

WITNESS STATEMENT

JB – Jack Bisland RG – Deputy Roy Galarza

JB Testing 1-2-3-4-5. Today's date is Thursday December 9th, 2010. The time now is approximately 1:00. This will be a recorded interview with Dep. Roy Galarza. The interview is being conducted at the State Attorney's Office in the Courthouse in Deland. The persons present are Dep. Galarza and myself Jack Bisland investigator with the 7th Judicial Circuit. This interview again will be recorded. Dep. Galarza for the record I want to establish that I'm conducting a criminal investigation that this is not an internal or an administrative investigation do you understand that?

RG Yes I do.

JB Ok and you have been identified as a witness, potential witness in this investigation. I just also want to establish that you're here giving a statement today voluntarily is that correct?

RG Yes.

JB Ok. Essentially based on a complaint from the Sheriff's Office the State Attorney's Office is conducting an investigation into the events of a fatality accident that occurred Thanksgiving night the 25th of November in Debarry involving members of the Osowski family. This specific investigation deals with Alan Osowski and his action and/or inaction when notified of that accident. Before we start the interview what I'd like to do is swear you in so if you would please just raise your right hand for me. Do you solemnly swear or affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

RG Yes I do.

JB Ok very good. If you would please state and spell your name for me?

RG Deputy Roy Galarza. Spelling of the first name is R-O-Y, last name Galarza G-A-L-A-R-Z-A.

JB And you're currently employed with the Volusia County Sheriff's Office is that correct?

RG Correct.

JB How long have you been employed there?

RG I've been hired since 2003.

JB What is your current assignment?

RG Patrol district six alpha shift.

JB And that's the Debary district right?

RG Yes district six.

JB Were you working on the night of November 25th?

RG Yes I was.

JB Ok. What was your, you said alpha is that 6p to 6a?

RG Uh right now yes 6p to 6a.

JB Is that what it was then too?

RG Yes it still is.

JB So you started work that day at 6:00 in the evening?

RG Yes.

JB Do you remember hearing a radio call or being dispatched to a traffic accident with injuries near the entrance to Glen Abby?

RG Yes.

JB Ok where were you when that call came in?

RG I was at the office with my trainee Dep. Vickers I believe is his name.

JB Would that be James Vickers?

RG Yes.

JB And did you respond?

RG Yes myself and Dep. Vickers responded.

JB Was it your call?

RG Yes. Just, when you say my call like?

JB Your area of responsibility, your zone.

RG Actually that's not my area of responsibility but we pretty much got dispatched. That's considered 63 zone and I'm 62 zone so we still responded anyways.

JB Ok. Generally speaking tell me when you arrived what you saw, generally.

RG As soon as we arrived, when we arrived uh one vehicle like in the center of the intersection uh, pretty much just left there nobody in that vehicle and another vehicle on the side of 17-92 right beside a light pole um there were, paramedics were there helping an elderly female giving her first aid.

JB This is a CAD report of the times you see your name you can look over, what time did you arrive at the scene? According to that report.

RH According to this one it says 2006 but it's wrong. At the time, I believe at that time my, we didn't actually hit on scene because there's like an hour time lapse right there.

JB Ok.

RH Yeah but we were at literally like...

JB You were dispatched at 1814.

RG Yes.

JB And you immediately responded?

RG Yeah.

JB So it would have been your drive time?

RG Drive time from the district there so.

JB Ok.

RG But I guess at that time we just were in a rush to find out what's going on and just got out of the car.

JB Got it. How long were you on the scene before you were made aware or you became aware personally that members of Alan Osowski's family were involved in this accident?

RG I want to say approximately like 20 minutes.

JB Ok.

RG I don't know for sure but at first I had no idea who he was.

JB And how did you discover, how did you learn that members...

RG I was advised by another deputy.

JB I'm sorry?

RG Another deputy let me know.

JB Who was that?

RG Dep. Sawicki.

JB Do you remember what he said?

RG If I knew who they were and I told him like no I don't know who it was and he told me it was the Captain's family members.

JB Did you have a conversation with Michael Osowski at the scene?

RG The Captain's son?

JB Yes.

RG Uh no.

JB You did not?

RG No because as far as conversations it was just "are you ok?" and that's pretty much it.

JB Ok so you did have, you did...

RG Yeah it was just "are you ok?"

JB And the response you got?

RG Yes, just a nod yes.

JB Ok, did you see Capt. Osowski arrive on the scene?

RG Yes. I think before he actually got there he had already been there because I noticed his vehicle being pulled in like towards the scene but I think he was

already there but when I noticed him he could have already been there but I just hadn't noticed him.

JB Uh huh, ok. Did you have a conversation with Capt. Osowski at the scene?

RG Yes.

JB Tell me about that.

RG Uh, one of the conversations was I went over there and made sure he was ok and let him know what was going on and then another conversation we had was when I went over there and talked to him and they were getting some belongings out of the vehicle and he asked if they were good to go, good to leave.

JB Ok lets talk specifically about that conversation.

RG Ok.

JB That's pretty, pretty critical. So you, this conversation occurred in close proximity to Michael Osowski's vehicle?

RG Uh, yes.

JB They were retrieving personal belongings?

RG Yeah they were in the rear of the trunk. I had just walked over because I had just finished talking to paramedics on the EVAC and asked them um if she was going to be ok and they pretty much told me she was in stable condition at the time.

JB They were removing personal items from the trunk, do you remember what those items were?

RG No I don't.

JB So you walked up at that point and...

RG Yeah I walked up at that point uh...

JB And what did the, tell me the conversation you had.

RG That's pretty much the conversation, I told them everything was going to be ok and she was in stable condition um and he asked me if they could leave because they wanted to go to the hospital and at that time I told them that she was, that was fine.

JB Who asked you Capt. Osowski?

RG Yes.

JB Do you remember specifically what he asked?

RG No but it was somewhere down the lines if they could leave because they wanted to go to the hospital.

JB So he asked you if it was ok to leave?

RG Yes. Because they both wanted to go to the hospital to see their mother, grandmother.

JB Do you know at that time whether the traffic homicide people had been notified or dispatched or a decision had been made to involve them?

RG I don't know specifically at that time I don't know for sure.

JB Ok.

RG Actually they, from my, yeah they actually had been notified um, I think by that time we already had crime scene tape up but my understanding was it was just like a precaution.

JB Ok. So Capt. Osowski asks you "is it ok to go to the hospital to check my mom" meaning him and Michael.

RG Yes both of them.

JB At that point had you positively identified Michael, had you had his driver's license (inaudible)?

RG Yes actually I, I personally identified him...

JB Then.

RG ...but it was, but it was my, Dep. Vickers who actually identified him.

JB Ok.

RG When we responded he was initially I instructed him to take over the call, do what you need to do since I was training him.

JB Ok.

RG Uh, he went over uh, spoke to Mr, his son.

JB Michael.

RG Michael and actually grabbed his drivers license and ID'd him with his drivers license.

JB So Vickers had possession of his DL?

RG Yes. But at one point I had to pull him away because it was too much for him and but he was able to ID him and write down his information in his note pad.

JB Ok. Do you know what happened to the drivers license was it given back to Michael?

RG Given back to him as soon as I pulled him away from that scene he gave it back to him.

JB So I understand, Vickers was a trainee on the way there or it's assumed...

RG We were both riding in the same car, it's...

JB Ok.

RG ...it's I believe it's my sergeant who gets there and then me right behind him and I instructed pretty much this is what you got, you got an accident handle the call do what you need to do.

JB And then if I understand correct at some point a decision is made because this is a little bit more serious than he can handle we're going to reassign that and...

RG Not just because who they are or anything like that...

JB Right.

RG ...because we didn't even know it was just it was too much for him and he's just getting flustered.

JB Ok.

RG And at that time I just made the decision you know what you can't handle this this is too much right now for you and he was already having problems from the prior nights and I'm going like ok you don't handle it, stop lets go direct traffic and I had Dep. Sawicki you know what you have to handle this one.

JB Ok.

RG It's actually Dep. Sawicki who actually handled most of the call.

JB Got it.

RG Did the paperwork.

JB So after your, lets go back to the conversation with Capt. Osowski where he to paraphrase essentially says is it ok to leave, go to the hospital check on my mom, you said yes?

RG Yes I told him yes that's fine.

JB Was there ever any agreement, arrangement or conversation about come back later or we'll get with you or was it just go do what you've got to do (inaudible)?

RG Yes just go to the hospital.

JB Ok with no...

RG No come back or anything like that.

JB Ok alright. What do you do next then?

RG After that, after that conversation I think I pretty much he goes and...

JB You saw him leave?

RG I saw them walking away together, my understanding is pretty much they're leaving together but other than actually getting in the car together at the same time no.

JB Ok.

RG But I was under the impression they were leaving together.

JB Then you went about investigating the accident supporting traffic control...

RG Yes.

JB ...and the things you do at a scene right?

RG Yes.

JB Ok. Give me a second here I want to show you a report. If I could find it (inaudible). Is that a, is that your report that you wrote about your activities? Take a minute and read it.

RG Yes.

JB Ok. Did you at any time leave the scene?

RG I left the scene after being relieved then I came back later. Actually I also took photos of the scene.

JB While you were there you took photos?

RG Yes was instructed to take photos.

JB There was a point in time where you left the scene and came back, tell me about that why did you leave?

RG Actually I was just being relieved um, there were I believe there was a couple of calls pending so they pretty much just relieved me, it was the sergeant's decision to let me go.

JB So you went out and answered calls?

RG Yes and I came back I think when I came back it was probably like an hour or two, I don't know how long it was.

JB Ok for what it's worth this CAD report says that you cleared at 2052 would that have been that, so it was almost 9:00 would that have been the first time you secured from the scene?

RG That sounds about right.

JB So you secured from the scene the first time somewhere close to 9:00 approximately. You answered calls and then at some point you stop back by?

RG I stopped by when they called me back and I think that was passed midnight.

JB Ok.

RG I'm not, I'm not sure but passed midnight they asked me if I had taken some photos and if I could burn them and give them a copy. I just responded later to give them a copy of the pictures.

JB Ok. Were you involved that night in any of the efforts to locate Michael Osowski after him and his dad went to the hospital?

RG No.

JB Did you overhear any conversations while you were at the scene between Alan Osowski and anyone else?

RG No, no.

JB Did you overhear any conversations with Michael and anyone else?

RG No.

JB Ok so when Capt. Osowski asked you “is it ok if we go to the hospital” you said yes, what was your expectation?

RG That they would be going to the hospital and incase we needed anything we could just go to the hospital and give him his copy of the paperwork and pretty much it.

JB Ok. Did you have any interaction with the driver of the other vehicle?

RG Yes I spoke to them, make sure they’re ok they all advised they were fine. I think the other driver the male I think he had, I’m not sure if it was broken but his arm was injured.

JB Was he transported by ambulance to the hospital?

RG Yes I believe so.

JB Ok.

RG And his wife and their kid stayed behind she was fine and the kid was fine as well.

JB Ok. Did you have any other involvement in this follow up accident investigation the next day?

RG No I just, just that night that’s it.

JB So you secured that night wrote your report and then your responsibilities in that accident investigation were done?

RG Yes.

JB I had an opportunity to interview former deputy Vickers and he explained to me his response to the scene that he was with you training and at some point early on he was reassigned to traffic control. He made the statement to me that he asked you at the scene, I’ll tell you specifically what he said, it was something to the effect of “can you tell me what’s going on?” you told, he reported that you said to

him that you didn't want to talk to him about it because there would probably be an investigation later. Is that accurate?

RG That sounds accurate because at the time I told him that it was the Captain's son and actually he's, because it was the Captain's son and I told him like "you know what, I don't know what's going on but all I know it's the Captain's son so lets, Mike's going to handle this and THI is coming out here so I don't even really know what's going on"

JB Ok. Do you remember mentioning something about "there may be an investigation later"?

RG Reference the THI yes.

JB Ok but not about a, an internal investigation?

RG Oh no, no, no, no.

JB Ok.

RG No.

JB So the statement that...

RG Unless he misunderstood me but yeah.

JB Ok. Well let me just take a second here and I'll tell you what he said exactly and then that may put it in context for you and you can explain it. Mr. Vickers also stated that he asked Deputy Sheriff Galarza what was going on, Deputy Sheriff Galarza answered "I'm not going to discuss it with you because there may be an investigation later". Is that an accurate statement?

RG Yes.

JB Ok. And that investigation you're referring to was the traffic homicide investigation.

RG Traffic homicide. I mean I'm literally known what was actually going on just being aware that the Captain's family members now he's asking me question like I don't know.

JB Right I understand.

RG I don't know what's going on.

JB That explains it, I understand. Did you have a conversation with Sgt. Ray?

RG Um, Dep. Ray?

JB I'm sorry, Sgt. Day, Sgt. James Day I'm sorry.

RG Oh Sgt. Day.

JB About, let me just do this. Did there come a point in time while you were there involved in assisting the investigation of the accident after Alan and his son Michael had left the scene where you were told either by Sgt. Day or anybody for that matter that there was now a growing sense of urgency in finding, locating and talking to Michael?

RG Yes after everything had calmed down and next thing you know I was advised I guess she had gone into I'm not sure cardiac arrest or I'm not sure what happened to her but there were, she was going into code or something and he advised me that they were looking for him and if I knew where to and I'm going "well as far as I know they were going to the hospital"

JB Ok so the sense of urgency in locating Michael to you knowledge was to notify him that his mother's condition was getting worse?

RG I, I don't know for sure I believe so.

JB Ok, ok.

RG Yeah I don't know for, all I know is they were trying to find him and they were asking me.

JB Ok.

RG And I told them well last time I know is them asking me they were leaving and my understanding was they were going to the hospital together.

JB Again just to make it clear for the record, did Capt. Osowski ask you if it were ok to leave or did he tell you they were leaving?

RG If it was ok to leave.

JB Ok. Was there ever a point in time during the evening while you were working that night that you were aware that there were units both at Michael's house and at Alan's house and at maybe one or two hospitals attempting to locate Michael for investigative purposes not for notification purposes.

RG I found out later after I had cleared the call and everything was done I found out that they were, I guess they went to the hospital to find them I'm not sure if it was during the actual time I was still on the call or I had just left or when I came back.

JB I understand.

RG But I found out they were looking for him at this hospital and at his house but other than the Captain's house I don't know for sure.

JB For investigative purposes or simply for notification or you didn't know?

RG I don't know, all they told me was they were trying to track him down.

JB Do you remember having a conversation with Sgt. Day about Capt. Osowski and his son leaving the scene?

RG I don't think I actually, I don't remember to be honest.

JB Ok.

RG Conversation just in regards to them just leaving, me telling them to leave or?

JB Did Sgt. Day ask you "where are they?" did you let him know "hey just so you're aware Sarge Captain and his son are going to be at the hospital" was there any, if you can remember if there was a conversation.

RG Yeah I don't, I don't remember to be honest with you.

JB And you did not participate any efforts to locate Michael later that night?

RG No, no.

JB So you about roughly 10 minutes till 9 you secure you're handling calls you go back to do some photographic work...

RG Actually the photographs were taken on scene the first time we were there.

JB To provide copies of photos to the homicide guys?

RG Yes just copies just in case anything got moved.

JB Ok. At what time is the intersection freed up and everybody secure from there do you remember?

RG I want to say it was probably like one or two I'm not sure to be honest.

JB Did you have a conversation with Dep. Allison the investigating traffic homicide investigator?

RG No. Reference the incident?

JB Yes.

RG No. Actually hold on one second because there was a deputy that came on scene first.

JB Do you know Dep. Allison?

RG No.

JB Ok.

RG I just, I don't know for sure.

JB Ok.

RG Because there was one who got there first and I don't think that's Allison.

JB Ok it might have been Keith Dalton?

RG Dalton that's who it was. Um, he was in an unmarked white Crown Vic, I think it was him.

JB What was your conversation with him?

RG Him it was pretty much letting him know what happened, this is the information we got. We got witnesses saying the vehicle was coming this way and just gave him the basic information that's pretty much it.

JB Ok.

RG And turned over most of the information to him.

JB Let me just make sure there's nothing else I wanted to ask you about. Being aware of the focus of this investigation now is there anything you can think of Dep. Galarza that I've neglected to ask you that you think is relevant to my investigation?

RG Uh, if anybody was drinking?

JB No I, that's of no...

RG Ok.

JB ...interest in this investigation.

RG Oh ok.

JB That's part of the traffic fatality investigation. I really don't want to get into that.

RG Yeah ok.

JB I'm focusing on the investigation from the time that Alan Osowski arrived on scene until the next day at about 1:00 essentially.

RG Um, I know at one point...

JB And efforts to locate Michael.

RG Yeah ok. I know at one point they were asking if, I want to make sure, he asked me if it was ok to leave, I told him yes it's fine whether the actual words were yes I pretty much told him it was ok.

JB Ok.

RG Because at the time my understanding was, paramedics pretty much told me you know she's fine she's in stable condition.

JB Ok.

RG So since me and the other deputy were handling the call well it's pretty much just an accident she's going to be fine.

JB Ok.

RG So.

JB Well let me ask you this then. Alan Osowski is your...?

RG Captain.

JB Your Captain.

RG Yes.

JB Commander of the district.

RG Yes.

JB Did you feel like he used any undue influence or coercion or use his position?

RG No, he was just asking. He was in civilian clothes, he was just coming over to see his family who had just got in an accident. Just like anybody else would ask me and based on that you know the patient is fine she's, at the time I didn't believe she was going to die or anything like that.

JB Ok.

RG So I made a decision you know what we're fine if I need anything we can just run up to the hospital and give you her form of your accident.

JB Right.

RG That's pretty much it.

JB Ok very good. Well do you have any questions of me?

RG No that's pretty much it.

JB Ok this will conclude the interview, the time now is approximately 1:25