

26.2.96 Processing Property and Evidence - Property and evidence which have been received in connection with official duties will be processed in accordance with the provisions of Chapters 83 and 84. Department personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. *(Violation subject up to dismissal)*

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)*

26.2.95 Handling Monies and Property - Money or other property coming into the possession of Department personnel which does not belong to such personnel shall be delivered to the proper custodian, and a report shall be made of the transaction in accordance with the provisions of Chapters 17, 83 or 84, as applicable. *(Violation subject up to a 5 day suspension)*

and, **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.*

INVESTIGATIVE SUMMARY:

On September 28, 2010, Lieutenant R. Goggin received information from Sergeant Dominick Amendolare that he had been notified by Assistant State Attorney Erica Kane of dismissing felony charges of Battery on a Law Enforcement Officer in a case involving Deputy Shane Duggan. A.S.A Kane advised the defense produced a 90 minute video showing a meeting between Deputy Duggan (off duty) and the defendant (several days after her arrest) wherein Duggan returns to the defendant personal items taken or obtained at the time of her arrest. Sergeant Amendolare stated A.S.A Kane advised due to Duggan's video recorded off duty actions, the State made the decision to dismiss the felony charge as not to embarrass the Sheriff's Office and or Deputy Duggan.

On September 29, 2010, Sergeant Amendolare contacted Lieutenant Goggin by phone and advised he spoke with Deputy Duggan on the evening of September 28, 2010, in regards to the information provided to him A.S.A Kane. Sergeant Amendolare stated Deputy Duggan advised he did meet with the defendant for Five minutes to return her vehicle keys.

On September 29, 2010, a CAD printout of the call, dated 09-30-2009 at 02:29:49 hours shows Deputy Duggan being dispatched / assisting the Orange City Police Department with a crash with injuries at the location of East Minnesota Ave. and North Volusia Ave. Orange City.