



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

Internal Investigation Report

Internal Inquiry Incident #2018-0005

Sworn Employee

Sergeant Tammy Stakes

Internal Inquiry Incident #:2018-0005

Subject Employee: Sergeant Tammy Stakes

Division: Court & Detention Services Division

Date of Hire: 11/07/1995

Probation Status (if any): None

Date of Most Recent Promotion:

Self-Demoted from a Commander to a Sergeant on 10/24/17

Previous Corrective Measures:

- Written Reprimand on 08/17/10 Failure to follow policy and procedure
- Written Reprimand/ One Day Suspension on 03/04/11 Failure to follow policy and procedure
- Written Reprimand on 02/14/14 Unsatisfactory/ Incompetency
- Written Reprimand on 04/18/18 Failure to show up for a Mandatory training class
- Counseling on 05/17/18 Proper Carry of Agency Weapon
- Performance Improvement Plan on 02/19/14 by Sr. Commander Ferris
- Performance Improvement Plan on 03/28/17 by Chief Cole

List of Witnesses:

1 CD of witnesses in IA Case# 2018-0004
Deputy C. Haggerty
Cpl. W. Vasquez
Laura Kruger
Sgt. T. Stakes
Commander L. Miceli

Distribution: Original to investigative file
Linked To: General Order #019
FCSO # IA-004 (12/16)

List of Exhibits:

Exhibit 1: Internal Investigation Report on Case # 2018-0004 completed by Investigator Randall Doyle.

Exhibit 2: Memorandum from Commander Miceli to Chief Steve Cole via Chain of Command outlining Sgt. Tammy Stakes' Performance.

Exhibit 3: Memorandum from Chief Steve Cole to Undersheriff Bisland via Chain of Command outlining Sgt. Tammy Stakes' Performance.

Exhibit 4: Authorization to Conduct Internal Investigation from Undersheriff Bisland to Investigator Commander Glenn Davis.

Exhibit 5: Audio recorded interview (**Sgt. Tammy Stakes**)

Exhibit 6: Employee notice of Internal Investigation and Internal Confidentiality Acknowledgement Form (**Sgt. Tammy Stakes**).

Exhibit 7: Template for Interview of Department Employee as a subject and Garrity Notice. (**Sgt. Tammy Stakes**)

Exhibit 8: Video of Booking Area, Parking Lot, and Hallway in I.A. Case# 2018-0004.

Incident and Complaint:

On Thursday, January 25, 2018 an incident occurred at the Inmate facility that later turned into an Internal Investigation (IA case # 2018-0004). During this investigation, potential performance issues were discovered regarding Sergeant Stakes' handling of the incident. In addition, during the time of the IA investigation, there were two memorandums written on performance issues by Commander Miceli and Chief Cole about Sergeant Stakes. Both Commander Miceli and Chief Cole note these issues in the memorandums included in this report.

Investigation:

On Friday, March 23, 2018, Commander Glenn Davis of the Internal Affairs Unit was provided authorization to conduct Internal Investigation #2018-005 by Undersheriff Bisland.

On Friday, March 30, 2018 at 1800 hours, Commander Glenn Davis met with Sergeant Tammy Stakes at Flagler County Detention Center, 1002 Justice Lane, Bunnell, FL 32110. Commander Glenn Davis informed Sergeant Tammy Stakes she was the subject of Internal Investigation #2018-0005 regarding #20-General Orders Standards of Conduct. Sergeant Stakes was provided a copy of the signed notice and informed that Commander Glenn Davis would contact her in the near future in order to obtain a Sworn Recorded Interview.

Sworn recorded interview of Commander L. Miceli

On Thursday, May 10, 2018 at 1607 hours, Commander G. Davis met with Commander L. Miceli at the Flagler County Inmate Facility, 1002 Justice Lane Bunnell, Florida 32110 for the purpose of obtaining a sworn statement.

Commander Miceli was asked if he was familiar with an IA case# 2018-0004 Deputy Sousa reported to work under the influence of alcohol which occurred on January 25, 2018. Commander Miceli stated he was. Commander Miceli was asked if he had written a Memorandum for that IA case. Commander Miceli stated he did. Commander Miceli was asked what time he reported to work that day. Commander Miceli stated that he came in to work at approximately 0800 that morning. I then asked when he was made aware of the situation. Commander Miceli stated it was anywhere between 0815 and 0830. I asked who notified him of the situation and Commander Miceli advised Sergeant Stakes. I then asked him prior to you coming into work at 0800 did Sergeant Stakes make any attempt to call, text, or email you about this incident. Commander Miceli stated he did not receive anything. He went on to state he had both his agency phone and his personal phone with him at the gym. I then asked if she made a phone call to him or did she come to his office. Commander Miceli stated that she came to his office. I asked once Sergeant Stakes advised you of the situation what you asked her to do. Commander Miceli stated that he advised her to have Ms. Kruger write a memorandum of the incident. Commander Miceli went on to state he would be pulling up the general order so they could follow it to the tee. I then asked who Commander Miceli notified after that. Commander Miceli stated he notified Chief Cole. Commander Miceli went on to report that Chief Cole came over to his office and at about 0915 Undersheriff Bisland and HR Director Fuller arrived. I asked if Commander Miceli ever made a statement to Sergeant Stakes to wait until Ms. Kruger asked again about the incident to have her write a memorandum. Commander Miceli stated no he only advised her to advise Ms. Kruger to write the report because they were following the general order. The interview ended at 1617 hours.

Sworn recorded statement Sergeant Tammy Stakes:

On May 17, 2018 at 1922 hours I, Commander Glenn Davis conducted an interview with Sergeant Tammy Stakes in reference to IA case# 2018-0005 at Flagler County Inmate Facility, 1002 Justice Lane Bunnell, Florida 32110. In attendance was her union representative, Steve Amos with the FOP only in an observational capacity. Sergeant Stakes was read Garrity and sworn in under oath.

Sergeant Stakes was asked if she had received copies of the complaint and evidence made against her in IA case# 2018-0005, which she advised she did. She was also asked if she had time to go over all the information that I provided for her and her union representative. She stated she did. Sergeant Stakes stated that she has been employed with the Flagler County Sheriff's Office since November 7, 1995.

I asked Sergeant Stakes if she was familiar with the incident that occurred on January 25, 2018. Sergeant Stakes stated she was familiar with that incident. Commander Davis asked what times were you notified of the incident with Deputy Sousa. Sergeant Stakes stated that she was notified approximately at 0625 to 0630. I asked that once she was notified did she reach out to Commander Miceli. Sergeant Stakes stated not at that moment. I asked when did you reach out to Commander Miceli. Sergeant Stakes stated when she went back to her office. Sergeant Stakes went on to state that she could not remember if she called his office or his cell phone but she did call him. I asked if she know what time she tried to call Commander Miceli. Sergeant Stakes stated at the latest it would have been about 0700 hours. I then asked if she tried to reach out to any of the other commanders when she could not reach Commander Miceli. Sergeant Stakes stated no. I then asked did you try to reach out to Chief Cole. Sergeant Stakes stated no. I then asked at the time did you consider the issue to be a major incident. Sergeant Stakes stated no not at the time. I then asked if she had spoken with Deputy Sousa at the time and Sergeant Stakes stated she did. I asked did she feel there was a problem at that time and she stated no she did not. I asked what happened the second time she was notified of the incident by Laura Kruger. Sergeant Stakes stated that she was advised by Commander Miceli if Ms. Kruger asked again about the incident to have her write something up. Sergeant Stakes went on to say that when she came around the corner Ms. Kruger asked me is he still here and Sergeant Stakes said yes. Sergeant Stakes then stated that Ms. Kruger said he needs to leave he is bouncing off the walls. Sergeant Stakes then stated that she asked Ms. Kruger would you put it in writing and Ms. Kruger stated absolutely. Sergeant Stakes went on to state that she called Commander Miceli and advised him that she was going to her office to write it down and once it was done Sergeant Stakes would bring it to him. I asked what Deputy Sousa's job assignment for that day was and Sgt. Stakes advised she believed it to be rover. I then asked after the second time you were notified did you take him out of that position of rover. Sergeant Stakes stated she could not remember the time she brought him to the office. Sergeant Stakes went on to state she thinks she got the memo and brought it to Commander Miceli and went back to her office and had Deputy Sousa come to her office. I asked that at this time did you think it may be a major incident. Sergeant Stakes stated she still did not think he was that intoxicated. She went on to state she could not smell anything. I asked if she looked up the General Order when she was first notified of the incident with Deputy Sousa. Sergeant Stakes stated no but went on to state that Commander Miceli was looking it up in his office and she went to her office to look it up too. I then advised Sergeant

Distribution: Original to investigative file

Linked To: General Order #019

FCSO # IA-004 (12/16)

Page 5 of 13

Stakes in her interview with the Deputy Sousa IA she stated that she was notified by Ms. Kruger that he needed to be breath tested and in that same interview you stated you took the portable breath test to your office. I asked what was your intent with the portable breath test machine? Sergeant Stakes stated that when she was down in booking she advised Deputy Sousa that Ms. Kruger stated you had been drinking. Do you want to prove her wrong? Do you want to blow into the machine? Sergeant Stakes stated he said yeah I will blow into it and continued laughing. Sergeant Stakes stated it was like a joke to him and he walked away. I asked Sergeant Stakes again, you asked him to blow into the portable breathalyzer. Sergeant Stakes stated yes. I asked is this something we do as part of our General order. Sergeant Stakes stated no. I asked was this during the first incident prior to her bringing the portable breathalyzer to her office and she stated yes.

I then asked if she had anything, she would like to state in reference to the memos of job performance written by Commander Miceli and Chief Cole. Sergeant Stakes seemed to not know what I was talking about. Sergeant Stakes was asked if she had an opportunity to look over those memos that were in the file for her review before the interview. Sergeant Stakes then took the memos and read over them. After reading over the memos, Sergeant Stakes stated there was something in there. I asked if she would like to make a statement on these. Sergeant Stakes stated the incident with Deputy Premier and Deputy Christensen she may have put it into a different file than employee track maybe into incidents. She went on to say that she would not have emailed it if she hadn't done it. She stated that she had noticed that she did that in something else she had done. I asked if there was any other statement she would like to make and she stated no. Sergeant Stakes then went on to state that she had spoken with Commander Miceli about her working hard and doing overtime. She stated Commander Miceli agreed with her. She then stated that with the incident with Deputy Sousa she could not smell anything and that she knows he had a bad leg and may walk funny. She stated he looked tired and she did ask him why he came in late. She stated he said he was just tired and he had shit going on. I asked did you address him about coming in late. Sergeant Stakes stated she did but she didn't write him up because it wasn't late it was like on the nose type. She didn't think he was late just on the nose. I then asked Mr. Amos if he had any statement he would like to make and he stated no just some questions on dates. Mr. Amos then asked what the initial date of her IA investigation was. I advised him that it was March 23, 2018. Mr. Amos asked is that when the 180 days began and I stated yes. He then asked if she could have copies of the memos and I stated after the investigation was over. Mr. Amos then asked the dates of the memos and I stated March 9, March 6 and then the IA with Deputy Sousa. The interview concluded at 1945 hours.

Discussion:

IA case# 2018-0004 Deputy Sousa reporting to work under the influence of alcohol incident

- Sergeant Stakes took no supervisory action for almost two hours before making contact with Commander Miceli about information that an employee was potentially intoxicated.
- Sergeant Stakes, after not reaching Commander Miceli as she stated in her interview, did not attempt to contact any other Commanders or Chief Cole regarding Deputy Sousa prior to speaking to Commander Miceli almost two hours after the incident.
- Sergeant Stakes would have violated our General Order (GO # 102) if Deputy Sousa had blown into the Portable Breathalyzer as she jokingly suggested to him the day of the incident.
- Sergeant Stakes was unaware of the General Order (GO # 102) the day of the incident with Deputy Sousa and did not look up the General Order until after speaking with Commander Miceli.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 020

2. Category Nine Violations:

- a. Unsatisfactory or Incompetent Performance: Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the Sheriff's Office.
-

Distribution: Original to investigative file

Linked To: General Order #019

FCSO # IA-004 (12/16)

Page 7 of 13

The following incidents are from the Memorandum written by Commander Miceli about Sergeant Stakes performance:

Incident #1 Memorandum: Failure to provide inmates recreation:

On February 23, 2018, Sergeant Abruzzo was reviewing paperwork and ran across numerous inmate request and grievances stating that inmates were not getting their Recreation on certain days. After further review he discovered that Recreation was being cancelled by Bravo Squad frequently during the month of February. He immediately reported this to Commander Civil and Commander Davis. On February 27, 2018, I had a meeting with Sergeant Stakes and Cpl. Vazquez, Commander Davis was also present. I asked both of the supervisors if they were completing recreation for the inmates according to the schedule. Both supervisors seemed to have a perplexed look on their faces and Cpl. Vazquez then stated that he had to cancel recreation several times during the month due to lack of staff. I then proceeded to ask if the recreation was made up on the weekends and the response was no. During my conversation with Cpl. Vazquez, I was observing Sgt. Stakes who during this whole conversation stated very few words but did manage to tell me that she had no knowledge of any of this. I explained to both supervisors that they weren't even meeting the minimum guidelines set forth by Florida Model Jail Standard 9.6 sub section (a). After the meeting concluded, I started looking into exactly how many days were cancelled and by whom. There were twenty-eight days in February; fourteen days would have been the responsibility of Sergeant Stakes' squad. Six days were canceled by Cpl. Vazquez; 4 days were canceled by Sergeant Stakes. Ultimately, it is the Sergeant's responsibility to ensure recreation is completed and Sergeant Stakes was on-duty every day in question. There were zero attempts made to make up the recreation on the weekends that her squad worked. The weekends are generally used for this purpose.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 020

2. Category Nine Violations:

a. Unsatisfactory or Incompetent Performance: Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor

Distribution: Original to investigative file

Linked To: General Order #019

FCSO # IA-004 (12/16)

Page 8 of 13

evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the Sheriff's Office.

Incident # 2 Memorandum: Failure to follow lawful order:

The next incident I would like to discuss is a situation that took place on Monday 02/14/18, this is directly from Commander Civil in an email to me. Sgt. Sa and Cpl. Bailey discovered that several housing units had an incorrect count and several inmates were not documented as being out of the housing units; this caused a delay in clearing headcount. I also noticed the Seg. Sheets were hours behind.

Commander Civil instructed Sgt. Stakes to issue a supervisor counseling to Deputy Priemer and Deputy Christensen, because they were responsible for keeping the logs and segregation sheets that day. Sgt. Stakes emailed Commander Civil the following day, stating the Supervisor counseling's were issued.

Approximately two weeks later, Commander Civil looked in Employee Track and was not able to locate the Oral Consultations.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 020

2. Category Nine Violations:

a. Unsatisfactory or Incompetent Performance: Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima fascia evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the Sheriff's Office.

Distribution: Original to investigative file

Linked To: General Order #019

FCSO # IA-004 (12/16)

Page 9 of 13

Incident #3 Memorandum: Failure to monitor staffing levels;

On February 26th 2018 Commander Davis made contact with Sergeant Stakes at approximately 0730 hours in reference to her squad being short personnel due to overtime not being filled and a sick callout. Commander Davis wanted to see if Sergeant Stakes had a plan on how she was going to handle the situation. Sergeant Stakes was not aware that her squad was shorthanded that day. After further review of the situation, it was discovered that Sergeant Stakes not only did not show up for briefing but was 15 minutes late for her shift.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 020

2. Category Nine Violations:

a. Unsatisfactory or Incompetent Performance: Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the Sheriff's Office.

Incident #4 Memorandum: Inappropriate dress for work:

On March 4th 2018 there was a mandatory Sergeants meeting in the jail training room to go over accreditation and operational issues. When the Commander's arrived at the meeting there were two supervisors that were inappropriately dressed. Sergeant Stakes was one of the two supervisors that were inappropriately dressed. After the meeting was concluded, I sent an email to all supervisors on the appropriate dress code for attending meetings and training per GO#136. Later that evening, I received an email from Sergeant Stakes in reference to my email, stating that she had a doctor's appointment at the V.A. and that she was running late and barely had time to go home and use the rest room and get to the meeting. The excuse would have been

Distribution: Original to investigative file

Linked To: General Order #019

FCSO # IA-004 (12/16)

Page 10 of 13

acceptable if she would have called any one of the Commanders to notify them of the situation prior to the meeting.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 020

10. Category One Violations:

d. Personal Appearance: Personnel on duty shall wear uniforms or other clothing in accordance with established agency procedures. Except when acting under proper and specific orders from a superior, personnel on duty shall maintain a neat, well-groomed appearance.

Incident #5 Memorandum: Lack of situational awareness reference inmate well-being:

On March 5th 2018, I (Commander Miceli) arrived at the Detention Services building at 0330 hours. Shortly after I arrived I was informed By Deputy Haggerty that there was an individual in booking that was processed into the Detention Facility on March 4th 2018 that was acting very erratically and seemed to be intoxicated to some degree. This was approximately twelve hours after he was processed into the facility. Deputy Haggerty went on to tell me that this inmate stated, he had consumed anti-freeze (Ethylene Glycol) before his arrest. I immediately spoke with Cpl. Vazquez who had limited knowledge of the situation. He did state that medical knew of the situation. I was not comfortable with the situation and I immediately went to medical and spoke to the on-duty nurse. Based on the information from Deputy Haggerty and speaking with the nurse on duty which was not the nurse from the previous shift, I instructed the nurse to call her supervisor and report this situation and that I demanded this inmate be taken to the hospital which she agreed with. I then called Sergeant Stakes to my office and proceeded to question her about the situation. Sergeant Stakes stated that she had very limited knowledge of what was going on with this particular inmate. I then stated to Sergeant Stakes, that if she spent as much time concentrating on her job as she did planning her vacation time, taking off all major holidays and personal time she would be an excellent supervisor. I then explained that her performance levels are sub-standard and not acceptable to me or this Agency by any means. I then ordered her to go back to medical and get the latest update on this inmate and make sure that he is in route to the hospital.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 020

Distribution: Original to investigative file

Linked To: General Order #019

FCSO # IA-004 (12/16)

Page 11 of 13

2. Category Nine Violations:

a. Unsatisfactory or Incompetent Performance: Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the Sheriff's Office.

- It should be noted that Sergeant Stakes, during this investigation was given Written Reprimand on 04/18/18 for Failure to show up for a Mandatory training class and a Counseling on 05/17/18 for Proper Carry of Agency Weapon by Commander Miceli.

To be completed by the Investigating Supervisor or Official:

"I, the undersigned, do hereby swear, under 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 subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

Signature

Date

Sworn to and subscribed before me, the undersigned, this day, month,
year.

Notary

Reviewing Supervisor Printed Name

Date


Signature of Reviewing Supervisor



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

MEMORANDUM

DATE: June 22, 2018
TO: Sgt. Stakes
FROM: Chief Cole 
RE: Supervisor Duties/Responsibilities

Effective immediately you are relieved from having any supervisory authority, duties, or responsibilities. This will remain in effect until the effective date of your demotion on July 2nd 2018. You are to report to work and work in a non-supervisory role in the interim.
