

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA # 11-010

PERIOD COVERED: September 30, 2011

DATE REPORTED: October 6, 2011

SUBJECT(S) NAME: Deputy Michael Sawicki ID #7633

INVESTIGATING OFFICER: Lieutenant Paul Adkins

BASIS FOR INVESTIGATION:

On September 30, 2011 at approximately 0240 hours, officers from the Sanford Police Department responded to Deputy Michael Sawicki's apartment located in the City of Sanford in reference to a disturbance. During their investigation, they determined that Ashley Harty, Deputy Sawicki's live-in girlfriend, threatened Deputy Sawicki with a knife, battered Deputy Sawicki, and took firearms belonging to Deputy Sawicki and the Volusia County Sheriff's Office. Officers from the Sanford Police Department also noted observations that Deputy Sawicki's department assigned marked vehicle was warm to the touch and parked in a very awkward and unusual manner. As a result of their investigation, officers of the Sanford Police Department, with the assistance of deputies of the Volusia County Sheriff's Office arrested Ms. Harty for Aggravated Assault, Battery, and Grand Theft of Firearms. Once in custody, Ms. Hardy made claims that Deputy Sawicki had also battered her and that she and Deputy Sawicki had an agreement to not report these types of incidents in order to not jeopardize their futures. (See Tab B for Sanford Police Department and VCSO reports)

Lieutenant Cliff Williams began a supervisory inquiry on October 3, 2011. After conducting recorded interviews with the involved officers of the Sanford Police Department and interviewing the involved deputies of the Volusia County Sheriff's Office, Lieutenant Williams had concern that Deputy Sawicki's actions on September 30, 2011 may be in violation of department policy.

OFFENSE(S):

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. (*Violation subject up to a 5 day suspension.*)

41. 6.30 Assigned vehicles will not be driven after an employee has consumed alcoholic beverages.

26.2.127 Misdemeanor Injurious to the Department - Department personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Department or otherwise impairs the operation and efficiency of the Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties. (*Violation subject to dismissal*)

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.*

On October 6, 2011, Chief William R. Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Lieutenant Paul Adkins of the Internal Affairs Unit.

A review of Sanford Police Department report #201150005366 revealed that on September 30, 2011 at approximately 0240 hours, Officer Morgan responded to [REDACTED] in reference to a disturbance. The report states that Officer Morgan contacted Deputy Sawicki who provided an account of a disturbance with Ms. Harty during which, Deputy Sawicki alleged that Ms. Harty pointed a knife at him, grabbed his genitals and struck him on the side of his face. Officer Morgan's report indicated that Ms. Harty was not at the apartment and was informed by Deputy Sawicki that Ms. Harty had possibly gone to her parents' residence in Debarry.

Officer Morgan's report states that he noticed there was vomit on Deputy Sawicki's department issued uniforms and that Deputy Sawicki's department issued pistol and personally owned rifle were missing. According to the report, Officer Morgan stated that Deputy Sawicki said that Ms. Harty had intentionally vomited on the uniforms and may have taken the firearms with her when she left.

Officer Morgan's report indicated that he requested the Volusia County Sheriff's Office attempt to contact Ms. Harty at her parents' residence.

In the report, Officer Morgan states that Deputy Sawicki's firearms were located under his (Deputy Sawicki's) personal vehicle after being informed of their possible location by Volusia County. Officer Morgan's report indicates that he made contact with Sergeant Hairston who escorted him to Ms. Harty's location where he (Officer Morgan) arrested Ms. Harty.

Deputy Sawicki provided a written statement to the Sanford Police Department which is consistent with Officer Morgan's report of the incident that occurred on September 30, 2011.

Included in the report from the Sanford Police Department was a form titled "Affidavit Concerning

Special Bond Conditions” on which Deputy Sawicki indicates that there have been prior incidents of violence that he (Deputy Sawicki) did not report. (See tab B)

A review of VCSO report #11-29299 completed by Deputy Amy Goranovich indicates that she and Sergeant Hairston responded to 260 West Constance Road in Debary to attempt to contact Ms. Harty at the request of the Sanford Police Department. The report states that Ms. Harty stated that she had placed Deputy Sawicki's firearms under his personal vehicle in Sanford. The report indicates that Ms. Harty did not want to discuss the incident involving Deputy Sawicki and refused to explain the origin of a “purple/blue” mark over her right eyelid.

According to Deputy Goranovich’s report, Sergeant Hairston responded to Sanford and returned to West Constance Road with Officer Morgan who placed Ms. Harty under arrest. Deputy Goranovich indicated that she transported Ms. Harty to the District Six Office and placed in a holding cell while paperwork was completed.

Deputy Goranovich also submitted a typed written supplement indicating after Ms. Harty was placed under arrest, Ms. Harty told Deputy Goranovich that Deputy Sawicki “flat out punched her in the face like a ‘dude’ and hit her (Ms. Harty) in the chest and pushed her (Ms. Harty) around.” Deputy Goranovich’s supplement also states that Ms. Harty’s mother stated that they had pictures of the last time Deputy Sawicki “abused” Ms. Harty. (See tab B)

A review of the email sent from Sergeant Hairston to Lieutenant Williams indicates that Sergeant Hairston responded to 260 West Constance Road in Debary to assist the Sanford Police Department. Sergeant Hairston states that he contacted Ms. Harty who told him where Deputy Sawicki's firearms were. Sergeant Hairston indicated that Ms. Harty stated that she and Deputy Sawicki were involved in a verbal altercation and she left the residence. According to Sergeant Hairston's email, Ms. Harty denied that the altercation got physical but did state that she has had physical altercations with Deputy Sawicki in the past. Sergeant Hairston's email indicates that he spoke with Ms. Harty's father, Joseph Harty, who said that he has seen injuries on Ms. Harty in the past but has not witnessed anything physical. Sergeant Hairston's email states that he responded to Deputy Sawicki's residence and spoke with Sergeant Stacey McCoy who relayed what Deputy Sawicki had reported to her.

Sergeant Hairston also completed an additional type-written supplement in which it states that he was informed by Ms. Harty, after being arrested and transported to District Six, that Deputy Sawicki punched her twice in the face and also punched her in the chest. Sergeant Hairston’s supplement states that he asked Ms. Harty why she did not tell him this prior to her arrest. According to Sergeant Hairston’s supplement, Ms. Harty replied that she and Deputy Sawicki made a promise to one another if a situation like this would arise they would not say anything to law enforcement because they both have a lot to loose. Sergeant Hairston’s supplement also states that Ms. Harty informed him that when Deputy Sawicki drinks, he goes into the black and does not know what he is doing. (See tab D)

INVESTIGATIVE SUMMARY:

On October 4, 2011, Lieutenant Williams obtained a recorded statement from Officer Don Flowers of the Sanford Police Department.

Officer Don Flowers

Officer Flowers said that he and Officer Al Morgan responded to Deputy Sawicki's apartment complex in reference to a disturbance. Officer Flowers said that Deputy Sawicki's apartment was in disarray and smelled like "throw-up" and that he could smell alcohol on Deputy Sawicki's breath. Officer Flowers said that Deputy Sawicki had a bruise on his (Deputy Sawicki's) face and when initially asked, Officer Flowers said that Deputy Sawicki said he could not remember what had happened. Officer Flowers said he and Officer Morgan looked around Deputy Sawicki's apartment to see if there was anyone else there and noticed that there were firearms missing. Officer Flowers said that Deputy Sawicki appeared surprised that the firearms were missing.

Officer Flowers said that Deputy Sawicki said that he and Ashley Harty were out drinking and decided to return home early. Officer Flowers said that Deputy Sawicki advised that he (Deputy Sawicki) touched Ashley Harty on the head which caused her flip out and start throwing and breaking stuff and began throwing up all over the apartment. Officer Flowers advised that Deputy Sawicki said he left the apartment for a little while.

Officer Flowers said that he and Officer Morgan contacted their sergeant and advised her of the incident. Officer Flowers said that they requested the Volusia County Sheriff's Office attempt to contact Ms. Harty. Officer Flowers said that once Volusia County got back in contact with him, he located Deputy Sawicki's firearms under Deputy Sawicki's personal vehicle. Officer Flowers said that the rifle was sticking out from under the vehicle and the pistol was tossed underneath.

Officer Flowers said that Deputy Sawicki's personal vehicle was cold to the touch and had moisture on the hood, but that Deputy Sawicki's patrol vehicle was warm and was parked with one tire up on the "bumper stop" and described it as not in a manner that a normal person would leave the vehicle.

Officer Flowers said that Deputy Sawicki never advised that he hit his (Deputy Sawicki's) girlfriend. (See tab F for transcript)

On October 4, 2011, Lieutenant Williams obtained a recorded statement from Officer Al Morgan of the Sanford Police Department.

Officer Al Morgan

Officer Morgan stated that on September 30, 2011 at approximately 0245 hours he responded to the area of [REDACTED] in reference to a disturbance. Officer Morgan said that

he made contact with Deputy Sawicki who allowed entry into the apartment. Officer Morgan said that Deputy Sawicki stated that he (Deputy Sawicki) was trying to care for his girlfriend (Ashley Harty) who was impaired. Officer Morgan advised that Deputy Sawicki said that as he tried to rub Ms. Harty's temple, she became upset and during the ensuing argument, threatened him with a knife. Officer Morgan said that Deputy Sawicki stated that Ms. Harty told him that she wanted him to leave, which he did. Officer Morgan stated that Deputy Sawicki told him that when he (Deputy Sawicki) returned to the apartment, Ms. Harty would not let him in. Officer Morgan said that Deputy Sawicki advised that Ms. Harty eventually let him in and the two began arguing during which Ms. Harty struck him in the face. Officer Morgan said that Deputy Sawicki advised that Ms. Harty then left the apartment. Officer Morgan said that Deputy Sawicki advised that he did not hit Ms. Harty and that this was the first incident involving violence between them.

Officer Morgan said that while he was looking around the apartment he noticed that there was vomit everywhere including all over Deputy Sawicki's uniforms. Officer Morgan said that while he was in the bedroom area, he noticed that there were firearms missing. Officer Morgan advised that Deputy Sawicki was unaware that the firearms were missing. Officer Morgan said that he got the keys for Deputy Sawicki's patrol vehicle and looked for the missing firearms in there. Officer Morgan said that when he did not find the firearms in Deputy Sawicki's patrol vehicle, he notified his (Officer Morgan's) sergeant.

Officer Morgan said that Deputy Sawicki admitted to drinking alcohol and when confronted about the manner in which Deputy Sawicki's patrol car was parked, Deputy Sawicki's response confirmed his (Officer Morgan's) belief that Deputy Sawicki had driven his (Deputy Sawicki's) patrol vehicle that night.

Officer Morgan said that a request was made with Volusia County to try and locate Ms. Harty. Officer Morgan stated that he received information back from Volusia County to look under Deputy Sawicki's personal vehicle where he located Deputy Sawicki's missing firearms.

Officer Morgan said he met with Sergeant Austin Hairston and the two drove to Debary and contacted Ms. Harty and placed her under arrest. Officer Morgan said that after Ms. Harty had been transported to the substation and he was just about to leave, Ms. Harty told him that Deputy Sawicki had hit her. Officer Morgan said that he did notice that Ms. Harty did appear to have a slight black eye in the corner of one of her eyes. (See tab H for transcript)

On October 4, 2011, Lieutenant Williams obtained a recorded statement from Sergeant Stacey McCoy of the Sanford Police Department.

Sergeant Stacey McCoy

Sergeant McCoy advised that on September 30, 2011 she received a call from Officer Morgan advising her that a deputy was involved in a disturbance at [REDACTED] and that the deputy's firearms were missing. Sergeant McCoy said that responded and met with Deputy

Sawicki who appeared intoxicated and had an abrasion on his left cheek. Sergeant McCoy said that she noticed vomit on the middle of the floor of the apartment and on Deputy Sawicki's uniforms.

According to Sergeant McCoy, Deputy Sawicki said that he and Ms. Harty had been out drinking and when they came home, Ms. Harty wasn't feeling well. Sergeant McCoy said that Deputy Sawicki told her that he tried rubbing Ms. Harty's temple and got her a trash can. Sergeant McCoy advised that Deputy Sawicki said that Ms. Harty threw up in the middle of the living room, scooped up some of the vomit then smeared in on his (Deputy Sawicki's) uniforms. Sergeant McCoy said that Deputy Sawicki revealed that Ms. Harty struck him, grabbed his groin and threatened him with a knife.

Sergeant McCoy said after receiving information from Volusia County to look under Deputy Sawicki's personal vehicle, they found the missing firearms.

Sergeant McCoy said that Deputy Sawicki's vehicle was parked with the right wheel up on the curb and grass with the wheels cut hard to the right. Sergeant McCoy said that vehicle's hood was warm. (See tab G for transcript)

On October 24, 2011 Lieutenant Adkins contacted Ms. Harty by phone. Ms. Harty said that she would not speak to anyone regarding this incident until after November 1st when she should have an attorney.

On October 25, 2011, Lieutenant Adkins contacted [REDACTED] in an attempt to obtain surveillance video. Lieutenant Adkins was advised that the video for September 30th was not available.

Lieutenant Adkins called Ms. Harty on November 6th, November 7th, and November 8th in an attempt to interview her. All messages left on her phone were not returned.

On November 29, 2011, Lieutenant Adkins along with Sergeant Tatum obtained a sworn recorded statement from Sergeant Hairston at the Internal Affairs Office.

Sergeant Austin Hairston

During his sworn statement, Sergeant Hairston advised that on September 30, 2011 he responded to Ms. Harty's parents' residence in an attempt to locate Deputy Sawicki's firearms. Sergeant Hairston said that he contacted Ms. Harty who told him that she left the firearms under Deputy Sawicki's personal vehicle, in the parking lot of the apartment complex. Sergeant Hairston said that he asked Ms. Harty several times what had occurred. According to Sergeant Hairston, Ms. Harty replied that nothing had happened, even when asked about the bruising under her (Ms. Harty's) eye. Sergeant Hairston said that Ms. Harty was polite and appeared to be intoxicated. Sergeant Hairston said that while he was at this location, Ms. Harty's parents kept telling Ms. Harty to tell the truth and added that this was not the first time that Ms. Harty has come home with bruises. Sergeant Hairston said

that Ms. Harty's mother said she had photographs of past injuries but did not offer to show him. Sergeant Hairston said he then notified the Watch Commander and Lieutenant Williams.

Sergeant Hairston said that he then responded to Sanford and spoke with Sergeant Stacey McCoy who informed him that Deputy Sawicki's firearms had been located. Sergeant Hairston advised that Sergeant McCoy briefed him on Sanford Police Department's investigation. According to Sergeant Hairston, Sergeant McCoy advised that Deputy Sawicki and Ms. Harty had been out drinking, came home, and got into a verbal altercation. Sergeant Hairston said that Sergeant McCoy told him that Deputy Sawicki left the residence and at some point comes back where the altercation starts up again. Sergeant Hairston advised that Sergeant McCoy said that Ms. Harty pulled a knife on Deputy Sawicki and struck him (Deputy Sawicki) several times.

Sergeant Hairston advised that Sergeant McCoy told him that she was concerned that Deputy Sawicki had driven his (Deputy Sawicki's) patrol car due to it being parked up on the parking block, his (Deputy Sawicki's) personal vehicle being cool, and that Deputy Sawicki would have driven over the firearms had the personal vehicle been driven.

Sergeant Hairston said that he spoke with Deputy Sawicki and asked if he was alright and took a look around the residence. Sergeant Hairston said that Deputy Sawicki's apartment was not in disarray with the exception of the bedroom where there was "puke" all over Deputy Sawicki's uniforms. Sergeant Hairston said that Deputy Sawicki was calm and that he could tell that Deputy Sawicki had been drinking, but was not "sloppy drunk."

Sergeant Hairston said that he checked Deputy Sawicki's personal vehicle and described it as properly parked and cool to the touch with condensation all over it. Sergeant Hairston said he also checked Deputy Sawicki's Patrol vehicle and described as warm to the touch and being parked between the lines, wheels to the right, and with the front wheels over a parking block and small embankment.

Sergeant Hairston said that he responded back to Ms. Harty's location with a Sanford Police officer and arrested Ms. Harty. Sergeant Hairston said that once Ms. Harty had been taken to the District Six Office, Ms. Harty said that Deputy Sawicki had hit her several times and that this incident was not the first time they had hit each other. Sergeant Hairston said that Ms. Harty told him that she and Deputy Sawicki had an agreement to not say anything when they have altercations. (See Tab I for transcript)

On November 29, 2011, Lieutenant Adkins along with Sergeant Tatum obtained a sworn recorded statement from Deputy Amy Goranovich at the Internal Affairs Office.

Deputy Amy Goranovich

During Deputy Goranovich's sworn statement, she advised that she and Sergeant Hairston contacted Ms. Harty after getting a call advising VCSO weapons were taken by Ms. Harty. Deputy Goranovich

said that Ms. Harty told them that she (Ms. Harty) took the weapons out of the house and put them under a vehicle for her (Ms. Harty's) and Deputy Sawicki's safety. Deputy Goranovich also said that Ms. Harty claimed that nothing happened between her and Deputy Sawicki and provided no explanation for the injury she (Deputy Goranovich) observed on Ms. Harty's face. Deputy Goranovich said that she located Deputy Sawicki's patrol car keys in Ms. Harty's vehicle but did not locate the missing weapons.

Deputy Goranovich said that she waited with Ms. Harty while Sergeant Hairston responded to Sanford. Deputy Goranovich said that while she was waiting for Sergeant Hairston to return, she overheard Ms. Harty tell her mother that he took the firearms "for my safety and for his safety as well."

Deputy Goranovich said that after Ms. Harty was taken into custody, Ms. Harty's mother said, "Well Ashley I'm gonna show them pictures from last times you guys got into it." to which Ms. Harty replied, "Shut your mouth. Don't do that, don't do that. It'll be fine. Just get me out as soon as possible." Deputy Goranovich said that Ms. Harty's mother did not produce the pictures. Deputy Goranovich said that after Ms. Harty was transported to District Six, Ms. Harty told her she (Ms. Harty) was not going to protect Deputy Sawicki anymore and that Deputy Sawicki "flat out punched her in the face like a dude" and on her chest area." Deputy Goranovich said that she did not observe any other injuries on Ms. Harty even after Ms. Harty pulled down her shirt to reveal her chest. (See tab J for transcript)

On November 30, 2011, Lieutenant Adkins and Sergeant Tatum contacted Ms. Harty's father, Joseph Harty, at 230 West Constance in DeBary. Mr. Harty declined to be interviewed; stating whatever happened is between Ms. Harty and Deputy Sawicki. Mr. Harty agreed to let Ms. Harty know that an interview with her was desired.

No response was ever received from Ms. Harty regarding an interview.

On December 2, 2011, Lieutenant Adkins along with Sergeant Tatum obtained a sworn recorded statement from Deputy Michael Sawicki at the Internal Affairs Office.

Deputy Michael Sawicki

During Deputy Sawicki's sworn statement, he advised that on September 29, 2011 he and his live-in girlfriend, Ashley Harty, left their apartment with two other friends at approximately 2030 hours to go out. Deputy Sawicki said that prior to their departure, the group spent approximately one hour at the apartment during which he consumed two "Red Bull and vodka" mixed drinks and indicated they were approximately eight ounce drinks each. Deputy Sawicki said that the group traveled to Geo's Café in Sanford in Ms. Harty's friend's vehicle. Deputy Sawicki stated that they stayed at this location for approximately one half hour during which he consumed a double "Crown and Coke." Deputy Sawicki advised that they then went to "Amura's" a Japanese restaurant where he consumed sushi, a single "Crown and Coke", and the remaining margarita that Ms. Harty was unable to finish.

Deputy Sawicki said that Ms. Harty was not feeling well so they decided to go home, arriving at approximately 2330 hours.

Deputy Sawicki said when he and Ms. Harty got inside the apartment; he attempted to comfort her which caused Ms. Harty to start yelling and cursing at him. Deputy Sawicki said he walked away from Ms. Harty who followed him into the kitchen. Deputy Sawicki said that Ms. Harty continued to scream at him and he began to scream back at her. Deputy Sawicki advised that he decided that it would be best if he left.

Deputy Sawicki said that he left the apartment and drove to an address in Orange City in his assigned marked patrol vehicle having not logged on his Mobile Data Computer. Deputy Sawicki said he stayed at this location for approximately midnight, consuming only water before driving back to his apartment in his assigned marked patrol vehicle. Deputy Sawicki said he believed that it only took him approximately ten minutes to drive back to the apartment.

Deputy Sawicki said that when he arrived at the apartment, he was unable to open the door because Ms. Harty had used the chain lock. Deputy Sawicki advised that he and Ms. Harty argued through the door for approximately five minutes before she unfastened the chain and allowed him in. Deputy Sawicki said that once inside they began arguing again. Deputy Sawicki said that Ms. Harty scooped up some of her vomit from the carpet and smeared it on his uniforms while demanding to know where he had gone. Deputy Sawicki said that Ms. Harty tried to grab his cell phone and ultimately takes it from him and the two wound up in the closet struggling over the cell phone. Deputy Sawicki advised that Ms. Harty grabbed his knife from the dresser and tells him to "get the fuck away." Deputy Sawicki said he backed out of the closet and then followed Ms. Harty into the living room. Deputy Sawicki said he was ultimately able to get his cell phone from Ms. Harty and then back to the closet and sat down, hoping Ms. Harty would either clam down or leave. Deputy Sawicki said that after about five to ten minutes, he heard Ms. Harty leave. Deputy Sawicki advised that approximately ten minutes after Ms. Harty left the apartment, Sanford Police Officers arrived.

Deputy Sawicki said that he did not give Ms. Harty to remove the firearms from the apartment and was unaware that they were missing until the Sanford Officers asked him about their whereabouts. Deputy Sawicki denied giving specific instruction to Ms. Harty on how to remove his duty pistol from the holster, but said that she has watched him and inquired as to how it is done.

Deputy Sawicki denied using any physical force against Ms. Harty and went on to say that there has only been one prior unreported incident when Ms. Harty "bitch slapped" after a "stupid ten minute argument." Deputy Sawicki also denied having a pact or agreement with Ms. Harty to not call law enforcement when they become violent with each other. Deputy Sawicki explained that unusual manner in which his patrol car was parked was due to him driving fast and parking abruptly, not intoxication. (See Tab K for transcript)

Lieutenant Adkins was unsuccessful at obtaining an interview with Ms. Harty, having made multiple

phone calls and leaving a message with her father in person at his residence.

COMCLUSION:

On December 13, 2011, this Internal Investigation was presented to the Sheriff at his Administrative Staff meeting. After review, the Sheriff determined the violation of Department Standards Directives:

26.2.34 Failure to Follow Directive or Order	Sustained
41. 6.30 Assigned vehicles	Sustained
26.2.127 Misdemeanor Injurious to the Department	Not Sustained
Volusia County Merit System Rules and Regulations 86-453 (13)	Sustained

EXHIBIT(S):

- A) Official Correspondence
- B) Sanford Police Department Report #201150005366, VCSO Report #11-29288 and associated CAD records
- C) Inquiry from Lieutenant Cliff Williams
- D) Email statement from Sergeant Hairston.
- E) AVL and CAD documentation
- F) Transcript of interview with Officer Don Flowers
- G) Transcript of interview with Officer Al Morgan
- H) Transcript of interview with Sergeant Stacey McCoy
- I) Transcript of interview with Sergeant Austin Hairston
- J) Transcript of interview with Deputy Amy Goranovich
- K) Transcript of interview with Deputy Michael Sawicki
- L) Audio discs