

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-026

PERIOD COVERED: October 8 - 21, 2014
DATE REPORTED: October 21, 2014
SUBJECT(S) NAME: Deputy Ralph Cerulli #2492
INVESTIGATING OFFICERS: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On October 6, 2014, Investigator Glen Bennett sent Lieutenant Brian Barnard, with Judicial Services, a Random Substance Abuse Donor Examination Notification for Deputy Ralph Cerulli. This was done as part of the Sheriff' Office monthly random drug testing procedure for the month of October.

On October 10, 2014, Deputy Cerulli, who was on duty at the New Smyrna Beach Courthouse, was served the random drug test paperwork. Deputy Cerulli went to Quest Diagnostics where he completed the proper paperwork and provided a urine sample.

On October 13, 2014, Dr. Bruce Rankin, the Volusia County Medical Review Officer (MRO) received a positive result on Deputy Cerulli's urine sample. Dr. Rankin made several attempts to contact Deputy Cerulli using the phone number provided on the Quest Diagnostic paperwork; however, he was unable to reach him.

On October 21, 2014, Dr. Rankin's office notified Barbara Brooke, the Volusia County Designated Representative for drug screening, of the positive drug test. Ms. Brooke, following county policy, immediately contacted Investigator Bennett.

Investigator Bennett contacted Lieutenant Barnard and advised him that Deputy Cerulli, who was on duty, needed to contact Dr. Rankin's office. When Deputy Cerulli called, he was advised of his positive urine sample, which he adamantly denied; however, a review of the proper documents, confirmed that Deputy Cerulli submitted the positive urine sample. Lieutenant Barnard contacted Deputy Cerulli a second time and advised him to call Ms. Brooke. During the conversation with Lieutenant Barnard, Deputy Cerulli denied that it was him and refused to call Ms. Brook, telling Lieutenant Barnard, *"With all due respect, I'm not calling them back, I don't like being looked at in this light so you can come get my shit, I quit."* Deputy Cerulli hung up the phone on Lieutenant Barnard and walked out of the courthouse while court was in session.

OFFENSES:

This investigation is relevant to an alleged violation of Department Standards Directive:

22.12.65 Drug Testing – A tenured employee who refuses to submit to an ordered drug test or who violates any aspect of this policy shall be subject to disciplinary action up to and including dismissal.

26.2.24 Leaving Assigned Work Area - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor. *(Violation subject up to a 1 days suspension.)*

26.2.123 Prompt Compliance With Lawful Order - Employees shall promptly execute the lawful orders and/or instructions of a supervisor or superior officer of the Department and shall not delay or fail to carry out such orders or instructions. *(Violation subject up to a 5 day suspension.)*

26.2.124 Compliance With Direct Order of a Superior or Competent Authority - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)*

Volusia County Merit System Rules and Regulations 86-453 (13) - Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

INVESTIGATIVE SUMMARY:

On October 22, 2014, Chief Deputy Mile Coffin assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Investigator Glen Bennett. *(See Tab – B for Official Correspondence)*

The Internal Affairs Unit is responsible for overseeing the random drug screening of Sheriff's Office employees, both sworn and non-sworn. At the beginning of the month, Investigator Bennett receives a list of randomly selected names from Risk Management.

Investigator Bennett received the list of names for the month of October 2014 and Deputy Cerulli was one of fifteen employees randomly selected. On October 6th, Investigator Bennett sent a Random Substance Abuse Donor Examination Notification (Examination Notification) to Deputy Cerulli's supervisor, Lieutenant Barnard. *(See Tab – C for copy of Examination Notification)*

According to the Examination Notification paperwork, Sergeant Michael Odgers, Deputy Cerulli's immediate supervisor, served Deputy Cerulli the paperwork on October 8th at 1:35PM.

Deputy Cerulli went to Quest Diagnostics in New Smyrna Beach, a county approved drug testing facility, where he arrived at 2:00PM. While at Quest Diagnostics, he completed the required paperwork and provided a urine sample. (See Tab – C for copy of Quest Diagnostics paperwork)

On October 13th, Dr. Rankin's office received notification of a positive drug for Deputy Cerulli. Two days later on October 15th, Dr. Rankin, the MRO, made several attempts to contact Deputy Cerulli using the number provided by Deputy Cerulli at the time he provided the urine sample. According to county policy, the MRO has forty eight hours to contact the individual who provided the positive sample. The purpose of contacting the individual is for them to provide the MRO a medical purpose for the use of said drug they tested positive for.

Dr. Rankin made another attempt to contact Deputy Cerulli on October 17th and 20th, but was unable to reach him at the phone number he provided on the Examination Notification paperwork. On October 20th, Dr. Rankin tried calling Deputy Cerulli again during the evening hours but had negative results. Dr. Rankin later told Ms. Brooke that he had trouble reading the name and phone number Deputy Cerulli provided on the paperwork he completed at Quest Diagnostics.

The following day, October 21st, Dr. Rankin's office notified Ms. Brooke via e-mail of the positive urine sample Deputy Cerulli provided. Ms. Brooke received the positive test results from Dr. Rankin's office at 2:15PM and immediately notified Investigator Bennett of the findings.

Investigator Bennett contacted Lieutenant Barnard who was advised to have Deputy Cerulli call Dr. Rankin's office. When Deputy Cerulli contacted Dr. Rankin's office, he reportedly advised them that they had the wrong person and that he had never taken drugs before. After speaking to Dr. Rankin's office, Deputy Cerulli called Deputy Bennett and stated that they had the wrong person and Dr. Rankin's office made a mistake.

Investigator Bennett contacted Ms. Brooke, and the two verified the proper documents which confirmed it was Deputy Cerulli's urine sample that tested positive. Ms. Brooke advised that she would speak to Deputy Cerulli and to have him call her. Lieutenant Barnard was tasked with contacting Deputy Cerulli a second time and ordered him to call Ms. Brooke.

Lieutenant Barnard called Deputy Cerulli while he was on duty as Judge Green's bailiff. Deputy Cerulli was directed by Lieutenant Barnard to call Ms. Brooke immediately and he refused. According to Lieutenant Barnard, Deputy Cerulli stated the following, *"With all due respect, I'm not calling them back, I don't like being looked at in this light so you can come and get my shit, I quit."* Deputy Cerulli then proceeded to hang the phone up on Lieutenant Barnard.

Major Charles "Chico" Mandizha, commander of Judicial Services, was advised of the ongoing situation and he contacted Captain Shane Summers at the District-5 office in New Smyrna Beach. Both Captain Summers and Lieutenant Tim Morgan walked over to the New Smyrna Beach Courthouse and made contact with Deputy Cerulli in the parking lot. According to Lieutenant Morgan, Deputy Cerulli was loud and boisterous causing a scene outside the courthouse. Lieutenant Morgan advised Deputy Cerulli to come in his office and discuss the

situation which Deputy Cerulli refused to do. Deputy Cerulli reaffirmed that he was quitting as he took his uniform shirt and gun belt off placing them in his assigned patrol car in the courthouse parking lot. Deputy Cerulli was then driven home to his house in Edgewater by another deputy sheriff.

A short time later, Lieutenant Barnard and Sergeant Ted Richards went to Deputy Cerulli's residence to gather all equipment belonging to the Sheriff's Office. Based on Deputy Cerulli verbal resignation, he was requested to tender a signed letter of resignation which he refused.

On October 22, 2014, Investigator Bennett and Investigator James Gabriel went to Deputy Cerulli's residence and presented him with an Acceptance of Resignation letter outlining the Sheriff's decision to accept Deputy Cerulli's verbal resignation that he offered on October 21st. Investigator Bennett provided Deputy Cerulli a copy of the letter, which he refused to sign along with all official correspondence from the Sheriff's Office. *(See Tab - B for Official Correspondence)*

CONCLUSION:

On January 7, 2015, this investigation was presented to the Sheriff. After review, the Sheriff determined the violations of the below listed Department Standards Directive to be:

22.12.65 Drug Testing – A tenured employee who refuses to submit to an ordered drug test or who violates any aspect of this policy shall be subject to disciplinary action up to and including dismissal. **Sustained**

26.2.24 Leaving Assigned Work Area - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor. *(Violation subject up to a 1 days suspension.)* **Sustained**

26.2.123 Prompt Compliance With Lawful Order - Employees shall promptly execute the lawful orders and/or instructions of a supervisor or superior officer of the Department and shall not delay or fail to carry out such orders or instructions. *(Violation subject up to a 5 day suspension.)* **Sustained**

26.2.124 Compliance With Direct Order of a Superior or Competent Authority - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)* **Sustained**

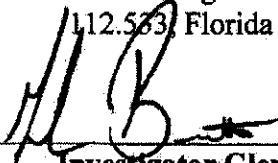
Volusia County Merit System Rules and Regulations 86-453 (13) - Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation* **Sustained**


As a result of the investigation, the Sheriff accepted Deputy Cerulli's verbal resignation.

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Miscellaneous Documents
- D. Digital Media

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.

INVESTIGATOR:  DATE: 1/16/15
Investigator Glen Bennett
Internal Affairs Investigator

APPROVED BY:  DATE: 1/16/15
Chief Deputy Mike Coffin
SHERIFF BENE JOHNSON
VOLUSIA COUNTY FLORIDA