



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: 1903-001

PERIOD COVERED:	March 11, 2019
DATE REPORTED:	March 11, 2019
SUBJECT(S) NAME:	Officer Andrew Spurlock
COMPLAINANT:	Sergeant Myles Lawler
WITNESSES:	None
IA INVESTIGATOR:	Lieutenant Aaron Soltz

BASIS FOR INVESTIGATION

On March 11, 2019 Officer Andrew Spurlock was scheduled to arrive at work at 6:00 A.M. When Officer Spurlock did not arrive on time, his supervisor, Sergeant Myles Lawler, attempted to contact him by telephone several times with no results.

Officer Spurlock subsequently arrived at work at 6:50 A.M. Officer Spurlock advised Sergeant Lawler the cause for his tardiness was due to setting his alarm to PM instead of AM.

Sergeant Lawler 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 26, 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 violation of Departmental Policy and Procedure Directive as follows:

Edgewater Police Department Policy and Procedure Directives, # 1-4 “Code of Conduct” titled “Reporting for Duty” # 1.4.15 – Absence from Duty without Proper Notification - Employees shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without supervisors authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall give notification to their supervisor not less than one hour prior to their scheduled reporting time whenever possible. **(Reference Bargaining Agreement)**

INVESTIGATIVE SUMMARY

Lieutenant Soltz retrieved the computer aided dispatch (CAD) sheet associated with Officer Spurlock for March 11, 2019. The CAD sheet indicated Officer Spurlock logged-on to his mobile data computer at 6:35:18 A.M. and logged-out at 135 East Park Avenue at 6:35:36 A.M.

A review of Force Watch revealed when Officer Spurlock logged-in to his mobile data computer at 6:35 A.M. he was in the area of Interstate 95 and Beville Road. Force Watch showed Officer Spurlock did not arrive to the police department until 6:57 A.M.

NOTIFICATION(S)

Subject Officer – Andrew Spurlock – On March 28, 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.

Complainant – Sergeant Myles Lawler – On April 3, 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.

INTERVIEW(S)

Complainant – 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 April 3, 2019. 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 indicated Officer Spurlock was scheduled to arrive to work on March 11, 2019 by 6:00 A.M.
- Sergeant Lawler said Officer Spurlock did not arrive to work by 6:00 A.M.
- Sergeant Lawler stated he attempted to call Officer Spurlock three times, but received no answers.
- Sergeant Lawler said Officer Spurlock eventually arrived at the police department at approximately 6:50 A.M.
- Sergeant Lawler stated this particular shift fell on the day of the time change. Sergeant Lawler said the night prior, he sent text messages to all of the officers, to include Officer Spurlock, to remind them to change their clocks.
- Sergeant Lawler said Officer Spurlock acknowledged his text message.
- Sergeant Lawler stated he spoke with Officer Spurlock after he arrived to work. Sergeant Lawler said Officer Spurlock advised him he had set his alarm wrong, which was why he was late.

Subject – Officer Andrew Spurlock:

Lieutenant Soltz made contact with Officer Spurlock on April 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 was scheduled to work on March 11, 2019 at 6:00 A.M.
- Officer Spurlock said he did not arrive to work until approximately 6:50 A.M.
- Officer Spurlock stated Sergeant Lawler reached out to him on March 10th and reminded him of the upcoming time change.
- Officer Spurlock said he was late, he did not call ahead to notify his supervisor.
- Officer Spurlock stated it was his fault for being late. There were no contributing factors.

FINDING OF FACT

1. Policy violation 1-4 “Code of Conduct” titled “Reporting for Duty” # 1.4.15 – Absence from Duty without Proper Notification:

Based on interviews conducted with those involved, as well as a review of CAD and Force Watch, Lieutenant Soltz was able to determine Officer Spurlock violated policy 1.4.15. The following information supports this:

- Officer Spurlock was scheduled to work on March 11, 2019 at 6:00 A.M.
- The CAD sheet associated with Officer Spurlock for that day showed he did not log in to his mobile data computer until 6:35 A.M.
- The Force Watch information associated with Officer Spurlock showed he did not arrive at the police department until 6:57 A.M. This fact is consistent with Sergeant Lawler's statement.
- Officer Spurlock admitted he arrived to work late on March 11, 2019.
- Officer Spurlock did not provide adequate notification to a supervisor that he would be late that day and stated he was not ill and there was no emergency.

CONCLUSION

Edgewater Police Department Policy and Procedure Directives, 1-4 "Code of Conduct" titled "Reporting for Duty" # 1.4.15 – Absence from Duty without Proper Notification - Employees shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without supervisors authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall give notification to their supervisor not less than one hour prior to their scheduled reporting time whenever possible. (Reference Bargaining Agreement)

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 Chief of Police

The forgoing instrument was acknowledged before me on this 9th day of APRIL 20 19

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

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

Christine Leighton
SIGNATURE Notary Public/Law Enforcement

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ID#

