



Rick Staly, Sheriff

FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

Internal Investigation Report

Internal Inquiry Incident #2021-0019

Sworn Employee

Corporal Mark Moy

Internal Inquiry Incident #: 2021-0019

Subject Employee: Mark Moy

Division: Investigative Services

Date of Hire: January 31, 2007

Probation Status (if any): None

Date of Most Recent Promotion: April 17, 2017

Previous Corrective Measures: N/A

List of Witnesses: N/A

List of Exhibits: N/A

Incident and Complaint: Battery Domestic Violence Arrest off duty Palm Coast Florida

Investigation:

On Friday, February 12, 2021 at 1814 hours, Corporal M. Moy was arrested by the Flagler County Sheriff's Office for Domestic Violence Battery. FCSO case # 2021-13602 was generated at 0304 hours on said date.

The report documents that the incident occurred at the personal residence of M. Moy and involved his adult daughter, [REDACTED] between Thursday, February 11, 2021 at 2300 hours and Friday, February 12, 2021 at 0122 hours. Sergeant F. Gamarra was assigned to investigate the incident due to M. Moy being an employee with the Flagler County Sheriff's Office. Sgt. Gamarra responded to [REDACTED] Flagler Beach, Florida and met with [REDACTED] at approximately 0350 hours.

████████ informed Sgt. Gamarra that her biological father M. Moy struck her on the side of her face, causing pain and trouble hearing out of her left ear. This incident was said to have begun in the kitchen of the family home and in the presence of her step mother, Portia Lynn Moy, John Jack Castanheira (Off duty FCSO Detective) and family friend Jennifer Cavanaugh.

████████ advised that the incident was preceded by a verbal confrontation from M. Moy at which time, ██████ went to the garage for a soft drink. ██████ advised that M. Moy followed her to the garage and grabbed her by the shirt and neck with his hands while continuing to verbally confront her. ██████ states that she then went to her bedroom and closed her door. ██████ stated that M. Moy then broke through her door, grabbed her by the neck and slapped her with an open hand on the left side of her face. ██████ advised that her step mother Portia Lynn Moy entered the room and separated them from each other. J. Castanheira then entered the room and guided M. Moy out of the room.

At approximately 0122 hours, ██████ contacted her step-father and informed him of what had taken place while stating she was coming to spend the rest of the night at his residence. It was from this location ██████ called the sheriff's office to report the incident.

Sgt. Gamarra documented the following injuries with photographs however, no medical attention was provided due to ██████ declining and the injuries appearing to be minor.

- Redness to the right chest area
- A minor scratch at the base of the neck
- Two distinct scratch marks on the neck
- Bleeding to the left ear, underneath a round, yellow earring

████████ declined to provide a written statement stating she was too shaken up to write and requested that her Axon video be utilized for her statement. ██████ verified that no weapons were used in the incident and that M. Moy never threatened to kill her. ██████ did indicate that she was now in fear of M. Moy and feared for her safety. At the time of Sgt. Gamarra interviewing ██████ she declined to pursue criminal charges however, Sgt. Gamarra informed her that FCSO would be conducting a full investigation regardless of her decision.

At approximately 0500 hours, Sgt. Gamarra and Commander Jason Neat responded to M. Moy's residence for the purpose of conducting an interview. Upon arrival M. Moy allowed both to enter his home at which time, Sgt. Gamarra informed M. Moy of the allegations being made by ██████. M. Moy was then asked if he wished to provide a statement regarding the incident. M. Moy informed Sgt. Gamarra that ██████ was being disrespectful and has been increasingly more disrespectful in the recent past which lead to a verbal disagreement. Sgt. Gamarra then read M. Moy his Miranda Warnings at which time, M. Moy waived his rights and agreed to answer questions. In the interview M. Moy reiterated what he believed to be the reason for the dispute while advising that ██████'s disrespectful attitude has increased since she has reached adult age. M. Moy declined seeing any injuries on ██████ and advised that he was not aware that she had left the residence. M. Moy also declined to provide a written statement allowing the Axon video to stand as his statement.

Sgt. Gamarra then interviewed P. Moy at which time, she confirmed that she did witness the verbal altercation and did enter the bedroom to separate the two however, she never observed anything physical between the two. An interview of Ms. J. Cavanaugh was also conducted and she too advised that she did hear the verbal dispute but never observed anything physical.

Corporal B. Lowe was instructed to locate J. Castanheira however contact could only be made by telephone. J. Castanheira advised that he was currently in Orlando and was not available to be interviewed until later in the day. Cpl. Lowe indicated that J. Castanheira sounded intoxicated at the time of contact.

At approximately 1255 hours the same date Sgt. Gamarra contacted J. Castanheira and asked that he provide a statement over the phone to which Castanheira agreed to do. During this interview, J. Castanheira confirmed that he did in fact hear a verbal altercation between [REDACTED] and M. Moy but could not provide details of the content. J. Castanheira did confirm that he went to [REDACTED]'s bedroom and did remove M. Moy from the room. J. Castanheira advised that he did not witness anything physical take place and he did not hear anyone say that anything physical took place. Castanheira was able to confirm that the incident took place at approximately 0100 hours and that [REDACTED] left the residence prior to 0130 hours. Interview is on Axon video.

Based on the information obtained in the investigation Sgt. Gamarra believed there was enough probable cause to make an arrest for Battery Domestic Violence which was done.

On Friday, February 12, 2021, Cpl. M. Moy was placed on Administrative Leave and Suspended Without Pay. Notice was served by Commander J. Taylor FCSO.

On Monday, February 22, 2021, Chief M. Strobridge authorized Detective Randall Doyle to conduct an Internal Inquiry however, the investigation would not commence until the criminal aspects of the case were resolved.

Corporal M. Moy sworn statement:

On Monday, February 22, 2021 at 1001 hours, Detective Doyle met with Cpl. M. Moy and PBA Attorney G. Forhan at 1769 E. Moody Boulevard in the office of the Assistant State Attorney. Cpl. Moy and his counsel requested he be provided an opportunity to give a voluntary statement regarding the incident that occurred in the early morning hours of Friday, February 12, 2021.

The statement began with all parties in the room stating their full names and positions. Cpl. Moy was then presented a confidentiality acknowledgement form for which he signed and was witnessed by Counsel Forhan. Cpl. Moy was also presented a copy of the Police Officers Bill of Rights. The Garrity Notice was then read out loud and Cpl. Moy was then sworn by raising his right hand. Detective Doyle reiterated that an investigation had not yet been initiated that this was simply an opportunity for Cpl. Moy to provide a voluntary statement and was offered based on his request.

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Linked To: General Order #019

FCSO # IA-004 (08/18)

Counselor Forhan was then offered an opportunity to make a statement on behalf of M. Moy. Counselor Forhan advised that his client is specifically waiving all rights noted under the officer's bill of rights that would require a full investigation to be conducted by the agency. Counselor Forhan acknowledged that FCSO and Detective Doyle will reserve the right to re-interview M. Moy should it be deemed necessary. Detective Doyle confirmed that M. Moy was in fact in agreeance with the statement provided by his attorney to which M. Moy verbally acknowledged.

M. Moy was then provided an opportunity to make a formal statement. M. Moy began by stating his appreciation for the opportunity provided on this date. M. Moy then went into detail regarding the incident and how it was initiated between himself and [REDACTED]. M. Moy started by explaining how increasingly disrespectful [REDACTED] had become over the past year or so and on this particular evening she disrespected him in front of company and addressing her, [REDACTED] walked away from him and then pushed passed him when he tried to stop her. M. Moy then advised that it was at this time that he grabbed [REDACTED] by her shirt but she pushed passed him and went into her room. M. Moy advised that he followed [REDACTED] into her bedroom and they continued to argue. M. Moy advised that he then grabbed [REDACTED] by her shirt again and slapped her in the face. M. Moy advised that this is not in his character but added that he had been drinking but was not saying that this alleviated the responsibility. M. Moy advised that he felt disrespected and disrespecting your parents is not the way he was raised. M. Moy again expressed his distaste for this form of disrespect but was quick to state that his actions and response is unacceptable. M. Moy again stated that this behavior is not who he is and would honestly do anything for his children and always will. M. Moy advised that when his wife walked in the room and at that time, [REDACTED] made mention of calling the police. M. Moy advised, he then threw his phone on the bed and told [REDACTED] to go ahead and call. It was at this point that J. Castanheira walked into the room and the two then walked back to the kitchen.

M. Moy advised that at approximately 0500 hours, Sgt. Gamarra and Cmdr. Neat came to his front door. M. Moy advised that they entered the house and informed him of the complaint to which, he advised he was not aware that [REDACTED] had left the house and that this had escalated to this point. M. Moy stated it was at this point that he lied to Sgt. Gamarra and Cmdr. Neat. M. Moy became emotional while stating again that this is not in his character and he will never do anything of this nature again. It was clear that the emotions were overwhelming and some time was permitted for him to gather his thoughts.

Moving forward Det. Doyle asked M. Moy if he felt as though he was intoxicated at the time the incident occurred. Moy responded by stating, "I don't think so but I don't know, I don't know what my levels were or anything." M. Moy advised that he started drinking at approximately 1900 hours and consumed three to four Vodka's. M. Moy advised that he believed the incident took place around 2300 hours but later realized it was at approximately 0100 hours. When asked what J. Castanheira witnessed, M. Moy advised that the incident did not become loud until they moved to the garage and it then went to the bedroom.

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Det. Doyle asked M. Moy how he gained entry into [REDACTED]'s bedroom. M. Moy stated, "I was walking to the bedroom and she slammed the door on me, so I pushed it open. When asked, M. Moy confirmed that no one actually witnessed the physical portion of the incident.

Once again Counselor Forhan was offered an opportunity to speak and/or make a statement. Counselor Forhan asked M. Moy if he believed [REDACTED] did anything to justify him striking her. M. Moy advised she did not and volunteered that he has never put his hands on [REDACTED] or any of his children in this manner prior to this incident. Counselor Forhan asked M. Moy how he believes this incident reflects on the Sheriff's Office. M. Moy stated, "There are no words and I am so embarrassed." M. Moy again became emotional at which time, Counselor Forhan asked M. Moy what he planned to do to make sure that this kind of thing never happens again. M. Moy responded by stating, "I plan on doing whatever it takes, anger management counseling, AA meetings or whatever it takes. I don't believe I have a problem but I am willing to seek out and see if there are any issues that I may have, I think I owe that to everybody at least. I need to make sure that it is something I can check off the list." Counselor Forhan stated, "You lied to the deputies that showed up early that morning?" M. Moy stated, "I did." Counselor Forhan asked, "Why?" M. Moy stated, "I was really just taken back." Moy then responded yes when Forhan asked him if he panicked. Det. Doyle asked, "What was the lie?" M. Moy stated, "I lied that nothing physical happened." Counselor Forhan asked M. Moy if there was anything he would like to say to the sheriff. M. Moy responded, "I don't think words can express how sorry I am that I have brought disgrace to this agency, I've been employed here for fourteen years and I have never had any form of discipline. I come to work every day and work for the citizens of this county, I love my job. I believe that I have excelled and continue to do great things for this agency and I am really sorry that I have disgraced this agency."

Interview concluded at 1021 hours.

Discussion:

On Wednesday, March 19, 2021 the Assistant State Attorney of the 7th Judicial Circuit signed a Deferred Prosecution Agreement regarding M. Moy on the charge of Battery Domestic Violence case #MM2103269A06 Clerk #21-00135-MM. The agreement under #6 Special Conditions are as follows:

- Provide proof of completion of a substance abuse evaluation and any recommended treatment.
- Provide proof of completion of an 8-hour anger management course.
- Pay \$20.00 to Crime Stoppers of NE Florida PO BOX 731379, Ormond Beach
- Pay \$100.00 to the State Attorney's Office for costs of prosecution

The full agreement is attached to this case file as well as the documents requested by the ASA.

On Thursday, April 8, 2021 Cpl. M. Moy signed a request for expedited discipline forgoing any further investigation into this matter by FCSO.

On Tuesday, April 13, 2021 Cpl. M. Moy entered into a Disciplinary Probation Agreement with the FCSO and the Coastal Florida Police Benevolent Association. The probationary agreement documents that policy violations sustained within this investigation carry potential disciplines from suspension up to and including termination. The agreement recognizes Cpl. Moy's exemplary employment history and his acceptance of responsibility for his actions and institutes the following terms.

1. Employee M. Moy is reassigned to a non-sworn position as a Digital Forensics Analyst.
2. Employee M. Moy will be placed on twelve months (12) probation to include special conditions.
3. Provide proof of completion of a substance abuse evaluation and any recommended treatment.
4. Provide proof of completion of an 8-hour anger management course.
5. Pay \$20.00 to Crime Stoppers of NE Florida PO BOX 731379, Ormond Beach, Florida.
6. Pay \$100.00 to the State Attorney's Office for costs of prosecution.
7. Mandatory participation in the Sheriff's Employee Assistance Program.

The position of Digital Forensics Analyst will administratively hold M. Moy's law enforcement certificate however, M. Moy will have no Law Enforcement Authority while in this position. If M. Moy successfully completes the assigned probation agreement in its entirety, he may apply for a deputy sheriff position with the Sheriff's Office via memo. M. Moy shall serve a suspension without pay from February 12, 2021, through the date this agreement is fully executed. M. Moy is also required to have a mandatory private meeting with Sheriff Staly. The entire probationary agreement is included in this report.

Findings:

This investigation has been **Sustained** for the following violations.

Flagler County Sheriff's Office General Order 020 Standards of Conduct

Category 10 violations:

(1) (c) **Conformance to State and Federal Law:** Personnel will comply with the laws, rules and Constitution of the United States, the State of Florida, or any of their subdivisions.

Category 9 violations:

(2) (f) **Unbecoming Conduct:** Personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the FCSO. Conduct unbecoming shall include that which brings the FCSO in disrepute or reflects discredit upon the personnel as a member of the FCSO, or that which impairs the operation or efficiency of the FCSO or personnel.

Disciplinary Action: Flagler County Sheriff's Office General Order 019 outlines punishment for

Category 9 violations: Include all ranges of discipline, from suspension up to and including termination.

Category 10 violations: Termination

To be Completed by the Investigating Supervisor or Official:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.



Signature

April 13, 2021
Date

Sworn to and subscribed before me, the undersigned, this 14 day, April month, 2021 year.


Notary



MARK D. STROSKIE
Reviewing Supervisor Printed Name

04/13/2021
Date


Signature of Reviewing Supervisor