

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-12-017

PERIOD COVERED: July 16 – September 18, 2012
DATE REPORTED: September 18, 2012
SUBJECT(S) NAME: Captain Michelle Newman #2412
INVESTIGATING OFFICERS: Captain John Bonnevier #2085
Lieutenant Erik Eagan #2273

BASIS FOR INVESTIGATION:

On September 18, 2012 Sheriff Ben Johnson was contacted by phone by Federal Bureau of Investigation (FBI) – National Academy (NA) Unit Chief Greg Cappetta regarding an allegation of misconduct by Captain Michelle Newman. Captain Newman had been attending the FBI NA, session 250 as a member of the Volusia County Sheriff's Office. Captain Newman was not permitted to graduate from the FBI NA program. (*Complaint / Memorandum from Unit Chief Greg Cappetta see Tab – C*)

OFFENSE(S):

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.*

INVESTIGATIVE SUMMARY:

On September 27, 2012 Chief Deputy Mike Coffin assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Captain John Bonnevier and Lieutenant Erik Eagan.

On October 1, 2012 Lieutenant Eagan met Captain Michelle Newman at her home [REDACTED] and served her with her Notice of Internal Investigation. She was also given a copy

of her Law Enforcement Officer's Rights. (*Notice of Internal Investigation – Official Correspondence see Tab – B*)

On October 2, 2012 Chief Deputy Coffin assigned Captain Bonnevier as the case agent for this internal investigation. On October 22, 2012 Captain Bonnevier received an e-mail from Federal Bureau of Investigation (FBI) – National Academy (NA) Unit Chief Greg Cappetta with the attachments: Captain Newman's signed Security Access Standards Of Conduct For Academy Students, National Academy Academic And Conduct Policies And Standards and a memorandum authored by Unit Chief Cappetta to Sheriff Ben Johnson regarding Captain Newman's dismissal from the FBI NA.

Captain Michelle Newman

On November 2, 2012 Captain Bonnevier and Lieutenant Eagan conducted a sworn recorded interview with Captain Michelle Newman in the Sheriff's conference room at the DeLand Administration building in DeLand, FL. The following is a summary of the interview.

When Captain Newman was asked to respond to the allegations made in the FBI NA Unit Chief's memorandum to Sheriff Johnson, she said some of the allegations in the memo were factual and some were not. Captain Newman then cited paragraph by paragraph what she admitted to and what she denied.

Captain Newman denied dirty dancing on a New York excursion that many NA students traveled on. She denied that she and Rob Turner were a couple as described by Unit Chief Cappetta. She admitted to hanging out with Mr. Turner, stating, *"I did hang out with Mr. Turner, went and visited him hung out with him watching movies probably less than a handful of times in his room."* Captain Newman denied sleeping in Mr. Turner's room in his bed. She said she had no knowledge of Mr. Turner and his roommate texting one another about coming and going from Mr. Turner's room. She also denied any knowledge of Mr. Turner's room being reconfigured.

Captain Newman told investigators she and Mr. Turner never had sex. She admitted to kissing Mr. Turner while attending the FBI NA. She expounded, *"...I was on his bed I wasn't in his bed as they put which indicates that I was sleeping in there. We were sitting even, resting with our backs laid back against the wall the way the bed was situated. But other than kissing and sitting on his bed there was no sex there was no fondling there was nothing else that occurred in that bed or in the bedroom."* Captain Newman admitted her conduct while at the FBI NA was inappropriate. She did believe that she still should have obtained her certificate because she completed the academic and fitness portions of the academy.

Captain Newman was questioned about the Volusia County Sheriff's Office spending \$13,600 on her salary and travel costs while she attended the FBI NA and the \$20,000 price tag for the training as annotated by Unit Chief Cappetta, and what benefit the agency received because she did not successfully complete the program (*Training and Travel documents see Tab – F*). Captain Newman responded that she completed the coursework and made contacts while attending the program. She explained, *"...I did get the training I did make the contacts I did*

complete my assignments. I didn't get the certificate so I believe the money was well spent. I was honored to be selected to attend the academy. I learned a lot while I was at the academy. I made a mistake but I still feel like my job as a law enforcement officer and a leader in the department that I benefited from attending the academy."

Captain Newman told investigators that she attended a pre-attendance briefing from the local FBI – Jacksonville training coordinator who stressed the importance of alcohol violations while attending the FBI NA and warned against NA couples. She admitted the same tenants that Unit Chief Cappetta mentioned in his memorandum to Sheriff Johnson were discussed at the FBI - Jacksonville orientation that she attended prior to attending the FBI NA.

Captain Newman read a statement at the conclusion of her interview. In her statement she expressed, *"I take ownership and responsibility for my poor judgment and inappropriate behavior at the National Academy and am very sorry for embarrassing my family, the Sheriff and the agency."* She suggested a possible factor, but not an excuse for what happened was a [REDACTED] medical condition as a result of [REDACTED]. She stated, *"During the last few weeks of the academy I had been experiencing mood swings, body aches and being in what I described to my doctor as being in a fog and an emotional wreck."* She also described, (her) *"inappropriate behavior didn't occur during classes but during what would be considered off duty hours."*

Captain Newman was questioned if she felt she violated the below listed policies regarding this investigation. This is her response to the alleged violations:

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.* Yes

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.* Yes

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 Yes

regard them as examples of stability, fidelity, and morality.

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.

(For complete transcript see Tab – E)

CONCLUSION:

On November 26, 2012 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 and Volusia County Merit System Rules and Regulations to be:

Volusia County Merit System Rules and Regulations 86-453 (13) – Sustained

Volusia County Merit System Rules and Regulations 86-453 (21) – Sustained

Oath and Canon of Ethics 1.4.9 – Sustained

Training Programs 33.1.49 – Sustained

On December 3, 2012 Lieutenant Eagan and Sergeant Tom Tatum served Captain Newman with a Notice of Intent to Demote and Suspend at the convenience store at US 92 and Kepler Rd., DeLand, FL.

On December 7, 2012 Lieutenant Eagan and Sergeant Tatum served Captain Newman with a Final Notice of Demotion and Suspension at the County Administration building, DeLand, FL. Captain Newman was demoted to the rank of lieutenant and will serve her thirty (30) calendar day suspension without pay from December 10, 2012 – January 8, 2013.