

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA #10-027

PERIOD COVERED: December 5 and 6, 2010

DATE REPORTED: December 6, 2010

SUBJECT(S) NAME: Deputy Scott Flesch ID# 7353

INVESTIGATING OFFICER: Sergeant Timothy Morgan

BASIS FOR INVESTIGATION:

On December 5, 2010, Deputy Scott Flesch while off duty was arrested by Daytona Beach Police Department (DBPD) for Driving under the Influence and Fleeing and Eluding. In addition Deputy Flesch was trespassed from the (Crooks Den Bar) located at 126 Orange St, Dayton Beach after allegedly being involved in a physical disturbance with an unknown patron.

OFFENSE (S):

26.2.130 Commission of Felony - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. *(Violation subject to dismissal)*

26.2.129 Misdemeanor Injurious to the Department - Department personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Department or otherwise impairs the operation and efficiency of the Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties. *(Violation subject to dismissal)*

And, Volusia County Merit System Rules and Regulations 86-453 (13)., Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

INVESTIGATIVE SUMMARY:

On December 6, 2010, Chief William R. Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Timothy Morgan of the Internal Affairs Unit.

On December 6, 2010, Sergeant Morgan and Lieutenant Robert Goggin of the Internal Affairs Unit contacted Deputy Scott Flesch. Sergeant Morgan served Deputy Flesch with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officer's Bill of Rights. Deputy Flesch was advised that he was suspended without pay until further notice. Sergeant Morgan secured Deputy Flesch's department issued credentials, service weapon and marked patrol vehicle.

On December 6, 2010, Sergeant Morgan obtained copies of the arrest report from Daytona Beach Police Department (DBPD) which detailed the events of the above described incident.

Officer Sterling Martin's charging affidavit reads on December 5, 2010, while responding to a reckless driver whom was just involved in a disturbance at 126 Orange St, Daytona Beach (Crooks Den Bar). He (Officer Martin) observed the suspect's vehicle, described as a silver 2003 Toyota Tundra bearing Florida tag [REDACTED] traveling eastbound on the Main Street Bridge at approx. 20 mph with both passenger side tires deflated. According to the report, the vehicle came to a stopped after crossing the bridge in a parking lot located in the 100 Block of Main Street. Officer Martin observed the only occupant of the vehicle to be a white male later identified as Deputy Scott Flesch, and upon conducting an officer safety pat down search of Deputy Flesch's person. Officer Martin recovered a loaded Ruger LCP .380 along with his (Deputy Flesch's) department issued credentials. Officer Martin's report reads, he (Officer Martin) detected a strong odor of an alcoholic beverage emitting from Deputy Flesch's breath/ person, he (Deputy Flesch) displayed difficulty balancing, his eyes were bloodshot / glassy, and he spoke with a highly slurred voice. Officer Martin asked Deputy Flesch to complete Field Sobriety Exercises; however, Deputy Flesch refused to perform the exercises, and he was placed under arrest for his refusal.

Deputy Flesch was transported to Daytona Beach Police Department and provided the opportunity to submit to a breath test to determine his Breath Alcohol Content. Deputy Flesch refused to submit to a breath test, and was transferred to the booking area to be processed. While being processed Deputy Flesch was asked to remove his personal effects and hand them to the booking officer. Deputy Flesch removed his belt, necklace, and bracelet. However, he threw the items to the floor. Deputy Flesch was told several times to pick up the items and place them on the counter top before doing so. According to the report Deputy Flesch was asked to remove his shoes at which time he (Deputy Flesch) threw his shoe towards the booking officer, and during the entire booking process he displayed a bad attitude. Officer Martin's report reads during the entire booking process. Deputy Flesch displayed difficulty in balancing, his eyes were blood shot / glassy, he (Deputy Flesch) speech was slurred, and he (Deputy Flesch) was emitting a strong odor of an alcoholic beverage from his breath/person. (See Tab- B)

Deputy Flesch was issued (4) four UTC's: Ran Red Light (8815-FOX, 8816-FOX), Fleeing and Eluding (8817-FOX) and Driving under the Influence Refusal (3429-XEA). Deputy Flesch's personal weapon was placed into evidence for safekeeping. *(See Tab- B)*

On December 7, 2010, Sergeant Paul Barnett, Daytona Beach Police Department provided Sergeant Morgan with two (2) video disc which recorded Deputy Flesch while he was at the Daytona Beach Police Department. The first disc contained surveillance captured from the booking center and the second disc contained footage of the DUI room. *(See Tab-P)*

On December 7, 2010, Sergeant Morgan contacted Mr. Mike Knight owner of Crooks Den. Mr. Knight allowed Sergeant Morgan to video the surveillance of the disturbance captured at the Crooks Den on December 5, 2010, involving Deputy Flesch. Mr. Knight advised this investigator the time stamp on the video was approx. one hour ahead of the actual time. **(It should be noted Sergeant Morgan noted the time that Deputy Flesch entered the establishment as 1715 hours)**

On December 7, 2010, Sergeant Morgan obtained a sworn recorded statement from Miss Erica Hess, Bartender (Crooks Den Bar) at 126 Orange St located in Daytona Beach Fl.

Miss Erica Hess

Miss Erica Hess advised on December 5, 2010, she arrived at work located at the Crooks Den at approx. 5:45 p.m. She added when she arrived, Deputy Flesch who she described as intoxicated was already sitting at the bar with two unidentified males. **(It should be noted Miss Hess was able to identify Deputy Flesch while Sergeant Morgan was present utilizing surveillance footage captured by the Crooks Den's cameras)** Miss Hess advised during her shift, she was responsible for training a new employee, and it appeared to her Deputy Flesch was possibly interested in the new bartender. Miss Hess advised she doesn't recall the exact amount of alcohol consumed by Deputy Flesch. However, throughout the night she remembers serving Deputy Flesch several bottles of Miller Lite, and the trainee provided him with (3) three lemon drop drinks. Miss Hess stated in addition Deputy Flesch consumed (2) two Yeager Bombs. Miss Hess advised towards the end of the night, Deputy Flesch purchased five (5) additional Yeager Bombs which total over \$25.00 dollars for him, patrons of the bar, and the bartenders. Miss Hess advised she wanted to ensure payment was made for the drinks, and she walked Deputy Flesch to an ATM machine located within the bar to obtain payment. Miss Hess advised while standing at the ATM machine, Deputy Flesch attempted to give her his PIN number but she refused. Miss Hess added during their conversation at the ATM machine, Deputy Flesch revealed to her that he was "a cop", and told her he had a gun in his right pocket. Miss Hess stated he asked her to put her hand in his pocket to touch the gun but she refused. Miss Hess advised, he completed the transactions for the drinks and returned to the bar. **(It should be noted Miss Hess was unable to provide receipts for the alcohol purchased by Deputy Flesch due to the establishment billing policy)**

Miss Hess stated throughout the night Deputy Flesch was flirting with an unknown patron's wife or girlfriend who was also sitting at the bar. Miss Hess said the male patron told him several times to back off, but Deputy Flesch continued his actions. Miss Hess stated she doesn't know who

struck whom first, but there was a commotion involving Deputy Flesch and the unknown patron. Miss Hess advised after the physical altercation, Deputy Flesch stepped outside of the bar and the second male involved in the altercation left the scene. Miss Hess stated Deputy Flesch returned to the bar and was later contacted by the owner Mr. Mike Knight. Miss Hess advised she was present when Mr. Knight asked Deputy Flesch to leave the bar, but Deputy Flesch refused to leave until the owner advised him he (Mr. Knight) called the police. (See Tab- K for complete Transcript)

On December 8, 2010, Sergeant Morgan obtained a sworn recorded statement from Officer Sterling Martin (DBPD) at 510 Harvey St. located in Daytona Beach Fl. (Precinct 2)

Officer Sterling Martin

During Officer Sterling Martin's sworn interview, he advised on December 5, 2010, while responding as back-up to the Crooks Den Bar located at 126 Orange Ave in reference to a disturbance. The suspect involved in the disturbance fled in a vehicle from Officer Kimberly Kulenek northbound on Beach St. Officer Martin stated while he was traveling westbound on Main Street Officer Kulenek advised the suspect was involved in a crash and was still traveling eastbound on the Main Street Bridge from Beach St. Officer Martin advised as the vehicle crossed the Main Street Bridge, he observed the suspect's vehicle which was being operated by a white male later identified as Deputy Flesch, driving on the sidewalk of the Main Street Bridge. Officer Martin added he observed Officer Kulenek following the vehicle with her emergency equipment activated. Officer Martin advised as Deputy Flesch exited the Main Street Bridge, he (Deputy Flesch) came to a stop in a parking lot located in the 100 Block of Main St.

Officer Martin stated they (Officer Martin and Officer Kulenek) conducted a felony traffic stop on Deputy Flesch's vehicle. Officer Martin advised during the traffic stop, he had Deputy Flesch exit the vehicle, walk to the rear of the vehicle, and Deputy Flesch was immediately handcuffed for officer safety. Officer Martin stated he noticed Deputy Flesch was very unsteady while walking back to him, and described Deputy Flesch as intoxicated. Officer Martin advised while speaking to Deputy Flesch he detected what he described as a strong odor of an alcoholic beverage emitting from Deputy Flesch's breath / person. Officer Martin stated upon conducting an officer safety pat down of Deputy Flesch's person, he recovered a loaded Ruger .380 concealed in his (Deputy Flesch's) front right pocket, and he also discovered Deputy Flesch's department issued credentials. Officer Martin advised he questioned Deputy Flesch about being a deputy sheriff, but Deputy Flesch did not respond to his questions. Officer Martin advised, he (Officer Martin) attempted to questioning Deputy Flesch about the incident at the Crooks Den, but he (Deputy Flesch) refused to speak to him. Officer Martin stated he believed Deputy Flesch was intoxicated, and he asked Deputy Flesch to submit to field sobriety exercises. However, Deputy Flesch refused to complete the exercises. Officer Martin advised, Deputy Flesch attempted to gain preferential treatment by asking for a favor as a "brother", but when he (Deputy Flesch) realized he was being placed under arrest, he became threatening. Officer Martin stated Deputy Flesch was arrested for Diving Under the Influence/Refusal and Fleeing and Eluding.

Officer Martin advised he transported Deputy Flesch to 129 Valor Road (Daytona Beach Police Department) for processing, while transporting Deputy Flesch; Deputy Flesch laid in the backseat without saying a word. Officer Martin stated upon their arrival at the police department Deputy Flesch maintained the same temperament which was displayed during the traffic stop. Officer Martin advised he provided Deputy Flesch with the opportunity to provide a breath sample on three separate occasions, but Deputy Flesch refused to provide a breath sample. Officer Martin advised he escorted Deputy Flesch to the processing room to be booked and transported to the Volusia County Branch Jail. While being processed Deputy Flesch was asked to remove several personal items from his person, at which time he (Deputy Flesch) threw the items to the floor. Officer Martin stated Deputy Flesch was told to pick the items up he tossed onto the floor, after being told several times to pick the items up Deputy Flesch complied. Officer Martin advised Deputy Flesch did utilize vulgar language while being processed, and in his (Officer Martin's) professional opinion Deputy Flesch was extremely intoxicated during this incident. *(See Tab- E for complete Transcript)*

On December 8, 2010, Sergeant Morgan obtained a sworn recorded statement from Officer Kimberly Kulenek (DBPD) at 510 Harvey St. located in Daytona Beach Fl. (Precinct 2 Daytona Beach)

Officer Kimberly Kulenek

Officer Kimberly Kulenek advised during her sworn statement, on December 5, 2010, she was dispatched to 126 Orange Ave (Crooks Den Bar) in reference to a physical disturbance. Upon her arrival, the patrons of the bar pointed out a white male later identified as Deputy Flesch who was entering a silver Toyota pick-up truck across from the bar. Officer Kulenek advised she attempted to contact Deputy Flesch, but Deputy Flesch sped off "spinning" his tires eastbound on Orange Ave towards Beach Street. Officer Kulenek stated Deputy Flesch then turned northbound onto Beach Street from Orange Ave, and he failed to stop for the red traffic signal located within the intersection.

Officer Kulenek stated, she activated her emergency lights in an attempt to conduct a traffic stop, but Deputy Flesch continued to travel northbound on Beach Street towards Main Street. Officer Kulenek advised while following Deputy Flesch, she estimated his speed at approx. 70 mph, while traveling on Beach St, and she observed Deputy Flesch fail to stop at a second red light located on Beach St and Bay Street. Officer Kulenek advised she activated her sirens in the 300 Block of North Beach Street and continued to follow Deputy Flesch. Officer Kulenek stated Deputy Flesch continued to travel northbound on Beach Street, and as he (Deputy Flesch) approached the Main Street Bridge, he attempted to merge onto the Main Street Bridge from North Beach Street, but he was traveling to fast to maintain his lane. Officer Kulenek advised Deputy Flesch left the roadway and clipped a traffic sign with his passenger side mirror. Officer Kulenek advised Deputy Flesch continued to eastbound on the Main Street Bridge, and struck the curb a second time, which resulted in the passenger side tires of his vehicle to deflate. Officer Kulenek advised after puncturing his tires Deputy Flesch continued to travel eastbound on the Main Street Bridge until he reached a parking lot located in the 100 Block of Main St.

Officer Kulenek stated they (Officer Kulenek and Officer Martin) conducted a felony traffic stop on Deputy Flesch's vehicle. Officer Kulenek advised upon contacting Deputy Flesch, he was immediately detained and during the officer safety pat down search, Officer Martin recovered a loaded firearm from his (Deputy Flesch's) front right pocket. Officer Kulenek advised she took possession of the firearm and later marked the firearm for safe keeping. Officer Kulenek described Deputy Flesch as intoxicated and verbally abusive towards the officers on scene. Officer Kulenek advised she attempted to question Deputy Flesch about the incident at the Crooks Den, but Deputy Flesch responded with vulgarities. Officer Kulenek advised she was present when Deputy Flesch refused to perform field sobriety exercises to determine if he was fit to operate a motor vehicle. Officer Kulenek stated she was also present when Officer Martin placed Deputy Flesch under arrest for DUI refusal. Officer Kulenek advised she noticed Deputy Flesch to needed assistance to walk back to Officer Martin's patrol vehicle.

Officer Kulenek advised she believes Deputy Flesch knew she was attempting to conduct the traffic stop, and he simply failed to yield to her emergency equipment. **(It should be noted the pursuit was approx. 1.5 miles)** Officer Kulenek advised she issued Deputy Flesch (3) three UTC's (2) two red light violations and (1) Fleeing and Eluding. Officer Kulenek stated she did not return to the Crooks Den Bar, but she was made aware that Deputy Flesch was trespassed from the property. Officer Kulenek advised in her professional opinion Deputy Flesch was intoxicated at the time of this incident. *(See Tab- F for complete Transcript)*

On December 8, 2010, Sergeant Morgan obtained a sworn recorded statement from Officer Kristina Looney (DBPD) at 510 Harvey St. located in Daytona Beach Fl. (Precinct 2)

Officer Kristina Looney

Officer Kristina Looney advised during her sworn statement, on December 5, 2010, she responded to the Main Street Bridge as back-up to assist Officer Kulenek in stopping a fleeing vehicle. Officer Looney stated while traveling westbound on the Main Street Bridge she observed the suspect's vehicle being operated by a white male later identified as Deputy Flesch partially on the roadway and sidewalk of the Main Street Bridge. Officer Looney advised as the vehicle passed her (Officer Looney) on the bridge, she heard what she perceived as the vehicle accelerating. Officer Looney advised after Deputy Flesch passed her location, she turned around to assist Officer Kulenek, however, the pursuit ended just over the bridge in the 100 Block of Main Street in a parking lot.

Officer Looney advised she was present when Officers Kulenek and Martin contacted Deputy Flesch. Officer Looney stated she smelled the odor of alcohol emitting from Deputy Flesch's breath / person from an estimated distance of four feet away, and described the odor of alcohol as strong. Officer Looney advised she was present when Officer Martin conducted a pat down search and recovered the firearm from Deputy Flesch's person. Officer Looney stated she obtained pictures of Deputy Flesch's vehicle, the damage to the Main Street Bridge as a result of Deputy Flesch leaving the roadway, and a picture of the road sign which was struck during the pursuit. Officer Looney advised the pictures were submitted into evidence. Officer Looney described Deputy Flesch as intoxicated, and verbally abusive towards officers on scene. *(See Tab- H for complete Transcript)*

On December 8, 2010, Sergeant Morgan obtained a sworn recorded statement from Lieutenant Tom Pera, Watch Commander Daytona Beach Police Department at 510 Harvey St. located in Daytona Beach Fl. (Precinct 2)

Lieutenant Tom Pera

Lieutenant Tom Pera advised, on December 5, 2010, he responded to 100 Block of Main St at the request of his officers after they were involved in a pursuit with a silver Toyota pick-up truck. Lieutenant Pera stated upon his arrival, he observed a white male sitting on the ground, handcuffed, and yelling "*Fuck you and fuck this*". Lieutenant Pera stated Officer Martin advised him the suspect on the ground was identified as a Volusia County Deputy (Deputy Flesch) and he was the operator of the Toyota pick-up truck. Lieutenant Pera advised when he attempted to speak with Deputy Flesch about the incident. Deputy Flesch started to utter additional vulgarities. However, he (Lieutenant Pera) perceived Deputy Flesch's lack of respect as the "*Alcohol talking*". Lieutenant Pera described Deputy Flesch as intoxicated and defiant. Lieutenant Pera advised "*His words to us you could tell that this is somebody who wouldn't normally be addressing a law enforcement officer like that no matter who he or she was normally you don't address, address police officers in that fashion. That would be indicative of somebody that is under the influence of either alcohol and/or a narcotic*". Lieutenant Pera advised he detected the odor of an alcoholic beverage from Deputy Flesch from approx. 4 to 5 feet away, and describe the odor as strong. (See Tab- G for complete Transcript)

On December 14, 2010, Sergeant Morgan obtained (4) four supplemental reports from the Volusia County Branch Jail regarding Deputy Flesch. According to the reports completed by the corrections officers working intake, they described Deputy Flesch as intoxicated and agitated during the booking process. The supplement also reads, during the medical screening, Deputy Flesch was uncooperative, slammed the pen down he was utilizing onto the counter, and he began cursing. In addition when Deputy Flesch was escorted to the ATM machine to obtain money for his bond, Deputy Flesch had trouble utilizing the ATM machine, and they felt the reason Deputy Flesch was having trouble was because of the level of his intoxication. Deputy Flesch also became agitated when he was explained the procedure for bonding out, and he was unable to understand the process. (See Tab- C)

On December 12, 2010, Sergeant Morgan obtained a sworn recorded statement from Detective David Dinardi, Daytona Beach Police Department at 123 Valor Street, Daytona Beach Fl (Daytona Beach Headquarters)

Detective David Dinardi

During Detective Dinardi's sworn statement, he advised on December 5, 2010, he was working an off duty detail at the Band Shell located in Daytona Beach when he heard the radio transmission involving a vehicle failing to stop. Detective Dinardi advised he responded to Main Street to assist the officers with stopping the vehicle, but prior to his arrival the vehicle stopped in a parking lot located in the 100 Block of Main Street. Detective Dinardi advised upon his arrival, he observed Officer Martin handcuffing a white male later identified as Deputy Flesch. Detective

Dinardi described Deputy Flesch as incoherent and having slurred speech. Detective Dinardi stated he was present when Deputy Flesch refused Field Sobriety Exercises, and was arrested. Detective Dinardi advised he did not detect the odor of an alcoholic beverage emitting from Deputy Flesch, but it was apparent to him (Detective Dinardi) he (Deputy Flesch) was under the influence of alcohol. *(See Tab-I for complete transcript)*

On December 15, 2010, Sergeant Morgan obtained a sworn recorded statement from Mr. Michael Knight, Owner of the Crooks Den Bar located at 126 Orange St in Daytona Beach Fl.

Mr. Michael Knight

During Mr. Michael Knight's sworn statement, he advised on December 5, 2010, he responded to his business after watching a live video feed from his place of business at his residence. Mr. Knight added while checking on his business via live video feed, he noticed a white male later identified as Deputy Flesch standing at an ATM machine with his bartender (Miss Hess). Mr. Knight stated he believed the bar tender was having a problem with Deputy Flesch, and while watching the monitor he observed what he thought to be a concealed weapon of some type on Deputy Flesch's waistband. **(It should be noted this investigation revealed the black holster was a cell phone case)** Mr. Knight stated prior to leaving his residence, he observed Deputy Flesch and an unknown patron engage in a physical confrontation within the bar via the video feed. Mr. Knight added when he arrived at the Crooks Den, the altercation was over. **(It should be noted he (Mr. Knight) felt Deputy Flesch may have been defending himself during the altercation.)**

Mr. Knight advised when he arrived at the bar he immediately identified Deputy Flesch as the subject he observed at the ATM machine, and involved in the altercation. Mr. Knight stated upon contacting Deputy Flesch he did not detect the odor of an alcoholic beverage within the establishment, but he realized Deputy Flesch was intoxicated. Mr. Knight described Deputy Flesch as aggressive and threatening during their encounter. Mr. Knight advised Deputy Flesch did not identify himself as a law enforcement officer, but he (Deputy Flesch) kept asking him "*Do you know who I am?*" Mr. Knight said he attempted to explain to Deputy Flesch the policy surrounding fighting within his establishment, and he had to ask him (Deputy Flesch) to leave several times. Mr. Knight advised Deputy Flesch initially refused to leave and began to utilize vulgar words. Mr. Knight added during their discussion, Deputy Flesch challenged him to step outside, and he perceived Deputy Flesch's challenge as a threat. Mr. Knight stated he called Daytona Beach Police Department to have him (Deputy Flesch) removed from the establishment.

Mr. Knight stated after informing Deputy Flesch he had contacted the Daytona Beach Police Department. Deputy Flesch left the bar, and he (Mr. Knight) followed him (Deputy Flesch) outside. Mr. Knight advised he observed Deputy Flesch entered a silver pick up truck at which time a Daytona Beach Police Officer arrived on scene. Mr. Knight stated he told the officer the subject involved in the disturbance just enter the silver truck across the street and was leaving. Mr. Knight advised Deputy Flesch then "*lit em up*" **(Referring to breaking traction)** and sped off in a reckless manner westbound on Orange Street towards Beach Street.

Mr. Knight stated he was later contacted by a member of the Daytona Beach Police Department and told Deputy Flesch was in fact carrying a firearm when he was arrested. Mr. Knight advised, he (Mr. Knight) decided not to complete a report regarding the disturbance, but Deputy Flesch was trespassed from the property. *(See Tab-L for complete transcript)*

On January 6, 2011, Sergeant Morgan along with Lieutenant Robert Goggin obtained a sworn recorded statement from Deputy Scott Flesch at the Sheriff's Administrative Office. Also present was Union Representative Jeff Candage

Deputy Scott Flesch

During Deputy Scott Flesch's sworn statement, he advised on December 5, 2010, he did not recall all of the events as they happened which led to his arrest, but he remembered some of the details that occurred prior to his arrival at the Crooks Den Bar. Deputy Flesch advised he patronized three different establishments prior to his arrival at the Crooks Den, and at each establishment he admitted to consuming alcoholic beverages. Deputy Flesch advised, he arrived at the Hidden Treasure Bar and Grill around 1430 hours, had lunch, and consumed (3) three bottles of beer. Deputy Flesch stated, he left the Hidden Treasure at about 1600 hours, and drove to 1540 Nova Road (The South Turn Lounge & Restaurant). Deputy Flesch advised while at the South Turn Lounge, he consumed (2) two bottles of beer, and (2) mixed drinks, (Jack Daniels and Coke). Deputy Flesch admitted upon leaving the South Turn Lounge he felt he was impaired, however, he elected to operate his vehicle, and drive to a third bar which was located at 189 Orange Ave, (TJ Nicely's Bar and Grill) Deputy Flesch advised while at TJ Nicely's, he consumed (2) bottles of beer, and (2) Jell-O shots which contained alcohol. Deputy Flesch stated he walked to 126 Orange Street the Crooks Den Bar which is located across the street from TJ Nicely's around 1900 hours or 2000 hours. Deputy Flesch stated, when he arrived at the Crooks Den Bar, he only remembers ordering and consuming (1) one bottle of Miller Lite beer, and then he "blacked out" from his alcohol consumption throughout the day. Deputy Flesch advised he doesn't recall any details of the events that led to his arrest, nor can he dispute the Daytona Beach Police Department's accounts of the events as documented. Deputy Flesch stated the only details he recalls of the entire incident is initially arriving at the Crooks Den Bar, and later waking up in a prisoner transport van next to an unidentified male.

Deputy Flesch advised although he did not remember all of the details of the incident, he admitted to carrying his personal firearm on his person. Deputy Flesch advised, his firearm is small, and he just did not remember the firearm was in his pocket. Deputy Flesch revealed during his interview, he has a substance abuse problem (Alcohol) and he is currently being treated for that issue. Deputy Flesch advised he doesn't feel that he violated Policy #22.6.129 Commissions of a Felony, but he did violate Policy #22.2.130 Misdemeanor injurious to the department, and 86-453 (13) County Rules and Merit. *(See Tab-J for complete Transcript)*

Conclusion: On January 18, 2011, this Internal Investigation was presented to the Sheriff at his Administrative Staff meeting. After review, the Sheriff determined the violation of Department Standards Directives:

26.2.130 Commission of Felony	Sustained
26.2.127 Misdemeanor Injurious to the Department:	Sustained
County Merit System Rules and Regulations 86-453 (13):	Sustained

EXHIBIT(S):

- A) Official Correspondence
- B) Affidavit Daytona Beach Police Department #10-25152
Daytona Beach Standardized DUI Investigation Report #10-25152
Implied Consent Form/Field Sobriety Observations/Uniform Probable Cause Affidavit
Supplement composed by Officer Kimberly Kulenek
State of Florida DHSMV Affidavit of Refusal to Submit
Florida Department of Law Enforcement Alcohol Testing Program B.A.T. Affidavit
UTC #8816-FOX, 8815-FOX Ran Red Light, and 8817-FOX Fleeing and Eluding issued by
Officer Kulenek
Florida DUI Summons #3429-XEA DUI Refusal issued by Officer Martin
Trespass Warning report #P103391674 issued by Officer Hamel
- C) Volusia County Jail booking photo, incident report, and Supplements completed by jail personnel
- D) CAD history
- E) Transcripts Officer Sterling Martin
- F) Transcripts Officer Kimberly Kulenek
- G) Transcripts of Lieutenant Tom Pera
- H) Transcripts of Officer Kristina Looney
- I) Transcripts of Detective David Dinardi
- J) Transcript of Deputy Scott Flesch
- K) Transcripts of Miss Erica Hess
- L) Transcripts of Mr. Michael Knight
- M) Photographs of Deputy Flesch's personal vehicle
- N) Court print out of Deputy Flesch's Court Proceedings

O) E-mail correspondence reference Deputy Flesch's off duty weapon qualifications

P) Compact Disc pictures of accident scene & Compact Disc of recorded interviews

WITNESSES:

Deputy Scott Flesch
Volusia County Sheriff's Office

Lieutenant Tom Pera
Daytona Beach Police Department

Officer Stewart Martin
Daytona Beach Police Department

Officer Kimberly Kulenek
Daytona Beach Police Department

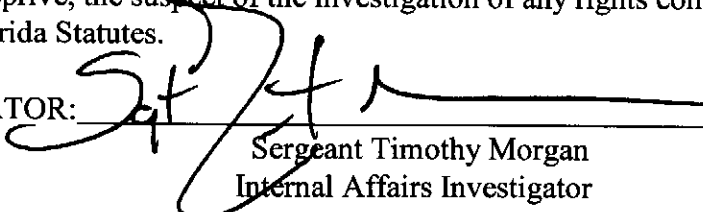
Officer Kristina Looney
Daytona Beach Police Department

Mr. Michael Knight
126 Orange Ave, Daytona Beach Fl

Detective David Dinardi
Daytona Beach Police Department

Miss Erica Hess
126 Orange St, Daytona Beach Fl

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

INVESTIGATOR:  DATE: 3/9/11

Sergeant Timothy Morgan
Internal Affairs Investigator

APPROVED BY:  DATE: 3/24/11

Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA