

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-12-011

PERIOD COVERED: July 5, 2012
DATE REPORTED: July 5, 2012
SUBJECT(S) NAME: Deputy Michael Sawicki ID 7633
INVESTIGATING OFFICER: Lieutenant Erik Eagan ID 2273

BASIS FOR INVESTIGATION:

On July 5, 2012 the Volusia County Sheriff's Office received information that Deputy Michael Sawicki had been arrested for domestic violence battery by the Sanford Police Department. After receiving a copy of the Sanford Police Department arrest report referenced by police report number 201250003693, it was determined that Deputy Michael Sawicki was arrested on July 5, 2012 at 0145 hours for domestic violence battery and held in the Seminole County Jail in a no bond status until first appearance before a judge. *(See Tab – C)*

After reviewing the arrest report, Chief Deputy Mike Coffin assigned the potential violations of department policy to the Internal Affairs Unit for investigation.

OFFENSE(S):

This investigation is relevant to an alleged violation of Department Standards Directives:

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.)*

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)*

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 July 5, 2012 Chief Deputy Mike Coffin assigned the Internal Affairs Unit an investigation of an allegation against Deputy Michael Sawicki for his July 5, 2012 off-duty domestic violence battery arrest in Sanford, FL. referenced by Sanford Police Department report number 201250003693. The allegation is based on a police report written by Police Officer Donald Flowers, Sanford Police Department where he alleges that Deputy Sawicki, while off-duty, unlawfully battered and threatened to kill his live-in girlfriend, Ashley Harty. *(See Tab-C for Sanford Police Arrest Report #201250003693)*

This report details the internal affairs investigation conducted by Lieutenant Eagan. On July 5, 2012 Lieutenant Erik Eagan reviewed the Sanford Police Department arrest report number 201250003693.

On July 5, 2012 Lieutenant Erik Eagan and Investigator Glen Bennett served Deputy Michael Sawicki at the Seminole County Jail with his Notification of Internal Investigation and he was provided a copy of the Law Enforcement Officer's Rights. Deputy Sawicki was also relieved from duty as a deputy sheriff and starting July 9, 2012 he was reassigned to the Communication's Center until further notice. *(See Tab-B Official Correspondence)*

Investigator Bennett signed for and received Deputy Sawicki's patrol car keys from his jail property in the Seminole County Jail. Investigator Bennett retrieved Deputy Sawicki's patrol car from the [REDACTED] Apartment complex parking lot. Lieutenant Eagan and Investigator Bennett met with Sergeant Justin Sawicki and turned over Deputy Sawicki's personally owned M4 rifle from the patrol car trunk. He also received Deputy Sawicki's keys (other than the patrol car key and key fob) that Investigator Bennett signed for.

Investigators attempted to contact Deputy Sawicki's live-in girlfriend, Ashley Harty at her apartment. There was no answer at her door.

Lieutenant Eagan and Investigator Bennett obtained copies of Sanford Police Department Officer Donald Flower's police report, victim statement, photos of the victim and photos of a damaged cell phone and glasses referenced by police report number 201250003693 from Sergeant David Morgenstern, Sanford PD. *(See Tab-N for Sanford Police Report #201250003693)*

Lieutenant Eagan received a phone call from Sergeant Sawicki, who advised that he attempted to obtain bond for his brother in the Seminole County Jail. He was informed by the bail bondsman that Ashley Harty had already posted Deputy Sawicki's bond for his release. *(See Tab-O Bond paperwork)*

On July 6, 2012 Lieutenant Eagan received e-mailed photos from Sergeant Sawicki of Deputy Sawicki's injuries from the domestic disturbance that he was involved in on July 5, 2012. According to Sergeant Sawicki, his wife had taken the post arrest photos of Deputy Sawicki's injuries and blood stained shirt. There were no apparent photos taken of Deputy Sawicki's injuries by Sanford Police Department.

On July 6, 2012 Lieutenant Eagan contacted Ms. Harty by phone in an attempt to arrange an interview with her. She declined the interview, stating she wanted to talk to an attorney and told him that she would get back in touch with him. On July 10, 2012 Lieutenant Eagan again called Ms. Harty in an attempt to arrange an interview. Ms. Harty again declined the interview and said that she had to discuss the idea with her mother and would call Lieutenant Eagan back tomorrow. Ms. Harty never called Lieutenant Eagan back. On July 13 and 16, 2012 Lieutenant Eagan attempted to call Ms. Harty again. He left Ms. Harty phone messages on her voicemail system each time he called. On July 18, 2012 Ms. Harty was contacted by Lieutenant Eagan and after asking if she had made a decision about being interviewed, she hung up on him.

On July 6, 2012 Lieutenant Eagan obtained copies of the 9-1-1 call made by Ms. Harty in the early morning hours of July 5, 2012. During the 9-1-1 call Ms. Harty reports, *"I need someone to remove my crazy ass boyfriend, he's punching me."* She continues, *"He has punched me in the face, I have, I'm bleeding he (interrupted by operator)."* Ms. Harty then identifies her boyfriend when asked by the 9-1-1 operator, *"Michael Sawicki he's a deputy."* The 9-1-1 call lasted approximately five minutes and fifty-five seconds including the two call back attempts by the 9-1-1 operator.

Sergeant Justin Sawicki

On July 6, 2012 Lieutenant Eagan conducted a sworn recorded interview of Sergeant Justin Sawicki, brother of Deputy Michael Sawicki, in his office at the District 2 sub-station in DeLand, FL. The following is a summary of the interview.

Sergeant Sawicki said he was made aware of his brother's arrest on July 5, 2012 around 0200 hours. He said the arresting officer called him and notified him of the arrest. The arresting officer told Sergeant Sawicki he wanted to arrest both parties for mutual combat, but his brother spit on his girlfriend so he was ordered by his sergeant to arrest Deputy Sawicki as the primary aggressor.

Sergeant Sawicki told Lieutenant Eagan his brother and his ex-girlfriend, Ms. Harty had alternated staying at the apartment they had leased together since the last domestic incident in 2011, referenced by Internal Affairs case number IA-11-010. He explained that Deputy Sawicki had moved most of his belongings into Sergeant Sawicki's home and had been living with him. He said when Ms. Harty was not staying at the apartment, Deputy Sawicki would stay there.

Sergeant Sawicki said he spoke with his brother immediately after being arrested and then the next night after being released from the Seminole County Jail. He said Deputy

Sawicki told him he and Ms. Harty had been out watching fireworks, came home to their apartment and an argument ensued. He said the two had been drinking alcoholic beverages and the argument became heated after he inadvertently slammed their bathroom door. Deputy Sawicki told his brother he called Ms. Harty's friend, Ally to come pick her up. Sergeant Sawicki told Lieutenant Eagan that Ms. Harty became irate and started slamming the bathroom door until it fell off the hinges. Ms. Harty then threw the door off the third floor (entrance) balcony to the ground.

Sergeant Sawicki told Lieutenant Eagan his brother told him as he sat in the Sanford police car as the police officer wrote the arrest report; Ms. Harty walked downstairs and retrieved the broken door that she threw off the balcony. Deputy Sawicki told his brother that he thought her retrieving the door was ironic as he sat in the patrol car under arrest.

Sergeant Sawicki said his brother told him the incident became physical after Ally arrived at their apartment. Deputy Sawicki told him Ms. Harty took off his glasses and the glasses were broken. He told Sergeant Sawicki that Ms. Harty hit him, scratched him and pulled his glasses off his face. Sergeant Sawicki thought that a photo taken by Sanford Police was of his brother's eye glasses that were broken during the incident. Sergeant Sawicki then described several photographs that he e-mailed Lieutenant Eagan. Sergeant Sawicki said that his wife took the photos of Deputy Sawicki's injuries and his bloody t-shirt. He described a majority of the photos as injuries on his brother's face from Ms. Harty's nails.

Sergeant Sawicki told Lieutenant Eagan that while arranging bail for his brother; he was informed by the bail bondsman that his brother's bond had already been posted by Ms. Harty hours after being arrested. *(See Tab-F for complete transcript of interview and Tab-O for Bond Paperwork)*

On July 11, 2012 Lieutenant Eagan and Sergeant Tatum served Deputy Sawicki at the Saboda Training Center with an amended Notice of Internal Investigation. The amended notice changed his status from assigned to administrative duty to Suspended Without Pay. *(See Tab-B for Amended Notice of Internal Investigation)*

On July 16, 2012 Lieutenant Eagan identified the female friend of Ms. Harty who was supposedly on-scene during the domestic violence incident. The female was not identified in the Sanford Police Department report of the incident. The female was identified as Alesia "Ally" Suarez. Lieutenant Eagan called her in an attempt to arrange an interview. Lieutenant Eagan left her a phone message to call him to arrange an interview. He also left messages on July 16, 18, 2012 and two messages on July 19, 2012 for her to call him regarding the incident. On July 18, 2012 Lieutenant Eagan and Sergeant Tatum tried to locate Ms. Suarez at the Sailpointe at Lake Monroe Apartments, 401 West Seminole Boulevard, Sanford, FL in an effort to find her. The business office was closed when the investigators arrived at the complex.

On July 17, 2012 Sergeant Tatum requested and received another copy of the Sanford Police Department report referenced by report number 201250003693. The updated

version of the report included a supplement report dated July 13, 2012 from the State Attorney's Office indicating a NO FILE status due to insufficient evidence. The supplement report states the Assistant State Attorney met with the complainant on July 13, 2012. The supplement reads in part:

Complainant indicated that both parties were drunk and that she does not wish to prosecute. Complainant advised that she did not receive any scratches from defendant and that blood on her face was from defendant. I inquired how defendant received scratches to which she stated it was probably from him ripping his own glasses off [sic] his face. Defendant did not spit in complainant's face on purpose as she feels it was just due to defendant being in her face while yelling. Complainant is not in fear and suffered no injuries. At this time I will not be filing [sic] charges as this incident was likely cured via police intervention. (See Tab-M for Sanford Police Report #201250003693)

Officer Donald Flowers

On July 17, 2012 Investigators Bennett and James Gabriel conducted a sworn recorded interview of Sanford Police Officer Donald Flowers by phone. The interview was conducted by phone because Officer Flowers was away on his two week annual military training in Fort Lee, Virginia for the Army Reserves. He was not due back until August 1, 2012. The following is a summary of the interview.

Officer Flowers told investigators he was the first unit on-scene, Officer William Harrison arrived next and Sergeant Steven Lynch arrived last after being requested to the scene. Officer Flowers said when he arrived, he heard Deputy Sawicki through a closed exterior door yelling at Ms. Harty, calling her "a worthless bitch!" During contact with Deputy Sawicki, Ms. Harty and a friend presumably named Ally, Officer Flowers noticed blood on Ms. Harty's face, a scratch on Deputy Sawicki's forehead and the apartment in disarray. Officer Flowers explained both Harty and Sawicki denied physical contact with one another. They both admitted throwing things at each other. Officer Flowers said Deputy Sawicki denied knowing he was injured on his forehead, but later, "...he kind of spontaneously spurted out 'well she might have some blood on her face it might be blood transfer from my forehead'..."

Officer Flowers recalls Deputy Sawicki telling him that the broken glasses were his. He also remembered Deputy Sawicki admitting to grabbing Ms. Harty's phone from her and throwing it. He said that Officer Harrison took a photo of Deputy Sawicki's broken glasses and Ms. Harty's broken phone. He explained he took additional photos but had problems with uploading the photos from his camera. He also suggested that Officer Harrison took additional photographs and should have completed a supplement report indicating his involvement in the incident.

Officer Flowers said Deputy Sawicki was arrested for domestic battery charges against Ms. Harty for spitting on her and the scratch on her face. He also said he did not have any independent knowledge of Ms. Harty alleging battery. He said he received the

information from his supervisor, Sergeant Lynch who also interviewed Ms. Harty.

Officer Flowers told investigators that Deputy Sawicki mentioned a broken door during his investigation, but he did not ask any questions about the door. Officer Flowers said, *"I seen them take the door upstairs but I wasn't sure of how it got down there or what it had to do with anything."* Officer Flowers said Ms. Harty and Deputy Sawicki had both been consuming alcoholic beverages and appeared intoxicated when he investigated the domestic violence incident.

When asked if Officer Flowers had anything additional to add to his statement, he said, *"Well the only thing that I can think of that I don't know if it'll help his case he kept saying that you know 'Ashley said she was gonna get me fired and take my career away from me'. And that's all he kept saying so that was probably it."* (See Tab-G for complete transcript of interview)

Officer William Harrison

On July 18, 2012 Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview of Officer William Harrison in Sergeant Steven Lynch's office at the Sanford Police Department in Sanford, FL. The following is a summary of the interview.

Officer Harrison told investigators he was the back-up officer that arrived at the apartment complex about the same time as Officer Flowers. He said when he and Officer Flowers were approaching the apartment; there was a female who he identified during the Internal Affairs interview as Alesia "Ally" Suarez leaving the apartment building. Ms. Suarez told the Sanford police officers that Deputy Sawicki and Ms. Harty were upstairs arguing. Officer Harrison said that as he walked up the stairs, he noticed a discarded door at the base of the stairwell. He mentioned he later saw Ms. Harty and Ms. Suarez retrieving the door after Deputy Sawicki was arrested.

Officer Harrison said he and Officer Flowers waited outside apartment # [REDACTED] for several seconds listening. He said the only voice heard yelling was Deputy Sawicki. He said the officers then knocked on the door and made contact with Deputy Sawicki. He described Deputy Sawicki as appearing under the influence of alcoholic beverages and was cooperative and apologetic. Ms. Harty was also inside the apartment.

Officer Harrison said the two were separated and asked what had occurred. Officer Harrison spoke with Ms. Harty while Officer Flowers spoke with Deputy Sawicki. He told investigators Ms. Suarez told him and Sergeant Lynch that Deputy Sawicki spit on Ms. Harty. Officer Harrison said Ms. Suarez then tried to recant her statement saying, *"Oh I don't if, I don't know if he did it on purpose I don't want to fill a statement out."*

Officer Harrison stated Deputy Sawicki was arrested and charged with domestic violence battery. He explained *"...we found him as the primary aggressor due to the scratches on her face and you know the circumstances that were surrounding."* (See Tab- H for complete transcript of interview)

Sergeant Steven Lynch

On July 18, 2012 Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview of Sergeant Steven Lynch in his office at the Sanford Police Department in Sanford, FL. The following is a summary of the interview.

Sergeant Lynch's explanation of the incident was similar to Officer Harrison's account. He explained to investigators when he arrived, Officer Harrison was outside talking to Ms. Harty. He recalled the discussion between Officer Harrison and Ms. Harty about Deputy Sawicki spitting on her during the argument. Sergeant Lynch said during the discussion, Officer Harrison and he were clarifying with Ms. Harty if Deputy Sawicki had inadvertently spit on her or was it intentional. Ms. Harty indicated it was an intentional act. Then the independent witness, Ms. Suarez interjected into the conversation, "That's when I left the apartment." Sergeant Lynch took Ms. Suarez's interjection as confirmation of the battery by Deputy Sawicki against Ms. Harty.

Sergeant Lynch said Deputy Sawicki was arrested and charged with domestic battery for spitting on Ms. Harty. He also said Deputy Sawicki and Ms. Harty had scratches on them, but neither could explain how they obtained the scratches. Sergeant Lynch told investigators that Deputy Sawicki suggested Ms. Harty may have gotten blood on her face from tripping on the stairs and scraping her legs. When Sergeant Lynch asked Ms. Harty about tripping and *"she said, 'No I never tripped on the stairs' and she looked at me like I was crazy and she said, 'No there's no blood transfer'..."*

Sergeant Lynch recalled Deputy Sawicki describing himself with anger management problems and when he gets angry, he punches walls and breaks things up. He said Deputy Sawicki told him that he broke his glasses in frustration. Sergeant Lynch also recalled Ms. Harty telling him she had ripped the bathroom or bedroom door off the hinges and threw it out over the balcony to the ground (three stories). He also remembered seeing Ms. Harty and Ms. Suarez retrieving the door and carrying it back upstairs.

Sergeant Lynch told investigators Deputy Sawicki and Ms. Harty had lived together permanently during their one year lease. A couple months ago he moved out and then he moved back in again. He also said during there investigation Deputy Sawicki was cooperative, calm and answered all of their questions. He described Ms. Harty's demeanor as calm. Sergeant Lynch also described Ms. Harty and Deputy Sawicki as appearing to be under the influence of alcoholic beverages. Sergeant Lynch told investigators that Deputy Sawicki was arrested for domestic battery for spitting on Ms. Harty and the verbal threat to kill her. *(See Tab-N for Sanford Police Report #201250003693) (See Tab-I for complete transcript of interview)*

Ashley Harty

On July 19, 2012 Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview of Ashley Harty by phone. The following is a summary of the interview. Ms.

Harty told investigators she did not want to give a statement and she did not want to be contacted in the future. She said she had not been threatened, coerced, promised anything or made an agreement to not give a statement. It should be noted Lieutenant Eagan had attempted to schedule an interview with Ms. Harty seven times. Lieutenant Eagan went so far as contacting her father in person, at 260 W. Constance Rd, DeBary, FL. (one of her listed addresses) on July 18, 2012. Her father called her in front of Lieutenant Eagan and Sergeant Tatum and she refused to meet with investigators to give a statement or verify she was not being threatened, coerced, promised anything or made an agreement to not give a statement. *(See Tab-J for complete transcript of interview)*

Deputy Michael Sawicki

On July 20, 2012 Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview of Deputy Michael Sawicki in the Sheriff's conference room of the Sheriff's Administration building, DeLand, FL. Also present were Bob Walker, Teamster's Business Agent and Josh Vedder, Teamster's representative. The following is a summary of the interview.

Deputy Sawicki told investigators he and Ashley Harty had been in a romantic relationship and lived together for less than one year. He said in May (2012) he moved most of his belongings out of their shared apartment and moved into his brother, Sergeant Justin Sawicki's house. Deputy Sawicki explained he would stay at the apartment mostly when his estranged live-in girlfriend was not home. He stated he stayed at the apartment because he was paying rent and could not afford the penalty for breaking the lease which was \$1200.

Deputy Sawicki continued explaining the circumstances that led up to the early morning hours he was arrested for domestic violence battery on July 5, 2012. He said he and Ms. Harty had gone and viewed the Sanford fireworks show over Lake Monroe on the night of July 4, 2012. Afterward the two went to Ms. Harty's friend's house known as Ally Suarez. Ms. Suarez lived in the Sailpointe at Lake Monroe Apartments which is less than one mile from their apartment complex. After spending time at the friend's apartment, the two went home to their apartment. He said he and Ms. Harty had a few drinks throughout the evening and early morning hours. He said he felt the effects of the alcohol but did not feel intoxicated.

Once home, the two started to get ready for bed. According to Deputy Sawicki there was an argument between him and Ms. Harty over the sleeping arrangement. Apparently Ms. Harty had told Deputy Sawicki that he could not sleep in their bed. Deputy Sawicki decided to sleep on the couch to resolve the matter. After exiting the bathroom, he said the door motion caused a draft and Deputy Sawicki told investigators the bedroom door slammed closed. According to Deputy Sawicki, Ms. Harty became irate and began opening and closing the bedroom door in a forceful manner to the point the door came off the hinges. Deputy Sawicki said Ms. Harty proceeded to take the de-hinged door and throw it off the third floor balcony to the ground level courtyard. There was no mention of the door throwing incident in the Sanford Police Department report. Officer Harrison

and Sergeant Lynch both remembered seeing the door downstairs and Ms. Harty and Ms. Suarez recovering the door towards the end of the call for service.

Deputy Sawicki said he realized the situation was deteriorating and called Ms. Harty's friend, Ms. Suarez to come get Ms. Harty. Deputy Sawicki explained he was lying on the couch trying to contact Ms. Suarez. He continued that Ms. Harty came and sat next to him on the couch and then grabbed his glasses off his face. He believes this is when Ms. Harty scratched his face with her fake fingernails. After his eyeglasses were ripped off his face, he told investigators he took refuge in their apartment laundry room. He said Ms. Harty came after him in the laundry room and that is when he thinks Ms. Harty dropped her cell phone on the top of the washing machine. After being shown a photo of the damaged cell phone, Deputy Sawicki identified the phone as Ms. Harty's and believes when Ms. Harty dropped the phone on the washing machine, is when it was damaged. Deputy Sawicki denied throwing the cell phone as suggested by Officer Flowers. After Ms. Suarez arrived at their apartment, Deputy Sawicki said the verbal argument escalated.

As the argument escalated, Ms. Harty called 9-1-1 and the Sanford Police Department responded and arrived a few minutes later. It was during this time that Deputy Sawicki made the statement in the heat of the argument, *"...If I lose my job, I'll kill you!"* Deputy Sawicki expressed regret during the interview for making the statement.

When asked, Deputy Sawicki denied intentionally spitting on Ms. Harty. He said during the yelling at one another, he may have inadvertently spit on Ms. Harty as the two were face to face in close proximity. Deputy Sawicki could not explain how Ms. Harty received a scratch on her face. With regard to the photo presented to him showing the scratch on her face, he indicated the dark mark on her cheek was a birthmark. The photo evidence provided by Sanford Police Department was blurry and an injury was not clear.

Deputy Sawicki denied punching Ms. Harty in the face as suggested in the 9-1-1 call to police. There was no evidence supporting the allegation and no mention of it by Sanford police officers. Deputy Sawicki told investigators he was arrested for domestic violence battery for allegedly spitting on Ms. Harty. He said Ms. Harty arranged for his bail through Magic Bail Bonds before he was released. Deputy Sawicki gave investigators copies of his bail bond paperwork. There were three signatures of Ashley Harty on two of the twelve pages of the paperwork. Ms. Harty is listed as the first indemnitor and she paid \$100.00 fee for Deputy Sawicki's \$500.00 bail. Deputy Sawicki never contacted Ms. Harty to arrange bail. He had instead contacted his brother, Sergeant Sawicki to arrange for bail release after his first appearance in court when his bond was set.

Deputy Sawicki told investigators Ms. Harty told him she had three previous domestic violence arrests. One arrest was in Deltona with a boyfriend and two were in Fort Hood, Texas with her husband at the time. These prior incidents of domestic violence arrests were corroborated through NCIC/FCIC. In addition to the September 30, 2011 arrest for Aggravated Assault with a Deadly Weapon, Grand Theft and Simple Battery, Domestic Violence by the Sanford Police Department, Ms. Harty had been arrested and charged

Deputy Sawicki said he remembered the meeting he had with Sheriff Ben Johnson and Chief Deputy Bill Lee on December 23, 2011. He said he took their advice and ended the relationship with Ms. Harty, but rekindled the relationship a short time later. He said his feeling for Ms. Harty clouded his judgment and he ended the relationship and moved out a few months later. Deputy Sawicki said he reduced his drinking to only a few drinks in a social setting. He told investigators at the end of the interview that his relationship with Ms. Harty was over and he was choosing his career with the Sheriff's Office over his troubled relationship. [REDACTED]

When questioned, Deputy Sawicki had the following responses as to whether he felt he violated the following policies:

26.2.129 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.)*

(See Tab-K for complete transcript of interview)

Alesia "Ally" Suarez

On July 23, 2012 Lieutenant Eagan and Sergeant Tatum conducted a sworn recorded interview of Alesia Suarez at the Sailpoint at Lake Monroe Apartments, 401 West Seminole Boulevard outside Apt # 91, Sanford, FL. The following is a summary of the interview.

Ms. Suarez told investigators she did not want to give a statement and she did not want to be contacted in the future. She said she had not been threatened, coerced, promised anything or made an agreement to not give a statement. Ms. Suarez signed a Declination of Participation form indicating her unwillingness to cooperate in the interview process. It should be noted that Lieutenant Eagan had attempted to schedule an interview with Ms. Suarez four times. *(See Tab-L for complete transcript of interview and Tab-B for Declination to Participate)*

On July 23, 2012 Lieutenant Eagan and Sergeant Tatum served Deputy Sawicki at the [REDACTED] parking lot with an amended Notice of Internal Investigation. The amended notice changed his status from Suspended Without Pay to assigned to administrative duties at the District 4 - Deltona substation. *(See Tab-B for Amended Notice of Internal Investigation)*

On July 23, 2012 Lieutenant Eagan received a letter from Deputy Sawicki's attorney Michael Lambert addressed to Sheriff Ben Johnson. The letter indicated that Deputy Sawicki's criminal charges for Simple Battery, Domestic Violence were dropped. Attached to the letter from Mr. Lambert was a copy of the No Information filed by Assistant State Attorney Matthew Gunter dated July 13, 2012 and filed with the Clerk of the Court on July 17, 2012. *(See Tab - B for Official Correspondence)*

CONCLUSION:

On July 24, 2012, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directives to be:

- | | | |
|--------------------|--|------------------|
| 26.2.34 | Failure to Follow Directive or Order - | Sustained |
| 26.2.129 | Misdemeanor Injurious to the Department - | Sustained |
| 86-453 (13) | Volusia County Merit System Rules and Regulations - | Sustained |

On July 26, 2012 Lieutenant Erik Eagan and Sergeant Tom Tatum served Deputy Michael Sawicki with a Notice of Intent to Terminate at his home, [REDACTED], Debary, FL. On the same date Sheriff Ben Johnson held a recorded pre-discipline hearing with Deputy Sawicki. Also present were Chief Deputy Mike Coffin, Captain Chico Mandizha, Lieutenant Eagan and Teamster's Representative Josh Vedder. During

the hearing Deputy Sawicki expressed remorse for his actions and said that he would do anything to retain his position with the Volusia County Sheriff's Office. Sheriff Johnson gave Deputy Sawicki a last chance "Agreement" to review with his attorney and Teamster's representatives. The "Agreement" outlines specific guidelines that Deputy Sawicki must adhere to in order to remain employed as a Deputy Sheriff. The specific requirements of the "Agreement" are:

- A. Michael J. Sawicki shall be suspended for thirty calendar days which equates to one hundred and sixty (160) work hours.
- B. Michael J. Sawicki shall refrain from any actions similar to those for which he was disciplined and he shall abide by all Volusia County Sheriff's Office Department Standards Directives and Volusia County Merit Rules and Regulations.
- C. Michael J. Sawicki is expected to conduct himself with dignity and respect in his relationships with his peers, his superiors and the public.
- D. Michael J. Sawicki shall refrain entirely from the consumption of alcohol of any nature, on or off duty, so long as he is an employee of the County of Volusia.
- E. [REDACTED]
- F. Michael J. Sawicki shall submit to any standard test for alcohol consumption, including but not limited to, tests of breath and/or blood, such tests to be administered at the discretion of the County of Volusia [REDACTED]. It is understood that Michael J. Sawicki must submit to any such tests upon demand and without delay, even if such test is to be conducted during non-working hours. The County shall bear expense of any such test.
- G. Michael J. Sawicki, during the term of his employment with the County of Volusia, shall submit to any medical examination as directed and scheduled by the County of Volusia.
- H. By execution of this Agreement and any supplemental document which may be required by the Volusia County Sheriff's Office, and under the authority thereunder, Michael J. Sawicki agrees that the County of Volusia shall have the right [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- I. Michael J. Sawicki shall have no contact with Ashley Harty.
- J. Michael J. Sawicki shall not take his department issued vehicle outside of Volusia County unless on a work related matter or call for service.
- K. Michael J. Sawicki is fully aware that, as an employee of the County of Volusia, he is governed by the Merit System Rules and Regulations, as well as the Volusia County Sheriff's Office Department Standards Directives. However, based on the issues set forth in the Internal Affairs Investigation case numbers IA-12-011 and IA-11-010, it is agreed and understood that any violation of the aforementioned paragraphs or the occurrence of any incident which jeopardizes the operations of, or interferes with the business of Volusia County Sheriff's Office, shall be grounds for revocation of this

Agreement and termination of Michael J. Sawicki's employment. It is understood that any such termination shall not be arbitrary but based on sustained violations of Department Standards Directives or Merit Rules and Regulations which carry a penalty up to and including termination. Further, should such termination occur, Michael J. Sawicki waives any right to appeal the termination action through administrative or judicial methods.

On July 27, 2012 Sheriff Johnson met with Deputy Sawicki in his conference room for the signing of Deputy Sawicki's last chance "Agreement." Also present were Chief Deputy Mike Coffin, LT Eagan, Teamster's Business Agent Bob Walker and Teamster's Rep Josh Vedder. The Agreement was signed by Deputy Sawicki, Sheriff Johnson Teamster's Business Agent Bob Walker and Teamster's Rep Josh Vedder. *(See Tab-B Official Correspondence)*

On July 27, 2012 Lieutenant Eagan served Deputy Sawicki at the Sheriff's Administration Building with his Notice of Final Suspension. Deputy Sawicki will serve his thirty calendar day suspension without pay, which equates to one hundred and sixty (160) work hours from July 11, 2012 to August 10, 2012. Upon his return to work he will be assigned to District 3 – Road Patrol and will report to Captain John Bonnevier. *(See Tab-B Official Correspondence)*

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint – Arrest Report
- D. Advisement of Rights for Disciplinary Interview & Oath/Perjury Warning
- E. Official transcript of 9-1-1 call
- F. Official transcript of Sergeant Justin Sawicki
- G. Official transcript of Officer Donald Flowers
- H. Official transcript of Officer William Harrison
- I. Official transcript of Sergeant Steven Lynch
- J. Official transcript of Ashley Harty
- K. Official transcript of Deputy Michael Sawicki
- L. Official transcript of Alesia “Ally” Suarez
- M. Official transcript of Pre-Discipline Hearing 12-23-2011
- N. Sanford Police Department Report & CAD printout
- O. Photos of Deputy Michael Sawicki & Screen Shots
- P. Deputy Michael Sawicki Bond Paperwork
- Q. Miscellaneous Documents
- R. Audio CD’s of recorded interviews

WITNESSES:

Sergeant Justin Sawicki
Volusia County Sheriff's Office

Officer Donald Flowers
Sanford Police Department

Officer William Harrison
Sanford Police Department

Sergeant Steven Lynch
Sanford Police Department

Ashley Harty

[REDACTED] (mailing)

[REDACTED] (residence)

DeBary, FL 32713

Alesia Suarez

401 W. Seminole Boulevard Apt #91

Sanford, FL 32771

954-292-8949

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: _____


Lieutenant Erik Eagan
Internal Affairs Investigator

DATE: 07/31/12

APPROVED BY: _____


Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA

DATE: 08/01/12

