

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

November 21, 2013

Deputy Stephanie LeClerc #1467
Volusia County Sheriff's Office
Judicial Services Division
Justice Center/Court Security

Termination

Deputy Stephanie LeClerc:

Volusia County Sheriff's Office Directive 26.2.34 requires that all "Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position." Internal Affairs investigation IA-13-022 has concluded. As a result of your actions documented in this investigation, I have determined you violated the following Sheriff's Office Standards Directive:

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.)

Re: OFF-DUTY USE OF THE ASSIGNED VEHICLE

41. 6.15 The employee operating the Department vehicle is responsible for the actions, conduct, appearance and safety of all occupants of the vehicle.

41.6.30 Assigned vehicles will not be driven after an employee has taken prescription or non-prescription substances that affect driving ability.

41. 6.31 Assigned vehicles will not be driven after an employee has consumed alcoholic beverages.

26.2.129 Misdemeanor Injurious to the Department - Department personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Department or otherwise impairs the operation and

efficiency of the Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties. (Violation subject to dismissal)

26.2.130 Commission of Felony - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. (Violation subject to dismissal.)

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.

To Wit:

On Saturday, October 19, 2013, you were arrested for misdemeanor Driving Under the Influence (DUI) and felony Child Neglect without Great Bodily Harm while operating your assigned Volusia County Sheriff's Office marked patrol car while you were off-duty. In your statement to internal affairs investigators you said that you consumed an alcoholic beverage of rum and soda that afternoon and took prescription medication that you knew would impair your judgment and physical abilities. The prescription bottle you provided during your internal affairs interview clearly indicated the medication would be intensified by alcohol consumption. The prescription bottle warning read, "Do not drink alcoholic beverages while taking this medication." You made the conscious decision to not only operate your department issued patrol car impaired but you placed [REDACTED] in harms way by having her ride in the front seat next to you. You told internal affairs investigators you drove your patrol car from Deltona to New Smyrna Beach while you were impaired by prescription pain medication mixed with an alcoholic beverage.

As you drove the patrol car, witnesses behind you were so disconcerted with your operation of the patrol car that one called 911 and video recorded your actions. According to witness statements, it was believed the patrol car could not have been operated by a law enforcement officer based on the erratic driving pattern that was observed. Witnesses and deputies involved thought the patrol car had been stolen and driven by a suspect, until you were identified as the driver.

The video recording clearly shows your patrol car swerving not only in your lane of travel but also entering the oncoming lane of travel. At one point while you were traveling east on SR 44 your erratic driving forced a motorist out of their lane of travel and almost off the roadway to avoid a collision. The video also shows your patrol car wheels scraping the curb of the New Smyrna Beach subdivision you drove through. The damage to your patrol car is consistent with witness accounts and the video evidence.

When you were stopped by deputies, it was clearly evident to all deputies in contact with you that you were impaired and a criminal investigation was conducted. You submitted to field sobriety exercises and based on your poor performance, the investigating deputy determined there was probable cause for your arrest for DUI. When asked to consent to a breathalyzer test, you refused, contrary to state law. It was determined at the conclusion of the DUI investigation that you were under the influence to the extent that your normal faculties were impaired while operating your department issued patrol car. You were placed under arrest for DUI and later charged with Child Neglect without Great Bodily Harm.

Your lack of judgment and poor decision making not only placed yourself in danger but you also jeopardized the safety of [REDACTED] and the citizens of Volusia County, which you were sworn to protect. This incident occurred on one of the busiest nights of the Biketoberfest special event venues in southeast Volusia County. Thankfully there was only minor property damage to your patrol car and no injuries during your appalling driving episode.

You have previously been the subject of the following disciplinary action:


01/24/2001	26.2.98 Careless Handling Equipment and Vehicle	Counseling
09/11/2004	26.2.98 Careless Handling Equipment and Vehicle	Written Reprimand
04/12/2010	26.2.98 Careless Handling Equipment and Vehicle	Counseling

You were served an **"Intent to Terminate"** letter in reference to your employment as a Deputy Sheriff on November 20, 2013. 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. You appeared on Thursday, November 21, 2013, and had the opportunity to offer any mitigating circumstances that should be considered prior to the final discipline. After earnest consideration, my decision to terminate you as a Deputy Sheriff remains unchanged. Effective upon receipt of this letter, you are hereby terminated as a Deputy Sheriff 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,



BEN F. JOHNSON
SHERIFF

cc: County Personnel
County Legal
Internal Affairs

BFJ/gb 040L0435.13

This letter read and received by:
Deputy Stephanie LeClerc #1467
Date: _____
Time: _____
Served by: _____