



EDGEWATER POLICE DEPARTMENT

"Policing For The Future Today"

135 East Park Avenue
Edgewater, FL 32132-0100

EDGEWATER POLICE DEPARTMENT INTERNAL AFFAIRS

REPORT OF INVESTIGATION

IA REPORT NUMBER: 1902-001

PERIOD COVERED:	February 25, 2019
DATE REPORTED:	February 25, 2019
SUBJECT(S) NAME:	Officer Andrew Spurlock
COMPLAINANT:	Sergeant Sara Pollard
WITNESSES:	Sergeant Myles Lawler
IA INVESTIGATOR:	Lieutenant Aaron Soltz

BASIS FOR INVESTIGATION

On February 25, 2019 Sergeant Sara Pollard responded to Boston Whaler, located at 100 Whaler Way. Sergeant Pollard was scheduled to relieve Officer Andrew Spurlock from the security detail. Sergeant Pollard indicated upon her arrival, she observed Officer Spurlock sleeping in his patrol vehicle. Sergeant Pollard said she woke him up and notified Officer Spurlock's immediate supervisor, Sergeant Myles Lawler.

Sergeant Pollard completed a complaint investigation form and forwarded it to Lieutenant Soltz, who ultimately provided it to Interim Chief of Police Joe Mahoney.

OFFENSE(S)

On March 6, 2019 Interim Chief of Police Mahoney directed Lieutenant Soltz to conduct an internal 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" # 1.4.31 – Horseplay or Other Distracting Activity - Employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a department or city facility or work station and shall not distract others who are performing assigned duties.

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.

INVESTIGATIVE SUMMARY

There is no investigative summary to provide.

NOTIFICATION(S)

Subject Officer – Andrew Spurlock – On March 7, 2019 Lieutenant Soltz contacted Officer Spurlock in person at the Edgewater Police Department. Officer Spurlock was on-duty at the time. Lieutenant Soltz explained and provided Officer Spurlock with a, “Notification of Internal Investigation” memorandum. Officer Spurlock was given the opportunity to review the form and indicated he had no questions. Officer Spurlock signed the form and returned it to Lieutenant Soltz.

Witness – Sergeant Myles Lawler – On March 7, 2019 Lieutenant Soltz contacted Sergeant Lawler in person at the Edgewater Police Department. Lieutenant Soltz provided Sergeant Lawler with a “Notice of Internal Investigation” form, which he signed and stated he understood the guidelines of the notification.

Complainant – Sergeant Sara Pollard – On March 12, 2019 Lieutenant Soltz contacted Sergeant Pollard in person at the Edgewater Police Department. Lieutenant Soltz provided Sergeant Pollard with a “Notice of Internal Investigation” form, which she signed and stated she understood the guidelines of the notification.

Subject Officer – Andrew Spurlock – On April 3, 2019 Lieutenant Soltz contacted Officer Spurlock in person at the Edgewater Police Department. Officer Spurlock was on-duty at the time. Lieutenant Soltz explained and provided Officer Spurlock with an amended, “Notification of Internal Investigation” memorandum. Officer Spurlock was given the opportunity to review the form and indicated he had no questions. Officer Spurlock signed the form and returned it to Lieutenant Soltz.

INTERVIEW(S)

Complainant – Sergeant Sara Pollard:

Lieutenant Soltz made contact with Sergeant Pollard on March 28, 2019 at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL 32132.

Lieutenant Soltz previously explained and provided Sergeant Pollard with a “Notice of Internal Investigation” form on March 12, 2019. Sergeant Pollard was given the opportunity to review both forms and indicated she had no questions.

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

- Sergeant Pollard indicated she was scheduled to relieve Officer Spurlock on February 25, 2019.
- Sergeant Pollard said she messaged Officer Spurlock that she was on her way, but she did not receive a response.
- Sergeant Pollard stated she initially could not find Officer Spurlock, so she drove toward the guard shack to locate him.
- Sergeant Pollard said she located Officer Spurlock parked on the south side of Whaler Way, very close to a trailer. Sergeant Pollard stated she found it, “odd” how his vehicle was positioned.
- Sergeant Pollard said when she initially drove past Officer Spurlock’s vehicle, his head was tilted back and she thought he was sleeping.
- Sergeant Pollard said she parked behind Officer Spurlock’s vehicle and approached him on the driver side of his vehicle.

- Sergeant Pollard stated as she approached Officer Spurlock's vehicle, she observed his window was open with his arm hanging out, his head was tilted back and he was snoring and sleeping.
- Sergeant Pollard said she observed him for approximately 30 seconds to confirm he was sleeping, which she believed he was.
- Sergeant Pollard stated she returned to her vehicle and notified Officer Spurlock's immediate supervisor, Sergeant Myles Lawler, he was sleeping.
- Sergeant Pollard said she then returned to Officer Spurlock's passenger side window and observed him still sleeping. His eyes were closed and he was snoring.
- Sergeant Pollard stated she knocked on the window and Officer Spurlock's eyes opened up and looked around, as if he was disoriented.
- Sergeant Pollard said Officer Spurlock rolled his window down. Sergeant Pollard asked Officer Spurlock if he had gotten enough sleep and he indicated he was not sleeping and mumbled something about his girlfriend.
- When asked, Sergeant Pollard stated she did not believe Officer Spurlock was faking and he was in fact sleeping.
- Sergeant Pollard said she had no conversations with Officer Spurlock prior to finding him sleeping.
- Sergeant Pollard stated after speaking with Sergeant Lawler, he advised her to document the incident with a complaint form.

Witness – Sergeant Myles Lawler:

Lieutenant Soltz made contact with Sergeant Lawler on April 3, 2019 at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL 32132.

Lieutenant Soltz previously explained and provided Sergeant Lawler with a "Notice of Internal Investigation" form on the same date. Sergeant Lawler was given the opportunity to review both forms and indicated he had no questions.

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

- Sergeant Lawler stated Sergeant Pollard contacted him and advised him when she went to relieve Officer Spurlock from the security detail at Boston Whaler, she found him sleeping.
- Sergeant Lawler said he was not present during this, however; he directed Sergeant Pollard to file a formal complaint.
- Sergeant Lawler stated he notified his chain of command about the complaint.
- Sergeant Lawler said when he spoke to Officer Spurlock as part of the complaint process, Officer Spurlock said he was not sleeping and was, "horsing around" with Sergeant Pollard.
- Sergeant Lawler stated when he spoke with Sergeant Pollard about the incident, she was adamant Officer Spurlock was sleeping and he was not joking around.
- Sergeant Lawler said Officer Spurlock never notified him he was tired and was fine at briefing.

Subject – Officer Andrew Spurlock:

Lieutenant Soltz made contact with Officer Spurlock on March 3, 2019 at the Edgewater Police Department, located at 135 East Park Avenue, Edgewater, FL, 32132. Officer Spurlock was on-duty and he waived his right to have a representative present.

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. Lieutenant Soltz provided Officer Spurlock with his law enforcement officer's rights. Additionally, Officer Spurlock was read his Garrity warnings.

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

- Officer Spurlock stated he responded to Boston Whaler to work the security detail on the morning of February 25, 2019.
- Officer Spurlock said he positioned himself in a way so he could see all of the traffic entering the property.
- Officer Spurlock stated he observed Sergeant Pollard enter the property and park behind him.
- Officer Spurlock said he put his head back, pretended to sleep and began snoring obnoxiously loud.
- Officer Spurlock said he observed Sergeant Pollard standing right next to his vehicle and he looked at her and smiled, but she did not see him do it.
- Officer Spurlock stated he observed Sergeant Pollard return to her vehicle, before coming back to his passenger side window and he continued to pretend to sleep to, "mess with her."
- Officer Spurlock said Sergeant Pollard knocked on his window and asked if he had gotten enough sleep. Officer Spurlock advised her he had and then began to tell her a long, elaborate story about him and his girlfriend. Officer Spurlock said Sergeant Pollard then walked away and appeared upset.
- Officer Spurlock stated, "I was screwing around with her and maybe I shouldn't have screwed around with her." referring to Sergeant Pollard.
- When asked by Lieutenant Soltz, Officer Spurlock stated he did not fall asleep while at work this day.
- Officer Spurlock said Sergeant Lawler spoke with him later in the day and said Sergeant Pollard advised him Officer Spurlock was sleeping at work. Officer Spurlock stated he advised Sergeant Lawler he was not.

FINDING OF FACT

1. Policy violation 1-4 "Code of Conduct" titled "Duty Requirements" # 1.4.31 – Horseplay or Other Distracting Activity:

Based on the interview with Officer Spurlock, Lieutenant Soltz determined Officer Spurlock violated policy 1.4.31. Lieutenant Soltz amended Officer Spurlock's initial notification to include policy 1.4.31. Lieutenant Soltz served Officer Spurlock with the amended notification on March 3, 2019 which he reviewed and signed. The following information supports a violation of 1.4.31:

- Officer Spurlock stated he observed Sergeant Pollard enter the property and park behind him. At that time, Officer Spurlock said he put his head back, pretended to sleep and began snoring obnoxiously loud.
- Officer Spurlock said he observed Sergeant Pollard standing right next to his vehicle and he looked at her and smiled, but she did not see him do it so he continued to pretend to sleep.
- Officer Spurlock stated he observed Sergeant Pollard return to her vehicle, before coming back to his passenger side window and he continued to pretend to sleep to, "mess with her."

- Officer Spurlock stated, “I was screwing around with her and maybe I shouldn’t have screwed around with her.” referring to Sergeant Pollard.
- This distracted not only himself, but also Sergeant Pollard from performing their duties in a conscientious manner.

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

Based on interviews conducted with those involved, Lieutenant Soltz was unable to determine if Officer Spurlock was asleep on duty, however; he was inattentive to his duties, which violated policy 1.4.33. The following information supports this:

- Officer Spurlock stated he observed Sergeant Pollard enter the property and park behind him. At that time, Officer Spurlock said he put his head back, pretended to sleep and began snoring obnoxiously loud.
- Officer Spurlock said he observed Sergeant Pollard standing right next to his vehicle and he looked at her and smiled, but she did not see him do it so he continued to pretend to sleep.
- Officer Spurlock stated he observed Sergeant Pollard return to her vehicle, before coming back to his passenger side window and he continued to pretend to sleep to, “mess with her.”
- Officer Spurlock stated, “I was screwing around with her and maybe I shouldn’t have screwed around with her.” referring to Sergeant Pollard.
- Officer Spurlock was inattentive to his duties while doing this. This distracted not only himself, but also Sergeant Pollard from performing their duties in a conscientious manner.

CONCLUSION


Edgewater Police Department Policy and Procedure Directives, 1-4 "Code of Conduct" titled "Duty Requirements" # 1.4.31 – Horseplay or Other Distracting Activity - Employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a department or city facility or work station and shall not distract others who are performing assigned duties.	SUSTAINED
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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
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"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 Chief of Police

The forgoing instrument was acknowledged before me on this 4 day of April 2019

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

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

SIGNATURE Notary Public/Law Enforcement

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ID#

