

FLAGLER COUNTY SHERIFF'S OFFICE
COUNTY OF FLAGLER
James L. Manfre, Sheriff

DATE: April 18, 2016

TO: Commander Paul Bovino, Training Unit

FROM: Deputy Eric Josey 61-722

SUBJECT: REBUTTAL TO DEFICIENCIES MEMORANDUM

1. This letter is regard to your recent observations, deficiencies and complaint memorandum dated April 13, 2016. In your memorandum, you disclosed two separate "traffic complaints" by two FCSO deputies alleging that I was speeding in my personally owned vehicle on two separate occasions. This letter shall serve to formally dispute their email allegations.

2. On April 9th, 2016, Deputy Kocorowski alleges that on March 31st, 2016, in relevant part stated that "I was behind Recruit Deputy Josey in my agency marked patrol vehicle going 53 mph in a 35 mph zone." He further stated that "Recruit Deputy Josey continued to travel 17 mph over the speed limit through the city of Bunnell while a marked agency patrol vehicle was behind him."

3. Here, Deputy Kocorowski's email allegations were sent to you *nine days after* his alleged speeding incident. This belated complaint at the very least undermines the credibility and legitimacy of his claims. Further, Deputy Kocorowski admits that he was speeding "in his agency vehicle going 53 mph in a 35 mph zone" and made no attempt to pull over the alleged person speeding. His claim that I continued to travel 17 mph over the speed limit and not recognize or acknowledge his marked agency vehicle is not plausible or even creditable.

4. Deputy Kocorowski did not give me any form of notice at the time or after the alleged incident. I wholly deny his claim that I was speeding or that I willfully disrespected my own agency marked vehicle. His claim should have been timely reported at the time of the incident. A nine day delay in reporting this alleged incident is inexcusable and should not have included in your deficiency report. Even a new hire deputy has the right to face their accuser or at the very least be able to respond to a timely allegation.

5. On April 11, 2016, Deputy J Glasgow email alleges that on April 6, 2016, in relevant part that "While traveling the posted speed limit, in the inside lane, a maroon colored SUV came at high rate of speed behind me. The vehicle came within a close proximity of my vehicle before abruptly switching lanes and passing me at a high rate of speed. The vehicle was estimated at approximately 85 to 90 miles per hour."

6. Here, Deputy Glasgow emailed her allegations of speeding and reckless driving by me in my personally owned vehicle *five days after* the alleged incident and *two days after* Deputy Kocorowski emailed his uncreditable and deleterious allegations. Further, if Deputy Glasgow was so disturbed or troubled enough to report this incident of alleged reckless driving, why didn't she report this incident at the time she allegedly followed me to the Sheriff's Operations building, or at least the very next day? It just doesn't seem plausible that she would wait five days to report her alleged claims.

7. Commander Bovino, it has not gone unnoticed that both alleged traffic incidents against me was reported *after* a records request was made for my agency personnel file by the local media. I believe the timing of these belated complaints *is not a coincidence*. The inclusion of these meritless traffic complaints in your deficiencies report only served to diminish the integrity of your otherwise legitimate observations and concerns.

8. Although I totally agree with your statements regarding the importance of responsible and safe motor vehicle operation, and setting a positive example when driving agency vehicles, I believe your statements here was unwarranted and potentially misleading to any person who may review your report. In either of the complaints, I was not alleged to have been driving an agency vehicle and I was not speeding in my personally own vehicle. You will find my drivers abstract record is exemplary and above reproach. I have no history record of speeding or reckless driving citations. I never received a citation in the State of Florida. I have been residing here since 2005.

9. Further, I do not dispute the incident in which I left my personally owned off-duty firearm at the range or the minor unshaven incident. It should be noted that I was qualifying with two off-duty firearms in my possession at the time and placed one of them on the base of a target stand while I qualified with the other firearm. When I returned to retrieve my firearm, it was found where I left it. It was unloaded and without the magazine. It was recovered without incident.

10. As we discussed in the past, I do recognize your legitimate observations and concerns. This rebuttal is only meant to challenge the unethical traffic allegations and to defend my reputation and character against the surreptitious request for my records initiated by an anonymous agency source. Any investigation into my law enforcement background will show that I never been accused or faced charges of misconduct or incompetence, never been placed on modified duty, never faced a disciplinary trial and I never been suspended from duty.

11. In my former law enforcement career. I enjoyed numerous specialized assignments and highly competent evaluations. I never have been accused of disrespecting law enforcement in their uniform or agency vehicle.

12. It is for all of the aforementioned reasons stated in this letter; I am authorizing the release of this rebuttal with the other records that have been released in regard to the recent media request for my employment records with this office.

13. **FOR YOUR INFORMATION AND ATTENTION.**

Respectfully Submitted,

Deputy Eric Josey 61-722

cc: Sheriff James Manfre
HR FTO File
Requesting Records Party