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To: VolusiaExposed.Com <VolusiaExposed@cfl.rr.com>
Cc: Byron, Dave <DByron@co.volusia.fl.us>
Subject: RE: Officer misconduct record releases
Date: Mon, 14 Nov 2011 11:25:26 -0500

Please consider this an informal, or non-final response to your inquiry.

While I don't want to make you wait for a final reply, unfortunately our Professional Standards staff -- who are the experts regarding Sheriff's Office Directives -- are extremely busy preparing for an on-site accreditation review and therefore are unavailable to me at this time to answer my question. However, based on my research, there doesn't appear to be a time limit or deadline for the issuance of a final notice of disciplinary action. In other words, there doesn't appear to be a mandate in our Directives dictating that after a notice of intent to take disciplinary is issued and the pre-disciplinary appeal, or rebuttal process has expired, that a final notice of disciplinary action be issued within a prescribed number of days. Accordingly, to the best of my knowledge, it further appears that the only applicable deadline would be those contained in Florida Statutes, Chapter 112.532, which generally states -- with some exceptions -- that internal investigations must be completed within 180 days. As further guidance, please see the cut-n-paste below of a provision from Sheriff's Office Directive 52.1 (Complaint Procedures):

52.1.52

The impact of cases that reflect on the integrity of the Department and employee morale necessitates an expeditious resolution. Therefore, complaints investigated by the Internal Affairs Unit shall be completed within a reasonable time period. This time period will not exceed the statutory requirements of FSS 112.532.

Again, this is merely an informal response to your inquiry. I will continue to seek a more formal reply from our Professional Standards staff to confirm that my understanding is correct.

Finally, in response to your recent e-mail thread, I offer the following two points:

- I did not state that Sheriff's Office Directives are wholly supported by Florida Statutes and AGO opinion. What I did state was that our interpretation of when our IA records become publicly releasable is wholly supported by Florida Statutes and AGO opinion.
- VCSO Directives are specific to the policies and procedures of the

Sheriff's Office.

Regards,
Gary