

WITNESS STATEMENT

JB – Jack Bisland JV – James Vickers

JB Testing 1-2-3-4-5, testing. Today's date is Monday December 6th, 2010. The time now is approximately 9:05am. This will be a recorded interview with Mr. James Vickers. Person's present during this interview are myself, Jack Bisland, an investigator with the State Attorney's Office in the 7th Judicial Circuit and Mr. Vickers. This interview is taking place at the State Attorney's Office in the Deland Courthouse. Mr. Vickers for the record I want to establish that I am conducting a criminal investigation and this is not an internal or an administrative investigation. And additionally that you've been identified as a potential witness to the events that I would like to talk to you about today and I also want to establish that you're here voluntarily is that correct?

JV That is correct.

JB Ok. Based on a complaint from the Sheriff's Department I'm conducting an investigation essentially into the events surrounding Thanksgiving, November 25th accident in Debarry involving members of the Osowski family. Specifically the investigation concerns the actions or inactions of Capt. Alan Osowski after being notified of that accident. So prior to the start of the statement what I'd like to do is swear you in.

JV Ok.

JB So if you would please just raise your right hand for me? Do you solemnly swear of affirm that the statement that you are about to give will be the truth the whole truth and nothing but the truth so help you God?

JV I do.

JB Can you for me just state and spell your name?

JV My name is James Franklin Vickers the third. J-A-M-E-S, Franklin F-R-A-N-K-L-I-N, Vickers V-I-C-K-E-R-S.

JB And a contact phone number for you?

JV XXXXXXXXXX

JB And on November 25th Thanksgiving day this just a couple weeks ago, you were in fact employed by the Volusia County Sheriff's Office is that correct?

JV That is correct.

JB In what capacity?

JV I was a trainee deputy. I guess you would say I was in training.

JB Ok and what was your assignment on the 25th? What hours were you scheduled to work and what was your assignment?

JV I was scheduled to work six to six and...

JB Is that 6a to 6p?

JV Yes it is, uh 6p to 6a excuse me.

JB Ok.

JV Um and that was of course over night and so it was just in the beginning of my shift when the crash occurred.

JB Ok and tell me about, were you riding with somebody were you in the car by yourself?

JV Yeah I was riding with another deputy, I'm trying to think of his name at the moment. His name escapes me.

JB Could it be Roy Galarza?

JV Yes it is.

JB Ok.

JV It is Dep. Roy Galarza I was riding with. I'd only been with him at that point for maybe one or two days.

JB Been with him in training for one or two days?

JV Yeah.

JB Ok, and were you assigned to a particular patrol zone?

JV I was assigned to zone 62.

JB Ok. Tell me what happened when you were, how you became aware of the accident and what your involvement, what you did.

JV We were actually, I believe, where were we? I think we were patrolling the road and you know we heard the call come over the radio and you know he was driving

he turned the car around and we headed towards the crash. Arriving on scene you know he told me you know “take care of it” basically meaning that you know do it as if it was your call so go on and investigate an accident. So at this time we didn’t know that there was going to be a fatality involved because no trainees are allowed to work any fatalities so at this point you know I was going to do my investigation, got to the first person that I saw standing near the vehicle and I believe his first name was Michael I didn’t get his last name, and asked him if he was the driver of the vehicle and he responded “yes” I asked him for his information which he handed me his driver’s license you know he didn’t have any problem giving me his driver’s license, he did it fairly fast. Just what I observed uh, didn’t really catch any odor but I only talked to him for a moment you know mere moments maybe five seconds at the most. Then Roy I guess realized or you know realized that there was a fatality involved and had me direct traffic, pulled me off the crash.

JB So your training deputy Dep. Galarza he realized that the injuries were significant enough...

JV Right.

JB ...and this might become something that you shouldn’t handle because your training status?

JV Exactly, right.

JB Ok.

JV So I gave him back his ID at that point, pretty much only wrote down his first name um, beginning of his last name, I went and directed traffic for the remainder of the time that I was on scene. I did help put up some caution tape at one point. That’s about the extent of you know my activity on the site.

JB Ok did you have a portable radio that night?

JV Yes I did.

JB Ok. Is there a point in time during, I looked at the CAD report the computer assisted dispatch report and it puts you all on scene at about 1814 hours.

JV Ok.

JB And then your report actually says you secured at approximately 2200 hours. So you were there for nearly four hours does that seem reasonable?

JV Yes it does.

JB At what point can you tell me you were aware that the individual you spoke to Michael was in fact Michael Osowski and in some way related to someone at the Sheriff's Office? Tell me how you learned of that.

JV It wasn't until later on towards almost the time that we left I heard, I overheard Dep. Galarza and the sergeant on duty whose name I can't recall I only met him briefly, uh over you know over talking of who he was and where did he go because apparently I guess he left the scene pretty quickly afterwards and they were trying to gather his information and were asking me you know what information did I get in that short period of time that I talked to him.

JB Do you know the circumstances under which or why Michael Osowski left the scene?

JV Um, I do not actually. From what I was told he went with, from what I overheard I believe he left with a lieutenant to go to the hospital but I wasn't sure if it was because that was his mother or you know what exactly was taking place. They kind of kept me out of the loop on the whole situation.

JB Ok. Who took on the responsibilities of investigating the crash, not the fatality...

JV Right.

JB ...but the crash do you remember?

JV Uh I believe Roy handed it off to another deputy named Sawicki. I remember seeing him typing and getting all the information afterwards and me and Roy were handling traffic and Roy was helping out with some other things that you know they were doing I'm not sure they kind of kept me far away.

JB Did you have, beyond that initial contact with this individual you came to know only as Michael at that point in time you wrote down some of his information, did you have any further contact with him?

JV No I did not.

JB Did you, were you assigned or did you make any effort later in your shift at any time to assist units in locating him?

JV Uh no I did not. All they had me do was write a, a small report.

JB Let me show you...

JV A narrative supplement.

JB ...a piece of paper and ask you if that's in fact the report that you wrote. Take a minute to read it.

JV Yes it is.

JB Ok. Were you with Dep. Galarza when he had a conversation with Michael Osowski?

JV No I was not.

JB Ok do you remember seeing Michael Osowski leave the scene?

JV No I just remember hearing afterwards, I did not physically see him get in a car and leave.

JB Do you know Captain Alan Osowski the district commander of the Debarry district?

JV No I do not.

JB So you don't know him on sight, you didn't know him that day?

JV Never met him.

JB You don't know whether he was on scene?

JV Don't know him. Just from what I was, just from what I heard.

JB Any radio traffic you're familiar with thru out the rest of the evening, other units attempting to locate Michael Osowski?

JV Nope.

JB Did you ask or question anybody and I mean you're in training you're learning, did you ask anybody why did that guy, why was he allowed to leave the scene?

JV I actually did ask and I was told that they weren't going to talk to me about it because it was probably going to be an investigation and I asked the sergeant later on...

JB Who did you ask that said that?

JV I asked Dep. Galarza.

JB And then what did you ask the sergeant later on?

JV If there was any information he could give me on the crash and what was going on and he said at this time it would probably be better off if I you know didn't get any.

JB Do you remember the sergeant's name?

JV I know it was a short name, it's I want to say Deck or?

JB How about Day, Sgt. Day?

JV Day that's what it was I knew it was with a Day and it was short, or with a D and it was short.

JB Ok and so what did Sgt. Day say to you?

JV Uh basically I just asked him you know because he asked me to write a supplement and I said "what exactly is going on is there anything you can tell me?" you know and he said you know "at this time it's better off that you don't know" and I just said "ok".

JB So you secured from the scene at about 2200 hours.

JV Right.

JB Did you go to the hospital, did you and/or Roy in any way participate in any follow up relating to that accident?

JV No we did not.

JB Ok was the rest of the shift relatively uneventful or were there any other...

JV Relatively uneventful.

JB Ok I've learned that you resigned after that shift. Can you offer why you did, you resigned your position?

JV Sure. Basically it was something that I've been thinking about for the last month and I you know kind of gave it another month just to see you know what I thought but basically just realized it wasn't for me and I was unhappy doing it so you know I always believe if you're unhappy doing something you shouldn't be doing it.

JB Absolutely, I mean sometimes people have that feeling but they don't act on it and then they spend 10 or 15 or 20 years doing something they're miserable doing.

JV Right.

JB And so you know credit to you for recognizing it and having the ware with all to stand by your conviction and try something else so good for you.

JV Yeah basically I was, you know basically that's the idea and it really had nothing to do with the crash or you know the investigation I really don't even know that much about it so.

JB I understand. How long had you been with the Sheriff's Office?

JV Um, six to eight months.

JB Since that time have you had a conversation with any of your former peers, supervisors or trainers or classmates about this incident?

JV No.

JB Are you currently aware of Capt. Osowski's status with the agency?

JV No I'm not.

JB Ok. Did, and I think you may have answered this, did Dep. Galarza tell you that they went to the hospital? You said something about, hold on one second let me make sure I've got it right here. Yeah, that Michael had left with a lieutenant you believed to go to the hospital and check on the victim who was possibly related, a mother or something.

JV Right that's what I overheard him talking to another deputy, I'm not sure if it was a sergeant or whoever I didn't really catch it because I was directing traffic and you know I just overheard him say that he left with a lieutenant, sergeant not sure.

JB Ok. Alright is there anything else that you think is relevant knowing what I'm investigating that I haven't asked you that you think is important I need to know?

JV Um it seemed I mean I don't even know but it seemed as if what I heard from the other people that they were more concerned if he was intoxicated by alcohol or not. You know I think it would be unfair for me not to say anything but I didn't you know recognize any sign of that but then again I only talked to him for a few seconds.

JB And I think that's exactly what your report reflects.

JV Right.

JB Ok well anything else or any questions you may have?

JV Nope that's it.

JB This will conclude the interview; the time now is approximately 9:20 am.