1		Witness Statement
2 3		EE – Lt. Erik Eagan TT – Tom Tatum HG – Heather Ganem
4 5 6 7	EE	Alright, the recorder is on. This will be taped interview in reference to Internal Affairs case number IA-13-024. Today's date is November 8, 2013 and the time is 15:10 hours. The location of the interview is the Internal Affairs office of the
8 9 10 11 12		Sheriff's administration office in Deland, FL. Presently being interviewed is Trooper Heather Ganem. Also present is Sgt. Tom Tatum with the Volusia County Sheriff's office Internal Affairs unit. I am Lt. Erik Eagan also with the Internal Affairs unit. Trooper, is it Ganem? Are you aware that this interview is being recorded?
13 14	HG	Yes I am.
15 16 17 18 19 20 21	EE	Ok. As a Florida Law Enforcement Officer and Notary Public of the state of Florida. I am empowered take sworn statements. At this time I ask you raise your right hand to be sworn. Do you solemnly swear or affirm that the statement you're about to give will be the truth the whole truth and nothing but the truth so help you God?
22 23	HG	Yes sir, I do.
24 25 26 27	EE	Alright well first off I want to thank you for meeting with us today. I know it's kind of short notice, but I do appreciate you coming in and talking to us. Could you spell your first and last name for the record please?
28 29 30	HG	Sure. My first name is Heather, H-E-A-T-H-E-R; last name is Ganem, G-A-N-E-M.
31 32	EE	Ok. And how long have you worked for the Florida Highway Patrol?
33 34 35	HG	I've been employed by the Florida Highway Patrol since March of 2012, so I believe that roughly over a year and half
36 37	EE	Ok.
38 39	HG	eighteen months.
40 41	EE	What assignments have you held within the Florida Highway Patrol?
42 43 44 45	HG	I currently hold the position of Trooper which is uh kind of uh the feet on the ground units. We day to day with traffic enforcement, helping um the public and uh investigating traffic crashes.
46	EE	Ok. So those are your primary functions?

47 48	HG	Yes sir.
49 50 51	EE	Alright. How long have you been doing that, the whole time that you worked for the Highway Patrol?
52 53	HG	No sir. I graduated from the academy um in September of 2012 and I entered to work on the road here in Volusia County starting in October 2012.
54 55 56	EE	Ok. Do you recall your work hours November 5, 2013?
57 58	HG	Yes I do.
59 60	EE	And what were they?
61 62	HG	Uh, 2 pm in the afternoon to approximately 10 pm that evening.
63 64	EE	Ok and do you have any specialized training in traffic crash investigations?
65 66 67 68	HG	Uh, I have received training in traffic crash investigations at a basic law enforcement recruit level um and minimal additional training, um, that's agency specific with the Highway Patrol.
69 70 71	EE	Ok. Do you know approximately how many hours of specialized training you have in traffic crash investigations?
72 73	HG	Uh, approximately forty or more.
74 75	EE	Ok. Alright. And do you have any additional law enforcement experience?
76 77	HG	I do not.
78 79 80 81 82 83 84 85 86 87	EE	Alright. I think I mentioned this to you maybe on the phone or off record, but I am conducting this administrative investigation in regard to allegations against Deputy Andrew Oliver for not being truthful with his supervisor, for not being truthful with a law enforcement officer, to wit you and Sgt. Jacob Vaughn, for making a false police report to you and Sgt. Vaughn, and falsification of official documents that occurred on November 5, 2013. Do you recall a traffic crash that you responded to and investigated on November 5, 2013 on County road 4155, which is Providence Blvd, just south of Alley 500 in Deltona, FL which involved a Volusia County Sheriff's office patrol vehicle?
88 89	HG	Yes I do.
90 91	EE	Alright. Could you tell me about your investigation?

92 HG Uh, Yes, uh I was dispatched and arrived on scene to the location that you just described and the vehicle, the uh crash was dispatched as a marked deputy's 93 94 patrol unit with the deputy on duty involved with two other vehicles. So I arrived 95 on scene at that location um and observed the deputy's vehicle and the other two 96 vehicles are now parked into a parked lot adjacent to the road way where the crash occurred, um I conducted interviews with all the parties involved beginning 97 98 with the deputy, who was the driver of the patrol vehicle involved and then 99 interviewed the driver of the dark blue BMW that was involved, and lastly interviewed the driver of a blue Honda civic that was involved and uh collected 100 information, examined all the vehicles for the damage and then um came to the 101 102 conclusion that I had.

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EE Ok. And what was your conclusion?

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My conclusion was consistent with the accounts of the event told by the drivers of the two vehicles um not the deputy's account uh the two vehicles that were involved told me that they were all traveling in an outside lane of travel, in a row, with uh the dark car, dark blue BMW being in front, the deputy's vehicle behind that, and the blue car behind that um and the physical damage was consistent with the account that the deputy at the point in time where the front vehicle applied its breaks to slow, the deputy's vehicle veered or he abruptly swerved or performed an evasive, attempted to perform an evasive maneuver to the left, where the front of his vehicle contacted the rear of the dark blue BMW that then cleared the space between the trailing vehicle and he did not have appropriate time, space, and distance to react and he then contacted into the same rear corner with much more impact.

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Ok. Now the dark blue BMW, was that vehicle turning into the Little Caesars pizza, is that why he was slowing?

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HG MmmHmm. The driver of that vehicle did tell me that he was um preparing to turn right into a parking lot that, that was at the Little Caesars pizza?

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125 EE Ok. And just so we're clear, what did Deputy Oliver tell you when you interviewed him?

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Um, the deputy's account was that he was traveling at all times that he while he was on that roadway in the inside lane it would have been to the left position of the other two vehicle, um and that a collision occurred between the other two vehicles and at that time he was to their left. One of those vehicles, he couldn't specifically tell me which one, um, he felt more that the, the rear car swerved into his lane and that's, at that time contacted his vehicle leaving some transfer on his front right fender.

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Ok. And again based on your analysis of the traffic crash, the parties involved testimony to you what was your analysis of Deputy Oliver's testimony to you?

138 Um, my analysis was that the testimony that he gave me, the um events that 139 HG 140 occurred seemed inconclusive not only with the spoken testimony of the other parties involved but also with the physical evidence. When I examined the 141 drivers sides of both of the other vehicles involved, I could not see any physical 142 contact area that seemed consistent with the transfer that was on Deputy Oliver's 143 144 vehicle, um which lead me to believe the other accounts that said that the deputy's 145 vehicle first contacted the front or dark BMW vehicle in the same area where the second collision occurred into it, so the black BMW didn't have any lasting 146 imprint or transfer, you know, of a white scuff or anything because then it was 147 148 further damaged by the second vehicle. 149 150 EE Ok. 151 And I, I did um I did review, you know, several times and, and all stories stayed 152 HG consistent with what I was told but the, the deputy's story didn't seem to add up 153 154 with what I was observing. 155 Now did you question him about the inconsistencies with his explanation? 156 EE 157 158 Yes I did. HG 159 160 And how did he respond? EE 161 I asked him, trying in a very non-accusation way if he was sure that he was in the 162 HG 163 left lane the whole time and I even kind of, you know, hinted to him that perhaps, you know, that we have a lot of distractions in our vehicles that perhaps, you 164 know, he was doing something else and um he uh maintained that he wasn't 165 166 distracted that he was traveling in the inside lane and um and I, and I asked also if there, after speaking with my supervisor, Sgt. Vaughn, um I did follow up with 167 him again and asked is there an in car camera that may be comes on when you 168 active your lights. We have that type of technology which will revert thirty 169 seconds which may have shown some events and um he told me that they did not 170 have that technology. 171 172 Ok. I think you mentioned this off the record, but did you go so far as to draw a 173 EE make shift diagram of the crash scene to go over it with Deputy Oliver? 174 175 Yes sir, I did. I um just uh on a sketch piece of paper just very roughly drew a 176 HG small diagram that showed the vehicles in position of ah what seemed consistent 177 with the damage and the other two parties accounts. Um, I told him, you know, 178 this is what their saying, this is what I see and I said again your tell, and then I 179 drew a little, a car, all those three cars were in a row and then I starred the areas 180 where the damage and showed how it could have happened that way and then I 181 182 drew another little car in the left lane or a little box that represented a car and um I

183 184 185		said so you were here and then he, he, you know, did say yes that's, that's what it was. He agreed that was how the collision occurred.
186 187 188	EE	How did he agree? Just so that I'm clear, which version did he agree to, of your diagram?
189 190 191 192 193	HG	Uh, he disagreed with the first version which was the account that all three vehicles were traveling in the outside lane and continued to maintain the account that he had told me, which was that he was in the inside lane when the other two vehicles collided and then came over into him.
194 195	EE	Ok. Did he change any portion of his explanation to you?
196 197 198 199 200	HG	I don't specifically recall that he changed any portion, although he did seem um, he did seem kind of uh, you know, reserved to where he would, he kept saying it all happened so fast, it just all, like he really wasn't, he was sure, but maybe not completely sure
201 202	EE	Ok.
203 204	HG	because of, because it happened so fast.
205 206 207 208	EE	During your interaction with him in explaining the inconsistencies, did you ever caution him about lying to you? Have any conversation about getting the facts right or correct?
209 210 211 212	HG	I, I didn't specifically, you know, want to accuse or ask him, but I did um, want to clarify with him and I was, I think I probably said, so you're sure and uh yeah he continued to maintain that, that he was sure.
213 214 215	EE	Ok. Did anybody overhear his explanation to you as far as what he told you happened?
216 217 218 219 220 221 222	HG	Um, I believe at the points at where I interviewed him, I'm not sure that the Sheriff's sergeant that was on scene, I believe I was interviewing him, he may have been in earshot or near us but typical I, you know, interview just straight on to that, you know, I, I was kind of watching his body language too and he did seem, I mean, it was the first time we ever met so I'm not positive, but he might, he had seemed a little bit standoffish when I was asking if he was sure.
223 224	EE	Ok. Any other indicators?
225 226 227 228	HG	Yeah, he, he did, he said it, at one point I told him I was gonna have to call my supervisor to come and um review the crash to help me, if you know, there was anything I was missing, that was the other thing, and uh Sgt. Vaughn was in route, and so I explained this to Deputy Oliver and that point he, I think he remarked to

229 230 231		the, to the feeling of I'm not gonna get a ticket or you're not, you don't think I'm at fault. He made a comment that kind of he felt that I wasn't believing, or I saw the inconsistencies that he was telling.
232 233 234	EE	Did you have any response to his question?
235 236	HG	No
237 238	EE	Ok.
239 240	HG	ca, I, you know, it was what I saw so that's what I had to do.
241 242	EE	Ok. Before I move forward with this, I wanted to refer you to the diagram that
243 244	HG	MmmHmm.
245 246 247 248	EE	Sgt. Vaughn drew in his traffic crash long form, is this diagram, is that consistent with the sketch that you showed Deputy Oliver? The sketch that you drew.
249 250 251 252 253 254 255 256 257 258 259	HG	Yes it is. It's all three vehicles, yeah vehicle two um which would have been our, our dark car, the BMW, all three cars are in the outside lane, um, vehicle two the dark BMW is further up. I did draw, you know, roughly the same diagram that the three cars were in a row with the BMW being in front, deputy's car following, blue Honda in the back, um and then vehicle one, which is the deputy's vehicle, takes evasive action, slightly contacts leaving transfer on his vehicle from the BMW clearing um a space, but not giving uh proper reaction time or distance and vehicle three then collides which was the blue Honda into the same rear left of the BMW so yes this is consistent with what my rough sketch was and uh and I showed the deputy that at the scene.
260 261 262	EE	So, you and Sgt. Baughn, excuse me, Sgt. Vaughn came to the same conclusion, based on your traffic crash investigation?
263 264	HG	Yes we did.
265 266 267 268	EE	Ok. You mentioned that you did call Sgt. Vaughn to the scene, is that a normal practice or protocol for the Highway Patrol to contact their supervisor when a law enforcement officer's vehicle's involved in a traffic crash and likely at fault?
269 270	HG	Yes it is.
271 272	EE	Ok.
273 274	HG	There, we d, um there was a little bit more um definitive conclusion with the physical evidence when Sgt. Vaughn arrived on scene. We did uh measure the

275 276 277 278 279 280 281 282		distances of the scuff damage to the deputy's car and what seemed to be on the other vehicles and it measured exactly with the account of the other two drivers. That pretty much made it positive that that happened. The scuffing also kind of, it wrapped and as Sgt. Vaughn has many more road hours and higher experience in crash investigation, he explained to me that that would also be most consistent with a vehicle making an evasive left action to try to ah go around a vehicle in front of it.
283	EE	Ok. Any idea approximately how many traffic crashes you investigate?
284 285 286	HG	Since I've been on the road or per week? It's
287 288	EE	Either
289 290	HG	Yeah
291 292	EE	or both.
293 294 295 296	HG	Ok. Um, I would say since I, in a little more than a years time possibly several hundred. We, we sometimes work three or four a day, on a busy day, on a, on a slower day one to two that's
297 298	EE	Ok. Are you familiar with Sgt. Vaughn's work history with the Highway Patrol?
299 300	HG	I don't work directly with Sgt. Vaughn
301 302	EE	Ok.
303 304 305 306	HG	he's um in a unit that we do contact with and if there's not a supervisor, my immediate supervisor available, I have worked with him. As to uh his specifics, I have worked with him on um some other incidents like this one. Where we both investigated a crash together, but um as to uh his full experience, I'm not aware.
307 308 309	EE	Ok. I was just going to try to approximate how many crashes
310 311	HG	Oh.
312 313	EE	he would have had investigated in his I think twelve, thirteen years.
314 315	HG	Many, many more probably that I would say
316 317	EE	Like close to a thousand?
318 319	HG	Yeah. He, he works lots of crashes.

320 321 322 323	EE	Ok. Based on your year and a half years of law enforcement training and experience do you believe Deputy Oliver was untruthful with you during your traffic crash investigation?
324 325	HG	Yes I do.
326 327 328	EE	Would you characterize his false testimony as making a false police report of traffic crash?
329 330 331 332 333 334	HG	Yes I would have to say I would. I, I see, I normally, when I talk to people. People will try to say things maybe a little different than what the account is and that's what our job as investigator is to try to determine what is true, um I can't say whether it was completely intentional on his part but I believe the account that he's giving was, was falsely reporting.
335 336 337 338 339 340	EE	Ok. Given the differences between his testimony, the other parties testimony and the physical evidence, they were pretty significantly different and you gave him ample opportunity, you showed him the evidence. You went so far as to draw him a diagram, in light of all that, would you say that his testimony was intentional?
341 342	HG	Yeah, I guess based on that I would have to say that
343 344	EE	Ok.
345 346 347	HG	because I mean he could have said maybe just at some point he wasn't sure, but he didn't say that.
348 349	EE	Why do you think Deputy Oliver lied to you?
350 351	HG	I have no idea.
352 353	EE	Ok.
354 355	HG	That's my first time ever meeting Deputy Oliver so.
356 357	EE	Ok. Did he have anything to gain by lying to you?
358 359 360 361	HG	No. I mean, to avoid a ticket. I mean our job, the amount of hours we drive. Sooner or later something like this is bound to happen, I mean, you just, I would just say what happened.
362 363	EE	But he did have some motivation to lie, to avoid getting at traffic citation?
364 365	HG	I guess that would be some motivation to some, yes, possibly.

366 367 368	EE	To avoid being found at fault for a traffic crash involving property damage. Do you recall approximately how much property damage there was?
369 370	HG	If I was completing
371 372	EE	We can refer to the report
373 374	HG	yeah
375 376	EE	that's ok.
377 378	HG	if I could refer to what, ah, what the sergeant said.
379 380	EE	If you don't recall that's fine.
381 382 383	HG	I could give you a rough estimation, but I'm not a certified uh body, so my estimation is just that rough and perhaps this estimate would be better. What did he put in here? Yep. Yeah, I would, I would ah, I would concur that Sgt. Vaughn
384 385 386		estimation, I believe it says a \$5,350.00 looks like dollars would be around something that I would conclude.
387 388 389	EE	Ok. Other than the three drivers of the three vehicles, did you interview anyone else?
390 391	HG	No, I did not.
392 393	EE	Ok. Do you normally not interview the passengers of the vehicles?
394 395	HG	I normally do not.
396 397	EE	Ok. Now why is that?
398 399 400 401 402 403 404	HG	Typically um I, I do not because the passengers are not an impartial witness to a crash, uh, generally if you interview them or at the times that I do, their story will just likely corroborate the driver of the vehicle that they're in um and a lot of times a passenger, their account can't really be heavily weighted. They might have not been as aware as the driver should have been of the surrounding situation.
405 406 407	EE	Ok. Now is that something that they teach in the academy or in the specialized training, the traffic crash? Sgt. Vaughn had the same explanation so I
408 409 410 411	HG	Yeah, I don't recall if that was a specific part of our training but I do recall that uh we are taught to locate the most independent witnesses that would not have a vested interest in the outcome of the investigation.

Ok. Did you find any independent witnesses? 412 EE 413 414 HG No sir. I did not. 415 Ok. What did the driver of the dark blue BMW, Juan Rodriguez, tell you about 416 EE 417 the crash? 418 Mr. Rodriguez told me that um he was slowing, breaking to find a driveway to 419 HG enter into the Little Caesars pizza, to, so before he made a right turn he was 420 421 slowed in the road and at that time, the, he saw the, I think he kept on callin' it the cop car. He saw the cop car comin' up behind him. He felt an initial impact, um 422 and then the cop car swerved into the left lane and then the other vehicle 423 contacted into the rear of his vehicle. 424 425 Alright. Now what did the driver of the blue Honda Civic, Christian Rivera, what 426 EE did he tell you about that crash? 427 428 Uh, Mr. Rivera told me that he was following the deputy's patrol vehicle for some 429 HG distance. I tried to, to specify how far he was in that lane of travel and he said 430 probably at least from the last intersection, I think, is it Elkcam, it's down cl, I 431 wasn't sure, but he was a pointin' to a light that was several city blocks. He said 432 he was following behind that vehicle and um just following along and then all the 433 sudden he said that he saw the police vehicle just move out of the way and he 434 didn't react in time to avoid collision with the car that was then exposed. 435 436 Ok. Now you mentioned that traffic light, was it the light closest to you, to the 437 EE 438 North, which would be Fort Smith, or was it the one previous to that, which would be Elkcam? 439 440 It, it was the nearest. I'm not sure... 441 HG 442 443 EE Ok. 444 445 HG ... of the street name. 446 Ok. Based on your investigation, who did you find at fault for the traffic crash? 447 EE 448 Uh, based on my investigation, I would have found Deputy Oliver at fault. His uh 449 HG abrupt, evasive maneuver, in my opinion, well he did contact and collide, which is 450 careless in action, with the vehicle in front of him, that was slowed and uh in my 451 452 opinion the uh the vehicle behind may have not had reaction time if this very abrupt but I know we have to always have safe following distance but at forty 453 miles per hour when that distance of possibly less than a couple car lengths 454 opened he contacted so I would put the fault at the deputy's vehicle. 455 456 Ok. Do you know who Sgt. Vaughn found at fault for the traffic crash?

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EE

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459	HG	Yes I do.
460		
461	EE	Who?
462	***	
463	HG	Uh, Sgt. Vaughn did find fault with the deputy for his careless action um of
464 465		operating his vehicle and he also found fault in Mr. Rivera's action as careless in
466		that he did not have enough reaction distance to avoid a collision either.
467	EE	Ok. Were both parties that were found at fault, were they both cited for the traffic
468	LL	crash?
469		
470	HG	Yes they were.
471		
472	EE	Do you know what Sgt. Vaughn charged Deputy Oliver with?
473		
474	HG	I believe he charged him with careless driving.
475	DD.	
476	EE	Ok. And he also wrote inattentiveness resulting in an offset rear-end collision, is
477 478		that normal charge?
479	HG	Typically when we have a careless driving charge, we do try to explain what
480	110	actions made the action careless, so to speak.
481		deticins made the deticin edicious, so to speak.
482	EE	Ok. Do you know was Mr. Rivera cited for the same traffic violation as Deputy
483		Oliver?
484		
485	HG	I believe he was careless, yes.
486		
487	EE	Ok. Was that because both collisions with the dark blue BMW were similar?
488	ПС	Vog the survivoe
489 490	HG	Yes they were.
491	EE	Ok. Did you inform Deputy Oliver's supervisor Sgt. Whitener of your findings
492	LL	and Deputy Oliver's false explanation of the traffic crash?
493		and Deputy ourse of takes explanation of the traine crash:
494	HG	Yes I did.
495		
496	EE	Ok. Were you given an opportunity to read Deputy Oliver's police report?
497		
498	HG	Yes I was.
499	DD.	
500	EE	Ok. Was Deputy Oliver's statement in his police report which is referenced by
501 502		VCSO case #13-30771. Deputy Oliver wrote Deputy Oliver was traveling on the
503		inside lane period. Is that a factual statement, based on your investigation?
505		

504 505	HG	No it's not.
506 507 508 509 510	EE	Ok. He also wrote the black, which your testimony and the testimony of Sgt. Vaughn is that the BMW was dark blue, but he wrote the black BMW was traveling in the outside lane and the blue Honda followed behind, is that factual also?
511 512	HG	Not on the outcome of my investigation.
512 513 514	EE	Ok. Was there blue or black transfer paint on Deputy Oliver's patrol car?
515 516 517 518	HG	There was uh blue transfer paint and there also was some trailing of what seemed to have a rubbery consistency of black on the patrol vehicle as well, in the same vicinity, the scuff.
519 520 521	EE	Ok. Is that consistent with the impact of the dark blue BMW, you referred to a rubbery consistency, how would you explain that?
522 523 524 525	HG	The uh the dark blue BMW, uh, has blue paint that transferred off onto the deputy's front fender. It also has a protective uh rubber barrier that wraps around it's bumper which uh is very consistent with the rubber dark black transfer that was on the vehicle in the same area as the scuff.
526 527 528	EE	Now would that, some people call that molding
529 530	HG	Yes.
531 532	EE	like rubber molding
533 534	HG	Yes.
535 536	EE	on the bumper. Ok.
537 538	HG	Some people will.
539 540	EE	Like a trim?
541 542	HG	Right.
543 544 545	EE	Ok. Based on your training and experience, what is your degree of certainty in your professional opinion of the investigation?
546 547 548 549	HG	I feel very certain. I felt, I felt certain before I contacted my supervisor, that something was not right, enough to lead me to bring him, I don't know how far he came. He traveled a pretty good distance to come and uh to see the evidence and to, you know, he, he didn't base his conclusion basically just on what I told him.

550 551 552 553		He then conducted an investigation and came to the same conclusion that I was seeing, with a, a little bit more certainty by uh measurements and making certain with the physical evidence that the, what we suspected was the event.
554 555	EE	Ok. And you were privy to that also
556 557	HG	MmmHmm.
558 559 560	EE	the additional measurements and what have you. Did that increase your degree of certainty that
561 562	HG	Yes.
563 564	EE	Deputy Oliver was at fault for the crash?
565 566	HG	Yes it did.
567 568	EE	And his testimony was not consistent with the evidence and your investigation?
569 570	HG	Yes.
571 572 573	EE	Could you put your degree of certainty in a number, like a percent, say 50% certain or 80 or?
574 575	HG	I would, I would be close to 100% certain.
576 577	EE	Ok.
578 579	TT	I think she covered it all.
580 581 582	EE	Ok. Is there anything additional that you think would be helpful to my investigation?
583 584	HG	Not that I can think of.
585 586 587	EE	Ok. Is there anything from your statement here today that you'd like to add or delete?
588 589	HG	No there's not.
590 591 592 593 594	EE	As this investigation is continuing you are requested not to discuss the details of this investigation except with legal council or your personal representative. The reason why we ask that so to maintain the integrity of the investigation so that people aren't talking about it and misinformation getting out there, so
595	HG	I understand.

597 EE ...any questions? Ok. Alright. Time is 15:45, this will conclude the interview. I, Lt. Erik Eagan swear that the forgoing is an accurate transcription of the sworn recorded statement of Trooper Heather Ganem taken by me on November 8, 2013. (Signed)

Sworn to and subscribed before me this

Day of

, 2013.

Signature of Notary Public State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known\_\_\_\_

Produced identification

Type of Identification Produced