



Flagler County Sheriff's Office

James L. Manfre
SHERIFF

Accountability • Integrity • Respect

MEMORANDUM

DATE: April 13, 2016
TO: File
FROM: Commander P. Bovino
RE: Deputy Eric Josey 61-722

This memo is to document observations, deficiencies and complaints that have been recorded during Phase 1 of the current Field Training Program regarding Deputy Eric Josey. Phase 1 has been completed as of March 12, 2016 and this memo will serve to supplement the Daily Observation Reports that will follow per FCSO General Orders. On March 14, 2016 I met with Deputy Josey to discuss these areas of concern.

Traffic Complaints

-On two separate occasions I received complaints from current deputies in reference to Deputy Josey's operation of his personally owned vehicle. The operation of a motor vehicle is one of the most important parts of the job of a Deputy Sheriff. Patrol deputies spend the greatest amount of time during their shifts behind the wheel of marked agency vehicles. It is imperative that we operate them in a safe manor with the utmost regard for traffic laws, regulations and the safety of the general public. We must also be a role model for those who see us driving in the community. During instruction phases the Training Unit stresses the importance of setting a positive example when in agency vehicles. Receiving traffic related complaints on a member while in training is very concerning and could signify a propensity to abuse ones authority. On April 09, 2016, I was forwarded an email from Deputy J. Kocorowski and on April 13, 2016, I was forwarded an email from Deputy Jodi Glasgow stating the following: *(Below is the copied narrative from each of the emails I received via the FCSO email system).*

April 09, 2016 1:37pm (Deputy Kocorowski)
Hello Sir,

I just wanted to bring to your attention about an incident that I observed regarding Recruit Deputy Josey. On March 31st 2016 at approximately 5:00pm, Recruit Deputy Josey was driving his personal vehicle (Maroon SUV) north on US1 through Bunnell after leaving his Crisis Intervention Training. I was behind Recruit Deputy Josey in my agency marked patrol vehicle going 53mph in a 35mph zone. I just wanted to bring to your attention that Recruit Deputy Josey

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continued to travel 17mph over the speed limit through the city of Bunnell while a marked agency patrol vehicle was behind him. If you have any questions please let me know. (*End of Email*).

April 11, 2016 10:14am (Deputy J. Glasgow)

On Wednesday April 6, 2016 at approximately 0720 hours I was traveling southbound on US Highway 1, in between Whiteview and Royal Palms Parkway. The posted speed limit in this area is 60 miles per hour. 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 then returned to the inside lane. The vehicle was estimated at approximately 85 to 90 miles per hour.

As the vehicle passed me I observed a small badge type decal with writing about law enforcement, in the left hand corner of the rear windshield. The vehicle was identified as a maroon Lincoln Navigator.

We both came to a stop at the red light at Royal Palms Parkway. The vehicle proceeded on US Highway 1 until he made a left hand turn onto East Moody Blvd. The vehicle then turned into 901 East Moody Blvd, The Flagler County Sheriff's Office. I observed the vehicle pull in the west parking lot, where it is common for the new hire Sheriff's Office employees to park. (*End of Email*).

Equipment Concerns

-On April 07, 2016, the new recruit class participated in the second range day of the program. The purpose of this day was to qualify the deputies with patrol rifles and off duty weapons. During this training Deputy Josey failed to meet the proficiency qualification needed to be issued a patrol rifle. While infrequent, this has happened in the past and it does not affect the status as long as the employee has qualified with the issued service handgun. Failure to qualify with a rifle, shotgun, back-up or other weapon does not require removal from sworn duties. The general order simply states that the employee shall not use any firearm or weapon that they did not qualify with. I told Deputy Josey that I would set up a range day in the future where he could attempt to qualify again, after some remedial training.

The reason for this portion of documentation is not to record the failure to qualify, but to explain that during the above training Deputy Josey fired his personally owned firearms in



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accordance with our instruction and department off-duty general order. When leaving the range I always instruct all personnel to ensure that they leave with all the equipment as the items used at the range are of high value and usually firearm related. When we returned to the Operations Center from the Gun Club I gathered the new recruits to debrief the day's events and release them. I was then informed that Deputy Josey had to return to the range due to the fact that he had left his personally owned firearm at the facility. Weapon security is of the utmost importance and I found this behavior to be extremely careless. Thankfully it was late in the day when we departed the Gun Club and he was able to retrieve the weapon without further incident.

Appearance

-On April 13 2016, I was contacted by Field Training Officer Deputy G. Bender who is currently assigned to Deputy Josey on his first day of Phase 2 of the Field Training Program. Deputy Bender explained that he and Sgt. D. Williams both noticed that Deputy Josey had reported for his first day of road phase unshaven. Sgt. Williams sent me an email stating he was shocked that a new recruit would report on his first day unshaven. I had Deputy Bender bring Deputy Josey to my office so I could observe his appearance. When I saw that he was unshaven, I asked him why and he told me he didn't have time. I then requested that he go home in his personal vehicle to shave and asked Deputy Bender to count the time missed from shift as unpaid.

Physical Training

-On March 09, 2016, I recorded deficiencies in physical performance and the Training Unit continued to monitor this activity during high liability training and physical training. Deputy DeSousa and Cpl. Emery lead physical training and recorded the following observations which were forwarded to my attention: (*Below is the copied narrative from each of the emails I received via the FCSO email system*).

March 13, 2016 (Deputy DeSousa email to Commander Bovino)

-On March 16, 2016 the new hire class was scheduled for EVOC (emergency vehicle operations/driver training) at the Flagler County airport. During this training it was observed throughout the entire day that Recruit Deputy Eric Josey was having issues getting in and out of the Ford Crown Victoria patrol cars. I believe this was due to the vehicles being lower to the

ground and his physical fitness and overall size. This could potentially become a serious issue if he was required to do this multiple times throughout the day or tour of duty and ultimately be an officer safety issue for him.

-On March 16, 2016 (EVOC training day) the new hire class was also involved in physical PT training at the end of the EVOC day. There were deficiencies observed with two (2) new hire recruits during this portion of training. The PT was done with all new hire recruits and the mission objective was: 1. following directions, 2. team building exercises and 3. physical fitness

training. The mission was to complete shuttle runs from point A to point B and gather up all traffic cones that made up the EVOC exercise courses. Everyone would run back and forth picking up cones and bringing them back to the traffic trailer. The only stipulation was that no one could walk at any time during the gathering of the cones. Two recruits were left at the traffic trailer at all times to stack cones and load the trailer. These two positions at the trailer were the resting positions and any one of these two "resting" positions could be tagged in at any time someone else needed a break from shuttle runs. Deficiencies observed during this time were involving both Recruit Deputy Sarah Casey and Recruit Deputy Eric Josey. Recruit Deputy Eric Josey had a great difficulty with his physical fitness and could not maintain more than a slow walking pace. He was unable to gather more than a few cones and spent the majority of the time at the "resting" position at the traffic trailer. He is not in good physical condition and is obviously struggling with this issue. It is apparent that after a very short amount of activity he is physically unable to continue.

-On April 7, 2016, the new hire recruit class was taken to the old operations center to complete their PT physical training. The mission objective for the training was the same as previously stated above. For this training the new hire recruits were taken for a short distance team run, from the obstacle course to the fire tower and back. This distance was determined to coincide with physical requirements set forth in agency general orders (physical fitness and job description) and was approximately fifty (50) yards each way with a resting period when the recruit reached the fire tower. The second part of the PT training was the completion of the front half of the agency built obstacle course. The mission objective of the training was to complete job specific requirements in the form of obstacles encountered in the real world while on tour of duty. The seven obstacles on the front half of the obstacle course are as follows: 1. Navigate through an open window 2. Over / under posts 3. Low crawl (approx. 10 yds.) 4. Navigate through a large tube 5. Traverse a six (6) foot fence 6. Traverse the high or low wall climb 7. Tire drag (approx. 165 lbs.)

Deficiencies observed during this portion of the training involved mainly two deputies. Recruit Deputy Eric Josey could not maintain anything other than a slow walk. He could not run or jog



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and was obviously not in good physical condition or shape. The weather outside was not overly hot and the temperature was in the low 70's. Recruit Deputy Eric Josey was so physically stressed by this run that at one point I observed him tripping over his own walking footsteps and lose his balance to where he almost fell down. He was physically breathing hard and was not able to do anything more than a walk for this entire portion. On the second portion of the training, Recruit Deputy Eric Josey had a hard time navigating the open window but did complete this obstacle. He then required assistance from classmates to navigate the over post. On the low crawl he physically had a hard time crawling and required a team member to grab his arm from the other end and "pull" him through the obstacle. This was the case with the tube as well. Recruit Deputy Eric Josey could not traverse the six (6) foot fence under his own power. He physically was not able to complete this obstacle and was eventually lifted up by several male teammates over the fence and lowered back down on the other side. After several attempts and assistance from teammates he was able to complete the low wall. He then ended with a slow tire drag. *(End of Email)*

March 13, 2016 (Corporal Emery email to Deputy DeSousa)

-April 7, 2016 I facilitated a brief physical training program with the new hire group. The intent was to assist in overall physical well-being of the new recruits and to go over the FCSO obstacle course so they can utilize the course to improve in their physical training. I started off by explaining the importance of overall good physical training and provided several examples from my personal experience where I needed good physical conditioning to complete my required duties.

Prior to starting a warm-up jog I asked everyone if anyone had any injuries and at that time Deputy Eric Josey informed me that he had a pre-existing injury that made it difficult for him to do physical exercise. I asked him if he was able to complete the requested exercise and he stated "yes". I then led the recruits on a slow jog from the old Operations building on Justice Lane to the fire tower also on Justice Lane (Estimated distance of ¼ mile). I informed the recruits that we would jog as a group and at their pace to prevent injury. It became immediately apparent that

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Deputy Josey was unable to run or jog for any sort of distance. His pace was that of a medium paced walk for the average person and he stated that his leg hurt during the process. I asked him if he needed to stop and he stated that it always hurts and he was fine. The group continued the very slow pace to the fire tower and I requested them to navigate the stairs to the top and return to the bottom. Deputy Josey and Deputy Sarah Casey both stated to me that they could not go up the stairs. I then allowed them to rest for several minutes and then I strategically placed a deputy in front of and behind both Deputy Josey and Deputy Casey for safety. Both deputies took an abnormally long time to complete the stairs and were moaning/grunting as if at the point of physical exhaustion while completing the task. In my opinion navigating a simple stairwell is a very simple task and should be a minimum requirement for a law enforcement officer.

The recruits were then led on a slow jog back to the obstacle course where they were all placed in groups of two for safety. I went through each obstacle and demonstrated the proper technique. All the recruits attempted to complete each obstacle throughout the course except Deputy Josey and Deputy Casey who stated that they would attempt the first half of the course which has far easier obstacles to complete. Some of the obstacles included simulating an open residential window, a 6 foot chain link fence and a 4 foot wooden wall. Deputy Josey and Deputy Casey required assistance throughout the course and could not navigate any of the obstacles without some form of assistance. Both deputies were completely unable to make it over the chain link fence without a significant amount of assistance and it took at least 10 minutes for each to make it over the fence. I explained to both deputies the importance of being able to navigate a simple fence and the danger it could possibly pose to them or others. I also used examples from my experience of being required to climb a fence or go through a window on calls for service and instructed them that they should set goals for themselves to be able to complete these tasks.

I am writing this email because I am extremely concerned for the safety of Deputy Josey, Deputy Casey and their zone partners due to their inability to complete basic physical tasks that is required of a patrol officer on a regular basis. *(End of Email)*.