the safe custody and care of all inmates in their charge. Each employee shall be responsible for exercising good security and custody methods within a safe and sanitary environment.

Volusia County Merit Rules and Regulations Sec. 86-453 Reasons for disciplinary action (1): Willful neglect in the performance of the duties of the position to which the employee is assigned.

Volusia County Merit Rules and Regulations Sec. 86-453 Reasons for disciplinary action (10): Incompetent or unsatisfactory performance of duties.

Based upon witness testimony, documentation, and video surveillance, I recommend the following allegations are **not-sustained** against Senior Officer Isadore Wood:

Volusia County Division of Corrections Policy and Procedure: 102.09 (F) The use of violent, profane, provocative, or offensive language is prohibited.

Volusia County Division of Corrections Policy and Procedure: 102.09 (A) Each Correctional Officer (CO) shall adopt a professional attitude toward his/her particular job. Officers shall be impartial and courteous at all times.

Volusia County Merit Rules and Regulations Sec. 86-453 Reasons for disciplinary action (13): Any conduct, on or off duty, that reflects unfavorably on the county as an employer.

Based upon witness testimony, documentation, and video surveillance, I recommend the following allegations are **unfounded** against Senior Officer Isadore Wood:

Volusia County Division of Corrections Policy and Procedure: 102.09 (N) Showing partiality or favoritism toward an inmate or group of inmates shall not be tolerated. All prisoners with like classifications are to be treated the same.

Volusia County Division of Corrections Policy and Procedure: 102.09 (R) The CO shall maintain discipline at all times and under all circumstances among the inmates under his/her direct supervision or any that frequent the area of the CO's assignment. Suspicious circumstances, actual breaches of security, and other disciplinary infractions shall be reported by the CO to his/her supervisor.

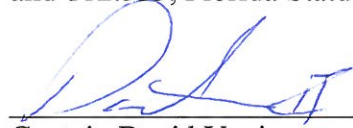
Volusia County Division of Corrections General Post Order (29): Notify their immediate supervisor and make a complete written report of all unusual incidents that occur during a tour of duty or when off duty unusual incidents that pertain to the safety or security of the institution and it's staff or inmates.

Concluding Statement:

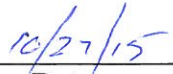
Unless otherwise directed, this investigation is considered closed, and is submitted for review

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



Date



INTER-OFFICE MEMORANDUM
Department of Public Protection
125 West New York Ave., Suite 183
DeLand, FL. 32720
386-740-5120 – FAX 386-740-5123

TO: Senior Officer Isadore Wood
Division of Corrections – Correctional Facility

DATE: November 18, 2015

FROM: George Recktenwald, Director
Department of Public Protection

FILE NO: DPP15-090

SUBJECT: Notice of Suspension Without Pay

REFERENCE: DPP15-087 NOIS
Unprofessional Conduct &
Poor Security Practices

Purpose: The purpose of this memorandum is to provide you with notice of suspension without pay for five (5) work days, which equates to 61.25 hours (five 12.25-hour shifts). This action is the result of your violation of Policy and Procedures during an incident on July 29, 2015. The first two dates of your suspension without pay are Wednesday, December 9, 2015 and Thursday, December 10, 2015. You will return to work on Monday, December 14, 2015. The last three days of your suspension without pay are Sunday, January 3, 2016, Wednesday, January 6, 2016 and Thursday, January 7, 2016. Your return to work day from the last 3 days of suspension is Monday January 11, 2016.

You received my notice of intent to suspend without pay on Monday, November 2, 2015. You have not contacted this office to provide any information that would alter my decision. Therefore, I am proceeding with the intended action. The suspension days are to be served as noted above, and you are advised that there shall be no voluntary overtime allowed in these pay periods to make up the time.

Background: On July 30, 2015, Inmate Robert Schaetz submitted a written report alleging that he was mistreated by you in the men's dormitory at the Correctional Facility, during the early morning hours on July 29, 2015.

Information: You were assigned to work Dorm 3 at the Volusia County Correctional Facility (VCCF) for the night shift, which was 7:45 p.m. on July 28, 2015 through 8:00 a.m. on July 29, 2015. During the early morning on July 29, 2015, Inmate Schaetz reported he could not get back to sleep due to noise caused by you and another inmate, who was subsequently identified as Inmate Roderick Poole. Inmate Schaetz also alleged that you provided special food to Inmate Poole.

Inmate Schaetz stated that he got out of his bed and expressed his frustration with not being able to sleep due to your conversation, to which you allegedly replied with profanity. Inmate Schaetz alleged you screamed at him and then manhandled him while placing him into the lockdown cell (i.e. the multipurpose classroom with a locking door). According to Inmate Schaetz, he was seen by a nurse. During his interchange with Nurse Barbara Turner, Inmate Schaetz alleges you warned him, "Raise your hand again and I will slap the fire out of you." Inmate Schaetz also alleges you addressed the entire dorm, asking, "Did I wake any of you?" Inmate Schaetz stated that the majority of the men in the dorm answered affirmatively (i.e. yes, you did wake them).

Surveillance video from the dormitory for the morning of July 29, 2015 was obtained and reviewed by Lieutenant Michael Gallenkamp. The interaction between you and Inmate Schaetz began at 4:13 a.m. and appears to be as described by the inmate in his written complaint. It does not appear that you used any force on Inmate Schaetz; you touched Inmate Schaetz only to escort and pat search him prior to placing him in the multipurpose classroom in the dorm. You are observed in a conversation with Inmate Schaetz and Nurse Turner during the nurse's visit. You escorted the inmate to the restroom area and then appear to address the other inmates while Inmate Schaetz is using

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the facilities. You return Inmate Schaetz to the multipurpose classroom at 4:52 a.m., and at 5:30 a.m. he is removed from the multipurpose classroom, where he is then observed getting into the chow line with the other inmates for breakfast. The video also shows you talking with an inmate at the officer's station and providing food in a Styrofoam container to that inmate (subsequently identified as Inmate Poole).

Warden William McClelland reviewed the video footage from the night in question. He noted that that you did not complete the 0300 (3:00 a.m.) headcount as indicated by the headcount slip (VCDC 408) you submitted on July 29, 2015.

After reviewing the inquiry up to this point, Marilyn Chandler Ford, Corrections Division Director, requested an internal investigation on August 14, 2015, based on the possible policy violations. George Recktenwald, Director of Public Protection, requested Captain David Vanis initiate the investigation on that same date. You were interviewed by Captain Vanis on September 2, 2015.

During the internal affairs investigation you admitted conversing with Inmate Poole for an extended period of time during the night shift on July 29, 2015. You admitted to providing Inmate Poole with food but advised you were following your supervisor's instructions for extra work he performed, which was confirmed during the investigation. You denied using profanity or improper actions with Inmate Schaetz; this allegation was not sustained in the investigation. You admitted addressing all the inmates at one point about whether you had kept them awake, and stated a few admitted in the affirmative, but you thought their assents were in a joking manner. You admitted you failed to conduct a proper 3:00 a.m. headcount on July 29, 2015.

The dormitory's security camera system shows that Inmate Poole was at the officer's station or seated at a nearby table from approximately 11:25 p.m. on July 28, 2015 until approximately 4:16 a.m. on July 29, 2015. 11:00 p.m. is considered lockdown time for all inmates. Unless an inmate has an assigned night job, inmates are expected to be in their cells or on their bunks.

Your actions violated the following County Merit Rules and Division of Corrections Policy and Procedure:

1. **Volusia County Merit System Rules and Regulations 86-453 (10):** *Incompetent or unsatisfactory performance of duties.*
2. **Volusia County Division of Corrections Policy and Procedure 102.09 (YY):** *Employees are expected to be effective. For example, to organize their work, to stay focused on job-related activities during work hours, to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, technology and to be committed to improving individual performance.*
3. **Volusia County Division of Corrections Policy and Procedure 102.09 (C):**
 1. *All staff shall make or cause to be made accurate, complete and truthful reports and official records.*
 2. *No staff member shall knowingly make or cause to be made any false report or falsify any official record.*
 3. *No staff member shall make or cause to be made any inaccurate, misleading, contradictory or improper record/official record.*
4. **Volusia County Division of Corrections General Post Order (6):** *Ensure the safety of staff and the safe custody and care of all inmates in their charge. Each employee shall be responsible for exercising good security and custody methods within a safe and sanitary environment.*

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A review of your personnel file reveals the following past corrective and disciplinary actions:

| | |
|------------|---|
| 01/22/2008 | Written Reprimand – <i>Refrain from unnecessary force</i> |
| 04/19/2008 | Negative Employee Performance Notice (EPN) – <i>Did not provide proper documentation for a lockdown</i> |
| 10/27/2010 | Letter of Instruction – <i>Conducted transport to VCCF without Division-issued weapon</i> |
| 01/28/2014 | Negative EPN – <i>Remain professional at all times (made inappropriate comments/gestures).</i> |

As a Corrections Officer with nearly 10 years tenure, you have the knowledge and experience to perform your duties, and you are expected to model appropriate conduct for other staff and inmates. However, your actions in this incident demonstrate very poor adherence to good correctional practices. You permitted yourself to be distracted from your duties by engaging in protracted conversation with an inmate during the night of July 29, 2015. You failed to get up and make rounds so as to ensure a proper 3:00 a.m. headcount. Your submittal of an official record – a headcount sheet - that may be correct as to the number of inmates, but wholly inadequate in practice because you did not check to verify their physical condition, suggests a lack of concern for the safety, security, and welfare of inmates assigned to your care. Your actions were appalling and cannot be tolerated.

Conclusion: Based on the seriousness of your performance lapse, and consistent with the recommendations of the supervisors in your chain of command, I am issuing you this letter of suspension without pay for five (5) shifts, which equates to 61.25 hours (five 12.25-hour shifts). The first two dates of your suspension without pay are Wednesday, December 9, 2015 and Thursday, December 10, 2015. You will return to work on Monday, December 14, 2015. The last three days of your suspension without pay are Sunday, January 3, 2016, Wednesday, January 6, 2016 and Thursday, January 7, 2016. Your return to work day from the last 3 days of suspension is Monday January 11, 2016. The suspension days are to be served as noted above, and you are advised that there shall be no voluntary overtime allowed in these pay periods to make up the time.

Please know that any further violations of Division and/or County policy may result in more severe discipline up to, and including, dismissal. If there is anything I or Dr. Ford can do to assist you to improved performance, please let me know.

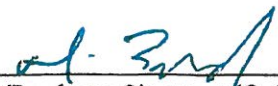
Action: In accordance with section 86-485 (a)(3) of the Merit System Rules and Regulations you have ten (10) working days from receipt of this notification (or effective date of the suspension) to appeal this action through the County Personnel Board. Should you decide to exercise your right to appeal, submit your written request to the County Personnel Office, 230 N. Woodland Blvd., Suite 262, DeLand, FL 32720.

Pursuant to Merit Rule 86-455, the Legal Department and the Human Resources Director have reviewed this notice and concur with the proposed action.

GR/tb

cc: ___ Terry A. Sanders, Deputy Department Director ___ Tom Motes, Human Resources Director
 ___ Marilyn Chandler Ford, Corrections Director ___ Tammy King, EEO Coordinator
 ___ County Attorney's Office

I certify that I have read this notification and acknowledge receipt of the original copy.



Employee Signature (Or Witness, if Employee Refuses to Sign)

11-17-15

(Date of Signature)