FDLE

INTERNAL INVESTIGATION REPORT

Florida Department of Law Enforcement Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



CJSTC 78

	The second secon	OFFIC	ER				
1. / La	ast Four Digits of Officer's Social Security Num	ber:					
2(O	fficer's Name: Pena		Enmanuel				
	Last		First			Mi	
3. Of	fficer's Last Known Address:		. Martin Copyrigation Copyrigat	City	FI State	Zip Cod	ie
4 . Of	fficer's Telephone Number:			•		•	
		AGEN	CY				
5. Ag	gency ORI: FL <u>0640000</u> 6.	Agency Name: Volusia Sh	eriff's Office				
7. Aç	gency Contact Person: Sergeant Andrew Calki	ns 8.	Agency Contact Pe	erson's Teleph	one Number: (3	886) 736-5961	-
a. Aç	gency Fax Number: (386) 740-5190						
onside G0	ature of Allegation(s): <u>GO-026-02.IV.B.3 – Any c</u> ered warranted. O-026-02.IV.C.5.g – Failure to Follow General Or ders, standard operational procedures, and ord	rder, Standard Operating P	-duty or off-duty, of rocedure, or Order	Employees si	hall adhere to all	official general	
02	6-02.IV.G.2.a – General Proficiency – VSO persetablished by general orders and standard operations.	ating procedures, GO-026-0	ess a sound working	knowledge of	the policies and	d procedures	- L - II L
etti pro su rel Sh cit an im su ass co Tra	tentive to job duties and shall not neglect work omote the efficient and effective operation of the pervision, security, morale, and possible claim lationships are discouraged. Should a direct-reperiff in writing via chain of command, GO-026-0 tizenry and the public in general and are expected as a command to the public in general and are expected as a conducting public business, GO-02 thordinate staff for effective and efficient achieves in the public in conducting public business, GO-02 thordinate staff for effective and efficient achieves in the public business and address specific problems for comply with applicable federal and state laws. Vocaining Bulletins, policies and procedures. Jency Disposition: Sustailed – (Violation of Su	by inattention, loafing, or she VSO and to avoid misunds of sexual harassment, he port relationship develop, if 02.IV.D.9.x - Code of conduted to conduct themselves pression of using public off 26-02.IV.G.3.a - Supervisory wement of established goals if subordinate staff under the completion of work assignments of Completion of work assignments of County ordinances, a	eleeping while on duderstandings, complistile work environment is incumbent upon inct - Employees of the manner that will ice for private gain, or Responsibility - Eas and objectives. A seir command. In additional incommand in additional incommand in all VSO written designed all VSO written designed and increases.	ey, GO-026-02. aints of favorient or discrim both parties in VSO are em reflect credit giving prefere ch supervisor upervisor has lition, a super or shall also en	IV.D.9.m - Frater tism and other properties of the provided to immediate of the provided to provide the provided to the provided of the provid	nization – In ord problems of eport romantic ediately notify the de service to the imployees must o any person, or uidance and trai ify and authority de clear directioned employees	der to e t avoid r losing ining to
atti pro su rel su ass su co Tra 1. Ag	comote the efficient and effective operation of the pervision, security, morale, and possible claim lationships are discouraged. Should a direct-reperiff in writing via chain of command, GO-026-0 dizenry and the public in general and are expected as a constant of the public in general and are expected as a constant of the public business, GO-02 discouraged bordinate staff for effective and efficient achieves in the province of the public business, GO-02 discouraged and address specific problems for comply with applicable federal and state laws. Vocarining Bulletins, policies and procedures.	by inattention, loafing, or she VSO and to avoid misunds of sexual harassment, he port relationship develop, i 02.IV.D.9.x – Code of conducted to conduct themselves is pression of using public off 26-02.IV.G.3.a - Supervisory wement of established goals f subordinate staff under the completion of work assignments of County ordinances, a section 943.13(4) or (7) or R	eleeping while on duderstandings, complictly work environment is incumbent upon ince the Employees of the Em	ity, GO-026-02. aints of favorient or discrim both parties ine VSO are emreflect credit giving prefere ch supervisor has upervisor has ition, a superior shall also en irection as product.	IV.D.9.m - Frater tism and other properties of the provided to immediate of the provided to provide the provided to the provided of the provid	nization – In ord problems of eport romantic ediately notify the de service to the imployees must o any person, or uidance and trai ify and authority de clear directioned employees	der to e t avoid r losing ining to
att pro su rel Sh cit an im su as su co Tra	comote the efficient and effective operation of the pervision, security, morale, and possible claim lationships are discouraged. Should a direct-reperiff in writing via chain of command, GO-026-lizenry and the public in general and are expect by action which might result in or create the importality in conducting public business, GO-02 inhordinate staff for effective and efficient achieves signing, reviewing, and monitoring activities of abordinates and address specific problems for comply with applicable federal and state laws. Vocaining Bulletins, policies and procedures. Jency Disposition: Sustained – (Violation of Sustained – (Vi	by inattention, loafing, or she VSO and to avoid misunds of sexual harassment, he port relationship develop, i 02.IV.D.9.x – Code of conducted to conduct themselves is pression of using public off 26-02.IV.G.3.a - Supervisory wement of established goals f subordinate staff under the completion of work assignments of Completion of Work assignments Gounty ordinances, a Section 943.13(4) or (7) or Relational Sustained:	eleeping while on duderstandings, complictile work environment is incumbent upon ince the Employees of the E	ity, GO-026-02. aints of favorient or discrim both parties ine VSO are em reflect credit giving prefere ch supervisor has upervisor has uition, a super or shall also en irection as pro	IV.D.9.m - Frater tism and other prination, direct-re nvolved to immedia ployed to providupon the VSO. Ential treatment to shall provide gut the responsibilities or shall provide sure that assignated through of the province of the provinc	nization – In oro problems of eport romantic ediately notify the de service to the imployees must o any person, or uidance and trai idy and authority de clear directioned employees teneral orders,	ne e e t avoid r losing ining to y for ons to
atti pri su rel Sh cit an im su co Tra 1. Ag Su 2. Lim	comote the efficient and effective operation of the pervision, security, morale, and possible claim lationships are discouraged. Should a direct-reperiff in writing via chain of command, GO-026-lizenry and the public in general and are expect by action which might result in or create the importality in conducting public business, GO-02 obsordinate staff for effective and efficient achieves signing, reviewing, and monitoring activities of obordinates and address specific problems for comply with applicable federal and state laws. Vocaining Bulletins, policies and procedures. Jency Disposition: Sustained – (Violation of Sustained – (Violation of Sustained – (Violation of Agency Policy):	by inattention, loafing, or she VSO and to avoid misunes of sexual harassment, he port relationship develop, if 02.IV.D.9.x - Code of conducted to conduct themselves or cossion of using public off 26-02.IV.G.3.a - Supervisory wement of established goals if subordinate staff under the completion of work assignments are completed by the completion of work assignments are considered by the conside	eleeping while on duderstandings, complete work environment is incumbent upon ince the Employees of the manner that will ice for private gain, or Responsibility - Eas and objectives. As a circommand. In additional to the supervise and all VSO written during the model: The Supervise of the model of the model of the Exoner of the supervise of the model	ety, GO-026-02. aints of favorient or discrim both parties ine VSO are em reflect credit giving prefere ch supervisor upervisor has lition, a supern or shall also en irection as pro	IV.D.9.m - Frater tism and other properties of the provided to immediate of the provided to provide upon the VSO. Ential treatment to shall provide guest he responsibility is or shall provided through of the provided throu	nization – In oro problems of eport romantic ediately notify the de service to the imployees must o any person, or uidance and trai idy and authority de clear directioned employees teneral orders,	ne e e t avoid r losing ining to y for ons to
atti pri su rel Sh cit an im su co Tra 1. Ag Su 2. Lim	comote the efficient and effective operation of the pervision, security, morale, and possible claim lationships are discouraged. Should a direct-reneriff in writing via chain of command, GO-026-0 dizenry and the public in general and are expected a command. The public in general and are expected a command which might result in or create the importality in conducting public business, GO-02 abordinate staff for effective and efficient achieves signing, reviewing, and monitoring activities of abordinates and address specific problems for comply with applicable federal and state laws. Vocaining Bulletins, policies and procedures. Selective of Cylolation of Agency Policy): Interview of the procedure of the procedu	by inattention, loafing, or she VSO and to avoid misund is of sexual harassment, he port relationship develop, if 02.IV.D.9.x - Code of conducted to conduct themselves pression of using public off 26-02.IV.G.3.a - Supervisor yement of established goals if subordinate staff under the completion of work assignments are considered as a completion of the completion of work assignments are considered as a conducted as a conduct	eleeping while on duderstandings, complete work environment is incumbent upon ince the Employees of the manner that will ice for private gain, or Responsibility - Eas and objectives. As a circommand. In additional to the supervise and all VSO written during the model: The Supervise of the model of the model of the Exoner of the supervise of the model	ety, GO-026-02. aints of favorient or discrim both parties ine VSO are em reflect credit giving prefere ch supervisor upervisor has lition, a supern or shall also en irection as pro	IV.D.9.m - Frater tism and other properties of the provided to immediate of the provided to provide upon the VSO. Ential treatment to shall provide guest he responsibility is or shall provided through of the provided throu	nization – In oro problems of eport romantic ediately notify the de service to the imployees must o any person, or uidance and trai ity and authority de clear direction ned employees reneral orders,	ne e e t avoid r losing ining to y for ons to

Created 1/1/1993

Original - FDLE

Copy - Agency

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Commission-Approved Revisions: 8/13/2020

Form Effective Date: 5/2021

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INTERNAL INVESTIGATION REPORT

Florida Department of Law Enforcement Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



CJSTC 78

14.	Agency Disciplinary Action: Res	signed dur	ring Internal Affairs investigation			
15.	If the allegation has been sustaine following documentation to the Flor	ed and det ida Depart	ermined to be a violation of Section ment of Law Enforcement.	n 943.13	(4) or (7), F.S. or Rule 11B-27.0011,	F.A.C., attach and forward the
	Summary of the Facts	\boxtimes	Internal Investigation Report	\boxtimes	Name and Address of Witness	\boxtimes
	Witness Statement/Disposition	\boxtimes	Certified Court Documents		Other Supportive Information	\boxtimes
emp F.S.	loys or employed at the time of the	alleged vio	lation, or employed on a Temporary	/ Employ	ternal investigation when having cau ment Authorization is not in compliand must forward a report to the Com 07/26/2023	ce with Section 943.13(4) or (7),
16.	Agency administrator's signature	е			17. Date sig	ned
-	ef Deputy Brian Henderson Agency administrator's name an	d title				

Form Effective Date: 5/2021

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FDLE

INTERNAL INVESTIGATION REPORT

Florida Department of Law Enforcement Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



CJSTC 78

	Please type or print in black or blue and use capital and small letters for names, titles, and address					
	OFFICER					
1.	Last Four Digits of Officer's Social Security Number:					
2	Officer's Name: McRae Sean	R				
	Last First	MI				
3.	Officer's Last Known Address:					
4.	Officer's Telephone Number:	ite Zij	Code			
	AGENCY					
5.	Agency ORI: FL 0640000 6. Agency Name: Volusia Sheriff's Office					
7.	Agency Contact Person: Sergeant Andrew Calkins 8. Agency Contact Person's Telephone Number	er: (386) 736-59	61			
9.	Agency Fax Number: (386) 740-5190					
10. con	VIOLATION - ALLEGATION Nature of Allegation(s): GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disidered warranted. GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere					
11.	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-026-02.IV.C.5.f – Inattention to Duties, Loafing, Sleeping – Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty, GO-026-02.IV.D.9.m - Fraternization – In order to promote the efficient and effective operation of the VSO and to avoid misunderstandings, complaints of favoritism and other problems of supervision, security, morale, and possible claims of sexual harassment, hostile work environment or discrimination, direct-report romantic relationships are discouraged. Should a direct-report relationship develop, it is incumbent upon both parties involved to immediately notify the Sheriff in writing via chain of command, GO-026-02.IV.D.9.x – Code of conduct – Employees of the VSO are employed to provide service to the citizenry and the public in general and are expected to conduct themselves in a manner that will reflect credit upon the VSO. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business, GO-026-02.IV.G.3.a - Supervisory Responsibility - Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all VSO weiter direction as provided through general orders, Training Bulletins, policies and					
	Sustained – (Violation of Agency Policy): Not Sustained: Unfounded: Exonerated:					
12.	Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 07/05/2023 Date Internal Investigation	Completed: 07	/26/2023			
	Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Tolle	ed			
	Written waiver of limitation by officer Ongoing criminal investigation or criminal prosecution Officer incapacitated or unavailable Multi-jurisdictional investigation Emergency or natural disaster as declared by the Governor Ongoing compliance hearing proceeding					
13.	Criminal Charges Filed: N/A	nggaga sananan a a a a a a a a a a a a a a a				

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1 of 3

Commission-Approved Revisions: 8/13/2020 Form Effective Date: 5/2021

INTERNAL INVESTIGATION REPORT

Florida Department of Law Enforcement

Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



CJSTC 78

14.	Agency Disciplinary Action: Res	igned dur	ring Internal Affairs investigation			
15.	If the allegation has been sustaine following documentation to the Flor			943.13	(4) or (7), F.S. or Rule 11B-27.0011,	F.A.C., attach and forward the
	Summary of the Facts	\boxtimes	Internal Investigation Report	\boxtimes	Name and Address of Witness	\boxtimes
	Witness Statement/Disposition	\boxtimes	Certified Court Documents		Other Supportive Information	\boxtimes
emp F.S.	loys or employed at the time of the	alleged vio	lation, or employed on a Temporary	Employ	ternal investigation when having cau ment Authorization is not in compliand must forward a report to the Com	ce with Section 943.13(4) or (7)
16	Agency administrator's signature				07/26/2023 17. Date sign	ned
Chie	of Deputy Brian Henderson Agency administrator's name an				ir. Date sigi	104

Commission-Approved Revisions: 8/13/2020 Form Effective Date: 5/2021

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AFFIDAVIT OF SEPARATION

Florida Department of Law Enforcement Incorporated by Reference in Rules 11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



CJSTC 61

1. Last Four Digits of Social Security Number	per:	Employment Class
2. Name: McRae Sean B	Management of the state of the	Law Enforcement
mortae, Geali K		Correctional
Last	First MI	 Correctional Probation
3. Agency Name: Volusia Sheriff's Offic		Concurrent
Voltasia Streini s Offic	e	Special Elected or Appointed
4. Agency ORI: FL0640000		- Instructor
		Employment Type
5. Date Employed: 08/05/2013	6. Separation Date: 07/14/2023	Full Time
	6. Separation Date: 07/14/2023	Part Time
7. Separation Reasons		Auxiliary
7A. ADMINISTRATIVE-ROUTINE	7C ADMINISTRATION)
Voluntary separation not involving misconduct	7C. ADMINISTRATIVE - SUBSTANDARD PERFORMANCE	7F. Pursuant to Section 943.1395(5), F.S., an
Transfer within agency. No break in service	Failure to satisfactorily complete the agone Falding	investigation when having cause to a
Retired. Not involving misconduct	program (training performance issues)	I that an officer or instructor it employer
T. Deceased	Failure to perform assigned tasks satisfactorily.	employed at the time of the alleged violation, or employed on a Temporary Employment
Budgetary constraints, Local and Federal grants no renewed	7D. OTHER - EXAMPLE	Authorization is not in compliance with Section 943.13(4) or (7), F.S., or Rule 11B-
	Excessive absenteeism, failure to report for duty,	27.0011, F.A.C.
Extended leave of absence	sleeping on duty, etc.	
Туре:	7E. UNFAVORABLE - MISCONDUCT	Voluntary consention and the
Periods of Time:	Voluntary senaration of reference	Voluntary separation or retirement while being investigated for violation of Section 943.13(4).
Military leave of absence		F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.
Periods of Time:	policy not involving a moral character violation dollard in Rule 118-27.0011, F.A.C.	-
Suspension		Voluntary separation or retirement in lieu of
Periods of Time:	Voluntary separation or retirement in lieu of termination for violation of agency or training	termination for violation of Section 943.13(4), F.S., or violation of moral character standards as
Administrative separation not involving misconduct Special elected or appointed	involving a moral character violation defined in Pula 142	defined in Rule 11B-27.0011, F.A.C.
Position:	27.00 F. A.G.	Terminated for violation of Section 943.13(4),
Anticipated Term:	Terminated for violation of agency or training school	F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.
Instructor request for change of affiliation	policy not involving a moral character violation defined in Rule 118-27,0011, F.A.C	GUITEG III NOIE 11B-27.0011, F.A.C.
B. ADMINISTRATIVE-NON-ROUTINE	NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal internal or criminal	NOTE: The agency administrator or designee shall provide written documentation of the internal or
Failure to complete basic recruit training Failure to pass the State Officer Certification	investigation upon request by Commission staff.	criminal investigation upon request by Commission
Examination		staff.
NOTICE: Section 042 420(0) 5.5		
WARNING: Intentional false execution of this	e execution of an Affidavit of Separation by the empl Affidavit of Separation constitutes a misdemeanor of t	oying agency in a case of officer separation
KII	amudavit of Separation constitutes a misdemeanor of	he second degree.
	- Brian Header	30.0 07/18/2023
Agency Administrator or Designee's Signatur	e 9. Agency Administrator or Designee	0111012020
Chief Deputy	2009/100	s Printed Name 10. Date
Agency Administrator or Designee's Title		
Agency Administrator or Designee's Title		
	12. OATH	
ATE OF FLORIDA, COUNTY OF VALLA	Pursuant to Section 117.05(13)(a), Florida Statutes	
THE TOTAL PARTITION AND THE TOTAL PARTITION OF THE PARTIT	(X	
orn to (or affirmed) and subscribed before me	by means of Physical Presence OR Online Notal	rization this 18
of JUIU year 2023	Brian Henderson	
	101	Tara Gelsi
nature of Notary Public - State of Florida	March	Comm.#GG947012
		Expires: Jan. 14, 2024
		Bonded Thru Aaron Notary
nt, Type or Stamp Commissioned name of Not	an Duklis	<u> </u>
e of Identification Produced	ary Public Personally Known	R Produced Identification
		•

FDLE

AFFIDAVIT OF SEPARATION

Florida Department of Law Enforcement Incorporated by Reference in Rules 11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



CJSTC 61

1. Las Four Digits of Social Security Number		Employment Class
. 203 Four bigits of Social Security Number	r:	- Law Enforcement
2. Name: Pena, Enmanuel		Correctional
Last	First MI	Correctional Probation
3. Agency Name: Volusia Sheriff's Office		Concurrent Special Elected or Appointed
3. Agency Name: Volusia Sheriff's Office		Special Elected or Appointed Instructor
4. Agency ORI: FL0640000		Employment Type
5. Date Employed: 12/09/2019		☑ Full Time
5. Date Employed: 12/09/2019	6. Separation Date: 07/05/2023	Part Time
7. Separation Reasons		Auxiliary
		W- F-1-
7A. ADMINISTRATIVE-ROUTINE	7C. ADMINISTRATIVE - SUBSTANDARD	7F. Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal
Voluntary separation not involving misconduct	Failure to satisfactorily complete the agency fieldtraining	investigation when having cause to suspect
Transfer within agency. No break in service Retired. Not involving misconduct	program (training performance issues)	that an officer or instructor it employs or employed at the time of the alleged violation,
Deceased	Failure to perform assigned tasks satisfactority.	or employed on a Temporary Employment Authorization is not in compliance with
Budgetary constraints, Local and Federal grants not renewed.	7D. OTHER - EXAMPLE	Section 943.13(4) or (7), F.S., or Rule 11B-
renewed	Excessive absenteeism, failure to report for duty,	27.0011, F.A.C.
Extended leave of absence	sleeping on duty, etc.	
Type:	7E. UNFAVORABLE - MISCONDUCT	Voluntary separation or retirement while being investigated for violation of Section 943.13(4),
Periods of Time: Wilitary leave of absence	Voluntary separation or retirement while being investigated for violation of agency or training school	F.S., or violation of moral character standards
Periods of Time:	policy not involving a moral character violation defined	defined in Rule 11B-27.0011, F.A.C.
Suspension	in Rule 11B-27.0011, F.A.C.	Voluntary separation or retirement in lieu of
Periods of Time:	Voluntary separation or retirement in lieu of termination	termination for violation of Section 943.13(4), F.S., or violation of moral character standards as
Administrative separation not involving misconduct	for violation of agency or training school policy not involving a moral character violation defined in Rule11B-	defined in Rule 11B-27.0011, F.A.C.
Special elected or appointed	27.0011, F.A.C.	Terminated for violation of Section 943.13(4),
Position:	Terminated for violation of agency or training school	F.S., or violation of moral character standards as defined in Rule 118-27,0011, F.A.C.
Anticipated Term: Instructor request for change of affiliation	policy not involving a moral character violation defined in Rule 11B-27,0011, F.A.C	
		NOTE: The agency administrator or designee shall
7B. ADMINISTRATIVE-NON-ROUTINE	NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal	provide written documentation of the internal or
Failure to complete basic recruit training Failure to pass the State Officer Certification	investigation upon request by Commission staff,	criminal investigation upon request by Commission staff.
Examination		
NOTICE: Section 943.139(2), F.S., requires the	e execution of an Affidavit of Separation by the empl	oving agency in a case of officer separation
WARNING: Intentional false execution of this	Affidavit of Separation constitutes a misdemeanor of	the second degree.
The state of the s	Brian Hende	rson 07/18/2023
. Agency Administrator or Designee's Signatur	e 9. Agency Administrator or Designee	's Printed Name 10. Date
Chief Deputy		
Agency Administrator or Designee's Title	Make a common representation of the Common C	
	12. OATH	
	Pursuant to Section 117.05[13](a), Florida Statutes	
TATE OF FLORIDA, COUNTY OF VOILLIN	Q Statutes	
worn to (or affirmed) and subscribed before me	by means of Physical Presence OR Online Note	arization, this 18
ay of JUU , year 2003	By Brian Henderson	
(CO PORTOR OF THE PROPERTY OF T	Tara Gelsi
gnature of Notary Public – State of Florida	MANAMI	譚 ▲ 🏂 _Comm.#GG947012
	y was the	Expires: Jan. 14, 2024
		Bonded Thru Aaron Notary
rint, Type or Stamp Commissioned name of No	tary Public Personally Known	OB Broduced Identification
ype of Identification Produced	tary Public Personally Known	OR Produced Identification