

# Volusia County FLORIDA

## Department of Public Protection Internal Affairs

TO: James W. Willits, Director  
Department of Public Protection

FROM: Kenneth J Modzelewski, Captain  
Department of Public Protection  
Internal Affairs/Investigative Services

DATE: January 15, 2008

SUBJECT: Florida Department of Law Enforcement Complaint (FDLE)  
Dated 01-02-08

On January 07, 2008, I received a copy of a complaint (attached) made to the Florida Department of Law Enforcement (FDLE), and filed by Mr. John Bandorf, a former Volusia County Corrections Officer. The complaint alleged that I, as the assigned Internal Affairs Supervisor for the Volusia County Department of Public Protection, lied and committed perjury. Mr. Bandorf references that the violation, which led to the complaint, was directly associated with an incident that occurred on May 03, 2004. That incident resulted in Mr. Bandorf being arrested on a multiple of both felony and misdemeanor criminal charges by the Holly Hill Police Department.

Mr. Bandorf suggests that the Internal Affairs Unit submitted documents to FDLE stating that an Internal Affairs investigation was conducted on him in conjunction with the incident that resulted in his arrest by the Holly Hill Police Department.

On a multiple of occasions, Mr. Bandorf was specifically advised that there was no internal affairs investigation completed by Volusia County as it relates to his May 03, 2004 incident. He was provided with a copy of the FDLE Internal Investigative form # 78 (attached), a transmittal form that is required to be attached to any documents submitted to the FDLE Professional Compliance Section.

Attachments to that form included police reports that were generated by the Holly Hill Police Department and a termination letter generated by the Volusia County Corrections Director Kevin Hickey. The form clearly references that there was no internal affairs

investigative report. It does clearly state that Mr. Bandorf's actions constitute violations of agency policy (attached termination letter), and moral character violations as prescribed by Section 943.13(7) F.S.

In addition, and as required by FDLE Professional Compliance Section, cases are opened against a certified officer once FDLE is notified that an officer was terminated for misconduct or arrested (see attached).

Mr. Bandorf has been involved in several internal affairs inquiries over his career as a corrections officer. Those investigations varied in disposition and include formal internal affair's investigations as well as special investigations. In some instances, he was the subject in the investigation and in other instances he was the complainant. Mr. Bandorf is not a new comer to the process and should clearly understand the difference between a mandated formal internal investigation and a reporting requirement absent a formal investigation.

However, Mr. Bandorf has been told consistently that there was no formal internal affairs investigation into his incident on May 03, 2004, by entities to include, FDLE, Volusia County Legal Services, Volusia County Corrections, and the Volusia County Internal Affairs Unit to mention a few (attached sample). It appears that he simply will not accept the information provided to him as factual.

In closure, I submit that at no time did I, or to my knowledge, any Volusia County Official commit any act of perjury, file any false document to FDLE, or attempt to influence the final disposition of any case that was associated with Mr. Bandorf.

Mr. Bandorf's complaint is representative and consistent with his past and ongoing effort to discredit Volusia County government and the employees who have be required to interact with him for various reasons (attached sample).