



Brevard County Sheriff's Office  
Titusville, Florida

Exemptions applied: 119.

To: Chief Deputy Doug Waller  
From: Agent Charles LaRoche, Staff Services Unit  
Date: August 23, 2016  
Re: Command Inquiry 2016-CI-015  
Deputy James "Cody" Starr

*D. Waller*  
*8/23/16*  
*Charles LaRoche*  
*Witness*  
*Finances*  
*RE-TRAC*  
*HEADLINE*

**I. Summary:**

On Sunday June 12, 2016, I met with [REDACTED] after she expressed concerns over recent behavior of her husband, Deputy James "Cody" Starr. In a sworn, recorded interview, [REDACTED] stated she and Starr have been in several verbal altercations over the last few months. The altercations rose to a level that she no longer felt safe so she and her daughter moved out of the marital home. [REDACTED] stated that she believes that Starr is a good Deputy and father, just not a good husband anymore. Since moving out, Starr has continually called and sent her text messages. Some of the photographs he texted her were of items that she owned but used with the Bayside Youth Football and Cheerleading Association. The images show the equipment thrown about what [REDACTED] identified as her front yard, some of the items had been burned.

Prior to this date, there were already concerns about Cody Starr's work performance. In at least two informal interventions, Starr informed his chain of command that he was suffering from personal stressors that had been affecting him at work but he was taking positive steps to correct his performance.

One of the interventions was for a pattern of tardiness. In Starr's current assignment with the Agricultural and Marine Unit assigned to Port Canaveral, it is crucial that he is in position and on time to escort cruise ships into port.

The second intervention was in reference to the concerns that Starr placed a loaded handgun in his mouth. According to [REDACTED] when she was interviewed, Starr stated he knew it only took 2.5 pounds of pressure to pull the trigger. The information about this counseling session made it to Starr's chain of command who had already addressed it with him shortly after the time of occurrence.

Based on the concerns this interview generated, Chief Deputy Waller authorized an Administrative Investigation be conducted. Furthermore, on June 12, 2016, Starr was placed on Administrative Leave, pending a professional evaluation by a licensed health care professional.

## **II. Possible Policy Violations**

- 400.00 General Professional Responsibilities
- 400.04 Substandard Performance
- 400.06 Compliance with Law and Regulation
- 400.27 Prohibited Activities While On-Duty

## **III. Witnesses**

### **Mrs. Dawn Starr**

On June 12, 2016, Agent James Landen and I met with [REDACTED] to discuss the recent behavior of her husband, Deputy James "Cody" Starr. In a sworn, audio recorded interview, [REDACTED] stated the following in essence:

At about 0500 hours that morning, Cody Starr made several posts on [REDACTED]'s Facebook account while posing as her. The posts did not paint her in a good light and several of her friends and family members began calling her about it. [REDACTED] was unable to take the comments down as the password had been changed and she did not have access to her own Facebook account.

[REDACTED] stated that she and Starr's marriage had been going downhill for a number of months when they started going to faith based marriage counseling at Cavalry Chapel sometime in March, 2016. [REDACTED] stated that during one counseling session, Starr explained to the pastor that he had previously loaded his handgun and that it only took 2.5 pounds of pressure to pull the trigger. [REDACTED] stated that Starr's explanation was that he was depressed and suicidal. [REDACTED] stated the pastor suggested to her that she not allow Starr to have unsupervised visitation with their daughter. [REDACTED] refused that advice and still allows Starr time with their daughter, citing that she believes he would never harm their daughter.

[REDACTED] stated she and Starr had a wedding anniversary on April 1, 2016. On that day, she told Starr that she wanted to end the marriage. She stated Starr got upset and threw a chair through a screen door in the residence. She stated that on the following day, she and her daughter moved out of the marital home and into a friend's residence.

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On June 11, 2016 [REDACTED] stated she answered a phone call from Starr after he kept calling her continually. He asked her if the marriage was truly over, she told him that it was and she wanted a divorce. At that time, Starr told her he was going to make her life hell and do whatever he can to destroy her. [REDACTED] could not elaborate as to how he was going to do this but she believed that he would follow through.

[REDACTED] stated that over the last two days (June 11-12, 2016), Starr has been sending her photographs of some of her cheerleading equipment that he has burned. [REDACTED] *forwarded two of these photographs to me and they depict items such as 5 gallon buckets (more than a dozen), collapsible chairs, a portable table, a fan, and a wagon, many of the items have been burned in what [REDACTED] stated is the front yard of their marital home. It should be noted that in one of the photographs, Starr's marked Brevard County Sheriff's Office patrol truck is parked across the street, in front of an empty lot.* [REDACTED] stated this equipment belongs to her as well as Bayside Youth Football and Cheer. She stated Starr has also texted pictures of family photographs where he has cut her face out the photos of as well as other damage he incurred around their home. She did not provide me with any of those images. She stated he has been sending out these texts and pictures since April 2, 2016 when she moved out.

[REDACTED] expressed concerns about an upcoming trip to Boston she and her daughter were scheduled to take. Starr was initially scheduled to go with [REDACTED] but, after their falling out, Starr was uninvited and his flight was cancelled. [REDACTED] was afraid Starr was going to show up at the wedding and cause a problem.

When asked about any physical altercations in the past, [REDACTED] reluctantly spoke of an incident that took place approximately two weeks prior. She stated she tried to talk to Starr about how their current relationship was negatively affecting their daughter. [REDACTED] stated Starr blew off that topic and tried to talk to her about getting back together. [REDACTED] stated she walked away from him to go get her daughter and leave the residence. Starr stopped her by placing his hands on her upper arms so that she would listen to him. [REDACTED] tried to pull away from him and she had to push him away from her. [REDACTED] stated that at that time, Starr grabbed her upper arms harder and they both fell to the garage floor together. She stated she bit his upper left arm in attempt to get away from him. She was able to leave the residence without further incident. *Due to implications of a domestic-violence incident, a separate, criminal investigation was completed by Agent A. Sorokin with the Special Victims Unit. After completion of the investigation, Agent Sorokin closed the case to file due to lack substantial evidence that would prove that a crime occurred.*

[REDACTED]'s statement to me differs from the one she provided to Agent Sorokin in the following ways:

- She stated to me that Starr grabbed her by her upper arms to stop her from walking away so she would listen to her. She stated she swung at him at that time, hitting him in

*the jaw. Starr then placed her in a bear hug in attempt to not get hit again, moments later they both fell to the ground.*

*•To Agent Sorokin, [REDACTED] stated that during the verbal altercation when she tried to walk away from Starr, he stood in front of her. She stated she tried to walk away and then he grabbed her arm to get her to listen to what he had to say. She stated she didn't want to listen to him anymore and pushed him with both open hands against his chest, causing him to stumble backwards. She stated Starr again tried to get her to listen and placed both his hands on her upper arms. She stated she was done listening and swung at him, trying to strike him. Starr then hugged [REDACTED] so she wouldn't hit him again, she did not feel like he was trying to hurt her or prevent her from breathing. She now stated that they both fell to the floor when she wiggled away from him. They fell together and it was an event that neither were responsible for. [REDACTED] stated that all Starr's actions were not malicious or harmful and he only wanted her to listen to him.*

#### **Post Interview Contact**

[REDACTED] contacted me on June 13, 2016 when she called and informed me that she was moving her flight to Boston up a day from the 15<sup>th</sup> to the 14<sup>th</sup> of June because she was afraid Starr was going to book the same flight as originally scheduled. She stated that Starr contacted her and wanted to keep their daughter for the night prior to their departure. [REDACTED] believed that Starr would not return their daughter to her, making her miss the trip to be spiteful. [REDACTED] stated she was still worried that Starr was going to come to Boston and disrupt her plans.

[REDACTED] contacted me again on June 15, 2016 after she had received several emails from Starr. The emails were not threatening or harassing in nature and were all in reference to their daughter. She stated he was aware he changed the flight and was angry about that. [REDACTED] forwarded the emails to me. Of the three emails, one was sent from [REDACTED], the other two were sent from [REDACTED].

That same morning, I was made aware of a Facebook post made by Starr on his page. It showed that he was on I-95 in North Carolina. I found this odd because the day prior, Starr told me he was going to Texas instead of Boston. There was no other information on the message and it only showed that he was near a town called St. Pauls. St. Pauls is approximately a 7 hour drive from Brevard County.

#### **IV. Subject Employee:**

**James "Cody" Starr  
Deputy Sheriff  
Brevard County Agricultural and Marine Unit**

On June 12, 2016, I made contact with Deputy James "Cody" Starr and he was placed on Administrative Leave based on the allegations detailed by [REDACTED]. I explained the allegations and informed him to contact a representative of his choice if he desired to have one with him during our interview. The interview was later scheduled to take place on Monday, August 1, 2016, at 1300 hours at the South Precinct.

Included with the Administrative Leave instructions was notification that he would be contacted within 24 hours by Human Resources. The purpose for that contact would be to coordinate an appointment for a Fitness for Duty Evaluation with a designated healthcare provider.

At the time Starr was being placed on Administrative Leave, he was told to cease and desist the continual telephone calls and text messages to [REDACTED]. He should only to contact her in regards to their daughter.

While at that meeting, he was asked about the Facebook posts that were on [REDACTED]'s wall that morning. Starr stated he made the posts but he has had access to her Facebook account in the past. Starr had removed the posts prior to this meeting and he changed the password back so that [REDACTED] could regain control of her account.

While explaining his responsibilities while on Administrative Leave, Starr stated he had pre-approved annual leave for the upcoming week. He stated he was planning a trip to the Boston area and still wanted to go. Knowing that [REDACTED] had concerns that Starr was going to show up at the wedding, he was advised not to go. Starr stated he was not going to disrupt anything and he still planned on going to Boston.

Within one hour of the completion of that meeting, [REDACTED] made contact with Staff Services, stating that Starr had sent her several texts and tried calling her as well. Major Fischback called Starr again and told him he should stop contacting [REDACTED] unless it pertained to their daughter.

On June 14, 2016 Starr called me and requested access to the Finance Department to change his direct deposit. I met with him and escorted him upstairs. I spoke with Starr after his business was complete and he stated he changed his mind about going to Boston and was going to go to Corpus Christie Texas instead.

The following morning (June 15, 2015) I was made aware of a Facebook post made by Starr. It showed that he was on I-95 in North Carolina as of 0204 hours. There was no other information on the message and it only showed that he was near a town called St. Pauls. St. Pauls is approximately a 7 hour drive from Brevard County.

On June 16, 2016 I made telephonic contact with Starr and inquired on his whereabouts. He stated he was back in Brevard County and volunteering at Calvary Chapel in

Melbourne. I asked him about the Facebook post he made, showing him in North Carolina. Starr stated he got a phone call from the person he was going to visit in Texas and they told him it was better if he doesn't visit right now. Starr stated he instead went to Gretna, Virginia to visit another friend. He sent me a few photographs from a rural area that did not appear to be Boston.

### **Subject Officer Interview**

On August 1, 2016 Deputy Cody Starr arrived at South Precinct with Coastal Florida PBA Representative Al Boettjer. Prior to the sworn audio recorded interview, Starr was provided with and reviewed the entire case file and listened to all audio files associated with this investigation. Details of the interview are as follows:

I first asked Starr about the incident that ██████ stated happened on April 1, 2016 when she first told him she wanted a divorce. Starr stated he got upset and angry at ██████ and threw a chair through the screen door. He stated he did not throw it at or towards her, she was not in that general area at the time. Starr stated there was no other incidents that evening and ██████ moved out the following day.

I then asked Starr about a counseling session he and ██████ attended at Cavalry Chapel. Starr stated that he told the pastor he had been upset that ██████ moved out and his marriage was over. He stated he did tell the pastor that he previously loaded his handgun and knew it only took about 2.5 pounds of pressure to pull the trigger. Starr stated he made that comment because he was depressed and in a bad place. When the event actually occurred, he thought it through and called another chaplain and he was able to help him through the immediate depression. Starr stated that since then, he has been to several counseling sessions and does not feel any urge to harm himself.

Starr was shown the printed pictures of texts that ██████ provided me of some burned cheerleading equipment. He stated he was very upset with ██████ at the time and he did burn the equipment. I pointed out the fact that his fully marked BCSO patrol truck was clearly visible in one of the photographs, Starr replied "Yeah that was a mistake". I asked what part of it was a mistake, he replied "The whole thing". He stated he should not have burned the equipment and especially not when his Agency issued vehicle was so close and could be associated with his actions.

In a previous visit to Parkway where I escorted Starr into the facility, he stated that he sold his ATV to pay ██████ back for the equipment he burned. I asked if he gave her the money, he stated she refused to take it from him but it is still sitting in a bank account for her. When asked why he burned the equipment, Starr stated he associated the cheerleading and youth football league as the reason for their divorce as she was spending more time with the league than with him. Although Starr now regrets his decision to burn the equipment,

he fully admits to doing it. He stated all the equipment is marital property and none of it belongs to the league.

In her interview, [REDACTED] stated Starr called her on June 11, 2016 asking if the marriage was really over, she told him it was. [REDACTED] stated Starr told her he was going to make her life hell and do what he could to destroy her. Starr stated he did not remember the specific conversation but that sounded like something he would say. He stated he does not feel that way about her anymore. He stated between counseling sessions and volunteering at the church, he has relaxed and he is in a better place.

I then asked Starr about the trip that he and [REDACTED] were previously scheduled to take to Boston. When he was placed on administrative leave, Starr stated he had pre-approved annual leave for that trip. I explained to him that it was in his best interest not to go. In her interview, [REDACTED] stated she was afraid that he was going to show up at the wedding and cause violence. On that day (June 12, 2016) Starr stated he was still planning on going to Boston, even though he was not going to the wedding. A few days later, Starr informed me that he changed his plans and was headed to Texas for his annual leave. On the day he was scheduled to leave, he posted on Facebook that he was in North Carolina with no other explanation. I managed to speak with him a few days later and he informed me that his plans to visit Texas changed and he went to Gretna Virginia instead. He admitted his Facebook post made it look like he misled me about the Texas trip but he insisted that was not his intent.

The same day [REDACTED] was scheduled to arrive in Boston, she contacted me and shared three emails she received from Starr that morning. The emails were not threatening or harassing in nature and they were about their daughter. [REDACTED] forwarded the emails to me. Of the three emails, one was sent from [REDACTED] the other two were sent from [REDACTED]. When asked, Starr stated he did send them and he wanted to make sure his daughter was okay while on their trip. I asked Starr who James Brailey was, he stated that was a fictitious name that he was going to make a Facebook page under so that he could remain private. The false Facebook page was never created but he does use that email account from time to time. He stated he did not mean to use that account when sending these emails to [REDACTED].

#### **V. Other Investigative Efforts**

During her interview, [REDACTED] mentioned a possible domestic violence incident that had allegedly occurred between her and Starr a few weeks prior. Based on those concerns, contact was made with Sergeant A. Morrison with the Brevard County Sheriff's Office Special Victims Unit. He was briefed on the incident and assigned Agent A. Sorokin to look into the matter further. I spoke with Agent Sorokin and gave him all the necessary information. On June 22, 2016, Agent Sorokin met with [REDACTED] and obtained a sworn statement as to what occurred at the residence on the day in question. In the case report

generated by Agent Sorokin (2016-200558), ██████ stated that she at the residence for a child exchange and she tried to talk to Starr about their daughter. Starr wanted to talk about them getting back together instead. ██████ stated she tried to walk away from Starr because she did not want to discuss that issue right then, Starr placed his hands on her upper arms and tried to get her to listen to him. ██████ stated that Starr's intentions were not malicious and he did not attempt to harm her. At that time, ██████ still did not want to talk and she swung her right arm at Starr but missed. Starr took her into a hug in attempt to calm her down, after a few moments into the hug, they both lost balance and both fell to the ground. After they got up, ██████ collected their daughter and left the residence without any further incident.

On June 24, 2016, Agent Sorokin conducted a sworn interview with Starr. In his statement, Starr stated that he and ██████ were discussing their relationship status in the garage and she did not want to talk about it anymore. Starr stated he did place his hands on her upper arms in attempt to get her to listen to him. He stated ██████ then swung her right arm at him but barely made contact with his face. He then hugged ██████ so that she would not try to hit him again, it was at this time where they both fell to the ground. Starr stated neither of them were injured and ██████ left right after that.

Agent Sorokin closed his investigation as follows:

*Based on the statements that were provided by all parties, no substantial evidence that would prove a crime of battery domestic violence occurred between ██████ and James Starr, ██████ not being afraid of James Starr, and allowing him to constantly communicate with her and their daughter, and no substantial evidence that would prove James Starr maliciously communicated with ██████ against her consent in order to mentally, or physical harm her in any way, the case is cleared and referred to file.*

## **VI. Summary and Recommendations:**

In his interview, Starr admitted to burning the equipment that was owned by him and his wife. He stated that it was marital property and none belonged to the youth cheer/ football league. In ██████'s interviews, she also states that the equipment was marital property and none was purchased by the league. He stated he has tried to make amends with ██████ and pay for new equipment but she refused the money. Starr stated he previously associated the football and cheerleading league as one of the reasons for his failed marriage. He believed ██████ spent more time with the league than with him and their daughter. He was unable to provide any valid reason as to why he took this action, only that he was angry with her.

Starr stated the reasons for all the phone calls and text messages was because ██████ would not give him an answer as to whether or not she wanted a divorce. She stated she told him



many times but he would not accept that the marriage was over. Although there were many phone calls and texts from Starr to [REDACTED], none were made from his department issued telephone. Furthermore, I am unable to confirm if any of this activity occurred while Starr was on duty. He stated there were probably times where he did call or text her but could not remember specific times or dates.

At approximately 0500 hours on June 12, 2016, Starr posted the messages on [REDACTED]'s Facebook wall. The posts were removed sometime after 0900 hours. Starr logged on at 0633 hours that morning and therefore, he conducted some of this activity while on duty.

Although the criminal investigation conducted by Agent Sorokin concluded with insufficient evidence to establish probable cause for arrest, both parties stated that the physical altercation started when Starr touched [REDACTED] against her will. [REDACTED] changed her version of events from my sworn interview to Sorokin's to state that she pushed and struck Starr during the altercation. In her second interview, she still stated that Starr grabbed her upper arm and this was the first physical event that occurred.

Investigation determined that Deputy Starr engaged in a pattern of conduct towards his estranged wife that was designed to harass and intimidate her. His actions included; repetitive telephone calls and text messages to her; destruction of property owned by or under her control; placing his hands on her to prevent her from leaving the garage because he wanted to continue speaking to her; hijacking her Facebook page and posting derogatory comments about her and threatening to follow her to a wedding in Boston after he had been un-invited to attend. Based on these determinations I recommend the following administrative charges against **Deputy James "Cody" Starr** to be closed as follows:

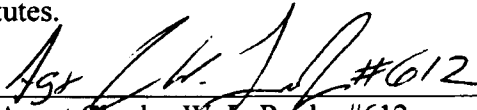
*Section 400.00, General Professional Responsibilities –“Sustained”*  
*Section 400.04, Substandard Performance –“Not-Sustained”*  
*Section 400.06, Compliance with Law and Regulation –“Sustained”*  
*Section 400.27, Prohibited Activity While on Duty –“Sustained”*

## **VII. Enclosures**

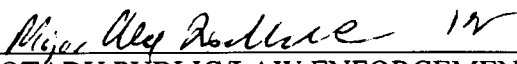
- A. Administrative Leave Memo**
- B. Authorization Memo for Case Number 2016-CI-015**
- C. Fitness for Duty Memo**
- D. Notice of Administrative Investigation**
- E. Administrative Investigative Warning**
- F. Facebook Posts (5 pages)**
- G. Emails Sent to [REDACTED]**
- H. CAD Login for June 12, 2016**

**VIII. Oath**

I, Agent Charles W. LaRoche, 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 subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

Signed  #612  
Agent Charles W. LaRoche #612

Sworn to and subscribed before me, the undersigned authority, and this ~~23~~<sup>24</sup> day of August, 2016.

Signature  12  
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER  
IN PERFORMANCE OF OFFICIAL DUTIES



Brevard County Sheriff's Office  
Titusville, Florida

MEMORANDUM

TO Deputy James Starr, Id 1092  
FROM: Chief Deputy Doug Waller  
DATE: August 26, 2016  
RE: Final Action  
Command Inquiry 2016-CI-015

A TRUE COPY	
TIME	9:24 AM.
DATE	8/26/16
BREVARD COUNTY SHERIFF'S OFFICE	
Received By:	James Starr
Signature of Employee Served	
Served by:	
Signature of Agent/Deputy	

Administrative Investigation 2016-CI-015 is now closed. The final action regarding this matter is the determination of sustained charges and the application of appropriate corrective action.

After a review of the facts laid out in the investigative report, and in consideration of the comments you made during your pre-termination hearing on August 25, 2016, I have determined that your actions were in violation of the following established policies and procedures of the Brevard County Sheriff's Office:

- Section 400.00 General Professional Responsibilities – *Sustained*
- Section 400.06 Compliance with Law and Regulation – *Sustained*
- Section 400.27 Prohibited Activity While on Duty – *Sustained*

As we discussed during your hearing, your actions reflect a clear pattern of inappropriate conduct towards your estranged wife and, as a result, they had a negative impact on your professional job performance. During your hearing you accepted full responsibility, stating that you had made changes to your personal routine to help you deal with the stressors that you identified as contributing to your decision making deficiencies. I am also aware that you have successfully completed an Anger Management course and that you have sought professional assistance to help you deal with the stressors that you face. As I stated during your hearing, based upon your comments and actions, I believe that you are sincerely remorseful and remain committed to changing your behavior and reestablishing yourself as a solid, productive member of the Brevard County Sheriff's Office.

Based on this belief, I have decided to mitigate the proposed disciplinary action in this matter down to a forty-eight (48) hour suspension without pay. I am also removing you from your current specialty assignment so that you may focus on the core responsibilities of being a deputy sheriff. You are directed to report to Commander Bruce Barnett for your shift assignment immediately upon service of this Final Action.

**Final Action 2016-CI-015**

**August 26, 2016**

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Additionally, as part of the corrective action in this matter, I am directing you to follow any treatment plans that have been set for you by your medical providers.

Barring a Civil Service Appeal or Collective Bargaining Grievance of the proposed disciplinary action, the unpaid suspension will be served at Commander Barnett's discretion. While on unpaid suspension, you are not to enter into the secured areas of any Brevard County Sheriff's Office facility. You are also not authorized to work any overtime during the pay cycle that you serve your suspension, if you incur any overtime you are to immediately notify Commander Barnett or his designee.

You are noticed that any repeat of this type of behavior will result in progressive discipline to include termination of your employment.

If you file a Civil Service Appeal or Collective Bargaining Agreement grievance in regards to the proposed disciplinary action, the period of unpaid suspension will be postponed until the appeal or grievance process is completed.

As provided by the Civil Service Act, Chapter 83-373, Laws of Florida, you may appeal this disciplinary decision to the Civil Service Board. As provided for in the Collective Bargaining Agreement between the Coastal Florida Police Benevolent Association and the Brevard County Sheriff's Office, you may file a disciplinary grievance to this disciplinary action. You may only choose one process. To appeal or grieve this action, you must file a petition for review within ten days of receipt of this memorandum. The petition for review shall be filed by United States mail, registered, return receipt requested, or in person with H.R. Manager Lisa Gillis, Personnel, and 700 Park Avenue, Titusville, FL 32780. A copy of any petition should also be directed to my attention.

C:     Commander Greg Purden  
          Commander Bruce Barnett  
          Human Resources Manager Lisa Gillis