

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 21-005

PERIOD COVERED: January 1, 2021 – May 26, 2021

DATE REPORTED: May 19, 2021

SUBJECT(S) NAME: Lieutenant Justin Sawicki #7179

INVESTIGATING OFFICER: Lieutenant Daniel Shivers #6842

BASIS FOR INVESTIGATION:

On May 19, 2021, the Lake Mary Police Department forwarded an official police report to the Volusia Sheriff's Office detailing their agency responded to Lieutenant Justin Sawicki's personal residence in reference to a sick person on the same date. Within the report, it details Lieutenant Sawicki was ultimately placed into protective custody under Baker Act.

However, the report detailed Lieutenant Sawicki's wife, [REDACTED], alleged prior to the incident, Lieutenant Sawicki falsely imprisoned her while in Winter Park earlier in the day.

The report indicated Lake Mary Police Department notified the Winter Park Police Department, who subsequently completed an official police report documenting the alleged false imprisonment incident.

On May 20, 2021, due to the nature of the allegations, Chief Deputy J. Gallagher initiated an internal affairs investigation.

OFFENSES:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.B.3 – Any conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.C.3.a – 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 supervisor’s authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall cause notification of their supervisor not less than one hour prior to scheduled reporting time, whenever possible.

GO-026-02.IV.C.3.b – Failure to Report for Duty Due to Conduct – Employees shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time.

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operating procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

GO-026-02.IV.D.1.1 – Reporting Arrests, Etc. – Employees who are arrested, have been informed that they are a witness/subject/suspect in a criminal investigation, have been issued a criminal summons, notice to appear, traffic citation(s), or civil citation; have their driver’s license suspended or have an active warrant(s) or capiases against them, shall immediately notify the Sheriff in writing via the chain of command of the event and circumstances involved. This may be accomplished via interoffice memorandum or via email. A copy of the notification shall be forwarded to the Internal Affairs Office by the employee's Division Chief.

GO-26-02.IV.F.5 – Commission of Felony – VSO personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not.

GO-026-02.IV.F.6 – Criminal or Illegal Conduct – Regardless of the filing of criminal charges, or lack thereof, or the absence of a criminal conviction, criminal or illegal conduct that interferes with effective job performance or has an adverse effect on the VSO is prohibited.

INVESTIGATION:

On May 20, 2021, Chief Deputy Joseph Gallagher assigned the above incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Lieutenant Daniel Shivers.

Lieutenant Shivers obtained a copy of Lake Mary Police Department Officer Thomas Noland’s police report 2021IT001967 for review. Upon reviewing the report, Lieutenant Shivers observed the following:

Lake Mary Police Department officers responded to Lieutenant Sawicki's residence within the City of Lake Mary, Florida, on Wednesday, May 19, 2021, at approximately 2149 hours. The report indicates while enroute, Lake Mary Police dispatch advised a male consumed a large volume of pills, and that the male had left the house on foot.

Officer Noland wrote that upon his arrival, he observed the male, and later identified him as Lieutenant Sawicki. Officer Noland advised other Lake Mary Police officers responded, and upon their arrival, he contacted [REDACTED] (Lieutenant Sawicki's spouse).

Officer Noland wrote [REDACTED] advised she and Lieutenant Sawicki were engaged in a verbal argument earlier in the day, which resulted in Lieutenant Sawicki's children going to their biological mother's residence. Officer Noland stated upon arriving back to their residence, [REDACTED] and Lieutenant Sawicki continued their verbal argument, at which time Lieutenant Sawicki said he was going into his bedroom to lay down.

Officer Noland stated [REDACTED] said when she went to check on Lieutenant Sawicki, he made a statement that he ingested some prescription pills, and then left the residence.

Officer Noland completed his investigation into the incident, and subsequently determined he was going to place Lieutenant Sawicki into protective custody under Baker Act.

Lieutenant Sawicki was transported to the appropriate medical facility for evaluation.

During the investigation, Officer Noland wrote that Assistant Squad Leader (ASL) J. McDaniel remained at Lieutenant Sawicki's residence, speaking to [REDACTED]. While speaking to [REDACTED] [REDACTED] advised while she and Lieutenant Sawicki were in Winter Park earlier in the day, Lieutenant Sawicki *"became really upset and started punching the steering wheel"* of her vehicle while driving. [REDACTED] stated she asked Lieutenant Sawicki to *"pull the vehicle over, several times, and let her out to which he said 'No, I'm not letting you out.'"* [REDACTED] advised she entered Winter Park Police Department's address into their GPS system within the vehicle, and upon arrival, she asked Lieutenant Sawicki to let her out of the vehicle. She stated Lieutenant Sawicki told her no and drove away. [REDACTED] indicated Lieutenant Sawicki *"drove approximately two blocks away and finally let her out of the vehicle."*

The report indicates Officer Noland contacted the Winter Park Police Department and forwarded the information regarding the alleged crime of false imprisonment occurring within the City of Winter Park. He stated the Winter Park Police Department would follow-up their investigation with [REDACTED]

On May 20, 2021, due to the nature of the allegations, Chief Deputy J. Gallagher initiated an internal affairs investigation. Lieutenant Sawicki was served a notification of internal investigation, and received a copy of the Florida Law Enforcement Officer's Bill of Rights on May 20, 2021, which he signed for.

Lake Mary Police Body Worn Camera Footage

On May 20, 2021, Lieutenant Shivers requested copies of any/all body worn camera footage of the aforementioned incident from the Lake Mary Police Department. Lieutenant Shivers received a compact disc containing seven (7) total body worn camera videos.

Below is a summary of each video –

In the video labeled as "J.MCDANIEL," Lieutenant Shivers observed the date/time listed on the video begins at "05/19/21" at "22:05:52" hours. The video begins as ASL McDaniel is speaking with Lieutenant Sawicki and other Lake Mary Police officers.

ASL McDaniel has minimal conversation with Lieutenant Sawicki, but it is observed asking Lieutenant Sawicki several questions. Lieutenant Sawicki was observed to only answer a few of the questions, but had to be asked more than once regarding why he was out walking, or why someone would call the police concerned for his well-being; with no answer.

It is observed Lieutenant Sawicki began being evaluated by medical personnel on scene, so ASL McDaniel responded to Lieutenant Sawicki's residence and made contact with other Lake Mary Police officers and a Lake Mary Fire Paramedic who were speaking outside with [REDACTED]

ASL McDaniel returns to Lieutenant Sawicki's location a few minutes later, and nothing further of note is observed on his video.

In the video labeled as "NOLAND," Lieutenant Shivers observed the date/time listed on the video begins at "05/19/21" at "22:06:02" hours. The video begins as Officer Noland is present with Lieutenant Sawicki as he speaks to ASL McDaniel.

Officer Noland does not speak to Lieutenant Sawicki, and subsequently responded to Lieutenant Sawicki's residence and contacted [REDACTED]. Upon making contact with [REDACTED] [REDACTED] explained the incident that took place that evening.

During the conversation, [REDACTED] advised, "*...and then today, there was an incident with the kids where... We got into an argument in the car and he just...he took it from like, zero to a hundred in*

the car, and we were downtown Winter Park, and I said I wanna be let out of the car...His son came with me.”

█ went onto explain that Lieutenant Sawicki told her later in the evening that *“he took a bunch of pills.”* She explained she contacted the Lake Mary Police/Fire Department via 911 for assistance because of his statement.

A few minutes into the video, an unknown paramedic with the Lake Mary Fire Department arrives and speaks with █ Most of their conversation captured on Officer Noland’s body worn camera.

During their conversation, █ states, *“We went to Winter Park; he takes things like very...you can say the slightest thing. He takes it as a perceived slight, and then just goes down this route (unintelligible) [using her hands to motion and point away]. He started yelling. He’s driving erratically in the car. I asked him to pull over, he wouldn’t. (unintelligible)...we got to Winter Park area, I directed him to Winter Park Police Department. He doesn’t know the area and said please pull in.”*

At this moment in the video, there is wind noise and Officer Noland is speaking with someone else on scene, so █ statements are inaudible.

█ is subsequently overheard speaking with the paramedic about the incident that occurred which prompted her to call 911 that evening.

Later in the video, Officer Noland responds back to Lieutenant Sawicki’s location and terminates his recording a few minutes after arrival.

In the video labeled as “SEARS-1,” Lieutenant Shivers observed the date/time listed on the video begins at “05/19/21” at “22:06:44” hours. The video begins as Officer Sears is present with Lieutenant Sawicki as he speaks to ASL McDaniel.

Officer Sears is observed later conducting a consensual search of Lieutenant Sawicki’s pockets, and then subsequently terminates his recording a few minutes later.

In the video labeled as “SEARS-2,” Lieutenant Shivers observed the date/time listed on the video begins at “05/19/21” at “22:17:04” hours. The video begins as Officer Sears is present with Lieutenant Sawicki as he speaks to medical personnel within a stationary ambulance.

During the video, Officer Sears speaks with Lieutenant Sawicki in regards to the incident that occurred during the evening hours. Lieutenant Sawicki is asked about the incident, and provides

an explanation in regards to why he believes ██████ called the police. Lieutenant Sawicki advised Officer Spears that he did not have any wishes to harm himself.

Officer Sears subsequently speaks with ASL McDaniel, and then terminates his recording a few minutes later.

In the video labeled as “SEARS-3,” Lieutenant Shivers observed the date/time listed on the video begins at “05/19/21” at “22:25:26” hours. The video begins as Officer Sears is approaching Lieutenant Sawicki’s residence, and subsequently contacting ██████ within.

Officer Sears speaks with ██████ at which time ██████ is asked what started the incident, at which time ██████ stated the following –

“We were in the car driving from my hair appointment this afternoon. I just had surgery last week so I’m not supposed to be driving...He drove me to the appointment, and just started like, lighting into me. The whole way. And then just started getting more and more aggressive in his tone.”

██████ stated Lieutenant Sawicki’s “tone” was verbal, and no physical violence took place.

██████ went onto state, *“He was just slamming his hand on the steering wheel, and saying, you know, ‘This is my American right to!’ Bla, bla, bla...Just like not making a whole lot of sense. Like really starting to, woo-hoo, go off the deep end.”*

██████ advised the altercation took place in downtown Winter Park on Fairbanks Avenue.

██████ stated she told Lieutenant Sawicki, *“‘I want you pull over and let me out of the car.’ and he said ‘You’re not getting out of the car.’ I said, ‘So now you’re keeping me, holding me against my will?’ And he’s like, ‘Nobody’s holding you against your will.’ And he’s like, ‘Give me the goddamn address where we are going.’ So I plugged in the Winter Park Police Department address because he’s not familiar with Winter Park. I used to live there, and so we ended up pulling up right in front of the police station, and I said ‘I wanna be let out here.’ He’s like, ‘You’re not getting out here.’ I said, ‘Pull into the police station I don’t feel safe.’ He wouldn’t. So he pulled into the parking lot across the way, let us out. His ten year old son...He said, ‘Do you want to stay with dad or do you want to go with ██████ And ██████ just got out of the car and like walked twenty paces away. Like he didn’t want to be anywhere near him.”*

██████ was asked if she wished to file a report with the Winter Park Police Department, at which time she stated that she did not.

█████ explained later that she dropped Lieutenant Sawicki's children off with their mother, which led into the evening incident when she called 911.

Officer Sears is observed walking outside of Lieutenant Sawicki's residence, and then subsequently terminates his recording a few minutes later.

In the video labeled as "SEARS-4," Lieutenant Shivers observed the date/time listed on the video begins at "05/19/21" at "22:41:13" hours. The video begins as Officer Sears is outside of Lieutenant Sawicki's residence speaking with an unknown officer.

Officer Sears re-contacts █████ within the residence, at which time he administers an oath that her statement was true and correct to the best of her knowledge, and asks her to sign her statement. Officer Sears reviews the statement, and then speaks to her further about the evening's incident.

Officer Sears asks █████ if any physical violence or if there were any threats made by him while they were in Lake Mary, at which time she replied with, "No."

Officer Sears is observed walking outside of Lieutenant Sawicki's residence, and then subsequently terminates his recording a few minutes later.

In the video labeled as "SEARS-5," Lieutenant Shivers observed the date/time listed on the video begins at "05/19/21" at "22:52:06" hours. The video begins as Officer Sears is outside of Lieutenant Sawicki's residence, and re-contacts █████ within her residence.

Officer Sears informs █████ where Lieutenant Sawicki is being transported to, and explains the ex-parte process to her.

Officer Sears is observed walking outside of Lieutenant Sawicki's residence, and then subsequently terminates his recording a few minutes later.

Winter Park Police Report 202146000562

Lieutenant Shivers obtained a copy of Winter Park Police report number 202146000562, which is the official report generated by the Winter Park Police in regards to the allegations made by █████

Upon review, Lieutenant Shivers observed the report contains three narratives, each written by a different Winter Park Police Officer. The original report was authored by Officer Marc Vukanson lists the location of incident as "S Orlando Avenue & W Fairbanks Ave, Winter Park, FL." The report also contains an "Offenses Section" which has "Kidnap-False Imprisonment Adult" listed as the offense.

The original report narrative states the following –

“On 05/20/2021, at approximately 2328 hours, Sgt. Talton was informed by Lake Mary Police Department Officer McDaniel of a potential false imprisonment that occurred earlier within the city of Winter Park. Officer McDaniel stated the victim, [REDACTED] (V1), advised she was in a vehicle on South Orlando Avenue and West Fairbanks Avenue with her husband Justin Sawicki (S1) when she requested to be let out the vehicle. V1 stated S1 took an unknown route from said location to nearby the Winter Park Police Department, located at 500 North Virginia Avenue, and refused to allow her to exit the vehicle. S1 son [REDACTED] (W1) was in the vehicle at the time of the incident.

I alongside Sergeant Talton attempted to contact V1 over the phone. When we spoke with V1 she stated at the current moment she did not want to provide a statement and needed time to think about the situation at hand.

DCF was notified by LMPD of the situation.”

Lieutenant Shivers observed Officer Vukanson submitted his report on May 20, 2021 at 0416 hours.

Lieutenant Shivers reviewed the next narrative, authored by Sergeant Kenton Talton, which states the following –

“On May 20, 2021, at about 2235 hours, Assistant Squad Leader McDaniel, of the Lake Mary Police Department requested that I contact him by phone. He advised that V1 had been the victim of an alleged false imprisonment, and would not provide further that what is stated in Ofc. Vukanson’s report. She stated that she would like to think the matter over for a bit, and will contact this agency when and if she decided to proceed. ASL McDaniel advised that their agency did contact the Department of Children & Families concerning the allegations on this date, and that DCF stated they would initiate an investigation.”

Lieutenant Shivers observed Sergeant Talton submitted his report on May 20, 2021 at 0428 hours.

Lieutenant Shivers reviewed the final narrative, authored by Lieutenant Kevin Roesner, which states the following –

“On 05/20/2021 at 1022 hours I called victim [REDACTED] /V1 via telephone and left a message asking her to contact me about this case. V1 returned my call a few minutes later and said she was not interested in providing any details or information about the alleged incident in

Winter Park from 05/19/2021. I ensured that VI had all my contact information and informed her that our main concern was to assist her with any questions she may have and also to look out for her wellbeing. VI said she was still considering whether she wanted to press criminal charges, and would contact me if she decided to prosecute. I told VI that this case would remain inactive pending further information.

Based on the lack of confirmable details or sworn testimony, there is currently insufficient evidence to develop probable cause for arrest and there are no active leads.

This case is inactive.

At approximately 1600 hours I spoke with Volusia County Sheriff's Office Lieutenant Dan Shivers via telephone, returning his phone call. I informed Lt. Shivers that we opened a criminal case involving Justin Sawicki but that the case was inactive. Lt. Shivers said he would contact me if Volusia County SO wanted to request any additional details from our investigation."

Lieutenant Shivers observed Lieutenant Roesner submitted his report on May 20, 2021 at 1754 hours.

Lieutenant Shivers observed on the final page of the report, it lists the report is "Inactive," with a comment of "Possible False Imprisonment/ Domestic Violence."

Lieutenant Shivers requested and obtained the Winter Park Police's exterior surveillance system recording from May 19, 2021, between the hours of 1000 and 2000 hours.

Lieutenant Shivers reviewed two compact discs containing the footage, one with an angle that depicted the intersection of North Virginia Avenue and West Canton Avenue facing southwest, and the other with an angle that depicted West Canton Avenue facing south of the building.

Lieutenant Shivers reviewed the surveillance videos, and at the 4:09:40 mark on the compact disk facing southwest, observed a vehicle matching Lieutenant Sawicki and [REDACTED]'s vehicle traveling eastbound on West Canton Avenue. Lieutenant Shivers observed the vehicle come to a stop at the intersection of North Virginia Avenue. Lieutenant Shivers observed the vehicle was stationary at the intersection for approximately five (5) seconds, and did not travel through the intersection until 04:09:45. Lieutenant Shivers observed both videos begin at approximately 1000 hours, which would make the time their vehicle arrived at the Winter Park Police Department at approximately 1409 hours.

It should be noted, this intersection is a 4-way stop, and at the time of Lieutenant Sawicki's arrival, there were no other vehicles present at the intersection.

Lieutenant Shivers observed the vehicle then continue eastbound on West Canton Avenue and turns south into the parking lot of Synovus Bank, located at 369 North New York Avenue, Winter Park (approximately 450 feet from the intersection of West Canton Avenue and North Virginia Avenue).

Lieutenant Shivers observed the vehicle in the video clearly matched the vehicle owned by [REDACTED] a 2009 Infiniti G37, a four-door passenger vehicle, aluminum/silver in color.

Lieutenant Shivers also reviewed recent Volusia Sheriff's Office license plate reader data in regards to [REDACTED]'s vehicle, and observed the vehicle in the Winter Park Police Department surveillance video matched the vehicle depicted within the recent license plate reader system.

Interview with [REDACTED]

On June 22, 2021, at approximately 1315 hours, Lieutenant Shivers and Captain Eric Westfall conducted a sworn interview with [REDACTED] at the Volusia Sheriff's Office administrative office in DeLand. Below is a summary of the interview –

[REDACTED] confirmed she is currently married to Lieutenant Sawicki. Lieutenant Shivers asked [REDACTED] what occurred on May 19, 2021, at which time [REDACTED] said, *"Ok. So on that day Justin and I and his youngest son had plans to go to Winter Park, Florida. We were running some errands. Justin had recently undergone his [REDACTED] surgery and had been having some medical issues with getting his sodium levels balanced. And on that day we were going to Winter Park. We got into an argument on the way there and I had asked that he let us out of the car at some point that I didn't want to continue the argument. He proceeded to go down Lee Road and then pulled into the area next to the Winter Park Police Department and let [REDACTED] and myself out.*

Later that afternoon I had to make a call to 911 because Justin had taken some of his prescribed medication, just took more than what was prescribed and had indicated at that time that he was fearful he was gonna lose his kids and was very upset. At that point, when I didn't know exactly what he had taken being a medical professional myself I just went straight to call 911 to get him to the hospital so that they could sort out the matter and he could get care in the interim. In that process Lake Mary PD responded, came out and spoke with me. I relayed the events of earlier in the day to them and also let them know that you know this was out of character for him and in doing so let them know about the event earlier that afternoon where he did not immediately pull over but we were also on I-4 in heavy traffic.

Their take on that was that he was holding us against our will which was not a accurate representation of that but that was their, their take on it and they filed a report subsequently.

Following that Justin did get Baker-acted. He was taken to originally Orlando Health where he was stabilized then he went to South Seminole Hospital and was released a couple days later. My understanding was in that time-period and you and I had also spoken within that time period while he was hospitalized he didn't have the ability to quote notify anybody of his extended leave. I had to move one of his cardiology appointments that he needed in order to get clearance to return to work and within that one-day timeframe is when he was served papers. I understand was actually served at his [REDACTED] office so."

Lieutenant Shivers asked [REDACTED] where the first time was that she was asked to be let out of their vehicle during that day, at which time she stated they were on Interstate Four near the Lee Road exit, specifically between Maitland Boulevard and Lee Road.

Lieutenant Shivers asked [REDACTED] what the argument was about, and asked if Lieutenant Sawicki was physically violent. [REDACTED] advised she could not recall what the argument was about, but it was not physical.

Lieutenant Shivers advised [REDACTED] that when he reviewed the Lake Mary Police Department body worn camera, she advised the Police Officers that Lieutenant Sawicki was punching the steering wheel and that he made her feel unsafe, and asked if that was why she wanted to get out of the vehicle. [REDACTED] responded, *"I don't exactly remember the specifics of it because it, collectively this whole thing was understandably upsetting for the family... So just kind of like looking back on it, I remember that we were arguing that day. Once we got into the car and I had asked for him to pull over his behavior again was uncharacteristic of him so I don't remember specifics about him hitting the steering wheel or anything like that I just remember his voice was slightly raised he wasn't yelling but it was not the Justin that I know."*

Lieutenant Shivers asked [REDACTED] if she entered the Winter Park Police Department address into their vehicle's GPS, to which she confirmed she had. Lieutenant Shivers asked what happened once they arrived at the station, at which time [REDACTED] stated, *"So we were pulling up. My concern was that in his state I was supposed to be going to a hair appointment that he was gonna drop me off for. I didn't want there to be any sort of altercation in front of the salon...I have my employers also across the street so I was trying to avoid that. He's not familiar with Winter Park, I am, so I just plugged into the GPS Winter Park Police Department coz I figured that would de-escalate anything that had the propensity to escalate."*

So as we pulled up he said I'm not pulling in there, he pulled in right across the street which was I think the Wells Fargo bank parking lot and stopped the car so that [REDACTED] and I...I, whatever parking lot we pulled into was like right across the street from it, so that's where he pulled in and let [REDACTED] and myself out."

Lieutenant Shivers asked [REDACTED] when they pulled into the parking lot, what was said, at which time [REDACTED] advised, *“Again, I don’t remember specifics on what was said. I do remember him saying something to [REDACTED] about you know it’s up to you if you wanna stay or if you wanna go with her something to that effect and [REDACTED] just got out of the car and went and stood by one of the parking spaces and waited for me.”*

[REDACTED] advised Lieutenant Sawicki’s actions that day were out of character for him. She also stated she did not believe he was under the influence of any substances when the incident occurred.

Lieutenant Shivers asked why she believed Lieutenant Sawicki’s actions were out of character for him, and if she knew of anything that would have led to the incident, at which time she stated, *“My concern was ongoing low sodium blood sodium levels. That he had had since he had been started on a medication in February of 2020. He was started on that medication, he had his [REDACTED] surgery, his discharge from the hospital was delayed because they couldn’t get his blood sodium levels up. I know when we had spoken I have referenced this to you but you know for the record low blood sodium levels (unintelligible) can cause altered mental status. So again I feel like it was just the perfect storm of him having you know recently been put on medication then undergoing [REDACTED] surgery having all these fluctuations and that was confirmed later after he had bloodwork when he was at the ER that the blood sodium levels were low.”*

[REDACTED] advised Lieutenant Sawicki’s blood sodium levels were low when he was at the ER or on admission into the hospital the evening of May 19, 2021. [REDACTED] would not discuss Lieutenant Sawicki’s blood sodium levels any further, citing it would be a HIPAA violation for her to do so, but did state, *“There were extenuating circumstances that kind of put all of the puzzle pieces together.”*

Lieutenant Shivers asked [REDACTED] if anyone from the Winter Park Police reached out to her and the outcome, at which time [REDACTED] stated, *“I just told them that I didn’t wish to make a statement.”* When asked why, [REDACTED] said, *“I didn’t feel that there was any relevance to the overall situation for me this was something that was out of character for Justin. I understand their role and I asked them I said do I have to give a statement or is this something that’s elective and they said it’s up to you and I said you know what we’ve got enough other things going on right now we’re trying to basically do the next right thing for Justin. Justin’s trying to do the next right thing and we’re trying to get that in order medically speaking.”*

[REDACTED] advised the incident occurred at approximately 1350 hours on May 19, 2021, as her hair appointment was at 1400 hours in Winter Park. She also confirmed they were traveling in her silver in color Infiniti G37 passenger vehicle.

Lieutenant Shivers observed the Winter Park Police surveillance video detailed their arrival at the Winter Park Police Department is approximately 1409 hours, as stated in the above video surveillance review section of this report.

██████ also advised the address she put into her GPS was the Winter Park Police Department on "Canton." It should be known, the Winter Park Police Department is at the corner of West Canton Avenue and North Virginia Avenue, Winter Park.

██████ advised she did not recall the specifics of the conversation that she and Lieutenant Sawicki had while stationary at the intersection in front of the Winter Park Police Department. However, when reminded about what she told Lake Mary Police Officers, she confirmed that she did ask Lieutenant Sawicki to let her out because she did not feel safe at that time.

██████ advised there has never been any physical violence between her and Lieutenant Sawicki, and that she feels safe with him. Lieutenant Shivers asked her if she felt safe with him during the night of the incident, at which time ██████ advised, *"My concern at that point there wasn't a period when I felt unsafe other than with the car situation. I wasn't sure why he was acting the way he was which was more of my concern that I knew something was off and I just wanted to be separated from the situation. My concern that evening was for his safety. Something clearly was not right with him."*

Lieutenant Shivers asked if she felt like Lieutenant Sawicki was acting as a law enforcement officer should during the night of the incident, at which time ██████ stated, *"Given the underlying medical issues I think that's irrelevant at this point in my opinion. And, also as a healthcare professional that's I don't see any relevance to that."*

Lieutenant Shivers explained that it was relevant, and asked again if during the incident, no matter the reason, if Lieutenant Sawicki was acting like a law enforcement officer should, at which time ██████ stated, *"Due to his medical condition no he wasn't."*

██████ was asked if she had anything else further to discuss that she believed was relevant, at which time ██████ stated, *"So that afternoon you know I did, we did end up driving after kind of a cooling off period. I went downtown Park, downtown Park Avenue with ██████ we grabbed some lunch or brunch then we met up with Justin and proceeded to drive from there to Orange City to drop his kid or to drop ██████ off and he was staying with the other two that's where their mom lives. So that conversation, again he wasn't 100% himself. I could tell something was off but at no point during that time did I feel unsafe nor did ██████"*

Lieutenant Shivers asked if Lieutenant Sawicki was different upon re-contacting him later in the afternoon, at which time ██████ stated, *"He was just having some ups and downs. He seemed*

calmer when we you know reconvened and met otherwise I wouldn't have gotten in you know into a car with somebody if I didn't feel safe."

Lieutenant Shivers asked [REDACTED] what started the evening incident where Lieutenant Sawicki took more than his prescribed medication. [REDACTED] stated, *"It was his understanding or his impression of the situation that because we were dropping [REDACTED] off at his mom's...that his mom and I were trying to keep the kids from him or that there were some sort of plans to take the kids away."*

[REDACTED] advised Lieutenant Sawicki believed he was losing the ability to see his children, and stated, *"And that wasn't the situation but that was his perception of the situation so it was kind of, that caught me off guard as well when he started acting different and I asked him what was going on."*

[REDACTED] also confirmed Lieutenant Sawicki sent her the aforementioned text message. She also said that he has not said or done anything since the day/night of the incident that made her feel as if he was potentially suicidal.

[REDACTED] advised Lieutenant Sawicki was able to change/get off medications that were causing low sodium levels, and *"He has actually done really well. He's, he started going to counseling on a regular basis seeing the therapist getting the help that he needs. He was taken off of the medication that was causing the low sodium levels and things have leveled out since that time...He's back to the Justin that I know...And he's had a few hiccups with the heart condition, but finally got clearance to return to work, he's looking forward to coming back. And you know, just kind of putting in the pieces back together again and moving forward in a positive direction. And obviously he has this weighing over him but he's doing the next right thing."*

[REDACTED] had nothing further to add.

Extension of Personal Leave Authorization

On May 26, 2021, Lieutenant Sawicki had not requested or obtained authorization to utilize extended personal leave, and served an amended notice of investigation that same day. The amended notice cited GO-026-02.IV.C.3.a – Absence from Duty without Proper Notification, GO-026.02.IV.C.3.b – Failure to Report for Duty Due to Conduct, and GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order for the basis of the amendment. Lieutenant Sawicki was also served with a final notice in reference to extended leave.

Upon investigation, Lieutenant Shivers observed on Wednesday, April 21, 2021, Lieutenant Sawicki's Family Medical Leave authorization time expired, and due to Lieutenant Sawicki's medical condition(s), he would have to utilize his personal leave time, with authorization, to continue with recovery.

On April 19, 2021, Lieutenant Sawicki authored an email to Division Chief Brian Henderson, Human Resources Director Molly Hudson, and Human Resources Specialist Jessica Sapp requesting authorization to utilize his personal leave time while recovering for medical reasons.

Chief Deputy Gallagher approved Lieutenant Sawicki's emailed request on April 19, 2021.

It should be noted, in the email authored by Lieutenant Sawicki on April 19, 2021, Lieutenant Sawicki wrote, *"I visited the surgeon today and I am not medically cleared to return to any duty for another four weeks as I have had a few post operative issues."*

According to General Order GO-022-01.IV.A.14.b – Restrictions on Use of Personal Leave, "...the use of personal leave may be limited to less than, and in any event shall not exceed, thirty (30) days in a twelve (12) month period, unless prior approval is granted by the appropriate Division Chief."

On May 19, 2021, Lieutenant Sawicki's April request for extension of personal leave use expired.

It was observed Lieutenant Sawicki was unable to report for duty during this time due to the incident that occurred at his residence on May 19, 2021, and because he had not been cleared to return to duty by his medical provider. Since Lieutenant Sawicki's authorized extension had expired on May 19, 2021, and no authorization requests were submitted by him, Lieutenant Sawicki was absent from duty without authorized leave on May 20, 2021, May 21, 2021, May 24, 2021, May 25, 2021, and May 26, 2021.

Upon being served with the final notice in reference to extended leave on May 26, 2021, Lieutenant Sawicki emailed Division Chief Henderson and requested further extension of his personal leave. Chief Deputy Gallagher approved Lieutenant Sawicki's leave for an additional thirty (30) days beginning on May 27, 2021.

Additionally, it was observed Lieutenant Sawicki had prior knowledge that he would require the use of additional and extended personal leave, as he was not cleared to return to duty prior to May 20, 2021. Lieutenant Sawicki detailed this in his email to Division Chief Henderson on May 26, 2021 by stating, *"I am currently at my [REDACTED] for a previously scheduled follow up appointment. Due to medical reasons I am not yet cleared for duty."*

It should be noted, Lieutenant Sawicki was served with the aforementioned notice while he was at his [REDACTED] office on May 26, 2021, so his follow-up appointment date with his [REDACTED] would have been after his expiration of authorized extended personal leave.

Lieutenant Shivers observed Lieutenant Sawicki had not requested any extension of his personal leave prior May 19, 2021, and Lieutenant Sawicki did not request the extension of his personal leave until he was served with the final notification in reference to extended leave.

Interview with Lieutenant Justin Sawicki

On July 7, 2021, at approximately 1332 hours, Lieutenant Shivers, and Sergeant Andrew Calkins conducted a sworn interview with Lieutenant Sawicki at the Volusia Sheriff's Office administration building in DeLand. Below is a summary of the interview:

Lieutenant Sawicki was sworn by Lieutenant Shivers and signed an "Advisement of Rights for a Disciplinary Interview Garrity Warning" form; which Lieutenant Sawicki advised he understood. Additionally, Lieutenant Sawicki advised he had sufficient time to review the case file and any digital evidence prior to his interview.

Lieutenant Sawicki advised he has been a law enforcement officer for fifteen and a half years, and is currently assigned as the District Six (DeBary) Assistant Commander.

Lieutenant Shivers asked Lieutenant Sawicki to describe the events that took place on May 19, 2021 in his own words, at which time Lieutenant Sawicki advised the following –

"I was driving my wife, [REDACTED] and my youngest son was in the right-rear seat of the car, um, my ten-year old. We were going to a hair appointment, um, we were engaged in a verbal argument while on Interstate Four towards Winter Park from Lake Mary. Um, we were on I-4, she asked me to let her out of the car, um, I wasn't gonna stop on I-4 and let my ten-year old out of the car on I-4. Um, I was somewhere, I dunno, between Maitland and Lee Road on I-4 westbound. Um, so I continued, I got off, I believe it, Fairbanks is after Lee Road I believe? But I wanna say the Fairbanks exit is where I got off? Um, she asked to be let out at the Winter Park Police, uh, station, um, and I let her out at I believe at a bank parking lot. I believe it was a Wells Fargo, which is in near proximity to the Police Department. And my son got out with her as well."

Lieutenant Shivers asked Lieutenant Sawicki if anything else happened that day, at which time Lieutenant Sawicki advised, *"Later in the evening, um, I was subsequently Baker Acted, um, by Lake Mary Police Department."*

Lieutenant Sawicki advised he could not recall when the incident within the vehicle occurred; however, indicated that it was *"somewhere on I-4."* Lieutenant Sawicki also advised he could not remember what the verbal argument was in regards to.

Lieutenant Shivers asked Lieutenant Sawicki at what point did [REDACTED] ask to exit the vehicle, at which time Lieutenant Sawicki advised, *"It was somewhere on I-4, she said 'Can you let me out of the car?' Um and I don't remember specifically where it was, but like I said it was somewhere between Maitland and Lee Road. Um, but the next exit I got off of, I got off of, um, I believe that's Fairbanks they said? Um, and headed into Winter Park, and then when she asked to get out of the car, I let her out at the Wells Fargo."*

Lieutenant Shivers asked Lieutenant Sawicki what [REDACTED] said to him that indicated to him that she wanted to get out of the car, and Lieutenant Sawicki stated, *"Can you let me out of the car? It was basically like, 'Can you let me out of the car?'"*

Lieutenant Sawicki explained that he told [REDACTED] that he was not stopping on I-4 to let her out, due to safety reasons of pedestrians walking on the interstate. He then stated, *"She wanted to de-escalate the argument, and rightfully so, and that's when I pulled over, let her out, and we went our separate ways for a cooling off period."*

Lieutenant Sawicki was asked if [REDACTED] ever told him that she felt unsafe, at which time Lieutenant Sawicki advised, *"No."*

Lieutenant Shivers asked Lieutenant Sawicki if there was *"any place you could have stopped other than I-4?"* at which time Lieutenant Sawicki stated, *"No."*

Lieutenant Shivers asked if he could have stopped as soon as he got off I-4, at which time Lieutenant Sawicki stated, *"I'd have to look at a map. There could be? I don't know, and it all depends on the traffic. Because, um, I recall traffic on I-4, I couldn't get over to get off...I assume it was the Lee Road exit. It was whatever exit came immediately after her on I-4 saying 'Can you let us out of the car?' I couldn't get over due to traffic, so then I got off at the next exit and that's where I let her out."*

Lieutenant Shivers asked Lieutenant Sawicki if he would have to look at a map to know if there was a place he could have stopped at to let [REDACTED] out, at which time Lieutenant Sawicki advised, *"I mean, I'm sure there were places to stop."*

It should be noted, it is approximately two and a quarter miles from Interstate Four and Fairbanks Avenue to the Synovus Bank where Lieutenant Sawicki Dropped Kelly and his son off.

In addition, it is approximately two and a half miles from Interstate Four and Lee Road to the Synovus Bank where Lieutenant Sawicki dropped [REDACTED] and his son off.

Both of the aforementioned areas of Winter Park are predominantly commercial businesses, with numerous parking lots and public areas where a person can safely exit the roadway and park or walk.

Lieutenant Shivers asked Lieutenant Sawicki if she asked to be let out, why didn't he let her out at one of the places, at which time Lieutenant Sawicki stated, *"Because we continued speaking in the car. I thought things were de-escalating at that time. Um, I thought that had passed and I was still taking her to her hair appointment. But then when she did ask me when we were off of the interstate to be let out of the car, I pulled over into the Wells Fargo and let her out."*

Lieutenant Shivers asked how they ended up at the Winter Park Police Department, at which time Lieutenant Sawicki advised [REDACTED] put the location into the vehicle's GPS system. Lieutenant Sawicki also advised [REDACTED]'s hair appointment was not at the Winter Park Police Department, or in or near the same complex as the Police Department.

Lieutenant Shivers asked Lieutenant Sawicki why [REDACTED] put the Winter Park Police Department address into the GPS, at which time Lieutenant Sawicki stated, *"Um... That's a question for her to answer."*

Lieutenant Shivers advised Lieutenant Sawicki that [REDACTED] did answer the question, and indicated because she felt unsafe due to Lieutenant Sawicki's aggressive actions (yelling, screaming, beating his hands on the steering wheel, etc.).

Lieutenant Shivers asked Lieutenant Sawicki if he pulled into the Winter Park Police Department parking lot, which he stated he did not. Lieutenant Shivers asked Lieutenant Sawicki what was said while he and [REDACTED] were stopped out front of the Winter Park Police Department, at which time Lieutenant Sawicki said he did not recall. Lieutenant Sawicki specifically stated, *"I don't recall the conversation in the car...what was said and when, and things of that nature."*

Lieutenant Sawicki corroborated [REDACTED]'s statements that he asked his son if he wanted to stay with him or go with [REDACTED] while [REDACTED] was getting out of the vehicle, at which time his son went with [REDACTED]

Lieutenant Shivers asked, *"With your 15 years as a law enforcement officer, if you were investigating a similar incident like this, how would you handle the situation? What would the outcome be?"* at which time Lieutenant Sawicki stated the following –

"A report would be done obviously because our situation's domestic violence in nature. Um, and looking at the totality of it, try to determine if the elements of the crime are met."

Lieutenant Shivers asked Lieutenant Sawicki if he believed the elements of the crime were met by his actions on that day, at which time Lieutenant Sawicki stated, “No.” When asked why, he stated, *“I do not...Because it was impractical on Interstate Four to let her out, we then continued to have a conversation in the car, and which it wasn’t a one-way conversation. And then when she did subsequently ask me to let her out of the car again, when we were off of the interstate, I did so.”*

Lieutenant Shivers stated, *“So what you’re saying is she didn’t ask you again until the bank parking lot to let her out of the car?”* at which time Lieutenant Sawicki stated, *“That vicinity, correct.”*

Lieutenant Sawicki was asked if [REDACTED] asked him to be let out at the Winter Park Police Department, at which time Lieutenant Sawicki stated, “No.”

It should be noted, Lieutenant Shivers recalled [REDACTED] told Lake Mary Police during the night of the incident, *“...So I plugged in the Winter Park Police Department address because he’s not familiar with Winter Park. I used to live there, and so we ended up pulling up right in front of the police station, and I said, ‘I wanna be let out here.’ He’s like, ‘You’re not getting out here.’ I said, ‘Pull into the police station I don’t feel safe.’ He wouldn’t. So he pulled into the parking lot across the way, let us out.”*

Additionally, during her interview with Lieutenant Shivers, [REDACTED] advised, *“...He’s not familiar with Winter Park; I am, so I just plugged into the GPS Winter Park Police Department coz I figured that would de-escalate anything that had the propensity to escalate.*

So as we pulled up he said I’m not pulling in there, he pulled in right across the street which was I think the Wells Fargo bank parking lot and stopped the car so that [REDACTED] and I...I, whatever parking lot we pulled into was like right across the street from it, so that’s where he pulled in and let [REDACTED] and myself out.”

Additionally, [REDACTED] advised she did not recall the specifics of the conversation that she and Lieutenant Sawicki had while stationary at the intersection in front of the Winter Park Police Department. However, when reminded about what she told Lake Mary Police Officers, she confirmed that she did ask Lieutenant Sawicki to let her out because she did not feel safe at that time.

Based on the totality of the circumstances and the statements made by [REDACTED] with the Lake Mary Police Department and also with Lieutenant Shivers during her sworn interview, Lieutenant Sawicki’s statement that [REDACTED] did not ask to be let out of the vehicle prior to their arrival at the Synovus Bank parking lot is not accurate.

Additionally, it was observed from [REDACTED] "LinkedIn" account she was employed by [REDACTED] [REDACTED] at the time of the incident. [REDACTED] physical address is [REDACTED] [REDACTED] Winter Park, FL. Lieutenant Shivers observed several salons and haircut businesses in the immediate vicinity of [REDACTED], including directly across the street, corroborating [REDACTED] statements.

Lieutenant Shivers observed during the interview with [REDACTED] she advised that she imputed the Winter Park Police Department on the vehicle's GPS because, *"My concern was that in his state I was supposed to be going to a hair appointment that he was gonna drop me off for. I didn't want there to be any sort of altercation in front of the salon...I have my employers also across the street so I was trying to avoid that."*

According to Google Maps, the driving distance from the Winter Park Police Department and [REDACTED] is approximately one-half mile (3-minute drive) to the southwest.

Based on the totality of the circumstances, it was observed [REDACTED] did not verbally update or change the location imputed into the GPS within the vehicle to re-direct their route of travel away from the Winter Park Police Department to the location of her hair appointment (one-half mile away). Based on this information, it is apparent the conversation between Lieutenant Sawicki and [REDACTED] was not "productive," and [REDACTED] continuously desired to disembark the vehicle.

Lieutenant Shivers asked Lieutenant Sawicki why Lake Mary Police placed him into protective custody, at which time Lieutenant Sawicki stated, *"Um, going back to the last six months, um, I've been on medications, that at the time, they are now regulated. Um, caused me to have, um, different physiological side effects to those medications, one of them being low sodium. I have the medical term on my phone if you need it. Um, and I also have medical records indicating that my sodium levels were low, and actually when I had [REDACTED] surgery that was one of the reasons why I, uh, wasn't discharged when I was supposed to be. When I was Baker Acted in May, that's why they kept me in the hospital because my sodium levels were low from a particular medication I was on. Um, and with that, with low sodium levels and potential side effects of that medication, um, it can cause erratic behavior and outbursts, and like I said I've since been off of that medication, and, and regulated."*

Lieutenant Shivers asked Lieutenant Sawicki if the reason he was placed into protective custody was because of his low sodium levels, at which time Lieutenant Sawicki stated, *"Um, so, so that evening we, um, after we left Winter Park, we ended up meeting up again. [REDACTED] drove, [REDACTED] drove [REDACTED] to my ex-wife's house in Orange City where we dropped him off. Uh, we had a cooling off period again, um, and the argument...there was another argument. Verbal argument, um, that evening. Again I don't remember the particulars of, what the substance of it was, um, at this point. And I had taken nightly medication or whatever, but I would like to point out in Lake*

Mary's police report, there's actual factual misrepresentations in the actual report when I read it just now. Where it says I took twenty-three or something, twenty-three [REDACTED]...that's not the case...Those were later found by my wife..."

Lieutenant Sawicki indicated he understood the Lake Mary Police Officers detailed what [REDACTED] told them on scene; however, he wanted to dispute the fact he did not consume the pills as stated in the report.

Lieutenant Sawicki went on to state he went into his daughter's bedroom to go to bed, and when [REDACTED] inspected the medications and believed some pills were missing, and read a text message he sent her, she contacted the Lake Mary Police Department out of concern for his welfare. Lieutenant Sawicki advised he was subsequently Baker Acted by the Lake Mary Police Department based on the totality of the circumstances.

Lieutenant Sawicki advised the Lake Mary Police Department acted in good faith when they placed him into protective custody.

Lieutenant Shivers asked Lieutenant Sawicki if while he was in protective custody, would he have the ability to avail himself to work related functions (email, phone, etc.), at which time Lieutenant Sawicki explained he did not have access to his email. However, he stated he did have access to his phone, but only on a very limited basis dependent on the rules within the medical facility where he was staying.

Lieutenant Sawicki advised he was unable to notify anyone in the Sheriff's Office of the incident due to the restrictions on his phone usage, and that he did not believe anyone else made a notification, with the exception of Lake Mary Police Department after the incident.

Lieutenant Shivers directed Lieutenant Sawicki to an email Lieutenant Sawicki authored in regards to a request for extension of leave on April 19, 2021. Lieutenant Shivers explained that the leave request expired on May 19, 2021, per General Orders, which Lieutenant Sawicki agreed. Lieutenant Shivers asked Lieutenant Sawicki if he made any requests prior to May 19, 2021 to have his leave further extended. Lieutenant Sawicki stated, *"I tried to make a phone call to Jessica Sapp and Molly Hudson [VSO Human resources] on the...and I have, I can forward you the email that I have that I ended up sending to them after making a phone call on May seventeenth. Monday, May seventeenth at ten-forty-two AM, um, I sent an email to Molly Hudson, Jessica Sapp, Dana King, and Karen Glaesel [Sheriff's Administrative Aides] uh, that was to update them on my status because at that point I believed I was going to be coming back to work on the twenty-fourth, um, with my heart condition."*

Lieutenant Sawicki then read the email he sent to the aforementioned persons, which was not a request for further leave, rather to obtain further information on returning to work and to potentially scheduling a meeting with the Sheriff.

Within the email, Lieutenant Sawicki advised he had a doctor's appointment with his [REDACTED] on Friday morning, which would have been Friday, May 21, 2021. Lieutenant Sawicki also indicated in the email that this doctor's appointment was to obtain clearance to return to work on May 24, 2021.

Lieutenant Shivers asked Lieutenant Sawicki if he ever requested an extension of leave, at which time Lieutenant Sawicki advised, "*Specific requests? No.*"

Lieutenant Shivers asked Lieutenant Sawicki if his doctor's appointment on May 21, 2021 with his [REDACTED] was an appointment to obtain medical clearance to return to work, at which time Lieutenant Sawicki stated, "*Potentially get me cleared to come back to work.*"

Lieutenant Sawicki confirmed he had not sent any email to any Division Chief or the Chief Deputy requesting leave extension or any request for further leave usage.

Lieutenant Sawicki advised he was primarily contacting Jessica Sapp and the Volusia Sheriff's Office Human Resources department in regards to his status.

Lieutenant Shivers asked Lieutenant Sawicki why he did not reach out to a Division Chief or the Chief Deputy if he was not receiving any response and/or information from the Human Resources Department, at which time Lieutenant Sawicki stated that he "*would have reached out*" but he was in protective custody.

Lieutenant Shivers asked Lieutenant Sawicki if his actions and behavior reflected the standards of a Sheriff's Office Lieutenant, at which time Lieutenant Sawicki said, "*No. However, I do believe I was experiencing a medical episode that was outside of the control of myself. Due to medications. Due to, um, having [REDACTED] surgery recently. Um, there were a lot of things that my body, my brain, went through. And, right now I'm clear thinking. Would I do it right now? Absolutely not. But do I feel it was a medical episode much like a diabetic can go into? Much like someone with a heart attack can go into? Yes. And I have the medical documentation to back that up that I can provide to you as well.*"

Lieutenant Sawicki advised he has sought help from many different professionals to assist in his recovery and is pro-actively taking steps medically and psychologically to ensure there are no further incidents of this nature. Lieutenant Sawicki advised his overall health and well-being has greatly improved since the incident occurred in May.

Lieutenant Sawicki was asked if he violated the following General Orders, and his responses are detailed below –

GO-026-02.IV.B.3 – Any conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.	No
GO-026-02.IV.C.3.a – Absence from Duty without Proper Notification	Yes
GO-026-02.IV.C.3.b – Failure to Report for Duty Due to Conduct	No
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Yes
GO-026-02.IV.D.1.1 – Reporting Arrests, Etc.	No
GO-26-02.IV.F.5 – Commission of Felony	No
GO-026-02.IV.F.6 – Criminal or Illegal Conduct	No

Lieutenant Sawicki was asked if he had any further comments or wished to discuss anything further, at which time Lieutenant Sawicki stated, *“I would just like to reiterate, um, the fact that these events, um, from May nineteenth were due to a medical episode again, I have the medical documentation that I will provide to you. Along with that email I spoke of. Um, if you need phone records, to show that I called up here on whichever day...the fourteenth, um, I most certainly can do that. Um, I have done, and I am actively doing everything I can to better myself. Um, I’ve got a...uh, I have a fifteen year career here where the overwhelming majority of that has been good. And I’ve been a good employee, and I value my employment here. And, I’ve had a rough six months. A damn rough six months that never in a million years did I think I’d go through it...never in a million years that I think I’d sit across the table here from you guys...”*

Lieutenant Sawicki also stated, *“And I want to assure you, the Sheriff, and all the administrative, um, members that, and I’m doing everything I can to be the best I am, and I am improving. And everyone who has been in my life for the last month can attest to that.”*

Lieutenant Sawicki subsequently provided Lieutenant Shivers with the aforementioned email he authored and sent to Jessica Sapp, Molly Hudson, Dana King, and Karen Glaesel.

On August 4, 2021, this investigation was presented to the Sheriff and his staff. After careful review, the Sheriff determined the violation of the below listed Volusia Sheriff's Office General Orders to be:

GO-026-02.IV.B.3 – Any conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.	Sustained
GO-026-02.IV.C.3.a – Absence from Duty without Proper Notification	Sustained
GO-026-02.IV.C.3.b – Failure to Report for Duty Due to Conduct	Not Sustained
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Sustained
GO-026-02.IV.D.1.1 – Reporting Arrests, Etc.	Not Sustained
GO-026-02.IV.F.5 – Commission of a Felony	Not Sustained
GO-026-02.IV.F.6 – Criminal or Illegal Conduct	Not Sustained

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Official Lake Mary Police report
- D. Official Winter Park Police Report
- E. Email Correspondence
- F. Transcript of Interview with [REDACTED]
- G. Transcript of Interview with Lieutenant Justin Sawicki
- H. Digital Evidence

WITNESSES:

Lieutenant Justin Sawicki
Volusia Sheriff's Office
123 W. Indiana Avenue
DeLand, FL 32720
(386) 736-5961


Address Restricted
Lake Mary, FL 32746


Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

I, the undersigned, do hereby swear, under the 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 suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE: _____ DATE: 08/16/2021

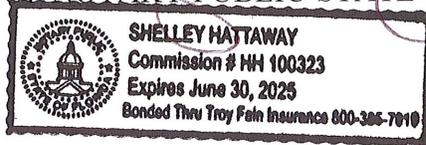
**Lieutenant Daniel Shivers
Internal Affairs Lieutenant**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 16th day of August, 2021 by Lieutenant Daniel Shivers

[Handwritten Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: _____ DATE: 08.05.2021

**CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY, FLORIDA**

Sheriff

MICHAEL J. CHITWOOD

OFFICE
(386) 736-5961



VOLUSIA COUNTY SHERIFF'S OFFICE

123 WEST INDIANA AVE • P.O. BOX 569 • DELAND, FLORIDA 32721-0569
(386) 822-5074 (FAX) • WWW.VOLUSIASHERIFF.ORG

August 16, 2021

Lieutenant Justin Sawicki, #7179
Volusia Sheriff's Office
LEOD / District Six

Final Suspension

Lieutenant Sawicki:

Volusia Sheriff's Office General Order GO-026-02 requires that all "Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position." Because of your actions or inactions documented in IA 21-005, I have determined you violated the following Sheriff's Office General Orders:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.B.3 – Any conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.C.3.a – 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 supervisor's authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall cause notification of their supervisor not less than one hour prior to scheduled reporting time, whenever possible.

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operating procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

To Wit:

On May 19, 2021, you were involved in an off-duty incident at your personal residence in Seminole County, which the Lake Mary Police Department responded and resulted in your

placement into protective custody. The Lake Mary Police Department completed an official police report documenting their investigation.

During Lake Mary Police’s investigation, it was learned that your off-duty actions earlier the same day while in Winter Park required further investigation by the Winter Park Police Department. The Winter Park Police Department also completed an official police report regarding their investigation.

Because of these incidents, an internal investigation was initiated. While the incidents that occurred in Seminole County did not result in any criminal charges against you, your conduct is likely to have adversely affected the good order and reputation of the Volusia Sheriff’s Office.

Additionally during the investigation, it was determined you failed to formally request an extension of leave through your Division Chief. You admitted this failure during your interview with Internal Affairs detectives, and it was observed you did not make a formal request for an extension of leave until Internal Affairs served you with the amended notice of investigation on May 26, 2021. Your failure to request an extension of leave caused you to be absent from duty without authorized leave for five (5) days.

Lieutenant Sawicki, you are expected to be in compliance with General Orders; and as a Lieutenant, you are expected to adhere to the highest standards. This behavior will not be tolerated.

You have previously been the subject of the following disciplinary action:

12/12/2014	26.2.033	Inattention to Duties, Loafing, Sleeping	Sustained
01/13/2021	GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order		Sustained
	GO-026-02.IV.G.1.d – Incompetent or Unsatisfactory Performance of Duties		
	GO-026-02.IV.G.3.a – Supervisor Responsibility		

In determining your discipline, I have considered your prior disciplinary history, performance, length of service with VSO, and seriousness of the circumstances of the most recent violations.

Lieutenant Sawicki, you were served with an “Intent to Suspend” letter on August 10, 2021, advising you of my intent to suspend you without pay for sixteen (16) work hours. You appeared before me on August 16, 2021, and had the opportunity to offer any mitigating circumstances that should be considered prior to the final discipline. After earnest consideration, my final

my final decision is to suspend you from duty **without pay for sixteen (16) work hours**. Your Division Chief will determine the dates of your suspension. In lieu of serving the suspension without pay for its entirety, you may elect to use your personal leave for a one time maximum allotment of sixty hours (60); if you so elect, your remaining balance of the one-time allotment would be forty-four hours (44).

During the period of suspension, you are instructed to not act in any capacity as an employee of the Sheriff's Office.

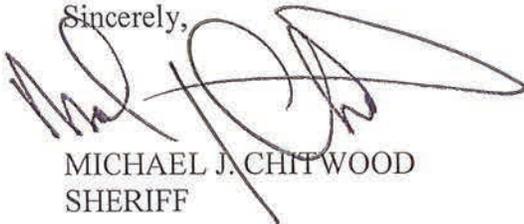
You may not voluntarily work any additional hours (i.e., scheduled days off) during the pay period in which the suspension is taken.

If there are any concerns or questions troubling you that I am not aware of, please advise me so I will have the opportunity to assist you in correcting this problem.

Pursuant to the Volusia Sheriff's Office General Orders, VSO's General Counsel and Human Resources Director have reviewed and concurred with this intended action.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline GO 26-01**.

Sincerely,



MICHAEL J. CHITWOOD
SHERIFF

cc: Human Resources
VSO General Counsel
Internal Affairs

MC/dws 040L0186.21



This letter was read and received by:
Lieutenant Justin Sawicki, #7179
Date: 08/20/2021
Time: 1413h/1

Served by: LT SHIVENS