

Volusia County Sheriff's Office Citizen Complaint Report

Incident Entered By: [IAPro entry - Sergeant Ryan Mills]

Assigned Investigator: SGT Richard Hansard

Incident Details

| Date Received | Date of Occurrence | Time of Occurrence |
|-------------------|--------------------|--------------------|
| 8/26/2019 | 6/14/2019 | 13:12 |
| Record ID # | Agency Case # | File # |
| 25833 | 190012908 | CC 19-026 |
| Date/Time Entered | | |
| 8/26/2019 15:01 | | |

Incident Summary

Sergeant Richard Hansard was assigned a supervisor's inquiry in reference to Citizen's Complaint CC 19-026, which was filed against Deputy Brian Walsh. Ms. Cristina March filed the complaint on 08-26-2019, stemming from an incident on 06-14-2019, wherein criminal charges were filed against Ms. March on behalf of New Smyrna Beach Police Department due to their opinion that it was a conflict of interest for them to conduct the criminal investigation.

BASIS FOR INVESTIGATION:

On 06-14-2019, Deputy Walsh was on duty and performing his assigned duties as a patrol deputy in 52 zone, within the District 3 South area of Volusia County. Deputy Walsh was directed to respond to the New Smyrna Beach Police Department and contact Mrs. Cayla Bartolucci, who wished to file a report. Deputy Walsh met with Mrs. Bartolucci, an employee for the city of New Smyrna Beach. Mrs. Bartolucci advised she was responsible for the city's social media pages and she was experiencing harassment from a citizen, Ms. Cristina March, using social media platforms. Deputy Walsh completed a criminal charging affidavit, charging Ms. Cristina March with Cyber-stalking. The complaint affidavit was signed by Mrs. Bartolucci and forwarded to the State Attorney's Office for review at Mrs. Bartolucci's request. The State Attorney filed a criminal charge against Ms. March, which is still pending at this time.

COMPLAINT REVIEW:

Sergeant Hansard reviewed Ms. March's written complaint. Ms. March alleged Deputy Walsh acted unethically and lied during his investigation on 06-14-2019. She stated Deputy Walsh failed to contact her in regards to his investigation in order to obtain her version of events and lied about obtaining a witness statement from her. The complaint states, if her version of events had been obtained in the beginning, the filing of criminal charges would not have been allowed. In her complaint, Ms. March advised she wanted to see her criminal charges dropped as a result of Deputy Walsh's actions.

INVESTIGATION:

On 06-14-2019, Deputy Brian Walsh responded to the New Smyrna Beach Police Department and contacted Mrs. Bartolucci, an employee of the city of New Smyrna Beach. Mrs. Bartolucci advised Deputy Walsh that she previously ran the social media pages for the city. As a result of her job, Mrs. Bartolucci received some negative comments from Ms. March via social media. Mrs. Bartolucci said she blocked Ms. March from accessing the page, which she soon learned was not allowed and granted March access again. Mrs. Bartolucci advised that action caused Ms. March to begin posting multiple negative comments about her on social media platforms, beginning January 2019. She advised Ms. March called her a "Bigot and Racist", used very harsh language, talked about looking for her during a MLK event, used aggressive talk, described her husband's workplace and called her many foul names. Deputy Walsh asked Mrs. Bartolucci if there were any threats made and she advised she could not think of any. Deputy Walsh had Mrs. Bartolucci complete a sworn written statement and informed her he would be documenting the incident. He provided Mrs. Bartolucci information for obtaining an injunction for protection and instructed her to take her book of documentation with her for the injunction case. Deputy Walsh explained that he would not be contacting Ms. March regarding the case due to not wanting to ramp up her on-line activity on social media. Mrs. Bartolucci was content with Deputy Walsh's handling of the matter.

Deputy Walsh left the New Smyrna Beach Police Department and notified Sergeant Richard LeCates, who was

the on-duty Patrol Sergeant, of his course of action. Deputy Walsh was contacted a short time later and instructed to return to the New Smyrna Beach Police Department to complete a charging affidavit against Ms. March. He again met with Mrs. Bartolucci, who advised it was her desire to file charges against Ms. March. Deputy Walsh completed a complaint affidavit against Ms. March for Cyber Stalking and Mrs. Bartolucci signed the affidavit. The affidavit was later filed with the State Attorney for review. Deputy Walsh secured Mrs. Bartolucci's book of documentation and submitted it as evidence.

BWC REVIEW:

Sergeant Hansard reviewed Deputy Walsh's BWC footage related to the incident. The videos depict Deputy Walsh contacting Mrs. Bartolucci at the New Smyrna Beach Police Department. His interaction with Mrs. Bartolucci consists of interviewing her about specifics of her complaint, obtaining written statements and completing the charging affidavit on her behalf against Cristina March. Deputy Walsh's contact with Mrs. Bartolucci was professional and he did not coach or lead her in any particular course of action. It appeared Mrs. Bartolucci was content with Deputy Walsh's handling of her case during each step, to include his initial intent to document the incident and have her seek an injunction, through the progression of filing criminal charges.

REPORT REVIEW:

Sergeant Hansard reviewed reports prepared by Deputy Walsh concerning this incident. The incident report and charging affidavit were prepared by Deputy Walsh and mirror information that was provided by Mrs. Bartolucci in her sworn witness statement. Deputy Walsh charged a single count of Stalking - Follow/Harass/Cyber stalk Another, pursuant to Florida State Statute 784.048(2). The charging affidavit was signed by Cayla Bartolucci, as the complainant, and witnessed by Deputy Brian Walsh. Based on the information in the charging affidavit, as sworn by Mrs. Bartolucci, Sergeant Hansard found there to be probable cause for the charge of Cyber Stalking based upon the information provided by Mrs. Bartolucci. It was noted, Ms. March utilized electronic communication, which was directed at Mrs. Bartolucci and caused substantial emotional distress. Sergeant Hansard did not review any of the documented evidence provided by Mrs. Bartolucci in this case.

Deputy Walsh completed a supplemental report on 06-26-2019, after being contacted by Mrs. Bartolucci. Deputy Walsh documented further information provided, to include that Ms. March was posting a Facebook profile picture, which depicted a map of the location surrounding her residence. Ms. March also reportedly made derogatory statements about the location of the residence, as well as her husband's place of employment, The Corkscrew Restaurant. The supplement did not change the status of the case and no additional charges were filed.

CAD REVIEW:

Sergeant Hansard reviewed Deputy Walsh's CAD (Computer Aided Dispatch) for 09-14-2019. No additional details were found. Sergeant Hansard attached the CAD report as part of this investigation.

DEPUTY WALSH:

On 09-21-2019, Sergeant Hansard spoke with Deputy Brian Walsh concerning his involvement with this incident. Deputy Walsh advised he was initially instructed to respond to the New Smyrna Beach Police Department in reference to an incident in the city's jurisdiction. He met with Mrs. Bartolucci concerning the incident and was initially going to complete an information report documenting the incident. He said he obtained a witness statement from Mrs. Bartolucci and informed Sergeant LeCates of his intent to document the incident in an informational report only; however, Deputy Walsh advised he was contacted several minutes later and Sergeant LeCates instructed him to return to the New Smyrna Beach Police Department, contact Mrs. Bartolucci and complete a charging affidavit for cyber stalking against Ms. March. Deputy Walsh advised upon arriving at the Police Department, he was met by Assistant Chief Jessica Paugh, who handed him a copy of the Cyber stalking statute and informed him Ms. March needed to be criminally charged. Deputy Walsh completed the charging affidavit and had Mrs. Bartolucci sign the affidavit against Ms. March. Deputy Walsh said he notified Sergeant LeCates of his actions, the fact he was not contacting Ms. March and his intent to send the affidavit directly to the State Attorney for review, to which Sergeant LeCates agreed with his course of action.

Deputy Walsh advised he did not contact Ms. March in reference to his investigation based on the facts he had already been presented. He also advised he had evidence to support the charge of Cyber stalking against Ms. March. Furthermore, he advised he wanted to avoid further bashing against Mrs. Bartolucci by Ms. March.

CRISTINA MARCH:

On 09-22-2019, Sergeant Hansard responded to 1324 Buck Lane in New Smyrna Beach and contacted Cristina March. Sergeant Hansard advised Ms. March that her complaint was received and he was conducting the initial review. Sergeant Hansard was seeking clarification regarding Ms. March's claim that Deputy Walsh reported that he collected a witness statement from her. She indicated she saw the box on the charging

affidavit that indicated Statement(s), was checked. She felt it was an indication that he collected a statement from her. Sergeant Hansard explained it only indicated that a statement was collected in the incident.

Sergeant Hansard also inquired if Ms. March had any prior interactions or knowledge of Deputy Brian Walsh prior to this incident. She stated she did not. Ms. March was asked if she had any proof that Mrs. Bartolucci was coached by Deputy Walsh on what to say to get the charges filed. Ms. March advised she had no proof, just speculation that there was coaching. Ms. March was most concerned that these serious criminal charges were brought against her and she had no idea.

Ms. March advised that she did have contact with the City of New Smyrna via social media. She described an ongoing battle with the city over a two year period, wherein she attempted to obtain assistance to clean an area located to the north of her home. She advised she maintained correspondence and attended meetings in order to try to get assistance and felt she was getting no help. She learned that city workers were told to ignore her, which prompted her to go further, before finally getting assistance from the city manager's office. It was apparent Ms. March was very frustrated over her dealings with the city of New Smyrna Beach.

SERGEANT RICHARD LECATES:

On 09-26-2019, Sergeant Hansard made contact with Sergeant Richard LeCates of the Volusia Sheriff's Office. He was asked if he recalled any particular information regarding this incident. He advised he received a phone call from Assistant Police Chief Jessica Paugh, of the New Smyrna Beach Police Department, on 06-14-2019. He stated he was informed they were requesting a deputy to file a report for a city employee. He notified the chain of command and was told to send a deputy to take a report. He remembered sending a deputy, however could not specifically remember who it was at the time. He remembered sending the deputy back to the New Smyrna Beach Police Department to complete a charging affidavit. He remembered telling the deputy to have the employee sign the charges. Sergeant LeCates could not advise any particular information regarding whether or not he had knowledge of Deputy Brian Walsh notifying him that he was not contacting the suspect, Ms. March. It should be noted Sergeant LeCates was working in a temporary / fill in capacity as the Patrol Sergeant on the day of the incident.

CONCLUSION:

After reviewing the evidence in this incident, Sergeant Hansard has found no evidence to support that Deputy Brian Walsh lied, with regards to documenting that he obtained a written statement from Ms. Cristina March. After speaking with Ms. March, she was under the belief that the box checked on the charging affidavit was an indication a statement was collected from her. The box on the affidavit only reflects a statement was obtained. The only statement obtained was from Mrs. Bartolucci. Furthermore, there was no evidence to support that Deputy Walsh acted with any form of malice towards Ms. March. Deputy Walsh had evidence to support the charge of stalking against Ms. March, for which he had a signed affidavit from the complainant, Mrs. Bartolucci. The affidavit was forwarded to the State Attorney's Office for review and they chose to file criminal charges. Deputy Walsh decided not to contact Ms. March, which had no bearing on the case being filed with the State Attorney's Office. Deputy Walsh advised his supervisor for the day, Sergeant LeCates, that he had enough evidence for the charging affidavit and was not going to interview Ms. March. The criminal case is scheduled for pre-trial on October 7, 2019 in front of Judge Schumann. Ms. March's desire to have the case dismissed is unwarranted as there was sufficient probable cause with the evidence collected to file criminal charges.

Therefore, it has been determined the complaint against Deputy Brian Walsh is hereby Unfounded.

Incident Location

- 246 Industrial Park Avenue, New Smyrna Beach, FL 32168 - Location of Occurrence: District 3 South

Categories

Reporting/Involved Citizen Information

Cristina March

DOB: 12/28/1986 Race: White Ethnicity: Gender: Female

Role

- Suspect/Defendant

Charges against this Citizen

- Other (Explain in Narrative)

Involved Employees

SGT Richard Hansard - DID #: 1398**Assignment at time of incident:** Title: SGT 3PDD**Video Footage:** Issued - Activated**Role**

- Supervisor

DEP Brian Walsh - DID #: 8605**Assignment at time of incident:** Title: DEP Law Enforcement Operations/District 3 South**Video Footage:** Issued - Activated**Role**

- Primary

Allegations linked to this employee

- Dishonesty
- Job Performance

Employee Witnesses

SGT Richard Lecates - DID #: 2330**Video Footage:** [No Response]**Role**

- Supervisor

Tasks

No tasks to show

Running Sheet Entries

| |
|----------------------------------|
| No running sheet entries to show |
|----------------------------------|

Attachments

| Date Attached | Attachment Description | Attachment Type |
|---------------|----------------------------------|-----------------|
| 8/26/2019 | Incident Report 19-12908 | pdf |
| 8/26/2019 | Witness Statement 19-12908 | pdf |
| 8/26/2019 | Supplement 19-12908 | pdf |
| 8/26/2019 | CC 19-026 | pdf |
| 9/26/2019 | CAD Report for 06-14-2019 | pdf |
| 9/27/2019 | Deputy Walsh - Summary of Events | pdf |
| 8/26/2019 | Walsh BWC Videos | |

Assignment History

| Sent Dt | From | To |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------|
| 8/26/2019 | Sergeant Ryan Mills | (None Specified) |
| <p>Assignment notes Field status changed in IAPro from to Pending assignment</p> | | |
| <p>Email sent to receiver No email sent</p> | | |
| 8/26/2019 | Sergeant Ryan Mills | Law Enforcement Operations, District 3 South, |
| <p>Assignment notes Field assigned</p> | | |
| <p>Email sent to receiver No email sent</p> | | |
| 8/27/2019 | LT Bryan Barnard | SGT Richard Hansard |
| <p>Assignment notes Incident assigned through the Incident Management Dashboard by LT Bryan Barnard to SGT Richard Hansard for work-up.</p> | | |
| <p>Email sent to receiver Dear SGT Richard Hansard:</p> <p>LT Bryan Barnard has assigned a "Citizen Complaint" incident for you to investigate. Please sign into BlueTeam and take action. Click the below link to sign in. If you cannot click the below link, copy and paste it into your web browser's address bar. Thank you.</p> <p>https://ia.vcso.us/blueteam</p> <p>Note: This is an automatically generated email initiated by LT Bryan Barnard.</p> <p>Instructions/comments from LT Bryan Barnard:</p> <p>Please investigate this complaint.</p> | | |
| 10/11/2019 | Sergeant Ryan Mills | (None Specified) |
| <p>Assignment notes Field status changed in IAPro from Completed - in holding bin to Released</p> | | |

Email sent to receiver

No email sent

Chain of Command History

| Routing #1 | |
|----------------------------------------------------------------|--------------------|
| Sent From: | SGT Ryan Mills |
| Sent To: | CAPT George Maddox |
| CC: | (none) |
| Sent Date/Time: | 8/26/2019 3:35 PM |
| Instructions from SGT Ryan Mills to CAPT George Maddox: | |
| Citizen Complaint Walsh | |
| Comments/Response from CAPT George Maddox: | |
| Comments: [Forwarded by CAPT George Maddox] | |

| Routing #2 | |
|--------------------------------------------------------------------------------------|--------------------|
| Sent From: | CAPT George Maddox |
| Sent To: | LT Bryan Barnard |
| CC: | (none) |
| Sent Date/Time: | 8/26/2019 4:11 PM |
| Instructions from CAPT George Maddox to LT Bryan Barnard: | |
| Please assign this Citizen Complaint accordingly. | |
| Comments/Response from LT Bryan Barnard: | |
| Comments: [LT Bryan Barnard has assigned SGT Richard Hansard as the investigator] | |

| Routing #3 | |
|--------------------------------------------------------------------------|---------------------|
| Sent From: | LT Bryan Barnard |
| Sent To: | SGT Richard Hansard |
| CC: | (none) |
| Sent Date/Time: | 8/27/2019 9:14 AM |
| Instructions from LT Bryan Barnard to SGT Richard Hansard: | |
| Please investigate this complaint. | |
| Comments/Response from SGT Richard Hansard: | |
| Comments: [Forwarded by SGT Richard Hansard without completion notes] | |

| Routing #4 | |
|----------------------------------------------------------------------|---------------------|
| Sent From: | SGT Richard Hansard |
| Sent To: | LT Donaldson Taylor |
| CC: | (none) |
| Sent Date/Time: | 9/27/2019 12:08 AM |
| Instructions from SGT Richard Hansard to LT Donaldson Taylor: | |
| Supervisory Inquiry for your review | |
| Comments/Response from LT Donaldson Taylor: | |
| Comments: [Forwarded by LT Donaldson Taylor] | |

| Routing #5 | |
|-------------------|---------------------|
| Sent From: | LT Donaldson Taylor |

| | |
|----------------------------------------------------------------------|---------------------|
| Sent To: | SGT Richard Hansard |
| CC: | (none) |
| Sent Date/Time: | 10/2/2019 5:03 AM |
| Instructions from LT Donaldson Taylor to SGT Richard Hansard: | |
| See email | |
| Comments/Response from SGT Richard Hansard: | |
| Comments: [Forwarded by SGT Richard Hansard] | |

| | |
|----------------------------------------------------------------------|---------------------|
| Routing #6 | |
| Sent From: | SGT Richard Hansard |
| Sent To: | LT Donaldson Taylor |
| CC: | (none) |
| Sent Date/Time: | 10/2/2019 5:56 AM |
| Instructions from SGT Richard Hansard to LT Donaldson Taylor: | |
| For submission via COC | |
| Comments/Response from LT Donaldson Taylor: | |
| Comments: I concur | |

| | |
|---------------------------------------------------------------------|---------------------|
| Routing #7 | |
| Sent From: | LT Donaldson Taylor |
| Sent To: | CAPT George Maddox |
| CC: | (none) |
| Sent Date/Time: | 10/4/2019 10:07 AM |
| Instructions from LT Donaldson Taylor to CAPT George Maddox: | |
| FYA | |
| Comments/Response from CAPT George Maddox: | |
| Comments: [Forwarded by CAPT George Maddox] | |

| | |
|---------------------------------------------------------------------------------------------------------|--------------------|
| Routing #8 | |
| Sent From: | CAPT George Maddox |
| Sent To: | Admin Group |
| CC: | (none) |
| Sent Date/Time: | 10/7/2019 2:53 PM |
| Instructions from CAPT George Maddox to Admin Group: | |
| Upon review, I concur with Sergeant Hansard's supervisory inquiry and final disposition on this matter. | |
| Comments/Response from CAPT Eric Westfall: | |
| Comments: [Forwarded by CAPT Eric Westfall] | |

| | |
|----------------------------------------------------------------------|----------------------|
| Routing #9 | |
| Sent From: | CAPT Eric Westfall |
| Sent To: | DCHF Brian Henderson |
| CC: | (none) |
| Sent Date/Time: | 10/8/2019 11:44 AM |
| Instructions from CAPT Eric Westfall to DCHF Brian Henderson: | |
| Concur. | |
| Comments/Response from DCHF Brian Henderson: | |
| Comments: [Forwarded by DCHF Brian Henderson] | |

| Routing #10 | |
|-------------------------------------------------------------------------|-----------------------|
| Sent From: | DCHF Brian Henderson |
| Sent To: | CHDP Joseph Gallagher |
| CC: | (none) |
| Sent Date/Time: | 10/8/2019 1:23 PM |
| Instructions from DCHF Brian Henderson to CHDP Joseph Gallagher: | |
| Concur | |
| Comments/Response from CHDP Joseph Gallagher: | |
| Comments: [Forwarded by CHDP Joseph Gallagher] | |

| Routing #11 | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Sent From: | CHDP Joseph Gallagher |
| Sent To: | Admin IA |
| CC: | (none) |
| Sent Date/Time: | 10/10/2019 11:42 AM |
| Instructions from CHDP Joseph Gallagher to Admin IA: | |
| Typically the inquiry is suspended pending the disposition of the criminal case. However, I concur with the conclusion. | |
| Comments/Response from SGT Ryan Mills: | |
| Comments: [Forward to IAPro by SGT Ryan Mills] | |

Assigned Investigator Signature Line

SGT Richard Hansard

Chain of Command Signature Lines

CAPT George Maddox

LT Bryan Barnard

SGT Richard Hansard

LT Donaldson Taylor

CAPT Eric Westfall

DCHF Brian Henderson

CHDP Joseph Gallagher

SGT Ryan Mills