

Sheriff

DAVID B SHOAR



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ST JOHNS COUNTY SHERIFF'S OFFICE

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16 April 2013

Cindy Sanz, Director
Office of Executive Investigations
Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302-1489

Dear Ms. Sanz,

I am in receipt of your letter dated April 12, 2013 (not read on my e-mail account until April 14, 2013) regarding Complaint 2013-INQ-002/EI-79-1691. This is the first communication I have received from your agency since the delivery to your office on March 26, 2013, of our "Review of Michelle O'Connell's Death Investigation" case review. Until I received your letter, I had no knowledge of what your agency planned to do regarding my complaint. I called Commissioner Bailey the day after our case review was delivered to the Florida Department of Law Enforcement (FDLE). Though the conversation was short, I was advised that FDLE was going to first assess my complaint and our case review to determine their "validity" prior to initiating an internal affairs investigation. I must admit, I am unfamiliar with this methodology, usually an internal affairs investigation is opened upon receipt of a complaint involving serious allegations and the test of "validity" is determined through the internal investigation process, not prior to it. This of course could have been a misunderstanding or misinterpretation on my part. I accept your letter as my notification that FDLE is conducting an internal affairs investigation in response to my complaint.

Twenty days elapsed between the time of my complaint and my receipt of your letter. Had I been informed sooner after the filing of my complaint that your agency had initiated an internal affairs investigation, it would have obviated the need for my agency to conduct the "ad hoc" and unsolicited interview of Scott O'Connell.

Additionally, during this twenty day time period another witness has come forward and offered an unsolicited verbal statement. Sergeant Ron Faircloth of the St. Johns County Sheriff's Office approached one of my staff members regarding his interactions with Agent Rodgers. We scheduled a formal interview with him for Monday, April 15, 2013. Since receiving your letter however, I cancelled this interview and I am now referring him to your office. In Faircloth's brief verbal statement he shared information similar to what Scott O'Connell shared in his



statement with regards to Agent Rodgers' conduct. Additionally, Faircloth's brief verbal statement provided illumination in regards to our concerns that we identified after listening to the tape of the interview that Agent Rodgers conducted with Faircloth.

Since the beginning of our case review we have purposely not discussed this case with any involved SJSO agency members (except Deputy Banks) precisely because we anticipated an agency of appropriate jurisdiction would analyze this case. You can be certain that in the event any additional witnesses come forward in the future, I will refer them to your office.

Though I have great respect for FDLE and its dedicated men and women, I would be less than candid if I did not share my concern that my complaint is the fifth complaint that I am aware of involving Pape/Rodgers and this investigation. Of the four complaints prior to mine (two verbal and two written) I am only aware of the outcome of one of those complaints.

The more I review this case, I find that my concerns transcend agency rule and policy violations, the presence or absence of which can be gleaned from an internal investigation. I believe that the conduct of Pape and Rodgers should also be reviewed for any potential violations of criminal statutes and I strongly believe that in the interest of justice, past cases involving Rodgers be carefully scrutinized.

In closing, I want to thank you for response and your agency's decision to conduct an internal affairs investigation in response to my complaint. Please let me know in the event that you need to interview any members of the St. Johns County Sheriff's Office and I will make sure they are available.

Sincerely,

A handwritten signature in black ink that reads "D B Shoar". The signature is written in a cursive style with a large initial "D" and "B".

David B. Shoar
Sheriff