

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0013

Complainant: Chief Thomas Grimaldi  
Employee: Lieutenant Joseph Swetz  
Investigator: Captain Scott Brozio

**Summary of Allegations**

On July 16, 2018 I received an anonymous letter that was slid under the door to my office. The letter indicated there was an issue with the "negativity" of Alpha Platoon, and specifically relayed an incident in which Lt. Swetz reportedly stated that another Lieutenant could "suck his dick" in shift briefing to his Alpha Platoon officers. The matter was entered into Blue Team as an internal complaint.

On July 18, 2018 both Sgt. Joseph Rhodes and Sgt. Gregory "Dean" Gaver were interviewed to determine if there was any validity to the anonymous letter received. Based on the interviews, the allegation appeared to possibly have merit. Sgt. Gaver indicated the comment was made in the presence of several officers, including: Ofc. White, Ofc. Raines, Ofc. Mialki, Ofc. Mandese, Ofc. Kimberly, Ofc. Chumita, Ofc. Fleming and Ofc. Bressett.

Based on the above information, the investigation was initially referred to IA by Chief Grimaldi for the below alleged policy violations:

- 1. 26.1.46 Failure to Follow Directive or Order – Allegation that Lt. Swetz has not carried forth the messages from the Chief and Administration in the manner directed by Chief Grimaldi in several Command Staff Meetings.**
- 2. 26.1.58 Courtesy (Count 1) – Allegation that Lt. Swetz made inappropriate comments regarding another member of Command Staff to his officers during shift briefing.**

From July 23, 2018 to November 8, 2018 a series of additional interviews were conducted in regard to the initial allegations made. As interviews were conducted, several other issues came to light, including performance-based issues, insubordination allegations, and an allegation of Lt. Swetz threatening a subordinate. The new issues brought to light during interviews added the following alleged policy violations to the investigation:

- 3. 26.1.58 Courtesy (Count 2) – Allegation that Lt. Swetz made inappropriate comments to a subordinate regarding their behavior.**

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4. **26.1.76 Harassment – Allegation, linked to the event above, in which Lt. Swetz allegedly stated to Ofc. Raines that the officer’s behavior made Lt. Swetz want to “choke him out” in the briefing room.**
  
5. **26.1.138 Criticism of Orders or Policies – Allegation that Lt. Swetz has criticized decisions made by Command Staff to his officers during shift briefings. Specifically, Lt. Swetz has allegedly criticized the Range project, the Police Department generator issue, the handling of radar unit issues, criticized equipment chosen for Patrol SUVs and the decision of the Chief to not approve load bearing outer vests to officers.**
  
6. **26.1.147 Job Knowledge and Performance (Repeated) – Allegation that Lt. Swetz has been unable to complete tasks of his position by deadlines or in a timely manner, such as evaluations, time off requests, training requests, and proper scheduling. There have been repeated attempts to correct these performance-based issues for Lt. Swetz.**

**Investigation Narrative**

For the purpose of clarity and understanding, this narrative will be arranged by each allegation. In some cases, witness or subject employee interviews may be listed under more than one allegation. Only the portions of interviews that pertain to a specific allegation will be listed in the specific sections.

**26.1.58 Courtesy (Count 1):**

On July 16, 2018 I returned to work to find an anonymous letter slid under the door to my office. The letter contained the following statements: “You have said during the meeting with my shift that you want to make this department better and that everyone will be held accountable irregardless of rank. This is a chance for you and the Administration to prove it. You may want to talk to your Alpha sergeants about the negativity of their shift. It doesn’t help things when a lieutenant talks bad about the Command Staff and even says in front of officers that another lieutenant can suck their.....Let’s see if you are serious about fixing stuff, or if you were just blowing smoke.”

I notified Assistant Chief Proctor of the letter and was directed to provide him the letter. I was also directed to complete a memo about finding the letter. Both the memo and the letter were turned over to Assistant Chief Proctor for entry into Blue Team. It was determined that I should speak with the two Alpha Platoon

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Sergeants, Joseph Rhodes and Dean Gaver to determine if there was any validity to the complaint which was received. Interviews were conducted with both, and summaries are listed below.

**Interview: Sgt. Gregory "Dean" Gaver – July 18, 2018**

On July 18, 2018 I conducted a sworn, audio recorded interview with Sgt. Gaver.

Sgt. Gaver advised he was aware of negative attitudes occurring on his shift. He advised that from time to time his Lieutenant tended to be negative during briefings.

Sgt. Gaver explained that in a prior shift briefing, he came in as the late sergeant and heard Lt. Swetz discuss a Lieutenant's meeting. Sgt. Gaver said the Lt. Swetz indicated that Lt. Fisher was giving him "dirty looks" from across the room during the meeting. Sgt. Gaver attributed the ill feelings between the two Lieutenants as coming from an issue about car keys being taken from Lt. Fisher's mailbox. Sgt. Gaver admitted that during this shift briefing, in front of officers, Lt. Swetz said that Lt. Fisher could suck his d-i-c-k.

Sgt. Gaver advised that he confronted Lt. Swetz about his comment after their officers left briefing and expressed his opinion about the professional nature of the comments. Sgt. Gaver indicated Lt. Swetz advised he was just trying to bring humor to the briefing.

Sgt. Gaver explained he spoke with several of the officers regarding the inappropriate nature of the negative comments made by Lt. Swetz in briefing. He advised he spoke with Ofc. Fleming, Ofc. Chumita, Ofc. Kimberly, Ofc. Mialki, Ofc. Mandese, and Ofc. Bressett throughout the course of the shift. It was stated the comments were generally not taken as humorous, but rather negative.

Sgt. Gaver advised none of his officers complained or mentioned feeling harassed by the comments made by Lt. Swetz. Sgt. Gaver advised he was not aware of any other policies being violated by members of his shift.

End of Interview.

Please see audio recording for complete details.

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**Interview: Sgt. Joseph Rhodes – July 18, 2018**

On July 18, 2018 I conducted a sworn, audio recorded interview with Sgt. Rhodes.

He indicated he has heard “gripes” about other supervisors from time to time, but never heard anyone say another supervisor could suck their dick. Sgt. Rhodes advised if a statement such as that was made, it would have occurred in a briefing he was not in attendance for. Sgt. Rhodes did advise in some cases, his officers have complained about other supervisors, but not to the extent described above.

Sgt. Rhodes indicated he felt that other shifts viewed his platoon as being negative since a document which was filled with “gripes and complaints” was created and provided to the Chief. Sgt. Rhodes said that none of his officers have been treated differently since the document he referenced was created.

End of Interview.

Please see audio recording for complete details.

Due to possible confirmation of the allegation Lt. Swetz stated Lt. Fisher could suck his dick during shift briefing, additional interviews were conducted with officers who may have been present and heard the comment. In addition, members of the Criminal Investigations Division, who regularly attend evening shift briefings were interviewed as well. Below are the summaries of these interviews.

**Interview: Ofc. Joel Bressett – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Bressett.

Ofc. Bressett was asked if he heard Lt. Swetz say another lieutenant could suck his dick during a previous shift briefing. Ofc. Bressett advised that he recalled something in that context, but he did not remember the exact verbiage used. Ofc. Bressett indicated he understood the context of what Lt. Swetz was saying, but that he could not recall if a specific lieutenant was named.

Ofc. Bressett advised the comment may have resulted in another lieutenant making light of a request made by Sgt. Gaver for a water bottle filling station. Ofc. Bressett said the issue came up in a meeting, and the comment attributed to Lt.

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Swetz may have been about the same lieutenant who commented on the water bottle filling station. When asked, Ofc. Bressett identified Lt. Fisher as the lieutenant who mocked the filling station request.

Ofc. Bressett did not believe this occurred previously in briefings, and further stated no other officer or supervisor took part in making the comments about another lieutenant.

Ofc. Bressett confirmed Sgt. Gaver spoke with him after the briefing, along with Ofc. Mialki. When asked if he found Lt. Swetz's comments to be unprofessional Ofc. Bressett replied, "I found it to be, yeah, a little out of the ordinary for a higher-ranking supervisor to be doing in briefing".

Ofc. Bressett stated he was not offended by the comment made. He denied hearing Lt. Swetz make negative comments about any other members of Command Staff. Ofc. Bressett did not advise of any other concerns regarding his shift.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Angelo Mandese – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Mandese.

Ofc. Mandese advised he did not hear Lt. Swetz state another lieutenant could suck his dick during a recent shift briefing.

Ofc. Mandese did advise that Sgt. Gaver came to him later in the shift to address some negative comments made by Lt. Swetz. Ofc. Mandese advised Sgt. Gaver asked he and other more senior officers try to keep things on the shift moving in a positive direction.

Ofc. Mandese advised he has not heard Lt. Swetz make negative comments regarding the Command Staff and could not recall any of his supervisors making negative comments in the past. He did explain that if negative comments are being made, he "tunes it out".

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Ofc. Mandese explained at some points there are comments made in briefing about calls which occurred on other shifts, and how they would be handled on his platoon, but not in a negative way.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Andrew Mialki – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Mialki.

Ofc. Mialki advised that he did hear Lt. Swetz state another lieutenant could suck his dick during a recent shift briefing. Ofc. Mialki stated the comment made by Lt. Swetz was directed at Lt. Fisher. Ofc. Mialki stated the comment occurred due to a "look" and a verbal exchange between Lt. Swetz and Lt. Fisher at a Lieutenant's meeting due to keys being removed from a mailbox by Lt. Swetz and provided to Ofc. Segura.

Ofc. Mialki advised he was not offended by the comment made by Lt. Swetz.

Ofc. Mialki stated he had not heard comments from Lt. Swetz to that effect before. When asked for clarification, Ofc. Mialki said Lt. Swetz tends to speak his mind and is not somebody who is reserved.

Ofc. Mialki said no other officers or supervisors made comments like Lt. Swetz's during the briefing. Ofc. Mialki stated later in the shift he was asked to meet Sgt. Gaver and Ofc. Bressett. Sgt. Gaver reportedly advised he thought Lt. Swetz was out of hand and unprofessional. Sgt. Gaver reportedly said to Ofc. Mialki and Ofc. Bressett as newer officers, they should not find comments such as those made in briefing by Lt. Swetz as acceptable.

Ofc. Mialki said he found the comment made by Lt. Swetz was unprofessional but reiterated that he was not offended.

End of Interview.

Please see audio recording for complete details.

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**Interview: Ofc. Christopher Raines – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Raines.

Ofc. Raines advised he did not recall Lt. Swetz stating another lieutenant could suck his dick during a recent shift briefing. He also advised no supervisor approached him about this topic.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Doug Chumita – July 23, 2018**

On July 23, 2018 Assistant Chief Proctor conducted a sworn, audio recorded interview with Ofc. Chumita.

Ofc. Chumita advised he could not recall ever hearing Lt. Swetz state another lieutenant could suck his dick during a recent shift briefing. Ofc. Chumita advised that no one had spoken with him regarding the incident.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Justin White – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. White.

Ofc. White initially advised that he never heard Lt. Swetz say another lieutenant could suck his dick. Upon further questioning from Lt. James, Ofc. White advised he may have heard something similar, for example, "So and so can blow me or whatever" during a briefing but could not advise what it was for or who it was directed toward.

End of Interview.

Please see audio recording for complete details.

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**Interview: Ofc. Kyle Kimberly – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. Kimberly.

Ofc. Kimberly recalled Lt. Swetz referencing someone could suck his dick, but Ofc. Kimberly advised he did not believe Lt. Swetz singled out another lieutenant. Ofc. Kimberly indicated he interpreted Lt. Swetz comment to be directed toward the Command Staff in general.

Ofc. Kimberly advised he was not offended by the comment and it had not occurred before.

Ofc. Kimberly did state Sgt. Gaver met with him later in the shift and advised it was not right for a supervisor to speak of the Administration in such a manner.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Bernard Fleming – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. Fleming.

Ofc. Fleming advised he never heard Lt. Swetz say anyone could suck his dick during shift briefing.

End of Interview.

Please see audio recording for complete details.

**Interviews: CID – August 1, 2018 and August 2, 2018**

On August 1, 2018 and August 2, 2018 members of CID who attended shift briefings in 2018 were identified. Each were interviewed to determine if they were present when any Alpha Platoon supervisor made derogatory comments toward any other supervisors.

The members of CID who were interviewed are as follows:

Det. Sgt. Ryan Magee

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Det. Rubin Davila  
Det. Christopher Bingham  
Det. William Harrison  
Det. James Kenny  
Det. Carl Lamirande  
Det. William Rhodes  
Det. Michael Wallace  
Det. Thomas Yovanovich

None of the members of CID reported hearing any such comments made by Alpha Platoon Supervisors. None of the members of CID interviewed reported hearing such comments from any other shift either.

End of Interviews.

Please see audio recordings for complete details.

**Interview: Lt. Joseph Swetz – November 29, 2018**

On November 29, 2018 I conducted a sworn recorded interview with Lt. Swetz for IA2018-0013. Also present for this interview was Lt. Swetz's representative, Attorney Ryan Burton. A Subject Employee Statement was read and utilized for the interview. Lt. Swetz was provided and signed his Garrity Warning, which he requested be read into record. Lt. Swetz was also provided and signed for his Law Enforcement Officers' Rights.

Lt. Swetz was then asked to explain some of the roles and responsibilities he has as a Patrol Lieutenant. He explained he was responsible for the oversight of shift operations on a daily basis. Lt. Swetz said this included scheduling, supervision of Sergeants and Officers, various administrative duties, approving requests for vacation and education, Internal Affairs investigations, attending meetings, inspections, taking training classes, and teaching new officers.

Lt. Swetz was asked if he had a conversation with Chief Grimaldi and Assistant Chief Proctor about tolling IA investigations after the June 2018 Command Staff meeting which occurred on June 27, 2018. Lt. Swetz confirmed he recalled a conversation between he, Chief Grimaldi, Assistant Chief Proctor, and I about tolling IA investigations. Lt. Swetz advised he could not recall specifically when the conversation took place.

Lt. Swetz was asked if he was notified on June 29, 2018 about receiving a counseling statement for tolling an IA investigation without notifying Chief

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Grimaldi or requesting an extension. Lt. Swetz advised he received a counseling statement but could not state with certainty when he received it.

Lt. Swetz was provided an email from me dated June 29, 2018 stating, "Please ensure you return the Blue Team entry forwarded to you by the end of your shift Sunday. Thank you." He was asked if he recalled seeing the email. Lt. Swetz stated he recalled seeing the email in the IA packet provided to him, but he did not know what it was in reference to, as it just referenced a Blue Team entry.

Lt. Swetz was then shown a copy of SVI2018-0019, which was the supervisory inquiry in which he received a counseling statement after tolling an IA investigation without notifying Chief Grimaldi or requesting an extension when the tolling pushed the completion past the department policy set due date. Specifically, Lt. Swetz was directed to review the Blue Team routing entry completed on June 29, 2018 at 3:59 pm with instructions stating, "Please acknowledge the receipt of the counseling statement and forward the entry back to me by the end of your shift Sunday". Lt. Swetz then confirmed that he received the Blue Team entry.

Lt. Swetz was asked if it was correct that the June 27, 2018 Command Staff meeting was on one of his days off, and that his next work shift was on June 29, 2018. He advised that he could not recall off the top of his head. Lt. Swetz was then provided his Executime records for the pay period of June 25, 2018 through July 8, 2018, which showed Lt. Swetz being off on June 27, 2018 and June 28, 2018 and returning to duty on June 29, 2018. He agreed the Executime records appeared accurate.

Lt. Swetz was asked if on or about the June 29, 2018 shift briefing he held if he informed his officers that he had gotten in trouble. Lt. Swetz advised he did not recall, but that he heard it in one of the interviews with one of his officers. Lt. Swetz was then informed that in Ofc. Fleming's interview Ofc. Fleming advised Lt. Swetz seemed more angry than usual. Lt. Swetz was then asked if there was anything said in briefing that would have led Ofc. Fleming to feel Lt. Swetz was angry or upset. Lt. Swetz said he was not aware of anything.

Lt. Swetz was then asked directly if during shift briefing he stated to officers that Lt. Fisher (now Capt. Fisher) could suck his dick. Lt. Swetz stated he, "Quite possibly said that". I then asked Lt. Swetz, "Quite possibly? So, you don't recall if you did or you did not"? Lt. Swetz said, "I don't remember that. I just know I can't say with certainty and I certainly don't want to lie". Lt. Swetz added between his military service and police service profanity is the vernacular, and he maybe uses

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a little more of it than others do. Lt. Swetz continued by advising he could have said it, but he could not recall specifically.

Lt. Swetz was then asked if anything had transpired between he and Lt. Fisher that would have caused that type of statement or reaction from Lt. Swetz. Lt. Swetz said he and Lt. Fisher have always had a very good relationship and he has defended Lt. Fisher when others have spoken negatively about him. Lt. Swetz said upon refreshing his memory after listening to interviews, there was an interaction between the two during a Lieutenant's meeting. Lt. Swetz advised the Lieutenant's meeting was two days prior to the shift briefing on June 29, 2018 and he doesn't hold grudges. Lt. Swetz said he did not think he would have been angry, but in listening to interviews, that is what is seemed to go back to.

Lt. Swetz was asked if he recalled what transpired between he and Lt. Fisher at the Lieutenant's meeting. Lt. Swetz said there was just banter back and forth and there was what Lt. Swetz described as "peacocking". Lt. Swetz was then asked if there were just general problems or if a specific issue transpired. Lt. Swetz advised that he believed the issue between he and Lt. Fisher was in reference to Lt. Fisher being upset that someone went into his mailbox and removed keys to a patrol vehicle.

Lt. Swetz was asked if stating Lt. Fisher could suck his dick was an appropriate or professional comment to make toward another member of the Command Staff in front of officers at shift briefing. He replied it was probably not appropriate. Lt. Swetz continued by stating, "I have a tendency to speak freely. And like I said, use profanity or off the cuff remarks. I don't think it was malicious. It was in jest". Lt. Swetz indicated it was probably inappropriate and continued, although it doesn't justify it, it wasn't directed toward a superior, and added again he and Lt. Fisher have a really good relationship. Lt. Swetz stated it was likely inappropriate for the environment. He added the comment was not inappropriate in and of itself, but with the audience, it possibly was.

End of Related Portion of Interview.

Please see audio recordings for complete details.

**26.1.138 Criticism of Orders or Policies & 26.1.46 Failure to Follow Directive or Order:**

**Interview: Sgt. Gregory "Dean" Gaver – July 18, 2018**

On July 18, 2018 I conducted a sworn, audio recorded interview with Sgt. Gaver.

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Sgt. Gaver advised he was aware of negative attitudes occurring on his shift. He advised from time to time his Lieutenant tended to be negative during briefings. Sgt. Gaver advised he was aware of Lt. Swetz making negative comments about the Command Staff in shift briefing but could not recall specific issues.

As the interview progressed, Sgt. Gaver recalled a specific issue from the same shift briefing in which Lt. Swetz reportedly advised his shift that Lt. Fisher could suck his dick. Sgt. Gaver explained that questions arose from an incident which reportedly occurred on Delta Platoon regarding officers responding to assist a neighboring agency, even if mutual aid is not requested or approved by a supervisor yet. He advised he could not recall specifics, but Lt. Swetz wasn't overly negative. Sgt. Gaver explained Lt. Swetz advised his officers they could respond in a situation similar to which occurred on Delta Platoon.

When asked if he felt the direction and goals set forward by the Chiefs are being adhered to and if there was proper direction being provided to him and his officers, Sgt. Gaver advised there is a breakdown between the Command Staff and Lt. Swetz. Sgt. Gaver also advised he spoke with Lt. Swetz about his belief neither of them should be interjecting personal opinion into policies, but rather "sell" them to the officers.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Joseph Rhodes – July 18, 2018**

On July 18, 2018 I conducted a sworn, audio recorded interview with Sgt. Rhodes.

During the interview, Sgt. Rhodes indicated in some cases during briefings, if something could be construed as negative, it would be when Lt. Swetz brought information from the Command Staff. Sgt. Rhodes stated information would be presented as something like: "Hey, this is the way it is. We all got to do it, we all got to abide by it, because our bosses said so".

Sgt. Rhodes did recall the postponement of CST coming up during a shift briefing. He advised although there was some complaint over the postponement from officers, Lt. Swetz portrayed the matter in a positive light.

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Sgt. Rhodes did advise in some cases, if he or another shift supervisor did not agree with a policy change or direction handed down from the Chief's office, and there was complaint from officers, the officers would be advised "Our bosses put it in place and we are going to do the best we can to make it happen". Sgt. Rhodes said they may not "sell" an idea but will try to make sure all directives are followed.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Joel Bressett – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Bressett.

Ofc. Bressett advised he had not heard Lt. Swetz make any negative comments regarding Command Staff.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Angelo Mandese – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Mandese.

Ofc. Mandese advised he could not recall hearing Lt. Swetz make any negative comments regarding Command Staff.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Andrew Mialki – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Mialki. Ofc. Mialki advised he could not recall hearing Lt. Swetz make any negative comments regarding Command Staff.

End of Interview.

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Please see audio recording for complete details.

**Interview: Ofc. Christopher Raines – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Raines.

During his interview Ofc. Raines was asked if he had heard Lt. Swetz make negative comments about the Command Staff in any of his recent shift briefings. Ofc. Raines stated Lt. Swetz had in some of them. Ofc. Raines said this had been occurring for quite a while, and as recently as the past week or two (from his interview). Specifically, Ofc. Raines mentioned that Lt. Swetz would refer to Capt. McIlrath as Capt. McilNuts. Ofc. Raines also advised Sgt. Gaver uses the name Capt. McIlnuts when referring to Capt. McIlrath.

Ofc. Raines advised there are times Lt. Swetz will play off information coming from the Command Staff with a sarcastic comment, but he does not openly criticize things. Ofc. Raines did not provide any other information on this topic.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Doug Chumita – July 23, 2018**

On July 23, 2018 Assistant Chief Proctor conducted a sworn, audio recorded interview with Ofc. Chumita.

During his interview, Ofc. Chumita was asked if he had heard Lt. Swetz make any negative comments about the Command Staff or Administration. Ofc. Chumita responded in the affirmative. Ofc. Chumita stated that the comments were made during the last month. Ofc. Chumita stated that Lt. Swetz was complaining about the choices for equipment in the issued Police SUVs during a shift briefing.

When asked how the comments came up, Ofc. Chumita advised that officers were talking about the SUVs and Lt. Swetz made his comments. Ofc. Chumita advised that others may complain about the Command Staff, but he did not have specific examples. Ofc. Chumita advised he had not heard his other supervisors be negative toward Command Staff.

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Ofc. Chumita did advise that Lt. Swetz did not like Sgt. Nagy and made comments to that effect after a shift training at Spruce Creek H.S. Ofc. Chumita attributed a comment to Lt. Swetz that Lt. Swetz did not trust Sgt. Nagy.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Justin White – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. White.

Ofc. White advised Lt. James he recalled a briefing during which a sergeant, later stated to be Sgt. Gaver, became upset with Lt. Swetz for making "off-comment" jokes while going over the Command Staff notes. One specific item mentioned by Ofc. White was the movement of the police department generator and how much it was going to cost. Lt. Swetz was making off-comment jokes about things the Command Staff were doing. Ofc. White stated the shift conversation about the idea to move the generator was called "dumb". Ofc. White advised that Lt. Swetz and the shift joked it would cost too much money to move the generators. Ofc. White believed the briefing was after the June 2018 Command Staff meeting.

Ofc. White later remembered that the Range Project was brought up during the briefing as well. He advised it was joked about and the department would never get the range built.

Ofc. White indicated Lt. Swetz was not the only one to joke in past briefings. He advised his sergeants and other officers joked at times as well.

Ofc. White also indicated Lt. Swetz made fun of Capt. McIlrath in the same briefing but could not recall specifics.

Ofc. White advised he was not offended by any of the comments and did not hear any other supervisor respond to the comments.

Ofc. White advised he has heard supervisors be negative throughout his career. He indicated he did not recall any recent issues, but at times mistakes from other shifts would be discussed as a teaching moment.

End of Interview.

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**Interview: Ofc. Kyle Kimberly – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. Kimberly.

Ofc. Kimberly recalled Lt. Swetz referencing in a recent shift briefing that someone could suck his dick. Ofc. Kimberly indicated that he interpreted Lt. Swetz comment to be directed toward the Command Staff in general. Ofc. Kimberly advised the comment occurred during a discussion about an officer from another jurisdiction needing assistance. Officers questioned whether they would get in trouble for responding without supervisor approval. According to Ofc. Kimberly, Lt. Swetz advised, "Sometimes you just have to do what you have to do, and if you get paper, you get paper". Lt. Swetz reportedly said he would take paper all day for that reason, and at this time, Lt. Swetz made the comment about the Administration sucking his dick.

Ofc. Kimberly advised that he had not heard Lt. Swetz speak negatively about the Command Staff previously.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Bernard Fleming – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. Fleming.

Although Ofc. Fleming indicated he never heard Lt. Swetz say another Lieutenant could suck his dick, Ofc. Fleming did advise that he recalled a shift briefing where derogatory comments were made toward the Command Staff and how they were handling certain issues. Ofc. Fleming indicated these comments came after an OPT or Command Staff meeting. Ofc. Fleming advised Lt. Swetz indicated that he got into some kind of trouble after the meeting and got his "pee pee" smacked. Ofc. Fleming said it appeared Lt. Swetz was upset and let his emotions get the best of him.

During his interview Ofc. Fleming indicated Lt. Swetz had an aggressive tone in the shift briefing and was more angry than normal.

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Ofc. Fleming said the tone of the briefing was negative toward the way the Administration was handling issues. Specifically, Ofc. Fleming mentioned an issue surrounding the checking of radar units being complained about. He explained that the idea presented by Lt. Swetz was the administration should not be focusing on the small things, but on the attitude and mentality of officers.

Ofc. Fleming advised Lt. James it was commonplace for Lt. Swetz to not "sugarcoat" things. He also advised if Lt. Swetz feels the administration should have handled issues differently, Lt. Swetz would provide his view on how the issues should have been handled, however, he would then state that the decisions made by the administration would need to be adhered to. During his interview, Ofc. Fleming said Lt. Swetz made comments about the Command Staff in the past, but they were received as being in jest.

Ofc. Fleming did advise he was approached by Sgt. Gaver in regard to this briefing. Ofc. Fleming said Sgt. Gaver indicated Lt. Swetz's behavior was unprofessional and asked Ofc. Fleming to help bring a more professional tone to the shift. He advised there appeared to be a significant rift between Lt. Swetz and Sgt. Gaver. Ofc. Fleming described behaviors and comments Sgt. Gaver would make that he took as "badmouthing" Lt. Swetz.

Ofc. Fleming indicated after speaking with Sgt. Gaver, Lt. Swetz approached him to ask if his behavior in the briefing was out of line. Ofc. Fleming stated he did not feel it was out of line. He said Lt. Swetz apologized to him, stated that he would no longer make negative comments about other supervisors in briefings, and would try to be as positive as possible.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Gregory "Dean" Gaver – July 27, 2018**

On July 27, 2018 I conducted a sworn, audio recorded follow-up interview with Sgt. Gaver. He was asked about negative comments toward the Command Staff by Lt. Swetz, specifically the police department generator exhaust issue. Sgt. Gaver said there was definitely negativity toward Command Staff but did not specifically recall anything about the generator. Sgt. Gaver said he could not recall any specific details over issues but advised there are negative comments made regarding policies and Power DMS documents.

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Sgt. Gaver had no specific information regarding negative comments about the range project but did recall negative comments made by Lt. Swetz regarding the recent radar calibration and maintenance issues. Sgt. Gaver advised he did not understand why the negativity was directed toward the Command Staff for addressing the issue rather than toward the officers that were not checking their equipment or addressing issues with keeping their equipment working.

Sgt. Gaver, when asked, advised that Lt. Swetz does critique decisions made by Command Staff in front of officers and inform officers of what he thinks should be done. He could not provide specific details. Sgt. Gaver stated he has had some private conversations with Lt. Swetz in which he says he told the Lieutenant that it isn't their job to give their personal feelings about decisions, but to bring decisions to the officers and provide information on how to ensure they comply.

End of Interview.

Please see audio recording for complete details.

**Interviews: CID – August 1, 2018 and August 2, 2018**

On August 1, 2018 and August 2, 2018 members of CID who attended shift briefings in 2018 were identified. Each were interviewed to determine if they were present when any Alpha Platoon supervisor made derogatory comments toward the Command Staff, Command Staff decisions, or department policy.

The members of CID who were interviewed are as follows:

Det. Sgt. Ryan Magee  
Det. Rubin Davila  
Det. Christopher Bingham  
Det. William Harrison  
Det. James Kenny  
Det. Carl Lamirande  
Det. William Rhodes  
Det. Michael Wallace  
Det. Thomas Yovanovich

None of the members of CID reported hearing any such comments made by Alpha Platoon Supervisors. None of the members of CID interviewed reported hearing such comments from any other shift either.

End of Interviews.

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Please see audio recordings for complete details.

**Interview: Ofc. Joel Bressett – August 24, 2018**

On August 24, 2018 I conducted a sworn, audio recorded follow-up interview with Ofc. Bressett.

He was again asked if he recalled any time in which Lt. Swetz was negative in his comments or views toward the Command Staff. Ofc. Bressett indicated he could not. Ofc. Bressett was then asked directly about any comments made by Lt. Swetz regarding the proposed solution to the police department generator exhaust issue, the range proposal or the directive concerning officers and supervisors ensuring proper checking and maintaining of radar units. Ofc. Bressett did not recall any comments regarding these topics being made.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Christopher Raines – August 24, 2018**

On August 24, 2018 I conducted a sworn, audio recorded follow-up interview with Ofc. Raines.

Ofc. Raines confirmed in his initial interview, he had advised that he heard Lt. Swetz make sarcastic comments in shift briefings but could not recall specific details. Ofc. Raines was asked directly about any comments made by Lt. Swetz regarding the proposed solution to the police department generator exhaust issue, the range proposal or the directive concerning officers and supervisors ensuring proper checking and maintaining of radar units. Ofc. Raines did not recall any comments regarding these topics being made.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Kyle Kimberly – August 24, 2018**

On August 24, 2018 I conducted a sworn, audio recorded follow-up interview with Ofc. Kimberly.

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Ofc. Kimberly confirmed the information provided in his initial interview he took the comment Lt. Swetz made in shift briefing about someone sucking his dick as a comment directed toward the entire Command Staff. Ofc. Kimberly advised he got this impression when Lt. Swetz said in briefing that if "they said this then they can do that". Ofc. Kimberly was asked for clarification and confirmed that when he referred to "they" he assumed it was Command Staff because Lt. Swetz was speaking about multiple people, and when he referred to "do that" he was referring to the action of sucking his dick.

Ofc. Kimberly advised he thought the comment was made during a discussion about responding outside of Port Orange jurisdiction. Ofc. Kimberly said Lt. Swetz indicated if there was no approval, and an officer still chose to respond, Lt. Swetz said that was something he would take paper on all day. Ofc. Kimberly confirmed his reference to "getting paper" was in reference to getting discipline. Ofc. Kimberly explained his interpretation was Lt. Swetz was putting himself in his officer's shoes, and if "they" were going to give an officer "paper" for saving another officer's life, then "they" can "suck it".

Ofc. Kimberly was asked if the comment made by Lt. Swetz was an appropriate or professional comment to make. Ofc. Kimberly replied, "Was it the most professional thing to say? No". Ofc. Kimberly said he could not speak for anyone else, but he was not offended by the comment.

Ofc. Kimberly was asked directly about any comments made by Lt. Swetz regarding the proposed solution to the police department generator exhaust issue, the range proposal or the directive concerning officers and supervisors ensuring proper checking and maintaining of radar units. Ofc. Kimberly did not recall any comments regarding these topics being made in a negative manner but did state that the topics were discussed.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Justin White – August 24, 2018**

On August 24, 2018 I conducted a sworn, audio recorded follow-up interview with Ofc. White.

Ofc. White was asked to clarify what he meant in his initial interview in reference to advising that Lt. Swetz was reading Command Staff Meeting notes to his shift and making off-color jokes. Ofc. White advised he recalled the conversation was

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in reference to moving the police department generators further away from the building because the diesel exhaust. Ofc. White said it was not just Lt. Swetz making jokes about the issue, but everyone, due to the cost it may incur. The idea was there were better ways to spend money than moving the generators.

Ofc. White was asked if off-color jokes were the norm for Lt. Swetz when relaying information to his officers from Command Staff meetings and OPT meetings. Ofc. White advised that Lt. Swetz does like to joke, but also does so with pass-ons and "atta boys" in which he would ad-lib.

He was asked about comments from his first interview that indicated that Lt. Swetz thought moving the generators was not a good idea, and if Lt. Swetz provided his thoughts on how to handle the issue. Ofc. White said he did not think he was referring to Lt. Swetz in that context specifically, but everyone was joking. Ofc. White advised he did not recall exactly what Lt. Swetz said.

Ofc. White was asked about other issues which may have been discussed or caused concern. Ofc. White did advise that he thought his Sergeant may have been upset with another officer about "back-talking" Lt. Swetz in briefing.

Ofc. White was then asked about the range project. He advised he thought the conversation took place in the same briefing. Ofc. White explained the range was an ongoing issue, and it was like, "we'll talk about it but it's never going to happen" type joke.

Ofc. White was asked about issues with checking radar units. Ofc. White stated he criticized the direction because he does not use the radar unit. He said the radar is a tool the officers are assigned and they are responsible for. He did not recall Lt. Swetz criticizing the issue. Ofc. White did recall an officer asking about radar units and discussing how another shift had written up officers for not checking their radar units. Lt. Swetz reportedly used Ofc. Raines as an example and stated to his officers he could not see writing up Ofc. Raines for not using his radar when Ofc. Raines generally leads the department in arrests. Ofc. White did not indicate that any specific negative comments were made by Lt. Swetz toward Command Staff about this issue.

End of Interview.

Please see audio recording for complete details.

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**Interview: Ofc. Bernard Fleming – August 24, 2018**

On August 24, 2018 I conducted a sworn, audio recorded follow-up interview with Ofc. Fleming. Ofc. Fleming confirmed he informed Lt. James in his first interview he had heard Lt. Swetz make derogatory comments about the Command Staff and how they were dealing with certain issues around the police department. Ofc. Fleming stated the comments made by Lt. Swetz were made in shift briefing in front of officers. Ofc. Fleming said during briefing, they were going over notes from a Command Staff or OPT Meeting, and issues were being critiqued along with the decisions made by the Command Staff. Ofc. Fleming stated they were made in jest or in a sarcastic manner.

Ofc. Fleming confirmed he told Lt. James the tone used by Lt. Swetz while critiquing the information was negative. He explained Lt. Swetz had alluded to getting in trouble. Ofc. Fleming stated he was not sure what Lt. Swetz was in trouble for, but knowing the Lieutenant as a person, he could tell that he was angry or agitated, and said Lt. Swetz mentioned it was because he got in trouble. Ofc. Fleming said Lt. Swetz's normal critiques were "amplified", but he was angry about something else.

Ofc. Fleming, upon further questioning, said Lt. Swetz told all of his officers in briefing that he got in trouble. I asked Ofc. Fleming if he felt Lt. Swetz being angry over getting in trouble was a valid reason to be negative or derogatory toward the Command Staff to his staff and Ofc. Fleming replied, "No, Sir".

Ofc. Fleming was asked about comments he made regarding Lt. Swetz discussing issues with radar units. He explained it was discussed the officers needed to keep the radar unit properly maintained. Ofc. Fleming said it was discussed that some shifts choose to issue "paper" for correction rather than counseling, and Lt. Swetz did not agree with that. Ofc. Fleming was then asked about him stating that Lt. Swetz said "Admin" should know better than to focus on little things like that (radar). Ofc. Fleming said that was the continuing theme of improving morale and the while mentality of some people around the police department and that this came on the heels of the conversation about some people issuing more paperwork than the lieutenant is comfortable with. Ofc. Fleming said it seemed Lt. Swetz thought the push for corrective action with the radar units came from Admin and trickled down to some shifts. Ofc. Fleming stated Lt. Swetz said "Admin" should know better than to focus on corrective action through paperwork or discipline and there were other things to focus on.

Ofc. Fleming was asked if Lt. Swetz elaborated on what other things should be focused on and he replied that he could not remember. He was then asked about

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attributing comments to Lt. Swetz about Command Staff or Admin being of a caliber to know better than to focus on little things. Ofc. Fleming indicated this was similar to what he just stated and it is hard for him to speculate what Lt. Swetz meant. Ofc. Fleming provided information about morale and officers receiving paper or discipline for the radar issues, and he thought there may be bigger issues to deal with.

Ofc. Fleming was asked if the interaction was a professional experience. Ofc. Fleming said Lt. Swetz could definitely have been more professional and in an open setting like that (shift briefing) you would have to be able to manage your emotions a little bit better.

Ofc. Fleming confirmed he stated in his first interview that Lt. Swetz does not "sugarcoat" things and if he felt if Admin should have handled an issue differently, he would provide his officer his view on how it should have been handled. Ofc. Fleming was asked for examples and he referenced the Chief not approving the type of external vest carrier officers wanted. Ofc. Fleming stated Lt. Swetz was a big proponent of the carriers for health reasons. He advised Lt. Swetz had stated to officers in briefing that there should be better reasons for not providing this type of carrier than the Admin not liking it. Lt. Swetz reportedly stated he did not agree with the decision just because it was something that wasn't liked, and it was equipment which should be provided to officers.

Ofc. Fleming was then asked about issues with water bottle fillers, the police range, and the police department generator issue. Ofc. Fleming offered the range was a project that took so long to "get off the ground" and could have been handled better in Lt. Swetz's opinion. Ofc. Fleming advised Lt. Swetz said if things were managed better, then we would have a range.

Ofc. Fleming did not recall comments regarding the generator issue and stated that the water bottle filler was a joking comment that he could not remember exactly.

I asked Ofc. Fleming if he was the OPT rep for his shift. Ofc. Fleming said he was. I asked if Ofc. Fleming thought in his role as an OPT bringing information back to the officers if actions such as being overly critical or negative about decisions could undermine the message being sent from the Chief's Office. Ofc. Fleming replied, "I do. I can definitely see that". He was then asked if this was occurring with Lt. Swetz and impacting the message officers received from him. Ofc. Fleming said he was not sure but did not think it was happening.

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Ofc. Fleming was asked if criticizing decisions could show a lack of support for the Command Staff and he stated that he could see that. Ofc. Fleming advised if there were consistent derogatory or negative comments made about how the Command Staff reaches decisions he could see how it could be unacceptable and detrimental to the reputation of the Command Staff.

Ofc. Fleming advised that this particular issue was not a one-time incident and Lt. Swetz has been negative in the past regarding Command Staff notes and information when presenting to the shift. Ofc. Fleming said although this occurred in the past, there were no comments made that anyone ever complained about.

Ofc. Fleming was asked about his first interview and stating Sgt. Gaver was "bad mouthing" his Lieutenant based on comments made by the Sergeant. Ofc. Fleming confirmed saying this. He was then asked if he would use the same term to attribute to Lt. Swetz for the comments he allegedly was making about the Command Staff. Ofc. Fleming responded, "To some degree, yes". Ofc. Fleming said he felt the comments were in jest, and usually the message would be to joke about the matter, and then understand that it was what they all needed to do as part of their jobs.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Doug Chumita – November 8, 2018**

On November 8, 2018 I conducted a sworn, audio recorded follow-up interview with Ofc. Chumita. During the interview Ofc. Chumita confirmed the information he provided in his initial interview with Assistant Chief Proctor about Lt. Swetz making comments critical of the equipment selection of the Police SUVs. Ofc. Chumita described the context as Lt. Swetz complaining about the equipment provided in the vehicles in comparison to what could have been provided. Ofc. Chumita could not provide any specific items which were directly complained about.

Ofc. Chumita advised he did not hear Lt. Swetz make any critical comments regarding the police department generator exhaust issue or on the radar maintenance/inspection issue.

Ofc. Chumita stated he had heard a little disappointment and complaining from Lt. Swetz about the police department range project, but he could not recall any specific statements.

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Ofc. Chumita had no further information to add.

End of Interview.

Please see audio recording for complete details.

**Interview: Lt. Joseph Swetz – November 29, 2018**

On November 29, 2018 I conducted a sworn recorded interview with Lt. Swetz for IA2018-0013. Also present for this interview was Lt. Swetz's representative, Attorney Ryan Burton. A Subject Employee Statement was read and utilized for the interview. Lt. Swetz was provided and signed his Garrity Warning, which he requested be read into record. Lt. Swetz was also provided and signed for his Law Enforcement Officers' Rights.

Lt. Swetz was then asked to explain some of the roles and responsibilities he has as a Patrol Lieutenant. He explained he was responsible for the oversight of shift operations on a daily basis. Lt. Swetz said this included scheduling, supervision of Sergeants and Officers, various administrative duties, approving requests for vacation and education, Internal Affairs investigations, attending meetings, inspections, taking training classes, and teaching new officers.

Lt. Swetz was asked if part of his responsibilities as a Lieutenant was to attend monthly Command Staff meetings. He replied it was. Lt. Swetz was then asked to describe what the meetings are for and what was discussed in the meetings. Lt. Swetz explained the meetings were to keep the Lieutenants and above "on the same sheet of music" with the direction of the agency and to disseminate information needed to run the agency efficiently. Lt. Swetz added after the meetings information from them is brought back to the shift.

Lt. Swetz was asked what Chief Grimaldi's expectation is in regard to the messages being brought back to the shifts. Lt. Swetz advised Chief Grimaldi has said in prior meetings although there may be disagreements in the Command Staff meetings and we may not agree on everything, "but once we walk out the door it's a unified front". Lt. Swetz said his opinion was that Chief Grimaldi wants information brought back to the shifts accurately to get buy-in from the troops.

Lt. Swetz advised he thought in the June 2018 meeting or July 2018 meeting Chief Grimaldi again reiterated information may not be getting to the officers properly. Lt. Swetz recalled Chief Grimaldi explaining he did not want new

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information or directives being provided to officers with a message of "Chief Grimaldi said we're going to do this or Chief Proctor said we're going to do this".

Lt. Swetz was asked to confirm Chief Grimaldi has directed Command Staff members that they may disagree in meetings, but a unified front is expected to deliver information to the officers. Lt. Swetz replied, "Correct. Absolutely".

Lt. Swetz confirmed during questioning he generally tries to provide information from staff meetings to his officers at their next shift working.

He was then asked if he had been critical of decisions made by Command Staff or Chief Grimaldi in front of his platoon. Lt. Swetz said, "My first response would be no. However, I believe that that is open to interpretation, so I'm going to say no."

Lt. Swetz was then asked if he had presented information to his officers in a critical manner such as: "Hey this is what's coming from Command Staff, however, I disagree, or this should have been done differently, or things of that nature". Lt. Swetz replied, "I'm going to say no. I have not, to the best of my recollection, I have never been insubordinate or just simply refused or conveyed to the Sergeants of Officers, this is coming from the admin and I don't agree with it and we're going to do it our own way or anything like that. So, I've never implied, or in my opinion, given the appearance that I don't agree with their decisions and I want to come up with my own way, or been critical of their decisions, such as I don't agree with the way they did that, this could have been done better. I may talk about the issues themselves but not about their decision making."

Lt. Swetz was asked if he had the opportunity to listen to both of Ofc. Fleming's interviews. He stated he had listened to the first but did not recall the second one. Lt. Swetz was advised that Ofc. Fleming indicated in briefing after the June 2018 Command Staff meeting Lt. Swetz seemed negative toward command staff and appeared angry. Lt. Swetz was asked if this was in relation to receiving notification of his counseling statement. Lt. Swetz said he recalled Ofc. Fleming saying Lt. Swetz was angry, but if he remembered correctly, Ofc. Fleming did not say Lt. Swetz criticized any of the policies or decisions of the Command Staff".

Lt. Swetz was advised that Ofc. Fleming stated in his interview that Lt. Swetz did not "sugarcoat" things and if Lt. Swetz disagreed with decisions you would offer your thoughts on what could be done better or differently. Lt. Swetz stated, "I would agree with that statement".

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Lt. Swetz stated that one example that was brought up was moving the generator. Lt. Swetz advised the discussion was a general group conversation that was, "kind of like the joke of this PD cost 13 million dollars to build and we spend 20 million dollars fixing everything since it was built. So, like things like that or the evidence air conditioner, it's discussed in general terms, as far as basically the building is falling apart. Why didn't the contractors do it right the first time? So, nothing towards the admin, the situation itself, like the range too, because that is such a hot topic that's been for years. Have never been critical of the Command Staff with regard to that. I am critical, well, I shouldn't say critical, but I have joked about all we're going to have out there is a pile of dirt to shoot at. You've been here long enough, you know that's not their decision, that it has to do with the economy and what we can afford now. So, its never been...I honestly don't think that I have ever been critical of the administration with regard to any of their decisions. I have been vocal about issues, but the issues themselves and not how the Command Staff or the administration has decided to handle those. I don't believe I've ever done that".

Lt. Swetz was advised that Ofc. Chumita stated he had been critical of the equipment selection for the Patrol SUVs. Lt. Swetz said that he wasn't critical of the equipment that was selected but remembered discussing vaguely how there was no air conditioning for the rear compartment for the prisoners. He advised, "I don't remember being critical of decisions made with regard to what equipment was purchased or whatever, but it was more of a statement about the prisoners aren't going to have air conditioning".

Lt. Swetz was advised Ofc. White indicated that he had made off-color jokes about the PD range project and Ofc. Fleming advised that he had stated to officers that the PD range project had been mismanaged. Lt. Swetz advised, "With regard to Ofc. White's comments, I think I said I've been joking about the range project for years. Again, nothing specific about the administration, more or less the process, you know, how long its been working with the county and things of that nature. You know, we'll be retired by the time it comes. I know and everyone else knows that's not an issue within the agency, that's been outside governmental sources. With regard to Fleming saying the project was mismanaged, I didn't hear anyone else say that. I don't recall ever saying that the project itself has been mismanaged. And I don't remember hearing that in the interview, but if I did say...I don't think I listened to the second interview. I'm not sure where that was but if I did say that it was mismanaged, again, I would go back to the process itself and the other agencies or entities that have been dealing with that, not our Command Staff". Lt. Swetz added he brought up to Chief Grimaldi in a previous Command Staff meeting entertaining the thought of other agencies coming on board with New Smyrna so we could get more money.

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Lt. Swetz was then asked about Ofc. White advising he had stated the idea of moving the police department generators was dumb. Lt. Swetz said he did not recall using the word dumb. Lt. Swetz explained that a group conversation may have occurred with a suggestion of changing the time the generators were tested but could not recall if he, or someone else, had made the suggestion.

Lt. Swetz was asked if he had concerns over certain issues or projects, had he conveyed those to Chief Grimaldi or Assistant Chief Proctor. Lt. Swetz said he has had conversations with me, Chief Proctor, and Chief Grimaldi in passing, but he never requested an appointment to discuss anything specifically. Lt. Swetz reiterated he had not been critical of command or admin decisions and any jokes have been directed towards the process itself.

Lt. Swetz was asked about Ofc. Kimberly's impression that Lt. Swetz stated the Command Staff could suck his dick in regard to a conversation about leaving the jurisdiction without approval to aid an officer from a neighboring jurisdiction. Lt. Swetz recalled and explained a conversation about leaving the jurisdiction to help another officer but advised he never made such a comment toward Command Staff.

Lt. Swetz was then asked about Ofc. Fleming stating he had been critical of the decisions made regarding checking and maintaining radar units, specifically, that Command Staff should not be focused on such little things. Lt. Swetz advised he did not recall saying that. Lt. Swetz explained he had a lengthy conversation about radar units and why they need to be checked. He described the conversation with officers as productive and said he did not remember specifically saying they (Command Staff) need to not focus on little things.

Lt. Swetz was then asked about Ofc. Fleming's statements Lt. Swetz was critical of Chief Grimaldi's decision about external vest carriers. Lt. Swetz said he did not hear that. I informed Lt. Swetz that I believed the statement was in Ofc. Fleming's second interview. Lt. Swetz asked, "Second interview". It should be noted that Lt. Swetz previously advised he did not believe he listened to Ofc. Fleming's second interview.

I explained to Lt. Swetz that Ofc. Fleming said something to the effect that Lt. Swetz disagreed with the Chief Grimaldi making a decision against giving officer something which would be beneficial to them just because he did not like the way it looked.

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Lt. Swetz advised there was a lot of misinformation about the vests. Lt. Swetz stated he had the impression Chief Grimaldi liked the idea of the vests but did not like the way they looked. Lt. Swetz said he told Ofc. Fleming to provide him the information he had compiled to that point and that he would undertake the project with Ofc. Fleming to make a better presentation. Lt. Swetz advised the way he understood it, an appointment was made with Chief Grimaldi, but the Chief was double booked, and they offered to reschedule, but Chief Grimaldi gave them a limited amount of time. Lt. Swetz also said Ofc. Fleming only had one example to show. Lt. Swetz advised he informed Ofc. Fleming that they should provide more options to present to the Chief, but that never came to fruition. Lt. Swetz advised then at some point Ofc. Fleming told him he had offered to help him with the project if he wished.

Lt. Swetz said he did not remember saying outwardly he did not agree with the decision Chief Grimaldi made about not providing officers the vests because of how they looked. Lt. Swetz said he may have implied it by other things he said such as, "Hey, let's give him more options if he doesn't like the way this one looks". Lt. Swetz said the first vests being looked at by Chief Grimaldi, and possibly Capt. Mcilrath, looked like a uniform shirt. Lt. Swetz said he said they had to be able to show Chief Grimaldi that the vests he liked were not practical for a benefit of helping backs and hips. Lt. Swetz added he told Ofc. Fleming they had to word the presentation in such a way that the main benefit would be health benefits and a reduction in costs for Workers' Comp and such. Lt. Swetz advised, "I've not said negatively I don't agree with his decision not to do it because he doesn't like the way it looks".

Lt. Swetz was asked, as at times things can be subjective, if it caused him concern that several of his officers were getting the impression he was being critical of the Command Staff. Lt. Swetz replied, "I don't mean to be disrespectful, I don't get the impression that several officers think that I'm being critical of the Command Staff. As a matter of fact, I believe, from listening to the audio the most...I listened to our entire shift and most of the detectives...there were one or two, like Fleming's and maybe Kimberly's second interview I didn't listen to. Excuse me. I didn't get from them that they're saying I'm being critical." He went on to explain he thought Ofc. Fleming did not provide any specifics about Lt. Swetz being critical, just generalizations about things that were not negative or critical.

Lt. Swetz continued he did not think the number of officers getting that impression was accurate. He referenced Sgt. Gaver claiming he was "bashing everybody and being negative" and also mentioned Ofc. Raines. Lt. Swetz said Ofc. Raines did not provide specifics but stated Lt. Swetz was negative. Lt.

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Swetz advised, "Ofc. Raines has had issues on every shift that he's worked on". Lt. Swetz advised the assertion that officers thought he was critical was not accurate and he didn't think there was a large number of officers that felt that way.

I explained to Lt. Swetz that I did not say a large number, but several. Lt. Swetz was advised that Ofc. Fleming brought up some issues, as well as Ofc. White and Ofc. Chumita. Lt. Swetz replied, "But they're...but those statements that they made were in generalities and no specifics provided". I pointed out that we just discussed some specifics and Lt. Swetz replied, "Well some of it, like whether I said this word or that word from back in June, you know, I'm certainly not going to recall that, but like the Lt. Fisher statement, I probably did say it. But as I said before, emphatically, I do not criticize the administration or my supervisors, especially in an open forum such as a briefing".

Lt. Swetz continued, "The instances such as the generator or the vehicle equipment. Yes, they brought those up, but as topics. They didn't say 'Oh well, he said the Chief is stupid for doing that or he didn't like this or he said F that, we're doing it this way'. None of them said that. They just brought those up as topics, but then couldn't provide specifics as far as what was said. So yes, it was a very broad general discussion, kind of like a overhead question, people chime in and say things. I don't think I'm negative. And the other thing too is I may make jokes, so I seem to recall that particular Command Staff meeting there was a lot of issues that came back. And so, I was making jokes about it. Again, not at the expense of the administration, but a process or topic."

I then began to transition into the allegations raised by Ofc. Raines but Attorney Burton interjected and asked if Lt. Swetz could go into detail about being a Lieutenant and a conduit between Command Staff and officers.

Lt. Swetz explained he felt he was in a good position as a Lieutenant because it offered the opportunity to impact both officers and Command Staff. Lt. Swetz said when he has basic information to bring back he does so, but when some information is negative or can impact morale, he jokes about it. He offered an example of when training funds were low and training classes were limited in what could be approved. It was said that requests would be approved on a case by case basis. Lt. Swetz explained he tackled this issue like, "So you know, don't put anymore education requests in, or Feel free to go ahead and put them in so I can deny them". He advised his intent was to lighten the mood.

Lt. Swetz also offered an example of the BWC transition and how he came up with the idea to minimize the evidence returns officers were receiving from

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Evidence for BWC submissions. Lt. Swetz expressed his allegiance to the agency. He discussed balancing being a boss with trying to provide guidance to his troops. He described his leadership style as joking, pranking, and keeping things light.

Lt. Swetz also described issues with Power DMS. He explained that officers would be frustrated when they would come in to work and there's like twelve of them to be reviewed. He explained that rather than be like other supervisors who would tell officers, "You know what its part of the job, suck it the F up" he comes up with a joke about it like, "Oh yeah, well there's 30 for tomorrow".

Lt. Swetz acknowledged he has to be a mouthpiece for the Adminsitration, but his troops have to know that he is going to bring them the truth and he is going to stick up for them. Lt. Swetz says he knows his shift, their demeanor, and how to reach them.

End of Related Portion of Interview.

Please see audio recordings for complete details.

**26.1.58 Courtesy (Count 2) & 26.1.76 Harassment:**

**Interview: Ofc. Christopher Raines – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Raines.

As I was preparing to conclude the interview with Ofc. Raines, I asked if there was anything I hadn't asked which may be relevant to the investigation. At this point he mentioned an issue he had with Lt. Swetz on the night of July 1, 2018. Ofc. Raines advised he was meeting Lt. Swetz and Sgt. Rhodes over several issues, and Lt. Swetz mentioned on several occasions he observed Ofc. Raines roll his eyes at him during briefing. Ofc. Raines advised he informed Lt. Swetz that he did not recall rolling his eyes at him but said he apologized to the lieutenant if he did. Ofc. Raines advised during this conversation, Lt. Swetz said something along the lines of, "That type of behavior makes me want to choke you out right there in the briefing room".

Ofc. Raines said he did not take the comment as the lieutenant directly making a threat to him, but it clearly crossed the line of being unprofessional. Ofc. Raines advised the comment bothered him. Ofc. Raines described Lt. Swetz as very emotional and he sometimes gets angry or upset. Ofc. Raines stated the

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comment made by Lt. Swetz, even if he was angry, is not something that should be said to anyone, especially a subordinate when you are a supervisor. Ofc. Raines opinion was the comment did not sound good or look good.

Ofc. Raines stated he did not think there would be anything violent or physical between he and Lt. Swetz. Ofc. Raines advised he felt if he said something of the same nature, he would be sent home for insubordination. Ofc. Raines said he felt there was a double standard.

I asked Ofc. Raines if he was offended by the comment made by Lt. Swetz. He replied he was, a little bit.

Ofc. Raines advised Sgt. Rhodes was present for the comment made by Lt. Swetz but did not add any comments or intervene.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Joseph Rhodes – July 24, 2018**

On July 24, 2018 I conducted a sworn, audio recorded follow-up interview with Sgt. Rhodes. Sgt. Rhodes confirmed a meeting was conducted between he, Lt. Swetz and Ofc. Raines on July 1, 2018 in the police department parking lot to discuss Ofc. Raines' perceived behavioral issues. Sgt. Rhodes stated the purpose of the meeting was to address Ofc. Raines' condescending remarks over the radio and his attitude, which reportedly had been addressed previously in the past as well. Sgt. Rhodes indicated Ofc. Raines was condescending and abrupt in his communication with Lt. Swetz on a call for service.

Lt. Swetz cleared units from the call in question and told Ofc. Raines to meet him at the police station. Lt. Swetz also communicated with Sgt. Rhodes to respond to the police station to address concerns with Ofc. Raines. Per Sgt. Rhodes, Lt. Swetz advised he was tired of Ofc. Raines attitude and speaking with him like he did over the radio.

Sgt. Rhodes said Lt. Swetz was upset with Ofc. Raines, but was not yelling, screaming, or losing his temper. He advised Lt. Swetz displayed his displeasure with Ofc. Raines behavior and that it was not going to be tolerated anymore. Sgt. Rhodes said the opportunity was taken to discuss previous issues with Ofc. Raines as well.

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Sgt. Rhodes indicated these past issues have been documented in supervisor notes.

Sgt. Rhodes was asked if he recalled Lt. Swetz telling Ofc. Raines that his "eye rolling" makes Lt. Swetz want to choke him out right there in the briefing room. Sgt. Rhodes replied, "Yes". Sgt. Rhodes explained the context of the statement as Lt. Swetz was upset. Sgt. Rhodes said he recalled Lt. Swetz describing some poor behavior on the part of Ofc. Raines and advising something to the effect of, "Chris, when you do something like that I just want to choke you out". Sgt. Rhodes stated the context was just that Lt. Swetz was frustrated. Sgt. Rhodes then compared this interaction to how some of his previous supervisors would have handled it and indicated it was less severe than how things may have been handled in the past.

Sgt. Rhodes said he was unsure if Ofc. Raines bringing up the issue was retaliatory or not. He also said Lt. Swetz was not screaming at Ofc. Raines or "in his face". Sgt. Rhodes said maybe the choice of words by Lt. Swetz were inappropriate, but he was just trying to get his point across without using profanity or losing his temper.

When asked if he could see where Ofc. Raines may have viewed the comment as inappropriate or unprofessional, Sgt. Rhodes said he would likely not have said the comment to Ofc. Raines. Sgt. Rhodes also advised there was no indication that Lt. Swetz was going to take any type of action against Ofc. Raines. Sgt. Rhodes also said he had never heard Lt. Swetz say anything similar to another officer. Sgt. Rhodes also described Lt. Swetz as soft-spoken, but on occasion has yelled, and then apologize after.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Gregory "Dean" Gaver – July 27, 2018**

On July 27, 2018 I conducted a sworn, audio recorded follow-up interview with Sgt. Gaver. Sgt. Gaver was asked if he was informed of or hearing about the meeting which occurred on July 1, 2018 between Lt. Swetz, Sgt. Rhodes and Ofc. Raines. He advised that he heard about it from both Lt. Swetz and Sgt. Rhodes. Sgt. Gaver advised that he did not hear about the comment regarding "choking out" Ofc. Raines from either Lt. Swetz or Sgt. Rhodes. Sgt. Gaver stated that he was informed that he was told that they needed to speak with Ofc. Raines over his attitude and overstepping his bounds as an officer. Sgt. Gaver

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said he was told the meeting was over comments made by Ofc. Raines to Lt. Swetz over the radio on a call.

Sgt. Gaver advised he has heard of no other similar issues between Lt. Swetz and officers.

End of Interview.

Please see audio recording for complete details.

**Interview: Lt. Joseph Swetz – November 29, 2018**

On November 29, 2018 I conducted a sworn recorded interview with Lt. Swetz for IA2018-0013. Also present for this interview was Lt. Swetz's representative, Attorney Ryan Burton. A Subject Employee Statement was read and utilized for the interview. Lt. Swetz was provided and signed his Garrity Warning, which he requested be read into record. Lt. Swetz was also provided and signed for his Law Enforcement Officers' Rights.

Lt. Swetz was then asked to explain some of the roles and responsibilities he has as a Patrol Lieutenant. He explained he was responsible for the oversight of shift operations on a daily basis. Lt. Swetz said this included scheduling, supervision of Sergeants and Officers, various administrative duties, approving requests for vacation and education, Internal Affairs investigations, attending meetings, inspections, taking training classes, and teaching new officers.

Lt. Swetz was asked if he recalled having a meeting with Ofc. Raines and Sgt. Rhodes in the police department parking lot on or about July 1, 2018 in reference to Ofc. Raines' radio traffic. Lt. Swetz responded that he did.

Lt. Swetz was informed that Ofc. Raines stated, and Sgt. Rhodes confirmed, during the meeting Lt. Swetz said something to the effect that Ofc. Raines' behavior made Lt. Swetz want to choke Ofc. Raines out right there in the briefing room. Lt. Swetz was then asked if he said this to Ofc. Raines. Lt. Swetz provided the following response:

"I remember something along those lines. I don't remember the exact phrasing, but it was just kind of like...We're having these problems with you and when you act that such a way, in my mind, I'm thinking like a child....and I'm like...I could just see myself, like, you know, it just makes me want to choke....choke you out in briefing (as Lt. Swetz made a gesture of choking someone)".

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Lt. Swetz stated it wasn't a threat and he did state that he was going to choke Ofc. Raines. He explained that it was out of frustration.

Lt. Swetz was asked about any issues he was having with Ofc. Raines. He replied the issues were probably borderline insubordination, poor decisions, a poor attitude, and a poor demeanor.

Lt. Swetz was asked if there was an ongoing issue, what steps were taken by he and his supervisors to correct the issue. Lt. Swetz responded by asking how far back we wanted to go. I advised Lt. Swetz I was unsure, as he was the one who brought up issues of what was described as borderline insubordination. Lt. Swetz was then asked if this was something they only wrote notes about, or if any remedial training, counseling statements, or progressive discipline was used to address the matter.

Lt. Swetz said he knew things were documented in Ofc. Raines' officer notes. He advised that he knew Ofc. Raines had been in PEWS, but he could not recall if Ofc. Raines was ever issued a counseling statement or remedial training. Lt. Swetz advised that he had spoken with me about it. He further advised that Ofc. Raines had been doing rather well after PEWS, but then began to back slide a bit.

Lt. Swetz advised he did not think he ever said anything like this to Ofc. Raines before. He also advised that he could not recall saying anything similar to any other officers before or after the incident with Ofc. Raines.

Lt. Swetz was asked directly if he had any intent on following through with or taking any action against Ofc. Raines. He replied, "Not at all". Lt. Swetz stated it was a demonstrative phrase and that he couldn't see himself doing it. He further advised that he was not in close proximity to Ofc. Raines.

Lt. Swetz was asked if this was a professional comment to make toward a subordinate. He replied that it would depend on the relationship you have with them. He attributed the statement to being the same as using "shock language" on the street. Lt. Swetz again confirmed his comment was not meant as a threat of violence against Ofc. Raines.

End of Related Portion of Interview.

Please see audio recordings for complete details.

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**26.1.147 Job Knowledge and Performance (Repeated):**

**Interview: Sgt. Gregory "Dean" Gaver – July 18, 2018**

On July 18, 2018 I conducted a sworn, audio recorded interview with Sgt. Gaver. During the interview, when asked if there were any issues involving the running of his shift, Sgt. Gaver indicated it seems like there is a lot of sick time being used by Lt. Swetz. Sgt. Gaver advised part of being a role model and setting an example is being at work. Sgt. Gaver was unsure of Lt. Swetz had any medical issues causing his sick time usage.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Joseph Rhodes – July 18, 2018**

On July 18, 2018 I conducted a sworn, audio recorded interview with Sgt. Rhodes.

Sgt. Rhodes indicated Lt. Swetz had not been at work a lot over the previous two months, but he did not know why. Sgt. Rhodes advised on a number of occasions Sgt. Rhodes was working, Lt. Swetz called out sick, making Sgt. Rhodes wonder if his lieutenant was upset with him for some reason.

Sgt. Rhodes said he could not remember the last shift briefing he was present for in which Lt. Swetz was in attendance.

Sgt. Rhodes said some of the assignments which need to be completed are not getting done with Lt. Swetz being out. Sgt. Rhodes said the missed assignments reflect poorly on both the lieutenant, and he and Sgt. Gaver.

Sgt. Rhodes advised he has officers come to him and ask if Lt. Swetz called out sick again if he runs briefing. Sgt. Rhodes said he thinks Lt. Swetz calling out sick affects the officers on the shift.

Sgt. Rhodes provided an example of Ofc. Ledonne not getting a time off request approved by Lt. Swetz. He said the shift started a time off request book, but neither he nor Sgt. Gaver had access to it. Sgt. Rhodes said there have been issues with education requests and schedule adjustments as well.

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Sgt. Rhodes says he sticks up for Lt. Swetz with the officers because Lt Swetz is a good lieutenant. Sgt. Rhodes also advised he has officers come to him and ask him to approve things because he runs the shift anyways. He stated he does not engage in negative behavior or bash his lieutenant. Sgt. Rhodes did advise the issues with Lt. Swetz are affecting employee morale on the shift.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Joel Bressett – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Bressett.

Ofc. Bressett advised he has no concerns with how Alpha Platoon is operating.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Angelo Mandese – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Mandese.

During the interview, Ofc. Mandese advised there had been things happening on his shift that he described as not being great. He stated he would like it if Lt. Swetz was at work a little more. Ofc. Mandese said Lt. Swetz is not at work as much as he has been in the past. Ofc. Mandese explained he wanted Lt. Swetz present more due to his experience and knowledge, for example from CID.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Andrew Mialki – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Mialki. Ofc. Mialki advised the only operational issues he was aware of were little gripes. As an example, he explained when Sgt. Gaver spoke with him regarding the

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comment made by Lt. Swetz, Sgt. Gaver reportedly explained the lieutenant should be more focused on administrative tasks rather than being out on the road. Ofc. Mialki expressed he did not think Lt. Swetz working the road affected the completion of administrative tasks. He further expressed he enjoyed having his lieutenant work out in the field with him.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Christopher Raines – July 23, 2018**

On July 23, 2018 I conducted a sworn, audio recorded interview with Ofc. Raines.

Ofc. Raines was asked if there were any operational issues with Alpha Platoon. He explained he felt there were issues with how Lt. Swetz does things. Ofc. Raines described Lt. Swetz as being very unorganized, has a bad habit of not getting things done on time and of losing things altogether. Ofc. Raines, as an example, explained that his hiring anniversary was five days away, and he had yet to receive any career counseling paperwork for his evaluation. He also explained that his last annual evaluation (2017) was delayed by several months. Ofc. Raines explained that other officers on his shift had the same issues with their evaluations not being completed on time.

Ofc. Raines advised Lt. Swetz does spend a large amount of time working on the road and in his opinion, it affects the completion of administrative tasks. Ofc. Raines further explained at one point Lt. Swetz shared with him he was in PEWS for not completing tasks, but then the next night the lieutenant was out conducting traffic stops.

Ofc. Raines indicated the lack of administrative oversight was a topic of conversation among officers on his shift. He referenced there had been issues with scheduling days off and training. Ofc. Raines advised there are issues with the schedule posted on the bulletin board and Sharepoint being accurate and updated. Ofc. Raines said his platoon is now trying to use a schedule book for officers to request time off.

End of Interview.

Please see audio recording for complete details.

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**Interview: Ofc. Doug Chumita – July 23, 2018**

On July 23, 2018 Assistant Chief Proctor conducted a sworn, audio recorded interview with Ofc. Chumita.

Ofc. Chumita did not have any information regarding operational issues on Alpha Platoon.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Justin White – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. White.

Ofc. White did not have any information regarding operational issues on Alpha Platoon. He advised his supervisory group all have their quirks but the shift operated pretty good.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Kyle Kimberly – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. Kimberly.

During his interview, Ofc. Kimberly discussed he noticed what he described as tension between Lt. Swetz and Sgt. Gaver. Ofc. Kimberly reported Sgt. Gaver has told him he is trying to correct Lt. Swetz' behavior. Ofc. Kimberly was not aware of any other tension among his supervisors.

End of Interview.

Please see audio recording for complete details.

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**Interview: Ofc. Bernard Fleming – July 23, 2018**

On July 23, 2018 Lieutenant Alan James conducted a sworn, audio recorded interview with Ofc. Fleming.

Ofc. Fleming did not bring up concerns with how Alpha Platoon is operating.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Joseph Rhodes – July 24, 2018**

On July 24, 2018 I conducted a sworn, audio recorded follow-up interview with Sgt. Rhodes. Sgt. Rhodes was asked if Lt. Swetz spending time on the road affected his work but said he could not answer that question because he does not know the assignments placed on Lt. Swetz. He described Lt. Swetz as being proactive, stopping a lot of cars, and helping officers with cases.

Sgt. Rhodes said it would be hard for him to get what he perceives as assignments done and have time to spend on the road, but he does not know or see how Lt. Swetz manages his tasks. Sgt. Rhodes stated he sees Lt. Swetz out on the road more than he sees him in the office.

Sgt. Rhodes explained how Lt. Swetz would stay late to help him when Sgt. Gaver was out with injury. He said Lt. Swetz would often offer to do whatever he could to help them out. Sgt. Rhodes said Lt. Swetz does good investigations and tries to teach their officers how to do investigations properly. Sgt. Rhodes said Lt. Swetz enjoys getting involved in things going on.

Sgt. Rhodes then clarified his above statements by stating about Lt. Swetz, "When he's here". Sgt. Rhodes said Lt. Swetz hasn't seen Lt. Swetz at work as much lately and he has not had a briefing with Lt. Swetz in a while.

Sgt. Rhodes was asked if the change in Lt. Swetz's attendance has caused any issues for his shift or officers, Sgt. Rhodes said it has, in his opinion. He advised officers have approached him with questions about schedules and vacation requests because Lt. Swetz has not been available. He also advised some officers have told him that he should be the Lieutenant since he runs the shift anyway.

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Sgt. Rhodes said when he goes in to run briefing, some officers will ask where Lt. Swetz is, and when told he is out sick, he sees officers make smirks, or facial expressions about the Lieutenant not being there. Sgt. Rhodes said morale on his shift is low. When he says he will discuss their questions with Lt. Swetz when he returns, some officers say to him, "Good luck" or "When will that be?"

Sgt. Rhodes said all the interviews and investigations going on are affecting his officers.

When asked about officer evaluations, Sgt. Rhodes said the evaluations he and Sgt. Gaver had turned in to Lt. Swetz are being completed on-time, but then not being turned in past Lt. Swetz. When asked if this affects his officers, Sgt. Rhodes said his officers are asking questions because they want to know what is going on. He said it is the same with vacation and school requests. Sgt. Rhodes provided an example of Ofc. LeDonne submitting a vacation request she never received back from Lt. Swetz. The day before she was supposed to have leave she asked, and got it approved. Sgt. Rhodes stated he got in contact with Lt. Swetz, who then approved the time off. Sgt. Rhodes provided Ofc. Segura, Ofc. Raines, and Ofc. LeDonne as having overdue evaluations.

Sgt. Rhodes was not aware of any distractions which were impacting Lt. Swetz performing his job.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Gregory "Dean" Gaver – July 27, 2018**

On July 27, 2018 I conducted a sworn, audio recorded follow-up interview with Sgt. Gaver. Sgt. Gaver was asked if the time Lt. Swetz spends on the road impacts his ability to complete the administrative part of his job. Sgt. Gaver responded it does. Sgt. Gaver acknowledged Lt. Swetz enjoyed being on the road, and when certain tasks aren't completed, it is likely due to the amount of time he spends on the road.

Sgt. Gaver explained there have been a few evaluations over the "past few months" which have not been completed on time. Sgt. Gaver advised he knew of issues regarding evaluations not being completed by officers asking about their evaluations. He also mentioned that previous evaluations for he and Ofc. Mandese were not on file. Sgt. Gaver explained this issue may have been the result of the transition of Administrative Assistants in the Chiefs Office.

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Sgt. Gaver explained previously in the past he has been approached by Beth Unruh about time cards not being completed on his shift, and more recently was approached by Unruh about Line of Duty Death forms not being submitted, as well as random drug screen paperwork not being forwarded.

Sgt. Gaver was then asked about officers and issues with submitting time off for vacations, training and such. Sgt. Gaver confirmed the shift had a schedule book to aid in scheduling requests. He stated the book was initially to be kept in the Sergeant's work area, so it would be accessible to officers.

Sgt. Gaver stated in June 2018 Ofc. Kimberly inquired about a vacation request he submitted that he had not heard back on. Sgt. Gaver advised he approved the request. Sgt. Gaver confirmed the information provided by Sgt. Rhodes regarding Ofc. LeDonne's vacation request issue.

Sgt. Gaver said he had not seen the vacation request book in four to six weeks. When asked where it was, Sgt. Gaver advised that he assumed Lt. Swetz had the book.

He was then asked if there were any other issues affecting the officers on the shift. Sgt. Gaver advised he did not think so.

Sgt. Gaver upon further questioning, confirmed the information provided by Sgt. Rhodes concerning the attitude of officers concerning Lt. Swetz' attendance. Sgt. Gaver had the impression it was causing some officers to lose respect for their Lieutenant. Sgt. Gaver advised he believed that Sgt. Rhodes had to work three scheduled weekends in a row as a solo supervisor because Lt. Swetz was out sick. He further stated at least one officer, who he could not recall, had asked why they should be happy to be coming to work if their Lieutenant was not.

Sgt. Gaver confirmed the information provided by Sgt. Rhodes the issues concerning some of the administrative functions of the shift were negatively impacting the morale of officers.

Sgt. Gaver was asked if he was aware of any distractions which would cause Lt. Swetz to not keep on top of assignments. Sgt. Gaver advised Lt. Swetz seems to get focused on one thing and other things get pushed aside. Sgt. Gaver stated Lt. Swetz admitted to him that he is a procrastinator. Sgt. Gaver brought up Lt. Swetz trying to create a new Wanderer's Assist book, but it was never completed to the best of his knowledge. Sgt. Gaver said Lt. Swetz would conduct active

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shooter training on day shift and leave the City staffed with three of four officers while doing so. These are decisions Sgt. Gaver questioned.

When asked if there were any other issues which were not discussed, Sgt. Gaver advised there have been times when there has been a lack of communication from Lt. Swetz. He explained there are times when Lt. Besuden would ask questions which he and Sgt. Rhodes were not aware of, that came from emails or direction from Command Staff.

End of Interview.

Please see audio recording for complete details.

**Interview: Sgt. Gregory "Dean" Gaver – August 6, 2018**

On August 6, 2018 I conducted a sworn, audio recorded follow-up interview with Sgt. Gaver after learning he provided a possible concern to Chief Grimaldi and Assistant Chief Proctor in regard to this investigation.

Sgt. Gaver advised the previous Thursday, which according to the 2018 calendar was August 2, 2018, he was called to the Chief's Office to meet with Chief Grimaldi and Assistant Chief Proctor. The meeting was in reference to a Supervisor Inquiry issued to officers for what Sgt. Gaver termed the "Wok n Roll" incident. The SVI associated was identified as SVI2018-0026. Sgt. Gaver advised the Chiefs were asking for more details regarding the issue which were not contained in his memo.

While in the meeting, Sgt. Gaver confirmed he was asked if there were any new issues or concerns on his shift. Sgt. Gaver said he replied yes and explained he had been approached by Ofc. Mialki about this active IA investigation. Sgt. Gaver stated that he was informed by Ofc. Mialki that during his shift on July 23, 2018 through July 24, 2018, after his interview for the IA investigation, Lt. Swetz messaged Ofc. Mialki to meet with him. Ofc. Mialki reportedly advised Lt. Swetz spoke with him about officers being interviewed and Lt. Swetz said he did not recall making the statement he was accused of, but if three officers stated they heard him, then he must have said it. Sgt. Gaver said he was informed by Ofc. Mialki Lt. Swetz said he hoped some officers remembered less than other officers.

Sgt. Gaver said Ofc. Mialki told him the conversation was awkward and he took the message from Lt. Swetz that he may have wanted officers to leave some information out if they were interviewed. Sgt. Gaver said he was told by Ofc.

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Mialki it was possible that Lt. Swetz was trying to sway him. Sgt. Gaver stated he told Ofc. Mialki if there were any other issues to let him or Sgt. Rhodes know.

End of Interview.

Please see audio recording for complete details.

**Interview: Ofc. Andrew Mialki – August 6, 2018**

On August 6, 2018 I conducted a sworn, audio recorded follow-up interview with Ofc. Mialki. Ofc. Mialki confirmed that he had been previously interviewed, had heard Lt. Swetz make a derogatory comment about another supervisor, and had been contacted by Lt. Swetz to meet with him after his IA interview for this active investigation. Ofc. Mialki stated he was asked to meet Lt. Swetz via message on his computer, which was not out of the ordinary, as this occurred about once per pay period. Ofc. Mialki advised he met Lt. Swetz in the Raydon parking lot.

Ofc. Mialki explained the conversation began with Lt. Swetz asking for his advice. Ofc. Mialki said the conversation was vague, but Lt. Swetz seemed to be discussing a relationship issue. Ofc. Mialki was not clear if this was in reference to a romantic relationship or a co-worker relationship.

When asked, Ofc. Mialki said that Lt. Swetz never came out and asked about what was discussed in his IA interview. Ofc. Mialki explained Lt. Swetz made a statement about not remembering saying what he was accused of saying, but if Ofc. Mialki, Ofc. Bressett, and Ofc. Segura all said that he said it, then Lt. Swetz guessed that he made the comment. Ofc. Mialki also advised that Lt. Swetz told him he hoped some people would just remember less than others.

Ofc. Mialki was asked if the conversation with a subject of an IA investigation regarding the investigation was uncomfortable for him. He replied it was always uncomfortable speaking with a supervisor or Command and added with the IA investigation being a sensitive subject, it was a little uncomfortable discussing it. Ofc. Mialki said he did not get the impression Lt. Swetz was trying to impact the investigation, and his interview was already done, so what he said was already said in his interview.

Ofc. Mialki was not aware if Lt. Swetz met with anyone else regarding their interviews for this investigation. He explained he was not intimidated by the conversation and did not think Lt. Swetz was using his power as a Lieutenant to interfere with the investigation. Ofc. Mialki added he did not feel that Lt. Swetz

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was trying to get information from him about the investigation, but if he told Lt. Swetz anything, he did not think Lt. Swetz would have been upset by it.

End of Interview.

Please see audio recording for complete details.

**Interview: Lt. Joseph Swetz – November 29, 2018**

On November 29, 2018 I conducted a sworn recorded interview with Lt. Swetz for IA2018-0013. Also present for this interview was Lt. Swetz's representative, Attorney Ryan Burton. A Subject Employee Statement was read and utilized for the interview. Lt. Swetz was provided and signed his Garrity Warning, which he requested be read into record. Lt. Swetz was also provided and signed for his Law Enforcement Officers' Rights.

Lt. Swetz was then asked to explain some of the roles and responsibilities he has as a Patrol Lieutenant. He explained he was responsible for the oversight of shift operations on a daily basis. Lt. Swetz said this included scheduling, supervision of Sergeants and Officers, various administrative duties, approving requests for vacation and education, Internal Affairs investigations, attending meetings, inspections, taking training classes, and teaching new officers.

Lt. Swetz was advised during interviews it was mentioned Lt. Swetz's shift maintained a record keeping book for time off and education requests. Lt. Swetz was asked if this was accurate and he replied that it was. Lt. Swetz described the book, the process officers used to put in requests, and whose responsibility it was to update schedules on Sharepoint. When asked whose responsibility it was to approve requests for time off, Lt. Swetz confirmed that ultimately it was his.

It was stated to Lt. Swetz several officers mentioned having difficulty in getting responses from Lt. Swetz on time off requests. Lt. Swetz accurately disputed this fact, which was a mis-statement. The issues were actually mentioned by Ofc. Raines, Sgt. Rhodes and Sgt. Gaver. Lt. Swetz was asked if he was aware of any officers having issues with getting requests for time off approved. He replied, yes, from listening to interviews or maybe dialogue from one of the Sergeants, but he could not remember specifically.

Lt. Swetz was advised that Ofc. LeDonne allegedly had an issue with a vacation request. Lt. Swetz replied he then remembered that issue from Sgt, Rhodes. He was then advised of Ofc. Kimberly having an issue with a vacation request being approved. Lt. Swetz advised that information came from Sgt. Gaver, unless it

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was mentioned in Ofc. Kimberly's second interview and continued that he did not recall any officers mentioning issues with time off requests. Lt. Swetz advised these concerns were only mentioned by Sgt. Rhodes and Sgt. Gaver.

Lt. Swetz was then asked if he was saying that those issues did not happen. He replied no, he was just answering the question and he did not recall hearing any officers bring it up. Lt. Swetz stated absent hearing it on interviews, he could not recall any specific instances.

Lt. Swetz was asked if there have been issues on his shift with officers getting their evaluations from him on time. He said, "Yes". I then asked Lt. Swetz if he could provide a reason why evaluations were not completed on time. Lt. Swetz explained that he did have issues but could not recall which officers' evaluations were not done. He further stated he was in an Internal Affairs investigation for not completing evaluations. At this time, with intent to not impede another investigation, the question requesting an explanation as to why the evaluations were not completed was withdrawn.

It was stated to Lt. Swetz his absence from work during the recent past, stated as June 2018, July 2018 and August 2018, coupled with other issues, were causing concern on his shift. He was asked if anyone ever came to him to address the concerns. He said no one did as far as he could recall. Lt. Swetz added from what he could recall from listening to interviews, no officers mentioned his absence, only Sgt. Rhodes and Sgt. Gaver.

Lt. Swetz then advised some officers came to him to let him know another supervisor was making disparaging remarks about him his sick time usage and his leadership, not only in briefing, but individually as well. Lt. Swetz said after three or four officers informed him of this, he cut off this supervisor from him and distanced himself, keeping their interactions professional only. He advised these comments were becoming more frequent in nature. Lt. Swetz explained he felt the comments from this supervisor were the same behavior he was being investigated for and that in his opinion, he does not do that.

Lt. Swetz advised he does not openly or privately blast anyone because it does not set the right example, so to hear in an official statement that this supervisor was undermining the authority of the position of the Lieutenant is concerning to him. Lt. Swetz advised he has not filed a formal complaint, but he does not think the actions of this supervisor were inappropriate. Lt. Swetz reiterated his concern is he is being investigated for the same thing the supervisor he was speaking of was doing.

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Lt. Swetz went on that Sgt. Gaver is the only person who said Lt. Swetz behaved like that. Lt. Swetz advised he loves his job, loves his position and tries to best by his troops and the agency. Lt. Swetz said he toes the line and follows the path the agency is on. He explained his methods may be a little unorthodox or misinterpreted by one or two or three people, but that's not him. If his entire shift or half the department had issues with his methods, then the problem would clearly be him, but he did not think that was the case.

End of Related Portion of Interview.

Please see audio recordings for complete details.

**Summary of (BWC or OTHER EVIDENCE):**

The evidence in this investigation includes the following: sworn audio recorded interviews, copies of emails, copies of memos, the Blue Team report for SVI2018-0019, a copy of Directive 26-1, and copies of Executime reports covering from April 14, 2018 through July 1, 2018. All items listed as evidence have been attached to the IAPro file and also provided to the subject officer.

**Investigative Summary**

For the purpose of clarity and understanding, this summary will be arranged by each allegation.

**26.1.58 Courtesy (Count 1):**

- On July 16, 2018 an anonymous complaint was received which alleged negativity on Alpha Platoon, including an allegation that Lt. Swetz said in briefing that Lt. Fisher could suck his dick
- On July 18, 2018 the allegation regarding Lt. Swetz stating in briefing Lt. Fisher could suck his dick was confirmed by Sgt. Gaver, who advised the comment stemmed from a disagreement over car keys being removed from Lt. Fisher's mailbox
- Sgt. Gaver indicated the comment was possibly made in the presence of the following officers: Fleming, Chumita, Kimberly, Mialki, Mandese, Bressett, Raines, and White
- Sgt. Rhodes advised he was not present for that briefing and had not heard Lt. Swetz make comments such as this in the past
- The following interviewees advised they did not hear Lt. Swetz say Lt. Fisher could suck his dick at the briefing in question, prior, or after:

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Officers – Fleming, Chumita, Mandese, and Raines along with Detectives – Magee, Davila, Bingham, Harrison, Kenny, Lamirande, Rhodes, Wallace and Yovanovich

- Ofc. White advised he may have heard at one briefing or another a comment about someone being able to “blow” someone else, but he could not recall who made the comment or who it was directed toward
- Ofc. Kimberly advised he heard Lt. Swetz make a comment about having his dick sucked, but was under the impression the comment was directed toward the entire Command Staff
- Ofc. Bressett stated that he heard Lt. Swetz make a comment similar to the verbiage of what was alleged and he took it to have the same context, but could not specify which Lieutenant it was specifically directed toward. Ofc. Bressett indicated that he thought the comment was made as a result of the other Lieutenant being against a water bottle refilling station and mentioned it may have been Lt. Fisher
- Ofc. Milaki advised he heard Lt. Swetz say Lt. Fisher could suck his dick during shift briefing. Ofc. Milkai said the comment was the result of an issue in which Lt. Fisher was upset over keys being removed from his mailbox
- During his interview Lt. Swetz initially advised he quite possibly made the comment, but was not certain, and did not want to lie
- Lt. Swetz explained based on his military and law enforcement service, profanity is the vernacular
- When asked what transpired between he and Lt. Fisher to cause such a comment or reaction from Lt. Swetz, Lt. Swetz explained of an issue between he and Lt. Fisher over a set of car keys being removed from Lt. Fisher’s mailbox
- Lt. Swetz stated, “I have a tendency to speak freely. And like I said, use profanity or off the cuff remarks. I don’t think it was malicious. It was in jest”.
- Lt. Swetz added, “although it doesn’t justify it, it wasn’t directed toward a superior.”
- Lt. Swetz stated the comment itself was not inappropriate in and of itself, but that it probably wasn’t appropriate given the setting

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**26.1.138 Criticism of Orders or Policies & 26.1.46 Failure to Follow Directive or Order:**

- On July 18, 2018 Sgt. Gaver indicated Lt. Swetz was negative toward Command Staff during briefings but could not remember specifics at the time. He indicated there was a breakdown in communication between the Lieutenant and Command Staff
- On July 18, 2018 Sgt. Rhodes advised it could be construed as negative when Lt. Swetz or other members of his supervisory group don't sell ideas to the officers and choose to tell them, "Our bosses put this in place, or We are doing this because our bosses say so"
- Sgt. Rhodes did recall a conversation about CST being postponed and advised Lt. Swetz relayed information to officers in a positive light
- On July 23, 2018 Ofc. Bressett was interviewed and did not recall Lt. Swetz making any negative comments toward Command Staff or their decisions
- On July 23, 2018 Ofc. Mandese was interviewed and did not recall Lt. Swetz making any negative comments toward Command Staff or their decisions
- On July 23, 2018 Ofc. Mialki was interviewed and did not recall Lt. Swetz making any negative comments toward Command Staff or their decisions
- On July 23, 2018 Ofc. Raines was interviewed and advised Lt. Swetz may make sarcastic comments about information coming from the Command Staff but that Lt. Swetz does not openly criticize the Command Staff or their decisions
- On July 23, 2018 Ofc. Chumita was interviewed and advised Lt. Swetz had criticized the decisions made by Command Staff about the equipment chosen for the Patrol SUVs
- On July 23, 2018 Ofc. White was interviewed and advised Lt. Swetz makes "off-comment" jokes going over Command Staff notes
- Ofc. White advised Lt. Swetz and the shift joked about how moving the police department generator was dumb, it would cost too much, and there were better ways to spend money. It was stated that the generator should just be tested at a different time
- Ofc. White stated that Lt. Swetz and the shift also joked about how the police department range would never be built
- Ofc. Kimberly was interviewed on July 23, 2018. He advised there was a conversation in briefing about officers leaving the jurisdiction to help another officer in need without being approved to do so. Ofc. Kimberly

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indicated that if the Command Staff wanted to write up an officer for doing so, they can suck it

- Ofc. Fleming was interviewed on July 23, 2018. He indicated Lt. Swetz was negative toward the Command Staff in briefing
- Ofc. Fleming stated Lt. Swetz criticized the direction received from Command Staff about checking and maintaining radar units. He advised Lt. Swetz said the Command Staff should not focus on such small things
- Ofc. Fleming stated Lt. Swetz does not sugarcoat things. If Lt. Swetz feels the Administration should have handled things differently, he will provide his view on how things should have been handled
- A follow-up interview was conducted with Sgt. Gaver on July 27, 2018. He did not recall comments made about the generator or the range project
- Sgt. Gaver did recall Lt. Swetz being negative about Power DMS
- Sgt. Gaver did recall Lt. Swetz being negative about the direction from Command Staff to check and maintain radar units. Sgt. Gaver stated he did not understand why Lt. Swetz's negativity was directed at the Command Staff rather than the officers
- Sgt. Gaver did confirm statements made by Ofc. Fleming about Lt. Swetz critiquing decisions and providing his own opinions. This assertion was in general and Sgt. Gaver could not provide further details
- The following interviewees advised they did not hear Lt. Swetz be critical of the Command Staff or decisions made: Detectives – Magee, Davila, Bingham, Harrison, Kenny, Lamirande, Rhodes, Wallace and Yovanovich
- On August 24, 2018 a follow-up interview was conducted with Ofc. Bressett. He had no recollection of Lt. Swetz being critical of decisions made about the generator, the range, or radar units
- On August 24, 2018 a follow-up interview was conducted with Ofc. Raines. He had no recollection of Lt. Swetz being critical of decisions made about the generator, the range, or radar units but did state that Lt. Swetz was often sarcastic. He could provide no specific examples
- On August 24, 2018 a follow-up interview was conducted with Ofc. Kimberly. He confirmed his original statement. He had no recollection of Lt. Swetz being critical of decisions made about the generator, the range, or radar units
- Ofc. White had a follow-up interview on August 24, 2018. He confirmed that Lt. Swetz makes "off-color" jokes about decisions. Ofc. White said it was not just Lt. Swetz, but everyone

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- Ofc. White said it was not just Lt. Swetz joking about moving the police department generator, but everyone in briefing joking about the cost involved and how there were better ways to spend money
- Ofc. White said it was everyone in briefing joking about the police department range project, and how the project was never going to happen
- Ofc. White advised he did recall a conversation in briefing about radar units but did not recall Lt. Swetz making any negative comments about it toward Command Staff
- A follow-up interview was conducted with Ofc. Fleming on August 24, 2018 in which he advised Lt. Swetz critiques the OPT and Command Staff notes in a joking or sarcastic manner
- Ofc. Fleming confirmed his statement that Lt. Swetz was critical of the Command Staff and the direction provided about checking and maintaining radar units
- Ofc. Fleming advised Lt. Swetz said the Administration should not be focused on such little things and people of that caliber should be more focused on officer morale and well-being
- Ofc. Fleming advised Lt. Swetz was critical of the Administration's decision to not provide the external vest carriers requested. Per Ofc. Fleming, Lt. Swetz said there should be better reasons not to provide the vests than the Administration not liking the way they looked
- Ofc. Fleming stated Lt. Swetz said if the police department range project was managed better we would have already had a range
- Ofc. Fleming did not recall any comments regarding the generator
- Ofc. Chumita was re-interviewed on November 8, 2018. He could not recall Lt. Swetz making any comments regarding the generator or the radar units. He confirmed his statements about Lt. Swetz complaining about the equipment chosen for the Patrol SUVs
- Ofc. Chumita advised he recalled Lt. Swetz being disappointed and complaining about the range project but he could not recall any specific statements made by Lt. Swetz
- Lt. Swetz confirmed part of his responsibility is to attend Command Staff meetings and described what takes place at the meetings
- Lt. Swetz confirmed that he is to bring the information from meetings back to his officers
- Lt. Swetz stated Chief Grimaldi's expectation is that disagreements may happen in the meetings, but once the meeting is over there should be a unified front

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- Lt. Swetz advised his impression was Chief Grimaldi wants information brought back accurately to the troops to get buy-in
- Lt. Swetz explained Chief Grimaldi did not want the messages to officers to be relayed as Chief Grimaldi or Chief Proctor said we're going to do this...
- When asked if he had been critical of decisions made by the Command Staff or Chief Grimaldi, Lt. Swetz said no, but that it was open to interpretation
- When asked if he relayed messages from the Command Staff or Chief Grimaldi in a manner in which he expressed disagreement or advised that things should have been handled differently, he replied no, and that to the best of his recollection he had never been insubordinate. Lt. Swetz stated he never implied or gave the appearance that he disagreed with decisions or came up with his own way of doing things, or suggested how things could be done better
- Lt. Swetz was asked about Ofc. Fleming's statement he did not sugarcoat things, and if he disagreed with a decision he would offer thoughts on what could be done better or differently. Lt. Swetz replied that he agreed with that statement
- Lt. Swetz confirmed he joked about the generator and also referenced the issues with the evidence air conditioning unit. He explained we spent \$13 million on a building which we now have spent \$20 million on fixing things
- Lt. Swetz said he joked about the range project and that all we'll have is a pile of dirt to shoot at
- Lt. Swetz said he has been joking about the range project for years but it was nothing about the Administration. It was about the process and the outside governmental agencies
- When asked about Ofc. Fleming stating Lt. Swetz said the range project was mismanaged, Lt. Swetz replied that he did not hear this statement, but also advised he had not listened to Ofc. Fleming's second interview. Lt. Swetz asserted he did not hear anyone else make that allegation, and if he did say it, it was about the process itself, not about the Command Staff
- Lt. Swetz said that he may have been critical, and then changed the verb to joked about processes and issues but not how the Command Staff chose to handle the issues
- Lt. Swetz said he was not critical of the equipment chosen for the Patrol SUVs but recalled vaguely commenting on the lack of rear air conditioning and the fact that prisoners would not have air conditioning

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- Lt. Swetz advised he did not recall stating moving the generator was dumb
- Lt. Swetz did recall a group conversation taking place about moving the generators
- Lt. Swetz denied making any statement about the Command Staff “sucking it”
- Lt. Swetz confirmed there was a lengthy conversation about radar units. He said he explained why officers needed to check them and did not remember saying the Command Staff should not be focused on such little things
- Lt. Swetz did not mention any conversation concerning discipline being administered on other shifts
- Lt. Swetz did not recall being critical about the Command Staff’s decision regarding external vest carriers
- Lt. Swetz advised he tried to help Ofc. Fleming present the idea to Chief Grimaldi, but the Chief was double booked for the appointment, so they had limited time
- Lt. Swetz did not remember outwardly disagreeing with the decision made about the external vest carriers but advised he may have implied it by other things he said. Lt. Swetz denied being negative or saying he disagreed with the decision because of how the carriers looked
- Lt. Swetz was asked if he was concerned that several officers were getting the impression that he was critical. Lt. Swetz said he did not get that impression from the recordings, and stating a large number of officers felt that way was inaccurate
- It was explained to Lt. Swetz that it was not a large number of officers, but several. Please note several is defined as more than two, but not many. It was pointed out that critical or possibly negative comments were pointed out by officers such as Chumita, White, and Fleming
- Lt. Swetz reiterated that the comments made by officers were generalizations and no specifics were provided
- Lt. Swetz stated Ofc. Fleming never provided specifics about how Lt. Swetz was critical, but just generalizations about things which were not negative or critical
- Lt. Swetz said Ofc. Raines claimed Lt. Swetz was negative but provided no specifics. Lt. Swetz said Ofc. Raines has had issues on every shift he has worked on
- Lt. Swetz advised about the alleged criticisms or comments, “Well some of it, like whether I said this word or that word from back in June, you know, I’m certainly not going to recall that, but like the Lt. Fisher statement, I

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probably did say it. But as I said before, emphatically, I do not criticize the administration or my supervisors, especially in an open forum such as a briefing”.

- Lt. Swetz continued, “The instances such as the generator or the vehicle equipment. Yes, they brought those up, but as topics. They didn’t say ‘Oh well, he said the Chief is stupid for doing that or he didn’t like this, or he said F that, we’re doing it this way’. None of them said that. They just brought those up as topics, but then couldn’t provide specifics as far as what was said. So yes, it was a very broad general discussion, kind of like an overhead question, people chime in and say things. I don’t think I’m negative. And the other thing too is I may make jokes, so I seem to recall that particular Command Staff meeting there was a lot of issues that came back. And so, I was making jokes about it. Again, not at the expense of the administration, but a process or topic”
- Lt. Swetz then explained his role as a conduit between Command Staff and his officers and how he jokes about things to keep morale up
- Lt. Swetz referenced an issue of training funds being depleted and joked that officers can submit whatever requests they wanted so he could deny them
- Lt. Swetz provided an example of how he came up with a plan to aid in the BWC evidence issues as a way he has been able to help officers as a Lieutenant
- Lt. Swetz explained how when officers were frustrated by getting several Power DMS documents per day, he would joke that the next day they will get 30
- Lt. Swetz said he understands he is a mouthpiece for the Administration, but he also needs his troops to know that he will bring them the truth and he is going to stick up for them
- Lt. Swetz says he uses jokes or off the wall comments with his officers but does not openly criticize, demean, or diminish the Administration
- Please note, included in the June 2018 Command Staff notes and OPT notes were the following issues which were consistent with portions of testimony provided: Power DMS policy updates, the checking and maintaining of radar units, installing a water bottle filling station, Patrol SUV distribution, range project update, and the evidence air conditioning unit replacement

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**26.1.58 Courtesy (Count 2) & 26.1.76 Harassment:**

- During his interview on July 23, 2018, Ofc. Raines advised of an incident between he and Lt. Swetz on or about July 1, 2018
- Ofc. Raines advised he met with Lt. Swetz in the police department parking lot because Lt. Swetz wanted to talk with him about issues such as Ofc. Raines rolling his eyes in briefing
- Ofc. Raines stated during the meeting Lt. Swetz said to him something to the effect of, "That type of behavior makes me want to choke you out right there in the briefing room."
- Ofc. Raines felt this was not something that should be said to anyone, let alone a subordinate
- Ofc. Raines did not take this comment as a threat and did not feel anything would turn violent or physical
- Ofc. Raines viewed the comment as being clearly unprofessional
- Ofc. Raines advised the comment bothered him and he was a little offended
- Ofc. Raines identified Sgt. Rhodes as a witness to the incident
- In his interview on July 24, 2018 Sgt. Rhodes confirmed that he, Ofc. Raines, and Lt. Swetz met in the police department parking lot on July 1, 2018
- Sgt. Rhodes advised the meeting was in reference to Ofc. Raines' perceived behavioral issues
- Sgt. Rhodes said Lt. Swetz was upset but did not lose his temper or yell
- Sgt. Rhodes confirmed Ofc. Raines' allegation and indicated that he recalled the statement made by Lt. Swetz to be something to the effect of, "Chris, when you do something like that I just want to choke you out"
- Sgt. Rhodes attributed the statement to Lt. Swetz being frustrated
- Sgt. Rhodes indicated Ofc. Raines' reporting the issue may have been retaliatory
- Sgt. Rhodes said the choice of words used by Lt. Swetz may have been inappropriate and he would likely not have said the comment to Ofc. Raines
- Lt. Swetz confirmed the meeting took place between he, Sgt. Rhodes and Ofc. Raines

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- When asked if he made the comment attributed to him by Ofc. Raines, Lt. Swetz said he remembered something along those lines
- Lt. Swetz described the comment as, "I don't remember the exact phrasing, but it was just kind of like...We're having these problems with you and when you act that such a way, in my mind, I'm thinking like a child....and I'm like...I could just see myself, like, you know, it just makes me want to choke....choke you out in briefing (as Lt. Swetz made a gesture of choking someone)"
- Lt. Swetz stated this was not a threat
- Lt. Swetz said the comment was made out of frustration
- Lt. Swetz advised he has never said anything like this before, or after, to Ofc. Raines or any other officer
- Lt. Swetz advised the comment was a demonstrative phrase, like shock language used on the street
- When asked if this was a professional comment to make toward a subordinate, Lt. Swetz replied that it depended on the relationship he had with the subordinate

**26.1.147 Job Knowledge and Performance (Repeated):**

- During an interview of July 18, 2018 Sgt. Gaver mentioned Lt. Swetz' attendance was a possible issue on their shift
- On the same date, Sgt. Rhodes also indicated that Lt. Swetz attendance was a concern, and that he could not recall the last time he worked a shift with Lt. Swetz
- Sgt. Rhodes also mentioned an issue Ofc. LeDonne had with getting a time off request signed by Lt. Swetz, indicating that he had to help remedy the issue
- Ofc. Mandese was interviewed July 23, 2018. During his interview he described things as "not great". Ofc. Mandese referenced Lt. Swetz' attendance and stated that he would like it if Lt. Swetz was at work more
- Ofc. Raines was interviewed July 23, 2018 and referenced issues with officers, including himself, receiving evaluations on time. He also referenced officers having issues getting vacation and training requests approved
- On July 24, 2018 Sgt. Rhodes indicated in his interview Lt. Swetz spends a lot of time on the road and reiterated the issue Ofc. LeDone had with

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getting a vacation request completed. He also referenced issues with evaluations being completed for Officers Segura, Raines, and LeDonne

- On July 27, 2018 Sgt. Gaver confirmed in his interview the information Sgt. Rhodes provided about Ofc. LeDonne having an issue with a vacation request. Sgt. Gaver added that Ofc. Kimberly had a similar issue
- In his interview Lt. Swetz confirmed his shift used a schedule book, and it was ultimately his responsibility to approve requests
- When asked if he was aware of officers having issues with getting time off approved, he replied that he recalled the Sergeants bringing it up, but could not recall specifics
- When provided the examples of Ofc. LeDonne and Ofc. Kimberly having issues, Lt. Swetz advised that the concerns were only raised by the Sergeants.
- Lt. Swetz was asked if he was stating that these issues did not occur and he replied no, he was only answering the question. Lt. Swetz advised absent hearing in the interviews any officer bring up the issues, he could not recall specifics
- Lt. Swetz confirmed there were issues with evaluations not being completed but pointed out he was in another IA investigation for that issue
- Lt. Swetz was asked if he was aware that his absences may be impacting his shift and if anyone addressed this with him. He advised that no one had advised him of this.
- Lt. Swetz stated that only his Sergeants brought up this complaint and no officers did
- It should be noted that Ofc. Mandese brought up this concern in addition to Sgt. Gaver and Sgt. Rhodes
- Lt. Swetz advised that Sgt. Gaver was engaging in behavior similar to that which Lt. Swetz was being investigated for and he had not filed a formal complaint about the issue
- It should be noted that comments made by Sgt. Gaver were investigated under IA2018-0019
- During Lt. Swetz's interview he advised there were ongoing issues with Ofc. Raines. This information was confirmed by Sgt. Rhodes. Lt. Swetz indicated in his interview that no supervisory steps were taken to correct the issue through progressive discipline and he could only recall notes being taken

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**Disciplinary History**

The below table contains the disciplinary history for Lt. Swetz for 2016, 2017, and 2018. Included in the table are any open/pending investigations which are listed as such.

Tracking Number	Allegation	Disposition	Outcome	Date Opened
INQ2016-0036	Job Knowledge	Sustained	Remedial Training	12-30-16
IA2017-0003	Job Knowledge Professional Conduct	Sustained Not Sustained	Counseling Statement N/A	2-7-17 2-7-17
SVI2017-0006	Job Knowledge	Sustained	Remedial Training	6-15-17
SVI2017-0013	Job Knowledge	Unfounded	N/A	9-14-17
SVI2018-0007	Job Knowledge	Sustained	Counseling Statement	3-1-18
EXT2018-0003	Courtesy	Unfounded	N/A	3-7-18
IA2018-0007	Job Knowledge	Sustained	Written Reprimand	3-19-17
SVI2018-0012	Horseplay	Sustained	Remedial Training	5-22-18
SVI2018-0019	Failure to Follow Directive or Order	Sustained	Counseling Statement	6-28-18
IA2018-0010	Job Knowledge Failure to Follow Directive or Order	Sustained Sustained	Written Reprimand	6-29-18
IA2018-0012	Job Knowledge Failure to Follow Directive or Order	Tent. Sustain Tent. Sustain	TBD	7-3-18
IA2018-0013	Job Knowledge Failure to Follow Directive or Order Courtesy Courtesy Harassment Criticism of Policies of Orders	Pending	TBD	7-23-18
IA2018-0015	Job Knowledge Submission of Reports Compliance with Direct Order Compliance with Direct Order Compliance with Direct Order	Tent. Sustain Tent. Sustain  Not Sustained  Tent. Sustain  Tent. Sustain	TBD	7-31-18
IA2018-0018	Compliance with Direct Order	Pending	TBD	8-2-18
IA2018-0020	Job Knowledge Compliance with Direct Order	Pending	TBD	8-13-18

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	Tardiness Absent w/o Proper Notification			
IA2018-0023	Failure to Follow Directive or Order Absent w/o Proper Notification	Pending	TBD	8-20-18
IA2018-0024	Job Knowledge Compliance with Direct Order	Pending	TBD	8-22-18
IA2018-0026	Job Knowledge Compliance with Direct Order Absent w/o Proper Notification	Pending	TBD	9-18-18
IA2018-0028	Neglect of Duty Interference in Official Investigation Use of Department Laptops and Computers	Pending	TBD	10-12-18

**Recommended Disposition:**

**26.1.58      Courtesy (Count 1) – Sustained**

It was reported that on or about June 29, 2018 Lt. Swetz stated in front of officers in his briefing Lt. Fisher could suck his dick. This comment was heard by and attributed to Lt. Swetz by Sgt. Gaver and Ofc. Mialki. Both Sgt. Gaver and Ofc. Mialki advised the comment was in reference to a disagreement between the two Lieutenants over a set of car keys removed from Lt. Fisher's mailbox. Ofc. Kimberly advised he heard the comment, but thought it was directed toward the Command Staff in general over a different issue. Ofc. Bressett advised he heard something to the effect of the verbiage alleged but was unsure which Lieutenant the comment was being made toward by Lt. Swetz. Ofc. White advised he may have heard something similar, for example, "So and so can blow me or whatever" during a briefing but could not advise what it was for or who it was directed toward.

During his interview Lt. Swetz initially advised he quite possibly made the comment, but was not certain, and did not want to lie. Lt. Swetz explained based on his military and law enforcement service, profanity is the vernacular used. Lt. Swetz was asked what happened between he and Lt. Fisher to cause him to make such a comment or have a reaction like this. Lt. Swetz explained the issue

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between he and Lt. Fisher over keys being removed from Lt. Fisher's mailbox. Lt. Swetz advised he and Lt. Fisher have a good relationship. Lt. Swetz stated, "I have a tendency to speak freely. And like I said, use profanity or off the cuff remarks. I don't think it was malicious. It was in jest". Lt. Swetz added, "although it doesn't justify it, it wasn't directed toward a superior."

Lt. Swetz stated the comment itself was not inappropriate in and of itself, but it probably wasn't appropriate given the setting.

**26.1.58        Courtesy (Count 2) – Sustained**  
**26.1.76        Harassment – Not Sustained**

During interviews Ofc. Raines alleged on July 1, 2018 Lt. Swetz stated that his behavior made Lt. Swetz want to choke him out in the briefing room. Ofc. Raines indicated the statement occurred in the presence of Sgt. Rhodes when Lt. Swetz was counseling him on perceived behavioral issues. Ofc. Raines felt this was not something that should be said to anyone, let alone a subordinate. Ofc. Raines did not take this comment as a threat and did not feel anything would turn violent of physical. Ofc. Raines viewed the comment as being clearly unprofessional and advised the comment bothered him. Ofc. Raines said he was a little offended by the comment.

Sgt. Rhodes confirmed a statement such as the one referenced above was made by Lt. Swetz toward Ofc. Raines. Sgt. Rhodes did not indicate the statement was a threat but stated Lt. Swetz was just frustrated.

Lt. Swetz confirmed a comment similar to what was reported was made. Lt. Swetz described the comment as, "I don't remember the exact phrasing, but it was just kind of like...We're having these problems with you and when you act that such a way, in my mind, I'm thinking like a child....and I'm like...I could just see myself, like, you know, it just makes me want to choke....choke you out in briefing (as Lt. Swetz made a gesture of choking someone)".

Lt. Swetz advised he was frustrated and the comment was not a threat. Lt. Swetz said he had no intent on following through on the comment or actually choking Ofc. Raines. Lt. Swetz stated he had never said anything like this before to an officer, nor after.

The comment made by Lt. Swetz was reportedly not directed to Ofc. Raines as a threat or coercive. The comment made was not received by Ofc. Raines as a threat, although he was offended and bothered by the comment. The comment

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does not meet the legal definition of harassment, as there was no repeated course of conduct. Therefore, the allegation of a violation of policy 26.1.76 Harassment was not sustained.

**26.1.138 Criticism of Orders or Policies – Sustained**  
**26.1.46 Failure to Follow Directive or Order - Sustained**

During the course of the investigation the following items involving alleged criticism of orders or policies were identified as potential issues and discussed: the decision regarding external vest carriers, equipment decisions about patrol SUVs, the police department range project, the police department generator exhaust issue, and direction about checking and maintaining radar units. Each of these items will be addressed individually.

External Vest Carriers:

Ofc. Fleming advised Lt. Swetz was critical of Chief Grimaldi's decision to not provide officers the external vest carriers requested to officers due to the Chief reportedly not liking the way the vests looked. Ofc. Fleming alleged Lt. Swetz stated the Administration should have a better reason than that.

Lt. Swetz denied being outwardly critical on this decision but did advise he may have implied it by some of his comments.

There were no other parties confirming or denying this information.

Patrol SUV Equipment:

Ofc. Chumita advised Lt. Swetz was critical of the decisions made about the equipment to outfit the Patrol SUVs. Ofc. Chumita could not provide specific details.

Lt. Swetz denied criticizing the equipment selection but did advise he may have made a vague comment regarding the lack of rear air conditioning in the vehicles.

There were no other parties confirming or denying this information.

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Generator Issue:

Ofc. White indicated Lt. Swetz held conversations in briefings with officers in which they discussed the idea of moving the generators due to the exhaust issue. Ofc. White stated that some of the comments discussed were about the moving of generators being dumb, expensive, and there were better ways to spend the department's money.

Lt. Swetz confirmed there were open conversations about the generator issue but did not recall calling the idea dumb. He did advise he has joked about the issue, along with the evidence air conditioning issue, but advised his joking is about the issues or process, not decisions made by Command Staff.

There were no other parties confirming or denying this information.

Range Project:

Ofc. Fleming stated Lt. Swetz has been critical of the Range Project. Ofc. Fleming advised Lt. Swetz stated in briefing that the project would have been completed if it was managed better.

Ofc. Chumita also reported Lt. Swetz was disappointed and complaining about the range project in general.

Lt. Swetz advised he has joked about the range project for years. Lt. Swetz did advise there have been conversations in briefing joking about the project and he has even stated when the project is complete they will only have a pile of dirt to shoot at. Lt. Swetz stated he was only criticizing the process and external agencies in regard to this and was not criticizing the Command Staff or their decisions.

The joking or comments made by Lt. Swetz led two officers to believe he was being critical or complaining about the project, regardless of Lt. Swetz's intent.

Radar Units:

Ofc. Fleming advised Lt. Swetz was critical of the Command Staff in regard to the decision that officers had to check and maintain radar units even if they did not use them. Ofc. Fleming stated Lt. Swetz said the Command Staff should know better than to focus on such little things, and people of the Command Staff's caliber should be focused on morale and officer's well-being. Ofc. Fleming also indicated in the conversation it was discussed that officers were receiving paper

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or discipline for their radar issues and Lt. Swetz disagreed, saying there are bigger issues to deal with than this. Ofc. Fleming advised that Lt. Swetz indicated he felt the direction to discipline officers on this issue came from the Administration.

Sgt. Gaver confirmed the negative or critical attitude of Lt. Swetz on this topic. Sgt. Gaver advised he could not understand the negativity Lt. Swetz showed toward the decision of the Command Staff on this topic when the negativity should have been directed at officers not doing their jobs.

Ofc. White confirmed that a conversation took place about radar units but did not recall anything negative from Lt. Swetz. Ofc. White confirmed during the conversation, steps being taken by other shifts to discipline officers was discussed.

Lt. Swetz described a lengthy conversation about radar units in briefing but advised he was not negative and explained why officers had to check their radar.

The comments made by Lt. Swetz led two officers to believe he was being critical or complaining about the directive provided about radar units, regardless of Lt. Swetz's intent.

The totality of the circumstances support the fact some officers on Alpha platoon have taken the jokes, comments, or criticisms of their Lieutenant as being negative or critical of the Administration's issued direction or policies. Ofc. Fleming said during briefing, they were going over notes from a Command Staff or OPT Meeting, and issues were being critiqued along with the decisions made by the Command Staff. Ofc. Fleming stated they were made in jest or in a sarcastic manner. Ofc. White expressed the joking nature and off-color or off-comment remarks made by Lt. Swetz while discussing Command Staff notes. Sgt. Gaver expressed in general terms Lt. Swetz had a negative attitude toward Command Staff in briefings and Ofc. Raines indicated general sarcasm from Lt. Swetz. Ofc. Chumita expressed Lt. Swetz had been negative toward Command Staff, specifically in reference to equipping the Patrol SUVs.

In addition, the joking and other comments reportedly made by and admitted to by Lt. Swetz go against the directives issued by Chief Grimaldi about the Command Staff having a unified front in delivering appropriate messages to staff about these issues.

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**26.1.147 Job Knowledge and Performance (Repeated) – Sustained**

During the course of the investigation the following items involving job knowledge or performance were identified as potential issues and discussed: Lt. Swetz's attendance, performance evaluations being completed on time by Lt. Swetz, and the process of officers being approved for time off and training requests. Each of these items will be addressed individually.

Attendance:

Lt. Swetz's attendance to work was brought up as a potential issue by Sgt. Gaver, Sgt. Rhodes, and Ofc. Mandese. There is no policy regarding sick time usage if there is no indication of sick time abuse. Therefore, these concerns will not be considered part of the recommended disposition for this allegation.

Evaluations:

Concerns regarding the completion of evaluations was determined to be part of a separate IA investigation, IA2018-0018. Due to this, these concerns will not be considered part of the recommended disposition for this allegation.

Time Off and Training Requests:

This concern was brought up by Ofc. Raines, though he was not directly affected. Sgt. Rhodes provided information regarding Ofc. LeDonne not having a time off request reviewed or decided on by Lt. Swetz. Sgt. Gaver provided information regarding Ofc. Kimberly not having a time off request reviewed or decided on by Lt. Swetz. Sgt. Gaver additionally confirmed the information provided by Sgt. Rhodes about Ofc. LeDonne.

Lt. Swetz, when interviewed, confirmed approving time off requests was ultimately his responsibility. When asked about issues, he advised only the Sergeants brought up this issue and he could not recall any specifics. When presented with information about Ofc. LeDonne and Ofc. Kimberly specifically, Lt. Swetz again stated the information was only brought up by Sergeants so he did not recall specifics. Lt. Swetz was asked if he was saying that these issues did not occur, and he replied that he was not. Lt. Swetz added that absent hearing the issues on recordings from officers themselves, he could not recall specifics.

The information provided by Ofc. Raines in general, and both Sergeants specifically, corroborated that there were issues with time off approvals. Lt.

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Swetz did not deny this but advised he could not recall specifically absent hearing officers complain directly about it.