

WITNESS STATEMENT

EE – Lt. Erik Eagan      TT – Sgt. Tom Tatum      SM – Dep. Shon McGuire  
JV – Dep. Josh Vedder (Teamster Rep)      BW – Bob Walker (Teamster Rep)

EE    The recorder is on. This is the administration of oath and perjury warning, case number IA-12-003. Subject's name is Sgt. Shon McGuire. I'm Lt. Erik Eagan Volusia County Sheriff's Office Internal Affairs Unit. Today's date is March 22, 2012, and the current time is 1422 hours. The location of the interview is the internal affairs interview office at the Sheriff's administration building 4<sup>th</sup> floor. Also present during the interview is Sgt. Tom Tatum with Volusia County Sheriff's Office Internal Affairs Unit, and would you mind if he asked you any questions during the interview?

SM    Sgt. Tatum, no sir.

EE    Ok.

SM    That's fine.

EE    Also present is Dep. Josh Vedder and I forgot...

TT    Bob Walker.

JV    Bob Walker.

EE    Bob Walker, Bob I apologize.

BW    That's ok.

EE    Are you also aware that the interview is being recorded?

SM    Yes sir.

EE    Ok, I'm conducting an official administrative investigation concerning 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. As a Florida law enforcement officer and Notary Public of the state of Florida I am empowered to take sworn statements. At this time I would ask that you raise your right hand and be sworn. Do you solemnly swear or affirm that the statement you're about to give is the truth, the whole truth, and nothing but the truth?

SM    Yes sir.

47  
48 EE Any false statements about material matters given by a witness under oath will  
49 constitute perjury which is a third degree felony according to section 837.02  
50 Florida Statutes. Do you understand that if you knowingly make material  
51 misstatements of facts to me during this investigation you will have committed  
52 the crime of perjury?  
53  
54 SM Yes sir.  
55  
56 EE For the record Sgt. McGuire could you please spell your last name?  
57  
58 SM M-C-G-U-I-R-E  
59  
60 EE Ok, Sgt. McGuire you were served with your notification of internal investigation  
61 did you receive a copy of your law enforcement bill of rights?  
62  
63 SM Yes sir.  
64  
65 EE Ok I believe I also provided you another copy in the packet that I gave you.  
66  
67 SM Yes sir.  
68  
69 EE Ok before we go in on record did you read and sign your advisement of rights as  
70 they pertain to Garrity?  
71  
72 SM Yes sir.  
73  
74 EE Ok. Have you had a chance to review all documents provided to you regarding  
75 this investigation?  
76  
77 SM Yes sir.  
78  
79 EE Ok do you need any more time to review these documents?  
80  
81 SM No sir.  
82  
83 EE Alright Sgt. McGuire how long have you been employed by the Volusia County  
84 Sheriff's Office?  
85  
86 SM A little over nine years.  
87  
88 EE Ok what assignments have you held with the Sheriff's Office?  
89  
90 SM Basically I've been in patrol the whole time and an FTO and recently promoted to  
91 Sergeant.  
92

93 EE Ok so your current assignment is Sergeant?  
 94  
 95 SM Yes sir.  
 96  
 97 EE In road patrol, ok. You're here today because we received information that you  
 98 may be or may have been involved in an extra marital affair while on duty. Do  
 99 you know Cara Gittner?  
 100  
 101 SM Yes sir.  
 102  
 103 EE Ok what is your relationship with her?  
 104  
 105 SM She's a friend.  
 106  
 107 EE Are you or have you been in a romantic relationship with her?  
 108  
 109 SM While working? I mean...  
 110  
 111 EE Let me ask the question again. Are you or have you been in a romantic  
 112 relationship with her?  
 113  
 114 SM Yes.  
 115  
 116 EE Ok. How long have you been involved in a romantic relationship with Ms.  
 117 Gittner?  
 118  
 119 SM I'm not now.  
 120  
 121 EE Ok how long have you been?  
 122  
 123 SM I don't know we were friends for a couple months at the most.  
 124  
 125 EE Ok so the answer to your question or to my question how long...  
 126  
 127 SM I don't know the exacts.  
 128  
 129 EE Ok.  
 130  
 131 SM The exact I'm sorry.  
 132  
 133 EE Approximately?  
 134  
 135 SM Two months?  
 136  
 137 EE Ok. Have you ever visited her while you were on duty?  
 138

139 SM No sir.  
140  
141 EE Ok. Have you ever met her while you were on duty, excuse me, have you ever  
142 met her while you were off duty but still in uniform?  
143  
144 SM Yes sir.  
145  
146 EE Ok when was this?  
147  
148 SM I don't know the exact date.  
149  
150 EE Ok do you know where it occurred?  
151  
152 SM I stopped by her house.  
153  
154 EE Ok anywhere else?  
155  
156 SM Not that I can recall.  
157  
158 EE Ok have you and Ms. Gittner exchanged text messages while you were on duty?  
159  
160 SM Yes sir.  
161  
162 EE Ok what was the content of those text messages?  
163  
164 SM I mean they range, I don't remember the exact content I mean it was, I mean I  
165 don't know everything from just friend stuff.  
166  
167 EE Ok have you and Ms. Gittner exchanged phone calls while you were on duty?  
168  
169 SM Yes sir.  
170  
171 EE Ok what was the content of those phone calls?  
172  
173 SM We just you know talked like friends or sometimes it was even work related. I  
174 really don't know the exact what we talked about.  
175  
176 EE Ok.  
177  
178 SM I'm not trying to hide anything I just don't remember exactly what we talked  
179 about.  
180  
181 EE No and I, all I'm asking for Sgt. McGuire is that you be completely honest with  
182 me.  
183  
184 SM Yes sir.

185  
186 EE Are you married?  
187  
188 SM Yes sir.  
189  
190 EE How long have you been married?  
191  
192 SM Coming up two years.  
193  
194 EE Ok. On July 22, 2011 were you off duty or on duty? And let me show you this.  
195 This is a CAD print out for July 22<sup>nd</sup>.  
196  
197 SM Looks like I was off duty.  
198  
199 EE How do you know that you were off duty?  
200  
201 SM It shows I was logged on by my ID number.  
202  
203 EE Ok and would that in and of itself indicate that you were off duty?  
204  
205 SM And the time it's after, I mean I worked I was on days I worked 6 to 6 during the  
206 day and that's after 6pm.  
207  
208 EE Ok well what I'm trying to clarify is when you're on duty you log on as a patrol  
209 unit.  
210  
211 SM Yes sir.  
212  
213 EE Do you log on off duty for off duty details? Would that be indicated?  
214  
215 SM Yeah I guess but when I log on for work it's you know the 1B34 and this is by my  
216 ID so I would imagine I was off duty yes sir.  
217  
218 EE Ok. Alright, well if it helps your recollection we can go to the actual print out for  
219 that date, would that help?  
220  
221 SM Yeah.  
222  
223 EE Does that help your recollection?  
224  
225 SM Yeah it shows me it looks like I was 10-75.  
226  
227 EE Ok well let me ask you this, if you were off, working an off duty detail would you  
228 sign out at that detail?  
229  
230 SM Yes sir.

231  
232 EE So you would know based on the CAD record...  
233  
234 SM Yes sir.  
235  
236 EE ...whether or not you're working a detail?  
237  
238 SM Yes sir.  
239  
240 EE Ok. So I don't want to put words in your mouth but based on your review of this  
241 you were off duty?  
242  
243 SM Yes sir.  
244  
245 EE Ok. On August 15<sup>th</sup> were you off duty or on duty?  
246  
247 SM I was off duty.  
248  
249 EE Ok. Do you want to look at your CAD history?  
250  
251 SM I guess we can yeah, yes sir.  
252  
253 EE I just want to make sure that you're positive. Does this help? This is a print out  
254 from that date.  
255  
256 SM Yes sir I was off duty.  
257  
258 EE And how do you know that you were off duty?  
259  
260 SM Same thing, I was logged on by my ID number and not logged out anywhere.  
261  
262 EE Ok. Have you ever had any problems with your AVL your automated vehicle  
263 locator not connecting properly?  
264  
265 SM Yes sir.  
266  
267 EE Ok have you reported these problems to your supervisor?  
268  
269 SM Yes sir and she's made me aware at times she would tell us, she would send us a  
270 message saying you know "it looks like you're disconnected" and then I'd reboot  
271 it.  
272  
273 EE Ok have you reported these problems to info systems?  
274  
275 SM Yeah I've gotten a new AVL and stuff out there before, or a new you know the  
276 card.

277  
278 EE Ok. Have you ever intentionally disconnected or interrupted your AVL or shut  
279 down your computer to avoid being detected?  
280  
281 SM No sir.  
282  
283 EE Sgt. Tatum do you have any questions?  
284  
285 TT Yeah Shon if we could just go back to the question where you said that you were  
286 in uniform when you visited her one time.  
287  
288 SM Yes sir.  
289  
290 TT Do you recall what you were doing at that point?  
291  
292 SM I was just stopping by to see her.  
293  
294 TT So you were working a zone at that point?  
295  
296 SM No I never stopped by her house when I was working. I mean it was after work I  
297 stopped by on my way home.  
298  
299 TT Ok so it was after work but you were still in uniform when you stopped by?  
300  
301 SM Yes sir.  
302  
303 TT It was after hours?  
304  
305 SM Yes sir.  
306  
307 TT Ok. Do you know how long you stayed at the house?  
308  
309 SM No sir.  
310  
311 TT And you don't recall what date that was that...  
312  
313 SM No sir.  
314  
315 TT ...you stopped by?  
316  
317 EE On the July 22, 2011 you stopped by her residence based on your AVL history.  
318  
319 SM Yes sir.  
320  
321 EE Was that the day that you stopped by in uniform or was August 15<sup>th</sup>?  
322

323 SM From that I don't know, I don't remember exactly what day it was I stopped by  
324 after work.  
325  
326 EE Ok.  
327  
328 TT So if you stopped by there when you were off work were you in your patrol car?  
329  
330 SM Yes sir.  
331  
332 TT And you were, you said you were in uniform right so, ok.  
333  
334 EE Do you have anything else?  
335  
336 TT No.  
337  
338 EE Ok Sgt. McGuire I'm going to ask you if you felt like you violated any of these  
339 policies or the following directives. 26.2.34 Failure to follow directive or order-  
340 Employees shall adhere to all official directives and/or orders and shall faithfully  
341 execute all the duties and responsibilities of their assigned position.  
342  
343 SM I don't feel like I violated that no sir.  
344  
345 EE Ok. 26.2.142 Use of equipment specifically your AVL, employees shall ensure  
346 proper maintenance and utilization of the department AVL parenthetically GPS  
347 for its intended purpose and/or accordance with installation requirements.  
348  
349 SM No sir.  
350  
351 EE 26.2.143 Employees shall not intentionally cause the interruption of AVL  
352 equipment through purposeful acts of negligence or inattention.  
353  
354 SM No sir.  
355  
356 EE Ok 26.2.144 Any employee found engaged in such purposeful acts with intent to  
357 deceive the AVL system in order to avoid detection while on duty will be subject  
358 to disciplinary action up to dismissal.  
359  
360 SM No sir.  
361  
362 EE 82.7.62 is responsibility of person assigned to the MDC to immediately inform  
363 their supervisor and information systems of AVL connectivity problems. If info  
364 systems determines that the issue requires equipment to be repaired or replaced  
365 the assignee will bring the equipment to information systems for service as soon  
366 as possible.  
367  
368 SM No sir.




369  
370 EE 86-453.13 Volusia County Merit Rules and Regulations. Any conduct on or off  
371 duty that reflects unfavorably on the county as an employer. This violation may  
372 be sufficient grounds for disciplinary action ranging from oral reprimand to  
373 dismissal depending on the seriousness of the offense and other circumstances  
374 related to the situation.  
375  
376 SM No sir.  
377  
378 EE Do you gentlemen have anything?  
379  
380 JV I do. The way the AVL works when you're on patrol and you're logged on and  
381 the AVL is connected is there anyway for you to tell on your computer that the  
382 AVL is no longer connected? Does it give you a visual sign, does a light turn red,  
383 is there some way for you to tell by looking at your computer that the AVL is not  
384 connected or disconnected?  
385  
386 SM No. Not unless you're intentionally looking for that.  
387  
388 JV Intentionally looking as how?  
389  
390 SM Like when you, when you're able to hit the pause break to see where everybody is  
391 and then it'll say that you know you're not connected or say reverse geo and then  
392 it might say DC next to it but it doesn't say you know on the main screen.  
393  
394 JV Do you regularly look at where everyone is and the AVL status?  
395  
396 SM No not always.  
397  
398 JV Is that a common feature that you would do regularly in the course of your duties?  
399  
400 SM Now I do yes sir.  
401  
402 JV As a...  
403  
404 SM As a Sergeant.  
405  
406 JV Because you're a...  
407  
408 SM Checking on my guys yes sir.  
409  
410 JV Ok, and on the AVL you said that at one point you had taken the computer back  
411 to info systems to have the AVL unit itself replaced?  
412  
413 SM I've taken my computer out there many times for many things. Even for  
414 especially for the GPS.

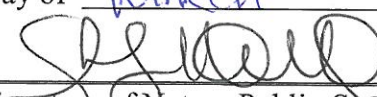
415  
416 JV And did they replace the AVL?  
417  
418 SM I believe so. Or they fixed it, they messed with it I don't know what they did.  
419  
420 JV Ok.  
421  
422 BW Just a quick question from me guys. What is the county's policy on anonymous  
423 complaints? Are you guys, are you obligated to...  
424  
425 EE I can tell you the Sheriff's Office policy is yes we will investigate all complaints  
426 including anonymous complaints.  
427  
428 TT Uh huh.  
429  
430 BW Ok. If someone gets a little antsy and starts writing a lot of letters I'm going to be  
431 coming out here a lot so. I like you guys but I don't want to spend all my time out  
432 here. I have nothing.  
433  
434 EE Sgt. McGuire is there anything that you want to add or delete from your  
435 statement?  
436  
437 SM No sir.  
438  
439 EE Ok. I want to thank you for coming out and speaking with us today. This will  
440 conclude the interview, the time is 1437 hours.  
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485

I, Lt. Erik Eagan, swear that the forgoing is  
an accurate transcription of the sworn  
recorded statement of Sgt. Shon McGuire  
taken by me on March 22, 2012.

(Signed)

  
Sworn to and subscribed before me this 22  
Day of MARCH, 2012.

  
Signature of Notary Public-State of Florida



(Print, type or Stamp Commissioned Name  
of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known ☒

Produced identification

Type of Identification Produced