



Department of Public Protection

TO: George Recktenwald, Director
Department of Public Protection

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

DATE: April 3, 2014

SUBJECT: Case # IA-2014-321, Senior Officer Christopher Richardson, Volusia County
Division of Corrections

References:

1. Memo directing Internal Investigation signed by Director Recktenwald (Dated March 21, 2014).
2. Request for Internal Affairs Investigation authored by Director Marilyn Chandler-Ford (Dated March 20, 2014).
3. VCDC Reports detailing allegations (Dated February 18, 2014).
4. Unit 7 surveillance video (Dated February 18, 2014).
5. Notice of Internal Affairs Investigation (Dated March 21, 2014).
6. Captain Rodney Prince witness interview (Dated March 24, 2014).
7. Officer Christopher Richardson subject interview (Dated March 27, 2014).

Complaint:

Corrections Director, Dr. Ford, requested an Internal Investigation into Officer Richardson's alleged misconduct while he was assigned as the unit officer on Unit 7 on February 18, 2014. Dr. Ford alleged that Officer Richardson was negligent in his duties as a Senior Corrections Officer and that he falsified an official document.

Information:

On February 18, 2014 Senior Officer Richardson was observed by his supervisor, Sergeant Johnson, on security cameras allowing Inmate White to lean on the counter of the officer's desk on the unit. Inmate White was also observed passing unknown items between cellblocks on the unit and was dressed inappropriately. Sergeant Johnson also observed inmates within the cell blocks committing minor rule violations. Sergeant Johnson responded to the unit and counseled Officer Richardson on proper inmate supervision.

Sergeant Johnson relayed the violations to his shift supervisor, Captain Rodney Prince. Captain Prince reviewed the video and noted the same violations as Sergeant Johnson. While reviewing the video, Captain Prince additionally noticed that the inmate in question was communicating through sign language with inmates in the cellblocks and observed Senior Officer Richardson sitting at the desk with his hands on top of his head.

Captain Prince, Sergeant Johnson, and Senior Officer Richardson all prepared written reports of the incident which were forwarded through the chain of command to Director Ford.

Director Ford reviewed the surveillance video and noticed additional policy and rule violations. These include allowing unit logbooks and documents to be viewed by Inmate White and White concealing something in his hands. Inmate White is observed walking down the hall and squatting near a carton and eating or chewing something. Due to the several violations noted by Dr. Ford and the other supervisors, Dr. Ford decided to verify that mandatory welfare checks had been performed by Richardson on the inmates in lockdown (confined to their cell and not allowed to walk around cell block). Inmate Fischer was on a one hour watch in cell 7D08 which requires the housing unit officer to check on the inmate's welfare once an hour. The segregation logs for this inmate indicate that employee 786(Richardson) performed the required welfare check at 1820 hours on February 18th. After reviewing the video, Dr. Ford determined that Senior Officer Richardson had not entered D Block at any time near 1820 hours. No additional violations were found by Dr. Ford.

After discovering the alleged falsification in the segregation log, Dr. Ford requested an Internal Investigation through Director Recktenwald. Dr. Ford's request (Item 2) outlines policy and Merit Rule violations that may have been committed by Officer Richardson.

Director Recktenwald directed me, Captain Vanis, to conduct an Internal Investigation into the incident on March 21, 2014. I obtained all associated reports and a copy of the video from the Corrections Division and added them to the case file as Items 3 and 4.

Senior Officer Richardson was served notice of the Internal Investigation on March 21, 2014 by Warden McClelland. Along with the notice, Officer Richardson was provided copies of Items 1-5 and Florida law enforcement officers and corrections officers' rights.

After reviewing the video, I went to Unit 7 in person to better understand the layout of the unit and the locations of the officer's desk, the camera used in the video, and the locations of the cell blocks within the unit. After visiting the unit, I reviewed the video and came to the same conclusion as Dr. Ford; I was unable to see Officer Richardson walking to, or entering the D Block of Unit 7.

Captain Rodney Prince

On March 24, 2014 I interviewed Captain Prince at the Branch Jail. Captain Prince confirmed that everything in his report on this incident was true and accurate. He told me that he did not review the segregation logs during his inquiry. Captain Prince did describe several violations that he noticed after reviewing the video and Sergeant Johnson's report. Captain Prince explained that Richardson demonstrated poor inmate supervision by allowing Inmate White to loiter and communicate with other inmates. Richardson also failed to close unit doors as required. Richardson's actions violated several division policies and housing unit officer general post orders. Captain Prince showed Senior Officer Richardson the video and forwarded his findings through his chain of command.

Senior Officer Christopher Richardson

Senior Officer Richardson arrived at the interview location as directed at 0800 hours on March 27, 2014. Prior to the interview, Officer Richardson advised me that he had not yet had an

opportunity to review the video and the documentation provided at the time of his notice. I gave Richardson a copy of Captain Prince's interview transcript and allowed him time to review the documentation and video prior to the interview.

At 0836 hours, I, Captain Vanis, conducted a sworn interview with Senior Officer Richardson. Richardson signed and acknowledged that he understood his Garrity Rights. Richardson chose not have representation for the investigative interview portion of the Investigation. Richardson has been a Corrections Officer for Volusia County Division of Corrections for more than twelve years. He confirmed that he was assigned as the housing unit officer on Unit 7 on February 18, 2014.

Richardson confirmed that Inmate White was at the officer's desk on February 18th. He told me that he had inmate White at the desk for an investigation. Richardson advised that Inmates will sometimes provide information to him to warn of possible attacks on staff members. After I asked the specific reason for Inmate White's visit to the desk, Richardson told me that White was telling him that he had overheard two sergeants talking about Richardson on the rec yard. After passing along that information, Inmate White started to discuss religion with Richardson. Richardson confirmed that several secure documents were in view of Inmate White while they were talking at the desk. Richardson advised that he normally keeps the logbooks and housing unit roster in that location but sometimes needs to tell inmates "hey don't be looking at that stuff."

When questioned about Inmate White using sign language to communicate with inmates in the other cellblocks, Richardson responded that Inmate White frequently used sign language. When I inquired about inmates in the cellblocks working out, Richardson confirmed that the inmates were working out after watching the video but he did not notice them at the time of the incident because he was not facing that direction. Richardson confirmed that he did not properly supervise Inmate White on February 18th and that he had not addressed any of Inmate White's rule violations prior to being notified by his Sergeant.

Senior Officer Richardson confirmed the purpose of the segregation logs, also known as 52 forms. The logs are required for periodic welfare checks on inmates that are locked down in their cells. Richardson told me that he has to physically enter the cell block and go to the locked down inmate's cell to check on their well being. Richardson confirmed that he wrote the entry on Inmate Fischer's segregation log at 1820 hours. When I asked if that welfare check was actually performed, Richardson replied "No sir, I did not." Richardson explained that at the time, he believed that his partner had done the welfare check but after reviewing the video, his partner did not. When I questioned if it was normal practice to make logbook entries for another officer, Richardson acknowledged that it does frequently happen to save time but is not appropriate.

At the end of the interview, I listed the specific policies that Senior Officer Richardson was alleged to have violated and asked him to respond, yes or no, as to whether he believed he violated that specific policy. His answers are as follows:

- 1. Volusia County Division of Corrections' Policy 102.09, (NN) (which is also Volusia County Division of Corrections' General Post Order [42]): Compliance and execution of lawful orders: All staff shall promptly comply with and execute any reasonable and/or official order or instructions given by an supervisor or superior officer, and shall not refuse to comply or execute such orders or instructions when the order or instructions are lawful and reasonable.*

2. *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.*
3. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (16): Monitor and regular all inmate traffic through assigned housing units in accordance with Division Policy and Procedure.*
4. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (18): Operate all cell, sally port and corridor doors/gates to control access to and exit from the unit, individual blocks and/or cells. All unit gates will remain closed when not in use.*
5. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (19): Ensure that staff and inmate movement on and off the unit are authorized and limited by operational, safety and security considerations.*
6. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (20): Ensure that there are no inmates loitering in the housing unit corridors, and that all sally port doors are secure.*
7. *Volusia County Division of Corrections' General Post Order (24): Ensure logbooks, General Post Orders, or any official material pertaining to the operation of the Division are not accessible to inmates.*
8. *Volusia County Merit Rules and Regulations, 86-453 (3): Disregard for or frequent violation of county ordinances, departmental policies and regulations, including safety rules.*
9. *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.*

(Continued)

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.*

For all listed policies, Richardson answer "yes," indicating that he believed he violated that policy.

Senior Officer Richardson was given an opportunity to make a statement in regards to the investigation. He told me the following:

Ahm I just want to say thank you for the Division giving me the opportunity to review this incident and to...ahm...hopefully that they can find to give me a opportunity to continue to be an officer ahm so I can become a better officer. As I stated in my report I got complacent I have been on Unit 2 for I mean Unit 7 for two and a half years...officers can get complacent at that time...I've asked for a shift change to be moved off that unit

so I can become the officer that I was not letting inmates do anything not getting complacent with inmates you know being in the same area all the time with the same inmates... And ahm I just want to give the Division to say I'm sorry for what I've done thank you for bringing it to my attention and I hope they find it in their heart to let me continue to be an officer.

Conclusion:

By his own admissions, Senior Officer Richardson failed to properly supervise the inmates under his care. In the corrections environment, this failure can create a dangerous situation for both staff and other inmates inside the facility. Senior Officer Richardson also admitted to making an entry in a segregation log that he had checked on the inmate's welfare when he had not. Failure to check on locked down inmates can result in serious injury or death to the inmate under the officer's care.

Findings:

Based upon supporting documentation and by his own admission, the following allegations against Senior Officer Christopher Richardson are **sustained**:


1. **Volusia County Merit Rules 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.*
2. **Volusia County Merit Rules and Regulations, 86-453 (3):** *Disregard for or frequent violation of county ordinances, departmental policies and regulations, including safety rules.*
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' Policy 102.09, (NN) (which is also Volusia County Division of Corrections' General Post Order [42]):** *Compliance and execution of lawful orders: All staff shall promptly comply with and execute any reasonable and/or official order or instructions given by an supervisor or superior officer, and shall not refuse to comply or execute such orders or instructions when the order or instructions are lawful and reasonable.*
5. **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.*

6. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (16): Monitor and regular all inmate traffic through assigned housing units in accordance with Division Policy and Procedure.*
7. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (18): Operate all cell, sally port and corridor doors/gates to control access to and exit from the unit, individual blocks and/or cells. All unit gates will remain closed when not in use.*
8. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (19): Ensure that staff and inmate movement on and off the unit are authorized and limited by operational, safety and security considerations.*
9. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (20): Ensure that there are no inmates loitering in the housing unit corridors, and that all sally port doors are secure.*
10. *Volusia County Division of Corrections' General Post Order (24): Ensure logbooks, General Post Orders, or any official material pertaining to the operation of the Division are not accessible to 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 386-740-5283

TO: Senior Officer Christopher Richardson
Division of Corrections, Branch Jail

DATE: May 21, 2014

FROM: George Recktenwald, Director
Department of Public Protection

FILE NO: DPP14-051

SUBJECT: NOTICE OF ADMINISTRATIVE
LEAVE

REFERENCE:

The purpose of this letter is to advise you that you are placed on Administrative Leave with Pay from Volusia County Division of Corrections effective the date of this letter, May 21, 2014. During your Administrative Leave you are expected to be available between normal business hours (8AM to 5PM Monday thru Friday) should the need arise to contact you.

You are prohibited from entering any Public Protection Services Facility, either physically or electronically, unless that access is normally provided to a member of the general public or unless you receive permission, in advance, from this office.

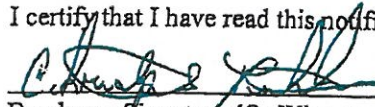
Pursuant to Volusia County Merit System Rule Section 86-455, the Volusia Human Resources Director has reviewed and concurs with this action.

GR/tab

cc: ☐ Terry Sanders, Deputy Director, Public Protection
☐ Marilyn Chandler Ford, Director, Division of Corrections
☐ Legal Department

☐ Tom Motes, Human Resource Director
☐ Tammy King, EEO Coordinator

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


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

5-21-14
(Date of Signature)



INTER-OFFICE MEMORANDUM
Department of Public Protection
125 West New York Ave., Suite 183
DeLand, FL 32720
386-740-5120 – FAX 386-740-5283

TO: Senior Officer Christopher Richardson
Division of Corrections, Branch Jail

DATE: May 21, 2014

FROM: George R. Recktenwald, Director
Department of Public Protection

FILE NO: DPP14-052

SUBJECT: Notice of Intent to Dismiss

REFERENCE: Falsification of Record
and Neglect of Duty

Purpose: The purpose of this memorandum is to provide you with notice of intent to dismiss. The intended action is the result of your violation of Policy and Procedures during an incident on February 18, 2014.

Information: On April 3, 2014, following the completion of an Internal Affairs Investigation, it was determined that you failed to properly supervise the inmates under your care, which in the Corrections environment, could have created a dangerous situation for both staff and other inmates in the facility. Also, by your own admittance, you made a false entry in a segregation log that you had checked on an inmate's welfare when you had not. Failure to check on locked down inmates can result in serious injury or death to the inmate under the officer's care.

Background: On February 18, 2014, you were assigned to work Unit 7 during Charlie shift. At approximately 1825 hours a housing unit supervisor, Sergeant Brian King, was showing your supervisor, Sergeant Jason Johnson, how to use the security camera system (Ocularis) system for conducting investigations. They began to review the security cameras on Unit 7.

At that time you were observed sitting at the officer's station on the unit, with an inmate working around the officer's station, leaning over the counter, and passing items from cellblock to cellblock. Inmate B. White, #916613, was improperly dressed in his county-issued green tee shirt and shorts, and not in his jumpsuit, which is required of inmates when outside of their block. You were also observed to allow the inner gates on the unit to be opened, without properly supervising Inmate White. Several inmates inside a cellblock were observed making minor rule violations (working out). This is the point at which Sergeant Johnson contacted you, advised you of the improper inmate conduct, and you then took action.

Sergeant Jason Johnson, in his written report of March 3, 2014, noted that his observation occurred approximately two hours after he had counseled you about improving your trustee supervision techniques. Sergeant Johnson's supervisory notebook states that he told you that during his prior rounds he had noticed that numerous inmates, to include trustees, on your unit were not having rules enforced.

When Sergeant Johnson reported this incident to the Shift Commander, Captain Rodney Prince, upon his (Johnson's) return from personal leave on March 3, 2014, the captain decided to review your activities on the evening in question for a longer period of time. Captain Prince thus reviewed the security camera system for February 18, 2014 from 1805-1950 hours. In Captain Prince's written report of March 4, 2014, he confirms the violations that were mentioned in Sergeant Johnson's written report. Additionally, Captain Prince states he observed Inmate White was permitted to loiter on the unit and communicate with other inmates in different cellblocks by approaching the sally port doors and using sign language. Captain Prince also reports you are observed at one point leaning back in the officer's station chair with your hands on top of your head.

(Continued)

On March 7, 2014, you were called to the Shift Commander's office to watch the video from the security cameras on Unit 7 on February 18, 2014. When shown the event as recorded by housing unit cameras and asked for your explanation, you stated that Inmate White had asked to speak with you about something he heard on the recreation yard that morning. You state you pulled him out of the block to see what information he had and was it going to harm staff or other inmates in the building. In your report you admit to being too complacent in permitting Inmate White to lean on the officer's station. You state that as soon as you observed an inmate from 1B block in 1A block, you told him to return to his own block, and that the gambling and inmates working out stopped when you found out about it and addressed it.

Upon receiving the reports of your supervisors, your written explanation, and a copy of the video from the security cameras, Dr. Ford reviewed the video. Her review showed additional behaviors of concern not mentioned by Sergeant Johnson or Captain Prince, including: Inmate White glancing several times at the clipboards located on top of the officer's stations as if trying to read this information; Inmate White glancing at the unit logbook, which was left open and on top of the counter, and which you subsequently are seen closing so he cannot peruse it. Inmate White places something in his hands and makes furtive motions to conceal it and then passes it from hand to hand. Inmate White walks down the corridor between A and B block, squats near a cardboard carton, then stands up, and is eating or chewing something. Inmate White was not assigned as trustee; his job assignment was removed at the end of January, 2014. However, he walks down the corridor between A and B block where he picks up a broom and sweeps the floor for 4 minutes during the 30-minute span between 1805-1830 hours.

Dr. Ford was so disturbed by your inattention to your duties that she observed on video, that it caused her to wonder whether welfare checks had been performed on the lockdown inmates as required. Inmate Fisher, R. #906982 was on a periodic or 1-hour watch on February 18, 2014 in cell 7D08. The segregation logs (VCDC 52) for this inmate show that employee #786 performed the required welfare check at 1820 hours. Inmate Fisher's Attitude is recorded as "3-Not applicable," Appearance as "1-Good," and his Activity as "19-On bunk breathing." You are employee #786. Official records, which you prepared, were then compared to the security camera video. Ocularis shows that Inmate White is at the officer's station at 1820 hours, although you are not visible in the shot. However, the security camera shows you seated at the officer's station at 1821 hours. The camera would have caught your movement when you entered or exited the cellblock, but no such movement appears on the security video. Thus, you did not personally conduct the segregation check as you documented on the VCDC 52.

The VCDC 52 for Inmate Fisher also shows your 1600 hours segregation log entry for Inmate Fisher is partially incorrect. You listed Activity as "20-Standing at door" when you know it should have been "1-Headcount," since 1600 is one of the four formal headcounts by Division Policy 400.18, and it occurs daily.

Your conduct violated both the Volusia County Merit System Rules and Regulation and the Division of Corrections' Policy and General Post Orders:

1. Volusia County Merit Rules 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.*
2. Volusia County Merit Rules and Regulations, 86-453 (3): *Disregard for or frequent violation of county ordinances, departmental policies and regulations, including safety rules.*
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.

(Continued)

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.*
5. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (16): Monitor and regular all inmate traffic through assigned housing units in accordance with Division Policy and Procedure.*
6. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (18): Operate all cell, sally port and corridor doors/gates to control access to and exit from the unit, individual blocks and/or cells. All unit gates will remain closed when not in use.*
7. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (19): Ensure that staff and inmate movement on and off the unit are authorized and limited by operational, safety and security considerations.*
8. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (20): Ensure that there are no inmates loitering in the housing unit corridors, and that all sally port doors are secure.*
9. *Volusia County Division of Corrections' General Post Order (24): Ensure logbooks, General Post Orders, or any official material pertaining to the operation of the Division are not accessible to inmates.*

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

- 02/15/2004 Record of Counseling – *Improper headcount for breakfast feeding.*
- 02/04/2005 Record of Counseling – *Failed to documents inmate's commissary had been stolen.*
- 02/20/2005 Record of Counseling – *Did not keep a good record in dorm's logbook.*
- 11/21/2006 Negative Employee Performance Notice (EPN) – *Failed to follow instructions; let unescorted inmates move from Unit 2 to Unit 3.*
- 08/01/2012 Negative Employee Performance Notice (EPN) – *Allowed "No Mix" inmates to go to recreation together, resulting in a fight between them.*

As a Senior Corrections Officer with more than 12 years tenure, you have the knowledge and experience to perform your duties and you have an obligation to be an example for less seasoned officers. However, your disciplinary record demonstrates a lackadaisical attitude to inmate supervision, following policy, and attending to security considerations of the correctional environment.

(Continued)

You observed repeated security and rules violations by inmates on February 18, 2014, and did not act. The passing of notes and other contraband between inmates and blocks, and the signaling between inmates could be a set up or a prelude to an institutional security breach. Inmates permitted to roam and act freely without correction can also create dissention among other inmates. Inmates working out in unauthorized areas and without proper supervision can result in injuries of participants. Considering your years of experience and your role as a Senior Corrections Officer, the appropriate reaction to the inmates' actions should have been second nature.

Officer Christopher Richardson
Notice of Intent to Dismiss
May 21, 2014
Page 4 of 4

Less than two hours before this incident you had your lax work habits pointed out to you by your supervisor. He also instructed you to improve your supervisory techniques. Your disregard for his instruction is insubordinate and cannot be tolerated.

You not only demonstrated poor adherence to many Division policy and procedures in this incident, you seriously neglected your duty as a corrections officer. You failed to perform an essential function of your job — the care of an inmate — when you did not perform the required 1-hour welfare check on a segregated inmate. As importantly, you aggravated your neglect of duty by being dishonest. You falsified an official document stating you had made the requisite check when you did not. Veracity is a serious matter, indeed critical, in the justice arena. The accuracy of an officer's word/testimony must be beyond reproach. Not only is it imperative in court proceedings, it is imperative as a public servant. The public demands, and they deserve, to have ethical, trustworthy, and reliable employees.

Based on the information provided in the internal investigation report and by Division Director Ford regarding the seriousness of your actions as described herein, and consistent with the recommendations of those within your chain of command, it is my intent to dismiss you.


Action: In accordance with section 86-455 (f) of the Merit System Rules and Regulations you may respond either orally or in writing within three (3) calendar days of receipt of this letter. If you wish to respond, such response will not be accepted after Tuesday, May 27, 2014 at 4:30 p.m. If you wish to meet with me in person, you must contact me within the time limit stated above. I may be reached at 386-740-5120 or by e-mail at: grecktenwald@volusia.org. If you do not contact me by the time indicated, it will be assumed that you have waived this right. Should your response be inadequate or should you fail to respond in a timely manner, this action will proceed.

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, Public Protection Deputy Director ___ Tom Motes, Human Resources Director
 ___ Marilyn Chandler Ford, Corrections Director ___ Tammy King, EEO Coordinator
 ___ County Legal

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



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

5.21.14

(Date of Signature)



INTER-OFFICE MEMORANDUM
Department of Public Protection
125 West New York Ave., Suite 183
DeLand, FL. 32720
386-740-5120 – FAX 386-740-5283

TO: Senior Officer Christopher Richardson
Division of Corrections, Branch Jail

DATE: May 30, 2014

FROM: George R. Recktenwald, Director
Department of Public Protection

FILE NO: DPP14-056

SUBJECT: Notice of Dismissal

REFERENCE: DPP14-052

Falsification of Record
and Neglect of Duty

REC. BY THE
COUNTY OF VOLUSIA
JUN 02 2014
DEPT. OF PUBLIC
PROTECTION

Purpose: The purpose of this memorandum is to provide you with notice of dismissal. This action is the result of your violation of Policy and Procedures during an incident on February 18, 2014. This action will be effective on Friday, May 30, 2014.

You received my notice of intent to dismiss and the notice of administrative leave on May 21, 2014. You have not contacted my office to provide any further information that would alter my decision. I am therefore proceeding with the intended action as noted above.

Background Information: On April 3, 2014, following the completion of an Internal Affairs Investigation, it was determined that you failed to properly supervise the inmates under your care, which in the Corrections environment, could have created a dangerous situation for both staff and other inmates in the facility. Also, by your own admittance, you made a false entry in a segregation log that you had checked on an inmate's welfare when you had not. Failure to check on locked down inmates can result in serious injury or death to the inmate under the officer's care.

On February 18, 2014, you were assigned to work Unit 7 during Charlie shift. At approximately 1825 hours a housing unit supervisor, Sergeant Brian King, was showing your supervisor, Sergeant Jason Johnson, how to use the security camera system (Ocularis) system for conducting investigations. They began to review the security cameras on Unit 7.

At that time you were observed sitting at the officer's station on the unit, with an inmate working around the officer's station, leaning over the counter, and passing items from cellblock to cellblock. Inmate B. White, #916613, was improperly dressed in his county-issued green tee shirt and shorts, and not in his jumpsuit, which is required of inmates when outside of their block. You were also observed to allow the inner gates on the unit to be opened, without properly supervising Inmate White. Several inmates inside a cellblock were observed making minor rule violations (working out). This is the point at which Sergeant Johnson contacted you, advised you of the improper inmate conduct, and you then took action.

Sergeant Jason Johnson, in his written report of March 3, 2014, noted that his observation occurred approximately two hours after he had counseled you about improving your trustee supervision

(Continued)

Officer Christopher Richardson
Notice of Dismissal
May 30, 2014
Page 2 of 5

techniques. Sergeant Johnson's supervisory notebook states that he told you that during his prior rounds he had noticed that numerous inmates, to include trustees, on your unit were not having rules enforced.


When Sergeant Johnson reported this incident to the Shift Commander, Captain Rodney Prince, upon his (Johnson's) return from personal leave on March 3, 2014, the captain decided to review your activities on the evening in question for a longer period of time. Captain Prince thus reviewed the security camera system for February 18, 2014 from 1805-1950 hours. In Captain Prince's written report of March 4, 2014, he confirms the violations that were mentioned in Sergeant Johnson's written report. Additionally, Captain Prince states he observed Inmate White was permitted to loiter on the unit and communicate with other inmates in different cellblocks by approaching the sally port doors and using sign language. Captain Prince also reports you are observed at one point leaning back in the officer's station chair with your hands on top of your head.

On March 7, 2014, you were called to the Shift Commander's office to watch the video from the security cameras on Unit 7 on February 18, 2014. When shown the event as recorded by housing unit cameras and asked for your explanation, you stated that Inmate White had asked to speak with you about something he heard on the recreation yard that morning. You state you pulled him out of the block to see what information he had and was it going to harm staff or other inmates in the building. In your report you admit to being too complacent in permitting Inmate White to lean on the officer's station. You state that as soon as you observed an inmate from 1B block in 1A block, you told him to return to his own block, and that the gambling and inmates working out stopped when you found out about it and addressed it.

Upon receiving the reports of your supervisors, your written explanation, and a copy of the video from the security cameras, Dr. Ford reviewed the video. Her review showed additional behaviors of concern not mentioned by Sergeant Johnson or Captain Prince, including: Inmate White glancing several times at the clipboards located on top of the officer's stations as if trying to read this information; Inmate White glancing at the unit logbook, which was left open and on top of the counter, and which you subsequently are seen closing so he cannot peruse it. Inmate White places something in his hands and makes furtive motions to conceal it and then passes it from hand to hand. Inmate White walks down the corridor between A and B block, squats near a cardboard carton, then stands up, and is eating or chewing something. Inmate White was not assigned as trustee; his job assignment was removed at the end of January, 2014. However, he walks down the corridor between A and B block where he picks up a broom and sweeps the floor for 4 minutes during the 30-minute span between 1805-1830 hours.

Dr. Ford was so disturbed by your inattention to your duties that she observed on video, that it caused her to wonder whether welfare checks had been performed on the lockdown inmates as required. Inmate Fisher, R. #906982 was on a periodic or 1-hour watch on February 18, 2014 in cell 7D08. The segregation logs (VCDC 52) for this inmate show that employee #786 performed the required welfare check at 1820 hours. Inmate Fisher's Attitude is recorded as "3-Not applicable," Appearance as "1-Good," and his Activity as "19-On bunk breathing." You are employee #786. Official records, which you prepared, were then compared to the security camera video. Ocularis shows that Inmate White is at the officer's station at 1820 hours, although you are not visible in the shot. However, the security camera shows you seated at the officer's station at 1821 hours. The camera would have caught your

(Continued)




movement when you entered or exited the cellblock, but no such movement appears on the security video. Thus, you did not personally conduct the segregation check as you documented on the VCDC 52.

The VCDC 52 for Inmate Fisher also shows your 1600 hours segregation log entry for Inmate Fisher is partially incorrect. You listed Activity as "20-Standing at door" when you know it should have been "1-Headcount," since 1600 is one of the four formal headcounts by Division Policy 400.18, and it occurs daily.

Your conduct violated both the Volusia County Merit System Rules and Regulation and the Division of Corrections' Policy and General Post Orders:

1. *Volusia County Merit Rules 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.*
2. *Volusia County Merit Rules and Regulations, 86-453 (3): Disregard for or frequent violation of county ordinances, departmental policies and regulations, including safety rules.*
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.*
5. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (16): Monitor and regular all inmate traffic through assigned housing units in accordance with Division Policy and Procedure.*
6. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (18): Operate all cell, sally port and corridor doors/gates to control access to and exit from the unit, individual blocks and/or cells. All unit gates will remain closed when not in use.*
7. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (19): Ensure that staff and inmate movement on and off the unit are authorized and limited by operational, safety and security considerations.*

(Continued)



8. *Volusia County Division of Corrections' VCBJ Post Orders, Housing Unit Officer (20): Ensure that there are no inmates loitering in the housing unit corridors, and that all sally port doors are secure.*
9. *Volusia County Division of Corrections' General Post Order (24): Ensure logbooks, General Post Orders, or any official material pertaining to the operation of the Division are not accessible to inmates.*

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

02/15/2004	Record of Counseling – <i>Improper headcount for breakfast feeding.</i>
02/04/2005	Record of Counseling – <i>Failed to document inmate's commissary had been stolen.</i>
02/20/2005	Record of Counseling – <i>Did not keep a good record in dorm's logbook.</i>
11/21/2006	Negative Employee Performance Notice (EPN) – <i>Failed to follow instructions; let unescorted inmates move from Unit 2 to Unit 3.</i>
08/01/2012	Negative Employee Performance Notice (EPN) – <i>Allowed "No Mix" inmates to go to recreation together, resulting in a fight between them.</i>


As a Senior Corrections Officer with more than 12 years tenure, you have the knowledge and experience to perform your duties and you have an obligation to be an example for less seasoned officers. However, your disciplinary record demonstrates a lackadaisical attitude to inmate supervision, following policy, and attending to security considerations of the correctional environment.

You observed repeated security and rules violations by inmates on February 18, 2014, and did not act. The passing of notes and other contraband between inmates and blocks, and the signaling between inmates could be a set up or a prelude to an institutional security breach. Inmates permitted to roam and act freely without correction can also create dissention among other inmates. Inmates working out in unauthorized areas and without proper supervision can result in injuries of participants. Considering your years of experience and your role as a Senior Corrections Officer, the appropriate reaction to the inmates' actions should have been second nature.

Less than two hours before this incident you had your lax work habits pointed out to you by your supervisor. He also instructed you to improve your supervisory techniques. Your disregard for his instruction is insubordinate and cannot be tolerated.

You not only demonstrated poor adherence to many Division policy and procedures in this incident, you seriously neglected your duty as a corrections officer. You failed to perform an essential function of your job -- the care of an inmate -- when you did not perform the required 1-hour welfare check on a segregated inmate. As importantly, you aggravated your neglect of duty by being dishonest. You falsified an official document stating you had made the requisite check when you did not. Veracity is a serious matter, indeed critical, in the justice arena. The accuracy of an officer's word/testimony must be beyond reproach. Not only is it imperative in court proceedings, it is imperative as a public servant. The public demands, and they deserve, to have ethical, trustworthy, and reliable employees.

(Continued)



Officer Christopher Richardson
Notice of Dismissal
May 30, 2014
Page 5 of 5

Based on the information provided in the internal investigation report and by Division Director Ford regarding the seriousness of your actions as described herein, and consistent with the recommendations of those within your chain of command, I am proceeding with my intended action to dismiss you. This action will be effective on Friday, May 30, 2014.

Please return all County issued property to the Volusia County Branch Jail located at 1300 Red John Drive., Daytona Beach, Florida by Friday, June 5, 2014. To ensure that all returned items are properly acknowledged, please call Cynthia Whitaker-Forbes at 386-258-4083 to set up an appointment.

Action: In accordance with section 86-485 of the Merit System Rules and Regulations you have ten (10) working days from receipt of this notification (or effective date of the dismissal) 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 Human Resources Office, 230 N. Woodland Blvd., Suite 262, DeLand, FL. 32720.

Dismissals that are appealed are considered non-final administrative action. If you file a notice of appeal, you will be placed in a leave of absence without pay, pending the final decision of the County Manager at the conclusion of the appeal process.

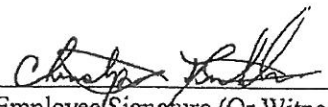
If you do not file your appeal by the time indicated, it will be assumed that you have waived this right.

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

GR/tb

cc: ___ Terry Sanders, Public Protection Deputy Director ___ Tom Motes, Human Resources Director
 ___ Marilyn Chandler Ford, Corrections Director ___ Tammy King, EEO Coordinator
 ___ County Legal

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



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

6.2.14
(Date of Signature)

