



**Department of Public Protection**

**Report of Incident**

TO: Mark Swanson, Director  
Department of Public Protection

FROM: Jessica Paugh, Human Resources Manager  
Human Resources Division

DATE: February 15, 2024

SUBJECT: IA 2023-01 Officer David Rapoza

**Basis for Investigation:**

On September 7, 2020, Daytona Beach Police Department began a criminal investigation into allegations of sexual misconduct against Officer David Rapoza, Volusia County Beach Safety. The allegations against Officer Rapoza indicated he had engaged in an on-going sexual relationship with a minor and at one point forced the victim/minor to have sexual intercourse against her will.

The victim, employed as a Volusia County lifeguard during the reported timeframe of incident, had a delayed reporting of two years to law enforcement. In the victim's statement to the Daytona Beach Police Department, Officer Rapoza had a number of sexual encounters with the victim knowing she was sixteen years old and also reported instances of sexual relations with Officer Rapoza while he was on-duty as a sworn certified police officer for the Volusia County Beach Safety Department.

**Offenses:**

*Florida Administrative Code 11b-27.0011 (4)(a) The perpetration by an officer of an act that would constitute any felony offense, whether criminally prosecuted or not.*

*Florida Administrative Code 11b-27.0011 (5) Engaging in oral, anal, or vaginal penetration by, or union with, the sexual organ of another person or engaging in anal or vaginal penetration by any other object while on duty, or at any time the officer is acting under the color of authority as*

*a Commission-certified criminal justice officer, and not done for a bona fide medical purpose or in the lawful performance of the officer's duty.*

***Volusia County Merit Rules and Regulations Sec. 86-453. - Reasons for disciplinary action.***

*(1) Willful neglect in the performance of the duties of the position to which the employee is assigned.*

*(2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.*

*(8) Criminal or illegal conduct (regardless of the filing of criminal charges or lack thereof or the absence of a criminal conviction or adjudication) that interferes with effective job performance or has an adverse effect on the county.*

*(9) Any conduct, on or off duty, that interferes with effective job performance or has an adverse effect on the county.*

*(12) Incompetent or unsatisfactory performance of duties.*

*(14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.*

*(22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.*

**Investigation:**

On September 9, 2020, Officer Rapoza was placed on paid administrative leave while being investigated by Daytona Beach Police Department.

On November 2, 2020, the Daytona Beach police Department concluded their investigation as unfounded.

On November 5, 2020, a request for internal investigation was assigned to Officer Dave Vanis.

On December 14, 2020, Officer Rapoza was terminated from the County of Volusia after failing to return to work from his paid administrative leave status.

On January 29, 2024, this case was re-assigned to this investigator.



[REDACTED]

On January 11, 2024, I conducted a sworn recorded interview with the victim, [REDACTED]. Below is a synopsis of the audio recorded interview:

[REDACTED] stated she began working with the County of Volusia as a lifeguard in 2018. [REDACTED] stated she met David Rapoza through work as he was assigned to train [REDACTED] in her lifeguard duties. During her training phase, Rapoza was a lifeguard and not yet a sworn certified officer. Rapoza and [REDACTED] reportedly escalated their relationship into a sexual relationship, [REDACTED] being in high school at the time and sixteen years of age, Rapoza twenty six years old.

According to [REDACTED] Rapoza was aware of her age from the first day she was hired, and she would skip school throughout their relationship to spend time with him. [REDACTED] also stated she was aware he was twenty-six years of age. [REDACTED] stated the two had a few consensual sexual encounters over a ten-month period, but the relationship ended when Rapoza forced [REDACTED] to have sexual intercourse against her will. [REDACTED] stated she did not report this immediately and was later urged by friends to report the relationship to authorities due to her age at the time of incident.

[REDACTED] stated during the ten month period she was sexually involved with Rapoza, Rapoza obtained his law enforcement certificate and served as a certified police officer for Volusia County Beach Safety. [REDACTED] reported two specific times she had sexual encounters with Rapoza while he was a certified police officer, on duty. [REDACTED] described one of the incidents as having sexual intercourse with Rapoza in a park bathroom connected to the beach and the second incident as performing oral sex on Rapoza while he was in his patrol vehicle. Both encounters, Rapoza was in uniform. [REDACTED] stated that Rapoza was adamant she not disclose their relationship in fear he would be fired or get in trouble.

During this interview, [REDACTED] stated that she had disclosed the relationship with Rapoza to co-worker Noemi Fekete. I attempted to contact Fekete for an interview but was unable to locate her.

I also attempted to locate Rapoza for interview, but all attempts rendered unsuccessful. No phone number listed for Rapoza was valid, and no known associates contacted had current information for him.

Based on [REDACTED] account, David Rapoza engaged in an improper sexual relationship with a minor constituting a felony, and had sex on duty.

On February 13, 2024, this internal affairs investigation was presented to Public Protection Director, Mark Swanson. Upon completion of the presentation, Director Mark Swanson determined the below allegations as SUSTAINED:

**Offenses:**

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*Florida Administrative Code 11b-27.0011 (5) Engaging in oral, anal, or vaginal penetration by, or union with, the sexual organ of another person or engaging in anal or vaginal penetration by any other object while on duty, or at any time the officer is acting under the color of authority as a Commission-certified criminal justice officer, and not done for a bona fide medical purpose or in the lawful performance of the officer's duty.*

***Volusia County Merit Rules and Regulations Sec. 86-453. - Reasons for disciplinary action.***


- (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.*
- (2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.*
- (8) Criminal or illegal conduct (regardless of the filing of criminal charges or lack thereof or the absence of a criminal conviction or adjudication) that interferes with effective job performance or has an adverse effect on the county.*
- (9) Any conduct, on or off duty, that interferes with effective job performance or has an adverse effect on the county.*
- (12) Incompetent or unsatisfactory performance of duties.*
- (14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.*
- (22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.*

Unless otherwise directed, this investigation is considered closed, and is submitted for review and action as deemed appropriate. The original attachments of interviews and other documents pertaining to this investigation remain on file with the Internal Affairs Unit.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

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 of the rights contained in ss.112.532 and 112.533, Florida Statute.

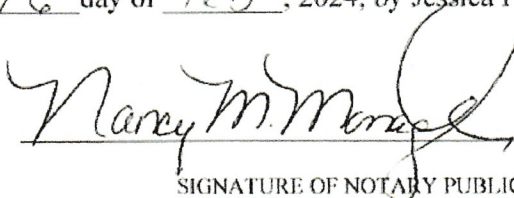
  
\_\_\_\_\_  
Jessica Paugh

2-16-24  
\_\_\_\_\_  
Date

STATE OF FLORIDA

COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 16 day of Feb, 2024, by Jessica Paugh

  
\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC



NANCY M. MONAGHAN  
Notary Public  
State of Florida  
Comm# HH260382  
Expires 7/10/2026

Personally Known ☒ OR Produced Identification ☐ Type \_\_\_\_\_

APPROVED BY:

  
\_\_\_\_\_  
DIRECTOR MARK SWANSON

COUNTY OF VOLUSIA PUBLIC PROTECTION

DATE: 2/19/24





Florida Department of  
Law Enforcement

## INTERNAL INVESTIGATION REPORT

Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



**CJSTC**  
**78**

Please type or print in black or blue and use capital and small letters for names, titles, and address

### OFFICER

1. Last Four Digits of Officer's Social Security Number: [REDACTED]
2. Officer's Name: Rapoza David K  
Last First MI
3. Officer's Last Known Address: [REDACTED]  
Street City State Zip Code
4. Officer's Telephone Number: \_\_\_\_\_

### AGENCY

5. Agency ORI: FL \_\_\_\_\_
6. Agency Name: Volusia County Beach Safety
7. Agency Contact Person: Mark Swanson
8. Agency Contact Person's Telephone Number: 386-740-5120
9. Agency Fax Number: \_\_\_\_\_

### VIOLATION - ALLEGATION

10. Nature of Allegation(s): Sex of Duty, Sex with a Minor

11. Agency Disposition: Sustained – (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C. ☒  
Sustained – (Violation of Agency Policy): ☒ Not Sustained: ☐ Unfounded: ☐ Exonerated: ☐

12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: November 2020 Date Internal Investigation Completed: 2/18/2024

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Told
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____
<input type="checkbox"/> Ongoing compliance hearing proceeding	_____

13. Criminal Charges Filed: N/A

14. Agency Disciplinary Action: Resigned under investigation

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

Summary of the Facts ☐ Internal Investigation Report ☐ Name and Address of Witness ☐  
Witness Statement/Disposition ☐ Certified Court Documents ☐ Other Supportive Information ☐

**NOTICE:** Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

16. Agency administrator's signature

Mark Swanson, Director

18. Agency administrator's name and title

2/19/24  
17. Date signed



**FDLE**Florida Department of  
Law Enforcement**AFFIDAVIT OF SEPARATION**Incorporated by Reference in Rules  
11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.**CJSTC  
61**

1. Last Four Digits of Social Security Number: <u>                    </u>		<b>Employment Class</b> <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Correctional <input type="checkbox"/> Correctional Probation <input type="checkbox"/> Concurrent <input type="checkbox"/> Special Elected or Appointed <input type="checkbox"/> Instructor  <b>Employment Type</b> <input checked="" type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Auxiliary
2. Name: <u>Rapoza, David K</u> <div style="display: flex; justify-content: space-between;"> <span>Last</span> <span>First</span> <span>MI</span> </div>		
3. Agency Name: <u>Volusia County Beach Safety</u>		
4. Agency ORI: <u>FL0641700</u>		
5. Date Employed: <u>02/14/2019</u>	6. Separation Date: <u>12/14/2020</u>	

**7. Separation Reasons**

<b>7A. ADMINISTRATIVE-ROUTINE</b> <input type="checkbox"/> Voluntary separation not involving misconduct <input type="checkbox"/> Transfer within agency. No break in service <input type="checkbox"/> Retired. Not involving misconduct <input type="checkbox"/> Deceased <input type="checkbox"/> Budgetary constraints. Local and Federal grants not renewed <input type="checkbox"/> Extended leave of absence Type: <u>                    </u> Periods of Time: <u>                    </u> <input type="checkbox"/> Military leave of absence Periods of Time: <u>                    </u> <input type="checkbox"/> Suspension Periods of Time: <u>                    </u> <input type="checkbox"/> Administrative separation not involving misconduct <input type="checkbox"/> Special elected or appointed Position: <u>                    </u> Anticipated Term: <u>                    </u> <input type="checkbox"/> Instructor request for change of affiliation	<b>7C. ADMINISTRATIVE - SUBSTANDARD PERFORMANCE</b> <input type="checkbox"/> Failure to satisfactorily complete the agency field training program (training performance issues) <input type="checkbox"/> Failure to perform assigned tasks satisfactorily.  <b>7D. OTHER - EXAMPLE</b> <input checked="" type="checkbox"/> Excessive absenteeism, failure to report for duty, sleeping on duty, etc.  <b>7E. UNFAVORABLE - MISCONDUCT</b> <input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.  NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.	<b>7F. Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer or instructor it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.</b>  <input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.  NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.
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NOTICE: Section 943.139(2), F.S., requires the execution of an Affidavit of Separation by the employing agency in a case of officer separation.  
 WARNING: Intentional false execution of this Affidavit of Separation constitutes a misdemeanor of the second degree.

8. Agency Administrator or Designee's Signature <u>[Signature]</u>	9. Agency Administrator or Designee's Printed Name <u>MICHAEL BERARD</u>	10. Date <u>12/18/2020</u>
11. Agency Administrator or Designee's Title <u>Captain</u>		

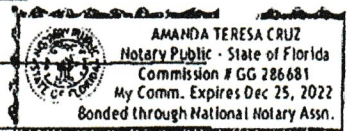
**12. OATH**

Pursuant to Section 117.05(13)(a), Florida Statutes

STATE OF FLORIDA, COUNTY OF

Sworn to (or affirmed) and subscribed before me by means of Physical Presence ☒ OR Online Notarization ☐ this  
day of December, year 2020, By Michael Berard

Signature of Notary Public - State of Florida



Print, Type or Stamp Commissioned name of Notary Public

Personally Known

☒ OR Produced Identification

Type of Identification Produced

Created 1/1/1992

Original - FDLE

Copy - Agency

1 of 1

Commission Approved Revisions: 8/4/16  
Form Effective Date 7/2017





Florida Department of  
Law Enforcement

# Ammended

## AFFIDAVIT OF SEPARATION

Incorporated by Reference in Rules  
11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



**CJSTC**  
**61**

1. Last Four Digits of Social Security Number:                     

2. Name: Rapoza Da Mid k  
Last First MI

3. Agency Name: Volusia County Beach Safety

4. Agency ORI: FL0641700

5. Date Employed: 2-14-2019 6. Separation Date: 12-14-2020

### Employment Class

- ☒ Law Enforcement  
☐ Correctional  
☐ Correctional Probation  
☐ Concurrent  
☐ Special Elected or Appointed  
☐ Instructor

### Employment Type

- ☒ Full time  
☐ Part time  
☐ Auxiliary

### 7. Separation Reasons

- 7A. ADMINISTRATIVE – ROUTINE**
- ☐ Voluntary separation not involving misconduct  
☐ Transfer within agency. No break in service  
☐ Retired. Not involving misconduct  
☐ Deceased  
☐ Line of Duty Death  
☐ Budgetary constraints. Local and Federal grants not renewed  
☐ Extended leave of absence  
Type:                       
Periods of Time:                       
☐ Military leave of absence  
Periods of Time:                       
**NOTE:** See Instructions on Page 2.  
☐ Suspension  
Periods of Time:                       
☐ Administrative separation not involving misconduct  
☐ Special elected or appointed  
Position:                       
Anticipated term:                       
☐ Instructor request for change of affiliation
- 7B. ADMINISTRATIVE – NON-ROUTINE**
- ☐ Failure to complete basic recruit training  
☐ Failure to pass the State Officer Certification Examination

- 7C. ADMINISTRATIVE – SUBSTANDARD PERFORMANCE**
- ☐ Failure to satisfactorily complete the agency field-training program (training performance issues).  
☐ Failure to perform assigned tasks satisfactorily.
- 7D. OTHER – EXAMPLE**
- ☒ Excessive absenteeism, failure to report for duty, sleeping on duty, etc.
- 7E. UNFAVORABLE – MISCONDUCT**
- ☐ Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.  
☐ Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.  
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- ☒ Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.  
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☐ Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.
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8. Agency Administrator or Designee's Signature

9. Agency Administrator or Designee's Printed Name

10. Date

11. Agency Administrator or Designee's Title

### 12. OATH

Pursuant to Section 117.05(13)(a), Florida Statutes

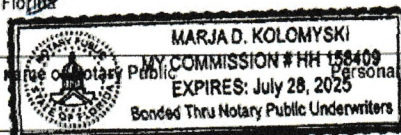
STATE OF FLORIDA

COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of Physical Presence ☒ OR Online Notarization ☐ this 19<sup>TH</sup>  
day of FEBRUARY, year 2024, By MARK SWANSON

Marja D. Kolomyski  
Signature of Notary Public – State of Florida

Print, Type, or Stamp Commissioned



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced