



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

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

Internal Investigation Report

Internal Inquiry Incident #2022-0063

Sworn Employee

Corporal R. Myers

Internal Inquiry Incident #: 2022-0063

Subject Employee: Cpl. R. Myers

Division: Community Policing

Date of Hire: 7/10/2013

Probation Status (if any): None

Date of Most Recent Promotion: None

Previous Corrective Measures: None

List of Witnesses:

Commander B. Finn

Sergeant J. Miley

Sergeant P. Kandour

Deputy S. Green

Deputy L. Jenkins

List of Exhibits:

Exhibit 1: Green Axon Video #1

Exhibit 2: Jenkins Axon Video #2

Exhibit 3: Green Axon Video #3

Exhibit 4: Marsan Axon Video #4

Exhibit 5: Finn Axon Video #5

Exhibit 6: Commander B. Finn: Interview

Exhibit 7: Sergeant J. Miley: Interview

Exhibit 8: Sergeant P. Kandour: Interview

Exhibit 9: Deputy S. Green: Interview

Exhibit 10: Deputy L. Jenkins: Interview

Incident and Complaint:

Distribution: Original to investigative file

Linked To: General Order #019

FCSO # IA-004 (08/18)

On Thursday, February 17, 2022, FCSO case# 2022-24329 was generated in reference to a traffic stop conducted by Dep. S. Green. The stop occurred at Palm Harbor Parkway and Cottonwood Court on a silver Chevrolet pickup truck. The vehicle was occupied by the driver off duty Cpl. R. Myers and passenger off duty Dep. N. Malheiros. The vehicle was in fact registered to Cpl. Myers. The traffic stop resulted in a written warning regarding failure to yield to emergency vehicle and coordinating a ride home for the occupants of the vehicle by a family member. The traffic investigation revealed that Myers had been drinking alcohol prior to being stopped. It also revealed that Malheiros was highly intoxicated. On Friday, March 25, 2022, Chief M. Strobridge authorized Det. R. Doyle to conduct an Internal Inquiry.

Investigation:

On Wednesday, March 30, 2022, Cpl. R. Myers was served notice of an Internal Inquiry being conducted in relation to this incident. Sgt. J. Miley was present at the time of service.

Interview Dep. S. Green:

On Wednesday, April 6, 2022 at 9:02 hours, Det. Doyle interviewed Dep. S. Green at 1769 E. Moody Blvd. the county courthouse regarding the traffic stop conducted on Cpl. R. Myers on March 17, 2022. Present for the Interview was Les Cantrell a representative from the International Brotherhood of Police Officers Union.

Dep. Green was then sworn in and asked to provide details of the traffic stop on March 17th. Dep. Green advised that shortly before 22:21 hours he initiated a traffic stop on an unrelated vehicle when the subject vehicle approached from the rear, north bound on Palm Harbor. Green advised as he exited his patrol vehicle this second vehicle failed to slow or vacate the lane of traffic. Being concerned about being hit by the vehicle, Green leaned his back up against his vehicle as the vehicle passed within two feet. (Estimated) Green reentered his patrol vehicle terminated his original stop and attempted to stop the second vehicle. (Body Camera footage available)

Upon initiating the second traffic stop Green recognized the driver as off-duty Corporal R. Myers. Green advised he had previously worked under Myers command. Green stated that prior to identifying the driver he, Green asked the driver as he approached why he almost struck his patrol vehicle. Green advised that the driver, Myers informed him that he did not almost hit his car and in fact said he, Myers was six feet away on the other side of the painted traffic lines. Green advised that he Green was a bit heated and shaken by what took place so he turned and walked away to gather his thoughts and composure. Det. Doyle, "Is it safe to say you were disappointed when you realized who the operator was?" Green, "Yes, there was a strong odor of alcohol coming from the vehicle and the first clues of talking to him his bloodshot glassy eyes, the odor of alcohol." Green, "I observed Nancy Malheiros (off duty deputy) in the passenger seat who appeared extremely intoxicated by looking at her face, she was discolored and stuff and her makeup was smeared." Green advised that he walked back to his car to gather his thoughts. Green advised that Myers became argumentative, defensive and began badgering Green with ideas of ulterior motives for the traffic stop. Green advised that Myers suggested that he Green would benefit in some way from the traffic stop and this upset him do their previously good relationship.

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Green was asked by Doyle what he was feeling at the time of the traffic stop and his interaction with Myers. Green advised he was at a loss of direction and where to go causing him to take several moments to gather himself. Myers according to Green made his direction more unclear due to his lack of cooperation and willingness to comply with his requests.

Green advised that this was his first time dealing with an off duty officer or deputy involved in an incident that required him to make decisions. Green advised that he initiated a warning citation but was having difficulty completing it due his feelings over the interaction.

Green was asked if he had determined at some point that Myers was under the influence of alcohol to the point his normal faculties were impaired and he responded yes. Green advised that he had decided at that point that he would arrange for a ride home both Myers and Malheiros. This decision was made when he Green walked Myers to the back of his truck so he could separate Myers from Malheiros. Malheiros had been observed vomiting from the passenger side of the vehicle and Green was attempting to prevent associating those odors with Myers. Green clarified that once separated he Green could still observe the odor of alcohol from Myers as well as having blood shot watery eyes and appeared to be attempting to hide clues from him and at that point he Green felt Myers was too impaired to drive. Green advised that his decision was to write a warning and arrange for a ride home. This in itself presented its own challenge. Green advised that he asked Myers multiple times to call for a ride however Myers responded by telling Green that he was their ride and refused to comply stating that he was a sober driver.

After about 25 minutes, Commander B. Finn arrived on scene as did Malheiros' son whom she called to assist with a ride. It was at this time that arrangements were made for an additional person to assist in taking the subject vehicle home as well as providing rides to Myers and Malheiros. Green advised that Cmdr. Finn is the only supervisor to arrive on scene and that he Finn never actually spoke to Myers. Green did advise that Myers did however address Cmdr. Finn by shouting out that this was "fucked up". Myers can be heard on body cam video shouting to Finn that this was "fucked up and bullshit" however, Finn only responded by telling Myers to have a good night and encouraged him to leave with his ride. Myers can also be heard stating "Seth needs to learn his place." Myers appears agitated with an obvious display of contempt for Green throughout the traffic stop. Green confirmed at this point that although he talked to Sgt. P. Kandour on the telephone regarding this incident no other supervisors came to the scene. This is attributed to the fact that it was a busy St. Patrick's Day evening.

Green was asked if he ever actually spoke with Malheiros and he advised that he had. Green advised that once Malheiros' son arrived she approached Green at the rear of his patrol vehicle and she appeared confused and asked him what was going on. This situation had been going on for a substantial amount of time so Green was surprised when she asked what was going on. Green was asked if he actually witnessed Malheiros vomiting and he replied that he did not. Green was asked if he observed any signs of vomit inside the vehicle and he advised he did not. Green was asked if he observed anything on Myers clothing that indicated she, Malheiros had vomited on him and he advised that he did not. Green was asked if he observed all of the classic signs of impairment when dealing with Myers and he advised he did. Green was asked if he has had any contact with or conversations with Myers since the incident.

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Green advised that Myers has texted him. Green advised that Myers actually texted him while the traffic stop was taking place. The text from Myers stated, "Are we gonna sit here all night?" Green did not respond. After the stop was completed Myers texted, "Thanks for the chance to take FSE'S which are field sobriety exercises and again he did not respond." Green was asked what he thought the text meant and he stated, "I think he was intoxicated, mad and lashing out, I don't know if there was any meaning to it." Green was asked what he thought about the entire incident and Myers overall demeanor and attitude on this night. Green advised his response was subpar to how anyone should act on a traffic stop let alone a supervisor, deputy or a friend. Green advised he believed those actions were the result of alcohol consumption.

Doyle advised Mr. Cantrell that he could ask any questions he would like at that point. Cantrell asked Green if he has ever given anyone else an opportunity to obtain a ride home or alternative to driving and he said he had.

The interview was concluded at 09:23 hours.

Interview Dep. L. Jenkins:

On Monday, April 18, 2022 at 0943 hours, Det. R. Doyle interviewed Dep. L. Jenkins at 1769 E. Moody Blvd. the county courthouse regarding the traffic stop conducted on Cpl. R. Myers on March 17, 2022. Also present for the interview was PBA Counselor G. Forehan. Dep. Jenkins was sworn in under oath and asked to provide details of her involvement in this traffic stop.

Dep. Jenkins advised that it was St. Patrick's Day and the agency had extra patrol units out on DUI enforcement and at the time in question Dep. Green conducted a traffic stop in her sector just north of European Village. Jenkins advised she responded to the location as backup and learned at that time that the operator was one of our deputies, Cpl. Myers. Jenkins was informed by Green that Myers was being confrontational and within a short time witnessed this behavior for herself. When asked how he was being confrontational, Jenkins advised she heard Myers making statements such as "You need to know your place and your making this a personal thing." This was in reference to a union dispute according to Jenkins. Jenkins was asked how close she actually got to Myers and she Jenkins replied within a couple feet. Jenkins stated, "He wasn't slurring, to me he didn't smell of alcohol, his eyes were not watery, he was not unbalanced." Jenkins was asked about Myers demeanor and she Jenkins responded, "Like I said he was pretty confrontational." Jenkins was asked if she thought that Myers demeanor was based on his attitude or possibly something to do with alcohol." Jenkins, "Maybe a little bit of both but like I said I didn't see any signs." Jenkins was asked what she thought personally of Myers demeanor and attitude towards Deputy Green. Jenkins, "I think he was pretty demeaning." Doyle, "Do you think he was respectful?" Jenkins, "No." Doyle, "Would you expect him to be more respectful?" Jenkins, "Yes." "It's really hard for me to say this because I really like Cpl. Myers, I think he could have been much more respectful and I think it could have been avoided had he just said sorry when he was pulled over." Jenkins advised she never heard him Myers apologize.

Jenkins was asked if she identified the passenger in the vehicle and had any communication with them. Jenkins advised yes and that it was off duty Deputy Malheiros.

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Jenkins advised that Malheiros was intoxicated. When asked how she Jenkins made that determination she advised that she observed watery eyes, odor of alcohol and also vomiting outside the subject vehicle. Jenkins was asked if she observed her being sick and she advised that she could hear her being sick. Jenkins then confirmed again that Malheiros was in fact intoxicated.

Interview was concluded at 09:54 hours

Interview Commander B. Finn:

On Tuesday, May 31, 2022 at 17:14 Det. Doyle interviewed Cmdr. B. Finn at 1769 E. Moody Blvd. the county courthouse regarding the traffic stop conducted on Cpl. R. Myers on March 17, 2022. Cmdr. Finn was sworn in under oath asked to provide details of his involvement in this traffic stop.

Cmdr. Finn advised that he was the on duty Shift Commander when he received a phone call from Sgt. P. Kandour. Kandour advised him that Dep. Green had just conducted a traffic stop on off duty Cpl. R. Myers. Kandour explained that Green informed him that he could smell alcohol within the vehicle. Finn informed Kandour that as soon as he could clear the priority call he was on he would be in route to the location. Finn also informed Kandour to advise Green to handle this traffic stop as he would any other stop.

Upon arriving on scene Finn made contact with Green at which time, Green informed him that a ride had been arranged and they were currently waiting for that to take place. Finn advised that he reiterated to Green that he needed to handle this traffic as he would handle any other and that it was totally at his discretion. Finn advised that he updated Cmdr. Woodward the on duty Community Policing Chief for the shift. Finn then explained that he did not have any personal contact with Myers at the direction of Chief Woodward. Finn advised that he stood by as the conclusion of the traffic stop unfolded.

Finn was asked if he had any personal contact with Myers. Finn advised that Myers did try to engage a conversation with Finn however, Finn did not comply believing it was not in the best interest at the time. Finn explained that he was approximately 20 to 30 feet away from Myers when he repeated several times that this wasn't right and Finn responded by telling Myers to have a good night. Finn advised that Malheiros began walking towards him and he politely redirected her to go back to the vehicle and to have a good night.

Finn was asked if based on his observations, had he reached an opinion as to whether Myers was intoxicated or not. Finn advised that based on his encounter being limited he believes Myers had some sort of alcoholic beverages from his personal observations but could not advise if it was enough to impair him from driving. Finn stated, "Watching the other body cam footage it definitely leads credence a little more that he was but without conducting my own investigation it's really hard to say." Finn was asked what exactly gave him the impression that Myers had been drinking. Finn advised that Myers was very disgruntled but definitely seemed more agitated than he has observed him in the past. Finn advised that this was based on personal observations as well as his review of the body cam videos.

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Finn acknowledged that Malheiros was in fact intoxicated and he based that on being in direct proximity to her and watching her walk as well as her appearance. Finn further explained that he was able to see her eyes and observed her gazing stare, slurring her words as well as the odor of alcohol.

Finn was asked if he could advise his overall observations both in person and from the videos on Myers demeanor and attitude during the traffic stop. Finn advised Myers can be a disgruntled individual at times however, he usually knows the time and place and he was surprised at his actions.

Interview was concluded 17:27 hours.

Interview Cpl. R. Myers:

On Wednesday, June 22, 2022 at 14:01 hours, Det. Doyle interviewed Cpl. R. Myers at 1769 E. Moody Blvd. the county courthouse regarding the traffic stop conducted on Cpl. R. Myers on March 17, 2022. Cpl. Myers was sworn in under oath and read his Garrity Warnings in the presence of PBA Greg Forehan.

Cpl. Myers was asked to explain what took place on the night of the incident. Cpl. Myers advised that he was on his way home from European Village when he was stopped by an on duty deputy. Myers advised that the deputy was recognized to him as Deputy S. Green. Myers advised that the first thing Green said to him was can you tell me why you almost hit my vehicle. Myers advised that his response was "I did not almost hit your car." Myers then advised that this traffic stop lasted for an extensive amount of time and he did not understand why. Myers asked how extensive Det. Doyle wanted him to get involving the stop. Doyle then asked Myers again if he had time to review the body camera footage available to which he/Myers responded yes. Doyle then advised he did not want to question Myers extensively and requested he give him his own detailed account of the incident.

Myers identified the deputy as S. Green and advised that he immediately felt tension because he and Green have history. Myers advised that they had been friends for several years and his supervisor for a couple of years on the job. Myers described both their working and personal relationship as great until the past few months he/Green has been "trying to sway the agency members to join a different union." Myers advised that he is a huge proponent/advocate for the PBA and was a union representative for many years with extensive knowledge of how the PBA operates. Myers advised that Green began distributing false information regarding the PBA and how the new union would do things that the PBA was not currently doing for the deputies. Myers contacted Green several times to discourage these comments due to the information being false. Myers advised that this activity went on for months at which time, deputies began coming to Myers informing him that things were now being said about him personally causing the friendship to slowly deteriorate. Myers believed that Green was attempting to tarnish his reputation and he/Myers took offense to the comments. Myers advised that when he observed Green approaching his vehicle on the traffic stop it caught him by surprise.

Myers then stated, "Throughout the interaction it seemed that my tension was rising because at the time, I felt I was being held on the side of the road for reasons that were not lawful reasons but were personal reasons, so my tension started rising."

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Myers advised that Green asked that he step out of the vehicle and to the rear so that he could be separated from his passenger who was actively being sick and was extremely intoxicated. Myers advised that as they reached the rear of his vehicle, he/Myers had an idea where the attempt was to take this, and he/Myers became very aware of everything and made a conscious decision not to lean on his vehicle or act in any way that would make him appear unsteady.

Myers advised that he/Myers began getting more and more frustrated because more time kept passing and he felt there was a hidden agenda quickly stating maybe there was not. Myers then advised that he reached an argumentative state with Green and looking back he believes he could have handled it better. Myers then stated that this was on a personal level and had everything to do with their past history and he should have left it there. Doyle then questioned what he was referring to when he stated there was a hidden agenda. Myers stated that he assumed at that time that this was a way for Green to tarnish his name even further regarding the union issues. Myers advised that he allowed that history to get into his head and sway the way he acted. Doyle then asked Myers to clarify if he felt Green had a hidden agenda at which time, Myers said, "I don't know, it's my opinion, I don't have anything to factually base that on." Doyle then suggested they review the incident. During this review Doyle asked if he/Myers believed that Green knew that the vehicle that just passed was in fact Myers. Myers advised that at that moment no he did not believe Green knew it was him until after he/Green walked up to the vehicle. Myers stated, "For that short period of time it was a traffic stop for something he felt was a violation Florida State Statute." Myers again advised he has no factual evidence but he believed the agenda was there.

Doyle then asked Myers about his review of the initial body camera footage and the reason for the stop. During the traffic stop Myers responded to Green by stating that he was six feet away from Green as his vehicle passed. Myers advised that after seeing the video he was incorrect in his response to green since the video clearly shows Myers vehicle within his lane of traffic and not yielding to Green's emergency vehicle by moving over. It cannot be determined based on the video if Myers slows down but Myers advised that he did because he did see the blue lights and was eating pizza at the time. Myers advised that he was doing 32 mph because he looked when he saw the lights and the speed limit is posted 45 mph. Myers admitted that he did not slow to the required 20 mph below the speed limit when yielding to an emergency vehicle.

Doyle verifies that the passenger in his/Myers vehicle is off duty deputy N. Malheiros by Myers acknowledging so. Doyle asked for Myers to advise on his relationship with Malheiros at the time of the traffic stop. Myers advised that they were in fact in a dating relationship at that time. Doyle clarified that in his/Myers earlier statement, Malheiros was highly intoxicated. Myers stated, "She was highly intoxicated correct." Myers confirmed that Malheiros was intoxicated to the point of being sick and vomiting and continued to be sick during the traffic stop.

Doyle then asked Myers if he thought he was aggressive towards Deputy Green. Myers, "That I was a bit argumentative." Doyle asked, "Do you think you would have behaved in any way shape or form that way if anyone else had stopped you?" Myers, "I believe that I would have acted one million percent different if it was anybody else." Myers was asked about his state of intoxication and the fact that Green informed him that he believed him to be intoxicated at the time of the stop.

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Myers advised that he had been drinking and clarified a few drinks. The last one being approximately 9pm and a total of 4-5 beers over an 8-hour period. Myers advised that he went to The European Village for a St. Patrick's Day festival that started around 2pm and left shortly prior to be stopped at 2201 hours the same day. When asked if he patronized any place specific, Myers advised that it is a big celebration with activities, food and drink stands everywhere. Doyle, "Do you feel that you were under the influence to the point that your normal faculties were impaired?" Myers stated, "Absolutely not."

Doyle advised that although he could not comment on his/Myers state of intoxication his observations of his visual agitation and argumentative nature continues throughout the entire traffic stop with several individuals trying to encourage Myers to calm down and return to his vehicle. Doyle advised that with the question of intoxication level the individual looking in from the outside and viewing the body camera footage could indicate the influence of alcohol. Myers continued to refer to the prior history and contempt from the relationship prior is the direct catalyst for his behavior. Myers advised that after being on the traffic stop for an extensive period of time, he/Myers began thinking that Green was simply "Screwing with him." Doyle asked Myers if he felt as though he was complying with Green and his requests. Myers never really answers the question and deflects by responding that he was never given the opportunity to perform field sobriety exercises and asked Green to let's do this properly.

Doyle then reviewed the chain of events with Myers starting with him failing to move over, failing to slow to 20 mph below the speed limit, initially refusing to produce his license, his disregard for Greens request to call for a ride home stating "I am my ride." Myers demeanor when contacted by Green, demeanor, and defensiveness throughout the entire stop to include the arrival of Cmdr. Finn. His comments being heard on tape stating to Cmdr. Finn, "Brian this is bullshit, Brian you know this isn't right." And the huge factor that Green is stating that he/Myers was under the influence and intoxicated, Doyle advised that he and Myers are both familiar with these types of incidents where individuals act similar. Doyle then informed Myers that these facts and videos will be reviewed by his superiors and explained that this was his opportunity to clear up these factors and the reason for his reactions and conduct. Myers again advised that his behavior was simply due to their previous history and knew that Green was capable of taking this opportunity to further tarnish his reputation and he could only become angry in response and the longer it went on the angrier he became. Doyle then revisited the fact that Green requested Myers attempt to get a ride home on several occasions which in itself could have shortened the time spent on the actual traffic stop had he complied. Myers was asked if some of the extensive time spent could have put on his refusal to comply. Myers responded by stating he/Myers did not feel that Green followed procedures or steps and he didn't see a reason to get a ride because he was fine to drive. Myers advised that if Green had gone through the steps, he would have been able to drive away. Doyle stated that we as police officers see it daily, individuals refusing to comply with officers and challenging them and their decisions on the side of the road and in this matter the videos indicate that he/Myers is not complying with Green and challenging his every decision. Myers was asked if he now feels that there was a better time and way to deal with his disapproval of the way Green was handling the traffic stop. Myers advised that he absolutely believes that there was a better time and place while admitting that he was rude, argumentative and could have handled it differently. Myers advised that it hit him hard the first he observed Green walking up to the truck which reignited the past for him to include the tension and conflict.

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Attorney Forehan was asked if he had anything to add at this point. Forehan asked Myers, "Did you fail to move over when passing Greens patrol vehicle?" Myers, "Yes." Forehan, "You do not believe the traffic stop was unwarranted, correct?" Myers, "I do not." Forehan, "The big question is was any of your behavior the result of alcohol consumption?" Myers, "Absolutely not." Forehan, "You were at European Village for approximately 8 hours and consumed approximately 5 beers total?" Myers, "5 beers total." Forehan, "What had you had to eat during that time period?"

Myers, "I ate my weight, corned beef and cabbage, pizza, snack foods throughout the day and eating all day long because there was food set up all over the place out there." Forehan advised that it is terrible that there is inner departmental stress throughout the department over the union issues, but you did acknowledge that the Sheriff should expect better from you, correct? Myers advised "Absolutely, shut my mouth and do what I'm asked to do and show a little bit more respect." Doyle, "How would you have been should you have been on the other side of this traffic stop." Myers, "I have thought about it extensively and if I was in his shoes and truly didn't have a hidden agenda and he acted like that towards me only believing that I did have a hidden agenda it wouldn't look that great."

Myers was asked if there were any additional witnesses that he would like interviewed or any additional evidence that I may have overlooked. Myers stated there was not.

Interview was concluded at 1440 hours.

Discussion:

On Thursday, February 17, 2022, FCSO case# 2022-24329 was generated in reference to a traffic stop conducted by Dep. S. Green. The stop occurred at Palm Harbor Parkway and Cottonwood Court on a silver Chevrolet pickup truck. The vehicle was occupied by the driver off duty Cpl. R. Myers and passenger off duty Dep. N. Malheiros. The vehicle was in fact registered to Cpl. Myers. The traffic stop resulted in a written warning regarding failure to yield to emergency vehicle and coordinating a ride home for the occupants of the vehicle by a family member. The traffic investigation revealed that Myers had been drinking alcohol prior to being stopped and concerns were raised about Myers being impaired. It also revealed that Malheiros was highly intoxicated. On Friday, March 25, 2022, Chief M. Strobridge authorized Det. R. Doyle to conduct an Internal Inquiry.

Det. Doyle reviewed all body camera footage generated on the night in question and is included in this investigation. Det. Doyle conducted interviews of all deputies involved in the investigation and a summary of those interviews is included in this report. During the course of the interviews, it was learned that Cpl. Myers and Dep. Malheiros had attended a St. Patrick's Day Festival at European Village from approximately 1400 hours to just prior to the traffic stop conducted by Dep. Green at 2221 hours. Upon learning this information Det. Doyle made an attempt to identify what businesses were patronized by Myers and what behavior may or may not have been observed by business owners and managers.

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It was discovered that the festival spanned the entire property and consisted of numerous food and drink vendors in addition to the normal businesses housed within the complex. The festival was said to have had 2000 or more visitors throughout the day. This portion of the investigation did not identify any disreputable behavior by either subject and no specific businesses patronized during the event were identified.

Based on the body camera video reviewed and the interviews conducted the following significant factors have been identified.

Cpl. Myers was operating a motor vehicle and failed to yield to an emergency vehicle which resulted in Dep. Green conducting a traffic stop. Myers became defensive, argumentative, and non-compliant with Green and presented indicators of alcohol use during the traffic investigation. Green advised in his interview that Myers was under the influence of alcohol to the point that his normal faculties were impaired. Green did not conduct a DUI investigation choosing to arrange for a third-party ride for Myers and passenger while issuing a warning citation for traffic violation 316.126.

Green is clearly in distress during the traffic stop as he walks away from Myers several times, he is seen and heard taking deep breaths as well as tapping his computer several times in what appears as an attempt to collect himself before taking any action against Myers. These behaviors are documented on Axon video.

Deputy Jenkins and Commander Finn both advised that while on scene they observed behaviors inconsistent with Myers normal conduct but could not confirm that they observed what they could positively identify as signs of intoxication. Myers remained non-compliant and argumentative throughout a prolonged traffic stop largely due to his unwillingness to assist Green in arranging for a ride home. Myers acknowledged his behavior was uncharacteristic and unprofessional while confirming the use of alcohol prior to operating his vehicle however, Myers advised that he had only consumed 5 beers over the course of 8 hours and had been eating all day as well. Myers passenger Malheiros was highly intoxicated at the time of the stop and to the point of vomiting on scene.

Body camera video clearly documents unprofessional and disrespectful behavior on behalf of Myers to which, Myers again acknowledges and appears to be remorseful for during his interview. Myers explained his behavior and contempt for Green during the stop as a result of recent history between himself and Green over agency union disputes and Greens alleged attempt to discredit Myers to other deputies and members of FCSO. Myers indicated that he believed Greens actions on the traffic stop were simply a vendetta against him although acknowledges that Green was unaware of who was driving the stopped vehicle until he approached the driver's window. Myers has sworn under oath that he was not intoxicated nor were his normal faculties impaired at the time of the traffic stop and his regretful behavior was solely based on said history between himself and Green.

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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 Laws:** 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) (e) **Use of Alcohol off-duty:** Personnel, while off duty, shall refrain from consuming intoxicating beverages to the extent that results in offensive behavior which discredits the agency, or renders the personnel unfit to report for their next regular tour of duty.

(f) **Unbecoming Conduct:** Personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorable on the FCSO. Conduct unbecoming shall include that which brings the FCSO into 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.

Category 8 violations:

(3) (c) **Moral Character:** Personnel shall maintain a level of moral conduct in their personal and business affairs which is in the highest standards of the law enforcement profession. Personnel shall not participate in any incident involving moral character which impairs their ability to perform as law enforcement officers or causes the Sheriff's Office to be brought into disrepute.

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

Category 9 violations: Includes 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 R. Dwyer 805

AUGUST 2, 2022
Date

Sworn to and subscribed before me, the undersigned, this 2nd day, August month, 2022 year.


Notary



Mark D. Strobbridge
Reviewing Supervisor Printed Name

08/02/2022
Date


Signature of Reviewing Supervisor