



**Department of Public Protection**

**Report of Incident**

TO: George Recktenwald, Director  
Department of Public Protection

FROM: David Vanis, Captain  
Department of Public Protection  
Internal Affairs Unit

DATE: November 7, 2014

SUBJECT: Case # IA 2012-03-307, Senior Officer Jared Gourley, Volusia County Division of  
Corrections

**References:**

1. Memo from VCDC Director Marilyn Chandler-Ford to Public Protection Deputy Director Pozzo requesting Internal Investigation (Dated March 23, 2012).
2. Memo from Deputy Director Pozzo to Captain Dofflemeyer directing Internal Investigation (Dated March 26, 2012).
3. Notice of Internal Investigation from Captain Dofflemeyer to Ofc. Gourley (Dated March 26, 2012).
4. VCDC Incident report authored by Ofc. Gourley notifying his chain of command of the arrest (Dated March 19, 2012).
5. Garden City, Georgia Police Department Incident number 120317018. Includes arrest and incident reports (Dated March 17, 2012).
6. Eastern Judicial Circuit Court of Georgia Case details for R12090091- State of Georgia vs. Gourley, Jared (Printed September 10, 2014).
7. Notice of Internal Affairs interview (Dated September 16, 2014).
8. Sro. Gourley subject Interview transcript (Dated September 24, 2014).
9. Sro. Gourley's DHSMV driver's license status and history as of October 20, 2014.

**Complaint:**

On March 17, 2012 Ofc. Jared Gourley was arrested by the Garden City, Georgia Police Department for Driving under the influence. Ofc. Gourley notified his chain of command of his arrest pursuant to VCDC policy on March 19, 2012. Based upon his arrest, Dr. Ford requested an Internal Investigation. On March 26, 2014, former Public Protection Deputy Director Joseph Pozzo directed former Internal Affairs Investigator Dofflemeyer to conduct an investigation into the circumstances that resulted in Ofc. Gourley's arrest.

**Information:**

Capt. Dofflemyer provided Ofc. Gourley with notice of internal investigation of March 26, 2012. Capt. Dofflemyer obtained copies of the Police reports detailing Ofc. Gourley's arrest. The report was added to the case file as item 5.

The police report indicates that on March 17, 2012 at approximately 0146 hours, Sgt. Shawn Myers conducted a traffic stop on a vehicle that Ofc. Gourley was operating. The stop was initiated for speeding (57 MPH in a 45 MPH zone) and for failing to maintain a lane. Sgt. Myers indicates that he immediately detected an odor of alcoholic beverages emanating from the vehicle and noted that Ofc. Gourley's eyes were glassy. As Ofc. Gourley was exiting the vehicle, per Sgt. Myer's request, the vehicle began to roll forward due to the vehicle not being in "Park." Once that was corrected, Sgt. Myers requested that Ofc. Gourley perform a series of standardized field sobriety exercises. The results of the exercises indicated to Sgt. Myers that Ofc. Gourley was impaired and Ofc. Gourley was arrested for driving under the influence. Ofc. Gourley was then transported to the Garden City Police Department where he consented to a breath test. Two samples were taken. The results indicated that Ofc. Gourley's BAC was .120 and .118 grams. The legal limit in the state of Georgia is .08 grams. Florida State Statute 316.193 indicates that a person shall be guilty of driving under the influence if the blood alcohol content is .08 grams or higher. Ofc. Gourley was subsequently released with a summons from the Garden City Police Department. He was charged with speeding, failure to maintain a lane, and DUI-.08 or more.

I, Captain Vanis, assumed the position of Public Protection Internal Affairs Investigator after Captain Dofflemyer retired from the position in April 2012. Upon her retirement, I assumed the responsibility of investigating this case. It was determined that this investigation would be tolled until a final disposition on the criminal case was provided by Georgia Circuit Court. I monitored the progression of the case via the court's website.

The Chatham County Court's website indicated that on August 28, 2014, Ofc. Gourley accepted a plea agreement and was adjudicated guilty on the charges of DUI, Failure to maintain a lane, and speeding. The website indicated that Ofc. Gourley was required to pay a \$650 fine and ordered to complete forty hours of community service.

On September 16, 2014, I served Sro. Gourley notice of his internal affairs interview.

**Jared Gourley:**

On Wednesday September 24, 2014, I conducted a sworn interview with Sro. Gourley in regards to the allegations against him. Also present for the interview was Sro. Gourley's chosen representative William McMullen. Gourley acknowledged that he had an opportunity to review the documentation associated with this case prior to the interview.

Sro. Gourley explained that he was in Savannah, GA for St. Patrick's Day on March 16, 2012 with some friends celebrating the holiday. While in Savannah that evening, he and his friends visited several bars. While it was his original intention not to drink that night, Sro. Gourley decided to "pace himself" and have a couple drinks throughout the night. He told me that over a three to four hour period he may have had four or five drinks. The drinks were either beer or a shot of some type of liquor. He told me that he and his friends discussed calling a taxi to take them to their hotel, but Sro. Gourley volunteered to drive because he didn't believe that he was incapable of driving and the taxi would be too expensive. Sro. Gourley wasn't sure of the time they left Savannah but estimated that it was after midnight.

While driving to the hotel located in nearby Garden City, GA Sro. Gourley state that he had missed a turn and was looking at his phone to try and get directions to the hotel. He was stopped by the Garden City Police on what he described as a "back road." Upon contact with the Police Officer, Sro. Gourley told me that he was compliant with all direction given by the officer. He performed a series of field sobriety exercises and was then arrested. He informed the arresting officer that he was a Correction's Officer in the State of Florida after he had been handcuffed and searched. Sro. Gourley's vehicle was towed to the Garden City Police Department due to all occupants being too impaired to drive. He was transported to the Police Department where he submitted a breath sample. After the officer completed his charging documents, Sro. Gourley was released with a notice to appear in court. His vehicle was also released to one of the occupants who was sober enough to drive. Sro. Gourley explained that he was not argumentative with the arresting officer and was compliant with him during the entire process.

Sro. Gourley accepted a plea deal with the State of Georgia in late August 2014. He plead guilty to the criminal charge of driving under the influence and two traffic violations, speeding and failure to maintain a lane. He was ordered to pay a fine, which he has already completed. He is also required to complete forty hours of community service. Sro. Gourley told me that he has already begun to work on these hours and is currently volunteering at "Me Strong" in Deland. Sro. Gourley is on an unsupervised probation for one year and must also complete a DUI Safety Course. As of the time of this interview, he has not completed the course. He told me that he would complete the course as soon as he knows if he needs to take the course in Georgia or if a Florida equivalent would be acceptable.

I asked Sro. Gourley if he believed that his arrest, and later plea, violated the following allegations:

***Florida Administrative Code 11b-27.0011(4)(b)*** Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not: (FSS 316.193)

***VC Merit Rules and Regulations, Sec. 86-453. Reasons for disciplinary action.***

(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.

***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.

He confirmed that his actions violated all listed allegations. At the conclusion of the interview, Sro. Gourley was given an opportunity to add any comments he wished to the record. He made the following statement to explain how he intends to avoid incidents like this incident in the future:

*...since this happened, I've sat back and taken a look at how I manage my life and how I dealt with things, and I realized that I can't do that anymore. You know I've had a...this has been a rude awakening. I've changed the ways that I've dealt with certain things and how I turned towards alcohol. That's not the way that I live my life now. In the last 2 years since then, I've you know refrained from*

*drinking a lot you know. I haven't actually touched a drink this year. I haven't abused alcohol, and I plan on staying that way. I feel like I've become a healthier person. I feel like I've done a better job with everything in my life. I feel like I've done things that are not me, but they're a better me since then. It sucks that this had to happen, but I'm just looking to move forward and stay positive from the whole thing.*

**Conclusion:**

Based upon his own admissions and acceptance of a plea agreement with the State of Georgia, Sro. Gourley was driving under the influence of alcohol when he was stopped by Garden City Police on March 17, 2012.

At the time of his investigative interview, September 24, 2014, his Florida Driver's License was valid. I check the status of his license again on October 20, 2014. At this point in time, his status was "revoked" in reference to the DUI incident on March 17, 2012. A reinstatement date was listed as "action required." A copy of his license and driving history was added to the case file as Item 9. I notified Sro. Gourley of his driver's license status change on the same date.

**Findings:**

Based upon supporting documentation and by his own admission, I recommend that the following allegations against Senior Officer Jared Gourley are **sustained**:

*Florida Administrative Code 11b-27.0011(4)(b)* Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not: (FSS 316.193)

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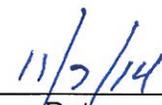
*VCDC Policy 102.09(TT)*. Employees shall refrain from any activity either on/off duty that would not be of good moral character. Examples of this are, but not limited to, any act constituting a criminal act, any principal, accessory, attempt, solicitation, or conspiracy of committing any criminal act.

**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, FL 32720  
386-740-5120 – FAX 386-740-5283

TO: Sr. Officer Jared Gourley  
Division of Corrections

DATE: December 31, 2014

FROM: George Recktenwald, Director  
Department of Public Protection

FILE NO: DPP14-134

SUBJECT: Notice of Suspension Without Pay

REFERENCE: DPP14-123

**Purpose:** The purpose of this memorandum is to provide you with notice of suspension without pay for one (1) shift; which equates to 12.25 hours. The date of your suspension without pay is Thursday, January 15, 2015. You will return to work on Monday, January 19, 2015.

You received my notice of intent to suspend without pay on Wednesday, December 3, 2014. 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 day 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:** On March 17, 2012, you were arrested by the Garden City, Georgia Police Department under the allegation of driving under the influence (DUI). On August 28, 2014, you accepted a plea agreement and were adjudicated guilty on the charges of DUI, failure to maintain a lane, and speeding. The Chatham County Court's website indicated that you were required to pay a \$650 fine and ordered to complete forty hours of community service.

**Information:** On March 17, 2012, while you were off duty, you were arrested by the Garden City, Georgia Police Department under the allegation of driving under the influence (DUI). On March 19, 2012, you completed Volusia County Department of Corrections (V CDC) Incident Report form 401 providing information to your chain of command, Captain Matthew Reinhart, in regards to your arrest. Based upon this information, Division Director Ford requested an internal investigation to the former Public Protection Deputy Director Joseph Pozzo. On March 26, 2012, you were provided written notification from the former Internal Affairs Captain, Nikki Dofflemyer, of the internal investigation. At that time Captain Dofflemyer obtained copies of the Police reports detailing your arrest. It was noted that you were compliant with the arresting officer during the entire process and that you submitted to the breath test that confirmed you had exceeded the legal limit in the State of Georgia of .08 grams.

A review of the Florida drivers' license records indicates that your Florida driver's license was "revoked" in reference to the DUI incident. The reinstatement date is listed as "action required." You have indicated that you were unaware that your Florida driver's license was revoked. Although you are not currently in an assignment which requires you to drive any County vehicle, having a valid driver's license is a requirement for the position you now hold. Therefore, you are hereby directed to take appropriate action to have your driver's license reinstated and provide proof to my office of same on or before Friday, January 9, 2015. If for some reason you are unable to obtain reinstatement in the time allotted, you shall notify my office immediately. You are also restricted from driving any County vehicles until you provide proof of a current Florida Driver's

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license and/or a business purposes only license.

**Violations:** Your actions on March 17, 2012, violated the following Volusia County Merit Rules and Regulations and Department of Corrections Policy:

Volusia County Merit System Rules and Regulations –Division 13 Reasons for Disciplinary Actions Sec 86-453 Reasons for Disciplinary Action (8); and (13)

Sec. 86-453

- (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.*

Volusia County Division of Corrections Policy and Procedure 102.09 (TT).

TT. *Employees shall refrain from any activity either on/off duty that would be considered not 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.*

**Conclusion:** Accordingly and based on your arrest on March 17, 2012, the plea agreement adjudicating you guilty on charges of DUI, failure to maintain a lane, and speeding on March 17, 2012, I am issuing you this notice of suspension without pay for one (1) shift, which equates to 12.25 hours. The date of your suspension without pay is Thursday, January 15, 2015. You will return to work on Monday, January 19, 2015. The suspension day 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. If there is anything I or Dr. Ford can do to assist you to improve your performance, please let me know.

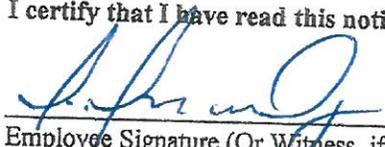
**Action:** In accordance with section 86-485 (a)(3) of the Merit System Rules and Regulations you have ten (10) working days from receipt of this notification (or effective date of the suspension) to appeal this action through the County Personnel Board. Should you decide to exercise your right to appeal, 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 Sanders Deputy Director, Public Protection  
      \_\_\_ Marilyn Chandler Ford, Corrections Director  
      \_\_\_ Tom Motes, Human Resources 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)

12-31-14  
(Date of Signature)



Florida Department of Law Enforcement

# INTERNAL INVESTIGATION REPORT

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



**CJSTC**  
**78**

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

## OFFICER

- Social Security Number: [REDACTED]
- Officer's Name: Gourley Jared S  
Last First MI
- Officer's Last Known Address: [REDACTED] [REDACTED] FL [REDACTED]  
Street City State Zip Code
- Officer's Telephone Number: [REDACTED]

## AGENCY

- Agency ORI: FL 064013c
- Agency Name: Volusia County Division of Corrections
- Agency Contact Person: David Vanis, Captain
- Agency Contact Person's Telephone Number: (386)547-6822
- Agency Fax Number: (386)254-1587

## VIOLATION - ALLEGATION

- Nature of Allegation(s): Arrest and conviction for Driving under the influence (misdemeanor) in the State of Georgia

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

- Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 3/23/2012 Date Internal Investigation Completed: 12/31/2014

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Tolled
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input checked="" type="checkbox"/> Ongoing criminal investigation or criminal prosecution	<u>907</u>
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____

- Criminal Charges Filed: Not by this agency

- Agency Disciplinary Action: 1 shift (12.25 hour) suspension

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

- |                               |                          |                               |                                     |                              |                          |
|-------------------------------|--------------------------|-------------------------------|-------------------------------------|------------------------------|--------------------------|
| Summary of the Facts          | <input type="checkbox"/> | Internal Investigation Report | <input checked="" type="checkbox"/> | Name and Address of Witness  | <input type="checkbox"/> |
| Witness Statement/Disposition | <input type="checkbox"/> | Certified Court Documents     | <input checked="" type="checkbox"/> | Other Supportive Information | <input type="checkbox"/> |

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

- Agency administrator's signature [Signature]
- Date signed 1/5/2014

- Agency administrator's name and title David A Vanis, Captain