

**DEPARTMENT OF PUBLIC PROTECTION  
INTERNAL AFFAIRS**

**Richard Gardner, Subject Interview  
IA 2011-09-297**

October 6, 2011

Present:

Richard Gardner, Captain, Beach Safety

Abraham McKinnon, Attorney at Law

Nikki A. Dofflemyer, Captain

Bonita McClough, Transcribing Secretary

Dofflemyer: This is Captain Nikki Dofflemyer with the Department of Public Protection's Internal Affairs Unit. Ah today's date is the 6<sup>th</sup> of October, 2011 the time is approximately 1015 hours. We're conducting this interview with Captain Rich Gardner. We're at the ah Volusia County Beach Safety headquarters located in Daytona Beach Florida. This is a taped interview statement with Captain Gardner. Ah Captain Gardner was given written notice of the intent to interview and appear today to provide a sworn statement. He is the subject of this investigation. He is currently on duty and has been released from service to participate in this interview. Captain Gardner was also provided a copy of the Officer Bill of Rights and a copy of his Advisement Garrity Advisement of Garrity prior to this interview. Ahm Captain Gardner, can you identify yourself for the record, please?

Gardner: Richard Gardner.

Dofflemyer: And Captain Gardner, who are you employed by?

Gardner: Volusia County

Dofflemyer: And how long you been with Volusia County?

Gardner: Since ahm May of 1984.

Dofflemyer: Ok and you are currently a supervisory status?

Gardner: I am.

Dofflemyer: And you are a certified law enforcement officer?

Gardner: I am.

Dofflemyer: Ok. Ahm Captain Gardner is also represented by council today. Would you identify yourself for the record, please?

McKinnon: Yes my name's Abraham McKinnon.

Dofflemyer: And ah you are the attorney of...

McKinnon: I I'm representing Captain Gardner in this proceeding.

Dofflemyer: Very good. Ah Captain Gardner you do understand this this is a a taped interview statement your statement will be given under oath... ahm and also I'm gonna advise you please not to discuss any part of this interview until the case comes to closure with anybody other than than your attorney. Ok

Gardner: I do

Dofflemyer: Were you given the opportunity to review the documents prior to the start of this interview?

Gardner: I was

Dofflemyer: Were you given ample time to review and discuss any information with your attorney prior to our starting the interview?

Gardner: I was

Dofflemyer: Ok very good. Will you raise your right hand for me?

Gardner: (clears throat)

Dofflemyer: Do you solemnly swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God?

Gardner: I do.

Dofflemyer: Ok very good. Captain Gardner, ahm do you have a contact phone number?

Gardner:

Dofflemyer: And that is your ah...

Gardner: County

Dofflemyer: County issued cell phone?

Gardner: Yes, Ma'am

Dofflemyer: Ok. (papers) Captain Gardner, you were given the opportunity to review the documents and the complaint prior to the start of this interview.

Gardner: Ah ha

Dofflemyer: Ahm one of the the parties named in that ah allegation was an officer by the name of Elizabeth Paige Winters. Do you know Officer Winters?

Gardner: Yes

Dofflemyer: Ok. Ahm how do you know Officer Winters?

Gardner: Ah she is an...a newly hired employee.

Dofflemyer: You say newly hired -?

Gardner: Ah well newly sworn employee she I believe she's been working with us for ahm maybe a year or two in ahm a Lifeguard capacity; real recently ah promoted to Senior Lifeguard.

Dofflemyer: Ok do you know when she became a Sr Lifeguard? And that Sr. Lifeguard for the record is actually a sworn law enforcement officer?

Gardner: Correct and I don't know.

Dofflemyer: Ok. So do you know when she b gained employment with Volusia County?

Gardner: I don't.

Dofflemyer: Ok but she became a law enforcement officer recently?

Gardner: Yes Ma'am

Dofflemyer: Ok. Do you know if she's currently on probation?

Gardner: Ah she would be, yes.

Dofflemyer: Ok and how would you know this?

Gardner: I believe it's a year ah...

Dofflemyer: Ok

Gardner: probation from your your swear in. Maybe two...ahm...probably two years.

Dofflemyer: Ok

Gardner: I don't know. (laughs) But I think she's on probation.

Dofflemyer: Ok very good. Ahm Captain Gardner, do you directly supervise her?

Gardner: I do not.

Dofflemyer: Have you ever been her direct supervisor?

Gardner: I have not.

Dofflemyer: Ahm have you socialized with Officer Winters outside your assigned work details and duties?

Gardner: Yes

Dofflemyer: Ok. How many times?

Gardner: I don't know. Ahm...(pause)...in excess of ten.

Dofflemyer: Ok. When you would socialize with Officer Winters outside of ahm your assigned work detail, was there anybody else present?

Gardner: Yes

Dofflemyer: Do you remember who else was present?

Gardner: It was in ahm a group setting like at a ahm ah...a restaurant.

Dofflemyer: Ok. Remember how many times that took place?

Gardner: Maybe three.



Dofflemyer: Captain, do you currently socialize with Officer Winters on a personal, intimate or romantic level?

Gardner: No

Dofflemyer: Have you ever been involved in an intimate or romantic relationship with Officer Winters?

Gardner: Yes

Dofflemyer: When did it begin?

Gardner: Sometime in ahm mid August.

Dofflemyer: And that'd be August of 2011?

Gardner: Yes m hm

Dofflemyer: And how long did the relationship last?

Gardner: Two or three weeks.

Dofflemyer: During that relationship, were you seen in public with her ahm with around other Beach Safety employees where you guys would appear to be in a romantic setting or involved in a romantic relationship that other employees could witness?

Gardner: No

Dofflemyer: Did you directly supervise Officer Winters during the time you were involved with her in a romantic relationship?

Gardner: No

Dofflemyer: At any time have you used your County issued cell phone to communicate with Officer Winters for personal reasons associated with your romantic relationship?

Gardner: No

Dofflemyer: While on duty did you communicate with Officer Winters using your personal cell phone to facilitate a personal relationship?

Gardner: To facilitate?

Dofflemyer: Or to discuss to to discuss anything that would not be work related.

Gardner: Yes

Dofflemyer: Ok. Did you call her?

Gardner: ...Yes

Dofflemyer: About how many times?

Gardner: Not often.

Dofflemyer: Ok, approximately how many times?

Gardner: ...I don't know.

Dofflemyer: More than ten?

Gardner: I really don't know.

Dofflemyer: Ok. Did she call you?

Gardner: Yes

Dofflemyer: How many times?

Gardner: I don't know.

Dofflemyer: More than ten?

Gardner: Probably

Dofflemyer: More than twenty?

Gardner: I I honestly don't know.

Dofflemyer: Ok

Gardner: I don't know.

Dofflemyer: Did it interfere - the calls - with any part of your being able to perform your official duties?

Gardner: No

Dofflemyer: At any time did you have any type of physical relationship with Officer Winters when you or Officer Winters were on duty?

Gardner: No

Dofflemyer: Did you have any type of physical contact, sexual contact while on County property?

Gardner: No

Dofflemyer: At any Beach Safety location?

Gardner: No

Dofflemyer: Have you engaged in any sexual contact with Officer Winters while on duty?

Gardner: No

Dofflemyer: Who else was aware of your relationship with Officer Winters?

Gardner: (long pause) Abraham McKinnon...ahm...

Dofflemyer: Anybody - more specifically ahm anybody within Beach Safety.

Gardner: ...Julie Anderson.

Dofflemyer: Is she a supervisor?

Gardner: No

Dofflemyer: Ok. Anybody else?

Gardner: I mean no I I don't want to misspeak here because she...I think she probably assumed that.

Dofflemyer: Ok

Gardner: But she was probably...present during that time when we were at Caffeine

Dofflemyer: Ok

Gardner: which was the restaurant I referenced.

Dofflemyer: Ok

Gardner: So...

Dofflemyer: At any time did you notify any anybody in your immediate chain of command that you were currently involved in a relationship with Officer Winters who would've been a probationary employee?

Gardner: No

Dofflemyer: Ok so n never at any time did you report it to Director Sweat?

Gardner: No

Dofflemyer: Never reported it to Scott Petersohn

Gardner: No

Dofflemyer: (Unintelligible) Was there a reason that you didn't notify them that you were currently involved in a relationship?

Gardner: No

Dofflemyer: Ok...at any time did you promise any reward or special benefit to Officer Winters if she agreed to become involved with you in a romantic or an intimate relationship?

Gardner: No

Dofflemyer: At any time did you assign Officer Winters to a special detail, special assignment, shift assignment, special treatment, reward, any commendation due to the relationship she had with you?

Gardner: No

Dofflemyer: Any special favors given to Officer Winters based upon the relationship?

Gardner: No

Dofflemyer: (papers) Since you don't supervise her, would you have the ability to assign her to any special duties or shift in the capacity that you work currently?

Gardner: Special days or shifts?

Dofflemyer: Anything anything that would be considered favoritism based upon ah your relationship.

Gardner: No

Dofflemyer: Did you ever verbally or imply in any way to Officer Winters that if she did not agree to a romantic or intimate relationship with you that you would or could influence her continued employment with Beach Safety?

Gardner: No

Dofflemyer: And you said you're currently not involved in a relationship with Ms. Winters.

Gardner: Correct

Dofflemyer: Ok and you still currently do not supervise her.

Gardner: Correct

Dofflemyer: Captain, do you know ahm Cara Gittner?

Gardner: I do

Dofflemyer: Ok and how do you know Cara?

Gardner: Ah she's a ahm also a Sr. Lifeguard.

Dofflemyer: Do you directly supervise her?

Gardner: No

Dofflemyer: Have you ever been her direct supervisor?

Gardner: No ah..no

Dofflemyer: Is she ah do you know how long she's been with Beach Safety?

Gardner: I believe somewhere in the area of 2002

Dofflemyer: Ok she's not currently on probation?

Gardner: Nnno.

Dofflemyer: Ok

Gardner: Well...no no

Dofflemyer: Do you socialize with Officer Gittner outside of your assigned work details and duties?

Gardner: Yes

Dofflemyer: How often?

Gardner: Daily.

Dofflemyer: Have you been involved in an intimate or romantic relationship with Officer Gittner?

Gardner: Yes

Dofflemyer: Ok when did that begin?

Gardner: (Pause) Early to mid 2009

Dofflemyer: Is that relationship currently involved are you still currently involved with Officer Gittner?

Gardner: No

Dofflemyer: Ok and when did that relationship end?

Gardner: (pause) Shortly after I was served notice.

Dofflemyer: Ok so it would've been recent - in the past two weeks. Did you directly supervise her during the time you were involved in a romantic relationship with her?

Gardner: No

Dofflemyer: Were you seen in public with her ahm in front of other Beach Safety employees where it would appear that you guys were involved in a romantic relationship?

Gardner: Yyes

Dofflemyer: Ok

Gardner: I'd say so

Dofflemyer: It happened quite often?

Gardner: No

Dofflemyer: Who else would've been present?

Gardner: Can you repeat the question?

Dofflemyer: Sure who else was present when you would socialize out in public with Officer Gittner?

Gardner: Subsequent to mid 2009? Wow. Ahm...my wife, ahm Mark Chrisman; Kyle McDaniel, Andy Biord, ah ahm...Stan Mannhart...that's all I can think of at this time.

Dofflemyer: Ok when you were out with these parties that you just named did it appear that you and Cara were involved in a relationship?

Gardner: No

Dofflemyer: Ok

Gardner: (Clears throat)

Dofflemyer: At any time did you use your County issued cell phone to communicate with Officer Gardner for personal reasons associated with your romantic relationship?

Gardner: With Officer Gittner?

Dofflemyer: Officer Gittner, yes Sir

Gardner: You you threw me off with the name. Could you repeat the question?

Dofflemyer: Sure at any have you used your County issued cell phone to communicate with Cara Gittner for personal reasons associated with your romantic relationship?

Gardner: No

Dofflemyer: At any time have you had any type of physical relationship with Officer Gittner when either you or Officer Gittner were on duty?

Gardner: No

Dofflemyer: Any type of physical contact, sexual contact while on County property with Officer Gittner?

Gardner: Physical contact?

Dofflemyer: Physical contact.

Gardner: (pause) Yes.

Dofflemyer: Ok can you explain?

Gardner: Ahm...probably in this parking lot like on my way home I may have kissed her goodbye.

Dofflemyer: Ok you would've been on duty or off duty at that time?

Gardner: Off

Dofflemyer: Would Cara have been on duty or off duty?

Gardner: I don't know. Probably o well I would say off.

Dofflemyer: Is that the only physical contact that you've had with Officer Gittner while either in a County vehicle or on County property?

Gardner: No there there've there has been contact in my vehicle as well ah usually on my way home. (unintelligible)

Dofflemyer: Ok can you can you explain for me, please?

Gardner: Yeah I would I would often stop and see her meet her somewhere on my way home and where we would chat for a few minutes and ahm she would be sitting in my car and I would kiss her goodbye.

Dofflemyer: Ok ahm was she on duty at the time or off duty?

Gardner: Off duty

Dofflemyer: You were off duty was she on duty or off duty?

Gardner: Off duty

Dofflemyer: Ok. You said off duty?

Gardner: Yes

Dofflemyer: Ok. Who else was aware of your relationship with Officer Gittner?

Gardner: Aware or assume?



Dofflemyer: Ahm whoever who who had firsthand knowledge of the relationship?

Gardner: Ah ahm...Kyle McDaniel...ah An Andy Ethridge...(pause)...are you speaking specifically employees?

Dofflemyer: Specifically employees, yes.

Gardner: Mindy Greene...Julie Anderson...(clears throat)

Dofflemyer: Do they know because you told them?

Gardner: No

Dofflemyer: How'd they become aware?

Gardner: I don't know

Dofflemyer: Ok. How do you how did you become aware that they were aware of the relationship?

Gardner: I discussed it.

Dofflemyer: Ok was anybody in your immediate chain of command aware of the relationship between you and Ms. or Officer Gittner?

Gardner: (Pause) not to my knowledge.

Dofflemyer: Ok did you tell anybody in your immediate chain of command? Did you personally tell them that you were involved in a relationship with Officer Gittner?

Gardner: No

Dofflemyer: Ok. Is there any reason that you didn't let them didn't advise them?

Gardner: No

Dofflemyer: At any time did you promise any reward or special benefit to Officer Gittner

Gardner: No

Dofflemyer: if she agreed to become involved in a romantic relationship with you

Gardner: No

Dofflemyer: Was Officer Gittner assigned any special detail, special assignment, special shift assignment, any special treatment, award or commendation due to her relationship with you?

(Banging outside)

Gardner: No

Dofflemyer: Did you ahm nominate or vote for Officer Gittner for Officer of the Year?

Gardner: No

Dofflemyer: Do you get a vote?

Gardner: Yes

Dofflemyer: You do get a vote?

Gardner: M hm

Dofflemyer: And how is that vote taken?

Gardner: I voted for Laura Shandell oh how is it taken?

Dofflemyer: Yeah yes

Gardner: Ahm...blind vote with a folded piece of paper.

Dofflemyer: So did you ever nominate Officer Gittner yourself?

Gardner: No

Dofflemyer: Ok. Did you nominate anybody?

Gardner: Yes

Dofflemyer: Do you remember who you nominated – past two years

Gardner: Dylan Frapella

Dofflemyer: Ok

Gardner: because he's under my command

Dofflemyer: Ok

Gardner: he's one of the night shift ah officers

Dofflemyer: And that woulda been for 2010?

Gardner: Eleven

Dofflemyer: Ok 2011 how about 2010?

Gardner: I don't recall if I did or not.

Dofflemyer: Ok do you know who you voted for in 2011?

Gardner: Laura Shandell

Dofflemyer: Do you remember in 2010 who you voted for?

Gardner: No

Dofflemyer: Ok but do you remember if it was or was not Officer Gittner?

Gardner: (Exhales) No I don't

Dofflemyer: I'm sorry I just want to make sure that we're clear you don't remember nominating her?

Gardner: Correct I I no I I did not nominate her.

Dofflemyer: You did not nominate her.

Gardner: Correct

Dofflemyer: So we're absolutely positive we did not nominate her in 2010.

Gardner: I wouldn't have been in a position to.

Dofflemyer: Ok explain that to me.

Gardner: Ah only her supervisor may nominate her

Dofflemyer: Ok

Gardner: or a a Chief or Deputy Chief.

Dofflemyer: And you were never her direct supervisor?

Gardner: Correct

Dofflemyer: So you could not have nominated her.

Gardner: Correct

Dofflemyer: Could you have voted for her?

Gardner: Yes

Dofflemyer: Ok did you vote for her?

Gardner: I don't recall.

Dofflemyer: Have you ever voted for Cara as Officer of the Year?

Gardner: (pause) I don't recall.

Dofflemyer: Has she ever received the award as Officer of the Year?

Gardner: No

Dofflemyer: Ok. But you don't remember who you nominated in 2009?

Gardner: No

Dofflemyer: Are your votes how are your votes how are your votes casted?

Gardner: Casted meaning how do we - how we do vote?

Dofflemyer: Yes

Gardner: Ahm it's very informal we ahm distribute small pieces of paper, write the name of your your pick and then count it out in front of everybody in front of the Director.

Dofflemyer: Does ah if you wrote it down on a piece of paper would I be aware that you casted a vote for a particular person?

Gardner: Only if you knew my handwriting.

Dofflemyer: Ok and your testimony that you do not remember if you voted for Cara or not but you did not nominate her.

Gardner: That's correct

Dofflemyer: While working at the parking garage detail ahm has Cara - Officer Gittner - ever visited you while you were on duty?

Gardner: Yes

Dofflemyer: How many times?

Gardner: Don't know

Dofflemyer: Approximate

Gardner: Ten?

Dofflemyer: And that's ten times since 2009?

Gardner: It would it would've been 2009 and early 2010 I haven't worked that garage in a long time...

Dofflemyer: Ok

Gardner: maybe over a year

Dofflemyer: For what reason would Officer Gittner come to the parking garage?

Gardner: She was...trying to gain information about how to become a police officer she was very interested in what I did. She ahm would come and I would show her different ah...computer techniques different systems ahm that that we used, how to use them and just some of my contacts cheat sheets just information on how to better herself.

Dofflemyer: Were you involved in a romantic relationship with her during that time that she would visit you at the parking garage?

Gardner: Not initially...

Dofflemyer: Ok

Gardner: but - yes.

Dofflemyer: Tell me the time frame from when she started visiting you till you became in a romantic relationship.

Gardner: It would've been early 2009 maybe sometime in the January February range to (sigh) May June of 2009 where it developed into that, yes.

Dofflemyer: Ok did you invite her to come see you at the parking garage?

Gardner: No

Dofflemyer: How did it come about that she would come

Gardner: Sh she would call and ask

Dofflemyer: How did she know that you were there?

Gardner: She knows everything. She - she's a schedule follower.

Dofflemyer: So if you were working - that's an overtime detail, correct?

Gardner: It is.

Dofflemyer: So it's overtime – how was that posted?

Gardner: How's it paid?

Dofflemyer: It or how's it how is the the schedule posted when it's overtime?

Gardner: Ahm it will indicate ahm your normal position on the schedule in a box and then usually there's a ahm slash and it'll say PG for Parking Garage right under that on that same day.

Dofflemyer: And is everybody's schedule posted?

Gardner: It's

Dofflemyer: Where one person could get to it?

Gardner: Yes. Anybody can get to it.

Dofflemyer: Where's it posted at?

Gardner: It's not really posted it's just there're schedules throughout the building...paper schedules.

Dofflemyer: During those visits, did you have any type of physical or sexual contact with with Officer Gittner?

Gardner: No

Dofflemyer: Were your supervisors aware that she was visiting you there while you were on duty?

Gardner: No.

Dofflemyer: Any reason you didn't notify a supervisor that you were...

Gardner: No

Dofflemyer: (papers) At any time did you access ah Officer Gittner's Facebook account without her permission?

Gardner: No

Dofflemyer: Did you have her password?

Gardner: No (pause) no.

Dofflemyer: No you didn't have her password?

Gardner: No

Dofflemyer: Did she...did she ever file a complaint with Beach Safety al alleging that you had gotten into her Facebook without her permission?

Gardner: No

Dofflemyer: Why would she say in her sworn testimony that you did access her Facebook account?

Gardner: I think she assumed that because during her...relationship with ah Daytona Officer Joe Sellix ahm it was pretty much common knowledge and I had set helped her set up other things such as a ahm account called Mobile Me in which she shared that password with me. So I think she assumed that I was into her Facebook account.

Dofflemyer: What is Mobile Me? I never heard of that site.

Gardner: It's ahm it's an Apple ah...it's an Apple based program that ah is essentially an email account that allows you to have a certain amount of storage to store pictures, photos, things like that.

Dofflemyer: Did she ever...talk to you about you entering her Facebook without her permission?

Gardner: Yes

Dofflemyer: Ok tell me about that.

Gardner: She it was during an argument she accused me of gaining knowledge about her relationship with Joe through Facebook and...I told her that I had not.

Dofflemyer: Did you know about her relationship with Joe Sellix?

Gardner: Yes

Dofflemyer: How did you become aware of that?

Gardner: She told me.

Dofflemyer: Ok did you ever access ah Officer Gittner's bank account without her permission?

Gardner: No

Dofflemyer: Did she ever ah talk to you about that?

Gardner: No

Dofflemyer: Anybody ever talk to you about that?

Gardner: No

Dofflemyer: Have you ever ahm nominated Officer Gittner for a commendation or attempted to influence a promotion or award due to your relationship?

Gardner: No

Dofflemyer: Was she vying for an investigator position?

Gardner: Yes.

Dofflemyer: Did you have any influence over who was picked for the investigator?

Gardner: No



Dofflemyer: Was she promoted to investigator?

Gardner: No

Dofflemyer: Was somebody else?

Gardner: Ah I don't know if it's an actual promotion but I was provided Kyle McDaniel...

Dofflemyer: Ok

Gardner: until he left.

Dofflemyer: Is that the position that Ms. Gittner was looking for?

Gardner: Yes

Dofflemyer: But she was did not receive it.

Gardner: Correct

Dofflemyer: Do you know who put Kyle in that position?

Gardner: Ah Kevin Sweat.

Dofflemyer: Ok and was ah Kevin aware that Ms. Gittner was also interested in that position?

Gardner: Yes

Dofflemyer: Ok and he chose Kyle as the -?

Gardner: Yes

Dofflemyer: Ok. But you've never attempted to ever give her any type of promotion or any special assignment based upon your relationship?

Gardner: Correct

Dofflemyer: Ok. Have you ever had cause to secure Officer Gittner's service weapon due to her mental status?

Gardner: No.

Dofflemyer: Ok. Have you ever had to secure Officer Gittner's service weapon?

Gardner: Yes.

Dofflemyer: Explain to me. What were the circumstances?

Gardner: Ahm she was...upset w w w one evening she called me ahm she was upset because we...were not in a relationship...and...she asked me to come over and take her weapons because she felt sh like she wanted to quit her job.

Dofflemyer: Did she indicate to you or did you believe that she was gonna bring harm to herself when you talked to her?

Gardner: I did not although I asked her.

Dofflemyer: Ok. So you were on the phone talking to her she says she wants to no longer be employed...

Gardner: "I'm quitting my job, come get my guns."

Dofflemyer: Did you take any other equipment?

Gardner: No

Dofflemyer: Is there a reason you didn't refer her through the proper channels to resign her position?

Gardner: Well it was one o'clock in the morning, she was upset ahm I think deep inside I believed it was a ploy just to get me over there so that we could discuss the relationship...and ahm I was...less than happy about it so I simply at her request went to her residence for about ten minutes, took her weapons and retained them...she contacted me the next morning and advised she wished to resume her employment and I returned them.

Dofflemyer: Did she give you any type of letter saying she was resigning when you went to her house that evening?

Gardner: No

Dofflemyer: Didn't try to give any other equipment to you?

Gardner: She did not

Dofflemyer: Did you take her service weapon?

Gardner: Yes

Dofflemyer: Did you take any personal weapon from her?

Gardner: Yes.

Dofflemyer: Why'd you take the personal weapon?

Gardner: She asked me to.

Dofflemyer: Did she indicate that she wanted to hurt herself? Why would she ask you to take that that personal weapon?

Gardner: I think she was just looking for the attention. Ahm I think she wanted me to come over and discuss the relationship and...she told me she was going to quit her job.

Dofflemyer: Let's go back. Is there any reason that you did not...recommend her or redirect her to go through the proper channels to resign her position?

Gardner: It was one in the morning ahm...the next day she sent a message advising that she wanted her weapons back and wanted to resume her position. I mean p

Dofflemyer: How did she send

Gardner: people people say they want to quit everyday but you know you don't go and report that everyday just cause somebody wants to quit you know people talk about it every day. Ahm...your question was how did she say that?

Dofflemyer: Was there is there a reason that you didn't get the phone call at one in the morning and say if you want to resign your position the proper channels are...you know tomorrow to come and put your resignation in -?

Gardner: No I don't know there was no reason I I didn't do that no

Dofflemyer: (pause) Why would she think that ah during her testimony she said that she believed that you thought that she was gonna harm herself. Why do you think Cara would say that?

Gardner: Because I asked her.

Dofflemyer: And what did you ask her, exactly?

Gardner: I said...(pause)...I think I asked her if she planned to hurt herself and do I need to Baker Act her...and she said no.

Dofflemyer: Were you worried about her when you went to her house at one o'clock in the morning?

Gardner: In the sense of her harming herself, no. I know her her M.O. her M.O. is attention and...you know I think she was just looking for the attention.

Dofflemyer: Who'd you report this incident to once – the next day? Did you report it the next day?

Gardner: Nobody.

Dofflemyer: So you reported...you reported none of the information to anybody in your chain of command?

Gardner: Correct.

Dofflemyer: Director Sweat was not aware of it?

Gardner: He was not.

Dofflemyer: Scott Petersohn?

Gardner: He was not.

Dofflemyer: Is there any reason you didn't report?

Gardner: Well I mean it was simply ah her...sayin that she wanted to quit and she changed her mind; I didn't want to embarrass her.

Dofflemyer: Has this ever happened in the...in during your career that an employee called you to say come get my weapon or I wanna quit and you went and picked up their weapon?

Gardner: No

Dofflemyer: Ok. Go back have you did you report this information either formally or informally to anybody in your chain of command?

Gardner: No

Dofflemyer: Have you ever attempted to cover up a crime involving a Beach Safety employee?

Gardner: No

Dofflemyer: Have you ever attempted to cover up a policy violation committed by a Beach employee?

Gardner: No

Dofflemyer: Do you have any knowledge about the anonymous letter that was written? Any idea who sent it?

Gardner: No

Dofflemyer: Did ah Officer Winters or Officer Gittner discuss this incident this investigation with you prior to this interview?

Gardner: No

Dofflemyer: Any conversation with either party prior to this interview?

Gardner: Yes

Dofflemyer: Anything involving this investigation?

Gardner: No

Dofflemyer: Did Officer Gittner discuss any information that she provided to me during her interview to you?

Gardner: No

Dofflemyer: Were you instructed by anyone to lie while under oath today?

Gardner: No

Dofflemyer: Have you been truthful with me during this interview?

Gardner: Yes.

Dofflemyer: Captain I want to go back to the the weapon. Ahm...is the reason that you did not report the incident due to your relationship with Cara?

Gardner: No I think it was just to save her from embarrassment...and the fact that...you know I didn't view it as a true bona fide mental health issue I viewed it more of a an attention getter...I just ahm...yeah she said she wanted to quit her job and I know that she's been back and forth with leaving this department...and at her request I took her weapons.

Dofflemyer: Did she give you any reasons why she wanted to leave ah Beach Safety?

Gardner: Advancement, a lack of

Dofflemyer: And once again please explain to me why you took the personal weapon as well as the service weapon.

Gardner: She asked me to.

Dofflemyer: Did she indicate or imply in any way that she wanted to harm herself?

Gardner: No. Never once.

Dofflemyer: Was she upset when you arrived?

Gardner: Yes

Dofflemyer: Why was she upset?

Gardner: Because there was no relationship and I think she wanted to continue the relationship.

Dofflemyer: Had you broke off the relationship prior to that evening?

Gardner: There was no relationship during that time. It was just one of those in the midst calls where we had discussed and she wanted me to come over and I told her I would not. And...

Dofflemyer: Did I'm sorry

Gardner: and ahm...she told me she was gonna quit. And to come get her weapons.

Dofflemyer: Did she call you?

Gardner: We go back and forth. I don't know. I don't remember.

Dofflemyer: Do you remember exactly when that was?

Gardner: Ahm yeah. It was ahm...(pause)...August 7<sup>th</sup>.

Dofflemyer: Captain, were you on duty on August 7<sup>th</sup>?

Gardner: No

Dofflemyer: Were you Acting Deputy Director that weekend?

Gardner: Ah it was my- it was my weekend to be Deputy Chief, yes, during the day.

Dofflemyer: During the day?

Gardner: During the day shift, yes

Dofflemyer: Ok

Gardner: I mean I'm always on call. I'm on call 24 hours as the investigator so I mean...you know I'm not paid for that time although at any moment I have to respond.

Dofflemyer: Were you ah Officer Gittner's immediate supervisor on August 7<sup>th</sup>?

Gardner: No

Dofflemyer: If she was gonna resign should she have called somebody else?

Gardner: Ahm...I don't know the procedure for that. If she was gonna resign.

Dofflemyer: But you wouldn't have been her in her immediate chain of command.

Gardner: I would've been...well I would've been the ahm the Deputy Chief that weekend which means yes I would've been the top of that chain of command I suppose.

Dofflemyer: Ok so if you're Deputy Chief kinda explain to me how that works. Is it a 24 hour rotation

Gardner: No it's a

Dofflemyer: or is it

Gardner: no it's a

Dofflemyer: just a certain period of time?

Gardner: It's a it's a day shift ahm yeah typically I cover for Scott Petersohn when he's off they appoint me into that position for a weekend and I'll take additional days off during the week.

Dofflemyer: And you said she called about one o'clock in the morning?

Gardner: Ahm...yeah. I think it was about one o'clock in the morning.

Dofflemyer: Did she call you on your County cell phone or your personal cell phone?

Gardner: Personal.

Dofflemyer: What time did you arrive at her residence?

Gardner: I I don't know maybe ah...it it all happened around one and you know the phone calls may have been twelve thirty but it was somewhere near one o'clock.

Dofflemyer: And how was arrangements or what was the arrangements for you to return her weapon?

Gardner: I don't think there were any arrangements made. She texted me the next morning.

Dofflemyer: Was she working that day?

Gardner: At twelve noon.

Dofflemyer: And did you meet her someplace to return that weapon?

Gardner: I did.

Dofflemyer: Tell me about that.

Gardner: I met her ah near Botefuhr and Atlantic Avenue near her residence at ah there's a an old business down there I met her in the parking lot and and returned it.

Dofflemyer: Tell me about the conversation you guys had at that point.

Gardner: Ahm...(pause) she expressed to me that she didn't want to quit she was very upset that there was no relationship ahm...there wasn't a



lot of conversation at that point. I wasn't extremely happy with the situation and I returned them and left.

Dofflemyer: Did anybody else know that you were meeting her that morning?

Gardner: No

Dofflemyer: Did anybody else know that you'd gone to her house that evening?

Gardner: My wife.

Dofflemyer: Ok. Did you explain to your wife why you were going – what the issue was?

Gardner: I didn't explain to her at the time...ahm she is aware now.

Dofflemyer: When you met Officer Gittner that following morning ahm did she express to you again that she was upset because the relationship was no longer ongoing?

Gardner: Yes.

Dofflemyer: Did you at any time refer her to any outside resource to help her deal with any of her emotional issues that she was going through at that time?

Gardner: She has been in therapy. She...has already seen or she has a a therapist

Dofflemyer: Ok

Gardner: at this point. (clears throat)

Dofflemyer: Was there any type of assessment done for Officer Gittner prior to giving her back her weapon?

Gardner: Other than ahm just my ah personal assessment for you know

Dofflemyer: And tell me what that was.

Gardner: Well that she...my personal experience with her is that it's all about attention it's not about harming yourself she's she wants the...attention or the opportunity to talk about resuming the relationship and...I truly felt that that was the reason that ahm she threatened to quit her job.

Dofflemyer: Has she since that time threatened to quit her job?

Gardner: (pause) Yes, I think so...I don't know about if threaten is the proper word but I know that she's discussed other avenues. Possibly going to the Sheriff's Office.

Dofflemyer: Ok...was there any type of documentation provided about this incident?

Gardner: No.

Dofflemyer: Ok Captain, I don't have any other questions. Is there anything that you'd like to add prior to goin off the record? (papers)

Gardner: I don't think so. (No I think that's fine Ok)

Dofflemyer: Ok we are going to ah at this time end this interview. We are still at the Beach Safety headquarters in Daytona Beach FL and our time is 1058 and we're officially off the record.

(Recording devices off)