



## Crescent City Police Department

### Memorandum

Date: April 5, 2021

To: City Manager Michael Esposito

From: Detective Randall Doyle, Flagler County Sheriff's Office

RE: Internal Investigation 2020-1208

On Wednesday, December 9, 2020, Flagler County Sheriff Rick Staly received a formal request from Crescent City Manager Mr. Michael Esposito to assist in conducting an Internal Investigation involving two of Crescent City's Police Officers. On Thursday, December 10, 2020, Sheriff Staly approved the request and assigned the investigation to Detective Randall Detective Doyle of the Professional Standards Unit. On Wednesday, December 16, 2020, Detective Doyle met with Mr. Esposito in his office at Crescent City Hall and an Authorization to Conduct Internal Investigation was provided. At this time, Mr. Esposito provided a detailed memorandum outlining agency violations and concerns regarding Sgt. Ward and Ofc. Burger. Mr. Esposito explained that the department has been without a Chief of Police since Wednesday, September 16, 2020, and Sgt. Ward has been in the leadership role since that date.

The memorandum documents that on Monday, October 5, 2020, Mr. Jim Troiano, a reserve officer with the City approached Mr. Esposito with concerns he had with Sgt. Ward and training documents. These concerns were with regards to officers being requested to sign for training that they never actually received. Mr. Troiano advised that Officer Carlos Duran confirmed that he was requested to sign a training roster for Taser training when he in fact he did not take the training. Duran also informed Mr. Troiano that he felt compelled to sign the roster and was concerned about retribution from Ward should he refuse to sign.

Mr. Esposito documents that he was notified by Putnam County Sheriff's Office of a pursuit taking place on Saturday, October 31, 2020, Halloween. The pursuit was to have reached speeds in excess of 110 MPH. Mr. Esposito requested that any and all pursuits taking place since Wednesday, September 16, 2020, be reviewed for compliance with department policy. In addition Mr. Esposito advised of complaints regarding excessive speed by Sgt. Ward and requests that this be reviewed as well.

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“Service Integrity Respect”

The memorandum documents several concerns regarding both Officers Ward and Burger leaving the city without permission and or judicious reasoning. Mr. Esposito advised that he advised against leaving the city for reasons not related to Crescent City Police duties. A specific incident was documented on Saturday, October 17, 2020, when both Officers Ward and Burger were observed attending a breakfast benefit for a local political candidate.

The memorandum documents allegations of an unfavorable work environment being created by Sgt. Ward and if he was, in fact, fulfilling his role as a supervisor. This involves concerns that Ofc. Burger was signing timesheets of other officers without consent or under the direction of Mr. Esposito. The memorandum outlines several additional concerns that are the reason for an investigation at the direction of Mr. Esposito.

**Interview: Mr. James Mr. Troiano**

On Wednesday, January 13, 2021, at 1037 hours, Detective Doyle interviewed Mr. James Troiano via "Zoom" technology due to the Covid-19 Pandemic. Mr. Troiano was asked to formally identify himself as well as his position with Crescent City Police Department. Mr. Troiano was put under oath and instructed to refrain from discussing our conversation and knowledge of this investigation which, Mr. Troiano agreed/conform to.

Mr. Troiano was asked to identify both his past and current position with CCPD. Mr. Troiano confirmed that he was a Reserve Police Officer and was asked to oversee Training and Policy for the agency. However, he resigned from his position in December of 2020 in good standing and verified that he was never a paid member of the agency.

Mr. Troiano was asked to explain how he became involved in this investigation and to provide as much information as possible to assist in going forward. Mr. Troiano began by confirming that former Police Chief, Mark Carman resigned on September 16, 2020. Mr. Troiano explained that his position at that time was of a Reserve Police Officer and that due to the Covid-19 pandemic, he had not been in or around the department for months with only an occasional visit from time to time, and was not truly active since February of 2020. Detective Doyle identified a letter written to City Manager, M. Esposito on October 8, 2020, by Mr. Troiano regarding concerns and observations he identified with the City's Police Department. Mr. Troiano confirmed he wrote and submitted the letter. Detective Doyle then asked that Mr. Troiano identify the key points and concerns in the letter.

Mr. Troiano explained that based on the letter he wrote to Mr. Esposito along with his vast Law Enforcement experience, he was asked to access the day-to-day operation and current status of the Police Department.

It should be noted that Mr. Troiano has an excess of thirty years of experience in Law Enforcement and was a former Chief of Police in High Springs, Florida. Mr. Troiano has a Bachelor's Degree in Criminology and a Master's Degree in Public Administration. In addition, Mr. Troiano has attended the National FBI Academy.

Mr. Troiano advised that he had serious concerns regarding a lack of training, the overall safety of the officers, and how they could provide adequate service to the community. Mr. Troiano explained that Mr. Esposito asked that he document his concerns, and observations while providing any recommendations that he may have moving forward. Mr. Troiano understood that Mr. Esposito and the City of Crescent City were in the process of finding a new Chief of Police.

Mr. Troiano advised that he had been a member of CCPD since 2019 and his direction at that point was to write policy. The policies at that time were antiquated and dated back to 2003 and 2004. Mr. Troiano advised that he develop a new set of policies based on the policies of several different Florida agencies and the agency did start following some of them. However, the policies had never been implemented and to this date, still are not. In addition to the lack of current policy, Mr. Troiano identified several issues with training and its deficiency. Mr. Troiano advised that he did notify both the Chief and the Sergeant of his concerns and provided recommendations on how the training could be implemented through in-house training as well as coordinating and working with the Putnam County Sheriff's Office. Mr. Troiano identified that officers had no CPR training and Taser training had not taken place for possibly in excess of 5 years.

Mr. Troiano then moved onto concerns regarding high liability issues. Mr. Troiano identified that the officers were often working with no supervision and arrests were being made without the review of a supervisor, as well as actions involving Use of Force with no review by a supervisor until days later in some cases. Mr. Troiano suggested that Mr. Esposito contact the Putnam County Sheriff's Office or the Palatka City Police Department to have their on-duty supervisor or command personnel review and oversee these high liability matters when a supervisor is not on duty with Crescent City. Mr. Troiano confirmed that Sgt. Ward has never attended supervisor training and has never taken a proficiency test regarding the supervision of other law enforcement officers.

Mr. Troiano moved to an issue regarding Taser training and a request made by Sgt. Ward. According to Mr. Troiano, he was advised by Mr. Esposito that he was going to arrange for the officers to complete Taser training, and in connection with that training, CCPD Administrative Assistant, Ms. C. Pheil called and asked Mr. Troiano to come in the PD and sign some documents.

Mr. Troiano advised that upon meeting with Pheil, he was presented with a training roster and certificates demonstrating two hours of Taser training proficiency for each officer. Mr. Troiano advised that the certificates had Sgt. Ward's signature and a space below for him to sign as the instructor documenting two hours of training. Unable to verify the two hours of training, Mr. Troiano asked Sgt. Ward if he and the additional officers actually completed two hours of training. According to Mr. Troiano, Sgt. Ward advised that they did not. Sgt. Ward informed Mr. Troiano that they all had watched a PowerPoint presentation from PCSO that was Taser specific and did not even reach one hour of training, and Mr. Troiano was uncertain that all of the officers watched the presentation. Mr. Troiano informed Sgt. Ward that he was not going to sign the documents and offered to facilitate training for the officers to become recertified.

Mr. Troiano advised that Sgt. Ward informed him that he would get back to him. However, that contact did not take place. Detective Doyle asked if anyone in the department is a certified instructor other than himself and Mr. Troiano advised there is not.

Mr. Troiano advised that on December 2, 2020, he received a call from Mr. Esposito with concerns about two of the police officers. According to Mr. Troiano, Mr. Esposito was concerned that Officers Duran and Frauenhofer were being treated unfairly by Sgt. Ward and he requested Mr. Troiano contact these officers and make an inquiry on his behalf. It was at this time Officer Duran informed him that he never took the Taser training, but was instructed by Sgt. Ward to sign the roster indicating that he had taken the training. Officer Duran advised that he did sign the roster, but felt bad knowing he was being untruthful. Officer Duran was instructed to inform Mr. Esposito of this due to the fact that he felt compelled to sign the roster, and was concerned about retribution from Sgt. Ward if he refused to comply.

Mr. Troiano then referred to firearms qualifications and identified that Sgt. Ward was unable to qualify with his department-issued rifle. Sgt. Ward then presented his rifle to Mr. Troiano and informed him that he was unable to qualify with it. Mr. Troiano then fired the weapon and discovered that the weapon was off sight by approximately one and a half feet. Sgt. Ward advised that he did not know how to zero his weapon which prompted remedial training. Once corrected, Sgt. Ward was able to qualify with the weapon. Mr. Troiano also identified two incidents at the range with Sgt. Ward where he unsafely pointed his loaded weapon in the direction of other officers and had to be verbally disciplined.

Mr. Troiano noted that this was not the actions of a leader and supervisor and he took strong concern with this true safety issue and documented it in his letter.

The interview concluded at 1116 hours.

**Interview: Officer Carlos Duran**

On Tuesday, January 19, 2021, at approximately 1005 hours, Detective Doyle conducted an interview of Officer Carlos Duran at the Flagler County Court House within the State Attorneys' Office conference room.

Ofc. Duran was advised why Flagler County and Detective Doyle were conducting the investigation, and what the interview was regarding, both prior to and at the time of the interview. Detective Doyle identified himself with Flagler County Sheriff's Office identification and informed Ofc. Duran that the interview was being recorded. Ofc. Duran was presented with an Internal Investigation Confidentiality Acknowledgement Form and read by Detective Doyle prior to Ofc. Duran providing his signature. Ofc. Duran was sworn in prior to the interview.

Detective Doyle began the interview by asking Ofc. Duran about his experience as a Law Enforcement Officer. Duran advised that he has been an officer for approximately four years which began with CCPD in 2016, later moving to St. Augustine Police Department, and a year later back to CCPD. Ofc. Duran was then asked if he considered training for his profession to be important. Duran confirmed that it was greatly important.

Detective Doyle then referred to a meeting that former Ofc. Troiano had with him regarding Taser training. Ofc. Duran confirmed that the meeting did take place. Ofc. Duran was asked if Mr. Troiano asked him if he had taken the Taser training refresher. Duran confirmed that he had. Ofc. Duran was asked if he knew how often he was required to have Taser training. Ofc. Duran quickly responded every year. Ofc. Duran was asked if during his first assignment to CCPD if he received Taser Training, and other required training. Ofc. Duran replied "yes". Ofc. Duran was then asked that since he returned to CCPD if he has received a full two hours of training in the Taser. Ofc. Duran advised that he watched the videos which according to Ofc. Duran are 1 hour each and were viewed sometime in September or October.

Detective Doyle then referred to the interview of Mr. Troiano in which he advised that Ofc. Duran informed him (Mr. Troiano) he did not receive the required training, and that when asked by Sgt. Ward to sign the roster and certificate, he felt compelled to do so and feared retribution. Duran immediately said, "That is not true, that is not true." Detective Doyle then read the statement provided by Mr. Troiano as well as the letter written to Mr. Esposito. Quoting from the letter and memorandum from Mr. Esposito that "Ofc. Duran also indicated that Sgt. Ward also showed favoritism, and that Officer Frauenhofer had experienced the same treatment". The memorandum indicated documents that Mr. Troiano then went on to say that

Ofc. Duran advised that he would write a statement confirming these concerns. However, Mr. Esposito has been unable to obtain the statement from Ofc. Duran upon request.

Ofc. Duran was asked if he remembered having a conversation such as this with Mr. Esposito. Ofc. Duran immediately responded, "Not like that." Ofc. Duran was then asked to advise in his words what was said in his conversation with Mr. Esposito. Ofc. Duran advised that the reason he met with Mr. Troiano was that Mr. Esposito contacted him by phone three times and insisted that he meet with Mr. Troiano. Ofc. Duran advised that the insistence made him feel uncomfortable. Ofc. Duran advised that he did eventually call and made contact with Mr. Troiano, and it was during this contact that Mr. Troiano began questioning if he felt pressured to sign anything. Ofc. Duran stated, "My answer was that I did sign a document that required my signature and date about the Taser training, and the document was to be signed and it was provided by the Sergeant. I did not feel comfortable signing the document at the moment like any other document for training because I had not done the training yet but afterward, I did watch the videos. That's what I told him and that was my side of the conversation." Detective Doyle asked Ofc. Duran how long after he signed the documents did he actually watch the video's and Ofc. Duran advised a couple of hours. Ofc. Duran clarified the training by advising that he watched a PowerPoint presentation on disk and two additional videos. Detective Doyle then asked Ofc. Duran about firearms qualification. Ofc. Duran advised that he has not qualified for approximately 18 months due to the Covid-19 pandemic, and the administrative assignment. Ofc. Duran advised that he did in fact miss the last scheduled qualification due to a family emergency.

Ofc. Duran was asked about his experience and previous training at CCPD. Ofc. Duran explained that training was always hard to obtain due to minimal manpower and the ability to obtain the time. Ofc. Duran advised that training increased with the arrival of Chief M. Carman. Duran advised that since Chief Carman's departure, there has been very little training and noted that there is no one certified to authorize the training. Duran stated, "There is no one to authorize the training except the City Manager and the City Manager does not communicate with the department so in this case there's really no training going on other than what can be done online."

Ofc. Duran was asked to comment on the current supervision and Sgt. Ward and his ability. Ofc. Duran advised Sgt. Ward is a good supervisor and then paused before stating, "He does what he has to do to take care of the guys there at the police department. He's professional as can be and ended there." Nothing further was offered. Ofc. Duran was asked if Sgt. Ward ever asked him to do anything that he did not feel comfortable doing, Ofc. Duran advised, "No." Ofc. Duran was asked if recalled any incidents that were supervised by Sgt. Ward that made him feel uncomfortable, Ofc. Duran advised, "No." Ofc. Duran was asked if he has ever left the city unauthorized for any reason. Ofc. Duran advised that anytime he has left the city, it has been authorized by the Chief, and since his departure, he has not ventured



outside the city for any reason. Ofc. Duran was asked if he has any knowledge of or familiar with Sgt. Wards training, Ofc. Duran advised he was not aware. Ofc. Duran was advised that Sgt. Ward does not have any supervisory training and was asked if that was surprising to him. Duran stated, "It would surprise me seeing that the position he has is an important position, it's high rank." Ofc. Duran was also advised that Sgt. Ward has never been formally tested to be a supervisor. Ofc. Duran once again advised that he was surprised to find this out.

Ofc. Duran was then asked to give his account of what the current temperament of the Crescent City Police Department is since Chief Carman's departure. Ofc. Duran advised that since the chief has gone, things have been at a pause and noted that Chief Carman was a hands-on type of Chief. Ofc. Duran advised that other than that, he didn't see much of a difference and all seems to be the usual. Ofc. Duran advised that he loves the Police Department and loves working there. Ofc. Duran advised that the only reason he left in the past was due to a conflict between the Chief at that time and the Sergeant having a conflict creating an uncomfortable atmosphere. Ofc. Duran was asked to clarify how things have been since Chief Carman left. Duran explained that in the past, the chief conducted meetings, discussed training, and made time to meet with them individually to discuss ideas and training. Ofc. Duran then advised that since the Chief has been gone, the City Manager has not met with them and does not talk to them, which makes the current situation awkward.

Ofc. Duran was informed that this is a very important investigation with many variables and concerns making it imperative that he provide any information or concerns that he may have about his future going forward. Ofc. Duran then stated that he is very uncomfortable with the information regarding the training, advising that it was not accurate and he is not happy because he was pressured to write a statement about the training and an inaccurate account of what took place. Ofc. Duran stated, "I am talking about the conversation and the training with the City Manager and Mr. Troiano, I don't like to feel like someone is trying to push me to do something against someone else." Ofc. Duran advised that he felt as though his account involving the training documents was turned a different way. Ofc. Duran advised that he felt compelled by Mr. Troiano and Mr. Esposito. Ofc. Duran stated, "There was no reason to insist and keep on insisting, "hey write me a statement, hey call this other person." Ofc. Duran was asked how many times he believes he was asked, Ofc. Duran advised, "Twice, maybe three times."

Ofc. Duran was asked if he has ever been on duty and working patrol as the sole officer on duty in Crescent City, Ofc. Duran immediately responded, "All the time." Ofc. Duran advised his nearest back-up officer would be ten to thirty minutes away should he need assistance. Ofc. Duran was asked to provide his thoughts on that response time. Ofc. Duran advised it is good to know you have help around, but he does not put himself in harm's way, but I have to

do my job. Ofc. Duran advised that if the call permits time for him to wait for the assistance, he does, but if not, he reiterated that he has to do his job.

Ofc. Duran was asked about his working relationship with Officer Burger. Ofc. Duran advised that he has worked with Ofc. Burger for approximately three year's total. Ofc. Duran advised that Ofc. Burger usually keeps to himself, and will do his job when he has to. Ofc. Duran advised that Ofc. Burger does not communicate much, indicating that the relationship was work-related only. Detective Doyle informed Ofc. Duran that there was mention that he and another officer felt as though they are not part of the team and felt isolated. Ofc. Duran was asked if he was made to feel alienated by Ofc. Burger and/or Sgt. Ward. Ofc. Duran advised that he has made a comment to the City Manager that he believed Sgt. Ward and Ofc. Burger were really good buddies doing everything together, and not communicating with the others. Ofc. Duran advised that it was just a comment and not meant to suggest anything bad. Detective Doyle asked Ofc. Duran if he could see and understand why a comment of that nature could raise concerns for Mr. Esposito. Ofc. Duran advised that he did not. Detective Doyle clarified what Ofc. Duran had just stated and asked him if the statement was accurate. Ofc. Duran advised that all he said to the City Manager was that Sgt. Ward and Ofc. Burger stayed to themselves and did not communicate well with others.

Ofc. Duran was asked if he was aware of any high-speed pursuits that have taken place. Ofc. Duran advised that he had not. Detective Doyle informed Ofc. Duran of a high-speed pursuit that took place on October 8, 2020, which reached speeds in excess of 110 mph leaving the city and entering the county. Ofc. Duran advised that he was very surprised to hear of this and stated, "We don't do chases there in Crescent City unless we are authorized, and there's no Chief to authorize it. Even if we are authorized by our policy, we don't do it." Ofc. Duran was asked to provide his knowledge of the current pursuit policy. Ofc. Duran advised that they require authorization from the supervisor, which in this case there was no Chief. The next step would be to communicate with the sheriff's office to obtain authorization and based on the circumstances, the Sheriff's Office would authorize the pursuit or terminate it based on their policy. Ofc. Duran then clarified that his understanding is that the Crescent Police Officers are not authorized to pursue. D Ofc. Duran was asked if he thought that the described incident was a safe and conscientious decision to be made. Duran stated, "I would not."

Ofc. Duran was asked about making arrests and the procedure he follows regarding the paperwork and its review. Ofc. Duran advised that he would call Sgt. Ward and ask him to log into the computer and review his report regardless of the day or time. Ofc. Duran stated that from September 16 through December 4, he always contacted Sgt. Ward to review his paperwork. Ofc. Duran advised that in instances when Sgt. Ward could not be contacted for some reason, he would then contact the on-duty Putnam County supervisor.



The interview concluded 1051 hours.

**Interview: Officer Timothy Frauenhofer**

On Wednesday, January 20, 2021, at approximately 1002 hours, Detective Doyle conducted an interview of Officer Timothy Frauenhofer at the Flagler County Court House within the State Attorneys' Office conference room. Ofc. Frauenhofer was advised why Flagler County and Detective Doyle were conducting the investigation, and what the interview was regarding, both prior to and at the time of the interview. Detective Doyle identified himself with Flagler County Sheriff's Office identification and informed Ofc. Frauenhofer that the interview was being recorded.

Ofc. Frauenhofer was presented with an Internal Investigation Confidentiality Acknowledgement Form and read by Detective Doyle prior to Ofc. Frauenhofer providing his signature. Ofc. Frauenhofer was sworn in prior to the interview.

Ofc. Frauenhofer was asked when he became an officer with CCPD and replied, July 31, 2017 was his start date. When asked about being trained to carry the Taser, Ofc. Frauenhofer advised that he was trained initially in 2017. Ofc. Frauenhofer then advised that the only training he has received in the Taser since 2017 was on a CD containing a PowerPoint presentation. This was provided by Sgt. Ward in September of 2020. Ofc. Frauenhofer advised that he could not be certain how long the presentation was but his response restricted the time frame to more than thirty minutes but less than two hours. Ofc. Frauenhofer was asked what the training consisted of, however, he could not provide any detail. Ofc. Frauenhofer was asked if he was aware of how much training in the Taser is required per year and he advised he was not aware. Ofc. Frauenhofer was asked if Sgt. Ward ever confirmed that he watched the training provided and he advised that he did not. Ofc. Frauenhofer advised that Sgt. Ward just brought the paperwork for him to sign and he returned the video to him. Ofc. Frauenhofer again was asked to confirm that he has not received any additional refresher training with the Taser since being employed by CCPD, and he did. Ofc. Frauenhofer advised that he was surprised that he was responsible for two hours of Taser training every year. Ofc. Frauenhofer confirmed that he signed the paperwork for Sgt. Ward after he watched the material on the disk. Ofc. Frauenhofer also confirmed that he has not received any other training from Sgt. Ward in any capacity. Ofc. Frauenhofer was asked if he felt compelled to sign the documents for the Taser training. Ofc. Frauenhofer advised that he was totally unaware that there was two hours of training required, so he felt as though he was doing what was needed, but not compelled. Ofc. Frauenhofer stated, "When he said watch this video then sign this thing, I thought that was normal. I just put the CD in and watched the presentation." Detective Doyle

asked why Ofc. Frauenhofer thought what he was doing was ok, Ofc. Frauenhofer responded, "My sergeant told me to do it."

Ofc. Frauenhofer was asked if he believed he and his fellow officers are and have been receiving adequate training.

Ofc. Frauenhofer advised he does not, and based on what he just learned about the Taser training, he realized that he has only had a full two hours of that specific training in nearly 4 years. Ofc. Frauenhofer explained that the remainder of the training he has received is firearms training and online training through the FDLE website.

Ofc. Frauenhofer was asked if he has communicated with anyone recently regarding this Taser training and what is going at the police department. Ofc. Frauenhofer confirmed that he had been contacted by Sgt. Ward the day prior to Detective Doyle arranging to meet with him. Detective Doyle asked Ofc. Frauenhofer what the conversation was regarding and he advised that Sgt. Ward told him that he (Ward) was under an internal investigation, and he would be getting contacted by an investigator. Ofc. Frauenhofer advised nothing else was said. Ofc. Frauenhofer also denied ever feeling compelled or pressured to sign training documents and claims he never had any conversation with Ofc. Duran or anyone else about training.

Ofc. Frauenhofer was asked if he ever indicated to Ofc. Duran or anyone else that he was made to feel alienated or separated from the other officers to include Sgt. Ward and Ofc. Burger. Ofc. Frauenhofer quickly advised that he does not feel that way. Ofc. Frauenhofer then stated, "Can I just say that there is nothing that would concern me to a point of filing a complaint, I do not feel like I'm getting mistreated to the point where I need to file a complaint against Sgt. Ward." Detective Doyle advised Frauenhofer that he sensed there is some uneasiness between them, Ofc. Frauenhofer responded, "Maybe slightly." Detective Doyle asked Ofc. Frauenhofer if he could explain what that might be from. Ofc. Frauenhofer advised that he has felt as though he was not being treated as well as another officer. Ofc. Frauenhofer was reluctant to confirm that he witnessed favoritism by Sgt. Ward. Ofc. Frauenhofer advised it was a grey area and is more specific to how time-off is granted. It was clear that Ofc. Frauenhofer did not want to delve into this subject any further.

Ofc. Frauenhofer was asked about officers leaving the city for various reasons without authorization and not for police business. Ofc. Frauenhofer advised that when Chief Carman was still there, the officers were permitted to leave the city for lunch without consent. Ofc. Frauenhofer advised that it was also not required to check out at their location on the radio. Ofc. Frauenhofer did not elaborate any further but indicated that it has always been an accepted practice.

Ofc. Frauenhofer was asked if he has ever been involved in a pursuit. Ofc. Frauenhofer confirmed that he had but advised it normally involved the Sheriff's Office. Ofc. Frauenhofer was asked if he was aware of the pursuit that occurred on Halloween evening and he confirmed that he is. Ofc. Frauenhofer advised that he heard the pursuit on the radio due to having the radio on off-duty and he heard the radio transmissions; however, he did not listen to the entire pursuit, and he denies speaking with anyone about the pursuit since it occurred. Ofc. Frauenhofer was then advised some particulars of the pursuit, namely, that it was initiated based on a traffic violation. Ofc. Frauenhofer was asked if this was an acceptable reason to pursue and he responded, for some officers it is. Detective Doyle asked if this reason was suitable to him, Ofc. And Ofc. Frauenhofer responded, "No sir." Ofc. Frauenhofer was asked if a pursuit exceeding 100 mph and leaving the city limits for a traffic violation surprised him, Ofc. Frauenhofer advised it did not.

**Note:** Upon reviewing AVL data on the date of said pursuit it was learned that Ofc. Frauenhofer was actually involved in the pursuit and a signed timesheet for two hours overtime was located upon reviewing said documents.

Ofc. Frauenhofer was asked about his interaction with Sgt. Ward and his abilities as a Supervisor. Ofc. Frauenhofer advised that he believes him to be capable. Detective Doyle asked if there had been any incidents where he did not agree with Sgt. Ward or felt as though Sgt. Ward was not providing good supervision, Ofc. Frauenhofer answered, "Yes." Ofc. Frauenhofer explained that at the time of his father-in-law's passing, he was originally denied time off by Sgt. Ward and was told it wasn't a good time. Ofc. Frauenhofer advised that he believed that to be rude and disrespectful, which prompted him to notify the City Manager and was thus given the time-off needed. Ofc. Frauenhofer advised that Sgt. Ward eventually granted the time-off but it was how Sgt. Ward addressed him. Ofc. Frauenhofer then advised that Mr. Esposito showed concern for him and stressed for him to take the time he needed.

Ofc. Frauenhofer then informed Mr. Esposito that he felt Sgt. Ward disrespected him and that other officers could call out whenever and that he was not being treated like the other officers were. Ofc. Frauenhofer advised that this however, was an isolated incident.

Ofc. Frauenhofer was asked what his idea of a supervisor to which he responded, "A leader, someone you can go to and they will have your back. I feel that situation could have been handled much better and he could have been empathetic towards my situation instead of being made to feel like I was a burden to the department, and calling out when I had a death in the family." Ofc. Frauenhofer was then made aware that Sgt. Ward had never been tested as a supervisor and has never had any supervisory training. Ofc. Frauenhofer advised that he believes Sgt. Ward has the experience to be a supervisor, but would expect a supervisor to be trained and prepared as a supervisor.

Ofc. Frauenhofer was asked if he ever observed the letter written by Mr. Troiano regarding the training. Ofc. Frauenhofer advised that he heard about it but never saw it and does not recall how he became aware of it.

Detective Doyle referred to the allegations learned by Mr. Esposito that Ofc. Burger has been known to leave the city while on duty for non-work-related business, and to get fuel. Ofc. Frauenhofer was asked if he was aware of these allegations. Ofc. Frauenhofer confirmed that he is in fact aware, and explained that he has heard from deputies and other officers that Ofc. Burger would leave the city and respond to PCSO calls for service without being requested or authorized to do so. Ofc. Frauenhofer advised that his wife "Lankford" is a former deputy and she is one of the individuals that informed him of these actions. Ofc. Frauenhofer advised that many of the deputies have made general comments about Ofc. Burger showing up, but he could not provide individual deputy's names.

The interview concluded at 1042 hours.

**Interview: Officer Ashley Moczul**

On Wednesday, January 20, 2021, at 1305 hours, Detective Doyle interviewed Officer Ashley Moczul at 105 Cypress Avenue, Crescent City at the Sunrise Boat Ramp and Park. Ofc. Moczul was advised why Flagler County and Detective Doyle were conducting the investigation and what the interview was, regarding both prior to and at the time of the interview. Detective Doyle identified himself with Flagler County Sheriff's Office identification and informed Ofc. Moczul that the interview was being recorded. Ofc. Moczul was presented with an Internal Investigation Confidentiality Acknowledgement Form and read by Detective Doyle prior to Moczul providing her signature. Ofc. Moczul was sworn in prior to the interview.

Ofc. Moczul was advised that the most significant concerns for Mr. Esposito involve officer training and the requirements for the State of Florida and FDLE. Ofc. Moczul was then asked about Taser training and if she has had Taser training within the last year. Ofc. Moczul advised that she had.

Ofc. Moczul advised that she watched a power-point presentation on a disk, signed off on the paperwork, and turned it in to Cindy Pheil. Ofc. Moczul advised the training was taken in September and it was approximately an hour long. Ofc. Moczul was asked when the last time she had Taser training prior to September of 2020. Ofc. Moczul advised was "roughly one year prior when Bob Shear was the sergeant, possibly 2017". Ofc. Moczul was aware that officers are required to receive refresher training every two years, but was not aware that the training consisted of two hours. Ofc. Moczul was also not aware that Sgt. Ward is not a

certified instructor in the Taser. Ofc. Moczul was asked if she signed the training roster and the certificate prior to or after she watched the training disc, Ofc. Moczul responded after. Ofc. Moczul was asked if she has ever signed for any training that she did not participate in, Ofc. Moczul responded she had not. Ofc. Moczul was asked to advise on what training she has received and been involved in since being employed by Crescent City, Ofc. Moczul responded, "Not a whole lot, we do our firearms, we just did CPR and First Aid, Taser, Crisis Intervention, Human Trafficking, and some additional online training. Ofc. Moczul did not mention any of the mandatory retraining required by FDLE.

Ofc. Moczul was asked if she has ever heard Ofc. Duran say that he felt coerced or compelled to sign training documents, Ofc. Moczul advised she had not. Ofc. Moczul was asked if Ofc. Duran ever confided in her that he felt alienated or not part of the team, Ofc. Moczul advised he had. Moczul stated that Duran believes Ofc. Burger is Sgt. Ward's favorite, but she has not personally witnessed it due to working different hours. Ofc. Moczul did advise that Ofc. Burger did have his own office which Ofc. Moczul could not explain, and did not why. Ofc. Ofc. Moczul was then asked the same questions in regards to Ofc. Frauenhofer. Ofc. Moczul advised that he (Ofc. Frauenhofer) too has commented that he witnesses favoritism, at which time, Ofc. Moczul agreed that there probably was for sure. Ofc. Moczul could not provide specific examples, but advised it was just understood. Ofc. Moczul advised that she never heard Ofc. Frauenhofer say anything regarding training, and being uncomfortable with training, or with signing documents. Ofc. Moczul was asked if she has ever had difficulty obtaining time off, and advised she had not. Ofc. Moczul advised she has witnessed Sgt. Ward deny time-off to Ofc. Frauenhofer when his father- in-law passed away, and she believed Sgt. Ward's reaction was inappropriate, suggesting he (Sgt. Ward) should have offered to cover the shift if no other options existed. Ofc. Moczul could not advise any further issues or concerns regarding issues of this nature.

Ofc. Moczul was then asked if she was aware of a pursuit that took place on Halloween of 2020. Ofc. Moczul confirmed she had and advised that she was working as well. Ofc. Moczul advised that at the time the pursuit was initiated, she was at the drive-thru of the local Chinese restaurant. Ofc. Moczul advised she initially heard Ofc. Burger on the radio and shortly after heard the Putnam County SO say to stand down and "10-66" cancel. According to Ofc. Moczul, she believed the pursuit to still be active when she believes a Putnam County Major come on the radio and advised that Putnam County was not going to assist, and they were not authorizing the continued pursuit into the county's jurisdiction. Ofc. Moczul advised that there were three officers on duty due to it being Halloween. Ofc. Moczul was asked if she was aware of the reason for the pursuit and she responded that she believed Ofc. Burger advised that a vehicle "Blew down Main Street and almost hit some children." Ofc. Moczul advised she heard this in a radio transmission and then later from Ofc. Burger in person.

Ofc. Moczul advised that it is her understanding the pursuit continued into Volusia County before being terminated. Moczul advised that she was never involved in the pursuit. Ofc. Moczul was asked if she ever heard what the speeds were in the pursuit and she advised she had not. Ofc. Moczul was asked if she could advise what the protocol is when engaging in a pursuit. Ofc. Moczul advised that an officer is to notify dispatch of the location, the reason for the pursuit, and speed. Ofc. Moczul was advised that the speeds were said to have reached an excess of 110 mph. Ofc. Moczul advised she was surprised by the pursuit, as well as the reason and speeds involved.

Ofc. Moczul was asked if she could justify a pursuit based on a traffic violation at an excess of 100 mph and outside the city limits of Crescent City, Ofc. Moczul responded that she could not. Ofc. Moczul advised that she was surprised that Sgt. Ward would be involved in a pursuit of this nature knowing the department policy. Ofc. Moczul was asked what she thinks of Sgt. Ward as her supervisor. Ofc. Moczul stated, "I feel like he definitely needs more training to be a supervisor, but I mean he's level-headed, but there's the knowledge that a sergeant needs to have, due to all the responsibility and I don't believe he has all of that." Ofc. Moczul was not aware that Sgt. Ward had never been tested for a sergeant or had any formal training to be a sergeant.

Ofc. Moczul was asked about making arrests and having paperwork signed and or notarized. Ofc. Moczul advised that the paperwork is usually signed by the Detention Deputies however, the paperwork is not generally reviewed by anyone. Ofc. Moczul was asked if and when Sgt. Ward reviews the paperwork and she replied, "Not until the next day." Ofc. Moczul was asked if she ever contacted Sgt. Ward to review a report or arrest affidavit after hours, Ofc. Moczul advised she has not nor has she ever been directed to do so.

Ofc. Moczul was asked if she ever leaves the city while on duty for anything not related to her duties. Ofc. Moczul advised that she has not and does not. Ofc. Moczul was asked if she is aware of any other officers leaving the city unauthorized while on duty. Ofc. Moczul confirmed that Ofc. Burger has been known to do so in the past, but she is unaware if he is doing so currently. Ofc. Moczul advised that Ofc. Burger would leave the city for gas and other unknown reasons. Ofc. Moczul also confirmed that Ofc. Burger is known to leave the city to respond to deputies' calls for service even when not requested to do so. Ofc. Moczul was asked how she became aware that Ofc. Burger was responding to the deputy's calls. Ofc. Moczul advised that the deputies would tell her in casual conversation and that it occurred frequently. Ofc. Moczul was asked if she was familiar with the memorandum generated by Mr. Esposito directing officers not to leave the city without authorization. Ofc. Moczul confirmed that she was unless requested by the county SO specifically. Ofc. Moczul was asked which Deputies informed her of Ofc. Burger's actions. Moczul advised Sgt. Shanon Depew was generally the supervisor of the deputies that made comments to her as well as Sgt. Depew himself.



Ofc. Moczul was asked if she was aware of a letter drafted by Mr. Troiano to Mr. Esposito and she advised that she had not.

The interview concluded at 0147 hours.

#### **Interview: Cindy Pheil**

On Friday, January 22, 2021, at 0915 hours, Detective Doyle interviewed with Ms. Cindy Pheil, the former Administrative Assistant for Crescent City at 1739 County Road 308 Crescent City. Ms. Pheil was advised why Flagler County and Detective Doyle were conducting the investigation and what the interview was, regarding both prior to and at the time of the interview. Detective Doyle identified himself with Flagler County Sheriff's Office identification and informed Ms. Pheil that the interview was being recorded. Ms. Pheil was presented with an Internal Investigation Confidentiality Acknowledgement Form and read by Detective Doyle prior to Ms. Pheil providing his signature. Ms. Pheil was sworn in prior to the interview.

Ms. Pheil was first asked to identify her position with the City, the date in which she started, and the date she resigned. Ms. Pheil advised that she began her tenure on March 24, 2008, as the Administrative Assistant to the Chief of Police. Ms. Pheil resigned December 18, 2020, and confirmed that her resignation had nothing to do with the agency or the city itself, Ms. Pheil advised she was ready to move on with her career.

Ms. Pheil was asked about the topic of Taser training and what her knowledge of the training is. Ms. Pheil advised that Mr. Esposito had requested the Sheriff's Office do an audit of the officer's current training and one of the items that came up was the need for Taser recertification and training. PCSO Detective John Zager advised that he would provide the agency with the CD utilized for Taser training. Ms. Pheil advised that Detective Zager provide what she believed to be the same training taken by PCSO deputies. Ms. Pheil advised that she looked at the disc and watched the training herself but could not be certain how long the video was, although was fairly certain it did not exceed one hour. Ms. Pheil confirmed that this was the only disc and training provided to her at that time. Upon receiving the disc, Ms. Pheil delivered it to Sgt. Ward and informed him that all of the officers were to review the training provided on the disc. Ms. Pheil advised that it was her understanding that all of the officers completed the training provided, however, Ms. Pheil did not witness the officers take the training. Ms. Pheil was asked about the roster and the certificates for the training. Ms. Pheil advised that she printed the roster and gave it to Ofc. Burger who she believes had it signed by

the officers after the training took place. Ms. Pheil was asked if she ever became aware of any of the officers signing the roster or their certificates before they took the training or not at all, Ms. Pheil responded, "No sir."

Ms. Pheil was asked if she ever spoke with Mr. Troiano about the training, Ms. Pheil advised "yes" and that at some point Mr. Troiano came into the PD and asked to use her computer. It was at this time Mr. Troiano informed Ms. Pheil that the officers needed to take Taser and CPR training. Ms. Pheil advised that she encouraged Mr. Troiano to speak to Sgt. Ward about it since Sgt. Ward was currently present in the building; however, Mr. Troiano declined to do so.

Ms. Pheil advised that when Mr. Troiano left, she informed Sgt. Ward of Mr. Troiano's comment regarding training. Ms. Pheil also confirmed that she was not present when Sgt. Ward asked Mr. Troiano to sign the training roster and the officer's certificates. Ms. Pheil did confirm that there were no training times on the Taser training roster.

As Ms. Pheil was answering questions regarding training, she informed Detective Doyle that Mr. Troiano was utilizing her computer to type a letter that she believed was to Mr. Esposito regarding required and missing training. Detective Doyle informed Ms. Pheil that someone accessed her computer and gained access to the letter in question and disseminated it. Ms. Pheil was asked if she had any knowledge as to who might have done that. Ms. Pheil immediately advised "yes" and named Ofc. Burger. Ms. Pheil was asked if she observed Ofc. Burger do this or how she knows it was him. Pheil advised that she was on vacation during the week of November 23<sup>rd</sup> and Burger contacted her and asked if she could provide him with her password so that he could access time cards. Ms. Pheil noted that Ofc. Burger created her password as well as all of the computers. Ofc. Burger went on and printed out the time-sheets as well as completed a timesheet for Ms. Pheil. Ms. Pheil advised that she assumed that to be the day the letter was accessed, although noting that she was unaware the letter was on there. Ms. Pheil was asked when she became aware that Ofc. Burger found the letter, she advised that Ofc. Burger simply commented that now he knows why Chad will never be the chief. Ms. Pheil advised that it was her impression that Ofc. Burger believed the letter to be negative and against Sgt. Ward in general. Ms. Pheil was asked if she was aware that Ofc. Burger copied the letter and disseminated the contents. Ms. Pheil advised that she was not aware, nor did she ever hear any of the officers discussing the letter or its contents afterwards. Ms. Pheil was asked if she was present when Ofc. Duran signed the training roster, Ms. Pheil advised she was not. Ms. Pheil was asked if she ever heard Ofc. Duran complain that he felt compelled or forced to sign the roster, Ms. Pheil advised she did not. Ms. Pheil was asked if she ever heard or witnessed Sgt. Ward request an officer to sign for training they had not received, Ms. Pheil advised she had not. Ms. Pheil was asked if she has heard Ofc. Frauenhofer or Ofc. Moczul ever make complaints about signing for training they had not received, Ms. Pheil advised she has not.

Ms. Pheil was asked if she was aware of or had any knowledge of the high-speed pursuit that took place on Halloween, Ms. Pheil advised she had but her knowledge is very limited.

Ms. Pheil was asked about her knowledge of Ofc. Burger leaving the city unauthorized. Pheil advised that she has fielded several complaints from citizen's as well employee's asking why Ofc. Burger was seen in Welaka or wherever. Ms. Pheil explained that she is unaware when those times were warranted or not, so she could not confirm but did hear those comments consistently. Ms. Pheil was asked if she ever observed or heard the Chief or Sgt. Ward discuss it with Ofc. Burger. Ms. Pheil advised that she has heard both the former Chief and Sgt. Ward discuss the issue with him, but she does not know any details. Ms. Pheil could not confirm that Ofc. Burger has failed to comply however, Ms. Pheil did confirm that Ofc. Burger continued to leave the city to obtain fuel even after the city installed fuel pumps for their city vehicles. Ms. Pheil explained that Ofc. Burger presented fuel receipts for reimbursement and at one point was denied due to the city pumps being installed. Ms. Pheil could not confirm knowledge of Ofc. Burger or any of the other officers leaving the city for reasons not related to their duties.

Ms. Pheil was asked if she remembers seeing memorandums being generated and distributed by the City Manager regarding the city directives moving forward after Chief Carman left his position. Ms. Pheil confirmed that she had.

Ms. Pheil was asked about specific directives for Sgt. Ward regarding keeping Mr. Esposito informed daily. Ms. Pheil advised that she believed Sgt. Ward was doing this and stated that she even reminded him to do so often.

Ms. Pheil was asked if she has ever seen or heard of Sgt. Ward treating any of the officers unfairly or creating a hostile work environment, and she advised she had not and advised she was shocked to hear this was suggested. Ms. Pheil also confirmed that none of the CCPD officers ever complained to her or mentioned anything of this nature. Ms. Pheil was asked if she believes Sgt. Ward shows favoritism towards any of the officers. Ms. Pheil advised that she never witnessed anything of this nature, and again advised she is shocked to hear these allegations because she believed everyone got along with each other. Ms. Pheil was asked if she recalled Ofc. Frauenhofer being upset when he was denied time-off when his father-in-law passed away. Ms. Pheil confirmed she did and stated that he complained and was very upset when denied, and stated that Ofc. Frauenhofer has always been the go-to officer when someone called out of work and shifts needed to be covered. Ms. Pheil was asked if she ever spoke with Sgt. Ward regarding this situation, Ms. Pheil asked Sgt. Ward why he denied it and was told he believed his request was last minute and they were short-staffed.

Ms. Pheil advised that if she were in the same position, she would reach out to the Sheriff's Office to ask for coverage or she would have covered the shift herself.

Ms. Pheil was asked if she has ever observed Ofc. Burger sign timesheets for other officers and she responded "yes". When asked who authorized him to do so, she advised Ofc. Burger told her Sgt. Ward authorized him to do so. Ms. Pheil advised that she understood that Sgt. Ward was directed by Mr. Esposito to sign all timesheets. Ms. Pheil confirmed that Sgt. Ward was not contacting the City Manager daily as requested. Ms. Pheil was asked who authorized the removal of furniture from the PD to city yards. Ms. Pheil advised she was aware and again Ofc. Burger advised it was authorized by Sgt. Ward.

Ms. Pheil was asked if she had anything to add at which time, Ms. Pheil advised that she decided to leave due to the lack of leadership at the Police Department in the unknown direction since the two previous chiefs brought her to the realization that it was time to move on.

The interview concluded at 0959 hours.

On Tuesday, December 22, 2020, at 1300 hours, Detective Doyle made contact with Officer T. Burger at his residence and presented him with an Employee Notice of Internal Investigation. Ofc. Burger was also presented with a memorandum of Confidentiality and Acknowledgement. Both documents were signed and dated. On Tuesday, December 22, 2020, at 1410 hours, Det. Detective Doyle met with Sergeant Walter "Chad" Ward at his residence and he too was presented with an Employee Notice of Internal Investigation. Both documents were signed and dated.

On Monday, February 22, 2021, Det. Detective Doyle made contact with Sgt. Ward and Ofc. Burger separately by telephone to discuss scheduling them for their formal interviews.

Both Officers Ward and Burger advised that they were being represented by Attorney Scott DuPont and requested the interviews be arranged through his office. On Friday, February 26, 2021, Detective Doyle made contact with Counselor DuPont and scheduled the aforesaid interviews for Monday, March 8, 2021, at 0800 hours. Counselor DuPont agreed that the officers would sign their 72-hour notice of formal interview upon their arrival. The interviews were to be conducted in the office of the Assistant State Attorney located at 1769 E. Moody Boulevard Bunnell, Fl. 32110 and eight hours were allotted for a review of the file and evidence as well as conducting the interviews. On Friday, March 5, 2021, at 1151 hours, Det. Detective Doyle received a bulk email from Counselor DuPont containing an (8) eight page letter addressed to Crescent City, City Manager Michael Esposito. The letter addressed the

Internal Investigation of Sgt. Ward and Ofc. Burger and several concerns on part of the officers and Counselor DuPont. See the full eight-page letter for details attached to this file. On Monday, March 8, 2021, Sgt. Ward and Ofc. Burger did not appear for their mandated interview. On Tuesday, March 9, 2021, Counselor DuPont contacted Det. Detective Doyle by telephone to advise that both officers were requesting the interviews be rescheduled when scheduling permits. Det. Detective Doyle advised that due to scheduling conflicts, the earliest date would be Tuesday, March 16, 2021.

This date was not confirmed due to the scheduling of the second city commission meeting taking place on Thursday, March 11, 2021, and the likelihood of the city council voting to close police operations permanently.

### **Conclusion/Summary:**

On Thursday, March 11, 2021, the city of Crescent City voted to disband Crescent City Police Operations and functions, and turned its policing needs over to the Putnam County Sheriff's Office. As a result of this decision, this investigation is incomplete and concluded as follows.

### **Sergeant Ward:**

#### **1. Training Concerns:**

In the interviews of each Ofc. Moczul, Ofc. Frauenhofer, and Ofc. Duran, they confirmed that they had all viewed the training material supplied by the Putnam County Sheriff's Office and only Ofc. Duran advised that he was asked to sign the roster prior to taking the training, but did view the training within two hours of watching the video. Ofc. Duran advised that he did feel uncomfortable about signing prior to completing the training, but denied feeling compelled or coerced to sign. Ofc. Duran did not sign his certificate and the certificate was authenticated by Master Sergeant T. Owens of the PCSO on October 22, 2020. All of the officers signed the roster on October 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> and their certificates on October 22, 2020. It should be noted that Department Administrator C. Pheil confirmed that the training disc did come from the PSCO training division. It has also been confirmed that the mandatory Taser Training refresher only consists of 1 hour of training as opposed to two. In accordance with said training, Mr. Esposito requested Sgt. Ward provide the training documents for the class demonstrating that the officers took the training or provide the lesson plan; however, according to Mr. Esposito, Sgt. Ward never complied.

#### **2. Training documentation:**

On Wednesday, December 2, 2020, Mr. Troiano contacted Mr. Esposito to inform him that he met with Ofc. Duran as he requested regarding training. Mr. Troiano advised Mr. Esposito that Ofc. Duran told him that he felt compelled and feared retribution from Sgt. Ward should he decline to sign the roster. In the interview conducted by Detective Doyle, Ofc. Duran advised "That is not true, that is not true." Ofc. Duran advised that he did not feel comfortable signing, but did not say he felt pressured or compelled. It should be noted that Ofc. Duran informed Detective Doyle that he took two hours of Taser Training and watched 2 separate videos which is not accurate, based on statements provided by the agency's administrator and the other officers, as well as the documentation provided. Ofc. Duran also failed to sign his training certificate. Mr. Troiano also noted that Ofc. Duran told him that Sgt. Ward showed favoritism to a specific officer. When asked to write a statement, Ofc. Duran appeared reluctant to do so, and has not provided a written statement to date.

Ofc. Duran informed Detective Doyle that he felt pressured by Mr. Troiano to cooperate and to write a statement for Mr. Esposito. Ofc. Duran did confirm that he spoke to Mr. Esposito and discussed Sgt. Ward, but denied that it involved favoritism and the fact that Ofc. Frauenhofer had similar feelings. Ofc. Frauenhofer also denied ever feeling compelled or pressured to sign training documents, and claims he never had any conversation with Ofc. Duran or anyone else about training.

### **3. October 30, 2020**

PCSO notified Mr. Esposito of a pursuit that took place on Halloween night involving Sgt. Ward and Ofc. Burger. Mr. Esposito was informed that the officers engaged in a pursuit that traveled beyond the city limits as well as county limits, in speeds in excess of 110 mph. Upon investigating this incident, Detective Doyle was able to confirm this information with assistance from PCSO via Smart Cop programming and the Automatic Vehicle Location System, as well as the interview of Ofc. Moczul. The system documented Ofc. Burger to have reached a speed of 121 mph at 2025 hours on 10/30/20. The system documented Sgt. Ward's speed at 110 mph at 2024 hours on 10/30/20. Both Sgt. Ward and Ofc. Burger continued at speeds in excess of 100 mph during this event, and were both documented outside the city and county of Putnam into Volusia County. This pursuit was not authorized by PCSO, and radio communication from both a PCSO Sergeant and Major was required to terminate the pursuit. This pursuit was initiated by the officers based on visual observation of a traffic violation alone. There was no written documentation of this incident.

### **4. Traveling outside city limits for unofficial business:**

In conjunction with the October 30 incident, a review of "Smart Cop" files for both officers was conducted in regards to allegations of the officers leaving the city for unrelated police



business. Although there was a potential of 45 days to review, only 12 days were conducted due to the extensive material and time required to complete this review. As a result of this review, several incidents were discovered for both officers traveling at speeds in excess of 70 mph with no calls for police services documented. A period starting 9/23/20 through 10/31/20 was reviewed regarding traveling outside the city limits. This review documents numerous violations on almost a daily basis by both officers. These incidents involve frequent trips to Pomona Park, Georgetown, Seville, and the Volusia County line. Incidents placing the officers nearly 20 miles outside their jurisdiction with no documentation of official police business or calls for service. Digital files of these incidents have been retained and included in this investigation file. On Wednesday, December 2, 2020, Mr. Esposito distributed a memorandum advising no CCPD officer was to leave the city without authorization or to assist the PCSO with an emergency incident.

**5. Reports of unfavorable working environment:**

In interviews conducted with Officers Moczul, Frauenhofer, and Duran as well as Administrator Pheil, the question of Sgt. Ward and his abilities to supervise were presented. Each of the officers indicated that Sgt. Ward is personable and does try to be effective in his role as supervisor. Each was surprised to learn that Sgt. Ward has had no formal supervisory training. Each was asked if Sgt. Ward shows favoritism and the group response was that Sgt. Ward and Ofc. Burger appear to be close and that some favoritism does exist.

All of the officers also advised that with the department being so small, they do not spend much time with each other to reach a critical effect. Ofc. Frauenhofer advised of a single incident where he was initially denied time off to attend to his family when his father-in-law passed away. All of the officers advised they felt this is insensitive and should have been handled more professionally. When asked if they believed an unfavorable or hostile work environment existed, all responded they did not.

**6. Unauthorized signing of Timesheets:**

As of Wednesday, September 16, 2020, Sgt. Ward was the only CCPD officer authorized to sign timesheets. During that time period, Mr. Esposito learned that Ofc. Burger was occasionally signing timesheets. The interview conducted by Administrator Pheil confirmed that Ofc. Burger had been signing timesheets and had even requested access to the computer to have access to the time sheets.

**7. September 18 Memorandum:**

The basis of the September 18, 2020 memorandum generated by Mr. Esposito was to alert all CCPD personal of the day-to-day operations and function of the Police Department following the retirement of Chief Carman. The memorandum was clear that all Police Department staff would be under the direction of the City Manager and all patrol officers would report to Sgt. Ward. The memorandum also indicated that Sgt. Ward was to report to the City Manager daily. Mr. Esposito advised that Sgt. Ward failed to comply with this direct order. Mr. Esposito confirmed that there was no day contact either in person, by email, or by memorandum per his previous direction.

**Officer Burger:**

1. PCSO notified Mr. Esposito of a pursuit that took place on Halloween night involving Sgt. Ward and Ofc. Burger. Mr. Esposito was informed that the officers engaged in a pursuit that traveled beyond the city limits as well as county limits, in speeds in excess of 110 mph.  
Upon investigating this incident, Detective Doyle was able to confirm this information with assistance from PCSO via Smart Cop programming and the Automatic Vehicle Location System, as well as the interview of Ofc. Moczul. The system documented Ofc. Burger to have reached a speed of 121 mph at 2025 hours on 10/30/20. The system documented Sgt. Ward's speed at 110 mph at 2024 hours on 10/30/20. Both Sgt. Ward and Ofc. Burger continued at speeds in excess of 100 mph during this event and were both documented outside the city and county of Putnam into Volusia County. This pursuit was not authorized by PCSO and radio communication from both a PCSO Sergeant and Major was required to terminate the pursuit.
2. This pursuit was initiated by the officers based on visual observation of a traffic violation alone. It is unknown who actually witnessed the traffic violation. Based on AVL documentation there is no evidence that a CCPD unit was in the area of the incident at the time prior to the pursuit being initiated.
3. There was no written documentation of this incident.
4. As of Wednesday, September 16, 2020, Sgt. Ward is the only CCPD officer authorized to sign timesheets. During that time period, Mr. Esposito learned that Ofc. Burger was occasionally signing timesheets. The interview conducted by Administrator Pheil confirmed that Ofc. Burger had been signing time sheets, and had even requested access to the computer to have access to the time sheets.
5. On Monday, December 7, 2020, Mr. Esposito was notified by City Commissioners that they received an email from an unnamed individual containing a copy of the draft letter

written to Mr. Esposito by Reserve Officer Mr. Troiano. The actual letter contained more information and was signed by Mr. Troiano. It was only a partial draft that was shared with the Commissioners and that draft had been redacted prior to its dissemination. On Tuesday, December 8, 2020, Mr. Esposito received information from PCSO Sheriff Deloach that an employee in his agency had received information from Officer Burger that he searched CCPD electronic files and found the draft. The concern is that Ofc. Burger, without authorization, accessed and then distributed said document misleading agency work product without going through proper channels. In the interview of Administrator Pheil, Ms. Pheil advised that she was on vacation during the week of November 23<sup>rd</sup> and Ofc. Burger contacted her and asked if she could provide him with her password so that he could access time cards. Ms. Pheil was asked when she became aware that Ofc. Burger found the letter, and she advised that Ofc. Burger simply commented that now he knows why Chad will never be the chief. Ms. Pheil also verified that Mr. Troiano had utilized her computer to draft a letter to the City Manager.

6. In conjunction with the October 30 incident, a review of "Smart Cop" files for both officers was conducted in regards to allegations of the officers leaving the city for unrelated police business. Although there was a potential of 45 days to review only 12 days were conducted due to the extensive material and time required to complete this review. As a result of this review, several incidents were discovered for both officers traveling at speeds in excess of 70 mph with no calls for police services documented. A period starting 9/23/20 through 10/31/20 was reviewed regarding traveling outside the city limits. This review documents numerous violations on almost a daily basis by both officers. These incidents involve frequent trips to Pomona Park, Georgetown, Seville, and the Volusia County line.

Incidents placing the officers nearly 20 miles outside their jurisdiction with no documentation of official police business or calls for service. Digital files of these incidents have been retained and included in this investigation file.

7. On Wednesday, December 2, 2020, Mr. Esposito distributed a memorandum advising no CCPD officer was to leave the city without authorization or to assist the PCSO with an emergency incident.

In addition to the given documentation, a review of multiple CCPD documents to include schedules, timesheets, rosters, and emails in conjunction with the interviews conducted. The perception depicted in the officers' scheduling indicates a deficiency in equality of supervisor interaction as well as guidance. Sgt. Ward's schedule consistently coincided with Ofc. Burger therefore providing no real interaction with Officer's Duran, Moczul, and Frauenhofer. During

the time period reviewed, the schedule indicated that there was no direct overview of arrests being made or paperwork being generated.

In the interview of Ofc. Frauenhofer, he indicated that he had been personally contacted by Sgt. Ward, post notification of this investigation. Ofc. Frauenhofer confirmed that he had been contacted by Sgt. Ward the day prior to Detective Doyle arranging to meet with him. Detective Doyle asked Ofc. Frauenhofer what the conversation was regarding, and he advised that Sgt. Ward told him that he (Sgt. Ward) was under an internal investigation, and he would be getting contacted by an investigator. This is a direct violation outlined in the Internal Investigation Confidentiality Acknowledgement Form.

In the documents provided by Mr. Esposito, there are several email correspondences between himself and Sgt. Ward regarding notifications and information required on a daily and weekly basis. In one such email regarding scheduling, Sgt. Ward indicated that providing weekly schedules were never required in the past and he was simply providing them to Mr. Esposito as a courtesy.

In a previous memorandum to all city employees, Mr. Esposito made it clear that he was the acting administrator overseeing the daily operations of the police department while the city looked to fulfill the position of Chief of Police.

All of the aforesaid documentation is supported by documents included in this file. This investigation is deemed incomplete due to interviews of Sgt. Ward and Ofc. Burger not being conducted.

**Potential CCPD Policy Violations:**

Chapter 17 Insubordination

Chapter 14 Failure to Obey Orders



## *Crescent City Police Department*

### **Authorization to Conduct Internal Investigation**

**Date:** December 16, 2020

**To:** Detective Randall Doyle

**From:** City Manager Michael Esposito 

**Internal Investigation#:** CC/FCSO 2020-001

In accordance with CCPD General Orders, I hereby authorize you to conduct an Internal Investigation into the allegation(s) that have been made against CCPD employee(s) Sergeant Walter Ward and Officer Thomas Burger.

/rd

**Distribution:** Original signed to investigating supervisor or designee. Copy to employee.

**Linked to:** GO # 021

**Form #**

**019 (10/19)**



## *Crescent City Police Department*

### **Authorization to Conduct Internal Investigation**

**Date:** December 16, 2020  
**To:** Randall Doyle  
Detective  
Flagler County Sheriff's Office  
**From:** Michael Esposito *ME*  
City Manager

**Internal Investigation#: 2020-1208**

In accordance with Crescent City Police Department (CCPD) policies, as well as Florida Statute (FS) 112.533, I authorize you to conduct an Internal Investigation into allegation(s) that have been made against CCPD employee(s) Sergeant Walter Ward and Officer Thomas Burger.

The allegations are as follows:

#### **SERGEANT WALTER WARD**

1. On or about October 5, 2020, Jim Troiano, a reserve officer with the department approached me with concerns he had with Sgt. Ward. Troiano reported that Ward asked Troiano to approve training documents for officers who Ward claimed had attended taser training, Troiano noticed there were no training times on the training roster that was signed by the officers. Troiano stated that he saw that Ward had prepared and signed several 2-hour training certificates showing the officers had received 2 hours of taser training. Troiano asked if the officers had taken the 2 hours of training and he was told no. When he asked if the officers had taken at least one hour of training, Sgt. Ward responded in the negative. He said this was a requirement of law. Troiano told me that he told Sgt. Ward he had two options to fulfill my earlier order to have taser training completed. First, he could ask Troiano to coordinate the training where Troiano would secure a trainer or ask the Putnam County Sheriff's Office (PCSO) trainer to complete the training. Troiano stated he gave the certificates and roster to the administrative assistant, Cindy Pheil. This training to my knowledge has not taken place. I had directed Sgt. Ward to provide me the training documents for this class demonstrating that officers actually completed the training or to develop a plan to get this required



training accomplished. This was not done - See Troiano's Oct. 8 letter and my memo to Sgt. Ward.

***Potential violations of policies 4 (Ethics), 14.1 (Rules of Conduct) and 17.1 (Insubordination)***

2. On Dec. 2, Troiano contacted me after I had directed him to talk to Officer Carlos Duran. He said Duran told him that he was asked by Sgt. Ward to sign a training roster for taser training when in fact he had not taken that training. He told Troiano he felt compelled and was concerned for retribution from Ward if he did not sign. He also expressed concern due to the fact Duran believed Sgt. Ward showed favoritism. Duran also stated he believed officer Frauenhofer had also experienced the same request made to him by Sgt. Ward. I have not been able to confirm this. Troiano said Duran would write a statement as to what was said and present his statement to me. This has not happened yet. I have asked Officer Duran to write a statement and he is reluctant at this time to do so. I would like Officers Duran and Frauenhofer interviewed and asked what happened.

***Potential violations of policies 4 (Ethics) and 14.1 (Rules of Conduct)***

3. PCSO notified me of two issues. The first is that on Halloween, Sgt. Ward and Officer Burger engaged in a high-speed chase through trick or treaters. PCSO also reported that these two officers had speeds recorded in excess of 110 MPH. I would like you to review all documents relating to this matter to see if either officer violated CCPD policies and if either officer involved issued written reports related to this pursuit. I would also like you to review all pursuits conducted since September 16, 2020, if any, to determine compliance with policy and to see if any related reports were completed. The second is the fact that I have also received reports from the Sheriff's Office of excessive speeding from Sgt. Ward that were not related to this pursuit. I would like to know if there is a violation of CCPD policy as a result of any of these actions.

***Potential violations of policies 14.1 (Rules of Conduct) and 43 (Patrol Activities)***

4. I have warned officers not to leave the City without permission. It is my understanding that Sgt. Ward may be leaving the city for events not related to his CCPD duties. Please review any CCPD records or Sheriff's Office records to determine if this is happening.

***Potential violations of policies 17.1 (Insubordination) and 39 (Patrol Functions)***

5. I have received reports that Sgt. Ward has created an unfavorable working environment for two officers. I would like for you to review the facts to determine

if he is fulfilling his role as a supervisor and if he may be creating an unfavorable/hostile working environment for any CCPD officer.

***Potential violations of policies 2 (Organization), 4 (Ethics) and 14.1 (Rules of Conduct)***

6. Officer Burger has been signing timesheets as an approver. He is not authorized to do this. I would like to know if Sgt. Ward authorized Officer Burger to sign timesheets without my permission. If true, I would like a review of timesheets for all officers and staff members since Sept. 16.

***Potential violations of policies 2 (Organization), 4 (Ethics) and 14.1 (Rules of Conduct)***

7. After the Chief's September 16, 2020 departure, I directed Sergeant Ward, both in writing and verbally, to provide me with critical information for the successful operation of the department, starting with a Sept. 18 memo which stated that "All Police Department staff will be under the direction of the City Manager" and that "Officer Ward will report daily to the City Manager on all law enforcement activities and any issues related to the Police Department". Sgt Ward has not apprised me of the department's activities. Specifically he has not provided work schedules in a timely manner and without my reminder, he was involved in removing, destroying, and/or reallocating property from the department without my authorization, he has not provided timely notifications of incidents that G.O. # 470 mandated, and several other items that I had requested to be provided have not been received as documented in my December 2, 2020 memo to Sgt. Ward. I would like you to review the information and investigate to determine if Sgt. Ward has violated any CCPD policies or any City policies.

***Potential violations of policies 17 (Insubordination) and 14.1 (Rules of Conduct)***

**OFFICER THOMAS BURGER**

1. PCSO reported to me that officer Burger and Sgt. Ward were involved in a high speed chase through trick or treaters and reported speeds recorded in excess of 110 MPH. PCSO also reported that Officer Burger has been tracked at speeds in excess of 110 MPH on more than one occasion. Since officer Burger has a history of excessive speeding, I would like you to review the information from PCSO to determine if Officer Burger has violated any of our policies.
2. I would like you to review all documents related to these matters to see if either officer violated CCPD policies and if either officer involved had written reports made on high speed chases after September 16, 2020.

***Potential violations of policies 14.1 (Rules of Conduct) and 43 (Patrol Activities)***

3. Officer Burger has signed timesheets, a task he is not authorized to complete as a line level officer and done without my permission. Officer Burger has no authority to approve anyone's time at the agency (See Ward comments). On one occasion, Officer Burger approved his supervisor's time (Ward). Since the Chief left the agency on Sept. 16, I have a concern for the accuracy of time sheet completion, especially as it relates to Sgt. Ward and Officer Burger. I would like you to review all officer and staff timesheets to determine if there are any additional irregularities.

***Potential violations of policies 4 (Ethics) and 14.1 (Rules of Conduct)***

4. On Dec. 7, I received notice from City Commissioners that they received an email from an unnamed person with an attachment of an unsigned partial copy of a draft letter reserve Officer Troiano had written to me. The actual letter is signed by Troiano and contains more information that was excluded from the shared partial draft. On Dec. 8, I received information from PCSO Sheriff Deloach that an employee in his agency had received information from Officer Burger sometime in the past that Officer Burger searched CCPD electronic files and found the partial draft letter. My concern is for misleading agency work product being sent to members of the commission without going through the proper channels. I am also concerned with the access to the CCPD system. If the Sheriff's report to me is true, Officer Burger should have come to me with the information, if he felt concerned. This never happened. I would like to know if Officer Burger accessed agency electronic files without permission and retrieved the partial letter and if he distributed it to others.

***Potentially a violation of policies 4 (Ethics), 14.1 (Rules of Conduct) and 28 (Public Relations)***

5. I have directed officers not to leave the city without permission. It is my understanding that officer Burger is frequently leaving the city to get fuel and possibly to conduct non-agency related business. Please review any records from CCPD or PCSO to determine if this is happening.

***Potential violation of policies 17.1 (Insubordination) and 39 (Patrol Functions)  
Any other violations?***

If your investigation leads to any additional concerns or policy violations, you have my authority to review, investigate and report on those concerns.

Upon completion of the investigation, FS 112.533 requires the investigator conducting the investigation to present the findings without any disciplinary recommendation to the employing agency. I am requesting that all findings be delivered to me.

If you have any questions, please do not hesitate to contact me.



# Crescent City Police Department

## Notice of Obtaining a Statement for Internal Investigation

Date: February 26, 2021  
 To: Ofc. Thomas Burger  
 From: Detective Randall Doyle FCSD  
 Re: Internal Investigation #:2020-1208CC/2020-001FCSD

You are ordered to report to 1769 E. Moody Blvd. on March 8, 2021 at 0900 hours to answer questions in reference to the aforementioned internal investigation.

This investigation may or may not lead to disciplinary action against you, and you are entitled to bring a representative (an attorney or another representative of your choice). If you chose to be represented at the interview by an attorney, please advise me so that arrangements can be made with the city's attorney to also be present. Please be aware that your representative:

- May attend.
- May assist in counsel.
- May not disrupt or bargain over the purpose of the interview during the interview process.
- It must be emphasized that as long as the Weingarten Rules are followed, a representative has no right to tell you not to answer questions, or to advise you to provide false answers. You can be disciplined if you refuse to answer questions or are untruthful with your answers.

Digital recordings of all sworn witness statements, as well as digital copies of document/exhibits that may or may not be used as part of this investigation, will be available for your review immediately prior to your statement being taken. Please make the appropriate arrangements with your supervisor to attend this mandatory meeting.

*Randall Doyle* CPO-5  
 Employee's Signature

3/5/21  
 Date

9:30 am  
 Time

Served By	Date	Time

Witness: *[Signature]*

Distribution: Original to investigative file. Copy to employee.  
 Linked to: General Order #021  
 Form # 025 (10/19)



# Crescent City Police Department

## Notice of Obtaining a Statement for Internal Investigation

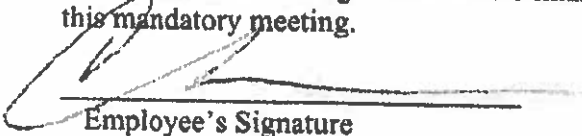
Date: February 26, 2021  
 To: Sgt. Walter "Chad" Ward  
 From: Detective Randall Doyle FCSO  
 Re: Internal Investigation #:2020-1208CC/2020-001FCSO

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 Employee's Signature

3/5/21  
 Date

0930  
 Time

Served By	Date	Time

WITNESS: 

Distribution: Original to investigative file. Copy to employee.  
 Linked to: General Order #021  
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# Crescent City Police Department

## Notice of Obtaining a Statement for Internal Investigation

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 From: Detective Randall Doyle FCSO  
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Randall Doyle CPD-5  
 Employee's Signature

3/5/21  
 Date

9:30 am  
 Time

Served By	Date	Time

WITNESS: [Signature]

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 Linked to: General Order #021  
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# Crescent City Police Department

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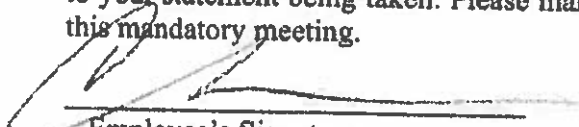
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 Re: Internal Investigation #: 2020-1208CC/2020-001FCSO

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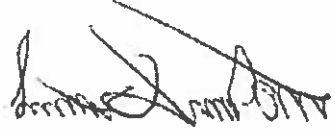
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 Employee's Signature

3/5/21  
 Date

0930  
 Time

Served By	Date	Time

WITNESS: 

Distribution: Original to investigative file. Copy to employee.  
 Linked to: General Order #021  
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## Crescent City Police Department

### Internal Investigation Confidentiality Acknowledgement Form

The employees of the Crescent City Police Department (CCPD) will not communicate or impart confidential law enforcement information, either in writing or verbally, to unauthorized persons. This includes information obtained during the course of employment and to other agencies, over any communication network and to the public. Personnel will not disclose any information regarding administrative investigations or disciplinary actions until such action becomes public record.

CCPD GO -Failure to Cooperate with Internal Investigation states "Personnel shall answer all questions, provide all requested documents, and otherwise cooperate with inquiries and/or investigations that are related to their employment with the agency, off-duty employment; volunteer activities with the agency or that are otherwise related to CCPD operations. This specifically includes requests from superior officers or other designees of the Chief of Police."

A sustained violation of this GO can result in your termination from the <sup>CCPD</sup> ~~ECSSO~~. By signing this document, I have read and understand the above statements and applicable GO's.

SIGNATURE: *[Signature]* DATE/TIME: 1/20/2021 1:11 Pm

WITNESS: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

WITNESS: *[Signature]* DATE/TIME: 1/21/2021 1:11

**Distribution: Original to Investigating Member and to be included in file.**  
**Linked to: General Order #021**  
**Form # 020 (10/19)**




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SIGNATURE:  DATE/TIME: 1/22/21 9:20

WITNESS: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

WITNESS:  DATE/TIME: 1/22/21 9:20

**Distribution: Original to Investigating Member and to be included in file.**  
**Linked to: General Order #021**  
**Form # 020 (10/19)**



## Crescent City Police Department

### Employee Notice of Internal Investigation

**Date:** December 22, 2020

**To:** Officer Thomas Burger

**From:** Detective Randall Doyle FCSO

**Internal Investigation #:** CC/FCSO 2020-001

The CCPD has initiated an internal investigation into the allegation/complaint that you may have violated CCPD General Orders. The investigation involves an allegation of G.O. 4 Ethics, 14.1 Rules of Conduct, 17.1 Insubordination, 43 Pursuits on or after September 16, 2020.

You will be notified when to appear to answer questions fully and truthfully and to present all information and/or evidence relevant to this investigation when directed to do so by Detective Randall Doyle, Flagler County Sheriff's Office, the CCPD employee responsible for this investigation.

Since this is an internal investigation, you are ordered to fully cooperate with the investigation. You are entitled to review the complaint and any and all evidence immediately prior to your interview. If you wish, you may have counsel or a representative of your choosing with you during questioning. All information concerning this investigation is to remain confidential until the investigation becomes a public record. If you divulge information prior to it becoming public record, you are in violation of CCPD General Order's. Upon completion of the investigation, you will be notified of the findings and any action, if any, to be taken.

If you wish to voluntarily admit you committed the violation(s) of the General Order(s) listed above, and wish to expedite the disposition of the matter, you must acknowledge and return the completed Expedited Disciplinary Process form within three (3) working days of the receipt of this document to the investigating supervisor listed above.

Employee's Signature

12/22/20

Date

1:00 pm

Time

Served By

Date

12/29/20

Time

1:00 pm

**Distribution:** Original signed to investigating member

**Linked to:** GO # 021

**Form # 024 (10/19)**

**Page 1 of 1**




## Crescent City Police Department


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A sustained violation of this GO can result in your termination from the FCSO. By signing this document, I have read and understand the above statements and applicable GO's.

SIGNATURE:  DATE/TIME: 12/22/20 1:00pm

WITNESS:  DATE/TIME: 12/22/20

WITNESS: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

**Distribution: Original to Investigating Member and to be included in file.**  
**Linked to: General Order #021**  
**Form # 020 (10/19)**



## Crescent City Police Department

### Employee Notice of Internal Investigation

**Date:** December 22, 2020

**To:** Sergeant Walter Ward

**From:** Detective Randall Doyle FCSO

**Internal Investigation #:** CC/FCSO 2020-001

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\_\_\_\_\_  
Employee's Signature

12/22/2020  
Date

2:10  
Time

Served By		Date	<u>12/22/20</u>	Time	<u>2:10</u>
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**Distribution:** Original signed to investigating member

**Linked to:** GO # 021

**Form # 024 (10/19)**

**Page 1 of 1**






## Crescent City Police Department

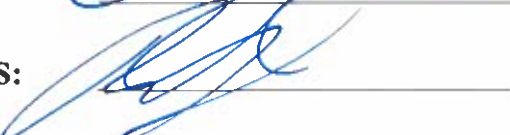
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A sustained violation of this GO can result in your termination from the FCSO. By signing this document, I have read and understand the above statements and applicable GO's.

SIGNATURE:  DATE/TIME: 12/22/2020 2:10 pm

WITNESS:  DATE/TIME: 12/22/2020 2:10 pm

WITNESS: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

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SIGNATURE:  DATE/TIME: X 1-20-2021 / 10:07AM

WITNESS: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

WITNESS:  DATE/TIME: 1-20-21 10:07

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**Form # 020 (10/19)**



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SIGNATURE: [Signature] DATE/TIME: 11.19.2021

WITNESS: [Signature] DATE/TIME: \_\_\_\_\_

WITNESS: [Signature] DATE/TIME: 1/19/21

10:05  
[Signature]

**Distribution: Original to Investigating Member and to be included in file.**

**Linked to: General Order #021**

**Form # 020 (10/19)**