



Brevard County Sheriff's Office
Titusville, Florida

To: Chief Michael J. Lewis, Judicial Services

From: Agent Charles LaRoche, Staff Services Unit

Date: November 8, 2016

Re: Administrative Investigation (2016-CI-026)
Corrections Deputy Xavier McCormack ID 1987

I. Summary:

On September 16, 2016 Corrections Deputy Xavier McCormack was observed operating his vehicle in an unsafe manner by Deputy Heather Bivins. McCormack was observed driving his vehicle at a speed of 67 in a marked 45 mph area. Furthermore, McCormack made an abrupt stop at a red light causing him to cross over the stop bar before coming to a complete stop. Based on these observations, Bivins conducted a traffic stop on McCormack.

During that traffic stop, Bivins detected the odor alcohol coming from McCormack and initiated a DUI investigation. According to her case report and Alcohol Incident Report, McCormack met 6 clues in HGNC, 5 clues in the Walk-and-Turn Exercise, and 3 clues on the One Leg Stand. He was placed under arrest for DUI and transported to the Brevard County Jail. McCormack consented to an approved test of his breath for the purpose of determining the alcoholic content (BAC). Bivins administered the breath test after a 20 minute observation period, the results were 0.194 and 0.206 g/210L.

At the direction of Chief Michael Lewis, McCormack was placed on administrative leave without pay, effective September 16, 2016. The modified schedule action followed the authorization of a formal Administrative Investigation relating to the misconduct concerns. On October 20, 2016, McCormack tendered his resignation as a Corrections Deputy.

II. Possible Policy Violations

- 400.06 Compliance With Law and Regulation
- 400.38 Intoxication On and Off Duty

*Concurred
w/ findings
MM
99 11-9-16*

III. Witness:

**Heather Bivins
Deputy Sheriff
Brevard County Sheriff's Office**

As Deputy Bivins already submitted a sworn case report documenting the actions of this incident, she was not interviewed for this administrative investigation. Refer to her attached case report for full details.

IV. Subject Employee:

**Xavier McCormack
Corrections Deputy
Brevard County Jail Complex**

V. Recommendations:

Upon the completion of the traffic stop and DUI investigation, it was determined that McCormack's actions on September 16, 2016 were in direct violation of Florida Statutes 316.193(4) and therefore, in violation of established policies and procedures of the Brevard County Sheriff's Office.

It is my recommendation that the following administrative violations be sustained:

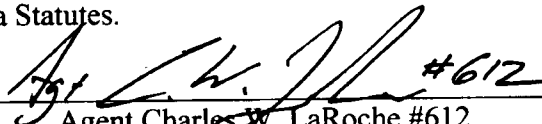
- **400.06 Compliance With Law and Regulation**
- **400.38 Intoxication On and Off Duty**

VII. Enclosures

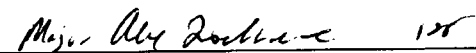
- A. Case Report Package 2016-00315012**
- B. Notice of Administrative Suspension dated September 16, 2016**

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 8th day of November, 2016.

Signature  125
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER
IN PERFORMANCE OF OFFICIAL DUTIES