



VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

REPORT OF INVESTIGATION

REPORT NUMBER: IA 22-004

PERIOD COVERED: March 3, 2022, to October 31, 2022

DATE REPORTED: September 19, 2022

SUBJECT NAME: Deputy Anthony Ray, #8769

INVESTIGATING OFFICER: Sergeant Andrew Calkins, #7929

BASIS FOR INVESTIGATION:

On September 12, 2022, Sergeant Jeffrey Wingard notified Lieutenant Brian Cobb that Deputy Anthony Ray was excessively tardy to his overtime shifts because he was scheduling them after his regularly scheduled duties, making it impossible for him to arrive in a timely manner. Deputy Ray, who works for Sergeant Wingard, is assigned to the motor unit in the City of Deltona. Lieutenant Cobb conducted a supervisor inquiry into the information, including a comprehensive audit of Deputy Ray's timecard from August 6 to September 9. During Lieutenant Cobb's investigation, he noted multiple issues with Deputy Ray's timecard, including violations of the 18-hour shift, 8-hour break, and seven-day work rule. Lieutenant Cobb's inquiry also encompassed Deputy Ray's extra duty employment, paid for by outside vendors. Lieutenant Cobb noted issues with one detail, Deputy Ray was being compensated simultaneously by the external entity and the Volusia Sheriff's Office.

OFFENSES:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position

GO-026-02.IV.G.2.a – General Proficiency – VSO personnel are required to possess a sound working knowledge of the policies and procedures established by general orders and standard operating procedures.

GO-022-09.V.F.9 – Outside Employment - Deputies will not bill time to both the VSO and the extra-duty employment employer for performing enforcement related activities.

GO-022-09.V.B.1.a – Restrictions on Hours of Work - The following shall apply to regular work hours, overtime, extra-duty, and secondary employment:

1. It shall be the policy of the VSO that Deputies shall only work a maximum of seven (7) consecutive days and no more than eighteen (18) consecutive hours in a twenty-four (24) hour period. Deputies must have at least eight hours off prior to reporting to regular assigned duty. Each twenty-four (24) hour period shall begin at midnight (0000 hours). For the purpose of this policy, it shall be considered a work day when five (5) or more hours have been worked.

GO-022-09.F.1 – Requirements when Working Extra-Duty Employment - All Deputy Sheriffs will arrive at the extra-duty employment location on time and in uniform.

GO-026-02.IV.C.3.c – Tardiness - Employees shall promptly report for duty properly prepared at the time and place required by assignments or orders.

GO-026-02.IV.D.8.d - Falsification of Official Documents – Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document

GO-026-02.IV.C.5.a - Leaving Assigned Work Area – Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor.

GO-026-02.VI.G.1.c. - General Proficiency - Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions.

GO-026-02.IV.E.2.c - Prompt Compliance with Lawful Order – Employees shall promptly execute the lawful orders or instructions of a supervisor or superior officer of the VSO and shall not delay or fail to carry out such orders or instructions.

GO-082-07.V.J.1 - On and Off Duty Status Changes - Patrol Zone Units will log on and off duty for their scheduled shifts by using their MDC's unless the MDC is not functioning at which time the unit will call out via the radio.

INVESTIGATION:

On September 19, 2022, Chief Deputy Brian Henderson assigned the incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Sergeant Andrew Calkins.

On September 19, 2022, Sergeant Calkins served Deputy Ray with a Notice of Internal Investigation. The alleged violations listed in the notice were reported to have occurred between August 6, 2022, and September 19, 2022. Deputy Ray was also provided a copy of his Law Enforcement Officer's Bill of Rights. Deputy Ray signed both, acknowledging his receipt of the documents.

Supervisory Inquiry 22-060

Sergeant Calkins reviewed SI 22-060, which Lieutenant Cobb authored. Sergeant Calkins independently checked Lieutenant Cobb's documentation and confirmed the issues he articulated were accurate. Sergeant Calkins noted the following pertinent information within the document.

On September 12, 2022, Sergeant Wingard notified Lieutenant Cobb of a pattern of conduct concerning Deputy Ray being excessively tardy to his overtime shifts. Lieutenant Cobb was advised Deputy Ray is excessively late to his overtime shifts because he is scheduling them after his regularly scheduled duties, making it impossible for him to arrive on time. Furthermore, on various occasions, Deputy Ray was tardy to his overtime shifts in 31 zone while being captured on his Advanced Vehicle Locator [AVL] at his residence or in a completely different area of Volusia County.

It should be noted AVL is equivalent to GPS, which tracks the locations of deputies should an emergency arise. The application Force Watch is used to review historical information.

Sergeant Wingard utilized Force Watch to check Deputy Ray's historical locations on overtime days. In doing so, Sergeant Wingard observed Deputy Ray was not in his assigned location at the appropriate start time on several occasions throughout the previous four weeks.

On September 13, 2022, Sergeant Wingard reviewed Deputy Ray's outside employment to ensure he arrived on time for his shifts. In doing so, Sergeant Wingard determined Deputy Ray was habitually returning to work after working a shift the night prior without the required 8-hour break.

Sergeant Wingard reviewed Deputy Ray's current timecard, September 03, 2022, through September 16, 2022, and provided a copy to Lieutenant Cobb for review.

Upon review of the timecard, Lieutenant Cobb observed Deputy Ray had worked ten consecutive days of at least 5 hours or more and had two additional days scheduled to work. Due to Deputy Ray violating General Orders, Lieutenant Cobb directed him to go out of service and return to work on September 15, 2022, which is a regularly scheduled shift.

On September 14, 2022, Lieutenant Cobb reviewed Deputy Ray's timecard and outside detail billing sheet from August 06, 2022, to September 16, 2022. Lieutenant Cobb worked chronologically and began to micro-analyze each shift Deputy Ray worked during the aforementioned pay periods. Lieutenant Cobb observed Deputy Ray worked one day more than 18 hours and violated the 8-hour break numerous times. Lieutenant Cobb also observed Deputy Ray consistently signed up for double shifts during the timeframe, which on several occasions caused him to be late to the subsequent shift anywhere between 15 minutes and one hour.

Lieutenant Cobb noted on August 31, 2022, Deputy Ray worked a regularly scheduled shift from 0700 to 1700 hours in the City of Deltona, then picked up overtime in District 3 North as 1X31 starting at 1700 hours and ending at 0000 hours.

On this specific day, Sergeant Bourke-Sturup was the supervisor assigned to the shift. Sergeant Bourke-Sturup called Deputy Ray and advised him to arrive at 1800 hours since he was nearly an hour late for his overtime shift. Deputy Ray claimed 6 hours of overtime on his timecard for this delay.

Lieutenant Cobb reviewed Deputy Ray's outside employment from the aforementioned period and noted Deputy Ray worked five outside details. Lieutenant Cobb noted Deputy Ray was late to four of the outside details. Lieutenant Cobb made a note of a particular day in which Deputy Ray was simultaneously compensated by the Volusia Sheriff's Office and extra-duty employment, which is a violation of General Orders.

It should be noted that extra-duty employment is contracted employment, not required by Volusia Sheriff's Office, which is paid by the extra-duty employer requesting service. The service is paid for by outside vendors and is completed while not on duty. The extra-duty employment is compensated separately from the deputies' regular work duties.

Lieutenant Cobb observed on August 29, 2022; Deputy Ray was scheduled to work his regularly scheduled shift as a Deltona Traffic Unit from 0700 to 1700 hours. Deputy Ray also signed up to work an outside detail for Florida United Methodist Children's Home from 1600 to 0000 hours. Deputy Ray worked on FUMCH property from 1600 to 1700 hours as 1M92, then VC8769 from

1700 to 0000 hours. Deputy Ray was paid by the Sheriff's Office from 1600-1700 as a traffic unit while simultaneously being paid by FUMCH for security detail. Deputy Ray was on FUMCH property at 1600 hours, logged on as 1M92, and got dispatched to a motor vehicle crash at 1619 hours near Saxon Boulevard and Interstate 4. Deputy Ray left FUMCH, responded to the crash, returned to FUMCH by 1700 hours, and logged on as VC8769. Deputy Ray completed and signed an outside detail billing docket that stated he worked 8 hours on the detail.

It should be noted Sergeant Calkins later conducted a more comprehensive audit and located a similar incident on June 30, 2022.

Additionally, while reviewing the timecard, Lieutenant Cobb observed that Deputy Ray habitually claimed 12 hours of paid time for SWAT training. Due to Lieutenant Cobb being unfamiliar with SWAT training hours, he contacted Captain McDaniel to confirm this was accurate. Captain McDaniel advised Lieutenant Cobb that SWAT training is paid at the employee's regular hourly pay rate and is calculated from their normal duty schedule. According to that direction, since Deputy Ray works a 10-hour schedule, he should only be compensated for 10 hours at SWAT training. Lieutenant Cobb spot-checked pay periods dating to early 2022 and observed that Deputy Ray always claims 12 working hours for SWAT Training.

Sergeant Calkins later contacted Volusia Sheriff's Office finance and confirmed Deputy Ray consistently changed his schedule to 12 hours on Wednesdays for SWAT training. Sergeant Calkins noted Deputy Ray's schedule auto populated 10 hours daily, Monday through Thursday.

Timecard Audit March to September

After reviewing the supervisor inquiry and confirming the issues noted within the document, Sergeant Calkins began a further comprehensive investigation. Sergeant Calkins found a pattern of conduct similar to what was documented in the supervisor inquiry. Sergeant Calkins observed Deputy Ray was on light duty until March 2, 2022. Due to being on light duty Deputy Ray was required to work a regular 40-hour-a-week schedule with no overtime. Like Lieutenant Cobb's investigation, Sergeant Calkins completed a micro analysis of each day Deputy Ray worked beginning March 3, 2022. This analysis included outside details, overtime, regular time, and training.

Sergeant Calkins observed Deputy Ray was assigned to the traffic unit 1M92 in the City of Deltona. This position was Deputy Ray's primary duty within the Sheriff's Office. Due to being assigned to the traffic unit, Deputy Ray was also assigned to the Traffic Homicide Investigation (THI) team. The THI team is responsible for all traffic-related fatalities within the county area of Volusia. These duties include a rotating on-call schedule for after-hour events.

Starting in June, Deputy Ray was assigned as the intoxilyzer inspector for the agency. This duty encompassed certifying the intoxilyzer machines every month to keep them in compliance with the State of Florida. Sergeant Calkins observed Deputy Ray mostly completed this responsibility on overtime.

In addition to the motor unit, Deputy Ray was also a part of the SWAT Team. These duties also included a rotating on-call schedule and execution of search warrants. The traffic unit and SWAT team required mandatory training conducted on Wednesdays every month.

Utilizing CAD and AVL data coupled with Deputy Ray's timecard Sergeant Calkins noted the following issues:

March - Sergeant Calkins observed Deputy Ray did not work more than seven days in a row and did not work more than eighteen hours daily. Deputy Ray also had eight hours off in between shifts during March.

April - Sergeant Calkins observed Deputy Ray worked over 18 hours on April 29. Deputy Ray did not work more than seven days and had eight hours off between shifts. Deputy Ray scheduled four double shifts and was late once due to being on opposite sides of the county. Deputy Ray was also late to his shift as a motor unit on at least one occasion. On April 29, Sergeant Calkins noticed due to Deputy Ray's late log onto CAD the hours on his timecard were not reflected correctly.

May - Sergeant Calkins observed Deputy Ray failed to have eight hours between shifts on May 4, May 13, and May 23. Deputy Ray did not violate the seven-day work rule because it was waived for most of the month due to special events. Deputy Ray did not violate the 18-hour work rule. Due to scheduling double shifts, Deputy Ray was late to his overtime zone several times. Sergeant Calkins observed on May 31 Deputy Ray logged onto CAD late. Due to this issue, Deputy Ray failed to accurately reflect the correct hours worked on his timecard.

While reviewing outside details, Sergeant Calkins observed on May 23, Deputy Ray logged on approximately 16 minutes late. Sergeant Calkins also noted Deputy Ray concluded his previous shift about six hours earlier.

June - Sergeant Calkins observed Deputy Ray did not work more than seven days in a row and did not work more than eighteen hours daily. Deputy Ray also had eight hours off in between shifts during the month. Sergeant Calkins observed Deputy Ray worked two details during the month. Deputy Ray was approximately 10 minutes late to one. Sergeant Calkins observed on June 30, Deputy Ray appeared to be simultaneously compensated for the second detail, similar to what was observed by Lieutenant Cobb. Deputy Ray logged 9 hours as 1M92 and three hours of detail pay. Deputy Ray started his regularly scheduled shift at 0700 hours. At 1330 hours, Deputy Ray starts

a detail involving other motor deputies, moving portables. According to the CAD, Deputy Ray is on the detail from 1330 hours until 1630 hours, when he immediately logs off. By analyzing the CAD information, it appears Deputy Ray was simultaneously compensated.

July – Sergeant Calkins observed Deputy Ray violated the work rule once on July 30, failing to have 8 hours between shifts. Deputy Ray was late to his regular motor shift on one occasion and an overtime shift as 1Y21. Similar to what was observed in May, Deputy Ray logged onto CAD late, causing his timecard to reflect different hours.

August - Sergeant Calkins observed Deputy Ray failed to have eight hours between shifts on August 12, August 19, August 25, August 29, August 30, and August 31. Deputy Ray worked more than seven days in a row from August 4 thru August 12. Deputy Ray also worked more than 18 hours a day on August 24.

September -Sergeant Calkins observed Deputy Ray failed to have eight hours between shifts on September 1, September 2, September 6, September 9, and September 12. Deputy Ray worked more than seven days in a row from September 4 thru September 13. Deputy Ray did not work more than 18 hours a day during September.

Second Notice Internal Investigation

On October 13, 2022, Deputy Ray was served with a second Notification of Internal Investigation due to the General Order violations beginning in March. The alleged violations listed in the notice were reported to have occurred between March 3, 2022, and September 19, 2022. Deputy Ray signed a copy of the notification acknowledging receipt.

Interview with Lieutenant Brian Cobb

On October 20, 2022, at approximately 0940 hours, Sergeant Calkins conducted a sworn recorded interview with Lieutenant Cobb. Sergeant Calkins conducted the interview at 1691 Providence Boulevard, Deltona, at the Sheriff's Office District 4 substation. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Lieutenant Cobb advised he is currently assigned as the assistant district commander of District 4 and oversees the Deltona traffic unit. Lieutenant Cobb advised he authored the supervisor inquiry after being notified by Sergeant Wingard. Lieutenant Cobb provided similar information already documented in the supervisor inquiry.

Sergeant Calkins asked Lieutenant Cobb about Deputy Ray's regular duty work schedule. Lieutenant Cobb explained, "*They work in their two-week pay period, I know we're paid weekly*

but in their bi-week pay period they work 84 hours. They work 10-hour days through in the city with the four hour patrol overtime billed in that two week pay period. For the most part the shift itself the unit itself is scheduled to Monday through Thursday and Tuesday through Friday shifts... It gives us additional coverage in the city for traffic crashes and what not but depending on various county wide details like portable moves or other motor specific activities sometimes they will work the four hours on one day you know so they don't necessarily work one 12-hour day each week. It greatly depends if they're tasked with like we have Spooktacular coming up or we have another motor specific event. We had Biketoberfest things like that, their schedule may not have allowed them to work two 12-hour days so they may take a Monday if we have a city hall meeting and one of the guys will work a you know 14 hour day that day four of it being at the city commission meeting. So that four hours is really is built into the schedule on an as needed basis."

Sergeant Calkins asked Lieutenant Cobb if he ever waived any of the work rules put in place, to which he replied, "no."

Interview with Captain Kyle McDaniel

On October 20, 2022, at approximately 1028 hours, Sergeant Calkins conducted a sworn recorded interview with Captain McDaniel. Sergeant Calkins conducted the interview at 1691 Providence Boulevard, Deltona, at the District 4 office. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Captain McDaniel advised he is the commander of District 4 in addition to the assistant commander of the SWAT team. Captain McDaniel explained that the SWAT team trains 8 hours a day, three Wednesdays a month. Captain McDaniel reiterated the information which was documented by Lieutenant Cobb that an employee is only compensated their regular work hours.

Captain McDaniel added that he never waived any work rules put in place.

Interview with Sergeant Jeffrey Wingard

On October 20, 2022, at approximately 1048 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Wingard. Sergeant Calkins conducted the interview at 1691 Providence Boulevard, Deltona, at the District 4 office. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Wingard advised he is currently assigned to the District 4 traffic unit and is Deputy Ray's direct supervisor. Sergeant Wingard stated around the beginning of September, he was reviewing timecards and noticed several violations. Sergeant Wingard notified Lieutenant Cobb of his findings, prompting the supervisor's inquiry.

Sergeant Wingard was asked if he had observed any other violations since Deputy Ray had been served with a Notice of Internal Investigation. Sergeant Wingard advised that he recently observed Deputy Ray imputed 12 hours of SWAT training, which he changed back to 10 hours before approving it. Sergeant Wingard advised the issue was previously discussed with Deputy Ray on September 14, 2022, during the meeting in which he was ultimately sent home for violating the 7-day work rule.

Sergeant Calkins asked Sergeant Wingard to explain Deputy Ray's regular work schedule. Sergeant Wingard advised Deputy Ray is an 84-hour employee, similar to a patrol unit. Deputy Ray works 10-hour days, 0700 until 1700, Monday through Thursday. Deputy Ray must "make up" the four additional hours within his schedule. Sergeant Wingard explained the four hours are usually utilized for bike maintenance, city hall meetings, or traffic details.

Sergeant Calkins asked if the hours were up to the individual or if a supervisor set them. Sergeant Wingard stated, *"So you know you're, you've earned the right you earned the position of being on the motor unit it's a specialized unit. You're trusted to follow the rules, not be micromanaged you know as far as your minute to minute activities and so I've left it up to them, the guys, to work the extra time, document it in their ADG you know of, of you know built in motors OT or if it's if they wanna use it you know if they stay late for an arrest you've gotta put the case number in there and what it is and if that's part of what you wanna use.."*

Sergeant Calkins asked Sergeant Wingard if he ever waived any work rules Deputy Ray violated. Sergeant Wingard stated he never waived any work rules set in place.

Interview with Sergeant Christy Bourke-Sturup

On October 21, 2022, at approximately 2115 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Bourke-Sturup. Sergeant Calkins conducted the interview at 1435 North US-1, Ormond Beach, at the District 3 North office. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Bourke-Sturup advised she is assigned to District 3 North as a patrol supervisor. On August 31, 2022, Deputy Ray worked for Sergeant Bourke-Sturup for a vacancy Sergeant Bourke-Sturup advised, *"...he [Deputy Ray] was scheduled initially to work for me August 31st X-ray 31 from 5pm to midnight. I logged on at 5:11 to head into district 3 north and I saw that he was logged on as X-ray 31 but enroute to district 3 north, currently stationary at his residence in South Daytona. I sent him a message a text message that asked him what were his hours for today and tomorrow being that he hadn't made it to district 3 north yet. He indicated he was supposed to work 5 to midnight both days. I then asked him why he wasn't 10-8 in service and why he was in*

South Daytona. He said he had to change cuz of the rain, he was at motor training. I told him, I said ok that he'll be 6pm to midnight tonight and tomorrow. He acknowledged and then I again asked him where he was at, but by then he was already beachside Ormond by the Sea handling calls."

Sergeant Bourke-Sturup advised Deputy Ray was scheduled to work the next day on September 1, 2022, and was on time due to her adjusting his schedule to 1800 hours.

Third Notice of Internal Investigation

On October 31, 2022, Sergeant Calkins was contacted by Lieutenant Cobb, who advised Sergeant Wingard notified him that Deputy Ray's pattern of behavior had continued into the recent pay period. Lieutenant Cobb forwarded an email from Sergeant Wingard, which noted Deputy Ray failed to log onto his MDC for training on two separate days in addition to logging the incorrect hours worked for overtime on another.

With this information, Sergeant Calkins served Deputy Ray a third Notice of Internal Investigation with additional General Order violations. The alleged violations listed in this notice were reported to have occurred between March 3, 2022, and October 31, 2022. Additionally, Deputy Ray was placed on administrative leave with pay effective immediately.

Sergeant Calkins began another investigation into Deputy Ray's actions and micro-analyzed the dates Deputy Ray worked beginning after he was served with the first Notice of Internal Investigation on September 19, 2022. Sergeant Calkins observed an issue with Deputy Ray's SWAT compensation previously noted by Lieutenant Cobb in his supervisor inquiry.

On September 21, 2022, Deputy Ray logged 10 hours of SWAT training. Sergeant Calkins obtained an ADG audit for this period and noted the following information. The timecard auto-populated for Deputy Ray's regularly scheduled 10 hours on September 20. On September 22, Deputy Ray changed his timecard to 12 hours of work with the description "SWAT TRAINING." On September 29, Sergeant Wingard changed the timecard back to 10 hours. This date in question is what Sergeant Wingard referred to in his interview.

October – Deputy Ray had eight hours between shifts and did not work more than seven days in a row or eighteen hours a day. Sergeant Calkins observed Deputy Ray had overtime assignments for Hurricane Ian related duties and was late. In addition, Deputy Ray was late to his motor unit duties on several occasions. Deputy Ray continued to schedule double shifts on opposite sides of the county, which caused him to be late for his assigned zone. Sergeant Calkins observed Deputy Ray's training days; he failed to log onto his MDC, so his hours could not be verified.

Sergeant Calkins noted on October 7, 2022; Deputy Ray shorted himself compensation on his timecard.

While working overtime as 1B21, Deputy Ray responds to a THI as part of his on-call motor unit duties. Deputy Ray worked the THI investigation for approximately seven hours; however only put five and a half hours on his timecard.

On October 23, 2022, Deputy Ray incorrectly logged his overtime hours for 1X31. According to CAD, Deputy Ray worked from 1700 until 2300 for 6 hours. Deputy Ray incorrectly logged 7 hours on his timecard. Sergeant Wingard caught the extra hour before the pay period was closed and changed it to reflect the correct hours. Sergeant Calkins obtained a copy of an audit and noted on 10/23/22 at 1941 hours, Deputy Ray logged 7 hours of overtime in ADG. On 10/31/22, Sergeant Wingard changed the hours to 6 hours worked.

During the month, Sergeant Calkins also observed Deputy Ray conducted his annual PAT (Physical Abilities Test). Deputy Ray logged one hour of overtime for his PAT, which he scheduled on October 28. Records showed Deputy Ray attended the PAT at 0600 hours, only 4.5 hours after ending his patrol shift. Sergeant Calkins observed Deputy Ray had the opportunity to attend thirteen other classes, two of which would have been during his regularly scheduled duties.

Second Interview with Sergeant Jeffrey Wingard

On November 8, 2022, at approximately 1448 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Wingard. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Administration Offices. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Wingard advised that he noticed additional discrepancies while approving Deputy Ray's timecard for October 15, 2022. Sergeant Wingard stated he saw on October 23 Deputy Ray imputed seven hours of overtime as 1X31 instead of the six hours he physically worked. Sergeant Wingard caught the issue and changed it to reflect the proper hours. Sergeant Wingard also noted that on October 19 and 26, Deputy Ray failed to log onto CAD for training, so he could not verify his physical work hours.

Sergeant Calkins asked Sergeant Wingard to recall if he provided additional instructions to Deputy Ray during the meeting with Lieutenant Cobb. Sergeant Wingard stated Deputy Ray was told he would approve all scheduled overtime before he could work it. Sergeant Wingard provided multiple emails between himself and Deputy Ray confirming overtime scheduling. Sergeant Wingard noted a few overtime shifts were scheduled back-to-back on opposite sides of the county. Sergeant Wingard approved the overtime with the stipulation it was cleared with the respective

supervisors of the shift he was working. Sergeant Wingard stated Deputy Ray obtained permission from Sergeant Thomas Hachenberger and Sergeant Steven Woell to allow drive time to the overtime assignments.

Sergeant Calkins asked Sergeant Wingard if he ever spoke with Deputy Ray about why he worked abundant amounts of overtime and if he checked on his well-being. Sergeant Wingard indicated he had conversations with Deputy Ray about the balance of his work and personal life and noted no issues. Sergeant Wingard stated Deputy Ray had difficulty saying "no" to overtime when supervisors would call to get coverage. This caused Deputy Ray to violate the work rules, although ultimately, Deputy Ray was responsible for making his schedule.

Second Interview with Lieutenant Brian Cobb

On November 14, 2022, at approximately 1358 hours, Sergeant Calkins conducted a sworn recorded interview with Lieutenant Cobb. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Administration Offices. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Lieutenant Cobb advised on October 31, 2022; he was notified in the morning by Sergeant Wingard, who advised he observed some discrepancies with Deputy Ray's latest timecard. Lieutenant Cobb stated it appeared Deputy Ray didn't have the appropriate 8 hours off in between shifts by scheduling a PAT in the early morning hours. There was also an issue with Deputy Ray failing to log on for work for an entire day which is problematic due to no AVL or CAD data. Deputy Ray logged hours for the day; however, there was no way to verify if he worked.

Lieutenant Cobb noted another issue that it appeared Deputy Ray exceeded the 18-hour work rule during the pay period. Lieutenant Cobb stated, "*...Wednesday and he worked two different zones in the same day and it appeared as though he worked 18 and a half hours but when you look back at it he did actually have a one hour break in between shifts but the break was I'm assuming based on the geographical locations I think one was in Deltona and one was east side was simply just drive time...*" Sergeant Calkins stated, "*So he was still, he was off the clock but he was still technically in uniform in his car.*" Lieutenant Cobb said, "*Correct he wasn't taking like a genuine break.*"

Lieutenant Cobb believed it wasn't the policy's intent when providing mandatory rest periods. Lieutenant Cobb stated, "*It's to truly have a break between your shifts and not work in excess of that. So I guess his timecard shows 17 and a half hours but in actuality he was probably working and in uniform and driving and had he seen a violation probably would have acted on it for 18 and a half hours.*"

Interview with Captain Benjamin Yisrael

On November 14, 2022, at approximately 1455 hours, Sergeant Calkins conducted a sworn recorded interview with Captain Yisrael. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Administration Offices. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Captain Yisrael advised he is currently assigned as the commander of District 2 and the SWAT team. Sergeant Calkins asked Captain Yisrael to explain when SWAT is required to log on for service. Captain Yisrael advised that for training and callouts, everyone assigned a "Sierra" number should be logging on for service. About the planned search warrants, Captain Yisrael advised they don't log on, given the nature of their job duties. Captain Yisrael advised this has been frequently addressed with the SWAT team.

Captain Yisrael was asked to explain how SWAT training hours are compensated. Captain Yisrael provided similar information to what was said by Captain McDaniel. Captain Yisrael added about the 12-hour employees, *"...Now you may ask what happens to the other four hours of the training. Those guys that are on their regular workday with 12 hours those are the guys who typically have stayed behind with the green shirts preparing them for going to SWAT school or whatever. Training them, conditioning them, checking equipment, going over the vehicles, they may even come in early to (unintelligible) vehicles, clean vehicles so they're not getting off with four hours of doing nothing they're making up the time..."*

Sergeant Calkins asked Captain Yisrael if Deputy Ray ever came in early or notified him to make up the four hours. Captain Yisrael stated, *"No. No not for SWAT."* Captain Yisrael added that he could not view and verify individuals' SWAT hours due to the newer timekeeping system since their direct supervisor approves them.

Interview with Sergeant Steven Woell

On November 15, 2022, at approximately 1519 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Woell. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Administration Offices. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Woell advised he is currently assigned to District 3 North as a patrol supervisor. Sergeant Woell advised that on October 20, 2022, Deputy Ray worked overtime for him as 1X31. Sergeant Woell knew that Deputy Ray would be driving from his motor shift in Deltona and would be extended to the east side. Sergeant Woell advised that when he approved the overtime, he was unaware of Deputy Ray's pattern of behavior.

Interview with Sergeant Thomas Hachenberger

On November 14, 2022, at approximately 1557 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Hachenberger. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Administration Offices. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Hachenberger advised he is currently assigned to District 4 as a patrol supervisor. Sergeant Hachenberger advised that on October 22, 2022, Deputy Ray worked overtime for him as 1A48. Sergeant Hachenberger knew that Deputy Ray would be driving from an overtime shift in District 2 to his overtime shift in District 4. Sergeant Hachenberger was also unaware that Deputy Ray was the subject of an internal affairs investigation concerning this pattern of behavior.

Interview with Sergeant Steven Bryan

On November 15, 2022, at approximately 0956 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Bryan. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Administration Offices. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Bryan advised he is currently assigned as the supervisor of special services. Sergeant Bryan oversees the county motor units in addition to the intoxilyzer inspections. Sergeant Bryan advised that Deputy Ray was currently assigned to the role. According to Sergeant Bryan, the duties require a specific class and have always been compensated as overtime. Sergeant Bryan explained that multiple machines in the county must be inspected monthly. The process, at times, can be time-consuming due to issues that arise with the devices. Once the machines are calibrated, the results are sent to the State of Florida via a digital upload. Sergeant Bryan stated that sometimes the uploads fail and must be repeated multiple times.

Sergeant Calkins asked Sergeant Bryan about motor training and their hours. Sergeant Bryan advised stated as part of his duties; he is responsible for motor training which is usually conducted at the EVOC track in DeLand. Sergeant Bryan advised, "*...we meet on the third Wednesday of every month and we train for 10 hours. Usually how that works is training usually starts at 8 am. We usually finish around 4, 4:30, gives a little bit of time in the morning to get your bike ready and situated for training and then a little bit of time in the afternoon to clean it up so it's ready for your next duty day which is where that 10 hours comes into play. The training usually is for the eight hours that we spend out there and that hour in the morning hour in the afternoon is used for you know bike maintenance and things like that that need to be addressed.*"

Sergeant Calkins asked if Deputy Ray was ever habitually late to training. Sergeant Bryan stated, *"The only issue that I noticed was I believe at this last motor training he was late but I was told that I guess it was an issue with his motorcycle and it couldn't be jumped off because I guess the storage unit that they use in Deltona does not have trickle chargers."*

Summary

After the investigation, Sergeant Calkins noted four main points of concern. The first issue, Deputy Ray's tardiness, was the genesis of this investigation. The investigation showed that Deputy Ray was consistently late to his overtime shifts and outside details. The habitual tardiness was also apparent in Deputy Ray's regular duty schedule.

The second issue discovered during the investigation was Deputy Ray's consistent violation of the restrictions on hours worked. Deputy Ray worked at least two days over 18 hours, not including his callouts. In addition, Sergeant Calkins observed Deputy Ray failed to give himself the required 8-hour break in between shifts approximately 15 times. Deputy Ray also failed to abide by the seven-day work rule at least twice, even with the special events waived.

The third issue discovered during the investigation was Deputy Ray being compensated by the Sheriff's Office while employed in an off-duty detail status. Lieutenant Cobb outlined one incident on August 29, 2022, in which Deputy Ray was compensated an hour by both entities. During a further review, Sergeant Calkins discovered on June 30, 2022; Deputy Ray was paid 2.5 hours by both entities.

The fourth issue consistent throughout Deputy Ray's timecard was his compensation of 12 hours for SWAT training. It was established through interviews that SWAT team members are compensated for their regular daily hours for training. On September 21, 2022, Deputy Ray changed his training hours from 10 to 12 hours after being notified during the meeting the week prior.

Interview with Deputy Anthony Ray

On November 21, 2022, at approximately 1100 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Anthony Ray. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Deputy Ray, Sergeant Calkins, Sergeant Gordon, Sergeant Brodie Hughes, and Bryan Lambert were present for the interview. Below is a synopsis of the sworn recorded interview:

Before conducting the interview, Deputy Ray had the opportunity to review all relevant material obtained during the course of the investigation. Deputy Ray signed a copy of his Garrity Warning,

acknowledging his understanding of the document in the presence of the previously mentioned personnel. Sergeant Calkins read Deputy Ray a Volusia Sheriff's Office Administration of Oath / Perjury Warning. Deputy Ray and Sergeant Calkins signed this document in the presence of the same previously mentioned personnel.

Sergeant Calkins asked Deputy Ray about his ADG account and access. Deputy Ray advised he has sole access to his account, and nobody besides his supervisor has altered his timecard. Deputy Ray indicated nobody, but himself has approved his timecard. Deputy Ray acknowledged that before approving his timecard, a dialog box generates that asked the following:

"I hereby approve that this timecard entry is contained herein are accurate for the time worked during the pay period and it gives you the ending pay period."

Deputy Ray indicated at the time he signed the timecard he believed the hours were correct. Deputy Ray later indicated in the interview he had trouble keeping proper time keeping and that it was never an intentional act.

Deputy Ray advised he's been assigned to the motor unit in Deltona for approximately two years. In addition to those duties, Deputy Ray is on the SWAT team and oversees the intoxilyzer inspections. Deputy Ray started the intoxilyzer checks a few months ago before taking over the responsibilities from another promoted deputy. Deputy Ray advised he would complete the inspections every month and was given the latitude on when to schedule them. Deputy Ray indicated the checks were previously conducted on overtime due to them being an extra duty.

Deputy Ray was asked about his SWAT training and how he documented his hours on his timecard. Deputy Ray stated typical SWAT training is completed on Wednesdays from 1300 to 2100 hours. Included within the SWAT duties are mandatory preplanned search warrants, which are generally executed in the morning. Deputy Ray stated that search warrants usually take a few hours, depending on their complexity and other factors.

Sergeant Calkins asked Deputy Ray to explain his daily schedule as a motor unit. Deputy Ray stated he works Monday thru Thursday from 0700 until 1700 hours. Deputy Ray indicated he works 10-hour shifts but is required to make up 4 hours due to being an 84-hour employee. Deputy Ray stated he would usually schedule his 12-hour day on Wednesday of training. Sergeant Calkins asked why he would design it on that day. Deputy Ray stated, *"Like 12 hours would be on Wednesday due to let's say for instance if we have like I have SWAT training that day basically I have routine of basically getting a, go clean off the bike because there's a two hour period where we clean off clean the motorcycles clean the motorcycles clean four hours and then go off to SWAT training and do all that in one day so that's typically (unintelligible) a long day."*

Sergeant Calkins asked Deputy Ray to explain a typical day of SWAT training. Deputy Ray stated, *"Typical day, SWAT day is between like 8:00 in the morning go clean off clean guns and the make sure everything is good to go for SWAT training or if I have motor training that day too depends on which day of the month I mean which Wednesday of that month and I'll go clean off that's when I clean off the motorcycle make sure that's all good and taken care of then I go off to training."* Sergeant Calkins asked Deputy Ray if he cleaned the motorcycle every SWAT day or for the days with motor training. Deputy Ray indicated he cleaned his motorcycle on both training days. Deputy Ray stated he does not log on while cleaning his motorcycle or firearms, and it's usually conducted at his residence. In addition, Deputy Ray said he had previously done extra duties by moving the SWAT truck.

Sergeant Calkins spoke with Deputy Ray and explained that there are different accolated funds for separate departments within the agency. Deputy Ray later admitted that it was a problem not separating the two duties while training. Deputy Ray stated, *"...I see where the problem, problem was what I was what I should have been basically should have been doing was setting aside and scheduling the two hours that I was doing cleaning off bikes and stuff for motors I should have been scheduling it like that versus just putting it all in one for SWAT."*

Sergeant Calkins asked Deputy Ray for the details of the meeting with Lieutenant Cobb and Sergeant Wingard on September 13, 2022. Deputy Ray stated during the meeting; he was notified that he was working excessive amounts of overtime which was causing him to violate the work rules. Deputy Ray said he was counseled on the seven-day work rule, and since he was in violation, he was being sent home. Deputy Ray also indicated he discussed his SWAT training compensation with Sergeant Wingard and was told only to claim 10 hours.

Sergeant Calkins asked Deputy Ray why he changed his training hours on September 21 after being counseled by Sergeant Wingard. Deputy Ray stated, *"That must have been a error on my part but after that it was corrected. After doing it so long it just was a mishap on my part most likely."* Deputy Ray indicated he was confused when he was counseled and didn't understand the 10-hour employee. Deputy Ray reiterated, *"...I think again I just didn't break it up when I should have just broke it up and just basically put the two hours that I was cleaning my bike like on, I should have broke it up instead of versus just putting the whole 12 hours"*

Deputy Ray further stated, *"I think it was just maybe a misunderstanding on that part but it wasn't intentionally done to just, I should have just broke it up basically the hours."* Deputy Ray didn't understand how the budgeting is done through the Sheriff's Office and stated, *"... I'm basically just putting in 84 hours regardless through the Sheriff's Office not thinking that each individual thing is gonna be I guess budget differently...."*

Sergeant Calkins asked Deputy Ray if he ever received permission to maintain his firearms or complete bike maintenance on the days he had training. Deputy Ray indicated he did not seek approval through a supervisor and thought since he needed 84 hours, that's where he would make up the time.

During the interview, Deputy Ray admitted to violating the seven-day work rule and the eighteen hour a day during the year. Deputy Ray also admitted to violating the eight hours off in between shifts several times. Sergeant Calkins asked if he ever obtained approval from a supervisor or notified a supervisor that he was in violation when signing up for overtime. Deputy Ray indicated he did neither.

When asked for an explanation, Deputy Ray indicated he had trouble keeping up with his schedule and track work hours and ultimately accepted it was unacceptable.

Sergeant Calkins advised Deputy Ray that the work rules are in place to assist the employee's well-being, so they don't become exhausted. Deputy Ray acknowledged the reason for the general order and added, *"Probably for an average person I would say probably yes but I look at myself as an above average person. I don't, I mean I don't I've done this I've conditioned myself to work like this like since I was like 16. Like I you know working student athlete since from high school to college. Again, I have a masters and two bachelor degrees and being that's just that wasn't something I stayed home and slept that's actually putting in hours no sleep there's stuff I had to do which for some reason I to say like it doesn't get to me like that I don't have that type of how would you say it. I would say I do have that type of enthusiasm that like I can drive all like again it's not safe in general but I can have that drive I can you know don't have much sleep and I'm good. Everything at home is fine it's no issues so I'm just a wiry type of person like that I can just do stuff like that so."*

During the interview, Deputy Ray admitted to being excessively late while working details and the motor unit. However, Deputy Ray was able to explain several days he was late due to morning search warrants with SWAT. After execution of the search warrants, Deputy Ray would return home, change into his uniform, and grab his motorcycle. Deputy Ray would log onto his computer as a motor unit and drive to Deltona. Therefore, it appeared Deputy Ray was not arriving to work promptly due to his failure to log onto CAD.

Sergeant Calkins asked Deputy Ray about the details in which he was compensated simultaneously by the Sheriff's Office and outside vendors. Deputy Ray was asked specifically about August 29, which Lieutenant Cobb located as a one-hour overlap. Deputy Ray stated, *"That was a mishap on if I'm not mistaken it was supposed to be flexed the hour that from the Sheriff's Office, I was supposed to work on another hour but due to miss scheduling I didn't get around to working that hour during that pay period."* Sergeant Calkins advised Deputy Ray it gets very complex to flex

hours during a pay period, especially since he was scheduling so much overtime. Sergeant Calkins asked Deputy Ray why he would flex the hour instead of putting the correct hours worked. Deputy Ray acknowledged, "... *that's where I needed to get better on that's why that mishap occurred....*"

Sergeant Calkins asked Deputy Ray to explain the events of August 29. Deputy Ray stated he worked his regular motor schedule starting at 0700 hours. Deputy Ray scheduled a detail at FUMCH beginning at 1600 hours which was set to conclude at 0000 hours. Deputy Ray stated that he went to Wendy's on Saxon Boulevard for dinner while on the detail. Deputy Ray said a crash occurred nearby and, being a motor unit, decided to handle the call. Deputy Ray indicated he got "*mixed up*" forgetting he was supposed to be working on an outside detail. When the crash investigation was completed, he returned to working the detail at FUMCH.

Sergeant Calkins asked Deputy Ray about another day, June 30, where he was simultaneously compensated. Deputy Ray could not recall the specifics but advised it was an escort request to move school portables. Deputy Ray didn't sign up for the detail; instead, it was assigned by Sergeant Wingard. Deputy Ray stated the portable move only took an hour to complete. Sergeant Calkins pointed to the CAD and asked Deputy Ray why he was on the detail for three hours. Deputy Ray stated, "*I don't, I don't recall what happened that day....*"

Sergeant Calkins noted that outside details are paid as a three-hour minimum, meaning if Deputy Ray only worked an hour, he would still be compensated three hours' pay. If the detail took an hour, Deputy Ray could have worked 9 hours straight, which is reflected on his timecard. However, Deputy Ray's failure to clear the call in CAD showed he was simultaneously compensated.

Sergeant Calkins asked Deputy Ray about the issues noted by Sergeant Wingard, which generated the email to Lieutenant Cobb. Deputy Ray advised he was working on October 19 and October 26 doing training. Deputy Ray advised he should have logged on for training and understood that it appears, according to CAD, he wasn't at work. Deputy Ray was asked about October 23, where he reflected seven hours on his timecard instead of the six hours he physically worked, which Sergeant Wingard caught. Deputy Ray stated it was "*Just a miscalculation. That's really it it wasn't intentional it's just something I just I accidentally put down.*"

Sergeant Calkins asked Deputy Ray about the scheduling of the PAT on October 28. Deputy Ray indicated he completed the PAT on overtime because it was convenient that it was his scheduled day off. Deputy Ray could not explain why he didn't schedule the PAT during one of his regularly scheduled shifts.

Sergeant Calkins asked Deputy Ray if he would have done anything differently regarding his timekeeping. Deputy Ray stated, "*Yes I would have done it a lot differently I would have knowing what I know now again the way I bill stuff in ADG... just should have communicated, documented*

a lot more better and pay really pay attention to my, to my timecard...Which if I would have documented it would have helped with ADG that I would have corrected everything in and it would have been appropriate but again I just don't want it to appear that again never want it to seem appear that I'm just trying to get over or scam or try to defraud the agency or anything it's just basically me...."

Sergeant Calkins asked Deputy Ray why he worked so many hours for the Sheriff's Office. Deputy Ray stated, *"I just love doing this I mean, I mean you look at it from I'm just to say from even you two when you was on sergeants like if you know I came in I you know always smiling always laughing have no issues I enjoy this job I'm trying to basically I'm every day I come in even when I first started the only way I could learn is I just expose myself. And one day like I said becoming moving up the ranks becoming the chief of police somewhere the only way I can do that is if I work here, I can't rank up being home or learn being home so I know being here I actually I love what I do and I enjoy it, I like the exposure meeting people, talking to people it's just and then you get paid to do it so it's like a plus so there's no, to clear up there's no oh I've got a gambling problem, no debt issue no spending habits and stuff like that like I say I'm well good on that part in reference to that. Again not to pat myself on the back but I worked up and saved up over six figures so I just got that sitting around just waiting to see what I'm gonna do for instance like buying a home and stuff like that so."* Deputy Ray later added, *"Just it's in my nature how I conduct myself like I'm an overachiever like the one thing I can bring like that shows from everyone says is my work ethic and it just again when you love doing something like this it's should come easy and come natural...."*

Deputy Ray additionally stated he worked overtime to help other deputies and sergeants when they needed coverage. Deputy Ray advised he was always willing to work and didn't want someone else to be mandated that didn't want to be there. Deputy Ray also advised he is known as a dependable deputy and that anyone could call to help fill a zone.

Deputy Ray was asked if he violated the following General Orders, and his responses are detailed below:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Yes
GO-026-02.IV.G.2.a – General Proficiency	Yes
GO-022-09.V.F.9 – Outside Employment	Yes
GO-022-09.V.B.1.a – Restrictions on Hours of Work	Yes

GO-022-09.F.1 – Requirements when Working Extra-Duty Employment	Yes
GO-026-02.IV.C.3.c – Tardiness	Yes
GO-026-02.IV.D.8.d - Falsification of Official Documents	No
GO-026-02.IV.C.5.a - Leaving Assigned Work Area	No
GO-026-02.VI.G.1.c. - General Proficiency	Yes
GO-026-02.IV.E.2.c - Prompt Compliance with Lawful Order	No
GO-082-07.V.J.1 - On and Off Duty Status Changes	No

On December 8, 2022, the Internal Affairs investigation was presented to Chief Deputy Brian Henderson. Upon completion of the presentation, Chief Deputy Henderson sustained the aforementioned General Order violations against Deputy Ray:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Yes
GO-026-02.IV.G.2.a – General Proficiency	Yes
GO-022-09.V.F.9 – Outside Employment	Yes
GO-022-09.V.B.1.a – Restrictions on Hours of Work	Yes
GO-022-09.F.1 – Requirements when Working Extra-Duty Employment	Yes
GO-026-02.IV.C.3.c – Tardiness	Yes
GO-026-02.IV.D.8.d - Falsification of Official Documents	No
GO-026-02.IV.C.5.a - Leaving Assigned Work Area	No
GO-026-02.VI.G.1.c. - General Proficiency	Yes
GO-026-02.IV.E.2.c - Prompt Compliance with Lawful Order	No
GO-082-07.V.J.1 - On and Off Duty Status Changes	No

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Supervisor Inquiry SI-22-060
- D. Outside Detail Billing Report
- E. Timecards March 2022 –October 2022
- F. ADG Audit
- G. Text Messages with Sergeant Sturup
- H. Memo 040M0034.21
- I. SWAT Training Report
- J. Email and attachments from Lieutenant Cobb
- K. Miscellaneous Documents
- L. Transcript of Interview with Lieutenant Brian Cobb
- M. Transcript of Interview with Captain Kyle McDaniel
- N. Transcript of Interview with Sergeant Jeffrey Wingard
- O. Transcript of Interview with Sergeant Bourke-Sturup
- P. Transcript of Interview with Captain Benjamin Yisrael
- Q. Transcript of Interview with Sergeant Thomas Hachenberger
- R. Transcript of Interview with Sergeant Steven Woell
- S. Transcript of Interview with Sergeant Steven Bryan
- T. Transcript of Interview with Deputy Anthony Ray
- U. Digital Evidence – Computer Aided Dispatch / AVL

WITNESSES:

Volusia Sheriff's Office

123 W. Indiana Avenue

DeLand, FL 32720

Lieutenant Brian Cobb

Captain Kyle McDaniel

Sergeant Jeffrey Wingard

Sergeant Christy Bourke-Sturup

Captain Benjamin Yisrael

Sergeant Thomas Hachenberger

Sergeant Steven Woell

Sergeant Steven Bryan

Deputy Anthony Ray

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

I, the undersigned, do hereby swear, under the 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 suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE: A Calkins DATE: 3/20/23

Sergeant Andrew Calkins
Internal Affairs Sergeant

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 20th day of March, 2023 by Sergeant Andrew Calkins

[Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: B Henderson DATE: _____

CHIEF DEPUTY BRIAN HENDERSON
VOLUSIA COUNTY, FLORIDA

Chief Deputy
BRIAN HENDERSON

OFFICE
(386) 736-5961



VOLUSIA SHERIFF'S OFFICE

123 WEST INDIANA AVE • P.O. BOX 569 • DELAND, FLORIDA 32721-0569
(386) 822-5074 (FAX) • WWW.VOLUSIASHERIFF.ORG

December 21, 2022

Deputy Anthony Ray, #8769
Volusia Sheriff's Office
LEOD / District Four

Final Notice of Discipline

Deputy Anthony Ray:

Volusia Sheriff's Office General Order GO-026-02 requires that all "Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position." Because of your actions or inactions documented in IA 22-004, I have determined you violated the following Sheriff's Office General Orders:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position

GO-026-02.IV.G.2.a – General Proficiency – VSO personnel are required to possess a sound working knowledge of the policies and procedures established by general orders and standard operating procedures.

GO-022-09.V.F.9 – Outside Employment - Deputies will not bill time to both the VSO and the extra-duty employment employer for performing enforcement related activities.

GO-022-09.V.B.1.a – Restrictions on Hours of Work - The following shall apply to regular work hours, overtime, extra-duty, and secondary employment:

- a. It shall be the policy of the VSO that Deputies shall only work a maximum of seven (7) consecutive days and no more than eighteen (18) consecutive hours in a twenty-four (24) hour period. Deputies must have at least eight hours off prior to reporting to regular

AB

assigned duty. Each twenty-four (24) hour period shall begin at midnight (0000 hours). For the purpose of this policy, it shall be considered a work day when five (5) or more hours have been worked.

GO-022-09.F.1 – Requirements when Working Extra-Duty Employment - All Deputy Sheriffs will arrive at the extra-duty employment location on time and in uniform.

GO-026-02.IV.C.3.c – Tardiness - Employees shall promptly report for duty properly prepared at the time and place required by assignments or orders.

GO-026-02.VI.G.1.c - General Proficiency - Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions.

To Wit:

On September 12, 2022, a supervisor inquiry regarding your inability to arrive on time for shiftwork was completed. In the investigation, it was well documented that you were excessively tardy to overtime assignments because you were scheduling them after your regularly scheduled shifts, making it impossible for you to arrive on time. In some instances, you were late to assignments in which the Sheriff's Office and the designated city have a legal contract for law enforcement services. Deputy Ray, this was discovered to be a recurring issue documented throughout the inquiry. Further discrepancies and General Order violations were observed while analyzing your timecard.

Deputy Ray, at the beginning of the inquiry, it was discovered you had worked ten consecutive days and were scheduled to work two more. According to General Orders, this is a violation of the seven-day maximum work rule. Numerous days were also noted in the inquiry where you failed to obtain eight hours of rest between shifts and worked more than eighteen hours daily, both violations of General Orders.

One of the concerns outlined in the supervisor inquiry was on August 29, 2022. On that day, Deputy Ray, you scheduled an outside detail, which you worked, while simultaneously being compensated by the Volusia Sheriffs Office. During the investigation, Internal Affairs located another instance of a similar nature. On June 30, 2022, the Sheriffs Office compensated you for over two hours while working an outside detail. This is unacceptable and a violation of general orders regarding outside employment. During your interview, you advised it was a "mishap" and intended to flex the hours later in the week, which admittedly, you failed to complete. Additionally, during further review it was discovered you were late to several other outside details. Deputy Ray, the details are paid for by local businesses and vendors who contract the services of the Volusia Sheriff's Office (pursuant to chapter 30 Florida State Statue).

AR

Deputy Ray, a further comprehensive audit was conducted regarding your timecard, which spanned from March 2022 to October 2022. A microanalysis revealed the issues identified by Lieutenant Cobb were observed in previous pay periods.

In addition to the above violations, it was discovered you were late to work several times during the time frame of March through October. Deputy Ray, this is a concerning pattern of behavior that was noted and deemed improper. It should be noted, although your behavior was determined to be unacceptable, the investigation did reveal some of these instances were mitigated by you taking law enforcement action or being dispatched to calls for service during your travel time.

Deputy Ray, an equal cause of concern also documented within the supervisor inquiry was your compensation for SWAT training. During the investigation, it was discovered you were manually inputting twelve hours of SWAT training for eight hours of work. Deputy Ray, it is well established that you are only compensated for your regularly scheduled work hours. During the investigation, Volusia Sheriff's finance personnel confirmed you are a ten-hour daily employee that works four days a week. Your training hours should have reflected as such. Due to the self-editing of your timecard, you billed eighteen additional hours of work over nine different SWAT training sessions. During your interview, you indicated the additional two hours worked by you was due to completing gun and motorcycle maintenance before training. However, this should have been documented on your timecard and approved by a supervisor.

Deputy Ray, you attended a meeting on September 13, 2022, with your chain of command, who provided clear direction on proper timecard procedures. The next pay period, on September 21, 2022, your supervisor discovered you again inputted twelve hours for SWAT training while reviewing your timecard. This was evident by the audit conducted within ADG, the timecard system. The audit shows on September 22, 2022, you changed your hours from ten to twelve. It also indicates your supervisor changed the hours back to ten on August 29, 2022, after discovering the issue. You advised during your interview that it was also a mistake and a "*habit*." Deputy Ray, your failure to take note of the direction provided by a supervisor is unacceptable.

Deputy Ray, during your interview, you admitted time management and record keeping are recurring issues. This is apparent when observing your Physical Abilities Test on October 28, 2022. You consciously scheduled the PAT on the last possible day, which you completed on overtime. At 0600 hours, you arrived at the PAT after getting off an overtime shift just five hours prior. Further review showed ample opportunity to complete the PAT during your regular duty schedule. AR

Deputy Ray, at the conclusion of the investigation your actions were determined not to be malicious. Rather your course of conduct demonstrated carelessness with timekeeping and

complacency. You should have promptly reported for duty at the time and place required by the local assignment. Your inability to plan and manage your time caused issues with your compensation. Deputy Ray, the general orders for restrictions on work hours are in place to help combat fatigue and assist with the employee's mental health and well-being. During your interview, you stated that you are never tired and believe it is not an issue. Deputy Ray, law enforcement activities require individuals to make split-second decisions daily. It is well-known and common knowledge these decisions should be made with a clear well-rested mind. By working over the maximum hours allowed by General Orders, you have placed undue liability on yourself and the agency. Even though you stated you don't require much rest, it's apparent through this investigation your excessive workload caused issues with your timekeeping. This type of behavior is unacceptable and will not be tolerated.

You have previously been the subject of the following disciplinary action:

10/23/2020 GO-026-02.IV.D.6.i - Careless Handling of Equipment and Vehicles Sustained

In determining your discipline, I have considered your prior disciplinary history, performance, length of service with VSO, and seriousness of the circumstances of the most recent violations.

Deputy Ray, you were served with an "Intent to Suspend" letter on December 13, 2022, advising you of Division Chief Louis Marino's intent to suspend you from duty without pay for forty (40) hours. You appeared before me on December 19, 2022, and had the opportunity to offer any mitigating circumstances for consideration prior to the final discipline. After earnest consideration, my final decision is as follows:

- 1) Suspension from duty for **forty (40) hours**. In lieu of serving the suspension without pay for its entirety, you may elect to use your personal leave for up to twenty (20) hours.
- 2) Mandatory training on ADG timekeeping with Human Resource personnel.
- 3) Transfer from Law Enforcement Services, District 4 Traffic Unit to Law Enforcement Services, Patrol. Your assignment will be determined at a later date.
- 4) Dismissal and removal from the Traffic Homicide Investigation (THI) Team and Intoxilyzer Inspector. You will no longer be eligible for 5% special assignment pay.
- 5) Dismissal and removal from the Special Weapons and Tactics (SWAT) team. You will no longer be eligible for 7% special assignment pay.

AR

On December 21, 2022, you notified the Office of Internal Affairs via email, electing **not** to utilize your personal leave in lieu of the suspension. The dates of your suspension, will be **Thursday, December 22, 2022 and Tuesday, December 27, 2022, to Thursday, December 29, 2022 from 0700 until 1700 hours.**

You may not work any additional hours (i.e., scheduled days off) during the pay periods in which the suspension is taken. Additionally, during the time of your suspension, you are prohibited from taking any law enforcement action, or act in the capacity of a Deputy Sheriff.

Note: Even though you are paid on a weekly basis, the VSO operates on a two-week pay-period for the purposes of overtime calculation.

If there are any concerns or questions troubling you that I am not aware of, please advise me so I will have the opportunity to assist you in correcting this problem.

Pursuant to the Volusia Sheriff's Office General Orders, Volusia Sheriff's Office General Counsel and Human Resources Director have reviewed and concurred with this intended action.

Any subsequent discipline can result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline GO 26-01.**

Sincerely,



BRIAN HENDERSON
CHIEF DEPUTY

cc: VSO Human Resources
VSO General Counsel
Internal Affairs

BH/arc 041L0137.22



This letter was read and received by:

Deputy Anthony Ray, #8769

Date: 12/21/22

Time: 1534 hours

Served by: A Collins 7929