

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA #10-028

PERIOD COVERED: November 25, 2010

DATE REPORTED: November 30, 2010

SUBJECT(S) NAME: Captain Alan Osowski #2120

INVESTIGATING OFFICER: Sergeant Timothy Morgan

BASIS FOR INVESTIGATION:

On November 25, 2010, Captain Alan Osowski, while off duty, responded to Charles Beal Rd and Pine Meadows Dr. located in the City of Debarry to a crash scene which involved his son Mr. Michael Osowski and his mother Mrs. Peggy Osowski. As result of the crash Mrs. Peggy Osowski passed away. Captain Osowski was suspected of obstructing the traffic crash investigation, by removing the driver of the vehicle (Michael Osowski) from the crash scene prior to the crash investigation being completed. Due to Captain Osowski's alleged actions while at the crash scene, Mr. Michael Osowski was not located and or made available for the traffic homicide investigation until the following day (November 26, 2010).

As a result of Captain Osowski's alleged actions or inactions surrounding his son's whereabouts after the crash, the Sheriff Office requested the State Attorney Office to conduct a criminal investigation. The State Attorney Office determined that no formal charges were to be filed against Captain Osowski.

OFFENSE(S):

26.2.130 Commission of Felony - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. (*Violation subject to dismissal*)

26.2.118 Code of Ethics for Public Officers and Employees - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. (*Violation subject up to dismissal.*)

And, Volusia **County Merit System Rules and Regulations 86-453 (13)**, any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

INVESTIGATIVE SUMMARY:

On November 25, 2011, Captain Osowski submitted a letter advising Sheriff Johnson of his intent to retire from the Volusia County Sheriff Office. *(See Tab-A)*

On December 14, 2010, Chief Deputy William Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Morgan.

On December 14, 2010, Sergeant T. Morgan and Lieutenant R. Goggin of the Internal Affairs Unit, served Captain Alan Osowski with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officers Bill of Rights. Captain Osowski was advised that he was suspended with pay until further notice. Lieutenant Goggin secured Captain Osowski's department issued weapon, vehicle, gun belt, and credentials. *(See Tab-A)*

On December 29, 2010, Sergeant Morgan obtained audio recordings of the interviews conducted by Investigator Jack Bisland with the State Attorney Office (SAO) which involved several members of the Volusia County Sheriff's Office covering the dates of December 6, thru December 28, 2010. The following is an overview of the interviews conducted:

During the sworn interviews all members of the Volusia County Sheriff's Office statements were consistent. Deputies who were in close proximity to Michael Osowski advised they did not detect the odor of an alcoholic beverage or any indications of intoxication. According to the subjects interviewed by the State Attorney Investigator, prior to Captain Allan Osowski removing his son Michael Osowski from the crash scene, he (Captain Osowski) obtained permission from an on duty deputy to leave with Michael Osowski, and respond to the hospital to check the well being of their relative. When Captain Osowski arrived at Fish Memorial Hospital with his son Michael Osowski, they learned that Peggy Osowski was to be airlift to Halifax Hospital. Captain Osowski left Fish Hospital with Michael Osowski in order to respond to Halifax Hospital, and upon his (Captain Osowski's) arrival at Halifax Hospital; Michael Osowski was not with him. While at Halifax Hospital, Captain Osowski was allotted time with his mother, and he (Captain Osowski) then returned to his residence located in Orange City. According to the statements, members of the Sheriff's Office contacted and questioned Captain Osowski at his residence in order to determine his son's location. Upon realizing that Captain Osowski had dropped off Michael Osowski at his (Michael Osowski's) residence located in Deland, deputies requested that Captain Osowski attempt to contact his son by phone. However, he (Captain Osowski) met with negative results. Members of the Sheriff's Office also attempted to contact Michael Osowski at his residence, but met with negative results. Captain Osowski provided deputies with Michael Osowski's cell phone number, but they were unable to contact Michael Osowski until November 26, 2010. *(See Transcripts Tab- B thru Tab-N for complete details)*

On Monday January 5, 2011, Investigator Bisland (SAO) conducted a recorded interview with Captain Allen Osowski. The Interview was conducted at the State Attorney's Office in the 7th Judicial Circuit located at the courthouse in Deland, Florida.

Captain Allan Osowski

During Captain Allan Osowski's sworn interview, he advised that on November 25, 2010, after spending Thanksgiving Day with his family, his son, Michael Osowski, was driving his (Michael's) grandmother Peggy Osowski home. Captain Osowski added, approximately 10 minutes after Michael Osowski left, he received a phone call from Michael Osowski advising they were involved in an accident. Michael Osowski also told Captain Osowski, Nana (**referring to his grandmother**) was hurt.

Captain Osowski advised that when he arrived on scene, he checked the well being of his mother and his son. Captain Osowski estimated his time on scene to be approximately 30- 40 minutes. Captain Osowski advised while on scene he spoke to Sergeant James Day briefly about the condition of his family members, and to Deputy Roy Galarza in order to obtain permission to respond to the hospital to check on his mother. Captain Osowski stated that after the ambulance left with his mother, he spoke to Deputy Galarza and asked him "*Can we can go?*" (**Referring to himself and Michael Osowski**) and Deputy Galarza told him "*Yes.*" Captain Osowski advised that prior to leaving the scene; he removed personal items from the vehicle which belonged to Michael Osowski. Captain Osowski described the items as school books, and work related items. Captain Osowski added that when he requested permission to leave, Michael Osowski was standing next to him. Captain Osowski stated when they (referring to himself and Mr. Michael Osowski) arrived at the Fish Hospital; the medical staff was working on his mother to stabilize her, and she was going to be airlifted to Halifax Hospital. When they placed her in the helicopter, he (Captain Osowski) left with Michael Osowski, and he (Captain Osowski) wanted to drop Michael Osowski off at his (Captain Osowski's) residence located in Orange City. However, Michael Osowski insisted on being dropped off at his residence located in Deland. Captain Osowski advised after dropping Michael Osowski off at his (Michael Osowski's) residence, he picked up his wife Ann Osowski at his residence located in Orange City and responded to Halifax Hospital.

Captain Osowski advised when he arrived at Halifax Hospital; he was informed his mother had passed away. Captain Osowski advised he was allowed to spend time with his mother and then he left the hospital. Captain Osowski advised that he believed his wife Ann Osowski contacted Michael from the hospital and notified him of his grandmother's death. It was at that time Ann Osowski advised Captain Osowski, Michael was going to take an Ambien, and go to sleep. Captain Osowski advised while at Halifax Hospital, he didn't recall anyone inquiring about the whereabouts of his son Michael Osowski prior to leaving. However, he recalls Captain Mandizha telling him the investigators would need to talk to Michael.

Captain Osowski advised when he returned to his residence in Orange City, he was contacted by Lieutenant Hughes, and he (Lieutenant Hughes) believed Michael Osowski was in Captain Osowski's residence. Captain Osowski added he told Lieutenant Hughes that he had dropped his son off at his (Michael Osowski's) residence located in Deland. Captain Osowski added Lieutenant

Hughes already had Michael Osowski's address and he (Captain Osowski) provided him with Michael Osowski's personal cell phone number. Captain Osowski advised at the request of Lieutenant Charlie Brown, he (Captain Osowski) had also attempted to call Michael Osowski, but met with negative results. Captain Osowski advised he was aware Michael may have consumed an Ambien, and cited that as a possible reason for Michael Osowski not answering the door or phone.

Captain Osowski stated on November 26, 2011, he was contacted by Michael, and he (Captain Osowski) asked Michael Osowski if he had spoken to the deputies last night. After determining that he had not spoken to the deputies, he (Captain Osowski) contacted the on duty Sergeant to make him aware Michael Osowski was at his (Michael Osowski's) house and he was available for the investigators. Captain Osowski advised that they (Michael, Ann Osowski, and Michael's girlfriend) responded to District IV in order to meet with the Traffic Homicide Investigators. During Captain Osowski's interview he advised that he had an "emotional meltdown" and he was not thinking clearly. (See Tab-B)

On Monday January 5, 2011, Investigator Bisland (SAO) conducted a recorded interview with Mrs. Ann Osowski. The Interview was conducted at the State Attorney's Office in the 7th Judicial Circuit located at the courthouse in Deland, Florida.

Mrs. Ann Osowski

During Mrs. Ann Osowski's sworn interview, she advised on November 25, 2010, Captain Osowski her husband informed her of the accident involving Michael and Peggy Osowski. Mrs. Osowski advised, she recalled notifying Michael Osowski about his grandmothers passing while at Halifax Hospital. Mrs. Osowski stated Michael Osowski advised her he took an Ambien and was going to sleep. Mrs. Osowski advised that after Michael Osowski left her house with his grandmother, on November 25, 2010, she did not see him again until November 26, 2010 at District IV. (See Tab-C)

On Monday January 25, 2011, Investigator Bisland (SAO) conducted a recorded interview with Mr. Michael Osowski. The Interview was conducted at the State Attorney's Office in the 7th Judicial Circuit located at the courthouse in Deland, Florida.

Mr. Michael Osowski

During Mr. Michael Osowski's sworn interview, he advised on November 25, 2010, he spent Thanksgiving Day with his family. Mr. Michael Osowski stated while driving his grandmother, Peggy Osowski home at her request, they were involved in a serious accident which resulted in significant injuries to his grandmother. Mr. M. Osowski advised immediately after the accident he remained in the vehicle to assist his grandmother with her injuries until medical personnel made him exit the vehicle.

Mr. Osowski advised after exiting the vehicle he contacted his father Captain Allan Osowski to notify him about the accident, and within minutes Captain Osowski arrived on scene. Mr. M.

Oowski advised at the request of an unknown deputy on scene, he provided the deputy with his Florida Drivers License, which was later returned to him (Mr. Oowski). He added while on scene deputies also checked his injuries (sore ribs) from the accident. Mr. Oowski stated he recalls approaching a deputy with his father (Captain Oowski) and his father asking the deputy something to the effect of are you done with him or can we go? To which the deputy said "yes". Mr. Oowski advised with the help of his father they removed a few personal items from his (Michael Oowski's) vehicle and they responded to Fish Memorial Hospital together.

Upon their arrival at Fish Memorial Hospital, Michael Oowski advised he recalls learning his grandmother (Peggy Oowski) was in serious but stable condition, and she was going to be airlifted to Halifax Hospital. Mr. Oowski advised after learning his grandmother was being airlifted to Halifax Hospital, they left and went to his (Michael Oowski's) residence located in Deland. Michael Oowski stated while traveling to his residence there was no discussion between them regarding the accident, but they did talk about his grandmother's condition. Upon their arrival at his (Michael Oowski's) residence, Captain Oowski entered to utilize the facilities and then departed to Orange City to pick up his step-mother Mrs. Ann Oowski.

Michael Oowski stated while at home he received a phone call from Mrs. Ann Oowski, who advised that his grandmother had passed away. Mr. Oowski advised after receiving the news, he consumed a sleeping pill and fell asleep. Michael Oowski advised he was not aware the deputies were attempting to contact him until the he woke up in the morning, and he scheduled an interview with the investigators that afternoon. *(See Tab-I)*

Captain Oowski's actions at the crash scene and his behavior after leaving the crash scene were investigated by State Attorney Office, and no formal charges were filed. On March 14, 2011, Investigator Bisland (SAO) provided Sergeant Morgan with the State Attorney Office's case summary. *(See Attached Case Summary)*

CONCLUSION:

Captain Oowski submitted a letter advising Sheriff Johnson of his intent to retire from the Volusia County Sheriff Office, prior to the State Attorney Office and the Volusia County Sheriff's Office completing their respective investigations. Captain Oowski's letter was accepted by Sheriff Johnson. The Volusia County Sheriff's Office continued their investigation into Captain Oowski's alleged policy violations to determine if policy and procedure were violated.

On March 16, 2011, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the listed Department Standards Directives to be:

26.2.130 Commission of Felony	Exonerated
26.2.119 Code of Ethics for Public Officers and Employees County Merit System Rules and Regulations 86-453 (13),	Exonerated Sustained

During the administrative presentation to the Sheriff and his administrative staff, the Sheriff determined Captain Osowski also violated two (2) additional policies:

26.2.5 Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

A District Commander with the Volusia County Sheriff's Office is entrusted by this administration, to ensure compliance with all policies and procedures, to safeguard the integrity of the agency, and to ensure Florida Statutes are enforced. The findings of this investigation reflected unfavorably on the Volusia County Sheriff's Office, and the overall perception of the investigation may cause the public to mistrust the judgment and impartiality of the Sheriff's Office. In addition the behavior documented during this investigation could have resulted in a demotion and or termination.

EXHIBIT(S):

- A) Official Correspondence
- B) Transcripts of Captain Allan Osowski as obtain by Investigator Jack Bisland (SAO)
- C) Transcripts of Mrs. Ann Osowski as obtain by Investigator Jack Bisland (SAO)
- D) Transcripts of Deputy Roy Galarza as obtain by Investigator Jack Bisland (SAO)
- E) Transcripts of Deputy Gregory Ray as obtain by Investigator Jack Bisland (SAO)
- F) Transcripts of Sergeant James Day as obtain by Investigator Jack Bisland (SAO)
- G) Transcripts of Lieutenant Charlie Brown as obtain by Investigator Jack Bisland (SAO)
- H) Transcripts of Deputy Michael Sawicki as obtain by Investigator Jack Bisland (SAO)
- I) Transcripts of Mr. Michael Osowski as obtain by Investigator Jack Bisland (SAO)
- J) Transcripts of Deputy Joe Ramos as obtain by Investigator Jack Bisland (SAO)
- K) Transcripts of Lieutenant Brodie Hughes as obtain by Investigator Jack Bisland (SAO)
- L) Transcripts of Major Robert Jones as obtain by Investigator Jack Bisland (SAO)
- M) Transcripts of Deputy Timothy Tew as obtain by Investigator Jack Bisland (SAO)

- L) Transcripts of Major Robert Jones as obtain by Investigator Jack Bisland (SAO)
 - M) Transcripts of Deputy Timothy Tew as obtain by Investigator Jack Bisland (SAO)
 - N) Transcripts of Deputy Patrick Allison as obtain by Investigator Jack Bisland (SAO)
 - O) Transcripts of Mr. James Vickers as obtain by Investigator Jack Bisland (SAO)
 - P) Transcripts of Captain Mandizha as obtain by Investigator Jack Bisland (SAO)
 - Q) CAD Printout of Call #P103291104
 - R) Compact Disc of all recorded interviews
- Attached to this file is a copy of the State Attorney Office investigative summary**

WITNESSES:

Mrs. Ann Osowski
Orange City, Florida

Deputy Roy Galarza
Volusia County Sheriff's Office

Deputy Gregory Ray
Volusia County Sheriff's Office

Sergeant James Day
Volusia County Sheriff's Office

Lieutenant Charlie Brown
Volusia County Sheriff's Office

Deputy Michael Sawicki
Volusia County Sheriff's Office

Mr. Michael Osowski
Deland, Florida

Deputy Joe Ramos
Volusia County Sheriff's Office

Lieutenant Brodie Hughes
Volusia County Sheriff's Office

Captain Charles Mandizha
Volusia County Sheriff's Office

Major Robert Jones
Volusia County Sheriff's Office

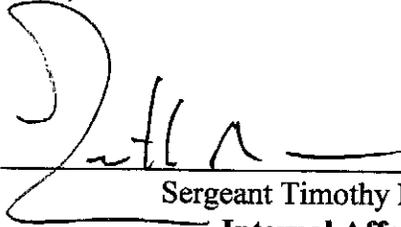
Deputy Timothy Tew
Volusia County Sheriff's Office

Deputy Patrick Allison
Volusia County Sheriff's Office

Mr. James Vickers
Orange City, Florida

I, the undersigned, do hereby swear, under 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.

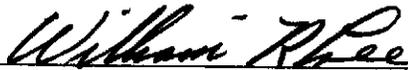
INVESTIGATOR:



Sergeant Timothy Morgan
Internal Affairs

DATE: 3/22/11

APPROVED BY:



Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA

DATE: 3/24/11