

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

**REPORT NUMBER: IA-12-003  
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**VOLUSIA COUNTY SHERIFF'S OFFICE  
INTERNAL AFFAIRS**

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-12-003**

**PERIOD COVERED:** March 12, 2011 through March 12, 2012

**DATE REPORTED:** March 1, 2012

**SUBJECT(S) NAME:** Sergeant Shon McGuire #1652

**INVESTIGATING OFFICER:** Lieutenant Erik Eagan #2273

**BASIS FOR INVESTIGATION:**

On Friday, March 9, 2012, Lieutenant Erik Eagan met with Major Robert Jones in regards to an anonymous written complaint alleging Sergeant Shon McGuire was involved in an extramarital affair with Ms. Cara Gittner. Letter attached and made part of this investigation. *(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.*

**INVESTIGATIVE SUMMARY:**

On Friday, March 9, 2012, Sheriff Ben Johnson assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Lieutenant Erik Eagan.

On Friday, March 9, 2012, Sergeant Tom Tatum and Investigator Glen Bennett served Sergeant Shon McGuire with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officer's Bill of Rights. *(See Tab - B)*

On Monday, March 12, 2012 Lieutenant Eagan reviewed the AVL data and conducted a search in Force Watch for possible contacts between Sergeant McGuire and Ms. Gittner's home, [REDACTED]. Lieutenant Eagan expanded the search area encompassing the entire peninsula where Ms. Gittner lives from March 12, 2011 until March 12, 2012. During this query Lieutenant Eagan noticed that on September 19, 2011 then Deputy McGuire drove

south on Atlantic Ave. [REDACTED] and west on Dunlawton Ave. to his home [REDACTED] FL.

There were also two matches in the AVL query that show Sergeant McGuire at Ms. Gittner's residence on July 22, 2011 for fourteen minutes and August 15, 2011 for an undetermined amount of time. Both incidents are when Sergeant McGuire was off-duty using his issued patrol car.

On Thursday, March 15, 2012 County Attorney Nancye Jones contacted Ms. Gittner's attorney, Melissa Murphy regarding Ms. Gittner participating in a witness interview for this investigation. On Friday, March 16, 2012 County Attorney Nancye Jones forwarded Lieutenant Eagan an email response from Ms. Murphy indicating that Ms. Gittner "...is declining to be interviewed as a witness."

### **Sergeant Shon McGuire**

On Thursday, March 22, 2012, Lieutenant Eagan conducted a sworn recorded interview with Sergeant Shon McGuire at the Sheriff's Administrative Office in DeLand, FL. Also present at the interview was Sergeant Tom Tatum, Teamster's Representative Josh Vedder and Teamster's Business Agent Bob Walker. During the interview, Sergeant McGuire told investigators that he has not had an extramarital affair with Ms. Cara Gittner while on-duty. The two instances when Sergeant McGuire stopped by Ms. Gittner's home while in his issued patrol, he was off-duty. These instances were recorded by Sergeant McGuire's patrol car AVL (automated vehicle locator) on July 22, 2011 and August 15, 2011.

Lieutenant Eagan asked Sergeant McGuire if he has had problems with his AVL not functioning properly and he responded that he has. He said that his supervisor was aware of the AVL problems along with Information Systems. He said that his supervisor would inform him if his AVL was not updating his location and he would re-log onto his computer. Sergeant McGuire said that Information Systems had done something to his computer, AVL or both to remedy the problem. Sergeant McGuire denied disconnecting, interrupting or shutting down his computer to avoid AVL detection. Lieutenant Eagan was able to substantiate Sergeant McGuire's claim with his AVL problem and his constant re-logging onto the CAD system.

Sergeant McGuire was questioned if he felt he violated the below listed policies regarding this investigation. He denied violating any policies cited.

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.) No

26.2.142 Use of Equipment: AVL - Employees shall ensure proper maintenance and utilization of the Department AVL (GPS) for its intended purpose and in accordance with installation requirements. No

26.2.143 Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention. (Violation subject up to a 1 day suspension.) No

26.2.144 Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty will be subject to disciplinary action up to dismissal. (New 06/09) No

82.7.62 It is the responsibility of the person assigned to the MDC to immediately inform their supervisor and Information Systems of AVL connectivity problems. If Information Systems determines that the issue requires the equipment to be repaired or replaced, the assignee will bring the equipment to Information Systems for service as soon as possible. No

86-453 (13) Volusia County Merit System Rules and Regulations - 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. No  
(See complete transcript - Tab - E)

Lieutenant Eagan contacted Information Systems to verify the work on Sergeant McGuire's computer/AVL and was informed that Information Systems does not keep a log of what computers they have worked on. Info Services Analyst Jeff Hart did not recall whether or not he had worked on Sergeant McGuire's computer and or AVL.

**Conclusion:**

On April 10, 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 to be:

26.2.34	Failure to Follow Directive or Order -	Unfounded
26.2.142	Use of Equipment: AVL -	Unfounded
26.2.143	Interruption of AVL equipment -	Unfounded
26.2.144	Deceive the AVL system -	Unfounded
82.7.62	AVL connectivity problems -	Unfounded
86-453 (13)	Volusia County Merit System Rules and Regulations -	Unfounded

**EXHIBIT(S):**

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**WITNESSES:**

Tim Jolley  
Volusia County Sheriff's Office

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR: \_\_\_\_\_



**Lieutenant E. Eagan**  
**Internal Affairs Investigator**

DATE: 04.10.12

APPROVED BY: \_\_\_\_\_



**SHERIFF BEN F. JOHNSON**  
**VOLUSIA COUNTY FLORIDA**

DATE: 4/11/12