

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 21-011

PERIOD COVERED: September 3, 2021
DATE REPORTED: September 4, 2021
SUBJECT(S) NAME: Deputy Austin Rosa, #9223
INVESTIGATING OFFICER: Lieutenant Daniel Shivers, #6842

BASIS FOR INVESTIGATION:

On September 3, 2021, Deputy [REDACTED] contacted her supervisors, Sergeants Miguel Roman and Jeremy Patterson, and advised she had been the victim of a domestic violence incident in the early morning hours of the same day. Deputy [REDACTED] advised her live-in boyfriend, Deputy Austin Rosa, battered her and made threats to kill her, himself, and other law enforcement officers during the incident; all while armed with a firearm.

Based on the statements made by Deputy [REDACTED] Volusia Sheriff's Office detectives were contacted and conducted a criminal investigation. Detective Sergeant Jayson Paul conducted an interview with Deputy [REDACTED] and determined there was probable cause to charge Deputy Rosa with aggravated assault with deadly weapon, false imprisonment, and battery.

Volusia Sheriff's Office deputies located and arrested Deputy Rosa shortly thereafter. Sergeant Paul conducted an interview with Deputy Rosa, who confessed to committing the criminal acts. Deputy Rosa was transported to the Volusia County Branch Jail, where Judge Michael Orfinger later found probable cause in regards to the criminal charges.

On September 7, 2021, due to the nature of the allegations, Chief Deputy J. Gallagher initiated an internal affairs investigation.

In addition, on September 7, 2021, Deputy Rosa was served a notification of internal investigation, and received a copy of the Florida Law Enforcement Officer's Bill of Rights, which he signed for.

OFFENSES:

Volusia Sheriff's Office General Orders:

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

GO-026-02.IV.F.4 – Misdemeanor Injurious to VSO – VSO personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the VSO or otherwise impairs the operation and efficiency of the VSO or which is likely to impair the ability of personnel concerned to perform assigned duties.

GO-026-02.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 September 7, 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 and reviewed Volusia Sheriff's Office case number 210016537, authored by Sergeant Jayson Paul. Upon reviewing the report, Lieutenant Shivers observed the following:

On September 4, 2021, Sergeant Paul responded to the District Four office in reference to a report of a deputy-involved domestic battery. Sergeant Paul made contact with Deputy [REDACTED] who advised she and Deputy Rosa had been living together as a single-family unit for approximately eighteen (18) months.

Sergeant Paul wrote that Deputy [REDACTED] stated on Thursday, September 2, 2021, she and Deputy Rosa went to the Ocean Breeze Tiki Bar & Grill located in New Smyrna Beach. He indicated Deputy [REDACTED] stated Deputy Rosa consumed alcoholic beverages while at the restaurant.

He wrote at approximately 0140 hours on September 3, 2021, while they were traveling westbound on State Road 44 towards their residence, Deputy ██████ stated Deputy Rosa accelerated through a red light, which began an argument between Deputy ██████ and Deputy Rosa. He stated Deputy ██████ advised she wanted to get out of the vehicle, so Deputy Rosa pulled off to the side of the road near North Glencoe Road where she exited and began walking away.

Sergeant Paul's report indicates Deputy Rosa then exited the vehicle, and began yelling at Deputy ██████ to get back into the vehicle, to which Deputy ██████ refused. Sergeant Paul wrote that Deputy ██████ told him that Deputy Rosa then *"began violently yanking and [on (sic)] her belt and waistband of her pants. While he grabbed her and pulled her, he was screaming at her to get into the vehicle. ██████ screamed multiple times for him to let her go, and stated she was terrified something bad was going to happen to her."*

Sergeant Paul wrote that Deputy ██████ stated she began yelling at passing cars, at which time Deputy Rosa told her that *"no one cared about her and she was a piece of shit."* He also wrote that Deputy Rosa had a hold on Deputy ██████ the entire time, hindering her ability to escape and holding her against her will.

Sergeant Paul indicated Deputy ██████ stated a Volusia Sheriff's Deputy passed by their location with their vehicle's emergency lights and siren activated; however, the deputy did not stop and continued past their location.

Sergeant Paul wrote that Deputy ██████ stated Deputy Rosa told her, *"if you call the cops, I have no problem shooting at the cops, I will fucking kill a cop,"* and, *"If that fucking cop comes back here, I will hold you at gunpoint and we both will die."* He indicated Deputy ██████ stated she felt Deputy Rosa was going to shoot her, as he made a movement towards his waistband where he commonly conceals a firearm.

The report indicates Deputy ██████ eventually got back into the vehicle, fearing it would be worse for her if she did not cooperate. Sergeant Paul also wrote that upon their arrival back to their residence; Deputy Rosa slept in the downstairs portion of their residence, while Deputy ██████ remained upstairs but did not sleep out of fear.

Sergeant Paul wrote that Deputy ██████ had injuries consistent with Deputy Rosa grabbing her arms, and provided photographs of her torn and grass-stained pants she was wearing.

Sergeant Paul also wrote that Deputy ██████ provided him screenshots of a text message conversation between Deputy ██████ and Deputy Rosa after the incident occurred.

Sergeant Paul detailed that he contacted Deputy Rosa, who agreed to speak to Sergeant Paul post Miranda. Sergeant Paul wrote that Deputy Rosa made several confessions during the interview; however, denied making any threatening statements towards Deputy [REDACTED] or about shooting the police.

Sergeant Paul wrote, “Based on the statements made and the evidence collected, Sgt. Paul determined the following;

Austin Rosa did commit an aggravated assault with a deadly weapon as he threatened to point his handgun at [REDACTED] and shoot at cops. Being armed with a Sig P-365, Rosa had the ability to carry out this threat, and is created a well-founded fear in [REDACTED]

Austin Rosa did commit false imprisonment as he intentionally and physically restrained [REDACTED] from escaping, without lawful authority and against her will.

Austin Rosa did commit simple battery as he grabbed and pushed [REDACTED] against her will.”

Lieutenant Shivers observed Sergeant Paul collected evidence, to include firearms belonging to Deputy Rosa. Sergeant Paul completed a charging affidavit against Deputy Rosa for Aggravated Assault with Deadly Weapon, False Imprisonment, and Battery Touch/Strike. Sergeant Paul also completed necessary paperwork in regards to a Risk Protection Order against Deputy Rosa.

Lieutenant Shivers also observed supplemental reports completed by Sergeant Steven Woell and Detective Nicholas Yackel in regards to recovery of Deputy Rosa’s firearm.

Interview with Sergeant Jayson Paul

On September 9, 2021, at approximately 0910 hours, Lieutenant Shivers and Sergeant Andrew Calkins conducted a sworn interview with Sergeant Paul at the Volusia Sheriff’s Office administrative office in DeLand. Below is a summary of the interview –

Sergeant Paul advised he was the on-call Investigative Services Section sergeant at the time, and was contacted by his chain-of-command to respond to the District Four office to conduct a criminal investigation into the domestic violence incident involving Deputy Rosa and Deputy [REDACTED]

Sergeant Paul stated upon his arrival, he contacted Deputy [REDACTED] who provided a sworn written statement, and participated in a recorded interview with Sergeant Paul. Sergeant Paul advised Deputy [REDACTED] detailed the incident, at which time he prepared an affidavit and report while

other deputies contacted Deputy Rosa at his friend Ben Magargee's residence in Daytona Beach and transported him to the District Four office for an interview.

Regarding the interview with Deputy Rosa, Sergeant Paul advised, "...I interviewed him in the back of patrol car; read him his rights off agency card. He agreed to speak with me without an attorney, and I explained to him who I was what was going on, and he said yes, they were fighting. Yes, they were drinking. He admitted to running the red light going westbound on 44, and then he said when she jumped out of the car, he tried to get her back in the car. He admitted putting his hands on her and grabbing her by the belt, he explained is like, yeah, I grabbed her by the belts. I didn't want to run in front of traffic. And, and then I spell it off for him. I said so you touched her. You put your hands on her. Do you think she wanted you to touch her at that point in time? And he said, no, I don't. I don't think so. And I said okay said you grabbed her pants, right? Yeah, you wouldn't let her leave from the position that she was in correct? He goes, yes. I said so you are stopping her from leaving you in this fight and he said yes. Okay, so he essentially confessed to the battery and the false imprisonment during the interview.

He did however deny making statements about killing cops and pointing guns at her head. I think at that point in time, I mean, he's a cop, so I think at that point in time, my assumption is that he realized where he was walking himself into."

Sergeant Paul then advised he contacted Sergeant Steven Woell to attempt to retrieve Deputy Rosa's personal firearm from Ben's residence. He advised Detective Nicholas Yackel later met with Sergeant Woell and recovered the firearm for evidence.

Sergeant Paul advised he ultimately charged Deputy Rosa with Aggravated Assault with Deadly Weapon, False Imprisonment, and Battery.

Interview with Deputy [REDACTED]

On September 9, 2021, at approximately 0945 hours, Lieutenant Shivers and Sergeant Calkins conducted a sworn interview with Deputy [REDACTED] at the Volusia Sheriff's Office administrative office in DeLand. Below is a summary of the interview –

Deputy [REDACTED] she and Deputy Rosa met online and began a dating relationship in July of 2019. She advised the two moved-in together in early 2000. She advised she and Deputy Rosa have been living together as boyfriend/girlfriend since then.

Deputy [REDACTED] was asked what occurred on September 3, 2021, at which time Deputy [REDACTED] stated she and Deputy Rosa went to the Ocean Breeze in New Smyrna Beach with mutual friends early in the evening. She stated while at the Ocean Breeze, she and Deputy Rosa consumed a few

alcoholic beverages, and then walked to a nearby 7-11 so Deputy Rosa could purchase a case (12 pack) of Bud Light Seltzer. She advised after purchasing the alcoholic beverages that she and Deputy Rosa went to their friend's hotel room nearby, where Deputy Rosa continued to consume alcohol over the span of two to three hours.

Deputy ██████ stated Deputy Rosa is a very heavy alcohol drinker, and she advised that even though he consumed approximately thirteen alcoholic drinks throughout the night, he was still sober.

Deputy ██████ advised while at the hotel room, Deputy Rosa continued to try to get her to consume alcohol, which is a common occurrence for the two during the tenure of their relationship. Deputy ██████ stated she does not like to consume alcohol on a regular basis, and because Deputy Rosa drank alcohol consistently every day, it became adversarial between the two. Deputy ██████ explained she would pretend as if she was drunk, to include tripping and pretending as she's "*a little loopy*" in order to avoid any argument or confrontation.

Deputy ██████ said after Deputy Rosa consumed all of their alcohol, she attempted to get Deputy Rosa to leave, to which he advised he did not want to. She said she was eventually able to get Deputy Rosa to leave, which ultimately upset Deputy Rosa. She advised she gave Deputy Rosa the keys to her vehicle because she had to, as she had been acting drunk for a while and she did not want Deputy Rosa to question whether she was drunk and start an argument or altercation.

She stated she and Deputy Rosa stopped by the WaWa on State Road 44 in New Smyrna Beach, at which time Deputy Rosa met with an on-duty New Smyrna Beach officer, Officer Jordan Isikawa. She stated she stayed in the vehicle while Deputy Rosa talked with Officer Isikawa. Deputy ██████ advised while they were talking, she went inside WaWa and purchased a bottle of water.

She advised a little while later, she and Deputy Rosa began traveling westbound on State Road 44 towards DeLand. She stated Deputy Rosa was driving the vehicle. Deputy ██████ stated somewhere before reaching I-95; they were coming towards a 4-way intersection with a traffic light. She stated the light was red for Deputy Rosa; however, Deputy Rosa began to accelerate the vehicle to approximately 90 miles an hour to drive through the red light without stopping. Deputy ██████ stated there was a box-style truck entering the intersection from the side road, which had the green light, but Deputy Rosa continued through the intersection without stopping.

Deputy ██████ advised she became upset because of the way Deputy Rosa was driving and her history of being involved in a serious crash in 2017. She stated she began yelling at Deputy Rosa to pull the vehicle over so she can exit. Deputy ██████ advised Deputy Rosa eventually stopped in a turn lane close to the median, at which time she got out of the vehicle and began walking

behind the vehicle. She advised Deputy Rosa got out of the vehicle and began yelling for her to get back into the vehicle. Deputy ██████ stated she was not getting back in, and that she was contacting Uber to get a ride.

Deputy ██████ advised Deputy Rosa became upset with her, and moved closer to her and attempted to grab her. She stated she backed away from him and told him not to touch her. She said after she told him not to touch her, he got back into the vehicle and began yelling and punching the steering wheel in anger. Deputy ██████ stated Deputy Rosa then opened the window and threw a water bottle at her, so she crossed the street to the shoulder of the roadway.

Deputy ██████ said Deputy Rosa began following her in the vehicle while yelling at her to get back into the vehicle and asking her where she was going. She stated Deputy Rosa began continuously activating the vehicle's horn while following behind her in the vehicle. She stated after a few minutes of following her in the vehicle, Deputy Rosa got out and continued to yell at her, telling her to get back into the vehicle.

Deputy ██████ stated at this time, Deputy Rosa ran up to her, grabbed her by her belt on the back of her pants, and began dragging her back towards the vehicle. She stated, *"So at that point, he grabs my belt and he starts dragging me, like come back to the car, and I was like I'm not getting in the fucking car. And I, the first time, like the road on the edge of the grass was very uneven, so like my ankle rolled. And so I went to like, fall. And he was like, "Are you fucking kidding me? See, you always fucking do this shit." And he was like, "This is why I fucking hate you." And like just fucking just yelling at me a lot. And I was like, are like, Are you serious? Just let me go, like I want to go. And so I kept trying to walk away he kept like, pulling on my belt. So I noticed he was only holding onto my belt. So I tried taking off my belt. But I guess he noticed that so then he grabbed my actual pant. And then he just kept dragging me he's like "You're coming in the fucking car." And so as cars were passing by, I would like yell like see if someone would like, stop for help. And but anytime also a car would come while he's driving, he'd like get close to me so like the it's not seen like exactly what it is that he's doing."*

Deputy ██████ advised Deputy Rosa became irate with her and began yelling at her to get back into the vehicle again. She said Deputy Rosa then *"...starts yelling, and then he's like, he was just like just talking, he started talking crazy, but that's also not like, unusual of him. So then he was just like, "I'm just gonna fucking kill myself." He was like, "I can't fucking stand you." And then I was just like, just fucking let me go like, please just let me go. And, so one point I get back up and I start walking away again. And I see him coming, but like towards me. So I started running. And then he grabs me again, and he yanks me so I fall and he like, starts to like, drag me. And I'm like pushing and trying to like, get him to let me go. And he wouldn't. And so he was like, at that point, he like is like, oh, standing over me. And then he was like, You know what, "I'll just fucking*

take you to a car myself." So he like grabbed me like that, like on my arms. And so I dead weighted and I pulled my arms down."

Deputy [REDACTED] then advised the altercation became more serious as she tried to stand back up to get away. She stated Deputy Rosa grabbed her again, and, "...he like, kind of like shoved me like more to the floor. And he was like, I'm gonna fuck, he's like, "I just want to fucking kill you." And he was like, "I'm so sick of your fucking shit." He's like, "You always fucking do this." And then he was like, "You know what, I'm just gonna fucking kill myself" and then he went to reach for his gun, so I fucking like panic. And I just started screaming. So then I was running away. And he came again, and he grabbed me. So I was like, clawing into the ground, like trying to fucking stop. And so when we get like back closer to the car, he's like, holding on to like, my, it was like my arm, but like, he kept changing from my arm and like my belt, and like trying to get a grip because I wouldn't stop moving.

Deputy [REDACTED] stated once they got to the vehicle that the altercation did not stop. She stated she told Deputy Rosa that she was going to call the police. She said in response, Deputy Rosa said, "You better fucking not." And he was like, "I swear to God, if the cops fucking show up here, because of you..." he was like, "I'm gonna fucking kill the first cop that fucking gets here."

Deputy [REDACTED] then advised, "...so we have just seen his buddy Ishikawa. So I was like, you're gonna shoot Ishikawa? Like, how could you fucking do that? And he was like, "This is County, so I won't be Ishikawa." And so I was like, you're fucking crazy. Like, let me go. And he's like, "I'll fucking hold you at gunpoint. I don't fucking care." He was like, "I'll make them shoot the both of us" and then he just kept talking like that."

Deputy [REDACTED] advised she was able to break loose from him and began to run away, at which time she said Deputy Rosa went back into the vehicle. She said she realized afterwards he went back to the vehicle because he was putting the firearm he had in his waistband throughout the incident into the glove box. She stated after exiting the vehicle, Deputy Rosa came back at her, at which time she said she ran back towards the vehicle and walked around the vehicle, keeping it between them.

She stated after a few moments, Deputy Rosa began to calm down. She stated he told her, "...just get in the fucking car." And he's like, "You're gonna fucking regret it." And then he, he always talks about how he's gonna ruin my life if I ever call the cops on him, and so he, he was just like, constant over and over and over. So eventually, once he like, calmed down a bit, he like sat in the corner, he like calmed down a bit. So I was like, I did, You're a fucking psychopath. I was like, like, What the fuck is your problem? And then I was like, I just want to fucking go, I don't want to go with you. And he's like, "You're fucking coming with me." And he was like, "Oh, I swear to fucking god," he's like, "it's gonna be the biggest mistake you've ever fucking made."

Deputy ██████ stated she then got into the vehicle in the rear passenger seat. She stated as soon as she closed the door Deputy Rosa left and drove to their residence in DeLand. Deputy ██████ advised when they arrived, she did not want to go inside, at which time Deputy Rosa began to argue with her again, asking her why. She stated she told Deputy Rosa that she was not going inside because he was armed. She stated at this time Deputy Rosa opened the glove box and threw a pistol at her. She stated he then opened the center console and threw another pistol at her, telling her to come inside of the residence with him.

Deputy ██████ advised she did, and Deputy Rosa went upstairs while she stayed downstairs. She stated a few moments later, Deputy Rosa asked her where she was, and she told him she was not going upstairs because he had more firearms there. She stated he then walked downstairs with his VSO issued pistol and threw it in her lap, and stated; *"Now let's fucking go."* She stated she put all three firearms in their garage safe, and went upstairs. She stated while walking back into the residence and upstairs, she noticed he had put some pillows on the downstairs couch, so she went into their bedroom and closed the door.

Deputy ██████ said, *"...then I started taking pictures, because I had like, the marks on my arms, and I took pictures of my pants. And because I know, I was like, this is just gonna be he said, she said, and I was like, scared. And so I didn't even call then because I was like the first person that comes to the door, this fucking psychopath is going to shoot them. And then I'm going to have to live with that. And I was like, I can't fucking call the cops right now. So then I just stayed up the rest of the day until it was time to go back to work. I left out like the apartment at one point, and said I was going to the gym at the apartment complex, but it was just like me trying to get out of the apartment. And I literally just paced around the area."*

Deputy ██████ advised she left the residence to get away and take a break from any further altercation. She stated that eventually she returned, at which time she and Deputy Rosa continued to argue about the incident. She advised their argument was solely verbal at this point.

Deputy ██████ said a little while later, she was getting ready to go to the gym within their complex, and removed the house key from his keys and hid it in a drawer and left. She stated as she was getting ready for work later in the afternoon, Deputy Rosa told her to, *"Give me back the fucking house key, I know you have it."* while moving closer to him. She said she was concerned he was going to hit her again, so she gave it back to him. She said she left for work shortly thereafter.

Deputy ██████ advised Deputy Rosa was scheduled to work his regular shift that night; however, called out sick.

Lieutenant Shivers asked Deputy ██████ in reference to the statements she made to Sergeant Paul regarding a deputy driving by during the altercation, at which time Deputy ██████ stated the following:

“Yeah, there was someone going, there was someone going code. And so it's dark. So you can see the car from far away, obviously. And so I had been screaming at like cars whenever they pass, and someone actually honked at us. And like, I kind of felt a sense of relief. And then all I saw were tail lights. So I started freaking out again. And then I seen the blue lights. And he was like, “You better fucking stop or you're gonna, I'm gonna fucking kill you.” And then he was just like, “I'll fucking I'll make this cop fucking shoot me.” And then that's actually when he started. When the cop drove by was then after when he got that whole thing in his head about killing a cop. Because he was like, “It'll be my fault. And I'll have to live with it.” And just trying to guilt me into it.

So as the car was the patrol car was getting closer, I was like, kind of just like getting myself ready to like scream, but then I got so scared of something actually happening because he is like, he would tell me at times when he would get mad at me, he would just look me like in the eyes and be like, “You have no idea how like excited I am for the day I can kill someone with my bare hands.”

So like I was genuinely like in fear for that other person to whoever they were. So when they got closer, he got closer to me doing that thing so it doesn't look like anything's going on. And I just stared at the car, and like internally, I was screaming but I couldn't bring myself to actually scream because I was so scared that something was gonna happen.”

Lieutenant Shivers asked Deputy ██████ if she still had any bruises on her arms, and she showed Lieutenant Shivers small bruises on her inner arms, and advised she still has a bruise on her thigh, knees, and shins.

Lieutenant Shivers asked Deputy ██████ if there had been any past instances of domestic violence between her and Deputy Rosa, to which Deputy ██████ advised there had. When asked to explain how long ago, Deputy ██████ stated, *“Physically it's not too is not too like frequent. Like it started off....This, I will say nothing has ever been so bad, but him being sober last night was the worst that ever was. Usually he's like, he blacked out and he forgets it even happened. But he's like, smacked me like on the thighs, where I'll have like his handprint on for a while. He gave me in December, I had a black eye. And then a lot of the times it's just him not letting me leave. Like he'll block the doorways and then you'll just start to threaten me if I tried to leave, or he'll just start to berate me about it, and then the whole guilt trip comes afterwards. But that would be it. And then it's just weird because, like, the minimal stuff happens when he's the most drunk, but that he would I would consider him to have been sober just because I know how he is with alcohol. That was like the scariest time of my life.”*

Sergeant Calkins asked Deputy [REDACTED] if the incidents only occur while Deputy Rosa is intoxicated or if it happens when he's sober, at which time Deputy [REDACTED] stated, *"Yeah, so he has like, everything pisses him off. Everything, from as little as it can be someone else cutting someone else off on the highway and for whatever reason that puts him in complete rage and I was like, why does it matter, like that did not affect you in any single way. He was like, oh, those fucking stupid ass fucking faggots this and that I'll fucking kill them. Like he just goes way too far with literally everything. And I'm always like, like, what's the fuck is your problem? Like and my always been my thing is is that did not affect you in any single way for you to have some kind of emotional attachment to it. And it goes with anything like someone else can do something to someone else and it'll piss him off and then if they do it to him, I'm the one that always has to pay for it. I'm the one that always has to deal with it and it's somehow always my fault. Somehow one way or another I'm the problem and I'm the reason that everything happens."*

Deputy [REDACTED] stated she and Deputy Rosa attempted to call her and sent her numerous texts during the first few hours of her shift. She stated she kept the text threads for the State Attorney's Office to review.

Lieutenant Shivers asked Deputy [REDACTED] if there was anything else she wished to discuss, at which time Deputy [REDACTED] stated, *"I'm scared of what's going to happen to me next since he's been released? I can't sleep. I have nightmares every night. Anytime I try closing my eyes. All I see is like my hands. my fingertips all here like peeled and flaked up because of how hard I was digging my hands into the ground that night trying to get him to let me go. Every little noise I hear at the apartment. I'm like it like makes me feel like I'm crazy now because I just think he's there and he's gonna come in and he's gonna do something to me...and it's just shitty. I can't sleep. I've barely been like eating just because like from stress"* and, *"At the end of the day, I still feel this way, and it's literally me just waiting to see whether I get killed or not. Because, uh, he got to be fucking released, regardless of how much of a fucking psychopath he is. And I'm just the sitting duck at this point."*

Lieutenant Shivers concluded the interview a few moments later.

Upon completion of the interview, Lieutenant Shivers checked the license plate reader system in attempt to locate Deputy [REDACTED] vehicle in the area. Lieutenant Shivers observed Deputy [REDACTED] vehicle's license plate triggered the license plate reader located in the area of State Road 44 / Colony Park Road at approximately 2037 hours, heading eastbound on State Road 44 into New Smyrna Beach.

Lieutenant Shivers also observed Deputy [REDACTED] vehicle trigger the license plate reader located near State Road 44 / Glencoe Road at approximately 0105 hours, and again at 0107 hours

at State Road 44 / Ocean Gate on September 3, 2021 – both heading westbound on State Road 44 towards DeLand.

Lieutenant Shivers checked the Volusia Sheriff's Office automated vehicle locator (AVL) system, and located one deputy in the area at the time of the incident. Deputy Pedro Palmier's AVL data revealed he traveled westbound on State Road 44 in the area where the incident took place between 0050 hours and 0058 hours, at which time he logged out on a property check at the Walmart, located at State Road 44 / Interstate 95 (3155 State Road 44, New Smyrna Beach).

Lieutenant Shivers also checked Volusia Sheriff's Office's body worn camera system, and did not locate any body worn camera footage recorded in the area where the incident occurred.

In addition, Lieutenant Shivers determined there were no calls for service in the area during the time of the incident.

Lastly, Lieutenant Shivers observed a "SLEMP" (sick/late employee) call generated on September 3, 2021 at approximately 1325 hours indicating Deputy Rosa had called out for his scheduled shift the same evening (call number P212461394).

Interview with Sergeant Miguel Roman

On September 13, 2021, at approximately 0903 hours, Lieutenant Shivers and Sergeant Calkins conducted a sworn interview with Sergeant Roman at the Volusia Sheriff's Office administrative office in DeLand. Below is a summary of the interview –

Sergeant Roman advised on September 3, 2021, while he was working as a patrol supervisor in District Four, Deputy ██████ approached him and Sergeant Jeremy Patterson and notified them of a domestic violence incident that occurred earlier in the morning between her and Deputy Rosa. Sergeant Roman stated Deputy ██████ detailed the incident that occurred, and showed him bruises she had on the inside of her arms.

Lieutenant Shivers observed Sergeant Roman's statements regarding Deputy ██████ recollection of the incident corroborated the statements made by Deputy ██████ during her interview with Internal Affairs as to the details of the incident as it occurred. Specifically, Sergeant Roman stated Deputy ██████ told him, *"She told me that she was hanging out with Deputy Rosa in the New Smyrna Beach area. They were headed back on 44 towards I-4; he ran a red light on purpose. She has PTSD because she was in a car accident prior. So, she wanted to get out of the vehicle. He pulls over, she gets out, she starts to walk across the street, he drives the car back across the street and then proceeds to batter her and trying to get her back into the truck because she didn't want to go."*

At some point he pulls out a gun or reaches for a gun and threatens to take her life if she contacts law enforcement. And then he then stated he would kill law enforcement if they showed up there. And then I guess he ended by saying he was just going to kill himself. So she then describes her getting back into the truck going back to their apartment, which is in South Deland. She sat in the car he went upstairs. She was terrified to go back upstairs with him because there are guns present in the residence. So he decides to come downstairs throw guns at her while she's sitting in the car. She puts them in a safe and then ultimately he sleeps on the couch. And she goes upstairs is the way she described it to myself and Sergeant Patterson.”

Sergeant Roman advised he contacted the Watch Commander, Lieutenant Bryan Barnard, along with his district lieutenant, Lieutenant Brian Cobb and Deputy Rosa’s supervisor, Sergeant Cameron Tucker to notify them of the incident.

Sergeant Roman advised Lieutenant Barnard advised him to contact the on-call ISS supervisor, Sergeant Jayson Paul, which he did, along with speaking with Detective Nicholas Yackel who was already at the District Four office.

Sergeant Roman had no further involvement after Sergeant Paul initiated his investigation into the incident. Sergeant Roman did, however, state while he was initially speaking with Deputy [REDACTED] Deputy [REDACTED] “was crying hysterically, couldn't hold it together. There were portions where she would, for lack of a better terms become calm, and then go back to crying hysterically when it was kind of processing what was happening and what had taken place and our response to what we were going to do following up with that...” while providing the details of the incident that occurred.

Lieutenant Shivers asked Sergeant Roman if Deputy [REDACTED] disclosed any other domestic violence incidents involving her and Deputy Rosa, at which time Sergeant Roman stated, “She did, going back maybe December of 2020. She showed up at our district office with a black eye. Obviously, I questioned her as to where she got the black eye, and she pretty much told me she was at a family reunion was drinking and things got out of control. It sounded like a believable thing, so we left it at that. Well, when she disclosed this information on September 3rd, she told us that the black eye indeed came from Deputy Rosa and not getting drunk at a party.”

Interview with Sergeant Jeremy Patterson

On September 13, 2021, at approximately 1030 hours, Lieutenant Shivers and Sergeant Calkins conducted a sworn interview with Sergeant Patterson at the Volusia Sheriff’s Office administrative office in DeLand. Below is a summary of the interview –

Sergeant Patterson advised on September 3, 2021, Deputy ██████ came into the sergeant's office and "...*broke down and she just said, "I need help" and broke down crying.*" He stated at that time she notified him and Sergeant Roman of a domestic violence incident that occurred earlier in the morning involving her and Deputy Rosa. Sergeant Patterson also advised he observed the bruising on Deputy ██████ arms.

Sergeant Patterson's statements regarding Deputy ██████ recollection of the incident also corroborated the statements made by Deputy ██████ during her interview with Internal Affairs as to the details of the incident as it occurred, with the exception of the location of where the incident took place. Sergeant Patterson believed the incident took place somewhere near State Road 44 / Prevatt Road in DeLand; however, when he discussed it with Deputy ██████ she was unsure because she was not familiar with the area.

It should be noted, Sergeant Patterson stated, while speaking with Deputy ██████ during the initial stages of the investigation, "*Through a little bit more conversation later on, she clarified that she wasn't forced, physically forced, in the car, but she felt that she would be hurt or killed or someone else, if she didn't comply, and just thought they'd be better, just to you know, move the thing, not, not resist any and escalate any longer and just compliant and they went home.*"

Lieutenant Shivers asked Sergeant Patterson if Deputy ██████ advised of any prior domestic violence incidents between herself and Deputy Rosa, at which time Sergeant Patterson stated, "*Never until this conversation during this conversation she didn't really get in particulars, but she says that she just needed help, she needed to get away from him. He's abused her before. He's pushed her before, He's hurt her before. She didn't get into specifics, specifically the dates of those injuries. But she, it does sound like it's been an ongoing, abusive or toxic relationship.*"

Interview with Sergeant Omar Bello

On September 10, 2021, at approximately 1446 hours, Lieutenant Shivers and Sergeant Calkins conducted a sworn interview with Sergeant Bello at the Volusia Sheriff's Office administrative office in DeLand. Below is a summary of the interview –

Sergeant Bello advised in the early morning hours of September 4, 2021, Lieutenant Barnard notified him of the incident that occurred between Deputy Rosa and Deputy ██████ Sergeant Bello stated he was advised there would be domestic violence charges against Deputy Rosa, and that he was to assemble his team and make an attempt to contact and apprehend Deputy Rosa.

Sergeant Bello stated he and the Deltona and DeLand Crime Suppression Teams went to the Daytona Beach area, where they briefed and gathered intelligence to effect the arrest.

Sergeant Bello advised once they determined where Deputy Rosa was, he and the Crime Suppression Teams went to the address, at which time he contacted Deputy Rosa's friend, Ben Magargee via telephone.

Sergeant Bello said he told Ben who he was, and asked for him to have Deputy Rosa step outside, unarmed; to which he stated Ben agreed. Sergeant Bello advised a few moments later, other deputies stated Deputy Rosa had come outside, and was taken into custody without incident.

Sergeant Bello stated he only had limited conversation with Deputy Rosa in regards to how he arrived at Ben's residence, and did not speak to him in reference to the incident.

Sergeant Bello advised he had no further involvement.

Interview with Deputy Wes Brough

On September 10, 2021, at approximately 1338 hours, Lieutenant Shivers and Sergeant Calkins conducted a sworn interview with Deputy Brough at the Volusia Sheriff's Office administrative office in DeLand. Below is a summary of the interview –

Deputy Brough advised he is assigned to the District Two Crime Suppression Team. He stated on September 3, 2021, he was assigned to be a part of the "take-down" team during the apprehension of Deputy Rosa. Deputy Brough advised once Deputy Rosa was taken into custody, he had a conversation with him.

Lieutenant Shivers asked Deputy Brough what the context of the conversation was, at which time Deputy Brough stated, *"Basically, I explained to him that he was not going to District Four...the hospital under Baker Act at the time that he was taken into custody. And he was going to District Four to talk to whoever was at District Four to talk to him. He asked, he kept asking questions about what was said, for us to show up in the capacity that we did. And I basically just told him, I wasn't sure."*

Deputy Brough advised he transported Deputy Rosa to the District Four office to be interviewed by Sergeant Paul. Deputy Brough advised he did not question Deputy Rosa during the transport. Also, during the transport, Deputy Brough advised Deputy Rosa did not appear to be intoxicated and was calm.

Interview with Lieutenant Bryan Barnard

On September 14, 2021, at approximately 1539 hours, Lieutenant Shivers and Sergeant Calkins conducted a sworn interview with Lieutenant Bryan Barnard at the Volusia Sheriff's Office administrative office in DeLand. Below is a summary of the interview –

Lieutenant Barnard advised on September 4, 2021, he was the on-duty Watch Commander for the Volusia Sheriff's Office, at which time Sergeant Roman contacted him regarding the allegations made by Deputy [REDACTED]. Lieutenant Barnard stated he relayed the information through his chain-of-command, at which time it was determined that a detective would conduct the criminal investigation into the incident. He stated he notified Sergeant Roman to contact Detective Sergeant Paul to conduct the investigation.

Lieutenant Barnard said later in the shift, after Deputy Rosa was transported to the District Four office, he met with Deputy Rosa and notified Deputy Rosa that he was being placed on administrative leave. Lieutenant Barnard advised Deputy Rosa only acknowledged that he was placed on administrative leave, and did not make any other statements.

Lieutenant Barnard advised he later went to Deputy Rosa's residence with Sergeant Tucker and Sergeant Roman and collected Deputy Rosa's issued Volusia Sheriff's Office property.

Lieutenant Barnard advised he had no further involvement.

In addition, Lieutenant Shivers and Sergeant Calkins conducted sworn interviews with the following deputies regarding their involvement with the incident or apprehension of Deputy Rosa:

Sergeant Graeme Foster	Deputy Brandon Bivone
Sergeant Cameron Tucker	Deputy Adam Clausen
Sergeant Steven Woell	Deputy Donald Gray
Detective Nicholas Yackel	Deputy Nicole Richardson
Deputy Daniel Berriozabal	Deputy Michael Sawicki

It was learned through their interviews that the aforementioned deputies did not have any significant contact or conversation with Deputy Rosa or Deputy [REDACTED] in regards to the incident, and their involvement was minimal or supportive to Sergeant Paul's investigation.

Lieutenant Shivers also contacted Ben Magargee via telephone in attempt to schedule an interview with him in regards to his involvement; however, Ben stated he did not wish to participate or be interviewed.

On September 5, 2021, Deputy Rosa forwarded a letter to the Sheriff detailing the two-week notice of his resignation for consideration. Deputy Rosa's signed and dated letter indicated his final day would be September 19, 2021.

On September 13, 2021, Deputy Rosa amended his resignation to make it effective immediately on that date.

Pursuant to Section 943.1395(5) Florida Statutes and Rule 11B-27-003(1) an employing agency must conduct and conclude an investigation when having cause to suspect that an officer employed by them has violated Sections 943.13(4) or (7) Florida Statutes or Rule 11B-27-0011(4) Florida Administrative Code [moral character violation]. Based on the law, Lieutenant Shivers continued his investigation and subsequently presented the facts to the Volusia Sheriff's Office Executive Command Staff.

On September 22, 2021, Lieutenant Shivers contacted Deputy Rosa via email in attempt to schedule an interview with him in regards to this internal investigation. Deputy Rosa replied and stated he did not wish to schedule or participate in an interview.

On October 28, 2021, this investigation was presented to the Volusia Sheriff's Office Executive Command Staff. After careful review, Chief Deputy Joseph Gallagher determined the violation of the below listed Volusia Sheriff's Office General Orders to be:

- | | |
|---|------------------|
| GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted. | Sustained |
| GO-026-02.IV.F.4 – Misdemeanor Injurious to VSO | Sustained |
| GO-026-02.IV.F.5 – Commission of Felony | Sustained |
| GO-026-02.IV.F.6 – Criminal or Illegal Conduct | Sustained |

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Official Volusia Sheriff's Office Reports
- D. Transcript of Interview with Sergeant Jayson Paul
- E. Transcript of Interview with Deputy [REDACTED]
- F. Transcript of Interview with Sergeant Graeme Foster
- G. Transcript of Interview with Deputy Austin Rosa
- H. Digital Evidence

WITNESSES:

Volusia Sheriff's Office
123 W. Indiana Avenue
DeLand, FL 32720

Lieutenant Bryan Barnard
Sergeant Omar Bello
Sergeant Graeme Foster
Sergeant Jeremy Patterson
Sergeant Jayson Paul
Sergeant Miguel Roman
Sergeant Cameron Tucker
Sergeant Steven Woell
Detective Nicholas Yackel

Deputy Daniel Berriozabal
Deputy Brandon Bivone
Deputy Wes Brough
Deputy Adam Clausen
Deputy Donald Gray
Deputy [REDACTED]
Deputy Nicole Richardson
Deputy Michael Sawicki

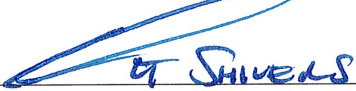
Civilian Witnesses

Ben Magargee
130 Orié Griffin Boulevard
Palatka, Florida 32177

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

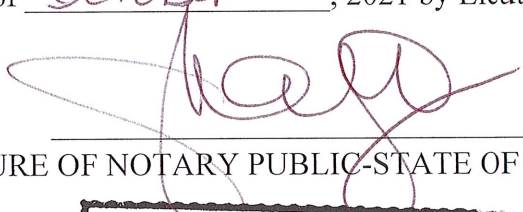
I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida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

DETECTIVE:  DATE: 10/28/2021

**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 28th day of October, 2021 by Lieutenant Daniel Shivers



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: 10-29-2021

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