

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Complainant: Chief Thomas Grimaldi

Employee: Lieutenant Joseph Swetz

Investigator: Lieutenant Eric Fisher

**Summary of Allegations**

On September 25, 2018, Captain Brozio was asked to assist with a public records request by Records Supervisor, Heather Rubin. The request was for the "complete print out of the IA Pro program user logs entries from the investigating officer" for IA2017-0010 through IA2017-0019. As Rubin did not have access rights to that part of the system, Capt. Brozio logged-in to IAPro to retrieve the requested information.

While gathering the requested information, it was found that Lt. Swetz, between July 2018 and September 2018, had accessed IA cases 2017-0001 through 2017-0019 and IA2018-0001 through IA2018-0011 (except for IA2018-0008 and IA 2018-0010) via his IA Pro access rights. These IA files were accessed electronically on four separate dates in 2018; July 2, July 28, July 30 and September 4.

Furthermore, Swetz accessed IA2018-0009 on two occasions while the IA was still active. The first time was on July 2, 2018, four days prior to the subject officer being interviewed. The second time occurred on July 30, 2018, prior to the investigation being closed.

On four of the initial dates in question, Swetz was on-duty 3 of the 4 dates when he accessed this data in IA Pro.

- 1. 26.1.19 Neglect of Duty: Allegation you failed to give proper attention and/or failed to carry out the duties and responsibilities of your position as specified in Directive 11.1.17.**
- 2. 26.1.80 Use of Department Laptops and Computer Systems: Allegation you used department computers for personal reasons as well as accessing department records for non-legitimate law enforcement purposes.**
- 3. 26.1.82 Interference in Official Investigation: Allegation you interfered with an Internal Affairs case(s) being processed by another and/or undertook your own personal investigation outside of your regular duties without being ordered to do so by a superior.**

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

**Investigation Narrative**

**Review of Internal Documents:**

I reviewed the memorandum to Chief Grimaldi authored by Capt. Brozio dated 09/25/18. Synopsis of the memorandum is as follows:

- The information came to light while Brozio was pulling IAPro user log entries per a public records request. This was being done due to Rubin not having access to this portion of IAPro.
- Between July 2018 and September 2018, Swetz went into IA cases 2017-0001 through 2017-0019 and IA2018-0001 through IA2018-0011. Exceptions are IA2018-0008 (IA Swetz was initially assigned and then removed from) and IA2018-0010 (Swetz is the subject officer). No cases beyond IA2018-0011 were accessed.
- Majority of what was viewed was attestation pages and narratives.
- Swetz accessed IA2018-0009 on two occasions while still active. The first time was on July 2, 2018, four days prior to the subject officer being interviewed. Second time on July 30, 2018, prior to the investigation being closed.
- Dates Swetz accessed IAPro for above (all 2018): July 2, July 28, July 30, September 4.

**Review of Internal Data**

A review of Swetz's activities in IA Pro was conducted. A report for the four dates in question noted above in Capt. Brozio's memorandum was generated. While validating the data, two additional dates of note were identified that are within the proximity of the dates noted in the memorandum. They are June 22, 2018, and July 12, 2018.

A review of the data verifies what was noted in the memorandum. It was found that Swetz also accessed Internal Affairs investigations for the 2015 and 2016 calendar years. A synopsis of the IA's accessed on the six dates previously mentioned are as follows:

- 2015 IA Cases: -0027, -0030, -0031
- 2016 IA Cases: -0001, -0003, -0004, -0005, -0013, -0014, -0015, -0024, -0033.
- 2017 IA Cases: -0001 through -0019.
- 2018 IA Cases: -0001 through -0007, -0009, -0011.

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

This is a total of 40 Internal Affairs cases accessed, some on multiple occasions on June 22, July 2, July 12, July 28, July 30 and September 4, 2018. The Internal Affairs cases previously listed were accessed a cumulative total of 109 times on the six dates listed.

During the aforementioned dates Swetz also accessed the following:

- 23 SVI (Supervisor Inquiry) accesses on 16 cases from 2017 and 2018.
  - SVI2017 – 0004, 0006, 0014, 0015, 0016, 0017, 0023, 0029
  - SVI2018 – 0001, 0002, 0007, 0008, 0010, 0015, 0017, 0026
  
- 2 INQ (Informal Inquiry) accesses on 1 case from 2016.
  - INQ2016 – 0036
  
- 4 INT (Internal Complaint) accesses on 4 cases from 2017 and 2018
  - INT2017 – 0008, 0029
  - INT2018 – 0004, 0006

The total amount of times that cases in IA Pro were accessed, whether specific documents were viewed or if the case was just accessed are as follows:

June 22, 2018: 16 (1 IA)

July 2, 2018: 41 (All IA's)

July 12, 2018: 3 (1 IA)

July 28, 2018: 11 (7 IA's)

July 30, 2018: 43 (37 IA's)

September 4, 2018: 24 (22 IA's)

A total of 138 accesses to 69 various IA Pro cases on the six dates. Of those 138 accesses, 109 were Internal Affairs case accesses involving a total of 40 Internal Affairs cases out of the total of 69 cases viewed. 9 out of the 138 accesses were cases that were assigned to Swetz leaving 129 case accesses assigned to another investigator.

Specific to the IA cases, some show as being "incident access" only which means the end user would be able to tab through the eight tabs and view the information on each tab, but no files were opened. Many of the IA cases, however, show that after being accessed, specific files were viewed and or printed. Out of the 109 total accesses to

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Internal Affairs cases in IA Pro, Swetz accessed IA cases and viewed specific files and/or printed documents 46 times on the six dates mentioned previously. A total of 92 files related to Internal Affairs cases were viewed by Swetz. A break-down of the 46 instances were Internal Affairs cases that were not only accessed but specific files were either viewed or printed are listed below by date:

June 22, 2018

6/22/2018 01:40 Incident access: Read/Write: IA2018-0003  
6/22/2018 01:41 File viewed: IA Nagy case summary signed

July 2, 2018

7/2/2018 02:04 Incident access: Read/Write: IA2018-0003  
7/2/2018 02:05 File viewed: IA Nagy case summary signed

7/2/2018 02:19 Incident access: Read/Write: IA2017-0015  
7/2/2018 02:21 File viewed: Attestation page  
7/2/2018 02:21 File viewed: narrative scan

7/2/2018 02:33 Incident access: Read/Write: IA2017-0014  
7/2/2018 02:37 File viewed: IA Raines case summary signed  
7/2/2018 02:37 File viewed: IA Raines IA Package Receipt2  
7/2/2018 02:39 File viewed: IA Raines case summary signed

7/2/2018 02:40 Incident access: Read/Write: IA2017-0013  
7/2/2018 02:40 File viewed: Attestation page

7/2/2018 02:40 Incident access: Read/Write: IA2017-0012  
7/2/2018 02:41 File viewed: IA2017-0012 Chief's Findings Page - Signed  
7/2/2018 02:41 File viewed: Narrativescan12

7/2/2018 02:42 Incident access: Read/Write: IA2017-0008  
7/2/2018 02:42 File viewed: Investigative Narrative IA2017-0008

7/2/2018 02:43 Incident access: Read/Write: IA2017-0007  
7/2/2018 02:44 File viewed: IA Narrative Supplement signed 170007  
7/2/2018 02:44 File viewed: IA Narrative 170007

7/2/2018 02:45 Incident access: Read/Write: IA2017-0006  
7/2/2018 02:46 File viewed: Notice of Claim  
7/2/2018 02:47 File viewed: Supervisor Narrative IA2017-0006

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

7/2/2018 02:51 Incident access: Read/Write: IA2017-0004  
7/2/2018 02:51 File viewed: CB0417M001 IA 17-0003 70004 Extension Request

7/2/2018 02:52 Incident access: Read/Write: IA2017-0001  
7/2/2018 02:54 File viewed: Investigation Findings Page 2017-0001  
7/2/2018 02:54 File viewed: Supervisor Narrative IA2017-0001

7/2/2018 03:00 Incident access: Read/Write: IA2016-0013  
7/2/2018 03:13 File viewed: 160013 Police Report  
7/2/2018 03:14 File viewed: 160013  
7/2/2018 03:14 File viewed: 160013 Bill of Rights  
7/2/2018 03:16 File viewed: 160013 Citizen Complaint Form  
7/2/2018 03:17 File viewed: 160013 Narrative  
7/2/2018 03:17 File viewed: 160013 IA Package Receipt  
7/2/2018 03:18 File viewed: 160013 Chiefs Findings  
7/2/2018 03:18 File viewed: 160013 Chiefs review

7/2/2018 03:19 Incident access: Read/Write: IA2016-0004  
7/2/2018 03:20 File viewed: 16-0004 Case Memo's  
7/2/2018 03:20 File viewed: 16-0004 Narrative

7/2/2018 03:22 Incident access: Read/Write: IA2016-0001  
7/2/2018 03:22 File viewed: 16-0001 Investigative Narrative  
7/2/2018 03:23 File viewed: 16-0001 Investigative  
7/2/2018 03:23 File viewed: 16-0001 IA Package Receipt  
7/2/2018 03:24 File viewed: 16-0001 Memo from Chief  
7/2/2018 03:24 File viewed: 16-0001 Chiefs Findings

7/2/2018 03:25 Incident access: Read/Write: IA2015-0027  
7/2/2018 03:26 File viewed: IA 2015-0027 Memo Request for Extension  
7/2/2018 03:26 File viewed: IA 2015-0027 IA Narrative

July 12, 2018

7/12/2018 16:52 Incident access: Read/Write: IA2018-0007  
7/12/2018 16:52 Incident displayed in printed format  
7/12/2018 16:52 Incident printed from IAPro incident folder Print button on toolbar  
7/12/2018 16:53 File viewed: IA2018-0007 LEO Rights - Signed  
7/12/2018 16:54 File viewed: IA2018-0007 Packet Receipt 2  
7/12/2018 16:54 File viewed: IA2018-0007 Packet Receipt 1  
7/12/2018 16:54 File viewed: IA2018-0007 Garrity  
7/12/2018 16:55 File viewed: IA2018-0007 Narrative

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

7/12/2018 16:55 File viewed: IA2018-0007 Packet Receipt 1  
7/12/2018 16:56 File viewed: IA2018-0007 Officer Conclusion Letter  
7/12/2018 16:56 File viewed: IA2018-0007 Letter of Reprimand  
7/12/2018 16:57 File viewed: IA2018-0007 Officer Notification Letter  
7/12/2018 17:00 File viewed: IA2018-0007 Subject Employee Statement

**July 28, 2018**

7/28/2018 04:18 Incident access: Read/Write: IA2016-0015  
7/28/2018 04:19 File viewed: 2016-0015 Investigative Narrative

7/28/2018 04:20 Incident access: Read/Write: IA2017-0018  
7/28/2018 04:20 File viewed: Attestation Page  
7/28/2018 04:20 File viewed: Narrative scan  
7/28/2018 04:21 File viewed: Narrative scan  
7/28/2018 04:21 File viewed: Attestation Page

7/28/2018 04:25 Incident access: Read/Write: IA2017-0009  
7/28/2018 04:25 File viewed: Investigative Narrative IA2017-0009

7/28/2018 07:21 Incident access: Read/Write: IA2016-0015  
7/28/2018 07:22 File viewed: 2016-0015 Investigative Narrative

**July 30, 2018**

7/30/2018 07:28 Incident access: Read/Write: IA2017-0018  
7/30/2018 07:28 File viewed: Attestation Page  
7/30/2018 07:29 File viewed: Narrative scan

7/30/2018 07:31 Incident access: Read/Write: IA2017-0015  
7/30/2018 07:32 File viewed: narrative scan  
7/30/2018 07:32 File viewed: Attestation page

7/30/2018 07:33 Incident access: Read/Write: IA2017-0013  
7/30/2018 07:33 File viewed: Attestation page  
7/30/2018 07:34 File viewed: Narrativescan13

7/30/2018 07:34 Incident access: Read/Write: IA2017-0012  
7/30/2018 07:35 File viewed: Narrative scan12  
7/30/2018 07:35 File viewed: Attestation page  
7/30/2018 07:36 File viewed: Attestation page

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

7/30/2018 07:37 Incident access: Read/Write: IA2017-0010

7/30/2018 07:38 File viewed: Attestation page

7/30/2018 07:38 File viewed: Narrative scan10

7/30/2018 07:38 File viewed: Attestation page

7/30/2018 07:40 Incident access: Read/Write: IA2017-0006

7/30/2018 07:43 Incident displayed in printed format

7/30/2018 07:43 Incident printed from IAPro incident folder Print button on toolbar

7/30/2018 07:46 Incident access: Read/Write: IA2017-0002

7/30/2018 07:46 File viewed: Narrative Signed

7/30/2018 07:47 Incident access: Read/Write: IA2017-0004

7/30/2018 07:48 File viewed: CB0417M001 IA 17-0003 170004 Extension Request

7/30/2018 07:49 File viewed: CB0417M001 IA 17-0003 Extension Request

7/30/2018 07:52 Incident access: Read/Write: IA2017-0003

7/30/2018 07:53 File viewed: IA 2017-0003 Approved Extension

7/30/2018 07:55 File viewed: IA Narrative 17-0003 final 06-12-17 2

7/30/2018 07:55 File viewed: IA Narrative 17-0003 final 06-12-17 1

7/30/2018 07:56 File viewed: IA 2017-0003 Approved Extension

7/30/2018 07:58 Incident access: Read/Write: IA2016-0015

7/30/2018 08:00 File viewed: 2016-0015 Investigative Narrative

7/30/2018 08:04 Incident access: Read/Write: IA2016-0013

7/30/2018 08:06 File viewed: 160013 Narrative

7/30/2018 08:08 Incident access: Read/Write: IA2016-0003

7/30/2018 08:09 File viewed: 16-0003 Investigative Narrative

7/30/2018 08:09 Incident access: Read/Write: IA2016-0001

7/30/2018 08:10 File viewed: 16-0001 Investigative Narrative

**September 4, 2018**

9/4/2018 08:27 Incident access: Read/Write: IA2017-0009

9/4/2018 08:28 File viewed: Investigative Narrative

9/4/2018 08:29 Incident access: Read/Write: IA2017-0018

9/4/2018 08:29 File viewed: Narrative scan

9/4/2018 08:31 File viewed: Attestation Page

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

9/4/2018 08:31 File viewed: Narrative scan

9/4/2018 08:32 Incident access: Read/Write: IA2017-0019

9/4/2018 08:32 File viewed: Narrative Signed

9/4/2018 08:33 Incident access: Read/Write: IA2017-0013

9/4/2018 08:33 File viewed: Attestation page

9/4/2018 08:33 File viewed: Narrative scan13

9/4/2018 08:33 Incident access: Read/Write: IA2017-0015

9/4/2018 08:33 File viewed: narrative scan

9/4/2018 08:34 Incident access: Read/Write: IA2017-0011

9/4/2018 08:34 File viewed: Narrativescan11

9/4/2018 08:34 Incident access: Read/Write: IA2017-0012

9/4/2018 08:34 File viewed: Narrativescan12

9/4/2018 08:34 Incident access: Read/Write: IA2017-0010

9/4/2018 08:35 File viewed: Narrativescan10

9/4/2018 08:36 File viewed: Attestation page

9/4/2018 08:41 Incident access: Read/Write: IA2016-0013

9/4/2018 08:41 File viewed: 160013 Narrative

9/4/2018 08:42 Incident access: Read/Write: IA2017-0002

9/4/2018 08:42 File viewed: Narrative Signed

9/4/2018 08:43 Incident access: Read/Write: IA2017-0014

9/4/2018 08:43 File viewed: IA Raines case summary signed

9/4/2018 08:43 Incident access: Read/Write: IA2017-0008

9/4/2018 08:43 File viewed: Investigative Narrative IA2017-0008

9/4/2018 08:44 Incident access: Read/Write: IA2018-0007

9/4/2018 08:44 File viewed: IA2018-0007 Narrative



Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

For a complete accounting of all cases that were opened on the dates in question, refer to the six pdf documents in the case file. They are labeled "Swetz IAP Activities (date)".

The following legend is used:

- Yellow highlight: Incident access to an Internal Affairs case.
- White highlight: Anything in white directly under a yellow highlighted Internal Affairs case which begins with "File Viewed" signifies there are files that were viewed and/or printed from that preceding yellow highlighted IA case.
- Green highlight: IA Pro user sign-on.
- Orange highlight: Incident access on a case other than an Internal Affairs case.

In analyzing the data, the majority of what Swetz viewed were the investigative narratives and the attestation pages for the Internal Affairs cases. Additionally, Swetz printed out two Internal Affairs cases from his computer. They are as follows:

1. IA 2017-0006 was printed on July 30, 2018, at 0743hr. This was the sustained IA on Officer Alevisatos involving Cedric Hayes being placed in the rear of the patrol car. This IA was closed on July 11, 2017 and had been assigned to Captain Fisher.
2. IA2018-0007 was printed on July 12, 2018, at 1652hr. This was the sustained IA on Swetz in regard to missing deadlines set by Capt. Brozio. This IA was closed on May 9, 2018 and had been assigned to Captain Brozio.

The following cases in IA Pro were also printed from Swetz's computer on June 22, 2018:

1. SVI2018-0017, Assigned to Captain Fisher – Remedial Training issued to Officer Higham for failure to report vehicle accident.
2. SVI2018-0010, Assigned to Assistant Chief Proctor – Remedial Training issued to Capt. Brozio for swearing during Alpha briefing.
3. SVI2018-0008, Assigned to Captain Fisher – Counseling Statement issued to Officer Fischetti for failure to show up for OT detail.
4. SVI2018-0007, Assigned to Captain Brozio – Counseling Statement issued to Swetz for failing to complete assigned tasks.

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

Capt. Brozio indicated in his memorandum that Swetz accessed Internal Affairs case, IA2018-0009 on two occasions while the case was still active. A review of the IA Pro data confirms this fact.

On July 2, 2018, Swetz accessed the case at 0327hr. On this date, no specific files were viewed; however, the 8 tabs could be viewed which does include the "Summary" tab that has the synopsis of the case written in it.

On July 30, 2018, Swetz accessed the case at 0701hr. On this date, no files were viewed. The 8 tabs under the parameters mentioned previously would still apply.

The subject officer, Officer Guillerm was interviewed by the IA investigator, Lt. James, on July 6, 2018. IA2018-0009 was marked closed on July 31, 2018. It should be noted that on July 7, 2018, five days after Swetz accessed this case, Guillerm and Swetz had a meeting in the parking lot of the apartment complex where Swetz resides. This meeting, according to AVL data, lasted 1 hour, 37 minutes. Guillerm was given a counseling statement for this unauthorized activity (SVI2018-0023).

A review of the shift rosters for the following dates in 2018 was conducted: June 22, July 2, July 12, July 28, July 30, and September 4. Swetz was on nightshift and on duty when the IA Pro data was accessed on June 22, July 2 and July 28.

There is another 8-minute data access on July 28 after his scheduled duty period.

The July 30 data is accessed after Swetz's scheduled duty period had ended.

Swetz was on dayshift and on-duty for the September 4 access.

On the nightshift of July 2 and the dayshift of September 4, one of Swetz's two sergeants, Sgt. Gaver was not on-duty leaving the shift oversight to himself and Sgt. Rhodes.

For the July 12 data access, the department had held a mandatory supervisor meeting on this date at the police department beginning at 1300hr. Swetz attended this meeting which occurred on his scheduled day off. Upon the meeting's conclusion, Swetz would have been off-duty and on his own personal time when the data access began at 1649hr.

July 30, 2018: Does not show initial log on for this date which would indicate the program was already logged into and running. Data access started and stopped during two different time periods. The first began at 0449hr to 0630hr. During this time frame Swetz is working on an open SVI case assigned to him, SVI2018-0026. This time is not

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

factored into the total time spent for the purposes of this Internal Affairs investigation and the allegations herein.

However, at 0658hr, Swetz again logs into IA Pro. This would have been after his duty period from the previous nightshift which had just ended. This second log-in to IA Pro is at 0658hr. Data access into cases not assigned to him begins at 0701 to 0810hr – 1 hour 9 minutes.

For the dates previously mentioned in which Swetz was on-duty, a breakdown of the times are as follows:

June 22, 2018: Logged into IA Pro at 0135hr. Data access began at 0140hr to 0209hr – 29 minutes.

July 2, 2018: Logged into IA Pro at 0158hr. Data access began at 0204hr to 0330hr – 1 hour 26 minutes.

July 28, 2018: Logged into IA Pro at 0338hr. Data access began at 0352hr to 0425hr – 33 minutes.

September 4, 2018 Logged into IA Pro at 0819hr. Data access began at 0822hr to 0847hr – 25 minutes.

**Total time on-duty – 2 hours 53 minutes**

A breakdown of the times for the dates previously mentioned in which Swetz was scheduled to either be off-duty or were after his duty period had ended are as follows:

July 12, 2018: Logged into IA Pro at 1649hr. Data access began at 1652hr to 1700hr – 8 minutes

July 28, 2018: A second round of activity piggybacks off the above-mentioned July 28, 2018 log-in. At time stamp, 0717hr to 0725hr – 8 minutes

July 30, 2018: Logged into IA Pro at 0658hr. Data access began at 0701hr to 0810hr – 1 hour 9 minutes.

**Total time off-duty – 1 hour 25 minutes**

**Total time in IA Pro for the six dates, not including time spent working open cases assigned to Swetz (1 case from 0449hr to 0630hr, July 30, 2018, SVI2018-0026) – 4 hours 18 minutes.**

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

**Interviews**

**Interview: Officer Guillerm**

On October 23, 2018, I conducted a recorded sworn interview with Ofc. Guillerm. The following is a synopsis of the interview:

Guillerm confirmed that the record of him being interviewed by Lt. James on July 6, 2018, is accurate.

Nobody from within the department or from outside the department gave Guillerm any documents or spoke with him about IA case 2018-0009.

Guillerm's attorney did not have any of the documents related to IA2018-0009 until Guillerm dropped them off to him.

No one, other than Lt. James provided Guillerm any documents related to this IA before or after his interview.

Officer White asked Guillerm while he was off-duty, after the IA was over, a question about what was contained in his copy of the Bill of Rights. This is the only thing Guillerm can recall.

End of interview.

**Interview: Capt. Brozio**

On October 23, 2018, I conducted a recorded sworn interview with Capt. Brozio. The following is a synopsis of the interview:

Brozio reaffirmed what he had put in his memorandum to Chief Grimaldi dated 09/25/18 on how he became aware of Swetz's name being associated with a numerous amount of IA cases via the "usage" log tab in IA Pro. This occurred while he was assisting Heather Rubin with a public records request.

Brozio affirmed the four dates he noticed the access as being July 2, July 28, July 30 and Sept 4, 2018.

Brozio did not give any direction to Swetz related to IA2018-0009 with regards to completing any work on the case while it was still active.

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

Brozio did not give Swetz any direction to access IA's from the year 2015, 2016, 2017 and IA cases 0001 through 0007, 0009 and 0011 from 2018 on the above-mentioned dates as well as June 22, 2018, and July 12, 2018.

Brozio did not give Swetz any direction to access 23 SVI cases from 2017 and 2018, 2 INQ cases from 2016 or 4 INT cases from 2017/2018 on the above-mentioned dates as well as June 22, 2018, and July 12, 2018.

Brozio did not give Swetz any direction to print out IA 2017-0006 on July 30, 2018, or IA2018-0007 on July 12, 2018.

Brozio did not give Swetz any direction to print out SVI2018-0017, SVI2018-0010, SVI2018-0008 or SVI2018-0007 on June 22, 2018.

Brozio reaffirmed that as Swetz's direct supervisor he never gave him any direction to access or print any of the aforementioned documents.

Brozio does not recall ever giving direction to any lieutenant to go into IA Pro and print any documents.

End of interview.

**Interview: Heather Rubin**

On October 23, 2018, I conducted a recorded sworn interview with Heather Rubin. The following is a synopsis of the interview:

Rubin did not seek any assistance from Swetz to access IA cases in IA Pro from the year 2015, 2016, 2017 and IA cases 0001 through 0007, 0009 and 0011 from 2018 on the above-mentioned dates as well as June 22, 2018, and July 12, 2018.

Rubin, in her capacity as the records supervisor, did not seek any assistance from Swetz to access any SVI cases from 2017 and 2018, 2 INQ cases from 2016 or 4 INT cases from 2017/2018 on the above-mentioned dates as well as June 22, 2018, and July 12, 2018.

Rubin did not seek Swetz's assistance with IA Pro in printing out IA 2017-0006 on July 30, 2018, or IA2018-0007 on July 12, 2018.

Rubin did not seek Swetz's assistance with IA Pro in printing out SVI2018-0017, SVI2018-0010, SVI2018-0008 or SVI2018-0007 on June 22, 2018.

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Rubin did not have any public records requests from Swetz for any IA's from 2015 to 2018 for the dates of June 22, July 2, July 12, July 28, July 30, September 4.

Rubin did not have any public records requests from Swetz for any SVI, INQ, INT or EXT from 2015 to 2018 for the dates of June 22, July 2, July 12, July 28, July 30, September 4.

In the last six months, there have been no public records requests from Swetz. There are no outstanding public records requests made by Swetz.

End of Interview.

Interview: Lt. Swetz:

On November 20, 2018, I conducted a recorded sworn interview with Lt. Swetz. Prior to the interview, Swetz was provided all information to date. Attorney Ryan Burton was present on behalf of Swetz. The following is a synopsis of the interview:

Swetz has been a lieutenant since February 2016.

Swetz described his duties to include supervising sergeants and officers, scheduling, handling vacation and education requests, Blue Team and IA Pro entries, IA investigations and other tasks as assigned by the patrol commander.

Swetz has not shared his log-in credentials or password with anyone for IA Pro. Swetz is familiar with what IA Pro does and accesses IA Pro via his desktop computer. His desktop computer is the only place he logs into IA Pro.

Swetz described what IA Pro is used for to include data entry for departmental documentation. When asked what he uses IA Pro for, he stated the same thing it was designed for.

Swetz stated at one point, Det. Harrison may have logged into IA Pro using his own credentials while using Swetz's computer.

Swetz was asked if other than for a public records request or working on an IA case if he knew of any other legitimate law enforcement purpose for accessing IA Pro. Swetz replied there was. Swetz stated to review internal affairs or to review other documents such as internal and external complaints to use as a template and to assist with public records requests.

Swetz further stated he went into IA Pro due to deadline issues that he was having problems with. Swetz would access IA Pro to see if others were having issues among the shifts or "whoever else" had access to IA Pro with regards to deadlines with investigations. Swetz

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

specifically mentioned an IA he has problems with in regard to the tolling of the IA and went into IA Pro to "see that".

Swetz was asked to expound on what he meant by reviewing for templates and if he was talking about cases assigned to him or any case. Swetz replied, "any case".

Swetz described the process for public records requests. When asked if he was familiar with city policy 1-47 distributed via POPD training bulletin 15-01 that covers the city public records policy, he stated he knows it exists.

Swetz does not recall accessing IA Pro on June 22, 2018. When told of the number of cases he accessed (16) and asked if any were assigned to him, he could not recall. I confirmed with Swetz he received the excel spreadsheets that showed all of his accesses for the six dates in question which show the case numbers and files accessed or printed. Swetz was informed none were assigned to him. When asked if a supervisor asked him to access the cases, Swetz stated he could not answer because he did not know what the "cases are". Swetz then stated he has been asked in the past to go in and "look at documents". Swetz then stated there was an IA that he was the subject officer in which Capt. Brozio told him he could go in and access. When asked, he could not recall the date this was told to him. When asked if he went into IA Pro to respond to a public records request or the reason for accessing those files on June 22, 2018, Swetz replied he does not recall the specific date. Swetz did not share any information from accessing the IA Pro cases on June 22, 2018.

Swetz does not recall accessing IA Pro on July 2, 2018. Swetz went on to state that if his log-in credentials "are there and I didn't share them with anyone, I did access them or it's likely I accessed them". Swetz was told he accessed 41 cases, all Internal Affairs cases in IA Pro on July 2, 2018. Swetz does not recall if any of them were assigned to him. Swetz was told none were assigned to him. Swetz "couldn't say" if a supervisor asked him to review those files. Swetz does not recall for that date if he was asked to respond to a public records request.

Swetz was asked his reason for accessing those IA files on July 2, 2018. Swetz replied the same reason previously given, reviewing to see deadline issues and reviewing for templates or narratives. Swetz was asked to expound on the deadline issues he was specifically talking about. Swetz stated he was having issues meeting deadlines and needed to request an extension. As part of his "administrative duties" he was looking to see if other shift lieutenants or others responsible for IA's were also having deadline issues. Swetz stated he believes in May, administrative duties were pulled back from sergeants and given to the lieutenants and he was looking at "that time" to see if others were having issues with deadlines. This was "specific to complaints" as the administrative duties were placed back on the lieutenants and "they were no longer permitted to delegate but I did come to find out they were, those other lieutenants were permitted to delegate some of those responsibilities".

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Swetz was asked if he was conducting his own investigation. Swetz stated he was not conducting an investigation but "researching records". When asked about researching the deadline issues he stated it was to bring up at a command staff meeting or a lieutenant meeting for efficiency or "trying to make the shift run smoother". When asked if anyone tasked him with investigating deadline issues in IA Pro, Swetz initially replied it was not an investigation. When rephrased and asked if anyone tasked him with researching deadline issues, he stated that he took that upon himself like he takes on "other tasks as a lieutenant that I'm not tasked with doing".

Swetz does not recall accessing IA Pro on July 12, 2018. Swetz was told he accessed 3 IA Pro cases. Swetz stated he did not know if any were assigned to him. Swetz then stated the case numbers for the IA Pro cases were not provided to him. Swetz was told all the case numbers he accessed were in the excel data sheets he was already provided to which he did not agree. The data sheets were then shown to Swetz and the case numbers for all cases he accessed were pointed out to him on the excel data sheet. Swetz acknowledged seeing his log-in credentials on the data sheet but stated it did not say specifically what the case was about or who the investigator is on the case. Swetz was informed none of the cases he accessed were assigned to him. When asked if any supervisor gave him direction to access any of those cases he could not recall for that date. When asked if he was responding to a public records request, he stated he has in the past but does not recall specific dates. When asked the reason he accessed the files he stated he does not know what the cases are, regardless of what the data sheets provided to him say, as he does not know what each case is about. To his knowledge, he did not share any of the information he accessed.

Swetz does not recall accessing IA Pro on July 28, 2018. Swetz was told he accessed 11 IA Pro case files and was asked if any were assigned to him. Swetz stated he did not have access to that information. Swetz was informed that 5 out of 11 were assigned to him. When asked if a supervisor directed him to review those files, he could not recall that date. When asked if he was responding to a public records request, he stated he has in the past but does not recall specific dates. When asked the reason for accessing the files on that date he stated without knowing what they were about he could not say for certain. To his knowledge, he did not share any of the information he accessed.

Swetz does not recall accessing IA Pro on July 30, 2018. Swetz was told he accessed 43 IA Pro cases with 37 being IA's. Swetz could not recall if any were assigned to him as he did not "have access" to that information. Swetz was told 1 out of the 43 IA Pro cases was assigned to him. When asked if a supervisor directed him to review those files, he could not recall that date. When asked if he was responding to a public records request, he stated he could not recall that specific date. Swetz does not recall the reason for accessing those files. To his knowledge, he did not share any of the information he accessed.

Swetz does not recall accessing IA Pro on September 4, 2018. Swetz was told he accessed 24 IA Pro cases with 22 being IA's. Swetz could not recall if any were assigned to him as he did



Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

not "have access" to that information. Swetz was informed that 3 out of 24 were assigned to him. When asked if a supervisor directed him to review those files, he could not recall that date. When asked if he was responding to a public records request, he stated he could not recall that specific date. Swetz does not recall the reason for accessing those files. To his knowledge, he did not share any of the information he accessed.

Swetz was asked why he accessed IA2018-0009 while it was still active on July 2, 2018. Swetz was informed the subject officer was Ofc. Guillerm when he stated he could not recall what the IA was about. Swetz then stated he did not recall the reason. Swetz was asked about a meeting he requested with Ofc. Guillerm at his residence 5 days after accessing this IA. Swetz did not recall the date he requested the meeting but does recall asking Ofc. Guillerm to meet with him. Swetz denies discussing the IA with Ofc. Guillerm. Swetz denies providing Ofc. Guillerm with any information on the IA.

Swetz does not recall printing out IA2017-0006. Swetz does not believe he printed it out because of a public records request. When asked where the print out is today, he replied, "shredded I'm sure". Swetz denies providing that printout or a copy of it to anyone. Swetz was asked his purpose for printing out this IA case. Swetz believes after this IA was closed that he showed a video clip from a BWC to a shift briefing. Swetz does not recall the date, however, the chief came to his briefing and told everyone that if they wanted a copy of the IA or wanted to watch the video, to let a supervisor know and "we" would provide it to them so that "could be why". Swetz reiterated he could not recall the date. Swetz was asked if he let his supervisor know that he wanted a copy of the IA. Swetz stated he did not and then stated the chief told the patrol officers that if they wanted a copy to let their supervisors know. Swetz stated he was not told to let his supervisor know. When asked if he provided a copy of this IA to anyone, he stated he could not recall. Swetz further stated it would not be to anyone outside the agency "even though it was closed" but he could not recall if he allowed officers to view it or not. Swetz then stated he could have been directed to access and print out the case but he does not recall. Swetz also does not recall if any officers came to him asking for a printout of that IA.

Swetz was not familiar with directive 52.1.41 which states in part, "*no portion of a complaint shall be copied or reproduced by anyone other than the Internal Affairs investigator*".

Swetz asserted that he has been told "numerous" times that as a lieutenant he was allowed to review IA cases before IA Pro was implemented and that those directions did not change after IA Pro started. Swetz stated Capt. Brozio, Asst. Chief Proctor, former Chief Monahan, former Patrol Captain Jay Proctor, former Patrol Captain John Jakovenko are the persons who told him this in the past. Swetz stated this is something that has been "reiterated" to both supervisors and officers, that they can be provided access to IA's.

Swetz acknowledged that lieutenants have been provided access to IA Pro however he was "not familiar" with 52.1.41 with respect to printing or reproduction without permission from the chief.

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Swetz does not have a set schedule with regards to his meal breaks. When asked if he brings food from home or goes out he replied, "sometimes both".

Swetz could not recall his meal break from June 22, 2018.

Swetz stated his meal breaks vary from 5 to 45 minutes.

Swetz does not have any receipts that would help him recall when he took his break on June 22, 2018.

Swetz could not recall his meal break from July 2, 2018 and did not have any receipts.

Swetz could not recall his meal break from July 28, 2018.

Swetz could not recall his meal break from September 4, 2018.

When told he accessed IA Pro while on-duty June 22, July 2, July 28 and September 4, 2018, he stated if the records showed that, then it was accurate.

When Swetz was asked if he was familiar with policy 11.1.17 outlining the duties of a shift commander he stated, "not by number, no". Swetz reviewed the policy and then stated, "okay". When asked if he had seen that policy prior to the date of the interview he stated he had.

When asked if accessing IA Pro files he was not assigned to investigate a part of the shift commander duties, Swetz stated, "not as listed in the directive, no".

Swetz stated in the past his supervisor has instructed him to access IA Pro files. Swetz could not provide specific dates when this occurred. Swetz further stated Capt. Brozio has told him to access "particular cases". Swetz could not recall specific dates. Swetz recalled that he and Lt. Besuden, in the past when the department went to IA Pro, have been in Capt. Brozio's office discussing cases and that Capt. Brozio told them he has "absolutely no problem with any of us lieutenants accessing IA Pro, other investigator's cases, he didn't specify for what particular reasons, but he did make that statement".

Swetz then stated "anytime I have gone into the, that software, that program has been for a legitimate purpose. I have not disseminated any information". Swetz stated he treats that information like FCIC information as in, would not provide it to anyone outside the agency without a legitimate purpose.

Swetz was asked what the legitimate purpose was he had just referenced. Swetz stated to see the format, types of questions asked, the deadline issues, formats for template and how forms such as the investigative summary are laid out. Swetz further stated he looks at how others are doing their IA Package Receipts forms, plagiarizes other formats that might be better. He

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

further stated the formatting of questions, the types of allegations and then questions that were asked if related to similar cases.

When asked what he was looking for in IA Pro cases with regards to deadlines and forms, Swetz stated that the deadline issue is not a form.

Swetz was asked the reason for accessing attestation pages. Swetz stated it was related to the deadline issue. Swetz was reminded that the attestation page has nothing to do with the deadline (of the case) and it is just the investigator swearing to the narrative that they completed. Swetz explained that he understood the case to be completed when the attestation page was done.

Swetz was reminded that in IA Pro, you don't need to pull up forms to see when the investigation is complete, the "Status and Assignment" tab shows the date the investigation was closed. Swetz replied he has done 5 or 6 IA's, came to Capt. Fisher and Det. Harrison for assistance and cannot say what tab does what. Swetz then stated for some cases there are no dates listed.

With regards to the attestation pages, Swetz stated he "thought" he had one case highlighted and "accidentally" opened another and cannot say "specifically" he opened "those, the first attestation page". Swetz stated if he noticed that the date on the attestation page did not match the deadline, he "perceived" the investigation is not complete and therefore past the deadline. This was "one of the issues" he was trying to see if it was just him or others as well having that issue.

Swetz was told he accessed 15 attestation pages and reminded again that they do not have anything to do with when an investigation is closed. Swetz was reminded that the case still needs command staff review and the chief needs to render a finding. Swetz was then again asked the purpose of accessing 15 attestation pages. Swetz fell back on his previous answer but added that the way he understands it, according to department policy, it says the investigation will be completed in 60 days.

Swetz then went on to state the date on the "Status + Assignment" tab does not mean the investigation was completed within the 60 days. He stated if the investigation was held up in "transit" it could be the investigation was completed within 60 days, but the case was not closed within 60 days and that there is a difference between those two dates. Hence, he stated this was his reason for looking at the attestation pages.

Swetz was asked if he could have instead, looked at the Blue Team routing report to see when the investigator submitted it up for approval in lieu of pulling up attestation pages. Swetz replied, "that's probably one way you could do it". Swetz further stated he has had a limited amount of experience with the IA Pro system and there could be multiple ways of checking those dates but how he did it was how he knew to do it.

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Swetz was then asked if he has used Blue Team and if he had routed cases through that system. Swetz replied, "yes, on occasion". Swetz was asked if he was familiar with the routing report and routing procedure in Blue Team. Swetz replied he was familiar. Swetz was reminded it was all time and date stamped to which he replied, "I'm aware". Swetz was then reminded that when somebody completes an attestation page doesn't indicate they routed it up that same day. Swetz replied, "that's a true statement".

Swetz was then asked if it was correct that the deadline for the investigator is not contingent on when the attestation page is completed, it's contingent on when they submit it for review. Swetz replied, "that would be open to interpretation". Swetz again stated he is under the impression the investigation is completed when the attestation page is signed, not routed to the chain of command and that he learned this in IA school.

Swetz was asked, for the six dates discussed, if a supervisor instructed him to review those IA Pro cases while on-duty. Swetz replied that for each of those dates he could not recall.

Swetz was asked if he had any other legitimate purpose for accessing those files while on-duty. Swetz replied other than what he stated he did not believe so.

Swetz was informed of the 69 IA Pro cases accessed 138 times on those dates and the amount of time logged into the system. Swetz was told the times were on the data sheets given to him for the six dates in question. Swetz said it was roughly 33 minutes per day. Swetz was informed on July 2<sup>nd</sup>, it was for an hour and a half. Swetz replied, "yes, but I'm saying average, it's 33 minutes per shift of the six days". Swetz was told on July 28<sup>th</sup> it was around 45 minutes, 28 minutes on the September 4<sup>th</sup>, and 30 minutes on June 22<sup>nd</sup>. Swetz replied, "okay".

Swetz was asked if during the time frame between June 22 and September 4 he missed any deadlines or failed to complete any tasks given to him by a supervisor. Swetz replied, "not without documentation, I don't know". He further stated he knows he missed deadlines but could not recall the dates.

When asked if he or his attorney had anything further to add prior to the end of the interview, Swetz added the following comments after being asked by Burton what the intent was behind looking at the deadlines and seeing if any other people had similar issues:

Swetz stated his intent was to see if it was a shift lieutenant or supervisor issue "across the line" that needed to be discussed during a lieutenant or command staff meeting about the 60-day deadline. Swetz then mentioned the efficiency of the department and coworkers to see if they were having issues or if it was just him and if "I need a reasonable accommodation or something along those lines".

Burton asked Swetz if, in his mind, it was a departmental issue or a personal issue. Swetz stated it was departmental. Swetz stated at times "we're so busy, we don't, we don't think to do

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

things and I know that I'm not overly tasked with, with Internal Affairs investigations. I know the other lieutenants do more. So, and that's part of the reason I was looking at those other ones". Swetz mentioned he knew what his issues are, and he wanted to see if other people were having the same to issue so he could bring it up to command staff.

Swetz then mentioned that beginning in May the lieutenants were handling all the administrative duties and the sergeants would be on the road. Swetz wanted to see if that had anything to do with the deadline issues. Swetz mentioned that, "empirical data" is what can be looked at without talking to someone on a different shift. Swetz then stated, "things were changed procedurally from the way the majority of the lieutenants were doing things to the way one lieutenant was doing things and it just had an impact on me and I wanted to see if had an impact on anyone else".

Burton asked Swetz if it was a departmental issue, as an administrative lieutenant, would he be expected to bring it to the command staff. Swetz replied, "absolutely" and further stated it was a departmental issue that he thought had to with the efficiency of the agency and the supervisors.

After this exchange, it was clarified with Swetz that the reason he was accessing the IA Pro cases was due to the change made in May 2018 with the lieutenants' work. Swetz replied it was one of the factors but not the sole reason. Swetz was asked if the template verbiage he spoke of earlier was also a reason for accessing to which he replied yes.

Swetz was asked if he was looking for deadline issues, if they would not have started after May 2018 and the change in the lieutenant workload and that he would be looking at cases after that time. Swetz replied that it was "partially correct" and went on to state that was part of the reason he was looking at deadlines and that May 2018 was not the starting point for looking at deadline issues.

Swetz was asked by Burton if what Swetz was trying to say was if there were deadline issues before May 2018, adding the inability to delegate in May 2018 would "create a larger problem". Swetz replied yes.

Swetz was asked why he was accessing cases from 2015. Swetz replied you could not say without specifically knowing what the cases are about. Swetz was told on the six dates in question he accessed 3 IA cases from 2015 that were imported into the system when we first got it, that the templates and forms he stated he went in there for would not be applicable to today. Swetz replied that he would look at the narrative and the types of questions asked in comparison to the allegations and the style it was written in. Swetz further stated that if he was shown those cases from 2015, he would "probably" not be able to say why he went into them on those specific dates.

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Swetz was asked about accessing four SVI cases and printing them out on June 22<sup>nd</sup>. Swetz replied, "I don't even know what they are". Each was explained to him with them all being oral reprimands. Swetz could not recall the reason for accessing them.

Swetz was reminded that SVI cases in Blue Team contain no forms, they are written within Blue Team. Swetz replied when he says, "template" he is referring to the format in which it is documented. Additionally, he added that some supervisors put "see attached memo".

Swetz was asked why he accessed those SVI cases. Swetz could not recall specifically with those cases but added he has gone in "over the years and saved documents".

Prior to the end of the interview, Swetz stated he knows it's common practice within the agency for other supervisors to view closed IA and to have them "made available to them". Swetz also stated he was not aware of a policy that says we cannot review IA investigations or view them. Swetz stated it would be more inappropriate to view "something in there off duty", whether it's a meal break or a day off, that as a lieutenant and being salary and lieutenants come in on their own time to work on cases.

End of interview.

**Summary of Evidence:**

-IA Pro data sheets in pdf format for June 22, July 2, July 12, July 28, July 30, September 4.

**Investigative Summary**

On 9/25/18 Brozio, while assisting Rubin with a public records request, became aware via the "Usage Log" tab in IA Pro that Swetz had accessed numerous Internal Affairs cases from 2017 and 2018.

Brozio located four dates in which the bulk of the cases were accessed in 2018, July 2<sup>nd</sup>, July 28<sup>th</sup>, July 30<sup>th</sup>, and September 4<sup>th</sup>. During the investigation, two other dates within close proximity to these dates came to light, June 22<sup>nd</sup> and July 12<sup>th</sup>.

Reports for all six dates mentioned above were generated within IA Pro showing Swetz's log-in and activity within the program. The reports are titled "Swetz IAP Activities (date)".

**Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028**

There was a total of 138 accesses to 69 IA Pro cases on the six dates. Of those 138 accesses, 109 were Internal Affairs related case accesses involving a total of 40 Internal Affairs investigations out of a total of 69 different IA Pro cases viewed.

Specific to Internal Affairs cases, there were 46 instances where Swetz accessed specific files and/or printed documents over the course of the 109 Internal Affairs access times. There were 92 files viewed which included 14 attestation pages and 40 supervisory narratives.

Swetz printed out a total of 6 IA Pro cases, 2 Internal Affairs cases and 4 Supervisor Inquiry cases.

9 out of the 138 accesses were cases that were assigned to Swetz leaving 129 case accesses assigned to another investigator.

These all occurred on the following dates: June 22, July 2, July 12, July 28, July 30 and September 4, 2018.

Swetz spent a total on-duty time of 2 hours and 53 minutes in IA Pro and accessing data on 4 out of the 6 dates in question, June 22nd, July 2, July 28 and September 4, 2018.

Swetz stated it would be more inappropriate to view "something in there off duty" even if on a meal break or a day off. For two dates, July 12 and July 30 and a part of July 28, Swetz was off-duty. Swetz spent a total of 1 hour and 25 minutes in IA Pro accessing data on these dates.

Total time Swetz spent in IA Pro accessing data on the six dates was 4 hours and 18 minutes.

Swetz has seen policy 11.1.17 outlining the duties and responsibilities of a shift commander. When asked if accessing IA Pro files he was not assigned a part of those duties he stated they were not.

Swetz asserts he has been told by his superiors in the past he could access IA cases and been told to go into IA Pro to look at documents by Capt. Brozio.

Swetz asserts he has been told "numerous" times in the past by former patrol captains, the former police chief, Capt. Brozio and Assistant Chief Proctor that he was allowed to review IA cases. Swetz states that this has been "reiterated" to both supervisors and officers.

Swetz has not shared his log-in credentials with anyone.

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Swetz has no independent recollection of accessing IA Pro on those six dates. Swetz could not recall if a supervisor asked him to look at any of those cases. Swetz could not recall if he was asked to help with a public records request for any of those cases. Swetz, to his knowledge, did not share any of the information he accessed.

For the July 12<sup>th</sup> data access and when asked during his interview the reason he accessed the files he stated he did not know what the cases were, regardless of what the data sheets provided to him said as he did not know what each case is about. On this date, Swetz accessed only 3 cases. The one case in which he viewed 10 different files as well as printing the incident out was the Internal Affairs case in which he was the subject officer in, IA2018-0007. This was the sustained IA on Swetz for missing deadlines set by Capt. Brozio. This IA was closed on May 9, 2018.

Swetz indicated he accessed past IA Pro cases for a variety of reasons to include – deadline issues and to see if others were having them, reviewing for templates and narratives and to see the formatting others have done with regards to questions asked vs. allegations.

Swetz was not tasked by anyone to investigate deadline issues with other lieutenants and/or investigators above the lieutenant level that work cases in IA Pro. During his interview, Swetz said he took it upon himself to conduct this work in IA Pro. Swetz stated it was part of his administrative duties.

The majority of what Swetz viewed were the investigative narratives and the attestation pages for the Internal Affairs cases.

Swetz printed out IA 2017-0006 on July 30, 2018. This was the sustained IA on Officer Alevisatos involving Cedric Hayes being placed in the rear of the patrol car. This case was assigned to Captain Fisher. This case is still pending litigation against the City of Port Orange per the city legal office. Swetz could not recall if he provided a copy or allowed officers to view this IA but reiterated it would not have been to someone outside the agency. Swetz does not recall if he was directed to print out this case.

Swetz printed out SVI2018-0007, -0008, -0010 and -0017 on June 22, 2018. Swetz could not recall the reason for accessing them. None of these cases were assigned to Swetz.

Swetz was not aware of policy 52.1.41.

Swetz accessed IA2018-0009 twice while the case was still active. The IA was closed on July 31, 2018. Swetz accessed the case on July 2, 2018, and again on July 30, 2018. There is no indication that any documents were printed from this case. The subject officer of this IA, Guillerm, did not receive any documents, nor was he



Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

approached by any member of the department prior to or after his interview on July 6, 2018.

Swetz did not recall the reason for accessing the open IA case. Swetz denied saying or providing anything to Ofc. Guillerm about the open IA when meeting with him five days later in the parking lot of his residence. Swetz did not have any supervisor approval to go into an open Internal Affairs case.

On the six dates in question, Swetz also accessed 23 SVI (Supervisor Inquiry) cases from 2017 and 2018, 2 INQ (Informal Inquiry) cases from 2016 and 4 INT (Internal Complaint) cases from 2017 and 2018.

Brozio did not give any direction to Swetz to access or print any case listed in this investigative narrative on the six dates in question.

Records Supervisor, Rubin did not ask Swetz to assist on any of the cases listed in this investigative narrative on the dates in question with regard to public records requests.

Rubin has no record of Swetz making any public records requests for any of the cases listed in this investigative narrative on the dates in question.

I interviewed the following people for this investigation: Lieutenant Swetz, Officer Guillerm, Capt. Brozio and Heather Rubin.

CJSTC 78 forms will be filled out at the conclusion of the Chief's review.

**Recommended Disposition(s):**

**1. 26.1.19 Neglect of Duty: Allegation you failed to give proper attention and/or failed to carry out the duties and responsibilities of your position as specified in Directive 11.1.17: Sustained**

Swetz spent 2 hours and 53 minutes conducting his own self-appointed investigation into, amongst other things, to see if other investigators were also having deadline issues with IA cases due to the deadlines issues he was having while on-duty. Swetz acknowledged that this is not part of the lieutenant's duties as outlined in policy 11.1.17. Swetz was on-duty on his own personal time during 4 out of the 6 dates in question when inside the IA Pro database. On two of the 4 dates, Swetz was down a sergeant for the entirety of the shift, July 2 and September 4. Furthermore, during the nightshift of July 2, 2018, Swetz spent 1 hour and 26 minutes actively working inside IA Pro conducting non-assigned operations. It should be noted that during this time period, IA2018-0008 was assigned to Swetz. Swetz had filed an extension request for this IA

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

which pushed the deadline to July 1, 2018. Due to him failing to complete this IA by July 1, 2018, this IA had to be reassigned to another investigator.

**2. 26.1.80 Use of Department Laptops and Computer Systems: Allegation you used department computers for personal reasons as well as accessing department records for non-legitimate law enforcement purposes: Sustained**

Policy 26.1.80 states in part, *employees shall not use department computers for personal reasons, access to department records shall be for legitimate law enforcement purposes only.*

Swetz, by his own admission, states, among other reasons, he took it upon himself to investigate (research per Swetz) deadline issues. This "deadline" issue was, in fact, a personal issue Swetz himself was having and he wished to see if others were having the same and/or if he needed a "reasonable accommodation". Swetz viewed 92 files involving Internal Affairs cases. The total time in IA Pro on the six dates was 4 hours and 18 minutes.

Furthermore, with respect to the personal nature of the data access, Swetz made two data accesses into IA Pro while off-duty, July 12, 2018, and July 30, 2018. As a note, Swetz, during his interview, stated it would be more inappropriate to view cases in IA Pro off-duty.

On two separate dates, Swetz accessed an open, active Internal Affairs case, IA2018-0009. Swetz could not provide a legitimate law enforcement purpose for doing so and did not have permission by his supervisor to access the case.

Policy 52.1.41 states in part, *no portion of a complaint shall be copied or reproduced by anyone other than the Internal Affairs investigator.*

Swetz printed out two Internal Affairs cases, IA2017-0006 and IA2018-0007. IA2017-0006 is an Internal Affairs case which the City of Port Orange still has pending litigation on. Neither of these Internal Affairs cases was assigned to Swetz. In fact, Swetz was the subject officer in IA2018-0007. Swetz was not responding to any public records requests and was not instructed by a supervisor to access and/or print these cases.

Swetz printed out 4 SVI cases, SVI2018-0007, SVI2018-0008, SVI2018-0010, and SVI2018-0017. None of the SVI cases were assigned to Swetz. Swetz was not responding to any public records requests and was not instructed by a supervisor to access and/or print these cases.

Port Orange Police Department  
INTERNAL AFFAIRS INVESTIGATION IA2018-0028

Swetz did not seek, nor have permission to print these cases. Swetz was not familiar with policy 52.1.41 with respect to printing or reproducing without permission from the chief.

Swetz could not explain with any certainty why he specifically went in and printed out these specific IA and SVI cases.

**3. 26.1.82 Interference in Official Investigation: Allegation you interfered with an Internal Affairs case(s) being processed by another and/or undertook an investigation(s) not part of your regular duties without being ordered to do so by a superior: Sustained**

Policy 26.1.82 states in part, *employees shall not undertake any investigation or other official action not part of their regular duties unless ordered to do so by a superior.*

Swetz commenced an investigation utilizing the IA Pro database for deadline issues that he was personally having with regards to cases assigned to him. He was not ordered to do so by a superior.

While he accessed IA2018-0009 while still open and active, during the course of this investigation, no evidence could be found that Swetz interfered with this particular internal affairs case.

