

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

January 25, 2010

Sergeant Joel Turney ID # 2509

Volusia County Sheriff's Office

District IV

Intent to Suspend

Sergeant Joel Turney:

Be advised that as a result of actions documented in I.A. # 09-022, it has been determined that you violated Volusia County Sheriff's Office Standards Directives:

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)*

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. *(Violation subject up to a 5 day suspension)*

26.2.5 Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

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.*

A handwritten signature, possibly "JF", is written in the bottom right corner of the page.

To wit:

On November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. She described the male to be a criminal.

While on scene with a subordinate deputy, you made contact within the residence with the female caller, an adult male and four juveniles. You and the deputy separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided information that he was struck in the head with a cup of milk thrown at him by the female, you observed that the male had what appeared to be dried milk on his person and there was milk on the wall and bed. You admitted that you made no attempt to establish the male's residency at that location other than you were told by another deputy that the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were present, you made no attempt to speak with each juvenile and / or to document information provided to you establishing residency by the male. This failure / neglect by you to properly conduct an investigation to determine residency of the male may have allowed a crime in your presence to go unnoticed.

You stated the female denied throwing the cup and advised she spilled the milk during the disturbance. You also stated the female refused to answer any further questions and continued to yell while you were attempting to complete your investigation.

You document in your report that you interviewed a 13 year old male witness who provided information the adult female slammed the cup of milk down on a dresser causing the milk to spill. This information corroborates the adult female's statement. However, you failed to obtain, or ensure that a written statement was collected from that witness. You failed to interview or document in your report if you interviewed any other juvenile witness who was present. You apparently did not consider the importance of this when a decision was made to arrest the female subject.

You affected a domestic violence arrest of the female based solely on your observation of dried milk on the male subject, the walls and bed. You neglected to, or made no attempt to ensure the collection of photographic evidence to support your observations. You failed to ensure the cup, alleged to have been thrown at the male, was photographed or taken into evidence. These items that were observed by you and which were not secured into evidence are all items of evidence possibly needed for prosecution.

During the arrest of the defendant, it was documented that the suspect physically resisted with violence. The suspect was taken to the ground and placed in hand restraints and then continued to resist while being taken to a patrol vehicle, where an injury to the suspect's face was observed.

You admitted that you observed this injury and, "Asked the defendant", if she wanted medical assistance to which she refused. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to the patrol vehicle. You made the decision not to summons medical care for the defendant, who was injured while in your custody. You then made the decision not to photograph the injury. You stated that although you did not know where the injury occurred, you failed to conduct a follow up investigation by questioning the deputy, the defendant or any other witness present to determine where the injury to the defendant occurred.

You stated you received injuries to your arm while in the course of affecting the arrest. By your own admission, you advised you made the decision not to photograph your injuries for evidentiary purposes. Your failure to properly document / photograph your own injuries is a violation of policy and allowed evidence to escape that could be used to support the felony charge of resisting arrest with violence.

These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations, while being in a supervisory position, cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to yourself and to a defendant who was injured while in your custody, as required, will not and can be tolerated.

Due to the seriousness of this matter it is my intent to suspend you from work **without pay** for One (1) work day, which equates to Eight (8) work hours. The date and time of your suspension is to be determined by your Division Commander.

You may not work any additional hours (i.e. scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition.

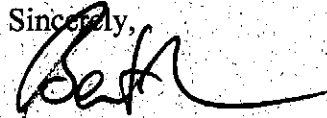
If there is any problem or condition that is troubling you that I am unaware of, please advise me so that I will have the opportunity to assist you in correcting this problem.

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.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline 26.1.1.**

If you wish to refute my decision in this matter, you may do so by responding either orally and/or in writing within **three (3) days** of receipt of this notification with any information in law or fact showing that the intended decision is improper. If you elect to respond, it must be no later than February 01, 2010, at **1600 hours**. If you fail to respond or your response is inadequate, I will proceed with the aforementioned discipline.

Sincerely,

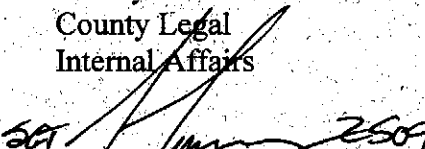


Ben F. Johnson
Sheriff

BFJ/rg040L0030.10

cc: County Personnel

County Legal
Internal Affairs



This letter read and received by:
Sergeant Joel Turney ID# 2509

Date: 01/27/10 Time: 1530 HRS

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue

P.O. Box 569

DeLand, FL 32721-0569

February 5, 2010

Sergeant Joel Turney ID # 2509
Volusia County Sheriff's Office
District IV

Final Disposition

Sergeant Joel Turney:

Be advised that as a result of actions documented in LA # 09-022, it has been determined that you violated Volusia County Sheriff's Office Standards Directives:

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)*

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. *(Violation subject up to a 5 day suspension)*

26.2.5 Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

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 November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. She described the male to be a criminal.

02/09/10

While on scene with a subordinate deputy, you made contact within the residence with the female caller, an adult male and four juveniles. You and the deputy separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided information that he was struck in the head with a cup of milk thrown at him by the female, you observed that the male had what appeared to be dried milk on his person and there was milk on the wall and bed. You admitted that you made no attempt to establish the male's residency at that location other than you were told by another deputy that the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were present, you made no attempt to speak with each juvenile and / or to document information provided to you establishing residency by the male. This failure / neglect by you to properly conduct an investigation to determine residency of the male may have allowed a crime in your presence to go unnoticed.

You stated the female denied throwing the cup and advised she spilled the milk during the disturbance. You also stated the female refused to answer any further questions and continued to yell while you were attempting to complete your investigation.

You document in your report that you interviewed a 13 year old male witness who provided information the adult female slammed the cup of milk down on a dresser causing the milk to spill. This information corroborates the adult female's statement. However, you failed to obtain, or ensure that a written statement was collected from that witness. You failed to interview or document in your report if you interviewed any other juvenile witness who was present. You apparently did not consider the importance of this when a decision was made to arrest the female subject.

You affected a domestic violence arrest of the female based solely on your observation of dried milk on the male subject, the walls and bed. You neglected to, or made no attempt to ensure the collection of photographic evidence to support your observations. You failed to ensure the cup, alleged to have been thrown at the male, was photographed or taken into evidence. These items that were observed by you and which were not secured into evidence are all items of evidence possibly needed for prosecution

During the arrest of the defendant, it was documented that the suspect physically resisted with violence. The suspect was taken to the ground and placed in hand restraints and then continued to resist while being taken to a patrol vehicle, where an injury to the suspect's face was observed.

You admitted that you observed this injury and, "Asked the defendant", if she wanted medical assistance to which she refused. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to the patrol vehicle. You made the decision not to summons medical care for the defendant, who was injured while in your custody. You then made the decision not to photograph the injury. You stated that although you did not know where the injury occurred, you failed to conduct a follow up investigation by questioning the deputy, the defendant or any other witness present to determine where the injury to the defendant occurred.

You stated you received injuries to your arm while in the course of affecting the arrest. By your own admission, you advised you made the decision not to photograph your injuries for evidentiary purposes. Your failure to properly document / photograph your own injuries is a violation of policy and allowed evidence to escape that could be used to support the felony charge of resisting arrest with violence.

These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations, while being in a supervisory position, cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to yourself and to a defendant who was injured while in your custody, as required, will not and can be tolerated.

Sergeant Turney you were served with an intent to Suspend Letter on January 27, 2010, advising you of my intent to suspend you from duty **without pay** for one (1) workday, which equates to eight (8) work hours. You made an appointment and appeared before me on Wednesday February 3, 2010 at 1030 hours. Based on your admissions and attitude during our meeting, I made the decision to reduce that action from a **suspension** to a **letter of reprimand**; however your violation of policies were still upheld.

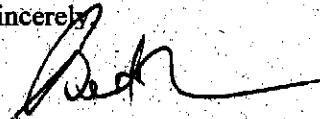
If there is any problem or condition that is troubling you that we are unaware of please advise me so that we will have the opportunity to assist you in correcting this problem.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline 26.1.1.**

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

BFJ/rg040L0039.10
cc: County Personnel
County Legal
Internal Affairs

This letter read and received by:
Sergeant Joel Turney ID# 2509

Date: _____
Time: _____

✓ 02/09/10



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

INTERNAL AFFAIRS
FEB 15 2010
RECEIVED

LETTER OF REPRIMAND

Name: Deputy Charles Pardee ID# 7081 Case# IA # 09-022 SD-10-032
Division: Law Enforcement Services Date: 02/04/2010
District: District IV

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

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)

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. (Violation subject up to a 5 day suspension)

26.2.5 Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect

2. Specific behavior and dates of the behavior that support the charge.

On November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. The female described the male to be a criminal.

While on scene you made contact within the residence with the female caller, an adult male and four juveniles. You and the Sergeant separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided you with information that he was struck in the head with a cup of milk thrown at him by the female, you observed what you described as a dried milk on his person. You admitted that you made no attempt to establish the male's residency at that location other than the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were present, you made no attempt to speak with each juvenile and / or to document information provided

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**LETTER OF REPRIMAND
PAGE 2**

to you establishing residency by the male. You apparently did not consider the importance of this when a decision was made to arrest the female subject. Your failure / neglect to properly determine residency of the male may have also allowed a crime in your presence to go unnoticed

You effected a domestic violence arrest of the female based on your observation of dried milk on the male subject, and the transfer of probable cause by your Sergeant, but you neglected to, or made no attempt to ensure the collection of photographic evidence to support your observations or your Sergeants observations at the scene. You failed to ensure the cup, which was alleged to have been thrown at the male, was taken into evidence, and you failed to photograph the physical evidence of the milk on the walls. You failed to process the scene correctly and obtain items of evidence possibly needed for prosecution.

During the arrest of the defendant, it was documented that the suspect physically resisted with violence. The suspect was taken to the ground and placed in hand restraints and then continued to resist while being taken to a patrol vehicle, where an injury to the suspect's face was observed. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to your patrol vehicle.

These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations as defined by policy, while being on scene cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to a defendant who was injured while in your custody, as required, will not and can be tolerated

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: [Signature]

Date/Time: 02/10/10 1540

Supervisor: [Signature] 2459

Date/Time: 02/10/10

Reviewed by:

Lt. R.E. [Signature] Date 02-11-10

Capt. _____ Date _____

Major [Signature] Date 02-11-10

Sheriff [Signature] Date 2/12/10

Distribution:

White-Employee Pink-District or Section/Unit Yellow-Division Goldenrod-Sheriff/IA



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

INTERNAL AFFAIRS

FEB 15 2010

RECEIVED

LETTER OF REPRIMAND

Name: Sergeant Joel Turney ID# 2509 Case# IA #09-022 SD-10-031
Division: Law Enforcement Services Date: 02/03/2010
District: District IV

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

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)

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. (Violation subject up to a 5 day suspension)

26.2.5 Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

2. Specific behavior and dates of the behavior that support the charge.

On November 19, 2009, you responded to a 911 call for assistance in Deltona. The information you received prior to arrival was that a female caller was involved in a disturbance with a male and wanted that male removed from the residence. She described the male to be a criminal.

While on scene with a subordinate deputy, you made contact within the residence with the female caller, an adult male and four juveniles. You and the deputy separated and interviewed the adult parties who gave conflicting accounts of the disturbance. You stated the male provided information that he was struck in the head with a cup of milk thrown at him by the female, you observed that the male had what appeared to be dried milk on his person and there was milk on the wall and bed. You admitted that you made no attempt to establish the male's residency at that location other than you were told by another deputy that the male had that address on his I.D card and the male told you he lived there. You also stated you had information the male and the female had two children in common. Although four juvenile witnesses were

WAR

present, you made no attempt to speak with each juvenile and / or to document information provided to you establishing residency by the male. This failure / neglect by you to properly conduct an investigation to determine residency of the male may have allowed a crime in your presence to go unnoticed.

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You admitted that you observed this injury and, "Asked the defendant", if she wanted medical assistance to which she refused. You stated that you were unsure of when or where the injury occurred, either during the physical arrest, or while the defendant was being led to the patrol vehicle. You made the decision not to summons medical care for the defendant, who was injured while in your custody. You then made the decision not to photograph the injury. You stated that although you did not know where the injury occurred, you failed to conduct a follow up investigation by questioning the deputy, the defendant or any other witness present to determine where the injury to the defendant occurred.

You stated you received injuries to your arm while in the course of affecting the arrest. By your own admission, you advised you made the decision not to photograph your injuries for evidentiary purposes. Your failure to properly document / photograph your own injuries is a violation of policy and allowed evidence to escape that could be used to support the felony charge of resisting arrest with violence.

**LETTER OF REPRIMAND
PAGE 3**

These actions by you, along with your total lack of judgment, and failure to conduct and complete basic investigations, while being in a supervisory position, cause me great concern. Your failure to document, conduct interviews, collect evidence, photograph injuries to yourself and to a defendant who was injured while in your custody, as required, will not and can be tolerated.

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: SGT J. M. TURNER 2509

Date/Time: 02/09/10

Supervisor: [Signature] 2439

Date/Time: 02/10/10

Reviewed by:

Lt. Lt. T. E. [Signature] Date 02-11-10

Capt. _____ Date _____

Major [Signature] Date 02-11-10

Sheriff [Signature] Date 2/12/10

Distribution:

White-Employee

Pink-District or Section/Unit

Yellow-Division

Goldenrod-Sheriff/IA