

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-028

PERIOD COVERED: October 15-19, 2014
DATE REPORTED: November 19, 2014
SUBJECT(S) NAME: Deputy Breck Sanders #8179
INVESTIGATING OFFICER: Sergeant Justin Sawicki #7179

BASIS FOR INVESTIGATION:

On Wednesday November 19, 2014, Sergeant Justin Sawicki received a supervisor's inquiry conducted by Lieutenant Don Taylor. The inquiry alleged Deputy Breck Sanders called Sergeant Maddox on October 15, 2014, and advised he did not feel well and would not be reporting for duty that evening. Additionally, the inquiry alleged Deputy Sanders failed to gain approval from his supervisor for a day off (October 16, 2014), and failed to properly fill coverage for three (3) overtime shifts he was scheduled to work (October 17-19, 2014).

It is alleged on October 15, 2014, at approximately 1550 hours, Deputy Sanders called Sergeant George Maddox and advised he did not feel well and was calling in sick for his normal shift (Charlie Shift). Sergeant Maddox ordered Deputy Sanders to notify the Volusia County Sheriff's Office Central Communications (Central) to ensure his callout was properly documented. Sergeant Maddox queried Deputy Sanders in regards to his following shift on October 16, 2014. Deputy Sanders advised he had already sent Sergeant Maddox an email informing him of coverage for the following night's shift (October 16, 2014). That shift was to be covered by Deputy Miguel Roman. Sergeant Maddox later read the email sent by Deputy Sanders, which stated "*Roman will be covering / working for me tomorrow 10-16. Thks Sanders.*" Deputy Sanders never attempted to gain approval from Sergeant Maddox to take the day off. Furthermore, Deputy Sanders failed to submit a Kronos leave request for October 16, 2014.

On October 18, 2014, Sergeant Robert Rohm sent an email to Captain Charles Brown, Lieutenant Don Taylor, Sergeant Mike Hattaway, Sergeant Justin Sawicki and Sergeant George Maddox. The email indicates Deputy Sanders had volunteered to work overtime on October 17, 18, and 19, 2014, for Alpha Shift in District Two. The email advised Deputy Roy Galarza worked for Deputy Sanders on October 17, 2014 and Deputy Joshua Hansard would be working on October 18 and 19, 2014. However, Deputy Hansard's current assignment is to Alpha Shift in District Five and it would be impossible for him to work in both District Two and District Five during the same shift. Deputy Sanders was contacted via telephone who stated he was in Tampa,

without a vehicle and had no mode of transportation to return to Volusia County. Deputy Hansard advised Sergeant Rohm he believed the overtime he was covering for Deputy Sanders was for the weekend of October 25 and 26, 2014 (Charlie Shift). Deputy Hansard provided a copy of a text message request from Deputy Sanders asking if he could work 21 zone on Charlie Shift (1C21). Deputy Hansard agreed to work what he thought was Charlie Shift on October 25 and 26, 2014.

Chief Deputy Mike Coffin assigned the case for investigation by the Internal Affairs Unit. The supervisor's inquiry is referenced by memo number 05M061.14 and is attached and made part of this investigation. (See Tab - C)

OFFENSE(S):

26.2.12 Absence from Duty without Proper Notification - Employees shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without supervisor's authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall cause notification of their supervisor not less than one hour prior to scheduled reporting time, whenever possible. *(Violation subject up to a 1 day suspension, with each day of unauthorized absence constituting an independent and continued violation.)*

26.2.13 Failure to Report for Duty Due to Conduct - Employees shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time. *(Violation subject up to a 5 day suspension.)*

26.2.17 Failure or Refusal to Work Overtime or Special Hours - Employees shall report for duty or remain on duty, when scheduled to or assigned to work overtime, special events or special shifts. *(Violation subject up to a 5 day suspension.)*

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

RE: 22.2.41 All leave requests shall be submitted using Kronos. When an employee requests leave through this application, it will send the supervisor and employee an Outlook email stating that a request has been made.

INVESTIGATIVE SUMMARY:

On November 19, 2014, Chief Deputy Mike Coffin assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Justin Sawicki.

On November 20, 2014, Sergeant Justin Sawicki served Deputy Breck Sanders with a Notice of Internal Investigation at State Road 44 and County Road 415 (New Smyrna Speedway), New

Smyrna Beach, FL. Deputy Sanders was provided with a copy of the law enforcement officer bill of rights. (See Tab – B for Official Correspondence)

Sergeant Sawicki reviewed the supervisor's inquiry along with the attached email and text message correspondence. The findings were as follows: On October 15, 2014 at 1548 hours, Deputy Sanders sent Sergeant Maddox an email stating, "*Roman will be covering / working for me tomorrow 10-16. Thks Sanders.*" Also on October 15, 2014 Deputy Sanders contacted Central via telephone and advised he would not be reporting for duty that evening. This call to Central is referenced by call number #P142881731; the call was entered into the Computer Aided Dispatch (CAD) system at 1620 hours. Sergeant Mike Morgan was then made aware at 1624 hours, and the call was closed.

On October 17, 2014 at 0650 hours, Sergeant Maddox sent an email to Captain Brown. The email advised Sergeant Maddox received a telephone call from Deputy Sanders on October 15, 2014, at approximately 1550 hours. Deputy Sanders advised Sergeant Maddox he was not feeling well and would not be reporting for duty that evening. Sergeant Maddox inquired if Deputy Sanders would be reporting for duty on October 16, 2014, and Deputy Sanders advised he had already sent an email to Sergeant Maddox with this information. Sergeant Maddox advised, the email Deputy Sanders alluded to, in regard to shift coverage for the following day was sent only minutes before his phone call to Sergeant Maddox on October 15, 2014.

On October 18, 2014 at 0621 hours, Sergeant Rohm sent an email to Captain Brown, Lieutenant Don Taylor, Sergeant Sawicki and Sergeant Mike Hattaway. The following is a summary of the email: Deputy Galarza approached Sergeant Rohm on October 17, 2014 and advised there was a scheduling issue for Alpha Shift on October 18 and 19, 2014. Deputy Galarza advised Sergeant Rohm, he took the shift on October 17, 2014, as Deputy Sanders stated he had an emergency and was unable to work. Then, Deputy Galarza informed Sergeant Rohm, Deputy Sanders obtained coverage for October 18 and 19, 2014 with Deputy Joshua Hansard filling in for Deputy Sanders. Deputy Galarza advised this would be impossible as Deputy Hansard is assigned to Alpha Shift in District Five, and he was already scheduled to work his normal assignment on October 18 and 19, 2014. Sergeant Rohm was later contacted by Deputy Hansard who advised he took the dates from Deputy Sanders under the notion it was for Charlie Shift on the following weekend October 25 and 26, 2014. Deputy Hansard advised he had a text message from Deputy Sanders that stated the shifts were for "1C21." Sergeant Rohm later obtained copies of the text messages via email and wrote, "*It clearly said C21.*" Sergeant Rohm advised he was able to find coverage for Deputy Sander's absence for Sunday October 19, 2014, however at the time of the email, Saturday October 18, 2014 was still vacant.

Upon review of the text messages, it was determined there were two (2) text message conversations attached to Lieutenant Taylor's supervisor inquiry. The first was a conversation between Deputy Sanders and Deputy Brandon Cobb. The first message in the conversation was sent on Wednesday October 15, 2014 at 0903 hours from Deputy Sanders to Deputy Cobb and stated, "*You want to work tonight.*" Deputy Cobb responded at 1037 hours, "*Won't be around, took Time off last night and Friday.*" Deputy Sanders replied "*10-4.*"

The second text message conversation was between Deputy Sanders and Deputy Joshua Hansard

in which Deputy Sanders attempted to gain coverage. On Wednesday October 15, 2014 at 1320 hours, Deputy Sanders sent a message to Deputy Hansard: "Need a fav, can u work tonight? 21 zone?" Deputy Hansard did not reply and at 1647 hours, Deputy Sanders sent another text message requesting coverage: "Can u work 1C21 Frida sat and Sunday?" Deputy Hansard replied to this message asking, "This weekend?" Deputy Sanders advised, "Yea". Deputy Hansard responded asking for time to check his calendar. Deputy Hansard later sent a message advising he would take the Sunday shift. Deputy Sanders asked Deputy Hansard why he can't work Friday or Saturday, and Deputy Hansard ultimately agreed to work the Saturday. On Friday October 17, 2014 at 2028 hours, Deputy Sanders sent a text message to Deputy Hansard asking, "Did u call me?" Deputy Hansard replied with "Yeah you need to call me asap". Deputy Sanders asked if Deputy Hansard can text him in lieu of a phone call. The only other message in the conversation is one from Deputy Sanders to Deputy Hansard at 2338 hours that merely says, "covered." (See Tab – I for Miscellaneous Documents)

On December 04, 2014 Sergeant Sawicki made contact with VCSO Information Systems personnel. Sergeant Sawicki obtained email correspondence between Deputy Sanders and Deputy William Leven. On August 23, 2014 at 0725 hours Deputy Leven sent Deputy Sanders an email asking if Deputy Sanders could work for him on Alpha shift in District Two on October 17, 18, 19, 2014. On August 23, 2014 at 0820 hours Deputy Sanders replied to the email by writing "I CAN WORK ALL THREE..THKS SANDERS" Deputy Leven acknowledged the email and the correspondence ended. (See Tab – I for Miscellaneous Documents)

Lieutenant George Maddox

On December 04, 2014 Sergeant Sawicki conducted a sworn recorded interview with Lieutenant George Maddox at a private address in DeLand, FL. The following is a summary of that interview:

Lieutenant Maddox has been employed with the Volusia County Sheriff's Office for approximately 19 years. He recently was promoted to Lieutenant and assigned night Watch Commander. Prior to his promotion, Lieutenant Maddox was a patrol Sergeant assigned to District Two Charlie Shift.

According to Lieutenant Maddox on October 15, 2014 at approximately 1550 hours, he received a telephone call from Deputy Sanders. Deputy Sanders advised, "he wasn't feeling well and that he wanted the night off." Lieutenant Maddox said Deputy Sanders gave him no other explanation nor did he inquire any further. Lieutenant Maddox advised he was unaware of the off duty incident in which Deputy Sanders was involved in during the evening of October 14th into the morning of the 15th. Lieutenant Maddox advised Deputy Sanders failed to inform him of the incident during their telephone conversation. According to Lieutenant Maddox, he did not become aware of the incident until he spoke to his other subordinates at a later time.

Lieutenant Maddox asked if Deputy Sanders had contacted Central to properly document his call out. Deputy Sanders advised he had not, and Lieutenant Maddox ordered him to contact Central at the conclusion of their telephone call. Lieutenant Maddox stated he asked if Deputy Sanders would be coming into work on October 16, 2014 to which Deputy Sanders told Lieutenant Maddox, he had already taken the day off and he had the day covered by another deputy [Deputy Miguel Roman]. Lieutenant Maddox advised, at no point did Deputy Sanders submit a time off request via Kronos, telephone, email, nor in person did he request to utilize leave time on October 16, 2014.

Lieutenant Maddox stated Deputy Sanders told him he was scheduled to work overtime on the weekend of October 17-19, 2014. Deputy Sanders advised Lieutenant Maddox he had the overtime dates covered by other deputies. Lieutenant Maddox later received telephone calls from his subordinates advising him Deputy Sanders had been trying to obtain coverage for the weekend "...due to some type of issue." Lieutenant Maddox did not become aware of the scheduling error involving Deputy Hansard and Deputy Sanders until Sergeant Rohm sent an email advising of the issue.

Lieutenant Maddox said he was fully aware Deputy Hansard is permanently assigned to Alpha Shift in District Five. According to Lieutenant Maddox, Deputy Hansard has worked overtime on his shift many times in the past and during those shifts, Deputy Sanders was also in service working his normally scheduled assignment. Lieutenant Maddox stated Deputy Sanders was fully aware Deputy Hansard is assigned to Alpha Shift in District Five.

Lieutenant Maddox never queried Deputy Sanders on his absences from work October 15-19, 2014. Lieutenant Maddox only heard from his other subordinates that Deputy Sanders may have traveled to Tampa, FL on the weekend of October 17th. (See Tab – E for Official Transcript)

Sergeant Sawicki made telephone contact with all deputies assigned to Charlie shift in District Two. Deputy Austin Warensford and Deputy David Winhoven advised they had heard Deputy Sanders went to Tampa from Deputy Roy Galarza. When telephone contact was made with Deputy Ben Gordon, he advised, Deputy Sanders had sent him a text message on the evening of October 17, 2014 regarding shift coverage for the 18th and 19th. Deputy Gordon forwarded the text message to Sergeant Sawicki via email. The text message had a timestamp of Friday October 17, 2014 at 2237 hours. The message said:

"Hey Corey [typo which was corrected in a later message from Deputy Sanders to Deputy Gordon, changing Corey to Ben], Josh Hansard took alpha 21 over time from me this weekend. Afterwards (today) he calls me to say he cannot work it because he's retarded and took overtime on his work weekend (this weekend). I'm trying to find coverage for Saturday and Sunday due to me being 160 miles away in Tampa without my vehicle. Short of it is, can you work and if not can you send me any Charlie shift contacts. Thks in advance Sanders"

Sergeant Sawicki was also provided with a text message conversation between Lieutenant

Jessica Paugh and Deputy Sanders. On Friday October 17, 2014, at 1532 hours, Lieutenant Paugh sent Deputy Sanders the following message: *"Hey Breck it's LT Paugh I needed to meet up with you. Are you home or anywhere I can meet you?"* Deputy Sander's replied moments later with *"Hey LT, I'm actually out of town visiting family and will be back Monday. Just saw I missed your call I'm by the phone now if you need to talk."* (See Tab – I for Miscellaneous Documents)

Deputy Joshua Hansard

On December 04, 2014, Sergeant Sawicki conducted a sworn recorded interview with Deputy Joshua Hansard at the District Five Headquarters in New Smyrna Beach, FL. The following is a summary of that interview:

Deputy Hansard has been employed with the Volusia County Sheriff's Office since May of 2013. He is currently a Deputy II assigned to patrol on Alpha Shift in District Five and has held this assignment since his release from training.

Deputy Hansard was shown a conversation he had via text message with Deputy Sanders. Deputy Hansard confirmed the text messages were true and accurate. Deputy Hansard recalled having a telephone conversation with Deputy Sanders regarding the days Deputy Sanders needed to get coverage. Deputy Hansard stated he confirmed the shifts were Charlie Shift, however no actual dates were discussed on the telephone nor text message conversations. When asked if Deputy Sanders told him why he needed coverage for the weekend of October 17, 2014, Deputy Hansard stated: *"I think he said he was going to Tampa for some reason. A concert or something or he was taking three days to and going to a concert in Tampa or something to do in south Florida."*

According to Deputy Hansard, he agreed to the Saturday and Sunday in question because when he read Deputy Sanders' text message indicating "1C21" as the shift and zone, he perceived it to be October 25 and 26, 2014. Deputy Hansard reiterated the fact that no actual dates were discussed between him and Deputy Sanders. Deputy Hansard said, had he known the dates were actually for October 18 and 19, 2014, he would have declined because he was already scheduled to work those nights on Alpha shift (his regularly scheduled evenings).

On Friday October 17, 2014 Deputy Hansard said he received a telephone call from Deputy Roy Galarza. Deputy Galarza told Deputy Hansard that he received an email from Deputy Sanders indicating Deputy Hansard was to work October 18 and 19, 2014. Deputy Hansard stated once he became aware of the scheduling conflict, he immediately attempted to contact Deputy Sanders. Deputy Hansard believes Deputy Sanders intentionally was avoiding his telephone calls because each time he would attempt to call, it would ring once or twice then be forwarded to Deputy Sanders' voicemail. Deputy Hansard later received a text message from Deputy Sanders asking if he had called. Deputy Hansard proceeded to send Deputy Sanders a reply asking him to call him as soon as possible. Deputy Hansard said the only response he got from Deputy Sanders was *"text me?"* According to Deputy Hansard, he continued to make attempts to make telephone contact with Deputy Sanders.

Deputy Hansard said he finally made telephone contact with Deputy Sanders after he contacted Sergeant Perrotta and Sergeant Rohm to notify them of the conflict. Deputy Hansard said when he did finally make contact with Deputy Sanders via telephone, Deputy Sanders "was kind of belligerent." According to Deputy Hansard, he was told by Deputy Sanders "You've got to handle this. You took the days now you have to get them covered. Now this is your problem because you took them..." Deputy Sanders advised Deputy Hansard he was in Tampa and Deputy Hansard would have to resolve the problem.

Deputy Hansard advised he and Deputy Sanders have had several casual conversations since October 17th – 19th, however the topic of the scheduling conflict has never been brought up in conversation.

Deputy Hansard defined his relationship with Deputy Sanders not as a friendship, but more of a professional acquaintance. Deputy Hansard advised he and Deputy Sanders were in the same VCSO Field Training and Evaluation Program (FTEP) class and they have known each other since May of 2013. Deputy Hansard advised he has worked with Deputy Sanders on Charlie Shift in District Two over 20 times and Deputy Sanders was present the majority of those shifts. Deputy Hansard stated he believes Deputy Sanders knew he was assigned to Alpha Shift in District Five at the time of the scheduling incident. Deputy Hansard also said Deputy Sanders has worked overtime on Alpha Shift in District Five on several occasions. (See Tab – F for Official Transcript)

Deputy Roy Galarza

On December 05, 2014, Sergeant Sawicki conducted a sworn recorded interview with Deputy Roy Galarza at the Volusia County Sheriff's Office Administration building in DeLand, FL. The following is the summary of that interview:

Deputy Galarza has been employed with the Volusia County Sheriff's Office for approximately 11 years. Deputy Galarza is currently assigned to patrol on Charlie shift in District Two.

Deputy Galarza advised sometime around October 15, 2014, Deputy Sanders contacted him and asked if he could work overtime during the weekend of October 17-19, 2014. Ultimately, Deputy Galarza agreed to work October 17th. Deputy Galarza was unable to recall if Deputy Sanders utilized the phonetic shift identifier, however he assumed the request was for Alpha shift, because Deputy Sanders is assigned to the same shift as Deputy Galarza. Deputy Galarza said Deputy Sanders at this time did not inform him why he could not work the weekend, he merely stated something had come up and he needed to "get rid of them" (the overtime shifts).

Deputy Galarza realized there was an issue with the scheduling, and he contacted both Deputy Hansard and Deputy Sanders via telephone. Deputy Galarza said the issue came to his attention when he observed an email sent by Deputy Sanders to him [Deputy Galarza] and Deputy Hansard. In the email, it stated Deputy Hansard was scheduled to work October 18th and 19th.

Deputy Galarza knew Deputy Hansard was assigned to Alpha shift in District Five and he would be unable to work those dates in District Two. When Deputy Galarza made contact with Deputy Sanders, he told Deputy Galarza he was in Tampa without a truck and he would not be able to return for work. Deputy Galarza later stated he believed Deputy Sanders was either at a party or a venue with loud music "...cause when I called him it was pretty loud so." Deputy Galarza was unable to identify specifically what he had heard in the background, he could only advise it was loud music and he had difficulty hearing Deputy Sanders. According to Deputy Galarza, he recalled the first telephone conversation with Deputy Sanders to be around 2200 hours on October 17th. Deputy Galarza and Deputy Sanders had approximately two or three subsequent telephone conversations that evening. All telephone calls were attempts by Deputy Galarza to find a solution to the scheduling dilemma.

When queried, Deputy Galarza advised Deputy Hansard has worked overtime shifts on Charlie shift in District Two on numerous occasions. Deputy Galarza confirmed Deputy Sanders worked his regularly scheduled shifts at the same time Deputy Hansard worked overtime. According to Deputy Galarza, Deputy Sanders had knowledge that Deputy Hansard is assigned to Alpha shift in District Five.

Deputy Galarza stated there were no further relevant discussions between him and Deputy Sanders regarding the incident. *(See Tab – G for Official Transcript)*

Deputy Breck Sanders

On December 09, 2014, Sergeant Sawicki and Lieutenant Jessica Paugh conducted a sworn recorded interview with Deputy Sanders at the sheriff's administrative offices in Deland. The following is a summary of that interview:

Deputy Sanders has been employed with the VCSO for approximately a year and half. Deputy Sanders is a probationary deputy assigned to patrol on Charlie shift in District Two.

Deputy Sanders advised he was scheduled to work his normal shifts on October 15 and 16, 2014. Deputy Sanders stated Sergeant George Maddox was his immediate supervisor on the aforementioned dates. According to Deputy Sanders, he attempted to gain coverage for his shift on October 15, 2014 by calling numerous deputies. Deputy Sanders stated he did not send an email, because "...it was last minute and I thought sending an email would be you know too last minute so I attempted to call people directly." When asked why he was unable to report for duty on October 15th, Deputy Sanders stated, "I needed to take off, prior to that there was an incident and I wasn't fit for work." Deputy Sanders then confirmed the incident he was referring to was an off duty incident, which occurred on October 14 to 15, 2014 (this incident was documented in VCSO IA-14-024). Deputy Sanders stated he also wanted to gain shift coverage for his regularly scheduled shift on October 16, 2014 and his overtime dates on October 17, 18 and 19, 2014. Deputy Sanders elaborated by stating, "Um I just wanted to take a consecutive day off and then after that I was looking to take the rest of the weekend off. I wanted to make it a five day stretch

so." When Sergeant Sawicki asked "...would that be because you just wanted time off after your incident that occurred?" Deputy Sanders responded, "Yeah. Yeah that's the best way to put it. It was just needed, some down time. Some personal time."

Deputy Sanders advised he contacted Sergeant Maddox via telephone some point in the afternoon on October 15, 2014. Deputy Sanders stated he told his sergeant he was not feeling well and he was going to utilize a sick day for October 15th. Deputy Sanders advised he did not notify Sergeant Maddox of the incident the night prior when he made telephone contact with him. Deputy Sanders stated he did not inform Sergeant Maddox during the telephone conversation because, "I didn't want to talk about it on the phone." According to Deputy Sanders, Sergeant Maddox queried him about whether or not he would report for duty on October 16th. Deputy Sanders stated he did tell Sergeant Maddox he would like to take the day off, however he never requested to utilize leave for the 16th. When asked if he submitted a Kronos request for time off, Deputy Sanders replied, "You know until you just read the policy about the two days in a row; I haven't taken I don't think consecutive days off so I haven't. I haven't done that. I neglected to do because I didn't know to be completely honest." According to Deputy Sanders, Deputy Miguel Roman agreed to work October 16th. Deputy Sanders then sent an email to Sergeant Maddox advising him he was not reporting for duty and he gained coverage for October 16th. When asked why he never in any format formally requested to take leave on October 16th, Deputy Sanders advised he assumed Sergeant Maddox would not have any issue with him taking the day off.

Deputy Sanders acknowledged that he volunteered to work for Deputy William Leven on Alpha shift during the weekend of October 17th-19th. Deputy Sanders also acknowledged that after the incident on October 14th, he attempted to seek coverage for those days as he wanted five consecutive days off. Deputy Sanders stated he attempted to gain coverage by making telephone calls and via text messages. Deputy Sanders advised he was able to gain coverage for all three days with Deputy Galarza taking October 17th and Deputy Hansard taking October 18th and 19th. Deputy Sanders acknowledged the fact he personally knew Deputy Hansard was assigned to Alpha shift at the time in question. Deputy Sanders stated Deputy Hansard has worked overtime on Charlie shift in District Two, and Deputy Sanders has worked with Deputy Hansard on Alpha shift in District Five.

Deputy Sanders was shown a text message conversation between him and Deputy Hansard. Deputy Sanders was specifically queried on a pair of text messages he sent to Deputy Hansard at 1320 hours and 1647 hours. The first message from Deputy Sanders asked Deputy Hansard if he could work on Wednesday October 15, 2014 (Charlie shift). There was no response from Deputy Hansard. Deputy Sanders then sent the second message asking if Deputy Hansard could work 1C21 on Friday, Saturday, and Sunday (that weekend in question was Alpha shift). Deputy Sanders stated, "I can't give you an honest answer because I don't know if that was just I, I made a mistake out there obviously it's a mistake. It makes no sense 'cause why would I want

somebody to work a 21 zone on Charlie when I'm 25 on my days so." When asked if he intentionally sent the message to Deputy Hansard knowing he would not be able to work that weekend, Deputy Sanders replied, *"...this here I, I can't give you an explanation. That was a typo or I sent the text message too fast and didn't..."* Deputy Sanders continued by stating he contacted everyone in his telephone that works for the VCSO in an effort to gain coverage for the weekend in question. Deputy Sanders advised he deleted the text messages he sent out seeking coverage because his *"phone gets clogged."*

Deputy Sanders was asked if he went out of town on the weekend of October 17, 2014. According to Deputy Sanders, he went to the Tampa/St. Petersburg area with a friend named, "Chase Firestone." Deputy Sanders advised he planned his weekend trip with Mr. Firestone after his incident on October 14, 2014. Deputy Sanders stated Mr. Firestone drove him to the St. Petersburg area so they could visit family and friends. Deputy Sanders advised he stayed at a Hilton Hotel in St. Petersburg. It was later determined Deputy Sanders and Mr. Firestone traveled to St. Petersburg on Thursday, October 16, 2014, and returned sometime in the afternoon on Sunday, October 19, 2014. When asked what his actions were on the evening of October 17, 2014, Deputy Sanders advised he and Mr. Firestone went to downtown St. Petersburg with some friends. Deputy Sanders advised he and his group of friends went to several bars in the downtown area. Some of the bars had live bands performing which would explain why Deputy Galarza was unable to hear Deputy Sanders during the telephone conversations. Sergeant Sawicki asked Deputy Sanders if he has consumed alcohol while at the bars and he advised, *"I probably had a beer but yeah nothing in excess."*

Deputy Sanders stated, while he was in the downtown St. Petersburg area on October 17 2014, Deputy Hansard attempted to contact him. Deputy Hansard was angry with him regarding the scheduling dilemma and demanded Deputy Sanders help resolve the problem. Deputy Sanders recalled speaking with Deputy Galarza, however he was unable to recall the content of the telephone conversations.

Deputy Sanders advised he attempted to gain coverage for the days after he realized there was an error. When asked why he didn't return to Volusia County to work on October 18 and 19, 2014, Deputy Sanders advised *"The inconvenience um of having Chase drive me all the way back. If I had my own vehicle I would have gotten in it and left it was his truck. It was just a big inconvenience."*

Deputy Sanders was asked why he called Deputy Hansard retarded in a text message to Deputy Ben Gordon. Deputy Sanders responded:

"That was one of those words that you would rather take back later. It was due to him agreeing to take the overtime when he should have known that he couldn't and how am I supposed to know if he could or he couldn't you know it's in my opinion you should know when you work and when you don't and if you can't

work you can, if you can't, you can't so I thought that was a little bit; I shouldn't have called him retarded."

Later, Deputy Sanders acknowledged he understood how Deputy Hansard could perceive his text message to mean it was for October 24th-26th, due to the phonetic shift designator indicating Charlie shift and only days of the week not actual dates being written.

Deputy Sanders was questioned if he felt he violated the below listed policies regarding this investigation. The following are his responses to the alleged violations:

26.2.12 Absence from Duty without Proper Notification - Employees shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without supervisor's authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall cause notification of their supervisor not less than one hour prior to scheduled reporting time, whenever possible. *(Violation subject up to a 1 day suspension, with each day of unauthorized absence constituting an independent and continued violation.)* **No**

26.2.13 Failure to Report for Duty Due to Conduct - Employees shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time. *(Violation subject up to a 5 day suspension.)* **Yes**

26.2.17 Failure or Refusal to Work Overtime or Special Hours - Employees shall report for duty or remain on duty, when scheduled to or assigned to work overtime, special events or special shifts. *(Violation subject up to a 5 day suspension.)* **No**

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)* **Yes**

RE: 22.2.41 All leave requests shall be submitted using Kronos. When an employee requests leave through this application, it will send the supervisor and employee an Outlook email stating that a request has been made.

(See Tab H for Official Transcript)

CONCLUSION:

On December 16, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directives to be:

- | | |
|---|------------------|
| 26.2.12 Absence from Duty without Proper Notification | Sustained |
| 26.2.13 Failure to Report for Duty Due to Conduct | Sustained |
| 26.2.17 Failure or Refusal to Work Overtime or Special Hours | Sustained |
| 26.2.34 Failure to Follow Directive or Order | Sustained |

On January 05, 2015, Lieutenant Paugh served Deputy Sanders with a Notice of Intent to Suspend and Demote. *(See Tab – B for Official Correspondence)*

On January 13, 2015, Deputy Sanders met with the Sheriff in reference to his final discipline. As a result of the findings documented in IA-14-024 and IA-14-028, the Sheriff's Final decision was to demote Deputy Sanders to the rank of Reserve Deputy, with a reduction in pay to that of a Reserve Deputy, suspend Deputy Sanders for thirty (30) work days without pay. Deputy Sanders was also given a Last Chance Agreement.

On January 13, 2015, Lieutenant Paugh served Deputy Sanders with a Final Notice of Demotion and Suspension letter at the Sheriff's administrative offices in DeLand. *(See Tab – B for Official Correspondence)*

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint
- D. Administration of Oath/Perjury Warning
- E. Official Transcript of Lieutenant George Maddox
- F. Official Transcript of Deputy Joshua Hansard
- G. Official Transcript of Deputy Roy Galarza
- H. Official Transcript of Deputy Breck Sanders
- I. Miscellaneous Documents
- J. Digital Media

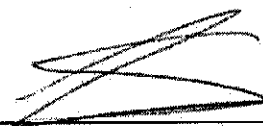
WITNESSES:

Lieutenant George Maddox
Volusia County Sheriff's Office
123 W. Indiana Ave.
Deland, FL
386-736-5999

Deputy Joshua Hansard
Volusia County Sheriff's Office
123 W. Indiana Ave.
Deland, FL
386-736-5999

Deputy Roy Galarza
Volusia County Sheriff's Office
123 W. Indiana Ave.
Deland, FL
386-736-5999

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: 01-16-15

**Sergeant Justin Sawicki
Internal Affairs Investigator**

APPROVED BY:  _____ DATE: 1/16/15

**Chief Deputy Mike Coffin
SHERIFF BEN E JOHNSON
VOLUSIA COUNTY FLORIDA**