

**DEPARTMENT OF PUBLIC PROTECTION  
INTERNAL AFFAIRS**

**Michael Snipes, Witness Interview  
IA 2013-07-318**

July 29, 2013

Present:

Michael Snipes, Captain, Beach Safety  
David Vanis, Captain  
Jason Harr, Harr Law Firm  
Nancye Jones, Deputy County Attorney

Lynea Baker, Transcribing Secretary

Vanis: This is Captain Vanis with the Volusia County Department of Public Protection, Internal Affairs Unit. Today's date is July 29<sup>th</sup>, 2013, time is now 1007 hours. I am at the Department of Public Protection conference room at 125 W. New York, Deland, FL in regards to Internal Affairs case # 2013-07-318. Sir for the record could you state your name?

Snipes: Michael Snipes.

Vanis: And your position?

Snipes: Captain of the Volusia County Beach Safety

Vanis: Alright, & you understand sir that you are the subject of this internal investigation?

Snipes: I do.

Vanis: Alright sir, could you state your name for the record?

Harr: Jason Harr, Harr Law Firm, Daytona Beach, Florida

Vanis: We have

Harr: On behalf of Captain Michael Snipes.

Vanis: Ok. And ma'am

Jones: Nancye Jones, Assistant State Attorney for the county.

Vanis: Alright sir, you understand you'll be providing a sworn statement here Captain Snipes?

Snipes: Yes.

Vanis: Alright, would you raise your right hand for me? Do you swear the statement you're about to give is the truth, the whole truth & nothing but the truth so help you God?

Snipes: I do.

Vanis: Ok. Prior to beginning did you get a chance to read this?

Snipes: I did not.

Vanis: Alright, if you would please read that.

...pause...

Harr: We request that we get a copy of this before we leave.

Vanis: Yes we can do that.

Snipes: What was the date again?

Vanis: The 29<sup>th</sup>. Please remind me at the end of it & I'll make a copy for you.

Harr: It looks like the witness has to be an employee of the county so I won't sign it.

Vanis: Well actually you, you can sign it, you don't

Harr: Well I could put council for, underneath that

Vanis: Sure. Thank you sir.

Harr: You're welcome.

Vanis: And I'm just going to read it right back to you. You're hereby advised that you're being interviewed as part of an official administrative investigation being conducted by the Volusia County Dept of Public Protection Internal Affairs Unit. You will be asked questions specifically directed & narrowly related to the performance of your official duties, and/or fitness for continued employment. You're entitled to all the rights & privileges

guaranteed by the laws and the constitution of this state & the constitution of the United States, including the right not to be compelled to incriminate yourself. I am further advising that if you refuse to testify or answer questions relating to the performance of your official duties, and/or the fitness for continued employment it will be considered an act of insubordination & a violation of the direct order given by a superior or competent authority. If you do answer niether your statements, nor any information or evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceeding. These statements may be used against you in relation to division disciplinary actions. Sir I can then provide a copy of the law enforcement officers & corrections officers rights.

Snipes: I have.

Vanis: Alright, & have you reviewed this document?

Snipes: Yes.

Vanis: Ok. And have you been provided a copy of the case file & reviewed that this morning?

Snipes: Are you talking about this?

Vanis: Yes.

Snipes: Yes.

Harr: We assume that's the entire case file, we can't testify to the authenticity of any of the documents in it.

Vanis: Ok. Well, it is the entire case file.

Harr: We don't know that so he can't testify under oath that he does.

Vanis: Ok. I'm just asking if he's received it.

Harr: If if this, if what you provided us represents the entire case file, there are no other witness statements or anything else in that, like no notes, no more added, anything like that, then that's what we received & we'll so stipulate on record.

Vanis: Ok.

Harr: But if there are things that are missing from here, it's unknown to Captain Snipes.

Vanis: Ok.

Jones: He's not asking him to verify that that's the entire file, he's just asking if he got a copy of that & an opportunity to review it. For purposes of signatures & an opportunity to review what's been provided.

Vanis: Alright Captain Snipes, what is your current assignment at Beach Safety?

Snipes: I'm a day shift supervisor for the District III area.

Vanis: Alright, & what are your responsibilities as the shift supervisor?

Snipes: To manage lifeguards, officers, um, the equipment, timecards.

Vanis: Ok, about how many people do you supervise on any given day, I mean, high low, high range, low range?

Snipes: Uh, 4-6 officers and twenty something lifeguards.

Vanis: Has, have you been issued a phone by Beach Safety?

Snipes: I have.

Vanis: Ok, do you use this phone?

Snipes: Not very much, but yes.

Vanis: Alright. Do you use your personal phone for county business on or off duty?

Snipes: Mmm, not for like email or anything like that.

Vanis: Do you use it to speak with subordinates while you're on duty, contact your supervisor, scheduling, things like that?

Snipes: Sometimes yes, I do talk to my subordinates on my personal phone.

Vanis: Work related phone calls is what I'm referring to.

Snipes: Yeah, I mean, they'll ask me if they can train or

Vanis: Ok, well that's work related on the clock. Alright, well we're gonna get right into it. The picture message, the text messages that's outlined underneath, it's going to be item 4, do you recognize this message sir, or this picture thread? You were on it, right there.

Harr: He's asking if you recognize all of it.

Vanis: Well, do you recognize all of it, any of it?

Snipes: Yes.

Vanis: Alright. Did you originate this?

Snipes: Yes.

Vanis: Alright, who was this, who, let me, let me get you to explain how this works, how did you originate, who was this sent to & what was sent originally?

Snipes: Um, originally it was a picture of Paula Dean & it has who it went to.

Vanis: Right, I'm asking you who you sent it to. I just want to make sure we're on the same page here.

Snipes: Um, one was Berard, another one was a friend of mine, Brian

Vanis: Brian what?

Snipes: Lee

Vanis: Ok, which, which number was that sir?

Snipes: Top one.

Vanis: If you give me the number, I'm not sure which one you're looking at here.

Snipes:

Vanis: Ok, keep going please

Snipes: Um, one was                      was, uh, Eric Holt, then you've got the other one,

Vanis: You're looking at the                      number?

Snipes: Yeah. Uh, that, that one is Lisa Snipes, my sister in law.

Vanis: She's your sister in law?

Snipes: Mmm hmm. And then, & that other one that doesn't have a name on it is Shane, & I don't know his last name.

Vanis: The ?

Snipes: Correct.

Vanis: And you don't know his last name?

Snipes: No.

Vanis: Ok. And

Harr: Finish it out, finish it out please

Snipes: Ok, & there was Jecoa Simmons, Russell St. John, John Texter & Rich Gardner.

Vanis: And you originated, just so I'm understanding, you originate by sending it to all these people, so you sent the Paula Dean picture to all these people?

Snipes: Correct.

Vanis: And the Paula Dean picture is, that's going to be item 5, can you just verify that?

Snipes: Yes.

Vanis: Ok. Sir how does it, how does the picture thread work? Does, now that you sent that to everybody, when somebody replies it goes to every other person, is that the way, that's my understanding of it.

Snipes: No, it goes to everyone that it was sent to.

Vanis: Well that's what I, that's what I'm saying. If somebody replied, if one of those people, say Captain Berard responded to your thread, to your message. It would go to everybody else that's in that?

Snipes: I believe so.

Vanis: Alright. Do you regularly send group text messages to this group of people?

Snipes: No, it's not, it's not like I have a sent group. It was just kind of random.

Vanis: Who are these people in this group that you sent this message to? I mean, who are they to you?

Snipes: They're all friends of mine.

Vanis: Just friends of yours. And how many of these people work with you? Work at Beach Safety?

Snipes: Three.

Vanis: Which ones?

Snipes: Officer Texter, Officer St. John & Captain Berard.

Vanis: Alright, do you work directly with any of these people, or are they on separate areas on the beach?

Snipes: Um, I work with, um, well Captain Berard's in the same building I am but I don't work with him. John Texter works in a different district, & Officer St. Johns works with me, on my shift.

Vanis: Ok. Why did you address this text message, this specific group of people?

Snipes: It was random.

Vanis: So no specific reasons. Did any of these people request that you send this picture to them?

Snipes: No.

Vanis: Were you on duty when you started this message?

Snipes: Um, I didn't think I was, but if that's the date I saw through here then apparently I was working an Ocean Deck detail that day.

Vanis: This was on the 14<sup>th</sup>.

Snipes: Correct. So I worked 1 to 9, & it was right at the end of my shift.

Vanis: Ok, so you were on duty when you were originating this?

Snipes: Yes.

Vanis: Within the text there are several pictures, did you, did you send all these or did someone else send some of them?

Snipes: Other, other people sent some of them.

Vanis: Alright, which pictures did you specifically send?

Snipes: The first & last one.

Vanis: The last one is, that's gonna be, item 9, could you verify? If you'd look at item 9 & just make sure that's the picture you sent?

Snipes: Yes.

Vanis: So, 5 and 9 are the ones you posted through the picture thread?

Snipes: What?

Vanis: That you sent in on the picture thread?

Snipes: Yes.

Vanis: And the other 3 pictures were sent by somebody else within the thread?

Snipes: Correct.

Vanis: Did you create the pictures that you sent?

Snipes: Absolutely not.

Vanis: Were they sent to you by somebody else, or

Snipes: The last one was on Google, um, but someone had sent it to me & they said that they got it off Google.

Vanis: Who sent it to you?

Snipes: I don't remember. I don't remember who sent me either one of those things. And I don't have it. I mean, it wasn't anyone from work.

Vanis: Ok. And you're not sure who sent it to you, but you didn't, but you're saying you didn't create that?

Snipes: I did not originate that, no way.

Vanis: And you, how were they sent to you? Email, text?

Snipes: Text.



Vanis: And you don't know who sent those to you?

Snipes: No.

Vanis: Do you find any of these pictures offensive?

Snipes: Uh, no.

Vanis: You think that any members of the public would find the pictures you sent offensive?

Snipes: Yes.

Vanis: Do you think that any members of the public would find these pictures racist?

Snipes: Yeah, um, ya know it's not that I don't find it offensive, it's just, it was, it was, it's obviously, it was created as a joke, ya know, but yeah I

Vanis: Alright, do you, you said that Officer St. John is one of your crew, he's one of your guys. You do evaluations on him, he's one of your direct reports?

Snipes: Correct.

Vanis: Do you think it's appropriate that you send a direct report these pictures?

Snipes: I'm sorry?

Vanis: Do you think it's appropriate that you send one of your direct subordinates this picture?

Snipes: Looking at it now, no.

Vanis: Ok. Did you send any of these pictures to any other individuals or any other groups of people?

Snipes: Not that I remember.

Vanis: Ok, now we're going to move to the Facebook posting.

Harr: Could you state that for the record please (inaudible)

Vanis: Yes sir, I am fixing to (inaudible). It's going to be Item #10. Captain Snipes do you have a Facebook account or did you have a Facebook account?

Snipes: I did. I had one a long time ago & closed it for years & then opened it back up, & now it's gone again.

Vanis: Ok, under item # 10 is this your Facebook page, your account?

Snipes: Yes.

Vanis: Or was this?

Snipes: Yes.

Vanis: And, the posting, the top posting, it's Sunday near Port Orange via mobile. Did you make this post?

Snipes: Is this the one we're talking about?

Vanis: It's going to be at the top of the first page, it's gonna be the first post. Another thug gone.

Snipes: Yes.

Vanis: Did you make that post?

Snipes: I did.

Vanis: Were you on duty when you posted this?

Snipes: I don't think I was, I mean, I don't go on Facebook at work, so I don't know, I believe I was at home.

Vanis: Ok.

Snipes: I don't see the date on it.

Vanis: No, I don't think there is a date on it, but it makes sense because there was a response to it at 12:58 & I don't think you logged onto it until 1300. Was this post visible to the public, or only those you list as friends?

Snipes: Only friends.

Vanis: Ok. How many Facebook friends would be able to view this?

Snipes: Um, I don't know, I don't know how many friends I have, & I don't know if all of them get it. I mean, I didn't go into my settings but, it would either be friends or, I don't know, where it said, where it has my name it has a little

number on it, so it has, it says something like 20, but I have a lot more friends than that, but, so I don't know who got it, but no-one outside my friends network.

Vanis: Ok, so, just so I understand this because I, Facebook's not my thing, so I'm not sure. So you have your account set up so only friends can view your account? Because some accounts can be setup so anybody from the public can go in

Snipes: Not mine.

Vanis: It says just friends only. And I think under item 15 is your friends list. I think it's a little bit over 330 friends, does that sound about right to you sir?

Snipes: Probably.

Vanis: And just to clarify Facebook a little bit more for me, are your Facebook friends able to share posts with other people? Share your posts, or are they, is it just strictly them viewing it? And if you don't know, that's

Snipes: I don't know.

Vanis: How many of your Facebook friends know that you're employed by Volusia County?

Snipes: I don't know, I don't know that either. I mean there are some people here that I don't really even know. They're just friends of friends.

Vanis: Friends of friends, ok. What or who is the Facebook post on July 14<sup>th</sup> referring to? Going back to, yes sir, item 10.

Harr: To 10, ok. Because there are a few posts it looked like.

Vanis: What is your post?

Harr: He's talking about the loop, right?

Vanis: No, the "another thug gone". I'm referring to that post. That's going to be the only post on your page that I'm gonna refer to here. Captain?

Snipes: I was referring to Trayvon.

Vanis: Trayvon Martin?

Snipes: Correct. But I didn't, I didn't state his name, I mean anyone could take it to, you know, whoever.

Vanis: Ok, and this was on the 14<sup>th</sup>, the George Zimmerman verdict, were you familiar with that, were you following the George Zimmerman case?

Snipes: I did not follow it, all I saw was the ruling.

Vanis: Ok.

Snipes: I didn't pay attention to the case at all.

Vanis: But in this post you are referring to Trayvon Martin?

Snipes: Yeah.

Vanis: Ok. Do you find this post offensive?

Snipes: Given the timing, yeah.

Vanis: Do you think any members of the public would find this post offensive?

Snipes: I'm sure they would, & they have, but I didn't send it to them.

Vanis: And, would they find it racist?

Snipes: I'm sure they would.

Vanis: Alright, I'm going to flip to items, tab 16. Alright, on tab 16 Captain Snipes are you familiar with this document? It's HR 19, issued by Volusia County Personnel?

Snipes: Yeah, I mean I signed it.

Vanis: Ok, are you, can you explain, do you know what it means? You signed it, did you read it?

Snipes: Well it's been awhile so, I'd have to read it again. This was in, what was it, January?

Vanis: Yes sir.

...pause...

Vanis: So, what is your understanding of that bulletin?

Snipes: Um, that you've got to be careful of what you put online. That's why I'm off of it now, I don't have to worry about it anymore.

Vanis: Ok, do you feel your Facebook posting & picture message were, was divisive & inflammatory considering current events?

Snipes: Did you say picture?

Vanis: The pictures, the picture, the pictures & the Facebook posting, do you think they're divisive considering current events?

Snipes: Yeah, but I, I, just to clarify, there wasn't a picture on Facebook, correct?

Vanis: No.

Snipes: Ok, I heard otherwise.

Vanis: No, I'm saying generally that the pictures & the text message & the Facebook posting.

Snipes: I could see where some people would be offensive to it, but I didn't send it to those people.

Vanis: I didn't see a picture on Facebook.

Snipes: Ok, I heard through, I think it was the news that I also posted a picture on there & I just wanted to clarify that no I did not.

Vanis: And you said previously that you do find them offensive. Why is that?

Snipes: Just given the sensitivity of the case, ya know, like I said I didn't even really follow the case, ya know, like if it got to some people I could see where they would be offended, but I didn't send it to them.

Vanis: Ok, well given that they were somehow released in the media, I promise you it wasn't me, I had nothing to do with that, do you think the public would trust you with being partial & fair with minority groups?

Snipes: Absolutely. I've been fair with them my whole life, ya know (inaudible).

Vanis: Do you think the public would perceive that you can be fair?

Snipes: They have for 24 years.

Vanis: Would you send any of those pictures or Facebook posts to a minority?

Snipes: No.

Vanis: How do you think your actions sending these pictures, & these, the Facebook posts are affecting, will affect, is affecting other Beach Safety employees?

Snipes: Well I only sent it to three. Um, you interviewed them, I don't know.

Vanis: Well, given the fact that it is, that it has been released to the media, how do you think it's affecting the entire department?

Snipes: Well, from what the media's done, ya know, I think they're responsible for basically stating lies about it, & ya know, & I'd be the first, if I offended anyone on the beach, I'd be the first to apologize to them.

Vanis: Have you created or transmitted other posts, picture threads, picture text threads while on duty?

Snipes: Not that I'm aware of, & I shut Facebook down. I never went on Facebook at work.

Vanis: Ok. Have you discussed this case with any other Beach Safety employees? Captain Berard?

Snipes: I haven't spoken with Berard, & the only one I spoke with was, I didn't speak with him, um, Officer St. John was in Michigan, & I, ya know, a bunch of people texted him. Just saying, you know, I'm there for you, you know, if you need anything. People were offering to babysit, stuff like that.

Vanis: Did you discuss details of this case at all with Officer St. John?

Snipes: I told him that I can't talk about it, I told him it's it's, he asked if I was alright. I said no, but it's me, & I can't talk about it.

Vanis: Have you made any statements in any media outlets regarding this case?

Snipes: I'm sorry?

Vanis: Have you made any statements to any member of the media regarding this case?

Snipes: Absolutely not. I try to stay away from them.

Vanis: Could I see your phone, could I take pictures of the text thread within your phone?

Harr: His personal phone? Not without a subpoena.

Jones: I think he's asking if you would voluntarily let him take photos the photos off his phone, & if he uses his personal phone for work (inaudible).

Vanis: And by that refusal I imagine you'll refuse to provide phone records from July 14<sup>th</sup> through now.

Harr: That would depend on what phone records you're requesting.

Vanis: Personal phone records.

Harr: So he will, he will reserve the right to change this response but he, at the very least they would be redacted. The county doesn't have a right to know if he spoke to his health care providers through the HIPAA laws, so, at this point he will neither agree or refuse. It'll depend on what the request is, that's forwarded to my office.

Vanis: Ok.

Harr: So the answer's maybe.

Vanis: Alright Captain Snipes, would you like to make a statement or add anything in regards to this case?

Harr: He will not. Um, the only thing

Vanis: Captain Snipes, I asked, I asked you a question.

Harr: Oh ok.

Snipes: No.

Harr: Ok sorry, he can answer.

Vanis: Ms. Jones, do you have anything you want to add to the record?

Jones: No.

Harr: Do I get the opportunity to add anything to the record, or no?

Vanis: Yes sir, if you want to add something to the record please do.

Harr: Ok, um, the only thing that we'd add to the record is we understand from what has been provided by Director Swanson which for the record is # 2, Captain Swanson, who is a Director of Beach Safety, wasn't identified in any documents we were provided as someone that received any text regarding what's at issue here, but it was brought to his attention, yet no-

one in the statements that we've been provided testified to the extent they spoke under oath, gave testimony that they contacted any of their supervisors, so we don't know if, how Mr. Swanson found out about this, we don't know if it was through the press, that somebody maybe went to the News-Journal, & the News-Journal went to Director Swanson, but we would like to know because we think that's a relevant part of the investigation if there's any witness statements or anything to that effect in terms of how Mr. Swanson, Director Swanson, pardon me, getting that knowledge, I think we have the right to know & to the extent that somebody made a statement, we don't know who that could've been. I think we have a right to know that as part of the investigation so if there is some document out there, it hasn't been produced here in this book. And we think, you know, we've got a right to see it.

Vanis: Acknowledged.

Harr: Thank you.

Jones: The only thing I wanted to mention is that prior to going on the record we had some back & forth about the Bill of Rights & I wanted to make sure that you understood that the Bill of Rights recourse for violations are believed, that there is a belief that if your rights have been violated throughout this internal investigation, Chapter 112.534. So I just wanted to make sure that was clear to you.

Vanis: Alright Captain Snipes if you have nothing else to add, the time is now 1040 hours & we'll be off the record.