



EDGEWATER POLICE DEPARTMENT

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135 East Park Avenue
Edgewater, FL 32132-0100

EDGEWATER POLICE DEPARTMENT INTERNAL AFFAIRS

REPORT OF INVESTIGATION

IA REPORT NUMBER: 1811-001

PERIOD COVERED:	February 2018
DATE REPORTED:	November 7, 2018
SUBJECT(S) NAME:	Officer Andrew Spurlock
COMPLAINANT:	Jason O'Keefe
WITNESSES:	Laurie Schmitz, Jason O'Keefe, Megan O'Keefe and Leilani Bush
IA INVESTIGATOR:	Lieutenant Aaron Soltz

BASIS FOR INVESTIGATION

On November 7, 2018, Jason O'Keefe provided Lieutenant Aaron Soltz with Facebook messages which were between Laurie Schmitz and Gerry McCormick. It should be noted McCormick was a fictitious Facebook account and the identity of the person is not known. In the messages, Schmitz alleged Officer Spurlock touched her between her legs while he was on-duty.

Lieutenant Soltz completed a complaint investigation form and forwarded it to Interim Chief of Police Joe Mahoney.

OFFENSE(S)

On November 13, 2018 Interim Chief of Police Mahoney directed Lieutenant Soltz to conduct an internal affairs investigation in regards to the incident. Officer Spurlock was the subject officer for the alleged violations of Departmental Policy and Procedure Directives as follows:

Edgewater Police Department Policy and Procedure Directives, 1-4 "Code of Conduct" titled "Duty Requirements" 1.4.33 – Inattention to Duties, Loafing, Sleeping - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing or sleeping while on duty. Members who are concerned about staying awake or alert during their work-hours shall report to and inform their supervisor of the situation. The Supervisor shall address the situation in the best possible manner which best serves the City, the Department and the Citizens.

Edgewater Police Department Policy and Procedure Directives, 2-4 "Code of Conduct" titled "Professional Conduct" 1.4.53 – No employee of the department shall engage in conduct on or off duty which affects the morale or efficiency of the department, or in the alternative, engage in conduct on or off duty that has a tendency to destroy public respect for the employee and/or the department and/or destroy confidence in the operation of the department.

INVESTIGATIVE SUMMARY

Lieutenant Soltz made contact with Laurie Schmitz on November 9, 2018 at the Edgewater Police Department. The purpose of the contact was to determine if Schmitz was the person who sent the Facebook messages indicating Officer Spurlock touched her between her legs while he was on-duty. Lieutenant Soltz conducted a sworn recorded interview with Schmitz. The following is a summary of the relevant findings:

- Schmitz stated she met Officer Spurlock after she was involved in a traffic crash and he responded to take the report.
- Schmitz said through the course of their interactions regarding the traffic crash investigation, they began a personal relationship.
- Schmitz stated the personal relationship consisted of text messages, telephone calls and visits both on and off-duty.
- Schmitz said there was an incident where Officer Spurlock was visiting her at her residence while he was on-duty. Schmitz stated he played a, "trick" on her juvenile niece, Leilani Bush, which involved him questioning her about alcohol and cannabis use. Schmitz said Officer Spurlock had Bush blow into a device and then showed her handcuffs as if she was in trouble. Schmitz stated Bush began to cry and Officer Spurlock stopped joking around.
- Schmitz said Officer Spurlock visited her at her residence four or five times while on-duty from January to February of 2018.
- Schmitz stated Officer Spurlock would spend anywhere from twenty to forty minutes at her residence during the visits.
- Schmitz said around the second week of February, she met Officer Spurlock at a location that was later determined to be Hibiscus Drive and 22nd Street.
- Schmitz stated during this visit, the door to Officer Spurlock's patrol vehicle was open and his legs were facing outward. Schmitz said she was standing in between Officer Spurlock's legs, facing away.
- Schmitz stated during this time, she and Officer Spurlock talked. Schmitz also stated Officer Spurlock took some telephone calls as well.
- Schmitz said at some point, Officer Spurlock put his hand inside Schmitz' pants, inside of her underwear.
- Schmitz stated Officer Spurlock penetrated her with his fingers.
- Schmitz said this act was consensual.

NOTIFICATION(S)

Witness – Laurie Schmitz – On November 9, 2018 Lieutenant Soltz contacted Schmitz in person at the Edgewater Police Department. Lieutenant Soltz provided Schmitz with a "Notice of Internal Investigation" form, which she signed and stated she understood the guidelines of the notification.

Subject – Officer Andrew Spurlock – On November 20, 2018 Lieutenant Soltz contacted Officer Spurlock in person at the Edgewater Police Department. Officer Spurlock was on-duty at the time. Lieutenant Soltz provided Officer Spurlock with a "Notification of Internal Investigation" memorandum. Officer Spurlock signed the memorandum and stated he understood the guidelines of the notification. Officer Spurlock was subsequently served with an amended notification on November 28, 2018.

Complainant – Jason O'Keefe – On November 26, 2018 Lieutenant Soltz contacted Jason O'Keefe in person at the Edgewater Police Department. Lieutenant Soltz provided Jason O'Keefe with a "Notice of Internal Investigation" form, which he signed and stated he understood the guidelines of the notification.

Witness – Megan O’Keefe – On November 26, 2018 Lieutenant Soltz contacted Megan O’Keefe in person at the Edgewater Police Department. Lieutenant Soltz provided Megan O’Keefe with a “Notice of Internal Investigation” form, which she signed and stated she understood the guidelines of the notification.

Witness – Leilani Bush – On November 28, 2018 Lieutenant Soltz contacted Bush in person at the New Smyrna Beach High School. Lieutenant Soltz provided Bush with a “Notice of Internal Investigation” form, which she signed and stated she understood the guidelines of the notification.

FACEBOOK MESSAGES

Lieutenant Soltz reviewed Facebook messages provided to him by Jason O’Keefe. Below is a summary of the findings:

- Schmitz and Gerry McCormick have a conversation regarding their displeasure with city council members.
- Schmitz stated Officer Spurlock called her from his personal phone after her traffic accident.
- The conversation then turns to the incident of Schmitz and Officer Spurlock meeting each other.
- Schmitz stated they had physical interaction while he was on-duty.
- Schmitz described it as, “playing around.”
- Schmitz described, “playing around” as hands on touching and groping.
- Schmitz stated Officer Spurlock touched her breast and in between her legs while he was on-duty.

FORCEWATCH

From information provided by Schmitz, Lieutenant Soltz was able to identify the date of the alleged incident to have been February 3, 2018. Lieutenant Soltz reviewed Officer Spurlock’s Forcewatch activity during that date to learn if Officer Spurlock ever visited the area of Hibiscus Drive and 22nd Street. Below is a summary of the findings:

- On February 3, 2018 at 22:32:05 Officer Spurlock became stationary at the intersection of Hibiscus Drive and 22nd Street.
- Officer Spurlock was assigned one call for service while at this location, a telephone handle call, from 22:55:35 until he cleared it at 23:14:12.
- Officer Spurlock did not become mobile again until February 4, 2018 at 00:04:22.
- Officer Spurlock was stationary for a total of one hour and thirty two minutes.

SURVEILLANCE VIDEO

Lieutenant Soltz searched the area of Hibiscus Drive and 22nd Street for surveillance video with negative results.

INTERVIEWS

Complainant – Jason O’Keefe:

Lieutenant Soltz made contact with Jason O’Keefe on November 26, 2018, at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL 32132.

Lieutenant Soltz explained and provided Jason O'Keefe with a, "Notice of Internal Investigation" form. Jason O'Keefe was given the opportunity to review the form and indicated he had no questions. Jason O'Keefe signed the document and returned it to Lieutenant Soltz.

Lieutenant Soltz obtained a sworn, recorded statement from Jason O'Keefe. The following is a summary of the findings:

- Jason O'Keefe stated he was emailed the Facebook messages from a subject named Gerry McCormick.
- Jason O'Keefe said the messages described how Officer Spurlock and Schmitz met, as well as sexual encounters they had on and off duty.
- Jason O'Keefe stated he knew Schmitz through his wife from years ago. Jason O'Keefe said he had not spoken to her about the specifics of these allegations.
- Jason O'Keefe said prior to being notified of this investigation, he notified Megan O'Keefe, Officer Spurlock had a sexual relationship with Schmitz. Jason O'Keefe stated Megan O'Keefe advised him she confronted Officer Spurlock about him having a sexual relationship with Schmitz and he admitted to it.

Witness – Megan O'Keefe:

Lieutenant Soltz made contact with Megan O'Keefe on November 26, 2018, at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL 32132.

Lieutenant Soltz explained and provided Megan O'Keefe with a, "Notice of Internal Investigation" form. Megan O'Keefe was given the opportunity to review the form and indicated she had no questions. Megan O'Keefe signed the document and returned it to Lieutenant Soltz.

Lieutenant Soltz obtained a sworn, recorded statement from Megan O'Keefe. The following is a summary of the findings:

- Megan O'Keefe stated Jason O'Keefe contacted her and notified her Officer Spurlock had sexual relations with Schmitz.
- Megan O'Keefe said she spoke to Officer Spurlock about his relationship with Schmitz. Megan O'Keefe stated he initially lied and then admitted that he had.
- Megan O'Keefe said Officer Spurlock advised the sexual relationship occurred off-duty.

Witness – Leilani Bush:

Lieutenant Soltz made contact with Leilani Bush on November 26, 2018, at New Smyrna Beach High School, located at 1015 10th Street, New Smyrna Beach, FL 32168.

Lieutenant Soltz explained and provided Bush with a, "Notice of Internal Investigation" form. Bush was given the opportunity to review the form and indicated she had no questions. Bush signed the document and returned it to Lieutenant Soltz.

Lieutenant Soltz obtained a sworn, recorded statement from Bush. The following is a summary of the findings:

- Bush stated Officer Spurlock would come and visit her Aunt, Schmitz, from time to time.
- Bush said there was an incident when Officer Spurlock had her blow into some type of device. Bush said Officer Spurlock told her she had weed in her system. Bush stated Officer

Spurlock pulled out his handcuffs. Bush said the incident scared her and she thought she was going to be in trouble.

- Bush indicated Officer Spurlock visited the house while he was working at least two separate times, spending approximately an hour one time and thirty minutes a second time.

Subject – Officer Andrew Spurlock:

On November 29, 2018, Lieutenant Soltz made contact with Officer Andrew Spurlock at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL, 32132. Officer Spurlock was on-duty. Lieutenant Soltz informed Officer Spurlock of the nature of the investigation and the name of the complainant. Lieutenant Soltz provided Officer Spurlock with all of the documents for this investigation, to include; but not limited to, complaint details, video/audio recordings and witness statements relevant to this case for his review. Additionally, Officer Spurlock was read his Garrity warnings and given his law enforcement officer's rights. Officer Spurlock exercised his right to union representation. Gregory Forhen represented Officer Spurlock during the interview.

Lieutenant Soltz obtained a sworn, recorded statement from Officer Spurlock. The following is a summary of the findings:

- Officer Spurlock said he met Laurie Schmitz during a traffic crash investigation.
- Officer Spurlock indicated he met with Laurie Schmitz three or four times while on-duty.
- Officer Spurlock said he would meet her at her residence, or wherever he was parked at.
- Officer Spurlock stated he would spend fifteen or twenty minutes with Schmitz, depending on calls.
- Officer Spurlock said the incident Bush and Schmitz described regarding Bush blowing into a device was a story he told them and he did not actually have Bush do it.
- Officer Spurlock stated Bush requested to see his handcuffs and he showed them to her.
- Officer Spurlock said Bush did not cry during this interaction.
- Officer Spurlock stated he met Schmitz at 22nd Street and Hibiscus Drive on or about February 3, 2018.
- Officer Spurlock said he did not reach inside Schmitz' pants and digitally penetrate her.
- When asked why he was parked at that location for one hour and thirty two minutes, Officer Spurlock stated he did paperwork there a lot.

FOLLOW-UP INTERVIEWS

Complainant – Jason O'Keefe:

Lieutenant Soltz made contact with Jason O'Keefe on December 18, 2018, at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL 32132.

Lieutenant Soltz obtained a sworn, recorded statement from Jason O'Keefe. The following is a summary of the findings:

- Jason O'Keefe indicated Gerry McCormick reached out to him unsolicited, asking if he knew anyone at the police department.
- Jason O'Keefe stated he did not solicit information from McCormick.
- Jason O'Keefe said McCormick reached out to him via Facebook, as well as by email.
- Jason O'Keefe stated nobody had asked him to fabricate allegations against Officer Spurlock.
- Jason O'Keefe said he knew the true identity of McCormick, but refused to say who it was.

- Jason O’Keefe indicated he met with McCormick in person. When ask when, he stated, “I met him a lot actually.”
- Jason O’Keefe stated the purpose of meeting with McCormick was for her to provide him information since he worked for the city.
- Jason O’Keefe said he and McCormick exchanged information regarding Officer Spurlock.
- Jason O’Keefe said he had been in contact with Laurie Schmitz in which they talked about his family.
- Jason O’Keefe stated he had never been in a romantic relationship with Schmitz.
- At this time, the interview was concluded. After the audio recorder was turned off, Jason O’Keefe requested the investigations into Officer Spurlock be dismissed.
- Lieutenant Soltz reactivated the audio recorder and asked Jason O’Keefe to re-state his request. Jason O’Keefe said he is not disputing the allegations happened, but he wanted the investigations dismissed.
- Jason O’Keefe stated he had not been coerced, threatened or promised anything for withdrawing his complaints.

Witness – Laurie Schmitz:

Lieutenant Soltz made contact with Laurie Schmitz on December 18, 2018, at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL 32132.

Lieutenant Soltz obtained a sworn, recorded statement from Schmitz. The following is a summary of the findings:

- Schmitz indicated she contacted the police department the day of her traffic crash, to obtain information for insurance purposes.
- Schmitz stated she was notified an officer would contact her by phone.
- Schmitz said Officer Spurlock initially contacted her from a blocked telephone number.
- Schmitz stated Officer Spurlock had to end the phone call and advised her he would call her back.
- Schmitz said when Officer Spurlock called her back; he called from his personal phone number.
- Schmitz stated the following regarding the beginning of their relationship: Upon Officer Spurlock calling Schmitz back from his personal number, she did not initially answer. Schmitz stated she texted the number asking who it was and Officer Spurlock said it was him and that he told her he would give her his number. Schmitz stated this referred to an incident several days earlier where she was a witness to a traffic crash Officer Spurlock was investigating and they saw each other. Then, while investigating Schmitz’ crash, Officer Spurlock joked to Schmitz she needed to stop getting into accidents and that he would give her his number.
- Schmitz said during the alleged sexual misconduct on February 3, 2018 Officer Spurlock was in a seated position in his vehicle, with his legs turned outward. Schmitz stated she was standing and backed up in between his legs.
- Schmitz indicated she was not sure what she was wearing or if the pants were unbuttoned or unzipped by herself or Officer Spurlock.
- Schmitz stated Officer Spurlock slid his hand down the front of her pants and digitally penetrated her vagina.
- Schmitz said she did not know the identity of Gerry McCormick.
- Schmitz stated other than the Facebook messages that were already provided to Lieutenant Soltz, she had no further conversations with McCormick and never met her either.

- Schmitz indicated she knew the O’Keefe’s from when they lived next to her daughter years ago, but they had no real relationship.
- Schmitz said nobody ever asked her to fabricate stories about Officer Spurlock.
- Schmitz stated she no longer communicates with Officer Spurlock.
- Schmitz clarified from her previous interview when Officer Spurlock visited her home four or five times, it was over a period of a couple of weeks and not the same day.
- Schmitz stated she was solicited by McCormick for information about Officer Spurlock. Schmitz said McCormick advised her it was illegal for officers to visit people while on-duty, which enticed her to tell McCormick more about Officer Spurlock.
- Regarding the alleged incident from February 3rd, Schmitz stated she had no additional evidence to provide.

Subject – Officer Andrew Spurlock:

On January 4, 2018, Lieutenant Soltz made contact with Officer Andrew Spurlock at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL, 32132. Officer Spurlock was on-duty. Lieutenant Soltz informed Officer Spurlock of the nature of the investigation and the name of the complainant. Lieutenant Soltz provided Officer Spurlock with all of the documents for this investigation, to include; but not limited to, complaint details, video/audio recordings and witness statements relevant to this case for his review. Additionally, Officer Spurlock was read his Garrity warnings and given his law enforcement officer’s rights. Officer Spurlock exercised his right to union representation. Gregory Forhen represented Officer Spurlock during the interview.

Lieutenant Soltz obtained a sworn, recorded statement from Officer Spurlock. The following is a summary of the findings:

- Officer Spurlock stated he learned information about Schmitz which led him to want to end their relationship.
- When asked if it was mutual, Officer Spurlock stated he and Schmitz were not really in a relationship. Officer Spurlock then said he broke it off with Schmitz by not contacting her anymore.
- Officer Spurlock said he did not believe Schmitz was motivated to make a false allegation.
- Lieutenant Soltz and Officer Spurlock went over the following timeline: On Friday, 02/02/18 Officer Spurlock took the following four reports:

180200019 – Completed and submitted on 02/03/2018 at 02:34:16.

180200020 (2) – This was a 707 and incident report – Submitted 02/05/2018 at 06:04:00 and 02/05/2018 at 06:04:56, respectively.

180200021 – Completed and submitted on 02/03/2018 17:44:40

- Report 180200019 and 180200021 were completed and submitted prior to the time Forcewatch showed Officer Spurlock stationary at 22nd Street and Hibiscus Drive on February 3, 2018 at 22:32:05.
- Report 180200020 was a pass along arrest report, which would have been required to be passed along to the on-coming shift prior to Officer Spurlock going off-duty, the morning of February 3, 2018.
- When asked, Officer Spurlock stated pass along arrest reports were required to be submitted prior to securing from duty.
- Officer Spurlock indicated he’s sure the pass along arrest report was submitted to the on-coming shift prior to him securing the morning of February 3, 2018.

- When Officer Spurlock was asked what he was doing when he was stationary at Hibiscus Drive and 22nd Street for one hour and thirty two minutes, he stated he could not recall.
- Officer Spurlock stated he did not believe he violated policy 1.4.33.

FINDING OF FACT

1. Policy violation 1-4 “Code of Conduct” titled “Duty Requirements” 1.4.33 – Inattention to Duties, Loafing, Sleeping:

Based on Forcewatch positioning, interviews and report tracking, Lieutenant Soltz was able to determine Officer Spurlock violated policy 1.4.33. The following information supports this:

- On February 3, 2018 at 22:32:05 Officer Spurlock became stationary at the intersection of Hibiscus Drive and 22nd Street.
- Officer Spurlock was assigned one call for service while at this location, a telephone handle call, from 22:55:35 until he cleared it at 23:14:12. A total of approximately nineteen minutes.
- While stationary at this location, Laurie Schmitz visited Officer Spurlock which was confirmed by both Officer Spurlock and Schmitz.
- Officer Spurlock did not become mobile again until February 4, 2018 at 00:04:22.
- Officer Spurlock was stationary for a total of one hour and thirty two minutes.
- Prior to becoming stationary at this location for one hour and thirty two minutes, all assigned reports to Officer Spurlock had been completed and submitted.
- A search of Mobilcom, Forcewatch and Copperfire, did not indicate Officer Spurlock completed necessary police functions while at this location.
- When given an opportunity, Officer Spurlock was unable to advise what he was doing while stationary at this location for so long.

2. Policy violation 2-4 “Code of Conduct” titled “Professional Conduct” 1.4.53:

Based on the above interviews, Lieutenant Soltz was unable to determine if Officer Spurlock committed a violation of policy 1.4.53. The following information supports this:

- Both Officer Spurlock and Laurie Schmitz admitted they had been in a consensual sexual relationship.
- Officer Spurlock indicated the sexual aspect of the relationship only occurred off-duty.
- Schmitz indicated she and Officer Spurlock committed one consensual sex act while he was on-duty.
- Lieutenant Soltz was unable to identify any witnesses to the sex act alleged to have occurred on-duty.
- Schmitz was unable to provide Lieutenant Soltz any physical evidence the sex act occurred while Officer Spurlock was on-duty.
- Lieutenant Soltz searched the area where the alleged sex act occurred and was unable to locate any surveillance cameras.

TO NOTE:

Prior to completion of this investigation, pertinent information was obtained by Megan O'Keefe as to the possible identity of Gerry McCormick.

A cellphone, which was in the possession of Jason O'Keefe, was accidentally given to Megan O'Keefe by one of her children after a visit with Jason O'Keefe.

While attempting to identify the owner of the phone, Megan O'Keefe observed information possibly identifying Jason O'Keefe as being Gerry McCormick.

Megan O'Keefe was advised to forward said information to the State Attorney's Office for further review.

CONCLUSION

Edgewater Police Department Policy and Procedure Directives, 1-4 "Code of Conduct" titled "Duty Requirements" 1.4.33 – Inattention to Duties, Loafing, Sleeping - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing or sleeping while on duty. Members who are concerned about staying awake or alert during their work-hours shall report to and inform their supervisor of the situation. The Supervisor shall address the situation in the best possible manner which best serves the City, the Department and the Citizens.	SUSTAINED
Edgewater Police Department Policy and Procedure Directives, 2-4 "Code of Conduct" titled "Professional Conduct" 1.4.53 – No employee of the department shall engage in conduct on or off duty which affects the morale or efficiency of the department, or in the alternative, engage in conduct on or off duty that has a tendency to destroy public respect for the employee and/or the department and/or destroy confidence in the operation of the department.	NOT SUSTAINED

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in F.S.S. 112.532 and 112.533."



Lieutenant Aaron Soltz

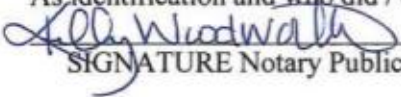


Joe Mahoney, Interim Police Chief

The forgoing instrument was acknowledged before me on this 07th day of JANUARY 2019

By the Affiant who is personally known to me or has produced _____

As identification and who did / did not take an oath.



SIGNATURE Notary Public/Law Enforcement

1329
ID#

