

Volusia County FLORIDA

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: June 5, 2017

SUBJECT: IA 2017-01, Officer Morgan Candage, Volusia County Division of Corrections

References:

1. Request for internal investigation DPP17-014 (Dated January 27, 2017).
2. VCSO interview with Ofc. Candage (Dated December 29, 2016).
3. VCSO interview with _____ Dated December 29, 2016).
4. VCSO interview with _____ (Dated January 12, 2017).
5. VCSO interview with Megan Lynch (Dated January 19, 2017).
6. VCSO incident report VP160027967.
7. Ofc. Candage subject interview transcript (Dated February 22, 2017).

Background:

Internal Affairs investigation IA2016-02 focused on the allegation that former Corrections Officer Megan Lynch was romantically involved with Inmate _____ inside the Volusia County Correctional Facility (VCCF). This investigation sustained the allegation and resulted in Megan Lynch's arrest for sexual misconduct.

During the course of IA2016-02, I/M _____ was interviewed by VCSO Investigator Ott on December 29, 2016. When asked what officers had firsthand knowledge of her relationship with Ms. Lynch while Lynch was still employed at VCDC, _____ responded "Uhm...Candage and Weatherspoon." During this interview, I/M Winters told the investigator that Ofc. Candage knew of the relationship because "We all talked." I/M _____ explained that during the day, she would talk to Ofc. Candage in H Block about Ofc. Lynch and her past relationships. While discussing _____ feeling uncomfortable about her relationship with Lynch, _____ told Inv. Ott "and Candage made that easier because she knows her on the outside as well." _____ described one incident where she and Lynch were sexually involved inside the case management offices at VCCF. During this incident, Ofc. Candage was standing outside the door. _____ did not specify that Ofc. Candage witnessed any contact but stated that she knew they had kissed.

Inv. Ott conducted a sworn interview with Ofc. Candage regarding the criminal case on December 29, 2016. I was not present for this interview but Inv. Ott provided me a digital copy. Ofc. Candage told Inv. Ott that:

She liked her. I kept telling both of them to stop making it so obvious. Stop following her around like a puppy.

Inmate Lynch following...Inmate _____ following Lynch. Lynch is an officer. You need to create your space. She talked about it for months. I kept telling her to leave it alone. This is your career. This is your life.

Ofc. Candage denied that she knew that Lynch was sexual or physically involved with I/M _____ but knew that they were attracted to each other. Ofc. Candage additionally denied that she had ever been present when Ofc. Lynch and I/M _____ were together in the 1100 Cell or Case management offices. Ofc. Candage justified this by telling Inv. Ott that she was assigned to H Block where she was not able to leave her post without a relief officer. Ofc. Candage did confirm that Ofc. Lynch would talk with I/M _____ in H Block, but she did not overhear these conversations.

When asked how long she was aware that Lynch and _____ were in a relationship, Ofc. Candage replied "Would you really call...I mean she just said you're cute." Ofc. Candage added "...I wouldn't say that's a relationship, but I don't know what term they used." Ofc. Candage was asked if she ever told anyone of her observations between Lynch and _____. Ofc. Candage replied "No, everyone knew. You could...it was obvious."

During the course of the criminal investigation, Inv. Ott also interviewed former VCDC Inmate _____ confirmed that she and Megan Lynch had kissed inside VCCF while she was incarcerated but denied any sexual contact while she was incarcerated. _____ told Inv. Ott during her interview on January 12, 2016 that she would frequently talk with Lynch on H Block while Ofc. Candage was present. During that interview, _____ stated "...in H block is where we used to all hang out all the time...me, her, and Candage...and that's where I would eat the food that she brought me over in the other bathroom in H Block. _____ told Inv. Ott that Ofc. Candage had told her how much Lynched "liked" her but cautioned Lynch about being involved with an inmate. _____ stated "Like you're going to get in trouble and I don't

want to get brought down with you. You know what I mean? But, Candage never saw us like kiss or do anything like that.”

Megan Lynch was arrested on January 19, 2017 for sexual misconduct with a detainee. On January 27, 2017, Director Sanders ordered me to conduct an investigation regarding Ofc. Candage’s failure to report knowledge of the relationship between Lynch and Winters based upon the aforementioned information gathered during that investigation.

Information:

Inv. Raulerson served Ofc. Candage notice of the internal investigation on February 9, 2017. Ofc. Candage was provided redacted copies of the interview transcripts involving Inv. Ott with _____, and Morgan Candage. It should be noted the two inmate transcripts were redacted due to Megan Lynch’s ongoing criminal prosecution. All parts of the interview that pertained to Ofc. Candage were provided.

Officer Morgan Candage:

I conducted a sworn interview with Ofc. Candage on February 22, 2017 at Public Protection Administration. Inv. Raulerson was also present for the interview. Ofc. Candage was represented by Jeff Candage. Prior to the interview, Ofc. Candage was provided original copies of all interview transcripts related to her case.

Ofc. Candage described her relationship with Megan Lynch as a work friendship. She told me she had been hired at about the same time as Lynch and they had attended the Corrections Academy together. Contrary to what had been reported by the inmates interviewed by Inv. Ott, Ofc. Candage advised that she had only worked out with Lynch on two or three occasions outside of work and had never socialized with Lynch beyond that. Ofc. Candage told me that during the calendar year 2016, she was assigned to H Block, the women’s mental health unit. Up until May 2016, she was on dayshift; starting in May she was on nights. Ofc. Candage advised that Lynch was assigned to North Wing on her same shift the entire time.

When questioned regarding Lynch’s relationship with _____, Ofc. Candage told me:

I would describe it as very friendly, very familiar. That’s all that I could see as an officer looking in on an officer and an inmate. Like I said in my interview, they were around each other a lot and that’s all that I saw. I didn’t see anything but friendly and familiar.

Ofc. Candage denied that she ever witnessed any inappropriate contact between the two. Ofc. Candage advised that Lynch would frequently come onto H Block when the rest of H Block was slow. She told me that Lynch would remain on her unit for 10-15 minutes at a time, several times a day. She would spend this time reading the newspaper, talking with Candage about her fiancée, or talking with _____ or the assigned trustee. Ofc. Candage told me that she never heard any inappropriate conversations between Lynch and _____ but did state that Lynch was overly friendly with both inmates and officers. She specified that Lynch was overly friendly with _____. When asked why she told Inv. Ott that both _____ and Lynch were attracted to each other, Ofc. Candage replied that “Lynch told me that she was cute. She liked her.” She described this as Lynch’s personality.

Ofc. Candage denied that she ever told _____ to stop following Lynch, but did discuss the situation with Lynch. Ofc. Candage advised that she told Lynch “To keep her distance, just as a friend. Keep your distance. This is your career.” Ofc. Candage told Lynch this due to rumors that were circulating about

Lynch and Winters. Ofc. Candage advised that she told Lynch this “two or three times within months.” Ofc. Candage advised she did not see any change in behavior between Lynch and [redacted] but still did not report the behavior to a supervisor because “...I never saw anything inappropriate to the point where I would think she did what she did.” Ofc. Candage agreed that the observed behavior was unusual but repeatedly denied that it was inappropriate. Ofc. Candage did not believe that she needed to report the rumors because she believed “Everybody knew.” When Ofc. Candage told me that looking back, she should have handled the situation differently.

Ofc. Candage told me that Lynch was also friendly with [redacted] and described similar circumstances as she observed with [redacted]. [redacted] was a trustee and Lynch would talk with her on H Block. Ofc. Candage denied ever telling [redacted] that Lynch had romantic feelings for her and also denied ever witnessing any inappropriate behavior or contact between them. Ofc. Candage did tell me that she was aware that Lynch had been “hanging out” with [redacted] once [redacted] was released from custody. She advised that she found this out when Lynch was on administrative leave pending the outcome of an internal investigation. Ofc. Candage acknowledged that she was aware of division policies relating to relationships with former inmates but did not report this because she wasn’t sure if Lynch had notified her chain of command.

At the close of the interview, Ofc. Candage confirmed that the behavior she observed was both unprofessional and “very inappropriate,” but at the time, she did not feel it rose to the level of reporting Lynch’s conduct.

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

Conclusion:

Ofc. Candage denies having knowledge of a relationship between Megan Lynch and [redacted] and further denies that she ever observed any physical contact between the two. However, she did state during her sworn interview that she had observed, what can be best described as, suspicious behavior between Lynch and [redacted]. She told me that Lynch would frequently enter H Block and have conversations with Inmate [redacted]. Lynch had also told her that [redacted] was “cute.” Ofc. Candage even admitted to cautioning Lynch several times about this behavior and how it could affect her career in Corrections. Ofc. Candage additionally witnessed Megan Lynch conduct herself similarly with Inmate [redacted]. Ofc. Candage told me that Lynch had made her aware that she had socialized with [redacted] after she was released from custody. During the course of her interview, Ofc. Candage described this behavior as unusual, but not inappropriate. When questioned by her representative at the end of the interview, she described this behavior as both inappropriate and unprofessional. Ofc. Candage advised that she did not notify a supervisor nor document any of her observations.

Findings:

Based upon testimony provided by Ofc. Candage and the interviews conducted by VCSO, I recommend that the following allegations are **sustained**:

VCDC General Post Orders 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.

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

VCDC Policy 102.09(KK). Each employee shall make an immediate report to his/her SC of any violation of law or the Rules and Regulations of the institution or Division of which he/she has knowledge. Such report may be required in writing at the discretion of the official receiving the complaint or information.

VCDC Policy 102.09(RR). Division of Corrections personnel are employed to provide service to the citizenry of the county and the public in general, and are expected to conduct themselves in a manner that will reflect credit on county government, public officials, fellow employees, and themselves.

VCDC General Post Orders #3. Enforce all rules, regulations and policies of the division. It is the responsibility of all employees to report a violation of institutional rules as specified in Division Policies and Procedures, Administrative Directives, and post Orders.

VC 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.

(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.

Based upon testimony provided by Ofc. Candage and the interviews conducted by VCSO, I recommend that the following allegations are **not sustained**:

VCDC Policy 102.09(T). Cos shall not engage in, nor develop any personal relationships 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.

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

VCDC Policy 102.09(L). Cos shall not discuss Division of Corrections' matters in the presence of inmates.

Florida Administrative Code 11b-27.0011(3)(c)3 Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee. An unprofessional relationship is defined as:

a. Having written or oral communication with an inmate, detainee, probationer or parolee, or community controllee that is intended to facilitate conduct prohibited by this rule section; or


b. Engaging in physical contact not required in the performance of official duties, and is defined as kissing, fondling of the genital area, buttocks, or breasts, massaging or similar touching, holding hands, any other physical contact normally associated with the demonstration of affection or sexual misconduct as applied to all certifications, which is defined in Section 944.35(3), F.S.

c. Engaging in a romantic association with an inmate, detainee, probationer, parolee, or community controllee. "Romantic association" is defined as the exchange of telephone calls, pictures, letters, greeting cards, or any other form of oral or written communication, which expresses feelings or thoughts of affection or the desire to engage in a romantic relationship whether emotional or physical. This subsection shall not apply to an officer who is legally married to an inmate, detainee, probationer or parolee, or community controllee in the community, nor does it apply to any officer who has no knowledge, or reason to believe, that the person with whom the officer has engaged in a romantic association is an inmate, detainee, probationer or parolee, or community controllee.

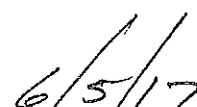
Concluding Statement:

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 W. New York Ave., Suite 183
DeLand, Florida 32720
386-740-5120 FAX-386-740-5283

TO: Officer Morgan Candage
Division of Corrections

DATE: July 19, 2017

FROM: Terry Sanders, Director
Department of Public Protection

FILE NO: DPP17-063

SUBJECT: Notice of Suspension Without Pay

REFERENCE: DPP17-056 NOIS
Without Pay - Violation of Policies

Purpose: The purpose of this memorandum is to provide you with notice of suspension without pay for three (3) working days which equates to 36.75 hours (three 12.25 hour shifts). This action is the result of your violation of County Policies and Procedures and Division Guidelines. The dates of your suspension without pay will be Friday, August 4, 2017, Wednesday, August 9, 2017 and Thursday, August 10, 2017. You will return to work on Monday, August 14, 2017.

You received my notice of intent to suspend you without pay on Wednesday, June 28, 2017. You have not contacted my office to provide any further information that would alter my decision, therefore I am proceeding with the intended action. Your suspension is to be served as noted above, and you are advised that there shall be no voluntary overtime allowed in this pay period to make up the time.

Background Information: You were aware of an unprofessional relationship between an inmate and a staff member and you failed to report the incident. During the course of an Internal Affairs Investigation conducted by the Volusia County Sheriff's Office (VCSO) and Public Protection's Internal Affairs Unit, concerning the romantic relationship between an inmate and a correctional officer, investigators were told that you had "first hand" knowledge of the relationship. It was reported that while you were assigned Correctional Officer duties in "H" Block at the Volusia County Correctional Facility (VCCF), inmate had confided in you and had discussed the ongoing romantic relationship between her and former Correctional Officer Megan Lynch.

On December 29, 2016, you were interviewed by VCSO Investigator Ott and admitted to knowing about the relationship, but denied any other involvement.

On February 22, 2017, Investigators David Vanis and Jennifer Raulerson interviewed you and you admitted to seeing and Lynch being very friendly with each other and agreed that the behaviors you witnessed were unusual. You stated that you even advised former Correctional Officer Megan Lynch to "Keep her distance. This is your career", but admitted that you failed to report it to your supervisors or document your observations because you felt that everyone already knew.

Violations: Your conduct violated both the County of Volusia Merit Rules and the Division of Corrections Policy and Procedures:

(Continued)

Volusia County Merit System Rules and Regulations, Section 86-453, Reasons for Disciplinary Action (1), (8) and (13):

Sec. 86-453:

- (1) *Willful neglect in the performance of duties of the position to which the employee is assigned.*
- (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.*
1. **Volusia County Division of Corrections Policy and Procedure 102.09:** *Correctional Officers shall conduct themselves in a professional manner at all times and remain cognizant of his/her responsibilities to the Division and the inmates in his/her charge.*
 2. **Volusia County Division of Corrections Policy and Procedure 102.09 (KK):** *Each employee shall make an immediate report to his/her SC of any violation of law or the Rules and Regulations of the institution or Division of which he/she has knowledge. Such report may be required in writing at the discretion of the official receiving the complaint or information.*
 3. **Volusia County Division of Corrections Policy and Procedure 102.09 (RR):** *Division of Corrections personnel are employed to provide service to the citizenry of the county and the public in general, and are expected to conduct themselves in a manner that will reflect credit on county government, public officials, fellow employees, and themselves.*
 4. **Volusia County Division of Corrections, Post Order #3:** *Enforce all rules, regulations and policies of the division. It is the responsibility of all employees to report a violation of institutional rules as specified in Division Policies and Procedures, Administrative Directives, and Post Orders.*
 5. **Volusia County Division of Corrections, 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 its staff or inmates.*

A review of your personnel file documents the following past relevant corrective and disciplinary history:

02/10/2017 **Negative Employee Performance Notice (EPN) – Did not verify razor count.**

As a Corrections Officer with two (2) years tenure, you have the knowledge and experience to perform your duties. This lapse in the performance of your duties is not meeting this organization's standards for acceptable performance.

(Continued)



Conclusion: As a result of the seriousness of your misconduct, and consistent with the recommendations of the supervisor's in your chain of command, I am issuing this notice of suspension without pay for three (3) work days which equates to 36.75 hours (three 12.25 hour shifts) due to your failure to follow Division Policies, Procedure, Post Orders and the County's Merit Rules. The dates of your suspension without pay will be Friday, August 4, 2017, Wednesday, August 9, 2017 and Thursday, August 10, 2017. You will return to work on Monday, August 14, 2017. You are advised that there shall be no voluntary overtime allowed in this pay period to make up the time.

You are also advised that future infractions may result in a more severe disciplinary action up to, and including, dismissal. If there is anything I or Director Flowers can do to assist you to improve your performance, please let me know.

Action: In accordance with section 86-485 (d) (2) 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 **Volusia County Merit System Rules and Regulations**. You must submit your written request for appeal to the County Human Resources Office, 230 N. Woodland Blvd. Suite 262, DeLand, FL 32720. Please see Section 86-485 of the Volusia County Merit System Rules and Regulations that outlines the appeal procedures.

If you do not file your appeal by the time stated herein, it will be assumed that you have waived this right.

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

TS/b

cc: Patricia Bythwood, Deputy Director of Public Protection
 Mark Swanson, Deputy Director of Public Protection
 Mark Flowers, Corrections Director
 Tom Motes, Human Resources Director
 Joe Pozzo, Human Resources Assistant Director
 Tammy King, EEO Coordinator
 Michael Moore, Assistant County Attorney

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

Morgan Candage 1220
Employee Signature (Or Witness, if Employee Refuses to Sign) 07/19/17
(Date of Signature)

