

**IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY, FLORIDA**

DANIEL COOK,

Plaintiff,

vs.

CITY OF VERO BEACH

Defendant.

CASE NO.: 312024CA000727AXXXVB

**VERIFIED COMPLAINT**

1. Plaintiff, DANIEL COOK, sues the Defendant, CITY OF VERO BEACH, for violation of his rights under the Florida Public Sector Whistleblower Act, §112.3187, Fla. Stat. Plaintiff is employed by the Defendant as a Lieutenant in the Vero Beach Police Department, VBPD. Plaintiff has worked for the Defendant for over thirty-five (35) years. Plaintiff has recently faced retaliatory and adverse workplace conditions for making disclosures and engaging in activities protected by the Florida Public Sector Whistleblower Act, §112.3187, Fla. Stat. Said disclosures were in the form of text messages sent on March 10, 2024 and an e-mail sent March 17, 2024 to the City Manager for Vero Beach, Monte Falls, attached as Exhibit 1, as well as participation in a subsequent investigation. These texts and e-mails discussed that Plaintiff was experiencing a hostile work environment due to Plaintiff's immediate supervisor, Police Chief David Currey, who believed that Plaintiff was revealing internal information to members outside of the department. Plaintiff never received any response from Mr. Falls. On April 16, 2024, Gabrielle Manus, Human Resources Director, released an internal memo following her investigation into reports at VBPD relating to adverse and hostile work conditions, fear of retaliation, lack of cooperation, favoritism, and behavior

from Chief Currey which discouraged officers from disagreeing with him, see attached as **Exhibit 2**. Ms. Manus's investigation included asking the very individuals directly responsible for Plaintiff's hostile work environment about their experiences at VBPD. Additionally, her subsequent memo failed to include in its responses from employees she spoke with who attested to the fact that Chief Currey was encouraging a toxic and hostile workplace. As such, Ms. Manus's investigation concluded that any claims of a hostile workplace were unsubstantiated.

### PARTIES

2. Plaintiff is a natural person who resides in Indian River County, Florida and was an employee of the Defendant at all times relevant hereto.

3. Defendant is a local governmental entity located in Indian River County, Florida and is Plaintiff's "employer" at all times relevant hereto for all purposes herein.

### JURISDICTION AND VENUE

5. This is an action for damages in excess of \$75,000, exclusive of attorney's fees and costs.

6. Venue is proper in this Court, because all acts complained of occurred in Indian River County, Florida.

### FACTS

7. Plaintiff engaged in protected activities in accordance with §112.3187, Fla. Stat., when he texted and e-mailed City Manager, Monte Falls, about hostile work conditions he was experiencing from Police Chief David Currey. Plaintiff also participated in an investigation into said conditions conducted by Gabrielle Manus, Human Resources Director. This disclosure and Plaintiff's participation in said investigation caused Chief Currey to retaliate against Plaintiff in

multiple subsequent investigations into Plaintiff, resulting in a negative annual review and subsequent suspension.

8. Plaintiff has worked for the Defendant for over thirty-five (35) years and currently is employed as a Lieutenant with the Vero Beach Police Department. Plaintiff has worked for the Defendant for over thirty-five (35) years during which time he's had an illustrious career solving more homicides and violent crimes than any current employee working for VBPD. Additionally, he's represented the Defendant on reality-based detective shows such as 48 Hours and Court TV during the course of homicide investigation.

9. On March 10, 2024 and March 15, 2024, Plaintiff texted and e-mailed City Manager, Monte Falls, to address concerns he had regarding an ongoing hostile work environment he was experiencing due to his supervisor, Police Chief David Currey. Mr. Currey's antagonism towards Plaintiff stems from an unfounded belief that Plaintiff was disseminating internal VBPD information to outside persons.

10. Following these written communications, Mr. Falls did not respond to Plaintiff's concerns. However, a subsequent investigation was launched by Gabrielle Manus, Human Resources Director. This investigation involved Plaintiff's participation where he disclosed Chief Currey's hostility towards the Plaintiff. Ms. Manus's investigation involved speaking with a number of individuals employed at VBPD. Of these individuals, sixteen (16) of them included members of rank, of which were the direct perpetrators of the antagonistic work environment Plaintiff has been subject to. Additionally, Ms. Manus failed to include in her report statements provided to her by individuals who echoed Plaintiff's hostile workplace experience. Following this investigation, Ms.

Manus released a memo of her findings.

11. On April 8, 2024, an investigation was launched against Plaintiff by Chief Currey which alleged that Plaintiff had failed to report another employee violating a VBPD General Order, see attached as **Exhibit 3**. This investigation stemmed from Plaintiff supposedly violating a General Order when he did not disclose that an Officer Wells failed to complete his duties, specifically, a Community Partnership Unit detail that he was scheduled to work February 23, 2024, and February 24, 2024. However, this Officer Well's immediate supervisor, Corporal Oscar Dominguez, had already reported it to Lieutenant Matt Harrelson, who is the same rank as Plaintiff. As such the information had already been reported through the proper chain of command. This investigation concluded on May 6, 2024, and resulted in Plaintiff being given a verbal warning, see attached here as **Exhibit 4**.

12. Following this investigation, on May 15, 2024, Plaintiff was given his annual review. For the first time in his thirty-five (35) years employed with the Defendant, he received a substandard review. Plaintiff sent a rebuttal for his review which correctly stated that, prior to his negative review, his supervisor had never provided him with a written notification of substandard performance prior to evaluation. This is required by the Defendant per General Order 44.14, see attached as **Exhibit 5**.

13. Plaintiff was further reprimanded and subsequently given a written reprimand on June 14, 2024, following his in person annual evaluation by Deputy Chief Matthew Monaco during which time Human Resources Director, Gabrielle Manus was present, see attached here **Exhibit 6**. During this evaluation Plaintiff advocated for administrative assistant, Brandy Morrison, be brought into the room to confirm a detail. Plaintiff eventually would be suspended on June 14, 2024, see attached as

**Exhibit 7**, following an e-mail he sent to Ms. Manus and multiple members of city council on May 20, 2024. This e-mail contained his annual review as well as General Order 44.14 which explicitly prevents employees such as Plaintiff from having substandard performance items included in their annual review without first being provided a written warning and notice. Plaintiff sent this e-mail due to Defendant's inaction regarding his inappropriate annual review.

14. Defendant finally adjusted Plaintiff's annual review on June 6, 2024 per the written notification requirement included in General Order 44.14. Deputy Chief Matthew Monaco sent Plaintiff a memo agreeing with him, removing two of the three categories that Plaintiff received critical feedback on in his review, see attached as **Exhibit 8**.

**COUNT I: §112.3187, Fla. Stat.**

15. Plaintiff realleges ¶¶ 1-14 herein.

15. §112.3187, Fla. Stat., provides that agencies, such as the Defendant, are prohibited from taking retaliatory actions against employees who report violations of the law, or suspected violations of law, or who disclose information to appropriate government agencies alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duties on the part of an agency, public officer, or employee. §112.3187(2), Fla. Stat.

16. An "agency" is defined as "any...local or municipal government entity." §112.3187(3)(a), Fla. Stat. The Defendant is an "agency" within the meaning and intent of the statute.

17. §112.3187(4)(a), Fla. Stat., provides that "[a]n agency...shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant

to the provisions of this section." §112.3187(3)®, Fla. Stat., defines an "adverse action" to include a suspension.

18. The law prohibits retaliation against any employee who reports: "(a) Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare. (b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor." §112.3187(5), Fla. Stat.

19. Plaintiff has faced adverse action in his employment with Defendant manifesting in a suspension as the result of the protected disclosures he made in the form of e-mails and texts to City Manager Monte Falls, and participation in a subsequent investigation by Human Resources Director, Gabrielle Manus. Defendant's subsequent adverse employment actions against Plaintiff are pretext as a means of retaliating against Plaintiff for these protected disclosures.

20. Plaintiff has been damaged as a result of Defendant's unlawful suspension and seeks lost wages, benefits and compensatory damages for mental anguish, inconvenience, loss of the enjoyment of life and other tangible and intangible losses as permitted by law, Plaintiff also seeks reimbursement for reasonable Attorney's fees and costs in accordance with §112.3187(9)(d), Fla. Stat.

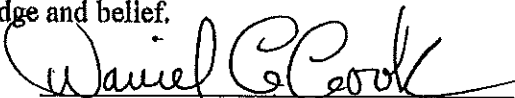
WHEREFORE, Plaintiff respectfully requests:

- a) An award of damages, including lost wages and benefits;
- b) Compensatory damages for mental anguish, loss of reputation; inconvenience; loss of the enjoyment of life;
- c) Attorney's fees and costs;
- d) Equitable relief including reinstatement or front pay in lieu thereof;
- e) Any other relief deemed just and proper;

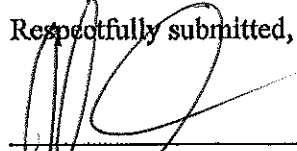
**JURY DEMAND**

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing factual allegations are true and correct to the best of my knowledge and belief.

  
Daniel Cook

Respectfully submitted,



ISIDRO M. GARCIA  
Florida Bar No. 437883  
GARCIA LAW FIRM, P.A.  
120 S. Olive Avenue, Suite 401  
West Palm Beach, FL 33401  
Telephone: (561) 832-7732  
Telecopier: (561) 832-7137  
E-mail: [isidrogarcia@garcialaborlaw.com](mailto:isidrogarcia@garcialaborlaw.com)  
E service: [eservice@garcialaborlaw.com](mailto:eservice@garcialaborlaw.com)  
COUNSEL FOR PLAINTIFF

Date: 11/5/24

< (M) Monte Falls

Yes 2:47 PM

2:48 PM Yes sir

Sunday, March 10

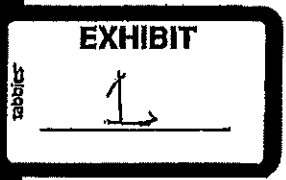
Good morning. I respectfully am not attempting to stress you out because I saw the look on your face Friday - and I felt terrible, but I have to advise you out of my own personal well being. After our meeting I left your office and went straight home. I was home less than two hours and was conta

11:25 AM View all >

I'll give you a call a little later. I'm at the golf course. My only peaceful place right now.

11:35 AM

[message input icons]





Me

11:25 AM, Mar 10

Good morning. I respectfully am not attempting to stress you out because I saw the look on your face Friday - and I felt terrible, but I have to advise you out of my own personal well being. After our meeting I left your office and went straight home. I was home less than two hours and was contacted by a civilian employee advising the chief was again trying to solicit information about me, AFTER our meeting. The civilian said this came from another person but would not share who. I know during our meeting you said that you intended to have anyone who wanted to finish their career with the city to be able to do so. I took that as not only myself but the Chief too. After the latest contact I received, I no longer feel that I'll ever be safe at work as long as he's my supervisor. I have not even heard anything that has been passed around that was a violation of policy or law, but I continue to be targeted. I let you know that I have some very detrimental incidents that involve our chief and I am pretty sure that is why I am being targeted. Let me state this again, this was not my fight and I did nothing to start this with Mr. Corr or Padgett. This is the Chiefs own doing. I not sure what the issues are but I can only imagine based on the stuff I've witnessed over the years. I am informing you that I no longer feel safe at my job and his comments have caused fellow employees to treat me differently and I am extremely stressed. I am having sleep issues and I'm having a hard time focusing at home. I thought this was over with him on Friday but I guess not. I have no other choice but to bring this outside because apparently I am not safe on the inside. I am sorry it has to be this way, but I am starting to have a hard time functioning.



Copy text



Share



More





## MEMO

**TO:** Monte Falls, PE, City Manager  
**FROM:** Gabrielle Manus, Human Resources Director  
**DATE:** April 16, 2024  
**SUBJECT:** Vero Beach Police Department

I have been asked to look into several allegations and issues regarding the Vero Beach Police Department (VBPD). The issues were as follows: hostile work environment, fear of retaliation, lack of cooperation, favoritism, and behavior, on the part of the chief, which discouraged officers from questioning or disagreeing with him. To determine if any of these issues existed, I interviewed the Deputy Chief, the five lieutenants, the seven sergeants, the four corporals, and four additional employees of the VBPD that I felt I should speak to. I spoke with a total of twenty-one employees out of eighty-three department employees.

Issues:

### Hostile Work Environment

I asked each individual if they were aware of or had witnessed any inappropriate workplace behavior that would rise to the level of severe and pervasive. It must be remembered that severe and pervasive means conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. Severe and pervasive behavior is according to the person to whom the behavior is directed. This situation was unusual in the fact that there were no specific instances or allegations to which I could refer. When performing a hostile work environment investigation, I am normally given situations, evidence, or at the very least comments that must be looked at to determine the validity and if they rise to the level of a hostile work environment. In this instance, this was not the case as all I had were vague allegations that it existed but no supporting details.

After speaking with all individuals, I did not find any evidence of inappropriate behavior on the part of the Chief. In addition, I did not find any evidence of the existence of a hostile work environment. However, several individuals did mention behavior exhibited by one individual. I did not find any indication that this behavior rose to the level of a hostile work environment. The behavior is more along the lines of inappropriate workplace behavior. Several individuals expressed concern that this individual appeared to like to cause turmoil and discord among their fellow officers. It was also expressed that the same individual rants and tries to cause problems and disruptions in the office. The overwhelming consensus was that most people try and avoid this individual because of the disruptive behaviors.



## Cook, Dan

---

**From:** Cook, Dan  
**Sent:** Friday, March 15, 2024 1:25 PM  
**To:** Falls, Monte  
**Subject:** Hostile Work Environment

City Manager,

I believe you are gone and you are not going to contact me like you said. All I asked for was help from you for the past three days. You approached me in the gym on Tuesday about filling a hostile work environment complaint. I told you that I was advised by multiple people that the chief was trying to solicit information about me in reference to Tom Corr and Lanse Padgett. I informed you that I did not start this fight with those two people and inquired as to why the chief was singling me out with my co-workers? You instructed me to wait by my phone for your call. You further advised that you already tried once that day (which I verified at 2:57 pm) but I was out. I then checked my phone for two straight days without any attempt of contact. I feel the talk you had this morning to the entire command staff was a direct threat towards me. I am pretty sure based on our prior conversation that I qualify under the Whistle Blowers law in the State of Florida. Am I intentionally being singled out because I know more information that is detrimental, or is this due to your friendship with the chief? I am wondering if some of the statements you made this morning are completely accurate or maybe there was some things that occurred behind the scenes. Also, the chief was fully aware of you meeting with us and later discussed having prior knowledge of your conversation. You finished by stating something to the effect of only a few people are complaining and it doesn't reflect the majority of our city. How can any of this be fair or impartial to your employees when you have your own people conduct this investigation? Last I checked we were all your employees no matter what rank of position. Now we face another "interview" with the Human Resources Director who advised me last time that "you have problems over there" but, that "I (Gabrielle) would never go against another department head." I also told you I documented this, especially after everyone in the city being subjected to take a class because of the actions of the Chief. I feel truly hopeless and that I have to do something other than look to you for help.



### LT. DAN COOK

Professional Standards Division  
Vero Beach Police Department  
772-978-4620  
dcook@vbpd.org | www.vbpd.org

Some individuals stated that they try to stay on this person's good side to avoid any problems or issues.

#### Fear of Retaliation/Interaction with the Chief

There have been some allegations, though no specific examples, that employees are reluctant to voice any discontent with upper management and/or how the administration is handling matters as employees fear retaliation. It was not clear as to whether it was retaliation in the legal sense under Title VII or some other type of retaliation. Regardless, I was unable to find any individual who felt that they would face retaliation if they questioned any member of the administrative staff. What I found was that the opposite was true. Along the same lines of asking about retaliation, I also asked if the individuals felt comfortable talking to and disagreeing with the Chief. I was unable to find anyone who believed that the Chief would feel that no one would be able to question his actions or decisions. Again, the opposite was true. The consensus was that the Chief had an open-door policy and was willing to listen to all differences of opinion. More than one officer indicated that they have, in the past, disagreed with the Chief. The Chief listens to differing viewpoints and has, in the past, changed his mind after listening to his officer's opinions. Each individual felt that this open-door policy was evenly applied to all divisions and ranks.

It was further indicated that the Chief was receptive to changes and ideas that were put forth by individual officers. The officers indicated that they now have shift meetings where the officers can express their thoughts and concerns to the Chief. The Chief also does a "Chief's chatter" where people have another opportunity to express ideas, concerns, and issues they would like to have addressed.

#### Favoritism/Targeting

There were some allegations, though no specific examples, that the chief had exhibited favoritism towards certain officers while targeting others. I was unable to find any individual who felt that the Chief, any member of the administrative staff, corporals, or sergeants exhibited overt or covert favoritism. No individual was aware of any officer or civilian employee being targeted. All employees felt the officers were all held to the same standard of conduct. Some individuals did say that they had their "favorites" meaning they enjoyed working more with some people as opposed to others. However, I could find no evidence of covert or overt favoritism or targeting.

#### Lack of cooperation with other agencies

Concerns have been voiced that there is a lack of cooperation with other law enforcement agencies, specifically the Indian River Sheriff. Once again, I found no evidence which would lead to the validity of this concern. The road officers indicate that they get along great with the Sheriff's Department and work together all the time. We will send a female officer to assist the Sheriff when they have a female suspect when needed. The K-9 officers train with the Sheriff as does the

motor pool. The detective bureau will share resources and has used the Sheriff's resources. Some individuals did comment that there may be differences in protocols and policy as to how they do things but I could find no animosity between the two organizations.

### Survey

There have been numerous allegations and assertions that the Chief willfully ordered a survey destroyed as it was damaging to him and he did not want anyone to see it. To fully understand this whole issue, it is important to understand the why behind the survey. Two officers wanted to find a way to help improve the VBPD. To this end, they decided to come up with a survey that was to be used solely for the betterment of the department and not as a tool to cause any dissension or problems. To accomplish the goal of improvement, the two officers proposed that the survey be deleted upon completion of the task. The survey was not to be taken by anyone who was a Corporal and above. The survey was approved by the Chief and the Lieutenant in charge of the two officers. Once approved, the survey was disseminated digitally, by one of the two officers, to each officer in the department. Upon completion, the results were discussed, the survey was deleted, and positive changes were made. Indeed, several individuals felt that some of the changes for the better were a result of the survey. It is important to note that there was a consensus, between the four personnel involved, to delete the digital copy. At no time was this a unilateral decision on the part of any of the four involved. Lastly, no paper copy of the survey was ever printed.

### Morale

I am including this as I believe it is something that needs to be addressed. It was expressed, to me, over and over that the constant request for public records and outside interference is severely impacting the morale of the officers. They feel that they are always looking over their shoulders and are afraid to do their jobs. They fear that if they make even a minor mistake, they will be the subject of the next public records request. The officers are very nervous and hesitant to act as a result of the intense scrutiny from outside individuals. Many officers expressed the concern that the longer the constant attacks of the administration continue, the worse morale will become. Many of the individuals did not understand why this was occurring as they had seen nothing that would justify attacks of this nature. These officers take a great deal of pride in their jobs and the department and feel that these attacks are personal and uncalled for.

Another point that should be mentioned is that I heard the term "family" quite often. It was repeatedly expressed the VBPD is a family or that it feels like a family. One officer went out of his way to let me know how appreciative he was of the Chief's support during several traumatic life events he experienced.

To conclude, I did not find nor was I made aware of any behavior that would rise to the level of a hostile work environment. I found no evidence of any type of retaliation nor any fear of retaliation if there was a difference of opinion with the Chief. The overwhelming consensus was that the Chief has an open-door policy and welcomes ideas and suggestions from his staff. Several people mentioned

that the Chief almost always solicits advice and opinions when making a decision. There does not appear to be any favoritism or targeting of employees. I was unable to find any indication of malfeasance or wrongdoing on the part of the Chief. What I did find was an eroding morale among the officers and staff as they feel the pressure of the recent outside constant scrutiny.

I performed a comprehensive review of the department and interviewed approximately 25% of the workforce. As with any type of in-depth review, there are some small changes that might be beneficial to the overall operation. However, this result would occur with any department or business if someone came in and reviewed the operation.



# Vero Beach Police Department

## Memorandum No. 24-97-18



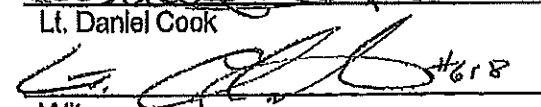
**TO:** Lt. Daniel Cook  
**FROM:** Deputy Chief Matthew Monaco  
**DATE:** 4/8/2024  
**SUBJECT:** Division Investigation

This is to inform you that you are the subject of a Division Investigation ordered by Chief David E. Currey. The investigation will focus on whether you had knowledge that an employee violated a Vero Beach Police Department General Order, and knowing so you failed to contact the division commander or your immediate supervisor. The proceeding investigation will focus on any violations of the following Vero Beach Police Department General Order.

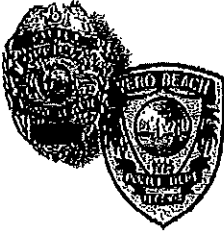
28.54: Members having personal knowledge (not rumors) of other employees violating laws, ordinances, or General Orders shall report the facts of same in writing to their immediate supervisor. If the matter is of such gravity that it must be brought to the immediate attention of the Chief of Police, the chain of command may be by-passed.

The investigation will be conducted in accordance with the procedures outlined in the department general orders manual.

Your rights and responsibilities as the accused employee in this investigation are outlined in department general orders, the "police officer bill of rights", f.s.s. § 112.532 and § 112.533, and the provisions of the current collective bargaining contract.

  
297  
\_\_\_\_\_  
Deputy Chief Matthew Monaco  
  
\_\_\_\_\_  
Lt. Daniel Cook  
  
#618  
\_\_\_\_\_  
Witness





# Vero Beach Police Department

## Supervisors

### Administrative Action Form

Employee Name: Lieutenant Daniel Cook

Supervisor Name: Chief David E. Currey

Date: 05-06-2024

**Incident Information:**

Date: 03-02-2024

Time:

Location:

**Description of incident:**

On 3/1/24 you stated that Communications Supervisor Karl Ryan told you about a situation involving an officer who worked the Community Partnership Unit detail on the weekend of 2/23/24 & 2/24/24. On 3/2/24 you investigated and spoke with Cpl. Dominguez who provided you with details about an officer who neglected his duties on 2/24/24. You stated that you did not report this to Lt. Harrelson or Deputy Chief Monaco because you learned that Cpl. Dominguez sent Lt. Harrelson an e-mail describing what happened and you didn't "have any dog in that fight after that." You stated that Cpl. Dominguez told you that Lt. Harrelson "was going to take care of it, but I don't trust him." You also said that

The results of this supervisory inquiry have found you are in violation of Vero Beach Police Department General Order/s and/or City of Vero Beach Personnel Rules and Regulations:

<input checked="" type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number: 28	Section/s: 54
<input type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number:	Section/s:
<input type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number:	Section/s:
<input type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number:	Section/s:

Based on the findings the following administrative action shall be issued pursuant to G.O. 113

Verbal Counseling     Written Reprimand/Remedial Training     Suspension/Remedial Training

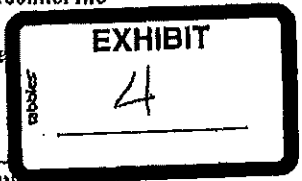
\*Any future violations of any kind may result in more severe administrative action

**The following corrective action shall be taken:**

In the future you shall notify your immediate supervisor, Deputy Chief Monaco, in writing about information that comes to your attention regarding a violation of law, ordinance, general order or information that needs to be addressed for the good working order of the police department.

This form will not be placed in your personnel file     This form will be placed in your personnel file

Your signature on this form means that the incident has been discussed with you. It does not mean you agree with the findings.



Employee:

Print

Sign

Date

Supervisor:

Print

Sign

Date

Witness:

Print

Sign

Date

Department Head:

Print


Sign

Date



This form meets certain CFA Standards. Do not change without authorization of the Accreditation Manager, revised 2/16/12

**VERO BEACH POLICE DEPARTMENT**  
Written Directives

	<b>General Order</b>	<b>44</b>
	<b>Subject: Performance Evaluations</b>	
Rescinds: 11/04/17	Effective Date: 06/14/2023	
Pages: 3	CFA Accreditation Standard(s) v 5.0: 12.01 - 12.06	

**PURPOSE:** The purpose of this General Order is to provide written direction for the maintenance of a performance evaluation system. The objective of the system is to identify performance that meets or exceeds established guidelines and implement corrective action for performance that does not.

I. Policy  
II. Procedure

I. Policy

It is the policy of this police department to maintain a performance evaluation system that is fair, impartial, and consistent with competent personnel management practices.

II. Procedure

44.1 Evaluations for sworn members will be conducted bi-annually, each fiscal year. The first evaluation will occur no later than April 1<sup>st</sup> and the second will occur no later than October 1<sup>st</sup>. Evaluations for Sergeants will be conducted bi-annually within thirty days after other sworn members. Evaluations for the Chief of Police (conducted by the City Manager), the Deputy Chief of Police (conducted by the Chief of Police), Lieutenants (conducted by the Deputy Chief of Police) and civilian employees will be conducted annually to coincide with the member's date of hire. Commanders or Supervisors (raters) will conduct evaluations on every full-time member under their span of control as outlined in this General Order.

44.2 Raters are responsible for completing evaluations in accordance with this directive and forwarding them to the Deputy Chief of Police for review.

44.3 The Deputy Chief of Police is responsible for ensuring that performance evaluations are completed when due and forwarded to the Chief's office for final approval and retention.

44.4 Supervisors will receive a performance evaluation manual to use as a guide when completing evaluations. Supervisors will receive training on how to rate full time members prior to the first evaluation following their promotion. A Lieutenant or other

**EXHIBIT**  
5

supervisor, at the discretion of the Deputy Chief of Police will provide the training. Training will include, but not be limited to the following:

- A review of this General Order
- Objectives of the performance evaluation system.
- Measurement Definitions.
- Procedures for the use of forms.

44.5 All raters are to be evaluated by the Deputy Chief of Police regarding the quality of ratings given employees.

44.6 Members may be counseled at the beginning of each rating period concerning, at a minimum, the following:

- The tasks of the position
- The level of performance expected
- The criteria used for ratings during the evaluation process.

44.7 Member performance will be evaluated in specific categories based on the job description and position held during the rating period. The evaluation will be based only on the performance during the rating period. Comments are not required for satisfactory ratings, but shall be obligatory for substandard ratings or outstanding performance.

44.8 The rater will meet with the member to discuss the results of the evaluation and the level of performance expected, rating criteria or goals for the new reporting period.

44.9 The member will be given an opportunity to document any supporting or opposing comments to any ratings or rater comments in the space provided.

44.10 The rater and member will sign the performance report to acknowledge that the report was read and discussed.

44.11 A copy of the completed performance report will be provided or available to the member. The original will be placed in the member's personnel file.

44.12 All performance evaluation reports will be retained in accordance with Florida records retention schedules.

44.13 Performance reports may be used to determine member retention, training needs, promotion or career advancement potential, and job effectiveness.

~~44.14 Members operating at substandard performance will be given written notification as soon as substandard performance is identified and prior to the end of their annual, semi-annual or monthly (for probationary members) rating periods. This notification will~~

~~be completed by the member's supervisor and will contain specific information on the member's performance.~~

44.15 A member who wishes to contest the results of their annual, semi-annual or monthly (for probationary members) evaluation may request a review by the Deputy Chief of Police. The request must be submitted in writing within seventy-two (72) hours after the rater interview. The memorandum will state the specific reason for the appeal. General dissatisfactions about ratings or vague complaints are not grounds for an appeal.

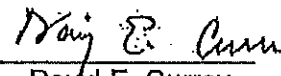
44.16 Full time members who are in the Field Training Program will be evaluated in accordance with that directive.

44.17 Upon completion of the Field Training Program, sworn members will be evaluated monthly, in writing, using job related measures and procedures for the remainder of their probationary period. A formal review of their performance will be conducted one month prior to the conclusion of their probationary period. Personnel responsible for the review shall include at a minimum, the Deputy Chief of Police, the Shift Commander, and FTO Program Coordinator.

44.18 All non-sworn members will be evaluated according to the guidelines established in Appendix F of the City of Vero Beach Personnel Rules. Personnel responsible for the review shall include at a minimum, the non-sworn members immediate supervisor and command level officer.

44.19 Supervisors will use the Performance Appraisals for non-sworn members provided by the City of Vero Beach Human Resources. The Performance Appraisals can be found by going to the Citywide Share "O" Drive and clicking on the "Performance Appraisals" folder and then the "Police" folder. Supervisors shall ensure that the appropriate performance appraisal (ie. New Hire, Trial Period, Annual, etc.) for non-sworn members are conducted in accordance with the guidelines established in Appendix F of the City of Vero Beach Personnel Rules.

General Order 44 approved:

  
David E. Currey  
Chief of Police



# Vero Beach Police Department Supervisors Administrative Action Form

Employee Name: Lt. Daniel Cook  
 Supervisor Name: Deputy Chief Matthew Monaco  
 Date: 06-14-2024

**Incident Information:**

Date: 05-20-2024      Time:      Location: 1055 20th Street

**Description of Incident:**

On 5/20/24 I provided you with your annual evaluation. After reading the evaluation you disagreed with it and said on at least two occasions that I was lying. You demanded that I call Administrative Assistant Brandy Morrison into the briefing room and ask her about the conversation you and I had with her on 2/29/24. I informed you that would not be appropriate and HR Director Manus agreed. Following my meeting evaluation with you, I spoke with Administrative

The results of this supervisory inquiry have found you are in violation of Vero Beach Police Department General Order/s and/or City of Vero Beach Personnel Rules and Regulations:

<input checked="" type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number: 28	Section/s: 34
<input checked="" type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number: 28	Section/s: 35
<input checked="" type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number: 28	Section/s: 36
<input type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number: .	Section/s:

Based on the findings the following administrative action shall be issued pursuant to G.O. 113

Verbal Counseling     Written Reprimand/Remedial Training     Suspension/Remedial Training

\*Any future violations of any kind may result in more severe administrative action

**The following corrective action shall be taken:**

You shall be professional and respectful when speaking with members of the police department. Future violations could lead to progressive discipline.

This form will not be placed in your personnel file     This form will be placed in your personnel file

Your signature on this form means that the incident has been discussed with you. It does not mean you agree with the findings.

Employee:

Print \_\_\_\_\_ Sign \_\_\_\_\_ Date \_\_\_\_\_

Supervisor:

Print DE MATTHEW MONACO    Sign *Matthew Monaco*    Date 6/14/24

Witness:

Print Lt. Henderson    Sign *[Signature]*    Date 6/14/24

Department Head:

Print \_\_\_\_\_ Sign \_\_\_\_\_

This form meets certain CFA Standards. Do not change without authorization of the Accreditation Manager.

**EXHIBIT**  
6



# Vero Beach Police Department

## Supervisors

### Administrative Action Form

Employee Name: Lt. Daniel Cook  
 Supervisor Name: Deputy Chief Matthew Monaco  
 Date: 06-14-2024

**Incident Information:**

Date: 05-07-2024 Time: Location: 1055 20th Street

**Description of Incident:**

On 5/21/24, you sent an e-mail to HR Director Gabrielle Manus and four members of City Council which contained your recent employee evaluation, your rebuttal for your evaluation, General Order 44, a memo you sent to Chief Currey on 4/5/24, and a memo from Fran Hall sent to you on 5/7/24. It is apparent that you sent this e-mail in an attempt to address your personal personnel concerns as opposed to investigate and take corrective action with respect to Ms. Hall's concerns

The results of this supervisory inquiry have found you are in violation of Vero Beach Police Department General Order/s and/or City of Vero Beach Personnel Rules and Regulations:

<input checked="" type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number: 29	Section/s: 3
<input type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number:	Section/s:
<input type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number:	Section/s:
<input type="checkbox"/> General Order	<input type="checkbox"/> City Rule/Regulation	Number:	Section/s:

Based on the findings the following administrative action shall be issued pursuant to G.O. 113

- Verbal Counseling     Written Reprimand/Remedial Training     Suspension/Remedial Training  
 \*Any future violations of any kind may result in more severe administrative action

**The following corrective action shall be taken:**

When you are presented with a potential harassment complaint you shall investigate and take immediate corrective action. Informal action shall be reported to the Deputy Chief and formal action to the Chief of Police so the incident can be reported to the Director of Human Resources.

- This form will not be placed in your personnel file     This form will be placed in your personnel file

Your signature on this form means that the incident has been discussed with you. It does not mean you agree with the findings.

Employee:

Print \_\_\_\_\_ Sign \_\_\_\_\_ Date \_\_\_\_\_

Supervisor:

DC MATTHEW MONACO *Matthew Monaco* 6/14/24  
 Print \_\_\_\_\_ Sign \_\_\_\_\_ Date \_\_\_\_\_

Witness:

Lt. Hamelton *[Signature]* 6/14/24  
 Print \_\_\_\_\_ Sign \_\_\_\_\_ Date \_\_\_\_\_

Department Head:

Print \_\_\_\_\_ Sign \_\_\_\_\_ Date \_\_\_\_\_

This form meets certain CFA Standards. Do not change without authorization of the Accreditation Manager. Revised 2/16/20

**EXHIBIT**

7



**Vero Beach Police  
Department Memorandum No.  
24-97-27**

**To:** Lt. Daniel Cook

**From:** Deputy Chief Matthew Monaco

**Subject:** Annual Evaluation

**Date:** June 6, 2024

---

Lt. Cook:

In your performance review, you were given improvement needed in the 3 following categories:

Interaction with others

Attitude

Dependability

You indicated that you did not get prior written notification of substandard performance as per General Order 44.14.

You are correct in that you did not get a written notification in regards to improving your attitude and interaction with others. As such, those 2 categories will no longer be considered to be improvement needed. Should there be continued substandard performance in these 2 categories, your next performance review will show as improvement needed. Please consider this correspondence to be written notification of substandard performance in the 2 categories.

The category of dependability will remain as improvement needed. Your prior review indicated that a recruitment plan was one of your goals. I followed up on this matter several times. As of the date of your 2024 review, it was not completed.

Respectfully,

Deputy Chief Monaco



.....