

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

November 12, 2010

Deputy Shane Duggan # 7343
Volusia County Sheriff's Office
LES/ District 5

AD
11-12-2010

Re: Final Termination

Deputy Shane Duggan,

Be advised that as a result of your actions documented in Internal Investigation #10-022, it has been determined that you did violate the following Volusia County Sheriff's Office Standards Directives:

26.2.108 Perjury in an Official Proceeding - Employees shall not knowingly make false statements while under oath in any court, civil or criminal, in statements made to internal affairs investigators, notaries and persons taking depositions or other testimony or any other official proceeding as defined in F.S. 837. *(Violation subject up to dismissal)*

26.2.118 Code of Ethics for Public Officers and Employees - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. *(Violation subject up to dismissal)*

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)*

11-13-2010
AD

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)*

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.*

To wit:

On September 30, 2009, while on duty you assisted the Orange City Police Department with a crash investigation resulting in injuries. The female driver of the vehicle who was found at fault was charged with D.U.I, D.U.I with property damage and Battery on a Law Enforcement Officer. During the incident you came to be in possession of the defendant's property. During the time period of September 30, 2009, and October 07, 2009, you failed to return the defendants property to the arresting agency, you failed to notify your supervisors, place into evidence or document being in possession of that property.

By your own admission, you made the decision to ignore or pay no attention to policies governing your responsibilities. You, while in uniform attempted to meet with the defendant at her place of employment, questioned other employees as to her work status, and obtained her contact information from her co-workers. These actions by you not only violated policy but showed a pattern of conduct which reflects unfavorably on the Office of the Sheriff.

Between the dates in question, you entered into and continued to engage in a pattern of unprofessional conduct by exchanging what you estimated to be approx. 50 phone and texted message contacts with the female defendant. By your own admission, you described some of those contacts to be flirtatious and unprofessional. By your presence at the scene, and your own admission, you had knowledge of her criminal charges which included a Felony investigation of Battery on a Law Enforcement Officer.

On February 04, 2010, you provided sworn testimony during a deposition involving the defendant. During your sworn statement, you provided false testimony as to your actions which occurred after the arrest of the defendant. You stated during the deposition that you obtained the defendant's contact number from the arresting agency; however, during your sworn Internal Affairs Investigation, you admitted you obtained the contact number by going to her place of employment. You stated during your deposition you met with the defendant and returned the defendant's property to her a day or two following the arrest and described the meeting time to be, "maybe five minutes." A video, recorded by the defendant's attorney documents the meeting between you and the defendant occurred on October 07, 2010, which was seven days after her arrest. You stated during your deposition you had no physical contact with the defendant during your off duty meeting, and then later stated, "Maybe I shook her hand." When asked if you hugged the defendant, you stated, "No, I don't recall that." The 90 minute video provided to the

11-12
State Attorneys Office by the defense clearly depicts you make physical contact with the defendant when she first arrives to meet with you by you hugging her. The video shows both you and the defendant to be engaged in conversation and laughter. At the conclusion of the video, you again engage in a hug with the defendant prior to her departing.

On February 04, 2010, after providing false / misleading information during your deposition, you met with and again attempted to minimize your actions by providing false information to your direct supervisor. By your own admission, you advised that you stated to your direct supervisor that you had met with the defendant for five minutes and returned the defendant's property the day after the arrest.

During your Internal Affairs sworn statement you admitted you at no time ever informed the arresting officer or agency of being in possession of their defendant's property. You also stated you did not notify your supervisor at that time you were in possession of the defendant's property, or that you were in contact with or had met with the defendant allegedly for the sole purpose of returning her property. You by your own admission also stated you at no time contacted the States Attorney's Office to advise them of being in possession of the defendant's property, contacting or meeting with the defendant.

Your unprofessional behavior, while both on and off duty with a defendant who was charged with both a felony and misdemeanor charges, whom you met while on duty as a witness to her arrest, resulted in the State Attorneys Office dismissing criminal charges of Battery on a Law Enforcement Officer. Your behavior, for personal reasons also caused a hardship for the arresting agency and the officer who was battered by the defendant. These actions by you are inexcusable.

By holding onto and keeping in your possession property which belonged to a female defendant who was arrested during an investigation in which you assisted, providing false statements during your sworn deposition and providing false statements to your supervisor, you have placed yourself in a position to have no future credibility as a Law Enforcement Officer.

Deputy Duggan, your conduct documented during this Internal Investigation shows your unwillingness to adhere and conform to the policies and procedures of this agency. Your actions as described above demonstrate a lack of moral character, poor judgment and you have brought discredit to yourself and the Volusia County Sheriff's Office. These continued actions by you will not be tolerated. It has been determined that you violated the above listed policies. In addition, your attempt to deceive both the State Attorney's Office and your supervisors while providing false information as to your actions leaves me no choice but to terminate your employment with the Volusia County Sheriff's Office.

You were served an "Intent to Terminate" notice in reference to your employment on November 05, 2010. This notice detailed the reasons why this action was being taken. In the notice, you were provided an opportunity to appear and refute the decision in your case. On Monday, November 08, 2010, you violated written orders outlined in your Intent to Terminate letter by leaving your residence without out first notifying the Internal Affairs Office. When questioned as to why you failed to obey the written order you responded you had forgotten.

11-12-2010

You appeared on Wednesday, November 10, 2010, and had the opportunity to offer any mitigating circumstances that should be considered prior to the final discipline. On this same date, November 10, 2010, you again failed to obey and or ignored your written orders by failing to notify Internal Affairs when you returned to your residence after your meeting. After earnest consideration, my decision to terminate you remains unchanged. Effective upon receipt of this letter, you are hereby terminated from the Volusia County Sheriff's Office.

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.

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 ten (10) days of receipt of this notification.

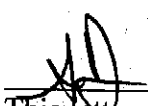
Sincerely,

William H. Lee
FOR B.F.J.

Ben F. Johnson
Sheriff

BFJ/rg040L0408.10

cc: County Personnel
County Legal
Internal Affairs


This letter read and received by:

Deputy Shane Duggan # 7343

Date: 11-12-2010

Time: 4pm