

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue
P.O. Box 569
DeLand, FL 32721-0569

December 7, 2012

Captain Michelle Newman #2412
Volusia County Sheriff's Office
Law Enforcement Services
Investigative Services

Final Notice of Demotion and Suspension

Captain Michelle Newman,

Volusia County Sheriff's Office Directive 26.2.34 requires all "Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position." As a result of your actions documented in IA-12-017, I have determined you violated the following Sheriff's Office Standards Directives:

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.*

Volusia County Merit System Rules and Regulations 86-453 (21) Any other conduct or action of such seriousness that disciplinary action is considered warranted. *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.*

Oath And Canon Of Ethics - 1.4.9 Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, will certainly reflect badly upon the Sheriff's Office and the individual officer. The community and the service require that law enforcement officers lead decent and honorable lives. Following a law enforcement career gives no one special perquisites; however, it does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. Officers who reflect upon this tradition will not degrade it. Rather, they will so conduct their private lives that the public will regard them as examples of stability, fidelity, and morality.

MM #2412

Training Programs - 33.1.49 Employees shall be recognized for the successful completion of a particular training program. This will be accomplished by:

A certificate of completion, upon approval, authorization to wear the appropriate firearms proficiency award for firearms qualification, upon approval, authorization to wear the appropriate specialized patch, wings or insignia, i.e., Motor, SWAT., Aviation and bomb disposal deputies, the names of those deputies graduating from advanced training facilities (FBI National Academy, etc.) shall be forwarded to the Public Information Officer for dissemination to the media.

To wit:

On September 18, 2012 I received a telephone call from Federal Bureau of Investigation (FBI) – National Academy (NA) Unit Chief Greg Cappetta regarding an allegation of misconduct against you. At that time, you had been attending the 10-week FBI NA, session 250, as a member of the Volusia County Sheriff's Office and were scheduled to graduate from the program on September 21, 2012. The nature of the alleged misconduct, which was brought to his attention in the later stages of the session, centered around allegations that you had engaged in an inappropriate relationship with a fellow student. In a subsequent memorandum I received from Unit Chief Cappetta, he stated that during the session, several students had engaged in behavior which other students complained did not reflect the high moral standards required of attendees of the NA. It was alleged that you were involved in some of the complained of behavior.

Mr. Cappetta further advised that a decision had been made by the Assistant Director of the FBI Academy that you would not be permitted to graduate from the NA because you, by your actions, had violated an FBI NA standard of conduct which provides that students be held accountable for their conduct and that any misconduct would be critically assessed to determine the suitability of a student to remain in the program. Mr. Cappetta stated that the conduct you admitted to having engaged in with your fellow student did not exhibit the high standards required to represent the NA.

Captain Newman, you admitted in your sworn testimony during the internal affairs investigation that you did in fact violate the FBI NA standards of conduct. You stated, *"I agree that my conduct was inappropriate. I readily admitted to what I did to Mr. Cappetta."* While I appreciate your forthrightness when confronted, your actions while representing the Volusia County Sheriff's Office in a leadership role, showed a lack of judgment and poor decision making on your part. In addition, your conduct has brought great embarrassment to the agency.

You also noted that you had completed all requirements of the NA and had had no attendance issues while there. While I appreciate that you did successfully complete all of the requirements to graduate, your extracurricular conduct resulted in you being paid to receive training for which neither you, nor the agency, can be recognized.

To be worthy of the trust that has been placed in all members of the Volusia County Sheriff's Office, you were expected to, at all times, demonstrate good judgment and to recognize that your actions, particularly as a trusted and respected member of my command staff, could adversely affect the reputation of this agency. Integrity is the hallmark of the Volusia County Sheriff's Office and we are committed to the highest performance standards and ethical conduct. You have greatly disappointed me with your conduct in this matter.

As the Investigative Services Commander, you are held to a very high standard. Your codes of conduct violations at the FBI NA have brought embarrassment to yourself and this agency. You have clearly violated the trust that I have placed in you. Your actions cannot and will not be tolerated.

Captain Newman, you were served with a "Notice of Intent to Demote and Suspend letter" on December 3, 2012, advising you of my intent to **demote you to the rank of lieutenant** and to **suspend you from duty without pay for thirty (30) calendar days which equates to one hundred and sixty (160) work hours.** You were given the opportunity to make an appointment and appear before me in order to respond to this intended action. You elected not to meet with me and therefore my decision to demote and suspend you remains unchanged. You are hereby demoted to the rank of lieutenant and suspended from duty as described in the above listed terms

You are hereby ordered to serve your suspension from December 10, 2012 – January 8, 2013. During the period of suspension you are instructed not to drive a department vehicle, nor act in any capacity as a Deputy Sheriff.

You may not work any additional hours (i.e. scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition.

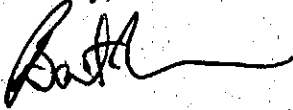
If there is any problem or condition that is troubling you that we are unaware of, please let me know so that we will have the opportunity to assist you in correcting this problem.

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline 26.1.1.**

If you wish to appeal my decision in this matter, you may do so by filing a written request through the County Personnel Director within (10) days of receipt of this notification.

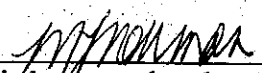
Sincerely,



BEN F. JOHNSON
SHERIFF

cc: County Personnel
County Legal
Internal Affairs

BFJ/ee 040L0419.12

 #2412
This letter read and received by:
Captain Michelle Newman #2412
Date: 12/7/12
Time: 1605 hr