



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE
"An honor to serve, a duty to protect."

Internal Investigation Report

Internal Inquiry Incident #2018-0004

**Sworn Employee
Detention Deputy**

Mark Sousa

Internal Inquiry Incident #:2018-0004

Subject Employee: Detention Deputy Mark Sousa

Division: Detention

Date of Hire: November 13, 2013

Probation Status (if any): None

Date of Most Recent Promotion: None

Previous Corrective Measures: None

List of Witnesses:

**Commander L. Miceli
Sergeant T. Stakes
Corporal W. Vazquez
Detention Deputy C. Haggerty
Civilian Employee Laura Krugar**

List of Exhibits:

Exhibit 1: Memorandum from Commander Miceli to Undersheriff Bisland via Chain of Command outlining Deputy Sousa and his condition for duty on January 25, 2018.

Exhibit 2: Authorization to Conduct Internal Investigation from Undersheriff Bisland to Investigator Randall Doyle.

Exhibit 3: Memorandum from Civilian Employee Laura Krugar to Sergeant Stakes via Chain of Command regarding Detention Deputy Sousa and his fitness for duty.

Exhibit 4: Memorandum from Deputy Premier to Commander Miceli via Chain of Command notifying an Intoxilyzer was conducted on Detention Deputy Sousa results .096 and .093.

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Exhibit 5: Florida Department of Law Enforcement Breath Alcohol Test Affidavit (Intoxilyzer 8000 serial number: 80-006616)

Exhibit 6: Administrative Suspension Form to Detention Deputy Mark Sousa from Director R. Fuller.

Exhibit 7: Employee notice of Internal Investigation and Internal Confidentiality Acknowledgement Form (**Detention Deputy Sousa**).

Exhibit 8: Audio recorded interview (**Detention Deputy Sousa**)

Exhibit 9: Template for Interview of Civilian as a witness. (**Laura Krugar**)

Exhibit 10: Audio recorded interview. (**Laura Krugar**)

Exhibit 11: Template for Interview of Department Employee as a Witness and Garrity Notice. (**Detention Deputy Colin Haggerty**)

Exhibit 12: Audio recorded interview. (**Detention Deputy Colin Haggerty**)

Exhibit 13: Template for Interview of Department Employee as a Witness and Garrity Notice. (**Detention Corporal William Vasquez**)

Exhibit 14: Audio recorded interview. (**Detention Corporal William Vasquez**)

Exhibit 15: Template for Interview of Department Employee as a witness and Garrity Notice. (**Detention Sergeant Tammy Stakes**)

Exhibit 16: Audio recorded interview. (**Detention Sergeant Tammy Stakes**)

Exhibit 17: Memorandum from Detention Deputy Colin Haggerty to Sergeant Stakes vis Chain of Command regarding Deputy Sousa and his fitness for duty.

Incident and Complaint:

On Thursday, January 25, 2018 at approximately 0830-0845 hours, Sergeant T. Stakes entered Commander Miceli's office and informed him that Classifications Officer, Laura Krugar made the following notification to her. Ms. Krugar advised Sergeant Stakes that upon arriving for work this morning, Detention Deputy Sousa did not appear himself and when asked if he was ok, Deputy Sousa informed her that he was out drinking all night and might still be drunk. Commander Miceli directed Sergeant Stakes to obtain a written memorandum from Ms. Krugar and he would address the matter immediately. Commander Miceli then researched General Orders #102 regarding Drug Testing and Drug Free workplace. Commander Miceli notified Chief Cole of the incident at which time; Undersheriff Bisland and Human Resource Director Fuller were notified.

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At approximately 0915 hours, a meeting took place in Commander Miceli's office involving Undersheriff Bisland, Chief Cole, Commander Miceli and Human Resource Director Fuller. Based on the totality of the circumstances it was determined that administering an Intoxilyzer to Detention Deputy Sousa was in fact warranted at this time.

Certified Intoxilyzer Operator, Deputy Premier was directed to conduct the subject testing at 0930 hours. The observation period began at that time and the first test was administered at 1001 hours with a result of .096. The second test was administered at 1003 hours with a result of .093. Deputy Premier documented the subject being tested as John Doe per instruction of Commander Miceli. Upon conclusion of the testing Deputy Premier resumed normal duties.

Upon receiving the Intoxilyzer results, Human Resource Director Fuller placed Detention Deputy Mark Sousa on Administrative Suspension with Pay. Detention Deputy Sousa was directed to remain at his residence during the hours 0830 and 1630 (Monday through Friday) until directed otherwise.

On January 30 2018, Chief Cole assigned Deputy Sousa to CCTV Operations and was assigned to this duty with a consistent twelve hour rotation. Deputy Sousa will remain in this assignment until the conclusion of this investigation and a formal review has been completed by Undersheriff J. Bisland.

Investigation:

On Thursday, January 25, 2018 at 1100 hours, Detective Randall Doyle of the Internal Affairs Unit was provided authorization to conduct Internal Investigation #2018-004 by Undersheriff Bisland.

On Friday, January 26, 2018 at 1453 hours, Detective Doyle met with Detention Deputy Mark Sousa at his residence located at [REDACTED]. Detective Doyle identified himself by means of a department issued identification card while informing Deputy Sousa that he was the subject of Internal Investigation #2018-0004 regarding #20-General Orders Standards of Conduct. Deputy Sousa was provided a copy of the signed notice and informed that Investigator Doyle would contact him in the near future in order to obtain a Sworn Recorded Interview.

Sworn recorded interview of Ms. Laura Krugar:

On Monday, January 29, 2018 at 1402 hours, Detective Doyle met with Civilian Employee Ms. Laura Krugar, Classifications Officer Court and Detention Services Division for the purpose of obtaining a sworn statement.

Ms. Krugar advised the following took place on Thursday, January 25, 2018 at approximately 0630 hours. Ms. Krugar advised that she entered the inmate facility through the "Sally Port" and into the booking area where she observed Deputy Sousa standing at the computer trying to do something with his camera. Ms. Krugar advised "I asked him if he was feeling ok because he didn't look right, he just wasn't himself. He was stumbling around fighting with the computer, was not able to keep his eyes open. I asked him at one point if he could open his eyes to talk to me?"

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Ms. Krugar advised that he could not comply and turned around to look at her and stumbled. Ms. Krugar then asked Deputy Sousa if he was sick at which time; Deputy Sousa replied, **“No I was out drinking all night and I might still be drunk.”** Ms. Krugar then asked Deputy Sousa to repeat himself at which time; Deputy Sousa **“Chuckled”** and left the booking area.

Detective Doyle then asked what Ms. Krugar did at that time. Ms. Krugar advised that as Deputy Sousa walked out, Sergeant T. Stakes walked into the booking area. Ms. Krugar then informed Sergeant Stakes that she might want to check Deputy Sousa out and informed her what he had just told her. Ms. Krugar stated, **“She didn’t really react so I left the booking area.”** Ms. Krugar explained that she then went to her office and began her daily activities.

At approximately 0930 hours Ms. Krugar and Deputy Sousa crossed paths again as Deputy Sousa was coming down the long corridor from the housing area and she was walking towards the housing area. Ms. Krugar stated, **“He was kinda using the wall as a guide and wasn’t really keeping his eyes open.”** Ms. Krugar advised that they did not speak however; they did look at each other but kept walking.

Ms. Krugar advised that when she reached the Sergeants Office she went inside and asked Sergeant Stakes again if someone had checked Deputy Sousa for fitness of duty. Ms. Krugar advised that Corporal Vasquez was present at this time however; **“She kinda looked at me and they both didn’t really react at which time; I voiced a concern and an opinion based on the way he was behaving.”** Ms. Krugar then asked again if someone was going to check on him. It was at this time Sergeant Stakes asked Ms. Krugar if she was willing to put it in writing to which, Ms. Krugar advised her that she would.

Ms. Krugar explained that she then went to her office and generated the requested memorandum and returned to Sergeant Stakes’ office as requested. Upon returning to her own office, Ms. Krugar also emailed the memorandum to Sergeant Stakes.

Ms. Krugar was asked if she has ever observed or witnessed Deputy Sousa in the condition she observed on January 25 prior to that date. Ms. Krugar advised that she had not. Ms. Krugar was asked if she ever suspected Deputy Sousa to be Under the Influence of Alcohol in the past or if she ever heard of him being Under the Influence of Alcohol while in duty in the past. Ms. Krugar advised that she had not to both questions. Ms. Krugar advised that this is why his condition on the date in question was so obvious. She explained that Deputy Sousa just appeared to be so off or out of character on that particular day.

Ms. Krugar was asked if she had any additional information, concerns or knowledge about this incident that she felt needed to be added. Ms. Krugar stated, **“The only other concerns I had was that when I saw him in the hallway and went into the Sergeants Office to ask what’s going on? Sergeant Stakes stated that he’s going out to the lobby to get a civilian. I said to her, I said something to you like three hours ago.”** Ms. Krugar advised that she was upset at that point because she expected that he would have already been pulled off the floor. In final, Ms. Krugar was asked if she ever smelled or detected an odor of alcohol or an alcoholic beverage on or about Deputy Sousa. Ms. Krugar advised that she had not.

Ms. Krugar concluded her final statement by saying, **“I wish I was wrong but you’re not going to get someone hurt.”** This interview was concluded at 1414 hours.

Sworn recorded interview of Detention Deputy Colin Haggerty:

On Friday, February 2, 2018 at 1407 hours, Detective Doyle met with Detention Deputy Colin Haggerty at the Flagler County Inmate Facility, 1002 Justice Lane Bunnell, Florida 32110 for the purpose of obtaining a sworn statement.

Deputy Haggerty was asked to provide any information or knowledge he may have regarding Deputy Sousa and his fitness for duty on January 25, 2018. Deputy Haggerty advised that he has a pretty standard routine as the booking officer and he starts his shift 0600 hours each day. Deputy Haggerty then advised that on this date Deputy Sousa entered the booking area at approximately 0610 hours and made a comment about his body camera being missing. Deputy Sousa then walked around the desk area to the left of Haggerty to utilize the computer. Deputy Haggerty advised that it was approximately 0620 to 0625 that Ms. Laura Krugar entered the booking area. It was at this moment that Deputy Sousa stepped back and **“it looked like he may have tripped and took another step backwards quick.”** Ms. Krugar then asked Deputy Sousa if he was alright. **“He looked like, I took it as a joking statement, I might still be drunk from being up all night.”** **“He did look tired, I took it as a joking statement.”** Ms. Krugar then walked away and Sergeant Stakes was walking towards her, they appeared to have a conversation.

Deputy Haggerty was then asked to advise how close he and Ms. Krugar were to Deputy Sousa when this incident began. Deputy Haggerty advised that he was approximately two to three feet away from Deputy Sousa and Ms. Krugar was approximately four to five feet away from Deputy Sousa. Deputy Haggerty was asked if he had any earlier contact with Deputy Sousa. Deputy Haggerty advised that he had no contact with Deputy Sousa until he accessed the computer for his body camera. Deputy Haggerty was then asked if he had any communication at all with Deputy Sousa prior to the incident. Deputy Haggerty advised he had normal conversation such as **“hey what’s up, how’s it going. Then he started to explain the whole body camera issue.”** Deputy Haggerty was asked if he noticed anything out of the ordinary at that time. Deputy Haggerty simply stated, **“It just looked like he was tired.”** Deputy Haggerty offered nothing further.

Deputy Haggerty was asked to clarify the interaction between Ms. Krugar and Sergeant Stakes. Deputy Haggerty advised he is uncertain if the two discussed Deputy Sousa or not however; it appeared as though they did because he observed Ms. Krugar look back towards Deputy Sousa and point at him while speaking with Sergeant Stakes. It was Deputy Haggerty’s assumption that they were discussing the comments made by Deputy Sousa.

Deputy Haggerty advised that it wasn’t until around 1000 hours and he observed the activity in the Intoxilyzer room and Deputy Sousa removing his gear. Deputy Haggerty clarified that it had been a minimum of a couple hours between that time and the initial incident. Deputy Haggerty’s timeline was estimated from 0620 hours to 1000 hours in total. When asked if he had any other contact with Deputy Sousa between the hours noted, Deputy Haggerty advised that he could not remember having any additional contact in the three hour period.

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Deputy Haggerty could not provide anything further and the interview was concluded at 1420 hours.

Sworn recorded interview of Detention Corporal William Vasquez:

On Friday, February 2, 2018 at 1427 hours, Detective Doyle met with Detention Corporal William Vasquez at the Flagler County Inmate Facility, 1002 Justice Lane Bunnell, Florida 32110 for the purpose of obtaining a sworn statement.

Corporal Vasquez was asked to provide any information or knowledge he may have regarding Deputy Sousa and his fitness for duty on January 25, 2018. Corporal Vasquez began by advising that he was informed by Sergeant Stakes that an employee informed her that Deputy Sousa made statements in reference to Deputy Sousa being intoxicated. Corporal Vasquez was asked if he remembered what time he was advised. Corporal Vasquez appeared strained at which time, Detective Doyle redirected the question to reflect what time he started his shift at the facility. Corporal Vasquez advised he started his day at 0600.

Detective Doyle, **“When was your first contact with Deputy Sousa?”** Corporal Vasquez, **“0605.”** Detective Doyle, **“What was that contact?”** Corporal Vasquez, **“Basically him going into the block to do head count and then him reporting that number for head count.”** Detective Doyle, **“Did you notice anything at that time?”** Corporal Vasquez, **“I didn’t notice anything at that point.”** Investigator Doyle, **What time were you informed by Sergeant Stakes?”** Corporal Vasquez, **“It was after feeding, after head count, then we fed the inmates, don’t know what time we fed the inmates.”** Corporal Vasquez advised that upon feeding the inmates and collecting the trays he went to the office and that’s when he was informed. Detective Doyle, **“Don’t you all feed basically at the same time each day?”** Corporal Vasquez, **“If we fed on time it would be between 0630 hours and 0645 hours and it takes approximately forty five minutes to an hour to feed and collect the trays.”** It was based on this time line that Corporal Vasquez estimated the time he was advised of the incident with Deputy Sousa to be between 0745 hours and 0800 hours. Corporal Vasquez advised that he and Sergeant Stakes were the only ones present in the office at that time. Detective Doyle, **“So then what happened from there?”** Corporal Vasquez, **“after she informed me (long pause) nothing, I didn’t do anything, she informed me and I said ok. Because she was handling the situation, she led me to believe she was handling the situation in reference to passing this information to our Chain of Command is what she implied.”** Detective Doyle, **“Was there another time you were in the office with the sergeant?”** Corporal Vasquez advised that he was in the office when Ms. Krugar returned and asked Sergeant Stakes, **“Why is Sousa still walking around the building?”** Corporal Vasquez advised that Sergeant Stakes then informed Ms. Krugar that she needed a written statement. Corporal Vasquez could not recall the time of the second conversation. Corporal Vasquez was asked if the conversation regarding Sousa came up any other time during the day in an attempt to determine what if anything had been done regarding Sousa and the allegations made by Ms. Krugar at approximately 0620 hours. Corporal Vasquez advised they were no additional conversation. Corporal Vasquez advised, **“It was a done deal in my eyes because again Sergeant Stakes lead me to believe that she’s on top of it and handling it.”** The interview was concluded at 0237 hours.

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Sworn recorded statement Sergeant Tammy Stakes:

On Friday, February 2, 2018 at 1441 hours, Investigator Doyle met with Detention Sergeant Tammy Stakes at the Flagler County Inmate Facility, 1002 Justice Lane Bunnell, Florida 32110 for the purpose of obtaining a sworn statement.

Sergeant Stakes was asked to provide any information, knowledge or action taken in regards to Deputy Sousa's fitness for duty on the January 25, 2018. Sergeant Stakes advised that she had entered into the booking area on the date in question for a reason she could not remember at the time and observed Deputy Sousa on the computer. Sergeant Stakes began speaking with Deputy Haggerty when she was approached by Ms. Krugar. Ms. Krugar stated, **"You better run an Intoxilyzer on him and she pointed to Sousa, I was kinda like really?"** Sergeant Stakes then stated that she informed Ms. Krugar that she had just spoke to Deputy Sousa a short time before noting that he came in late and just looked tired. Ms. Krugar then informed her that she was serious. Sergeant Stakes advised that she came back out into the booking area and tried to get closer to Deputy Sousa and noted that she does not drink but figured she could smell it on him however; she did not smell anything.

Sergeant Stakes then stated, **"I did grab the Intoxilyzer, uh handheld and I went to my office with it and I tried to get ahold of Commander Miceli to let him know what Laura had said. Then I did finally get ahold of him and he says look if she says something again let's get it in writing and I said ok. She passed by me, my office about nine and said he's running up and down the hallways running into the walls, he's clear? I said look, I need you to put something in writing, I said would you do that and she replied that she had no problem with that."** Sergeant Stakes advised she then contacted Commander Miceli by telephone and informed him that Ms. Krugar was writing the statement. Sergeant Stakes advised that Commander Miceli then instructed her to bring the statement to him as soon as she had it and he would get the ball rolling. Sergeant Stakes was asked if she could provide a timeline from the first time she spoke with Ms. Krugar to the second contact. Sergeant Stakes advised that the first contact was at approximately 0630 hours and the second was approximately 0900 hours. Upon receiving the statement from Ms. Krugar she took it directly to Commander Miceli at which time, Sergeant Stakes located Deputy Sousa and gave him busy work in her office until he was taken for the Intoxilyzer test and stated, **"Just to get him out of the area."** It was approximately fifteen minutes and she delivered Deputy Sousa to Commander Miceli at which time, she was instructed to return to her normal duties. The interview was concluded at 1450 hours.

Sworn recorded statement Deputy Mark Sousa:

On Thursday, February 15, 2018 at 1017 hours, Detective Doyle met with Detention Deputy Mark Sousa at the Flagler County Operations Center, 901 East Moody Boulevard Bunnell, Florida 32110 for the purpose of obtaining a sworn statement. Deputy Sousa was issued formal notice of interview on Friday, February 2, 2018 at 1400 hours with a scheduled interview date of Wednesday, February 7, 2018 at 1400 hours. Due to scheduling conflicts with Detective Doyle's schedule the interview was rescheduled for Thursday, February 15, 2018 at 1000 hours. Deputy Sousa was on his day off for this interview however; he was not forced or compelled to meet for the interview and was given the option to schedule the interview on a day that he was scheduled to work. Deputy Sousa was accommodating and eager to put the interview behind him.

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Deputy Sousa was provided ample opportunity to review any and all evidence in this case to include all sworn recorded witness interviews. Deputy Sousa was provided ample opportunity to have union or legal representation for the interview which he waived. All required notices and rights were addressed on tape and Deputy Sousa was sworn.

Deputy Sousa was asked to recall Thursday, January 25, 2018 and explain what happened on that day. Deputy Sousa began by advising that he has recently gone through a broken engagement with his fiancé and has been suffering from depression. Deputy Sousa advised that he unfortunately has utilized alcohol in the past and present as a crutch and had been out drinking on the night prior and drank more than he had thought. Deputy Sousa advised that he has no recollection of how much he drank however; he awoke the following morning and went through his normal routine and went to work feeling tired. Deputy Sousa explained that he was unable to locate his body camera but began his day as normal with a trip to the Sergeants office to obtain his body alarm and then proceeded to do head count. Deputy Sousa returned to the Sergeants Office and informed his Corporal and Sergeant that his body camera was missing. Upon Commander Miceli arriving for shift he informed him as well that his body camera was missing. Deputy Sousa then reverted back to the early portion of his shift when he entered the booking area to log onto the computer to ascertain whose body camera he was using. Deputy Sousa stated, **“That’s when Laura had come in and I remember taking a step back and landed on my bad leg so every morning for the first few hours I look like I’m limping or stumbling sometimes.”** Deputy Sousa explained that it usually takes an hour or two for his leg and ankle to stabilize. Deputy Sousa stated **“At no time did I feel like I had alcohol still in me otherwise I would have called in or said something, I honestly did not feel like I had alcohol in my system, I didn’t smell any, I didn’t feel like you normally would if you were intoxicated, I just felt tired.”** Deputy Sousa then advised that he had mentioned to Deputy Haggerty that he had a few drinks after work however; he did not say much more because he doesn’t really want people to know what’s going on in his life. Deputy Sousa then became emotional and stated, **“People all think my life is all fine and dandy but it’s not.”** Detective Doyle then provided Deputy Sousa a bottle of water and a few moments to gather himself before moving forward.

Detective Doyle then asked Deputy Sousa, **“Did there come a time when you came in contact with Ms. Laura Krugar?”** Deputy Sousa advised that he was in the booking area and was on the computer typing when he stumbled backwards on his bad leg. **“That’s when she asked are you ok, I was joking around when I said I was out drinking last night, that’s about it and she walked off.”** Deputy Sousa advised that he went back to his normal routine and went back to the block. Deputy Sousa advised that after feeding he went back to the Sergeants Office to review the cameras again and determined that one of the prior shift officers had grabbed his camera and never put it back in the charger. It was at that time Deputy Sousa was instructed to go to Commander Miceli’s office. Deputy Sousa advised it was that time that Undersheriff Bisland, Commander Miceli and Human Resource Director Fuller met with him. Deputy Sousa advised that he was asked if he was intoxicated. Deputy Sousa responded that he had been drinking the night prior but he did not believe that he was still under the influence. Deputy Sousa explained that he was then asked to take an Intoxilyzer test to which he complied. Deputy Sousa was advised of the result and informed that he still had alcohol in his system at which time; he was placed on suspension.

Detective Doyle, **“When you took the Intoxilyzer do you recall what the results were?”** Deputy Sousa, **“I believe it was a .09 something, I don’t remember exactly .093 I think.”** Detective Doyle then read the results of two independent tests .096 and .093. Detective Doyle, **“My question to you is, have you been present in the past during the normal course of your duties when an Intoxilyzer is being administered?”** Deputy Sousa, **“Yes.”** Detective Doyle, **“What does a .093 indicate to you?”** Deputy Sousa, **“Uh above the legal limit.”** Detective Doyle revisited earlier in the conversation that Deputy Sousa indicated that when he arrived for his shift that he did not feel under the influence at all. Detective Doyle then asked Deputy Sousa if he recalled what time it was when he took the Intoxilyzer test. Deputy Sousa could not recall at which time Detective Doyle informed Deputy Sousa that the diagnostic check was done at 0959 hours and the first test was administered at 1001 hours with a subsequent test at 1003. Deputy Sousa was asked what time he started his shift to which he replied 0600 hours. Detective Doyle then identified that there was a four hour time delay from the time he began his shift until the first test was administered. Detective Doyle then suggested that had the test been administered at 0600 hours the results would have been significantly higher and Deputy Sousa concurred.

At this point Detective Doyle asked Deputy Sousa how severe his drinking had become. Deputy Sousa advised that he does not normally drink to that excess however; that night was a very difficult one for him. Deputy Sousa explained that he found out that night that his girlfriend was actually at another man’s home while he had been led to believe they were trying to work things out. Deputy Sousa advised that this particular night was the lowest of lows that he has had to endure to that point. Deputy Sousa again became emotional and was given some time to gather his himself and his thoughts.

Detective Doyle, **“The point I’m trying to make here is that you indicated that you did not think you were intoxicated.”** Deputy Sousa, **“I think it might have been because my mind was still flooded with personal thoughts, I was tired and didn’t even think about it.”** Detective Doyle, **“I don’t want to put words in your mouth or ideas in your head but a .093 four hours after you arrive for work is very significant do you agree with that?”** Deputy Sousa, **“Yes, I understand what you are saying.”** Detective Doyle, **“Is it safe to say that you were under the influence of alcohol at 0600 hours and still at 1000 hours?”** Deputy Sousa, **“Yes.”** Detective Doyle then clarified the purpose for asking him how significant his drinking has become. If Deputy Sousa was not feeling intoxicated upon arriving for his shift has his tolerance level become so significant that he truly did not feel the effects of the alcohol. Deputy Sousa advised that he has been drinking much more over the past couple of weeks because of everything that has been taking place and that he has been trying to get help. Deputy Sousa did advise that he attempted to research the EAP program but could not locate the information on it at that time. Deputy Sousa advised he was going to call HR however; according to him, he procrastinated on that as well. Deputy Sousa advised that since this took place he has been seeing the EAP doctor every week and he is now getting the help he needs.

Detective Doyle then identified some significant questions that needed to be answered. Investigator explained that during his interview with Deputy Haggerty he advised that he had only one encounter with him during that four hour period. Deputy Haggerty advised that he did not detect the odor of alcohol and the he did not observe anything to indicate that he, Deputy Sousa was under the influence and that he simply appeared to be tired.

Detective Doyle, **“knowing now that you were significantly higher than .093 at 0600 hours, were there any encounters or conversations between you and Deputy Haggerty about you being intoxicated?”** Deputy Sousa, **“No, just the comment I made about being out having drinks the night prior and I was only down there for a few minutes.”** Detective Doyle then questioned whether or not Deputy Haggerty ever asked him if he was ok or made any other inquiries about his condition that he could remember and Deputy Sousa advised that he had not. Detective Doyle clarified the safety issues involved with him performing his normal duties and interactions with inmates while in the identified condition he was in at the time. Deputy Sousa acknowledged that the totality of the situation was extremely unsafe.

Detective Doyle, **“Do you remember making the comment to Ms. Krugar that you might still be drunk from the night before?”** Deputy Sousa, **“I remember saying something to that effect but I don’t know exactly.”** Detective Doyle, **“Do you know how quickly after that Ms. Krugar informed Sergeant Stakes of your statement?”** Deputy Sousa, **“I do not, I remember her walking away and I walked down the opposite hallway.”** Detective Doyle then informed Deputy Sousa that Ms. Krugar informed Sergeant Stakes about his statement at 0630 hours. Detective Doyle, **“Was there a time when Sergeant Stakes contacted you and asked if you were ok?”** Deputy Sousa, **“Yes, I don’t recall the time but, I had gone to the location of the body cameras and she asked me if I was alright and I informed her that I was just tired.”** Detective Doyle, **“Was that early or when was it?”** Deputy Sousa, **“I know it was after the contact with Laura.”** Detective Doyle, **“Did she ever ask you, if you were intoxicated?”** With hesitation, Deputy Sousa stated, **“I think she mentioned that Laura had said something to her about me possibly being intoxicated, I think I said I had a couple of drinks last night but didn’t feel as though I was, I don’t remember the exact words.”** Detective Doyle, **“Was that in the first hour of work?”** Deputy Sousa, **“Possibly I don’t really remember.”** Detective Doyle, **“Did Corporal Vazquez ever ask you if you were alright or if you were intoxicated?”** Deputy Sousa, **“No.”** Investigator Doyle, **“Did anyone other than Laura Krugar ask you if you were intoxicated?”** Deputy Sousa, **“No.”** It was at this time that I identified how serious this situation had become due to the time that had elapsed after Ms. Krugar’s initial concerns being brought to Sergeant Stake’s attention. Deputy Sousa advised that he fully understands the concerns as well as the scope of all that was involved.

Deputy Sousa then offered that he was finally getting the help and attention he needed. Deputy Sousa was asked if he cared to explain. Deputy Sousa advised that he has been going to see the EAP (**Employee Assistance Program**) Therapist every Friday since the incident. Deputy Sousa advised that the counseling is helping significantly at which time; he became emotional and was given some time to collect himself. Deputy Sousa advised that he has not been drinking at all since the date of the incident. Detective Doyle then asked Deputy Sousa if he would consider himself to be an alcoholic and gave him the option not to answer the question if he chose not to do so. Deputy Sousa was quick to respond and advised that he does not believe himself to be an alcoholic and simply does not crave alcohol and has always only used alcohol as a crutch.

Detective Doyle, **“Asking you simply here, you are not suggesting in any way that you were not intoxicated on the date in question correct?”** Deputy Sousa, **“No I am not.”** Deputy Sousa was asked if he had anything else that he would like to say or add before we concluded the interview.

Deputy Sousa advised, “If he could just get some mercy from the Sheriff and to give him a chance, I will continue to get the help I need, I have been in this profession for seven years and my career is extremely important to me. I am just hoping the Sheriff will have a little mercy for me. This is a tough time for me but I’m getting help.” The interview was concluded at 1045 hours.

Discussion:

- Detention Deputy Mark Sousa knowingly reported for his shift at the Flagler County Inmate Facility on January 25, 2018 at 0600 hours Under the Influence of Alcohol.
- Detention Deputy Mark Sousa remarked to a civilian employee that he had been out all night drinking and might still be drunk.
- Detention Deputy Mark Sousa was tested for sobriety via the Flagler County Sheriff’s Department Intoxilyzer 8000 at 1001 and 1003 hours resulting in a .096 and .093 level of intoxication.
- Detention Deputy Mark Sousa admitted that his actions were egregious and that he should have never reported for duty in that condition however; he had been severely distraught over a recent break up with his fiancé.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 02:

4. Principle Four – Employees shall not, whether on or off duty, exhibit any conduct which discredits themselves or the FCSO or otherwise impairs their ability or that of other employees or the FCSO to provide law enforcement services to the community. An employee’s ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Employees must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

a. Employees shall not consume alcoholic beverages or chemical substances, while on duty, except as permitted in the performance of official duties, and FCSO GO# 002 Page 5 of 8 Effective Date: 01/03/17 under no circumstances while in uniform, except as provided for in “c” below.

b. Employees shall not consume alcoholic beverages to the extent that they would be rendered unfit for their next scheduled shift. An employee shall not report for work with the odor of an alcoholic beverage on their breath.

General Order 020:

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Linked To: General Order #019

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III. Procedure:

- A. There are ten (10) categories that make up this general order with ten being the most severe. The Sheriff and designee(s) reserve the unilateral right to promulgate, amend or delete policies and procedures.

2. Category Nine Violations:

f. Unbecoming Conduct: Personnel shall conduct themselves at all times, both on and off duty, in such manner as to reflect most favorably on the FCSO. This includes, but is not limited to, electronic communications on social media (e.g., Facebook, Twitter, Myspace, etc.) and internet sites. 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.

3. Category Eight Violations

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.

The moral character offense list is established by FDLE and provides the guide for employment and certification of law enforcement officers in the State. [Link to FDLE Law Enforcement Officer Ethical Standards of Conduct.](#)

f. Use of Alcohol and Illegal Drugs: Personnel are prohibited from drinking any alcoholic beverage while on duty or reporting for duty influenced by alcohol. Personnel are also prohibited from consuming illegal drugs while on duty or off-duty.

Nothing in this regulation should be construed as prohibiting on-duty drinking when necessary to maintain cover or further an investigation when authorized to do so by a Commander or above. Personnel are also prohibited from consuming any substance to the extent that on-duty performance is impaired.

Disciplinary Action: Flagler County Sheriff's Office General Order 019-Discipline Category eight violations carry a penalty range of discipline, from suspension of more than fourteen days (112 hours), and/or demotion, and/or termination.

Distribution: Original to investigative file

Linked To: General Order #019

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FLORIDA MODEL JAIL STANDARDS

Effective Date: 01/01/2017 Page 23 of 90

CHAPTER 3 - EMPLOYEE REGULATIONS

3.1 Each employee's conduct shall at all times be consistent with the maintenance of proper security and welfare of the facility and of the inmates under their supervision.

3.2 No employee shall:

a. Report to duty or exercise supervision or control over inmates while under the influence of an intoxicant;

b. Report for duty or exercise supervision or control over inmates while under the influence of a narcotic, barbiturate, hallucinogenic drug or central nervous stimulant. Exception will be made only when such medication has been prescribed and is taken under a doctor's care and if it does not impair the employee from carrying out their assigned duties;

Disciplinary Action: Flagler County Sheriff's Office General Order 019-Discipline Category eight violations carry a penalty range of discipline, from suspension of more than fourteen days (112 hours), and/or demotion, and/or termination.

Distribution: Original to investigative file

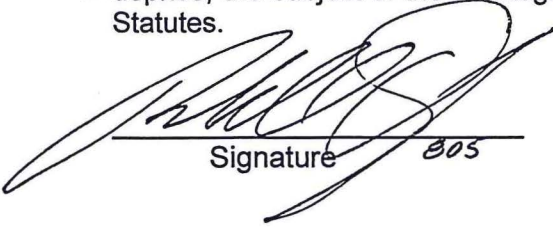
Linked To: General Order #019

FCSO # IA-004 (12/16)

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To be completed by the Investigating Supervisor or Official:

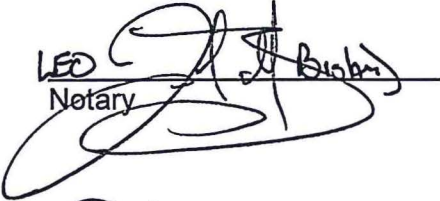
"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida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



Signature *805*

3/27/18
Date

Sworn to and subscribed before me, the undersigned, this *27th* day, *3rd* month, *2018* year.

LEO 

Notary



Reviewing Supervisor Printed Name

03/27/18
Date




Signature of Reviewing Supervisor



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

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

MEMORANDUM

DATE: 03/8/18
TO: Deputy Mark Sousa
VIA: Chain of Command
FROM: Commander Davis 
RE: Discipline on IA Case# 2018-004

Per our conversation tonight, your discipline will start on 03/14/18 and end on 04/10/18. As you have requested you will use 84 hours of your vacation leave and report to work on 03/14/18 - 03/27/18. You will then not report to work on 03/28/18 - 04/10/18 which will be leave with out pay. All other provisions in the Notice of Discipline will be adhered to.

Cc:
Chief Cole CDSD
Commander Miceli CDSD
IAU
HR
Finance Section



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

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

Notice of Discipline

DATE: 3/8/18
TO: Deputy Mark Sousa
FROM: Undersheriff Jack Bisland
RE: Discipline

Following the conclusion of your Loudermill Hearing and Career Service Appeals Board process associated with FCSO IA #2018-004, the FCSO is imposing the following discipline for a sustained violation of FCSO General Order(s) 020.A. Code of Conduct.

Your discipline is as follows: 30 days suspension w/o Pay, 6 months disciplinary probation w/random alcohol testing while on duty, termination from CSOT, with ability to re-apply after 1 year.


Your discipline will be effective: To be Determined.

In addition to your discipline, the following provisions will be in effect: Choose an item..

Provisions: Continue EAP during probationary period 6 months.

If you are terminated, contact the Human Resources Division to receive information on COBRA, agency leave accrual and retirement benefits.

To be completed by the subject employee:

Date:	3/8/18
Time	17:54 hrs
Employee Signature	

Distribution: Original to Disciplining Supervisor to be included in file. Copies to IAU, HR, Finance Section and employee

Linked to: General Order # 019 and 021
FCSO IA-024 (08/17)