

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: July 18, 2017

SUBJECT: IA 2017-03, Sergeant Susan Westgate, Volusia County Division of Corrections

References:

1. Request for internal investigation DPP17-012 (Dated January 27, 2017).
2. VCSO Incident report (Case number 160031058).
3. Securus phone calls made from VCCF by
4. Captain Larry Langdon witness interview (Dated March 7, 2017).
5. Senior Officer Joann Morrison witness interview (Dated March 7, 2017).
6. VCSO incident report VP160027967.
7. Sergeant Susan Westgate subject interview transcript (Dated March 10, 2017).

Background:

IA 2016-06 focused on the allegations that former Corrections Senior Officer Joseph Coleman was engaged in sexual misconduct with an inmate in custody at the Volusia County Correctional Facility. Prior to turning that case over to the Volusia County Sheriff's Office for the criminal investigation, Inv. Raulerson reviewed 371 recorded inmate phone calls between Sro. Coleman and Inmate between March 31, 2016 and July 21, 2016. These phone calls indicated there was an existing romantic relationship between Sro. Coleman and the inmate prior to her incarceration and the relationship continued while she was in custody. At the conclusion of VCSO's investigation, the State Attorney's Office declined to file information on the charge of sexual misconduct [FSS 951.221(1)] against Ofc. Coleman.

Several of the phone calls reviewed by Investigator Raulerson indicated that Sergeant Susan Westgate was aware of the relationship between Sro. Coleman and the inmate. None of the calls indicated Sgt. Westgate was aware that Sro. Coleman and the inmate were sexually active while she was in custody. The following is a summary of the phone calls that refer to Sgt. Westgate:

- **5/16/16 @ 1052-** I/M told Coleman that she asked Sgt. Westgate to move her to E block. Sgt. Westgate told I/M she can't right now but needs to talk later on. Coleman didn't know what about. I/M asked if she and were still together. Coleman had no clue but suggested maybe because I/M knew about her and . I/M asked Coleman if she (Sgt. Westgate) knew about them. Coleman responded that she might. Both stated that they're sure would her since they were seeing each other. Sgt. Westgate may want to tell I/M to keep their relationship quiet.
- **5/26/16 @ 1809-** While alone with Sgt. Westgate in laundry, Sgt. Westgate told I/M "I cannot stress enough that past things should not be brought up around here." I/M believes Sgt. Westgate is nervous because of Lynch.
- **5/27/16 @ 1824-** Sgt. Westgate asked I/M if it was awkward between her and Coleman. Sgt. Westgate believed they had broken up.
- **5/31/16 @ 1328-** Sgt. Westgate was confused and thought they had broken up and I/M had gotten "knocked up" by someone else. I/M told Sgt. Westgate they had not broken up.
- **5/31/16 @ 1447-** I/M worried that Coleman will get into trouble due to relationship (Lynch just left). Sgt. Westgate promised I/M that if she heard of any suspicion of the relationship that she (Sgt. Westgate) would say something to I/M or Coleman. I/M asked Sgt. Westgate if she was moved due to Coleman. Sgt. Westgate wasn't sure because that is not relayed to her level.
- **6/5/16 @1933-** Sgt. Westgate told I/M to stay away from ID (Coleman's post). Sgt. Westgate promised I/M that she would tell her if she and Coleman were involved in an investigation.
- **6/15/16 @ 1959-** I/M doesn't think Sgt. Westgate and are still together.
- **6/18/16 @ 1845-** Sgt. Westgate told Coleman to keep it quiet again. Told Coleman that Lynch was stupid. Too many girls.
- **6/18/16 @1930-** Sgt. Westgate asked Coleman when I/M is going to leave so they can be together. Sgt. Westgate told I/M that she won't keep getting chances (probation).
- **6/23/16 @ 1728-** Sro. Morrison doesn't like I/M because of rumors she hears about her and Coleman.
- **6/23/16 @ 1929-** Sgt. Westgate knew that I/M and Coleman were living together. "Gotta get out so Joe and I can get a place to live." Sgt. Westgate assumed we broke up when I got pregnant by someone else.

- **6/27/16 @ 1430-** Sgt. Westgate told I/M [redacted] that all phone calls are recorded. Told I/M [redacted] that she calls Coleman too much. Coleman said that if they were listening, they wouldn't even have me in that building.

During the criminal investigation, both I/M [redacted] and Coleman were interviewed by VCSO Inv. Ruiz. I reviewed both interviews and neither mention Sgt. Westgate or her knowledge of the relationship. Both Coleman and I/M [redacted] confirmed that they were involved in a romantic relationship prior to, during, and after her incarceration but deny they had any sexual contact inside VCCF. Both cited the phone calls that refer to sexual contact in VCCF as sexual innuendo or fantasy.

Due to the context of the phone calls regarding Sgt. Westgate, Dir. Sanders was notified of this information. He requested further inquiry into the allegations that Sgt. Westgate had knowledge of, and possibly facilitated Coleman and I/M [redacted]'s romantic relationship. Dir. Sanders also wanted inquiry into the allegation that Sgt. Westgate may have been romantically involved with the inmate referred to as " [redacted] " in the phone calls.

Sgt. Westgate was notified of this investigation on February 24, 2017 and was provided a CD containing the phone calls regarding this investigation.

Information:

On February 27, 2017 I was notified by Corrections Director Mark Flowers that Captain Langdon had been contacted by Sgt. Westgate regarding this investigation. Sgt. Westgate had initially requested my contact information due to her having difficulty listening to the phone recording but made several comments about the allegations.

Captain Larry Langdon:

I conducted a sworn and recorded interview with Capt. Langdon on March 7, 2017 at the Volusia County Correctional Facility.

Captain Langdon was currently assigned as the Correctional Facility Supervisor and had been in that role for approximately one year. Capt. Langdon told me that he was contacted by Sgt. Westgate on Monday February 27, 2017 by telephone. Sgt. Westgate wanted my phone number so she could contact me about phone records. When asked if Sgt. Westgate discussed the investigation with him, Capt. Langdon told me that she began to but he interrupted and told her that she should not discuss the case with him. Capt. Langdon told me:

She started to discuss it. I cut her off saying that you're not supposed to discuss the case and then at the end of the phone conversation, she continued to discuss it saying that what I'm going to say is that you already knew about the incident. Somebody said that you already knew about the incident, so that's why she didn't say anything.

Capt. Langdon told me that Sgt. Westgate did not specify what incident she was referring to but he assumed she was referring to Sro. Coleman's involvement with a female inmate. Capt. Langdon further explained that he had not heard of Sro. Coleman being romantically or sexually involved with an inmate until Sro. Coleman resigned.

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

Senior Corrections Officer Joann Morrison:

I conducted a sworn and recorded interview with Sro. Morrison on March 7, 2017 at the Branch Jail. Inv. Raulerson was also present for this interview. Sro. Morrison told us that during the months of May and June of 2016 she was assigned to VCCF as either H Block Officer or the Rec Officer. When asked, Sro. Morrison told me that she had heard a rumor that Sro. Coleman was in a relationship with an inmate. She could not recall if she had heard this from an inmate or an officer but she did believe that she notified Sgt. Westgate of this information. Sro. Morrison did not take the rumor seriously because "people talk every day, you know, I've got other things to think about." Sro. Morrison could not remember Sgt. Westgate's response to this information.

Sro. Morrison did not recall the inmate that Sro. Coleman was rumored to be involved with but believed it may have been a North Wing trustee or kitchen worker because Sro. Coleman worked "a lot of overtime on North Wing." When asked if the inmate's name could have been _____, Sro. Morrison responded "Probably, yes." Sro. Morrison believed she reported this rumor to Sgt. Westgate because she was suspicious of why he (Coleman) was always on North Wing. Sro. Morrison explained that she had no proof or facts that supported the rumor but was suspicious of Coleman's behavior.

This interview was transcribed and added to the case file as item 5.

Sergeant Susan Westgate:

I conducted a sworn interview with Sgt. Westgate on March 10, 2017 at Public Protection Administration in Deland. Also present for this interview was Sgt. Westgate legal counsel, Martin White, Esq. and Inv. Raulerson. Sgt. Westgate acknowledged that she had reviewed the phone recordings and interview transcripts prior to the interview.

Sgt. Westgate has worked for the Division of Corrections for approximately twenty years and has been a Sergeant for approximately twelve years. Sgt. Westgate is currently a housing unit supervisor at VCCF and also held that position from May 2016 through November 2016. Sgt. Westgate advised that she was not Sro. Coleman's direct supervisor in May or June of 2016, but would frequently supervise him when he worked overtime on her shift. She explained that when Sro. Coleman worked North Wing on her shift, she was his supervisor. Sgt. Westgate told me that she only knew Sro. Coleman from work and did not socialize with him outside the workplace. She recalled I/M _____ and described her as a good trustee who worked in the laundry, kitchen, and as a unit trustee. Sgt. Westgate only knew I/M _____ through work and did not socialize with her outside of her incarceration(s).

Sgt. Westgate did advise that she had heard a rumor about a relationship between Sro. Coleman and a trustee sometime in 2016. She wasn't sure, but she believed that she heard the rumor from Sro. Morrison. Sgt. Westgate did not believe that I/M _____ was identified as the trustee. Sgt. Westgate told me that she had addressed the rumor with Sro. Coleman. She told me:

One day when he was working overtime, I said, "You know I heard a rumor about you," and he said, "Are you talking about my wife?" And I'm like, "No." He goes...I guess it's his ex-wife was incarcerated...I said, "No, that's not what I heard," and he said, "Are you talking about the trustee?" And I said, "Yeah," which was I/M _____, and he said that oh, our families are friends on the outs or whatever. They grew up in the same area...or something to that. It's been so long I don't recall. And he goes that everybody was aware of it and that he had spoken to Captain Langdon about it. That's what he said.

After this conversation with Sro. Coleman, Sgt. Westgate told me that she took no further action because Sro. Coleman had indicated that Capt. Langdon was aware of this personal, not romantic, relationship between Sro. Coleman and I/M . Sgt. Westgate told me that she never had any knowledge of a current or previous relationship between Sro. Coleman and I/M . When asked why they would make statements that she was aware during the phone calls, Sgt. Westgate did not know. Sgt. Westgate told me that she had never had any disciplinary issues with Sro. Coleman nor I/M .

Sgt. Westgate told me that she did not notify her chain of command because Sro. Coleman told her that they were already aware. Sgt. Westgate told me that she did not document this incident in a report because:

If I believed or I saw anything that indicated that rumor was more than a rumor, I would have. But, I never ever saw Officer Coleman act or do anything out of line. I never saw any interaction between them or anything. There was no...that would be why. If I felt in my gut or you know that there was something there, I would have.

Sgt. Westgate denied that she had any conversations about Sro. Coleman with I/M as indicated by the phone calls. After having the conversation about the rumor with Sro. Coleman, Sgt. Westgate took no further action regarding that incident.

When asked who Sro. Coleman and I/M were referring to when they spoke about “ on the phone, Sgt. Westgate responded that they were talking about . Sgt. Westgate told me that and I/M worked together on East Wing during one of I/M s earlier incarcerations. Sgt. Westgate indicated that there was a rumor about her and involved in a relationship inside the facility while was incarcerated. Sgt. Westgate denied that there was ever a relationship between her and and denied that she ever associated with her outside of the facility. Sgt. Westgate could not recall exactly when was incarcerated but it was within the last few years. Sgt. Westgate did not recall ever telling I/M that this rumor should not be discussed as indicated in the phone calls.

Sgt. Westgate told me that she heard a rumor about her and from one of the kitchen workers while was still incarcerated. She could not recall his name, but she told him to document the rumor and she forwarded the report to her Lieutenant.

Sgt. Westgate told me that came into the jail after she was released to tell her and some of the other North Wing staff that she was “doing good.” Other than possibly another phone call at the jail to report the same thing, Sgt. Westgate had no contact with after her release.

At the conclusion of the interview, Sgt. Westgate described VCCF as “Peyton’s Place” referring to the constant rumors that revolve around the facility involving both staff and inmates. She advised that there would be no way possible to investigate each individual rumor without factual basis. Sgt. Westgate told me that “We’re told not to believe they’re true,” and explained that she would follow up if there was an actual witness or evidence to a rumor. Sgt. Westgate also noted that she had reported that former Officer Megan Lynch was involved in a relationship with an inmate.

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

Information:

Following the interview, I was able to verify that was an inmate at VCCF from through . Attempts to interview were unsuccessful. I contacted

Acting-Warden Langdon regarding documentation of the allegation that Sgt. Westgate was involved in a relationship with [REDACTED]. AW Langdon was unable to locate any documentation relating to that allegation against Sgt. Westgate after searching several different methods. [REDACTED]'s phone records were reviewed from when she was an inmate. None of the numbers called from her account were made to any phone numbers associated with Sgt. Westgate. Additionally, no phone calls could be located after searching any phone numbers associated with Sgt. Westgate through the Securus phone system.

Conclusion:

After reviewing phone conversations between former Sro. Coleman and I/M [REDACTED] information was obtained that suggested that Sgt. Westgate had knowledge of, and potentially facilitated, an ongoing relationship between a Corrections Officer and an inmate. During their interviews with VCSO investigators, neither Coleman nor I/M [REDACTED] mentioned Sgt. Westgate or her knowledge of their relationship. Former Sro. Coleman was contacted prior to the interview with Sgt. Westgate but would not provide a sworn statement regarding the Sergeant's knowledge, or lack thereof, of his relationship with I/M [REDACTED].

During Sgt. Westgate's sworn interview, she acknowledged that she had heard a rumor, most likely from Sro. Morrison, that Sro. Coleman was involved in a relationship with an inmate. Sgt. Westgate told me that she confronted Ofc. Coleman regarding this rumor and was told that he and I/M [REDACTED]'s families had been friends for a long time and there was never a romantic relationship. Sro. Coleman additionally advised that Capt. Langdon, the Facility Supervisor, was aware of this and had discussed the situation with Coleman. Sgt. Westgate took no further action with this information because she believed it had already been addressed by her superior(s).

Regarding the allegation that Sgt. Westgate was involved with an inmate named [REDACTED], Sgt. Westgate confirmed that there was a rumor that she and inmate [REDACTED] were romantically involved. Sgt. Westgate denied that she was ever romantically or socially involved with [REDACTED]. When the sergeant was notified of this rumor by a kitchen worker, she advised that she instructed him to document the rumor and she forwarded this allegation to her superior. A search for this record and corresponding investigation or inquiry was unsuccessful.

Findings:

This case was presented to Director Sanders, Deputy Director Bythwood, Deputy Director Swanson, and Director Flowers on July 10, 2017. Director Sanders determined that the allegations listed below are **not sustained**.

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

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(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 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 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.

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*

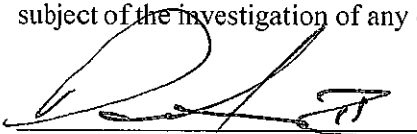
b. Engaging in physical contact not required in the performance of official duties, and is defined as kissing, fondling of the genital area, buttocks, or breasts, massaging or similar touching, holding hands, any other physical contact normally associated with the demonstration of affection or sexual 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.

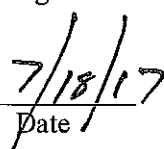
Concluding statement:

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



Approved



Date

Director Terry Sanders