VOLUSIA COUNTY SHERIFF'S OFFICE INTERNAL AFFAIRS

REPORT OF INVESTIGATION

REPORT NUMBER: IA-12-018

Part II DAVID Investigation All personal information contained in this report is to be kept confidential per State Statute 119,07

PERIOD COVERED:

2008 to 2012

DATE REPORTED:

May 24, 2012

SUBJECT(S) NAME:

Lieutenant Brian Nardiello #1595

INVESTIGATING OFFICER:

Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On February 26, 2013, Investigator Bennett searched Lieutenant Nardiello's assigned vehicle for missing assigned VCSO keys that was secured on Sheriff's Office property.
in the trunk investigator Bennett located two pocket sized notenads, one notenad had a
yellow cover and the other notepad had a white cover. These notenade are commonly
utilized by law enforcement officers in their daily duties and they are provided by the
SHORIT'S UTICE. In one of the notenads investigator Rennett observed the name
with his date of birth and driver's license number. The name was
known to investigator Bennett
Upon further investigation into the notepad's Investigator Bennett found the name, with her date of birth and address written above a
website, A search of this website was done and it
was discovered that the website advertises itself as an online dating service. At that point
investigator Bennett had reason to believe Lieutenant Nardiello may have accessed
and and a law enforcement
database. (For copies of notepads see Tab-D)

On February 27, 2013, a request through DHSMV was made for Lieutenant Nardiello's Driver And Vehicle Information Database (DAVID) history dating back to 2008. It was decided to go back to 2008 since that covered the date range of the internal investigation.

On February 28, 2013, Investigator Bennett received the requested DAVID information in an e-mail from DHSMV. Upon printing out the DAVID information, almost immediately Investigator Bennett observed the name, which during the course of this investigation revealed she was

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search of the other names on the printouts revealed several people. A cursory investigation into some of the names revealed no law enforcement activity connecting them to Lieutenant Nardiello which is in direct violation of the DAVID user agreement and VCSO department directives.

Upon examining the data obtained from DHSMV it showed Lieutenant Nardiello, after obtaining the personal information on select individuals he also compromised their emergency contact information. The emergency contact information is only to be accessed if an individual is incapacitated and unable to provide information to either rescue personnel or law enforcement during an emergency. Accessing the emergency contact information is a separate violation of Sheriff's Office policy and state statute as a misdemeanor violation.

On March 6, 2013, Investigator Bennett served Lieutenant Nardiello with an amended Notice of Internal Investigation (041M0022.13) which contained additional charges related to the possible DAVID violations. Investigator Bennett began to research the names and information on the DAVID printouts provided by DHSMV. (For official correspondence see Tab-B)

A copy of the Sheriff's Office "Florida DHSMV-DAVID Authorization and Acknowledgement" with Lieutenant Nadiello's signature was obtained. This document was signed by Lieutenant Nardiello and dated November 11, 2011. (For Authorization and Acknowledgement see Tab-C)

The following interviews were conducted to ascertain a reason why Lieutenant Nardiello may have had to access the individuals name and personal information in DAVID. Prior to each interview a search of the individuals name was conducted using the Sheriff's Office Records Management System (RMS) and/or the Computer Aided Dispatch (CAD) system. The RMS and CAD database would indicate any law enforcement interaction involving the individual within Volusia County. Furthermore, Investigator Bennett researched the days and names that were entered into DAVID to determine whether or not Lieutenant Nardiello was on duty. On several occasions Lieutenant Nardiello was off-duty when he utilized Sheriff's Office computer terminals to access personal information using the DAVID database.

On March 7, 2013, Investigator Bennett and Sergeant Tatum conducted a recorded sworn interview with following is a summary of that interview:

was asked if she knew Lieutenant Nardiello and she said she did.
described her interaction with Lieutenant Nardiello as brief and non work or law enforcement related. Said she was introduced to Lieutenant Nardiello by a former deputy sheriff in the courtyard of the administration building the law interaction with Lieutenant Nardiello while he was conducting official law enforcement business, and she stated, "Not official, no." Investigator Bennett asked if the stated Lieutenant Nardiello did call and leave a voice message on her office work phone. Said when she called him back he (Lieutenant Nardiello) asked if the two of them could go out to lunch together. The remembered telling Lieutenant Nardiello, "he asked if we could go out to lunch sometime and I said we could go as friends to lunch and he said ok and that was it. But he was asking me out and I said no I said I could go out as friends with you to lunch but nothing else so."
Investigator Bennett asked if she could recall a reason why Lieutenant Nardiello would have entered her name into the DAVID database on June 21, 2012 at 8:24am, and she said she did not know. Explained to Investigator Bennett, "I don't understand why somebody'd be looking up my personal information no. That's kind of scary."
On that same day when Lieutenant Nardiello accessed the state 's personal information in DAVID he also accessed her emergency contact information.
On March 8, 2013, Investigator Bennett and Sergeant Tatum conducted a sworn recorded interview with
summary of that interview:
was asked if she knew Lieutenant Nardiello and she said, "YesAs the president of the Trailwood Homeowners Association." Investigator Bennett asked in if she had any interaction with Lieutenant Nardiello while he was acting in his official capacity as a law enforcement officer, and she replied, "No."
if she recalled being stopped or contacted by ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied, "No." ieutenant Nardiello on October 31, 2011 at 2:56am, and she replied on October 31, 2011 at 2:56am, and she replied on October 31, 2011 at 2:56am, and she replied on October 31, 2011 at 2:56am, and she replied on October 31, 2011 at 2:56am, and she replied on October 31, 2011 at 2:56am, and she repl
On March 8, 2013, Investigator Bennett and Sergeant Tom Tatum conducted a sworn ecorded interview with

stated she knew who Lieutenant Nardiello was because he was at one time the Sheriff's Office liaison assigned to Emergency Support Function 16 (ESF 16) at the Emergency Operations Center (EOC). In the stated when the ESF 16 is activated personnel from different parts of the county government come together and Lieutenant Nardiello was there to represent the Sheriff's Office. In think he's been there two maybe three times since he was selected as a representative for the ESF 16." Investigator Bennett asked In the if Lieutenant Nardiello was her supervisor in the EOC and she said, "No sir

may have taken calls from him while she worked however, she did not recall his name from when she worked Investigator Bennett asked however, if she could recall any official interaction with Lieutenant Nardiello while he was working and she stated, "No sir."

Investigator Bennett asked the little of the could recall a reason why Lieutenant Nardiello would have entered her name into DAVID and accessed her personal information on June 21, 2012 at 9:03 am and she replied, "No sir I can't."

On March 8, 2013, Investigator Bennett and Sergeant Tatum conducted a recorded sworn interview with a resident of the Trailwood Townhome HOA. The following is a summary of that interview:

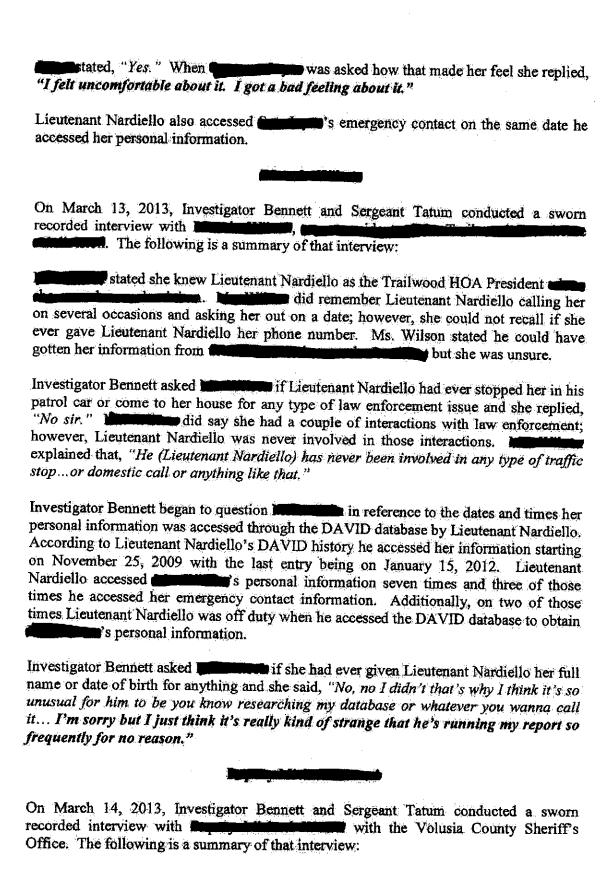
stated he knew Lieutenant Nardiello as the Trailwood HOA President.

advised he never had any contact with Lieutenant Nardiello while he was acting in his official capacity as a law enforcement officer.

Investigator Bennett questioned between on the dates and times his personal information was accessed through the DAVID database by Lieutenant Nardiello. According to Lieutenant Nardiello's DAVID history he accessed between \$\sigma\$ information three times beginning on April 21, 2010 and ending on February 13, 2011. When below was advised of the dates and times he stated that he was either on vacation or sleeping. Either way, the below said that he had no clue why Lieutenant Nardiello would have accessed his personal information.

On March 11, 2013, Investigator Bennett conducted a recorded sworn interview with The following is a summary of that interview:

ne was ac	was asked if she ever had any interaction with Lieutenant Nardiello while ting in his official law enforcement capacity and she replied, "No." the stated the only interaction she had with Lieutenant Nardiello was with the he was the President
her person Nardiello. information Lieutenant	al information was accessed through the DAVID database by Lieutenant According to Lieutenant Nardiello's DAVID history he accessed her a starting on January 4, 2008 with the last entry being on February 13, 2011; Nardiello accessed her emergency contact information four times and on e times he accessed her emergency contact information.
(Constitution of the cons	the questions regarding a specific date Lieutenant Nardiello obtained personal information she replied, "why would he be running them (her those times No. Oh my God." And she also answered, " Wow this is
recorded in	12, 2013, Investigator Bennett and Sergeant Tatum conducted a sworn sterview with
when he w	as a sergeant assigned to the VCSO New Smyrna Beach District-5 Office.
DAVID on	was asked if Lieutenant Nardiello had any reason to enter her name into February 7, 2011 at 7:13pm.
my name."	continued saying, "I can't remember the month I know it's because but there would be no real reason to run Other than could think of no reason why Lieutenant Nardiello would be her personal information on DAVID.
he made her "that part I told him ye church with woman." Se	was asked if she ever had any interaction with Lieutenant Nardiello where feel uncomfortable and she referenced one evening said icular night before I left he asked me if I had if I knew any single women and each but I don't think you'd like the same women I know because they go to me and he told me to keep him in mind because he was looking for a ergeant Tatum then asked if that statement struck her as being Lieutenant Nardiello) wanted her to set him up with somebody and



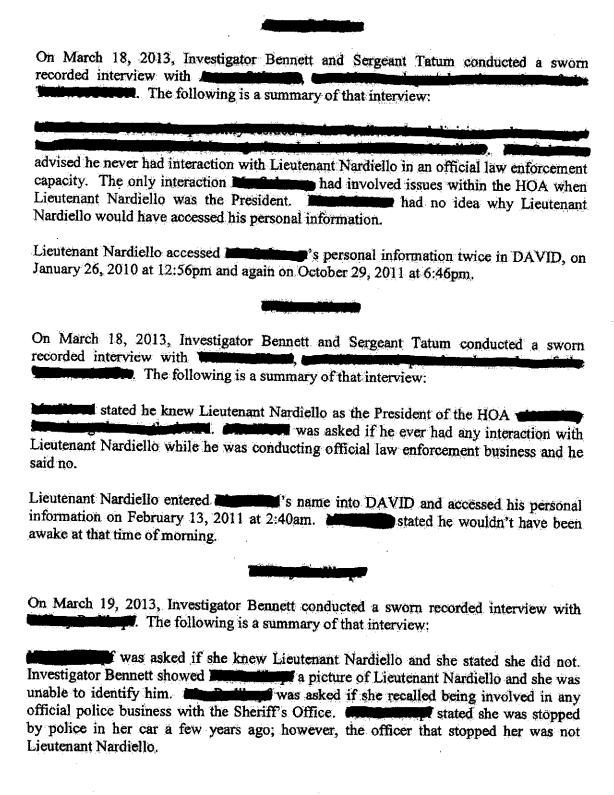
	· V
knew Lieutenant Nardiello	stated he
Nardiello, while off duty, entered his name into the DAVID database and	eutenant
stated he was unaware.	
also stated he has never had any official con	tact with
Lieutenant Nardiello while he was off duty.	
On March 14, 2013, Investigator Bennett and Sergeant Tatum conducted a recorded interview with The following is a summary of that interview:	sworn
	- 7 .
was asked if Lie	riteriant
Nardiello ever stopped her in her car or if she was involved in an incident Lieutenant Nardiello would have had to take official law enforcement action replied, "No."	i. weeks
Lieutenant Nardiello ente	red and
	- NO. A.
	
In March 14 2017 Investigator Demand	
On March 14, 2013, Investigator Bennett conducted a sworn recorded intervie	w with The
ollowing is a summary of that interview:	

stated she knew Lieutenant Nardiello
met Lieutenant Nardiello when the shift she was riding with got together for dinner at a Denny's Restaurant. Prior to the ride along, said she never had any official law enforcement contact with Lieutenant Nardiello.
Investigator Bennett asked if she was aware Lieutenant Nardiello entered her name into DAVID on February 1, 2011 at 7:33pm to obtain her personal information and she said she did not know. A added that aside from doing the ride along she didn't know why he would obtain her personal information. It should be noted that Lieutenant Nardiello was off duty when he entered a same into DAVID.
Investigator Bennett asked if Lieutenant Nardiello ever ask her on a date or talk to her socially and she stated, "During the dinner (at Denny's) he asked for my phone number but it wasn't disclosed whether it was for recreational purposes or work purposes."
Investigator Bennett spoke to the Assistant District-5 Commander Lieutenant T. Morgan about the procedures for the civilian ride along program. Lieutenant T. Morgan explained that all civilian ride along requests go through the District-5 secretary and she checks the persons name through the proper law enforcement databases. Copies of the documentation from the database searches are attached to the ride along paperwork which goes directly to Lieutenant T. Morgan for him to review. Lieutenant T. Morgan then approves or disapproves the ride along candidate. If the ride along candidate is approved Lieutenant T. Morgan then gives the paperwork to the patrol sergeant of his choosing. Lieutenant T. Morgan said there would be no reason a patrol sergeant would have to enter a ride along's name into the DAVID database because a criminal history check would have been done prior to them getting the ride along paperwork.
On March 14, 2013, Investigator Bennett and Sergeant Tatum conducted a sworn recorded interview with
The following is a summary of that interview:
said she knew Lieutenant Nardiello and recalled an incident when he was involved in his official duties
did not recall giving Lieutenant Nardiello her name or driver's license information that evening.
Investigator Bennett pointed out to the date Lieutenant Nardiello entered her name into DAVID which was November 1, 2010 at 5:53am. Was unable to

remember if that was when

's name into DAVID and accessed her emergency contact information. On March 15, 2013, Investigator Bennett and Sergeant Tatum conducted a sworn recorded interview with the following is a summary of that interview: was asked if she knew Lieutenant Nardiello and she replied, "No sir." Investigator Bennett showed in a photograph of Lieutenant Nardiello and was still unable to recognize him. stopped by the police several times in the last few years and each time she received a citation. However, she did not recall any of those officers being Lieutenant Nardiello. Investigator Bennett asked if she ever called the Sheriff's Office for any purpose at all and she said, "No." Investigator Bennett began to question and times in reference to the dates and times her personal information was accessed through the DAVID database by Lieutenant According to Lieutenant Nardiello's DAVID history he accessed her Nardiello. information starting on December 30, 2010 with the last entry being on January 11, 2011. Lieutenant Nardiello accessed the second information seven times and three of those times he accessed her emergency contact information. Additionally, three of those times Lieutenant Nardiello was off duty when he accessed the DAVID database to obtain described 's personal information. When was questioned about whether or not she remembered being contacted by Lieutenant Nardiello while in the performance of his official duties, she replied, "No." On March 18, 2013, Investigator Bennett and Sergeant Tatum conducted a sworn recorded interview with **–** The following is a summary of that interview: said she knew Lieutenant Nardiello as the President and resident of the Trailwood HOA. said she never had contact with Lieutenant Nardiello while he was conducting official law enforcement business. was asked if she recalled why Lieutenant Nardiello would have accessed her personal information in the DAVID database on December 24, 2008 at 3:30pm and she replied, "No."

On November 1, 2010 at 5:53am, Lieutenant Nardiello was off duty when he entered



Dieutenant Nardiello entered service s
On March 20, 2013, Investigator Bennett conducted a sworn recorded interview with a summary of that interview.
stated he knew Lieutenant Nardiello as the President of the Trailwood HOA. Bennett asked in the bif he ever had any contact with Lieutenant Nardiello that involved official law enforcement business and he said no.
Lieutenant Nardiello entered s's name into DAVID and accessed his personal information on December 26, 2010 at 12:57pm and again on February 13, 2011 at 2:39am. Stated he had no idea why Lieutenant Nardiello would have accessed his personal information.
On March 21, 2013, Investigator Bennett conducted a sworn recorded interview with is a summary of that interview:
was asked if she knew Lieutenant Nardiello and she stated she knew him was asked if she was ever involved, which in any official law enforcement business with Lieutenant Nardiello and she stated no.
March 30, 2011 at approximately 3:25am
to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-5 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he responded to the VCSO District-6 patrol division and he volume and h
present.
Nardiello dropped off and advised VCSO Dispatch (CAD) printout, Lieutenant Nardiello dropped off and advised VCSO Dispatch he was clear from the call at 6:48am. At 6:50am, Lieutenant Nardiello entered are some into the DAVID database and accessed her personal information after he dropped her off at her

residence.

Investigator Bennett spoke to Lieutenant Westfall who advised, he completed the supervisors report for
made it clear to Investigator Bennett that Lieutenant Nardiello had no lawful purpose or reason to access her personal information using the DAVID database.
On March 21, 2013, Investigator Bennett conducted a sworn recorded interview with summary of that interview:
said she knew Lieutenant Nardiello
was unaware of any lawful reason why Lieutenant Nardiello would have entered her name into the DAVID database on October 22, 2011 at 7:10pm. On that date and time Lieutenant Nardiello was off duty.
On March 21, 2013, Investigator Bennett conducted a sworn recorded interview with
The following is a summary of that interview:
could not recall any time Lieutenant Nardiello would have taken any official law enforcement action that would have resulted in him entering her name into the DAVID database.
Investigator Bennett asked if she could remember if Lieutenant Nardiello had any lawful reason to access her personal information in the DAVID database on December 25, 2008 at 7:51am and she replied, "No."

On March 22, 2013, Investigator Bennett conducted a sworn recorded interview with
summary of that interview:
stated she knew Lieutenant Nardiello
stated she remembered seeing Lieutenant Nardiello but could not recall if they ever spoke to one another.
was asked if she ever had any contact with Lieutenant Nardiello and she stated no.
Investigator Bennett asked in the part of the could remember if Lieutenant Nardiello had any lawful reason to access her information in the DAVID database on February 15, 2011 at 7:19 pm and she replied, "No" It should be noted that Lieutenant Nardiello accessed in the personal and emergency information on DAVID under her maiden name is married to the personal whose personal
information was also accessed on January 10, 2011.
On March 26, 2013, Investigator Bennett conducted a sworn recorded interview with that interview:
Stated has such that the last the President of the Frailwood HOA and has spoken to him on a couple of occasions went on to say she never had any official law enforcement contact with Lieutenant Nardiello.
Investigator Bennett asked if she recalled any reason why Lieutenant Nardiello would have to access her personal information in the DAVID database on June 21, 2012 at 12:53pm, and she said, "No."
Lieutenant Nardiello also accessed in the second se

On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with
employee of the Sheriff's Office. During questioning which was a knew of no reason why Lieutenant Nardiello would have accessed his name in the Driver and Vehicl Information Database (DAVID) criminal justice database. Explained has had no interaction with law enforcement or Lieutenant Nardiello to access his name in the criminal justice database. It is name was accessed in the database of January 2, 2008 at 0834 hours. It is had no knowledge of any of his family members having interaction with law enforcement during the time frame Lieutenan Nardiello accessed his personal information in the criminal justice database.
It was revealed during the investigation that Lieutenant Nardiello accessed in the later in the
On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. Also present during the interview was her mother, The following is a summary of the interview:
is the daughter of
She is the stepdaughter of was twenty-one (21) years old on January 2, 2008 a 0834 hours when Lieutenant Nardiello entered her name in the DAVID law enforcement restricted use database.
During her interview knew of no reason why her personal information was accessed by Lieutenant Nardiello. She has not had any contact with law enforcement or Lieutenant Nardiello during the time frame he ran her name in the database.
After the phone interview, the latest of the who was present during the phone interview realized a probable connection with her daughter and Lieutenant Nardiello, and her friend were roommates in the Trailwood Townhomes subdivision during the timeframe her personal information was accessed in DAVID.

hours.

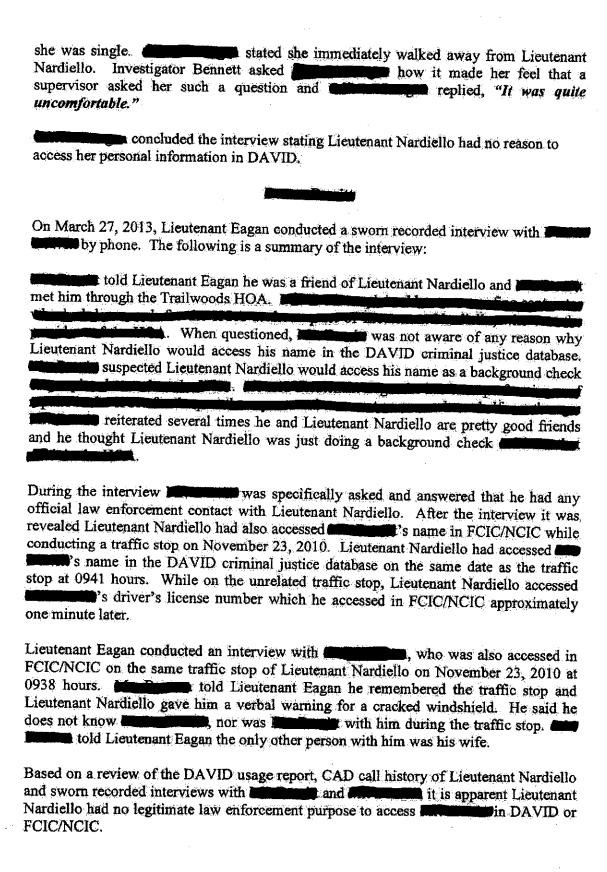
On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview:
She told Lieutenant Eagan she knew Lieutenant Nardiello as a sergeant During questioning knew of no reason why Lieutenant Nardiello would have accessed her name in the Driver and Vehic Information Database (DAVID) criminal justice database. Explained she had no interaction with law enforcement or Lieutenant Nardiello to access her name the criminal justice database. In the criminal justice database are the criminal justice database. In the criminal justice database. Lieutenant Nardiello accessed her personal information in the criminal justice database. Lieutenant Nardiello accessed information in the criminal justice database. Lieutenant Nardiello accessed information in the criminal justice database. Lieutenant Nardiello accessed information in the criminal justice database. Lieutenant Nardiello accessed information without a legitimation and lawful purpose.
According to the DAVID audit report, Lieutenant Nardiello accessed name in the database on January 3, 2009 at 1932 hours using her maiden name at the time, Based on the interview with the law, it appears there was n legitimate law enforcement purpose for Lieutenant Nardiello to access name from the restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons.
On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with
by phone. The following is a summary of the interview: She told Lieutenant Eagan she knew Lieutenant Nardiello by name a
During questioning knew of no reason why Lieutenant Nardiello would have accessed her name in the Driver and Vehicle Information Database (DAVID) criminal justice database. Explained she had no interaction with law enforcement or Lieutenan Nardiello to attempt to access her name in the criminal justice database. Inad no knowledge of any of her family members having interaction with law enforcement during the time frame Lieutenant Nardiello tried to access her personal information in the criminal justice database.
According to the DAVID audit report, Lieutenant Nardiello attempted to access the second in the DAVID law enforcement restricted driver's license database of December 25, 2008 at 0752 hours. Based on the interview with the appears there was no legitimate law enforcement purpose for Lieutenant Nardiello to access the second information from the restricted criminal access.

personal reasons. On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview: He told Lieutenant Eagan he knew Lieutenant Nardiello . During questioning knew of no reason why Lieutenant Nardiello would have accessed his name in the Driver and Vehicle Information Database (DAVID) criminal justice database. explained he had no interaction with law enforcement or Lieutenant Nardiello to access his name in the criminal justice database. It is a same was accessed in the database on January 10, 2011 at 0434 hours. It is had no knowledge of any of his family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed his personal information in the criminal justice database. Lieutenant Nardiello accessed semergency contact information without a legitimate and lawful purpose. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons. On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with in the Internal Affairs office at the County Administration building in DeLand, FL. The following is a summary of the interview: She told Lieutenant Eagan she knew Lieutenant Nardiello During questioning suspected Lieutenant Nardiello accessed her name in the Driver and Vehicle Information Database (DAVID) criminal justice database because her husband, had parked their personal vehicle in a handicapped parking space in front of the County Administration building in DeLand, FL. explained her husband has a legitimate disability and a handicapped placard to park in a handicap parking space. told Lieutenant Eagan she was questioned about parking in the handicap parking space. After questioning, was told her husband was going to be called to verify her explanation. explained she had no interaction with law enforcement or Lieutenant Nardiello to access her name in the criminal justice database. In the database on June 21, 2012 at 1305 hours. In the had no knowledge of any of her family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed her personal information in the criminal justice database.

justice database. It is suspected Lieutenant Nardiello used the DAVID system for

emergency contact information without a legitimate and lawful purpose.
On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview:
is the husband of
On March 26, 2013, Lieutenant Eagan conducted a second sworn recorded interview with in the Internal Affairs office at the County Administration building in DeLand, FL. The following is a summary of the interview:
Lieutenant Nardiello accessed in a names in DAVID for an alleged parking violation. There is no justification to have accessed in emergency contact information from the DAVID system.
On March 26, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview:
He told Lieutenant Eagan he knew Lieutenant Nardiello During questioning knew of no reason why Lieutenant Nardiello would have accessed his name in the

explained he had no interaction with law enforcement or Lieutenant Nardiello to access his name in the criminal justice database. The had no knowledge of any or his family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed his personal information in the criminal justice database.
According to the DAVID audit report, Lieutenant Nardiello accessed in the DAVID law enforcement restricted driver's license database on January 2, 2008 at 0839 hours. Based on the interview with literature, it appears there was no legitimate law enforcement purpose for Lieutenant Nardiello to access the law's name from the restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons.
On March 27, 2013, Investigator Bennett conducted a sworn recorded interview with The following is a summary of that interview:
stated she knew Lieutenant Nardiello when he was a Sergeant Investigator Bennett she never had any interaction with Lieutenant Nardiello , the only interaction she remembers having with Lieutenant Nardiello was professional
The CAD printout also showed Lieutenant Nardiello had responded as a back-up unit. According to the CAD printout, Lieutenant Nardiello radioed he was clear of the scene at 2:18am. Investigator Bennett then pointed out to at 2:19am Lieutenant Nardiello entered her name into the DAVID database. Investigator Bennett asked if she could explain why Lieutenant Nardiello would enter her name into DAVID to access her personal and emergency contact information, replied, "No. No he had no reason." Investigator Bennett commented that at the time he cleared the call she was the part of the Kentucky Fried Chicken so why would Lieutenant Nardiello look at her emergency contact information, then said, "There's no reason, no."
responded said Lieutenant Nardiello explained the two of them talked little



On March 27, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview: told Lieutenant Eagan she did not know Lieutenant Nardiello and had not had any law enforcement interaction with him. She said to her knowledge no one from her family has had any law enforcement contact with Lieutenant Nardiello. said she and her husband owned a rental property in the Trailwood Townhomes subdivision. She said she and her husband have never lived in the subdivision and the townhome they own in the subdivision is an investment property they rent out. She had no idea why Lieutenant Nardiello would access her name in the DAVID criminal justice database on November 13, 2010 at 1426 hours. According to the DAVID audit report, Lieutenant Nardiello accessed in the same in the DAVID law enforcement restricted driver's license database on November 13, 2010 at 1426 hours. Based on the interview with Manual, it appears there was no legitimate law enforcement purpose for Lieutenant Nardiello to access and a same from the restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons to access Trailwood Townhome residents' personal information. On March 27, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview: told Lieutenant Eagan he did not know Lieutenant Nardiello and had not had any law enforcement interaction with him. He said to his knowledge no one from his family has had any law enforcement contact with Lieutenant Nardiello. he and his wife owned a rental property in the Trailwood Townhomes subdivision. He said he and his wife have never lived in the subdivision and the townhome they own in the subdivision was an investment property they rented out. He had no idea why Lieutenant Nardiello would access his name in the DAVID criminal justice database. According to the DAVID audit report, Lieutenant Nardiello accessed services 's name in the DAVID law enforcement restricted driver's license database on November 13, 2010 at 1426 hours. Based on the interview with the property it appears there was no legitimate law enforcement purpose for Lieutenant Nardiello to access same 's name from the restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons to access Trailwood Townhome residents' personal information.

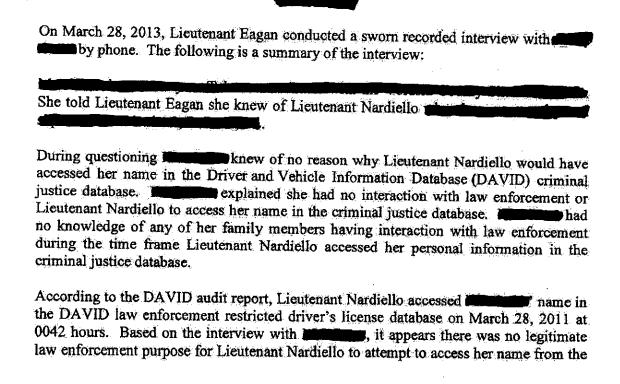
Richard Sapp

On March 27, 2013, Lieutenant Eagan conducted a sworn recorded interview with Richard Sapp by phone. The following is a summary of the interview:

Mr. Sapp told Lieutenant Eagan he did not know Lieutenant Nardiello and had not had any law enforcement interaction with him. He said to his knowledge no one from his family has had any law enforcement contact with Lieutenant Nardiello. Mr. Sapp was upset with the fact that someone in law enforcement would access his name for no legitimate purpose.

Lieutenant Eagan found an arrest record in CAD that coincided with the accessing of Mr. Sapp's name. On November 24, 2011 at 1554 hours, Lieutenant Nardiello stopped and arrested Mr. Sapp's brother Michael Sapp for Driving While License Suspended (DWLS). A few hours later Richard Sapp called the Sheriff's Communications Center and requested to speak with the arresting deputy, (Sergeant) Nardiello. Lieutenant Nardiello received an MDC message at 2016 hours. Based on the new information, it appears Lieutenant Nardiello's access of Michael and Richard Sapp driver's license records in the DAVID criminal justice database were for a legitimate law enforcement purpose.

At a later date, Lieutenant Eagan informed Mr. Sapp of the new revelation and apologized for the inconvenience of the previous interview and contact.



restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons.

Deborah Palmer

On March 28, 2013, Lieutenant Eagan conducted a sworn recorded interview with Deborah Palmer by phone. The following is a summary of the interview:

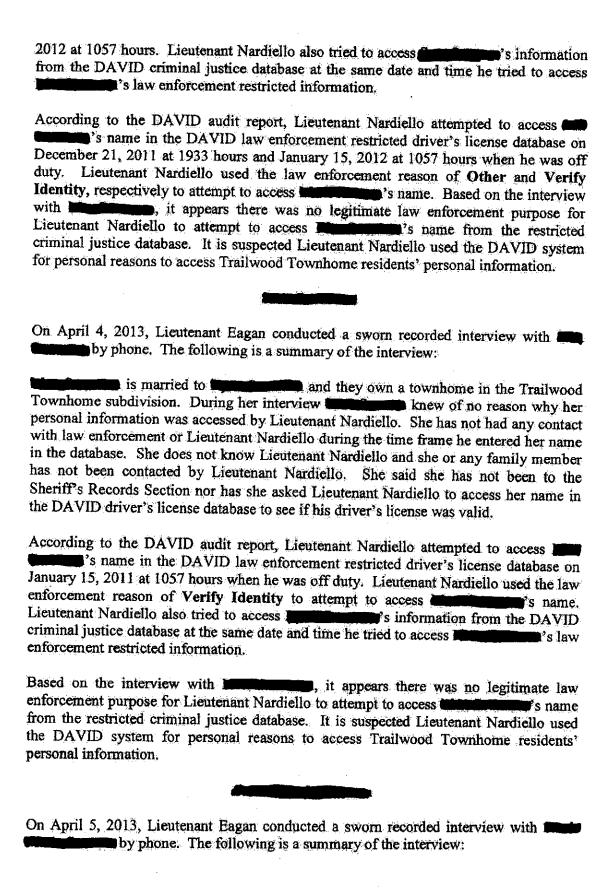
Ms. Palmer did not know Lieutenant Nardiello and knew of no reason why Lieutenant Nardiello would have accessed her name in the Driver and Vehicle Information Database (DAVID) criminal justice database. Ms. Palmer explained she had no interaction with law enforcement or Lieutenant Nardiello to access her name in the criminal justice database. Ms. Palmer's name was accessed in the database on September 9, 2011 at 2104 hours. Ms. Palmer had no knowledge of any of her family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed her personal information in the criminal justice database. She further explained that she has not had a Florida driver's license since 2001 due to medical reasons.

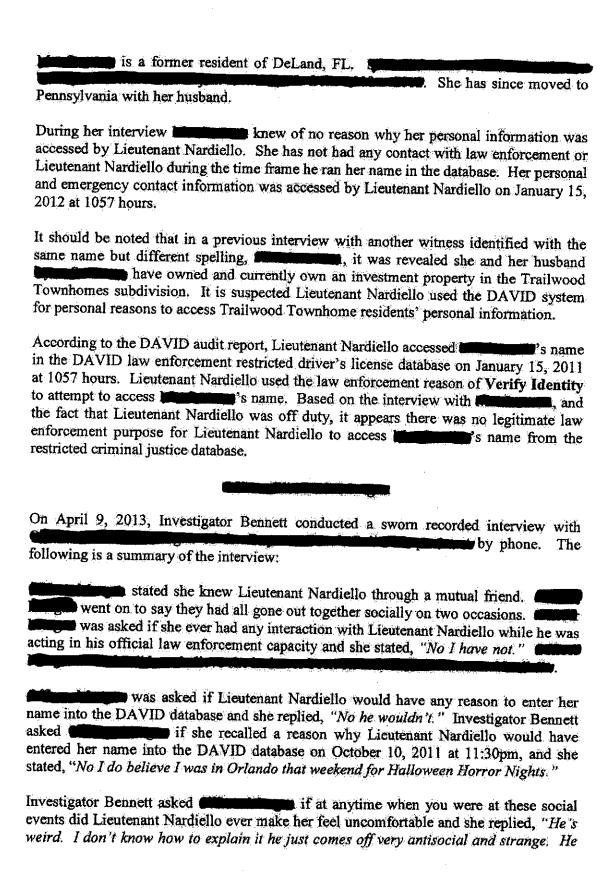
It was revealed after the interview of Ms. Palmer that another Deborah Palmer from the City of Deltona had been involved in a domestic dispute and her estranged husband had been sought by law enforcement. CAD records show Lieutenant Nardiello was working overtime in the capacity of a road patrol supervisor in District 4 – Deltona during the time frame Ms. Palmer's husband was being sought. Therefore it appears there was a legitimate purpose for (Sergeant) Nardiello to access the Deborah Palmer listed above in an effort to identify potential suspect locations.

On April 1, 2013, Lieutenant Eagan conducted a sworn recorded interview with the by phone. The following is a summary of the interview:

and his wife, are rental property owners in the Trailwood Townhome subdivision in Port Orange, FL. He told Lieutenant Eagan he has owned the townhome for several years and knows Lieutenant Nardiello as the president of the Trailwood Townhome HOA president. Added Lieutenant Nardiello would not know his wife, because she is not listed on the deed to the property nor was her name on the HOA. He suspects Lieutenant Nardiello may have obtained his wife's name from his HOA monthly payment from his bill pay service.

Lieutenant Nardiello. He said to his knowledge no one from his family has had any law enforcement contact with Lieutenant Nardiello. He said he and his wife have never lived in the subdivision and the property they own in the subdivision was an investment property. He had no idea why Lieutenant Nardiello would access his name in the DAVID criminal justice database on December 21, 2011 at 1933 hours and January 15,

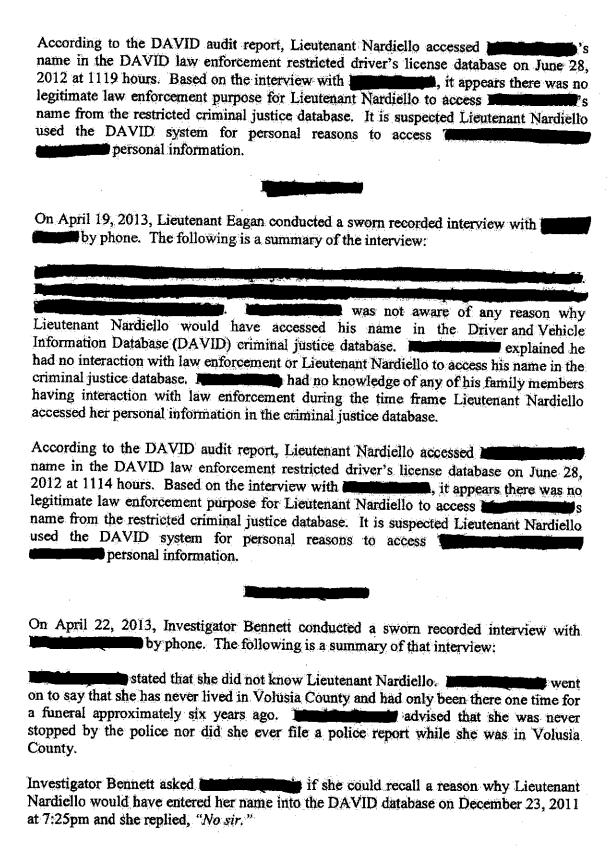




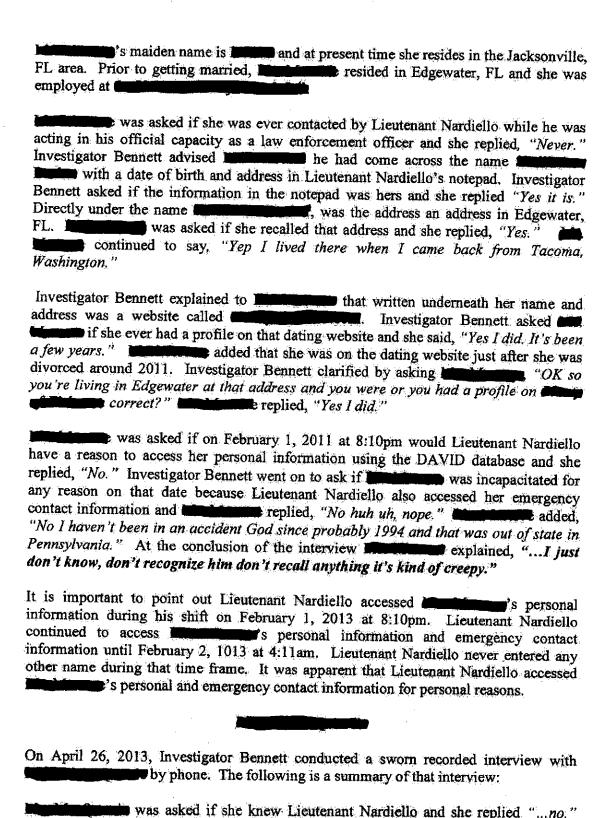
looking at him."
It should be noted Lieutenant Nardiello not only accessed **** 's personal information on October 10 th but he also accessed her emergency contact information.
On April 18, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview:
Nardiello would have accessed her name in the Driver and Vehicle Information Database (DAVID) criminal justice database. Explained she had no interaction with law enforcement or Lieutenant Nardiello to access her name in the criminal justice database. In a was accessed in the database on July 5, 2012 at 1439 hours. The had no knowledge of any of her family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed her personal information in the criminal justice database.
told Lieutenant Eagan she had posted a singles ad on the dating website, She said the listed city and state for the ad was Gulfport, MS. Explained she moved from Mississippi to Florida in October 2010 and in February 2012, she moved to Michigan where she has resided ever since. Expressed concern that Lieutenant Nardiello would access her name in the DAVID criminal justice database while she lived in Michigan.
According to the DAVID audit report, Lieutenant Nardiello accessed in a name in the DAVID law enforcement restricted driver's license database on July 5, 2012 at 1439 hours. Lieutenant Nardiello used the law enforcement reason of Performance of Specific Agency Function to access name. Based on the interview with the performance of the interview with the performance of the
The state of the s
On April 18, 2013, Lieutenant Eagan and Investigator Glen Bennett conducted a sworn recorded interview with the state of the interview:
told investigators he remembered Lieutenant Nardiello from having sold a truck to him on July 2, 2012. He is a car salesman who works at the dealership. Checked the business records and verified his suspicions and confirmed he sold Lieutenant Nardiello a new 2012 Chevrolet Silverado 1500 extra cab, blue. He said the sales transaction occurred July 2, 2012 at 1840 hours.

The sales invoice indicated Lieutenant Nardiello paid cash for the new truck including his trade-in of a 2009 Chevrolet Silverado. Lieutenant Nardiello paid the balance due on delivery fee of \$9980.44 with check number 2613 which is drawn on his personal bank account from Wachovia Bank.
did not know Lieutenant Nardiello personally and knew of no reason why Lieutenant Nardiello would have accessed his name in the Driver and Vehicle Information Database (DAVID) criminal justice database. explained he had no interaction with law enforcement or Lieutenant Nardiello to enter his name in the criminal justice database. In had no knowledge of any of his family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed his personal information in the criminal justice database.
According to the DAVID audit report, Lieutenant Nardiello accessed so a supering the DAVID law enforcement restricted driver's license database on July 2, 2012 at 1342 hours. Lieutenant Nardiello used the law enforcement reason of Performance of Specific Agency Function to access so access so a supering so name. Based on the interview with law it appears there was no legitimate law enforcement purpose for Lieutenant Nardiello to access so a supering so name from the restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons.
On April 18, 2013, Lieutenant Eagan and Investigator Bennett conducted a sworn recorded interview with the state of the interview. The following is a summary of the interview:
is a bank manager L. She told investigators she did not know Lieutenant Nardiello and knew of no reason why Lieutenant Nardiello would have accessed her name in the Driver and Vehicle Information Database (DAVID) criminal justice database. Explained she had no interaction with law enforcement or Lieutenant Nardiello to access her name in the criminal justice database. In name was accessed in the database on July 5, 2012 at 1439 hours. In had no knowledge of any of her family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed her personal information in the criminal justice database.
told investigators she was the branch manager of a bank during the time frame Lieutenant Nardiello accessed her name in the restricted criminal justice database. She said Lieutenant Nardiello's photograph looked familiar and thought he may have been a customer from the branch bank. She told investigators the only interaction she had with law enforcement was with City of DeLand Police Department handling calls for service Lieutenant Nardiello was assigned to the Records Section in DeLand, FL during the same time frame.

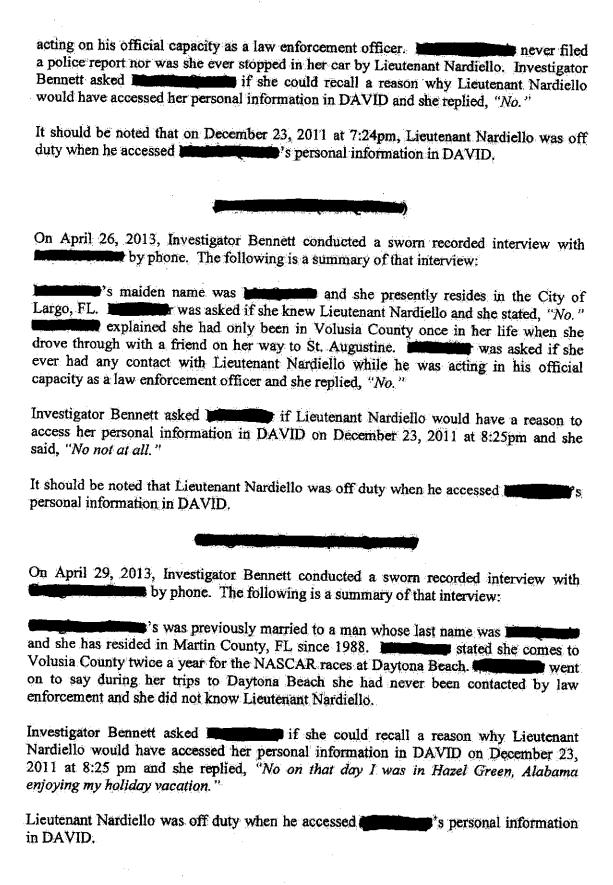
According to the DAVID audit report, Lieutenant Nardiello accessed name in the DAVID law enforcement restricted driver's license database on July 5, 2012 at 1439 hours. Lieutenant Nardiello used the law enforcement reason of Performance of Specific Agency Function to access name. Based on the interview with the property of the prope
On April 19, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview:
Nardiello was. He told Lieutenant Eagan he or any family member has not been contacted by Lieutenant Nardiello. He said he has not been to the Sheriff's Records Section nor has he asked Lieutenant Nardiello to access his name in the DAVID driver's license database to see if his driver's license was valid.
According to a DAVID audit report, Lieutenant Nardiello accessed so a name in the DAVID law enforcement restricted driver's license database on June 21, 2012 at 0821 hours. He ran so a name seconds after accessing so a name in the same criminal justice database. Was identified as whom Lieutenant Nardiello asked out to lunch sometime in 2012. Lieutenant Nardiello used the law enforcement reason of Training to access and so are no relation to one another. Based on the interview with appears there was no legitimate law enforcement purpose for Lieutenant Nardiello to access so name from the restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons.
On April 19, 2013, Lieutenant Eagan conducted a sworn recorded interview with by phone. The following is a summary of the interview:
was not aware of any reason why Lieutenant Nardiello would have accessed his name in the Driver and Vehicle Information Database (DAVID) criminal justice database. Explained he had no interaction with law enforcement or Lieutenant Nardiello to access his name in the criminal justice database. The had no knowledge of any of his family members having interaction with law enforcement during the time frame Lieutenant Nardiello accessed her personal information in the criminal justice database.



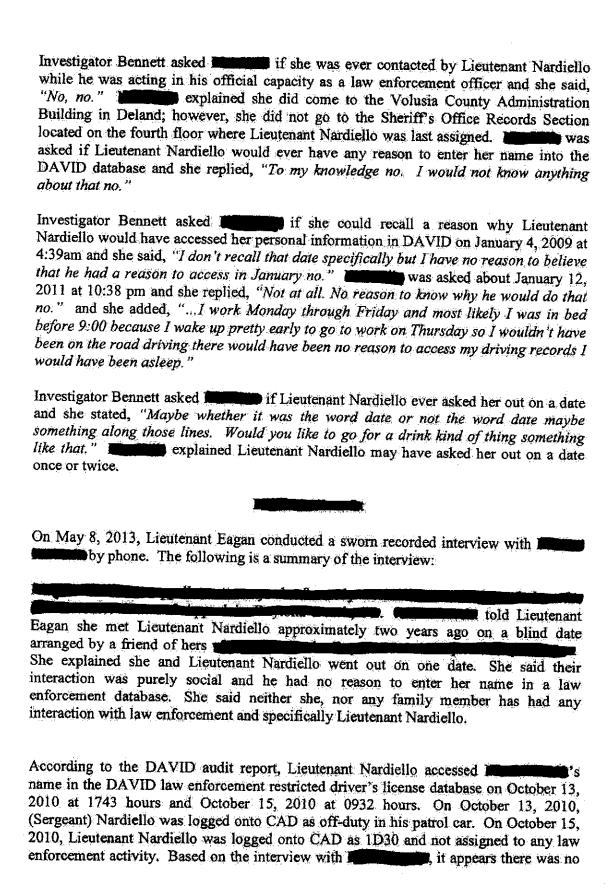
It should be noted that at that time and day Lieutenant Nardiello was off duty when he accessed with the second information in DAVID.
On April 22, 2013, Lieutenant Eagan re-contacted to inquire if the had been an employee of the told Lieutenant Eagan that the had been an employee of the shad be
On April 22, 2013, Lieutenant Eagan met with told Lieutenant Eagan had been a personal banker with told Lieutenant Eagan had been a personal banker with told Lieutenant Eagan had been a personal banker with told Lieutenant Eagan. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family. She has since resigned from her position due to a medical illness in her family.
On April 24, 2013, Investigator Bennett conducted a sworn interview with by phone. The following is a summary of that interview:
Trailwood. Stated he knew Lieutenant Nardiello as the HOA President and only dealt with him on HOA matters. Informed Investigator Bennett he never had contact with Lieutenant Nardiello while he was acting in his official capacity as a law enforcement officer.
Investigator Bennett asked if he could recall a reason why Lieutenant Nardiello would have entered his and his wife's name into the DAVID database on December 21, 2011 at 7:24pm. Stated he believes Lieutenant Nardiello may have been looking to find their new mailing address. Went on to say around that date and time he and his wife moved out of their townhome in the Trailwood subdivision. Continued by saying the HOA was placing a lien on the townhome for past HOA dues and believes Lieutenant Nardiello may have been looking for his new address to send the paperwork. Not long after that December date, stated he received the paperwork in reference to the lien.
Lieutenant Nardiello accessed and and service and service service and service
On April 25, 2013, Investigator Bennett conducted a sworn recorded interview with by phone. The following is a summary of that interview.



stated she never had any contact with Lieutenant Nardiello while he was



On April 29, 2013, Investigator Bennett conducted a sworn recorded interview with by phone. The following is a summary of that interview: e stated she resides in the City of Naples, Florida and she was in Volusia County one time when her family visited the Hilton Hotel in Daytona Beach. 1 went on to say she was never contacted by police while she was in Volusia County and she did not know Lieutenant Nardiello. Investigator Bennett asked if Lieutenant Nardiello would have a reason to enter her name into the DAVID database and she replied, "No." Lieutenant Nardiello accessed 's personal information on December 23, 2011 at 8:24pm when he was off duty. Gary Burwen On May 2, 2013, Lieutenant Eagan conducted a sworn recorded interview with Gary Burwen by phone. The following is a summary of the interview: Mr. Burwen told Lieutenant Eagan he remembered being stopped by a deputy in late 2010 on US 1 in the area of New Smyrna Beach Airport. He said Lieutenant Nardiello stopped him for a cracked windshield and gave him a verbal warning for the violation. Lieutenant Nardiello accessed Mr. Burwen's name in FCIC/NCIC verifying his driver's licenses in Florida and New Hampshire were valid. Because Lieutenant Nardiello ran 's name while on the traffic stop with Mr. Burwen, Mr. Burwen was questioned if anyone else was with him during the traffic stop. Mr. Burwen told Lieutenant Eagan his wife was with him. He was asked if he knew . Mr. Burwen did not know least nor was riding with Mr. Burwen. Mr. Burwen had no idea why Lieutenant Nardiello would access 's name while on a traffic stop with him. Mr. Burwen added he had recently moved to Florida in 2010 and only knows a few people from the Edgewater area where he lives. On May 2, 2013, Investigator Bennett conducted a sworn recorded interview with by phone. The following is a summary of that interview: stated she knew Lieutenant Nardiello as the President of the Trailwood Townhome Homeowners Association (HOA). 1 although she does not live in the Trailwood subdivision any longer she still owns a townhome there.



legitimate law enforcement purpose for Lieutenant Nardiello to access her name from the restricted criminal justice database. It is suspected Lieutenant Nardiello used the DAVID system for personal reasons since the only interaction was a blind date arranged by a mutual friend.

CONCLUSION:

This investigation proved that Lieutenant Nardiello used the DAVID database one hundred and four (104) times to access the personal information of persons for no lawful purpose which is a violation of VCSO Department Standards 82.6 and a noneriminal infraction of Florida Statute 119.10. Of those one hundred and four unauthorized entries, Lieutenant Nardiello accessed the emergency contact information twenty (20) times without a lawful purpose which is also a violation of VCSO Department Standards 82.6 and a criminal violation of Florida Statute 119.0712.

Investigator Bennett was unable to interview Lieutenant Nardiello on the DAVID violations since he resigned on May 9, 2013, the day of his second scheduled interview. Furthermore, Lieutenant Nardiello's abrupt resignation thwarted any questioning by Investigator Bennett on the new evidence that was obtained pertaining to his financial discrepancies with the Trailwood HOA.

This Report of Incident (ROI) was broken into two parts: Part I outlining the investigation based on the written complaint and Part II which exclusively focused on Lieutenant Nardiello illegally accessing personal information in the DAVID database.

Part II of this investigation proved Lieutenant Nardiello illegally accessed the personal and emergency contact information, of persons using the DAVID database. Since accessing such information without a law enforcement purpose is a violation of Florida Statute and Federal Law, all the victims' personal information pertaining to said findings of the DAVID investigation will be held confidential.

Transcripts and evidence derived from the personal information that was obtained during the course of this investigation are located in the six white binders that accompany this report. This ROI, with proper redaction is subject to public viewing; however, the six binders accompanying this report contain personal information that cannot be released and are EXEMPT from public records requests.

On May 22, 2013, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards to be:

VIOLATIONS:

Neighborhood and Domestic Disputes	Sustained
Perjury in an Official Proceeding	Sustained
Compliance With Direct Order	Sustained
Misdemeanor Injurious to the Department	Sustained
Commission of Felony	Sustained
ty Merit System Rules and Regulations 86-453 (3)	Sustained
ty Merit System Rules and Regulations 86-453 (13)	Sustained
	Perjury in an Official Proceeding Compliance With Direct Order Misdemeanor Injurious to the Department Commission of Felony ty Merit System Rules and Regulations 86-453 (3)

- A. Report of Investigation (Part II)
- B. Official Correspondence
- C. "Florida DHSMV-DAVID Authorization and Acknowledgement"
- D. Copies of Lieutenant Nardiello's notepads
- E. White binder Book-1*
- F. White binder Book-2*
- G. White binder Book-3*
- H. White binder Book-4*
- I. White binder Sampling-1*
- J. White binder Sampling-2*

^{* -} indicate confidential information that is EXEMPT from public records requests

WITNESSES:

Port Orange, Florida

Port Orange, Florida

DeLand, Florida

Port Orange, Florida

Daytona Beach, Florida

Port Orange, Florida

DeLand, Florida

Ormond Beech, Florida

DeLand, Florida

Port Orange, florida

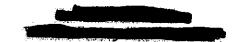
Daytona Beach, Florida

Port Orange, Florida

Daytona Beach, Florida

Port Orange, Florida

Daytona Beach, Florida



DeLand, Florida

Port Orange, Florida

Port Orange, Florida

Port Orange, Florida

Edgewater, Florida

DeLand, Florida

Port Orange, Florida

Port Orange, Florida

DeLand, Florida

Michigan

DeLand, Florida

DeLand, Florda

DeLand, Florida

Orange City, Florida

Orange City, Florida

New Port Richey, Florida

Port Orange, Florida

Jacksonville, Florida

Tampa, Florida

Largo, Florida

Palm City, Florida

Naples, Florida

New Smyrna Beach, Florida

Miami, Florida

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

Investigator Glen Bennett

Internal Affairs Investigator

VOLUSIA COUNTY FLORIDA