

Sheriff



Ben F. Johnson

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue
P.O. Box 569
DeLand, FL 32721-0569

January 3, 2012

Deputy Michael Sawicki ID # 7633
Volusia County Sheriff's Office
LES/Patrol

A handwritten signature in black ink, appearing to be "MJS".

Final Notice of Suspension

Deputy Michael Sawicki:

Be advised that as a result of your actions documented in IA#11-010, it has been determined you did violate the following:

Volusia County Sheriff's Office Standards Directives:

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

41.6.30 Assigned vehicles will not be driven after an employee has consumed alcoholic beverages.

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.*

To wit:

On September 30, 2011, while off duty, you were involved in a disturbance with your girlfriend, Ashley Harty, at your residence in Sanford (report #201150005366). The Sanford Police Department responded and conducted an investigation into a Domestic Battery, an Aggravated Assault and a Grand Theft of Firearms. The altercation occurred when you and your girlfriend returned home after consuming alcoholic beverages. You tried to separate yourself from the conflict by driving your patrol vehicle while off duty

and after consuming alcoholic beverages, to Orange City. You returned to your residence in your patrol vehicle and the conflict continued to escalate. Your girlfriend took your knife off the dresser and pointed it at you. At some point, your girlfriend removed your firearms from your residence and placed them under your personal vehicle. As a result of her actions, she was arrested and charged with Simple Battery (DV), Aggravated Assault and Grand Theft. MTS

During your sworn Internal Affairs Investigation you admitted to driving your assigned patrol vehicle after consuming alcoholic beverages. You also admitted to driving your assigned patrol vehicle out of county while off duty. You denied being under the influence while driving your assigned patrol vehicle. You admitted that you did not notify your Supervisor or Watch Commander of the incident.

Deputy Sawicki, this investigation revealed that you demonstrated poor judgment and a lack of respect for the laws you are sworn to protect. While your admission of responsibility was forthright and admirable, your actions that evening concern me, and will not be tolerated.

You have previously been the subject of the following disciplinary action:

08/07/2011 26.2.034 Failure to Follow Directive or Order Sustained

Deputy Michael Sawicki, you were served with intent to Suspend Letter on December 21, 2011, advising you of my intent to suspend you from duty **without pay** for **Ten (10) duty days**, which equates to **Eighty (80) work hours**. You were given the opportunity to make an appointment and appear before me in order to respond to this intended action. You appeared on Friday December 23, 2011, and had the opportunity to offer any mitigating circumstances that should be considered prior to the final discipline. After earnest consideration my decision to suspend you was reduced to **Five (5) duty days**. You are hereby suspended from duty without pay for **Five (5) duty days**, which equates to **Forty (40) work hours**. The date and time of your suspension is to be determined by your Division Commander.

In addition, **effective immediately** your privileges for driving your Volusia County Sheriff's Office patrol vehicle have been suspended for a period of **3 months (90) days**. During this suspension period, you will not take your patrol car out of county and you will not drive it off duty.

You may not work any additional hours (i.e. scheduled days off) during the pay periods in which the suspension is taken. Only the Division Commander, at his discretion, may waive this prohibition.

If there are any concerns or questions troubling you that I am not aware of, please advise me so that I will have the opportunity to assist you in correcting this problem.

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline 26.1.1**.


If you wish to refute my decision in this matter, you may do so by responding either orally and/or in writing within **three (3)** days of receipt of this notification with any information in law or fact showing that the intended decision is improper. If you elect to respond, it must be no later than **Friday, January 6, 2012 at 1600 hours**. If you fail to respond or your response is inadequate, I will proceed with the aforementioned discipline.

Sincerely,



Ben F. Johnson
Sheriff

BFJ/tt040L0001.12
Cc: County Personnel
County Legal
Internal Affairs


This letter read and received by:
Deputy Michael Sawicki ID # 7633
Date: 01-04-12
Time: 1225