# Fort Myers Police Department
## FINAL ACTION SUMMARY

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|---|---|---|---|---|
| **Employee Name:** | **Evelyn Hodakoski (Roberts)** | **Incident Date:** | **August 23rd, 2021** | **Case Number:** |
| **Complainant:** | **Lesa Breneman** | **Assigned Date:** | **August 23rd, 2021** | **IA 2021-015** |
| **Address:** | **2210 Widman Way** | **Completed Date:** | **February 15th, 2022** | |
| **City, State, Zip:** | **Fort Myers, Florida 33901** | **Investigator:** | **Sergeant Dan Losapio** | |

**Summary of Complaint**

Sergeant Dan Losapio alleged, due to new photographic and video evidence obtained on February 15th, 2022, Evelyn Hodakoski (Roberts) was untruthful during her December 9th, 2021 subject interview where she denied having an inappropriate and personal in nature relationship with a current and or/former confidential informant.

**Policy Related to Complaint**

**General Order 9.1, Section II, A, 37,** Untruthfulness: Police department personnel shall not knowingly or recklessly make false or untrue statements, except as authorized in the performance of duties and as necessary for maintaining covert operations during investigation of criminal activities.

| **Staff Review** *(Do Not Use This Section for Pursuits, Firearm Discharge or Vehicle Accidents)* | | *(Use this Section Only on Pursuits, FD's & Crashes)* Vehicle Pursuit/ Firearm Discharge | Officer Involved Crash |
|---|---|---|---|
| **Deputy Chief J. Meyers:** (Print Name & Sign) | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Date Reviewed:** 2/16/22 DC | ***Recommended Action:*** Termination | | |
| **Chief D. Diggs:** (Print Name & Sign) D. Diggs | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Date Reviewed:** 2/20/2022 | ***Final Action:*** TERMINATION | | |
| **Finding:** SUSTAINED | **Final Action:** TERMINATION | **Final Review By:** LB 4.56 | |
| REFUSED TO SIGN<br>**Employee Signature / Date** | **Case Number: IA 2021-015** | **Supervisors Signature / Date** | |

**Exonerated:** A completed investigation may be labeled exonerated when the facts suggest that the alleged incident did occur, but that the employee's actions were lawful, proper, and consistent with department policy.

**Unfounded:** A completed investigation may be labeled unfounded when the complainant admits to making a false allegation or the facts of the investigation support this, or the accused employee was not involved in the incident, or there is no basis in fact that the incident occurred. An investigation may also be labeled unfounded if, after investigation, the allegation is demonstrably false or there is no credible evidence to support it.

**Not Sustained:** The allegation has been investigated and the facts presented are insufficient to clearly prove or disprove the allegation.

**Sustained:** The allegation is supported by a preponderance of evidence to justify a reasonable conclusion the incident occurred.

**Other Findings:** During the course of the investigation it was determined other violations exist, or training and / or the policy does not properly address the allegation, or there is confusion about, or a conflict in policy that led to the alleged conduct, or a policy was non-existent. (Explain Above)

**Recommended Actions**

**Formal Counseling:** Recorded guidance to correct a deficiency or direct employee performance. This is the proper time to caution or remind the employee that further disciplinary action may be necessary if the conduct does not improve.

**Reprimand:** Recorded admonishment of a deficiency, poor performance or violation of policy.

**Re-Training:** Any form of corrective action/training in the deficient area.

**Suspension:** Loss of wages/hours

**Demotion:** Loss of Rank

**Termination:** Loss of Employment

# Fort Myers Police Department
## FINAL ACTION SUMMARY

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|---|---|---|---|---|
| **Employee Name:** | **Evelyn Hodakoski (Roberts)** | **Incident Date:** | **August 23rd, 2021** | **Case Number:** |
| **Complainant:** | **Lesa Breneman** | **Assigned Date:** | **August 23rd, 2021** | **IA 2021-015** |
| **Address:** | **2210 Widman Way** | **Completed Date:** | **February 15th, 2022** | |
| **City, State, Zip:** | **Fort Myers, Florida 33901** | **Investigator:** | **Sergeant Dan Losapio** | |

**Summary of Complaint**

Sergeant Dan Losapio alleged, due to new photographic and video evidence obtained on February 15th, 2022, Evelyn Hodakoski (Roberts) was untruthful during her December 9th, 2021 subject interview where she denied having an inappropriate and personal in nature relationship with , a current and or/former confidential informant.

**Policy Related to Complaint**

**General Order 9.1, Section II, A, 9,** Standard of conduct: Employees must always conduct themselves, both on or off-duty, in a way that reflects favorably on the police department. Employees are forbidden from engaging in conduct that dishonors the police department, discredits the individual as a law enforcement employee, or impairs the efficient operation of the employee or the police department. In addition to the preceding rules, all employees are accountable and responsible for the *Law Enforcement Code of Ethics* as a professional guideline. (*Refer to General Order 1.2 – Department Mission & Philosophy*).

| **Staff Review** *(Do Not Use This Section for Pursuits, Firearm Discharge or Vehicle Accidents)* | | *(Use this Section Only on Pursuits, FD's & Crashes)* Vehicle Pursuit/ Firearm Discharge | Officer Involved Crash |
|---|---|---|---|
| **Deputy Chief J. Meyers:** (Print Name & Sign) DCM<br>**Date Reviewed:** 2/16/22 | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other<br>***Recommended Action:*** Termination | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Chief D. Diggs:** (Print Name & Sign) D Diggs<br>**Date Reviewed:** 2/23/22 | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other<br>***Final Action:*** TERMINATION | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Finding:** SUSTAINED | **Final Action:** TERMINATION | **Final Review By:** | |
| REFUSED TO SIGN<br>**Employee Signature / Date** | **Case Number: IA 2021-015** | **Supervisors Signature / Date** | |

**Exonerated:** A completed investigation may be labeled exonerated when the facts suggest that the alleged incident did occur, but that the employee's actions were lawful, proper, and consistent with department policy.

**Unfounded:** A completed investigation may be labeled unfounded when the complainant admits to making a false allegation or the facts of the investigation support this, or the accused employee was not involved in the incident, or there is no basis in fact that the incident occurred. An investigation may also be labeled unfounded if, after investigation, the allegation is demonstrably false or there is no credible evidence to support it.

**Not Sustained:** The allegation has been investigated and the facts presented are insufficient to clearly prove or disprove the allegation.

**Sustained:** The allegation is supported by a preponderance of evidence to justify a reasonable conclusion the incident occurred.

**Other Findings:** During the course of the investigation it was determined other violations exist, or training and / or the policy does not properly address the allegation, or there is confusion about, or a conflict in policy that led to the alleged conduct, or a policy was non-existent. (Explain Above)

**Recommended Actions**

**Formal Counseling:** Recorded guidance to correct a deficiency or direct employee performance. This is the proper time to caution or remind the employee that further disciplinary action may be necessary if the conduct does not improve.

**Reprimand:** Recorded admonishment of a deficiency, poor performance or violation of policy.

**Re-Training:** Any form of corrective action/training in the deficient area.

**Suspension:** Loss of wages/hours

**Demotion:** Loss of Rank

**Termination:** Loss of Employment

# Fort Myers Police Department
## FINAL ACTION SUMMARY

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|---|---|---|---|---|
| **Employee Name:** | **Evelyn Hodakoski (Roberts)** | **Incident Date:** | **August 23rd, 2021** | **Case Number:** |
| **Complainant:** | **Lesa Breneman** | **Assigned Date:** | **August 23rd, 2021** | **IA 2021-015** |
| **Address:** | **2210 Widman Way** | **Completed Date:** | **January 3rd, 2022** | |
| **City, State, Zip:** | **Fort Myers, Florida 33901** | **Investigator:** | **Sergeant Dan Losapio** | |

**Summary of Complaint**

Lieutenant Lesa Breneman alleged that Officer Evelyn Hodakoski's relationship with a current and/or former confidential informant, was inappropriate and personal in nature.

**Policy Related to Complaint**

**General Order 22.2, Section II, A, 3:** All Investigator and/or officer/informant contacts will be strictly professional in nature. Contacts of an investigative or intelligence nature, including telephonic, text message or by any other means shall be recorded on an informant contact sheet. Social or business contacts are **strictly** prohibited. ***Any contact between an investigator/officer and a current or former informant, of a personal nature, is prohibited.*** If contact of a personal nature is initiated by a confidential informant, the investigator/officer will immediately terminate the contact and document all details of the interaction on an informant contact sheet. The investigator/officer will additionally prepare a memorandum detailing the contact to the Bureau Commander through the chain of command.

| **Staff Review** *(Do Not Use This Section for Pursuits, Firearm Discharge or Vehicle Accidents)* | | *(Use this Section Only on Pursuits, FD's & Crashes)* Vehicle Pursuit/ Firearm Discharge | Officer Involved Crash |
|---|---|---|---|
| **Deputy Chief J. Meyers:** (Print Name & Sign) DC<br>**Date Reviewed:** 2/16/22 | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other<br>***Recommended Action:*** Termination | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Chief D. Diggs:** (Print Name & Sign) DDiggs<br>**Date Reviewed:** 2/22/2022 | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other<br>***Final Action:*** TERMINATION | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Finding:** SUSTAINED | **Final Action:** TERMINATION | **Final Review By:** LS 404 | |
| REFUSED TO SIGN<br>**Employee Signature / Date** | **Case Number: IA 2021-015** | **Supervisors Signature / Date** | |

# Fort Myers Police Department
## FINAL ACTION SUMMARY

**Exonerated:** A completed investigation may be labeled exonerated when the facts suggest that the alleged incident did occur, but that the employee's actions were lawful, proper, and consistent with department policy.

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**Not Sustained:** The allegation has been investigated and the facts presented are insufficient to clearly prove or disprove the allegation.

**Sustained:** The allegation is supported by a preponderance of evidence to justify a reasonable conclusion the incident occurred.

**Other Findings:** During the course of the investigation it was determined other violations exist, or training and / or the policy does not properly address the allegation, or there is confusion about, or a conflict in policy that led to the alleged conduct, or a policy was non-existent. (Explain Above)

**Recommended Actions**

**Formal Counseling:** Recorded guidance to correct a deficiency or direct employee performance. This is the proper time to caution or remind the employee that further disciplinary action may be necessary if the conduct does not improve.

**Reprimand:** Recorded admonishment of a deficiency, poor performance or violation of policy.

**Re-Training:** Any form of corrective action/training in the deficient area.

**Suspension:** Loss of wages/hours

**Demotion:** Loss of Rank

**Termination:** Loss of Employment

# Fort Myers Police Department
## FINAL ACTION SUMMARY

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|---|---|---|---|---|
| **Employee Name:** | **Evelyn Hodakoski (Roberts)** | **Incident Date:** | **August 23rd, 2021** | **Case Number:** |
| **Complainant:** | **Lesa Breneman** | **Assigned Date:** | **August 23rd, 2021** | **IA 2021-015** |
| **Address:** | **2210 Widman Way** | **Completed Date:** | **January 3rd, 2022** | |
| **City, State, Zip:** | **Fort Myers, Florida 33901** | **Investigator:** | **Sergeant Dan Losapio** | |

**Summary of Complaint**

Lieutenant Lesa Breneman alleged that Officer Evelyn Hodakoski's relationship with , a current and/or former confidential informant, was inappropriate and personal in nature.

**Policy Related to Complaint**

**General Order 9.1, Section II, A, 9,** Standard of conduct: Employees must always conduct themselves, both on or off-duty, in a way that reflects favorably on the police department. Employees are forbidden from engaging in conduct that dishonors the police department, discredits the individual as a law enforcement employee, or impairs the efficient operation of the employee or the police department. In addition to the preceding rules, all employees are accountable and responsible for the *Law Enforcement Code of Ethics* as a professional guideline. (*Refer to General Order 1.2 – Department Mission & Philosophy*).

| **Staff Review** (Do Not Use This Section for Pursuits, Firearm Discharge or Vehicle Accidents) | | (Use this Section Only on Pursuits, FD's & Crashes) | |
|---|---|---|---|
| | | **Vehicle Pursuit/ Firearm Discharge** | **Officer Involved Crash** |
| **Deputy Chief J. Meyers:** (Print Name & Sign) D C Meyers<br>**Date Reviewed:** 2/16/22 | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other<br>***Recommended Action:*** Termination | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Chief D. Diggs:** (Print Name & Sign) D Diggs<br>**Date Reviewed:** 2/23/2022 | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other<br>***Final Action:*** TERMINATION | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Finding:** SUSTAINED | **Final Action:** TERMINATION | **Final Review By:** LJ Yost | |
| REFUSED TO SIGN<br>**Employee Signature / Date** | **Case Number:** IA 2021-015 | **Supervisors Signature / Date** | |

**Exonerated:** A completed investigation may be labeled exonerated when the facts suggest that the alleged incident did occur, but that the employee's actions were lawful, proper, and consistent with department policy.

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**Other Findings:** During the course of the investigation it was determined other violations exist, or training and / or the policy does not properly address the allegation, or there is confusion about, or a conflict in policy that led to the alleged conduct, or a policy was non-existent. (Explain Above)

**Recommended Actions**

**Formal Counseling:** Recorded guidance to correct a deficiency or direct employee performance. This is the proper time to caution or remind the employee that further disciplinary action may be necessary if the conduct does not improve.

**Reprimand:** Recorded admonishment of a deficiency, poor performance or violation of policy.

**Re-Training:** Any form of corrective action/training in the deficient area.

**Suspension:** Loss of wages/hours

**Demotion:** Loss of Rank

**Termination:** Loss of Employment

# Fort Myers Police Department
## FINAL ACTION SUMMARY

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|---|---|---|---|---|
| **Employee Name:** | **Evelyn Hodakoski (Roberts)** | **Incident Date:** | **August 23rd, 2021** | **Case Number:** |
| **Complainant:** | **Lesa Breneman** | **Assigned Date:** | **August 23rd, 2021** | **IA 2021-015** |
| **Address:** | **2210 Widman Way** | **Completed Date:** | **January 3rd, 2022** | |
| **City, State, Zip:** | **Fort Myers, Florida 33901** | **Investigator:** | **Sergeant Dan Losapio** | |

**Summary of Complaint**

Lieutenant Lesa Breneman alleged that on August 23rd, 2021, in reference to IA 2021-006, Officer Evelyn Hodakoski provided inconsistent and unclear statements during a witness interview regarding her knowledge of as a current and/or former confidential informant and alleged inappropriate personal relationship with Officer Jason Jackson.

**Policy Related to Complaint**

**General Order 9.1, Section II, A, 9,** Standard of conduct: Employees must always conduct themselves, both on or off-duty, in a way that reflects favorably on the police department. Employees are forbidden from engaging in conduct that dishonors the police department, discredits the individual as a law enforcement employee, or impairs the efficient operation of the employee or the police department. In addition to the preceding rules, all employees are accountable and responsible for the *Law Enforcement Code of Ethics* as a professional guideline. (*Refer to General Order 1.2 – Department Mission & Philosophy*).

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|---|---|---|---|
| | | **Vehicle Pursuit/ Firearm Discharge** | **Officer Involved Crash** |
| **Deputy Chief J. Meyers:** (Print Name & Sign) | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Date Reviewed:** 2/16/22 DC | ***Recommended Action:*** Suspension 80 hrs. | | |
| **Chief D. Diggs:** (Print Name & Sign) DD | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Date Reviewed:** 2/22/2022 | ***Final Action:*** SUSPENSION 80 HRS | | |
| **Finding:** SUSTAINED | **Final Action:** SUSPENSION -80 HRS | **Final Review By:** LB 4/5 | |
| REFUSED TO SIGN **Employee Signature / Date** | **Case Number:** IA 2021-015 | **Supervisors Signature / Date** | |

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**Other Findings:** During the course of the investigation it was determined other violations exist, or training and / or the policy does not properly address the allegation, or there is confusion about, or a conflict in policy that led to the alleged conduct, or a policy was non-existent. (Explain Above)

**Recommended Actions**

**Formal Counseling:** Recorded guidance to correct a deficiency or direct employee performance. This is the proper time to caution or remind the employee that further disciplinary action may be necessary if the conduct does not improve.

**Reprimand:** Recorded admonishment of a deficiency, poor performance or violation of policy.

**Re-Training:** Any form of corrective action/training in the deficient area.

**Suspension:** Loss of wages/hours

**Demotion:** Loss of Rank

**Termination:** Loss of Employment

# Fort Myers Police Department
## FINAL ACTION SUMMARY

| | | | | |
|---|---|---|---|---|
| **Employee Name:** | **Evelyn Hodakoski (Roberts)** | **Incident Date:** | **August 23rd, 2021** | **Case Number:** |
| **Complainant:** | **Dan Losapio** | **Assigned Date:** | **August 23rd, 2021** | **IA 2021-015** |
| **Address:** | **2210 Widman Way** | **Completed Date:** | **January 3rd, 2022** | |
| **City, State, Zip:** | **Fort Myers, Florida 33901** | **Investigator:** | **Sergeant Dan Losapio** | |

**Summary of Complaint**

Sergeant Dan Losapio alleged that, in reference to IA 2021-006, Officer Evelyn Hodakoski failed to report unprofessional conduct by Officer Jason Jackson to a supervisor or Internal Affairs regarding Officer Jackson's alleged personal relationship with a current and/or former confidential informant,

**Policy Related to Complaint**

**General Order 9.1, Section II, A, 9,** Standard of conduct: Employees must always conduct themselves, both on or off-duty, in a way that reflects favorably on the police department. Employees are forbidden from engaging in conduct that dishonors the police department, discredits the individual as a law enforcement employee, or impairs the efficient operation of the employee or the police department. In addition to the preceding rules, all employees are accountable and responsible for the *Law Enforcement Code of Ethics* as a professional guideline. (*Refer to General Order 1.2 – Department Mission & Philosophy*).

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|---|---|---|---|
| | | **Vehicle Pursuit/ Firearm Discharge** | **Officer Involved Crash** |
| **Deputy Chief J. Meyers:** (Print Name & Sign) | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other_____ | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Date Reviewed:** 2/16/22 DC | ***Recommended Action:*** Suspension 40 hrs | | |
| **Chief D. Diggs:** (Print Name & Sign) DDiggs | ☒ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated ☐ Other_____ | ☐ Within Policy ☐ Against Policy | ☐ At Fault ☐ Not At Fault |
| **Date Reviewed:** 2/25/2022 | ***Final Action:*** Suspension 40 hrs | | |
| **Finding:** Sustained | **Final Action:** Suspension 40 hrs | **Final Review By:** LJ Yes | |
| REFUSED TO SIGN<br>**Employee Signature / Date** | **Case Number: IA 2021-015** | **Supervisors Signature / Date** | |

# Fort Myers Police Department
## FINAL ACTION SUMMARY

**Exonerated:** A completed investigation may be labeled exonerated when the facts suggest that the alleged incident did occur, but that the employee's actions were lawful, proper, and consistent with department policy.

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**Recommended Actions**

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**Re-Training:** Any form of corrective action/training in the deficient area.

**Suspension:** Loss of wages/hours

**Demotion:** Loss of Rank

**Termination:** Loss of Employment

# Fort Myers Police Department
# Internal Affairs Investigation

| | |
|---|---|
| **Internal Affairs Number:** | **IA 2021-015** |
| **Date of Incident:** | **Various** |
| **Date Complaint Received:** | **August 23rd, 2021** |
| **Date of Report:** | **February 16th, 2022** |

| | |
|---|---|
| **Case Investigator:** | **Sergeant Dan Losapio** |
| **Complainant's Name:** | **Lieutenant Lesa Breneman** |
| **Address:**<br>**City/State/Zip:**<br>**Telephone:** | **2210 Widman Way**<br>**Fort Myers, Florida 33901**<br>**(239) 321-7736** |
| **Involved Employee:**<br>**Identification Number:**<br>**Division/Unit:**<br>**Represented by counsel:** | **Evelyn Hodakoski (Roberts)**<br>**444**<br>**Patrol**<br>**Officer Martin Davila** |
| **Summary of Allegation(s):** | Lieutenant Lesa Breneman alleged that on August 23rd, 2021, during a witness interview pertaining to IA 2021-006, Officer Evelyn Roberts provided inconsistent statements during witness questioning. It was further alleged that Officer Roberts engaged in an inappropriate relationship with a current or former confidential informant and failed to report unprofessional conduct by another employee to a supervisor or Internal Affairs. |
| **Possible Violation(s):** | **General Order 9.1, Section III, M,** Misrepresentation or falsification: An employee shall not willfully misrepresent or falsify any matter, verbally, or in writing. |
| | **General Order 22.2, Section II, A, 3:** All Investigator and/or officer/informant contacts will be strictly professional in nature. Contacts of an investigative or intelligence nature, including telephonic, text message or by any other means shall be recorded on an informant contact sheet. Social or business contacts are **strictly** prohibited. ***Any contact between an investigator/officer and a current or former informant, of a personal nature, is prohibited.*** If contact of a personal nature is initiated by a confidential informant, the investigator/officer will immediately terminate the contact and document all details of the interaction on an informant contact sheet. The investigator/officer will additionally prepare a memorandum detailing the contact to the Bureau Commander through the chain of command. |

| | |
|---|---|
| **Internal Affairs Number:** | **IA 2021-015** |
| **Date of Incident:** | **Various** |
| **Date Complaint Received:** | **August 23rd, 2021** |
| **Date of Report:** | **February 16th, 2022** |

| | |
|---|---|
| | **General Order 9.1, Section II, A, 3,** Reporting violations of law, ordinances, rules, or orders: An employee who has information concerning illegal actions, dereliction of duty, misconduct of public office, or unprofessional conduct by another employee, shall immediately report the same to an immediate supervisor or the Internal Affairs Bureau. If an employee believes their report of improper conduct/actions has not been acted upon by their immediate supervisor or the Internal Affairs, the employee's recourse is to report it in writing to a member of the Command Staff or the Chief of Police. Employees are expressly prohibited from conducting a self-initiated inquiry/investigation into the conduct of another employee without first receiving written authorization from the Internal Affairs Commander or the Chief of Police. This does not prohibit a supervisor from performing Supervisory Discipline as detailed in General Orders 7.1 & 7.2. |
| | **General Order 9.1, Section II, A, 9,** Standard of conduct: Employees must always conduct themselves, both on or off-duty, in a way that reflects favorably on the police department. Employees are forbidden from engaging in conduct that dishonors the police department, discredits the individual as a law enforcement employee, or impairs the efficient operation of the employee or the police department. In addition to the preceding rules, all employees are accountable and responsible for the *Law Enforcement Code of Ethics* as a professional guideline. (*Refer to General Order 1.2 – Department Mission & Philosophy*). |
| | **General Order 9.1, Section II, A, 37,** Untruthfulness: Police department personnel shall not knowingly or recklessly make false or untrue statements, except as authorized in the performance of duties and as necessary for maintaining covert operations during investigation of criminal activities. |

# Fort Myers Police Department
# Internal Affairs Investigation

| | |
|---|---|
| **Internal Affairs Number:** | **IA 2021-015** |
| **Date of Incident:** | **Various** |
| **Date Complaint Received:** | **August 23rd, 2021** |
| **Date of Report:** | **February 16th, 2022** |

Note: This report contains information and the identity of a current and/ or former confidential informant and is subject to redacting pursuant to Florida State Statue 119.

## Law Enforcement Witnesses

Lieutenant Lesa Breneman
Detective Maalisa Langton

## Civilian Witnesses

[redacted]

## Investigative Summary

Lieutenant Lesa Breneman alleged that on August 23rd, 2021, during a witness interview pertaining to IA 2021-006, Officer Evelyn Roberts provided inconsistent witness statements during questioning. It was further alleged that Officer Roberts engaged in an inappropriate relationship with a current or former confidential informant and failed to report unprofessional conduct by another employee to a supervisor or Internal Affairs.

Sergeant Dan Losapio of Internal Affairs was assigned the investigation on September 3rd, 2021.

## Complainant Statement Lieutenant Lesa Breneman

Lieutenant Lesa Breneman provided a complainant statement on November 9th, 2021 to Sergeant Losapio about the allegations. Lieutenant Breneman alleged that during the course of her investigation of Officer Jason Jackson (IA 2021-006), she, with the assistance of Detective Maalisa Langton, spoke with [redacted] who had a history of being a Confidential Informant with the Fort Myers Police Department, alleged [redacted] had been having an going personal and sexual relationship with Officer Jason Jackson. When [redacted] was asked if anyone else had knowledge of their relationship, [redacted] said there was, but refused to provide the information *"on the record."*

At the conclusion of the recorded interview, [redacted] confided in Lieutenant Breneman and Detective Langton that both Officer Evelyn Roberts and Officer Sarah Hodakoski had knowledge of [redacted] and Officer Jackson's sexual relationship. The conversation was not recorded. [redacted] alleged [redacted] swore to Officer Roberts that [redacted] would never *"involve her"* but said that Officer Roberts and Officer Hodakoski are, '[redacted] and Officer Roberts [redacted] Godmother.

Lieutenant Breneman asked [redacted] *"specifically"* if Officer Roberts and Officer Hodakoski knew about the sexual relationship between [redacted] and Officer Jackson. [redacted] acknowledged that they did know because [redacted] used to tell Officer Roberts *"a lot."* [redacted] said Officer Roberts was [redacted] *"go to"* person and [redacted] told her everything about Officer Jackson, including allegedly having sexual intercourse with Officer Jackson when he was on duty.

| | |
|---|---|
| **Internal Affairs Number:** | **IA 2021-015** |
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Further, Lieutenant Breneman said [redacted] described a specific sexual encounter [redacted] had with Officer Jackson. [redacted] alleged [redacted] told Officer Hodakoski about a *"unique"* or *"strange"* time [redacted] and Officer Jackson had sex because during sex, Officer Jackson had referred to one of [redacted] body parts [redacted] body part, and [redacted] was *"taken back by that a little bit."*

Lieutenant Breneman then asked [redacted] if Officer Roberts knew that [redacted] was a Confidential Informant and [redacted] answered that she did. Lieutenant Breneman said that [redacted] had been a Confidential Informant on and off since [redacted] and had several *"handlers"* including, Officer Pettacio, Officer [redacted] and in [redacted] had considered signing back up as a Confidential Informant but was a little hesitant, which was why when [redacted] met with Detective [redacted] Officer Roberts went with [redacted] too. Lieutenant Breneman believed it was to possibly *"ease [redacted] fears"* because [redacted] said it was Officer Roberts who encouraged [redacted] to sign back up as a Confidential Informant.

Sergeant Losapio asked Lieutenant Breneman what the purpose of Officer Roberts attending the meeting between Detective [redacted] and [redacted] was and asked if it was because of [redacted] relationship with Officer Roberts. Lieutenant Breneman said that it was. It was to ease [redacted] because [redacted] did not know Detective [redacted] but Lieutenant Breneman also offered that having Officer Roberts there could have [redacted]" meaning, also [redacted] for the introduction.

Sergeant Losapio then asked about Lieutenant Breneman's witness interview with Officer Roberts for IA 2021-006. She said when interviewing Officer Roberts, Officer Roberts was not very clear in her answers. She referred to page three of her witness statement transcription where she asked Officer Roberts directly *when* she knew that [redacted] was a Confidential Informant, but Officer Roberts said she never *"officially knew if [redacted] was or not."* She later made similar comments about *"officially"* knowing or not knowing that [redacted] was a Confidential Informant. Lieutenant Breneman said, *"[redacted] just throws out names like [redacted] and she's very unclear as to when she learned that [redacted] was a Confidential Informant."*

Lieutenant Breneman said she asked Officer Roberts about her relationship with [redacted] and Officer Roberts claimed [redacted] was someone she knew from work, she met [redacted] through work and through *"professional contacts"* but later contradicted herself when she described a time she was in a bar, [redacted] had called her, and when [redacted] asked Officer Roberts what she was doing, [redacted] later met her at the bar to hang out.

Lieutenant Breneman asked Officer Roberts [redacted] Godmother [redacted] Again, Officer Roberts said, *"No, not officially"* and alleged that [redacted] *"just says that."* Sergeant Losapio asked for clarification and confirmed with Lieutenant Breneman that [redacted] alleged that Officer Roberts was the Godmother [redacted] Lieutenant Breneman confirmed that [redacted] alleged this, but Officer Roberts said it was *"not official"* and that saying Officer Roberts [redacted] Godmother was just something [redacted] says on the streets. Officer Roberts told Lieutenant Breneman that [redacted]" but it's not *"official."*

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Sergeant Losapio asked Lieutenant Breneman if it appeared that [redacted] relationship with Officer Roberts was more than just professional and she answered that it did. Sergeant Losapio asked about any other inconsistencies in Officer Roberts witness statement. Lieutenant Breneman referred to page eight of her witness transcript with Officer Roberts where Officer Roberts admitted [redacted] told her about [redacted] sexual relationship with Officer Jackson, but Officer Roberts said, *"she couldn't prove or deny it."*

Lieutenant Breneman explained that Officer Roberts interview substantiated [redacted] allegation that [redacted] was having a sexual relationship with Officer Jackson, because Officer Roberts admitted to Lieutenant Breneman that [redacted] told her. Sergeant Losapio then confirmed Officer Roberts admitted that she had knowledge of the sexual relationship but never reported it to a supervisor, coincidently ending the witness interview. Lieutenant Breneman answered that it did end the interview, but again explained, like the beginning of her complainant statement, that Officer Roberts never provided clear answers. She referred again to Officer Roberts not believing [redacted] had a sexual relationship with Officer Jackson because she didn't *"see or witness it"* or that she couldn't *"prove or deny it."* However, although she couldn't prove it, Officer Roberts admitted she repeated the information to Officer Jean Baptiste and Officer Hodakoski. Lieutenant Breneman then referred back to a specific sexual encounter where Officer Jackson referred to [redacted] body-part [redacted] body-part, corroborating [redacted] allegation [redacted] told Officer Roberts, because Officer Roberts recalled the same sexual encounter.

Lieutenant Breneman alleged that knowledge of that specific sexual encounter proved that Officer Roberts' relationship with [redacted] was more than just a professional or work relationship because it had nothing to do with crime or criminal activity and appeared to be more than just an officer citizen contact relationship.

Sergeant Losapio asked Lieutenant Breneman if there were any other inconsistent statements that she found or contributed to failing to notify a supervisor. Lieutenant Breneman answered, *"So really trying to nail down Officer Roberts as to when I really tried to determine when [redacted] first started telling her that [redacted] was having a sexual relationship with Officer Jackson. And the best I could get from Officer Roberts was that it was around the time that [redacted] So the best I can nail down was that Officer Roberts has known since I would estimate 2015 or 2016, that [redacted] was having a sexual relationship with Officer Jackson. And then we know from the meeting in 2019, that in 2019, Officer Roberts at that point knew that [redacted] was also a confidential format. And, I mean, obviously have it, Officer Jackson having a sexual relationship with [redacted] may or may not be problematic, but the fact that [redacted] a confidential informant is makes it more problematic."*

Sergeant Losapio again confirmed that Officer Roberts admittance that she never reported the alleged sexual relationship to a supervisor ended the witness interview, then asked Lieutenant Breneman how Officer Roberts witness interview impacted her investigation against Officer Jackson (IA 2021-006). Lieutenant Breneman summarized the impact by saying, *" The allegations against Officer Jackson, many of them are several years old due to the four-year FBI investigation. So investigating allegations of misconduct, more contemporaneous with the, the, when the, when it occurred is crucial. And this, this information could have been more thoroughly investigated, had it been done more contemporaneous with*

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*when these allegations were made. And again, Officer Roberts is very unclear in her statements. She's not she can't nail down, and it's not even like she says, "Well, I think it was about 15 or 16." I'm good with that. It was more like well, "officially I didn't know, but officially I knew, but officially I didn't know," and she's very wishy washy in her statement. And like, did you when did you know? Did you know? Or did you not know? And when did you know? And I'm okay with estimates on time because we are talking about several years ago. And, you know, I think that Officer Roberts is holding back as to her relationship with [redacted] and the fact that they do have more than just a professional contact civilian, you know, law enforcement officer relationship. And, you know, just her not being very clear in her statements about her knowledge of [redacted] her knowledge and the information that she received from, from [redacted] and who she told and where she heard it from and what she heard just being very unclear in that, it made my investigation into Officer Jackson more difficult. Really trying to nail you know, I really needed to try to nail down some of that information, and she's just not very clear in her statements."*

**IA 2021-006**

IA 2021-006 was an investigation conducted by Lieutenant Lesa Breneman with the investigative assistance of Detective Maalisa Langton. IA 2021-006 included multiple allegations of misconduct against multiple officers. In summary, the roots of the allegations stemmed from a closed federal investigation, Freeh Report findings and internal police documents.

Officer Evelyn Roberts was interviewed by Lieutenant Lesa Breneman as a witness to allegations against Officer Jason Jackson. As mentioned above, Lieutenant Lesa Breneman had received *"off the record"* information from [redacted] a current or prior Confidential Informant, who alleged [redacted] previously had, and is currently having, a sexual relationship with Officer Jackson. [redacted] alleged Officer Roberts (and Officer Sarah Hodakoski) were [redacted] friends and [redacted] shared intimate knowledge with her of [redacted] sexual relationship with Jackson.

During the witness interview with Officer Roberts, Officer Roberts provided inconsistent statements about her knowledge of the sexual relationship between [redacted] and Officer Jackson. She also wasn't clear about her alleged personal relationship with [redacted] and admitted during the witness interview (which was abruptly ended to open the current Internal Affairs investigation) that she had never reported the sexual relationship between [redacted] and Officer Jackson to a supervisor.

**Confidential Informant [redacted]**

Confidential Informant records indicated that [redacted] had been signed up intermittently as a paid confidential informant since [redacted]. [redacted] 1, [redacted], [redacted] was paid $100.00 for credible intelligence on *"multiple targets"* as a confidential informant. The payment was witnessed by Officer Evelyn Roberts during a meeting with Detective [redacted]

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**Witness Interview IA 2021-006 Officer Evelyn Roberts**

The witness interview for Officer Evelyn Roberts was conducted on August 23rd, 2021 by Lieutenant Lesa Breneman. Sergeant James Langton of Internal Affairs was also in the interview. Due to Officer Roberts' witness interview being the basis of the investigation the full transcript and audio should be referred to, however some specific examples, related to the allegations are highlighted in the following paragraphs.

Lieutenant Breneman asked Officer Roberts how long she knew [redacted] and then asked how she would characterize her friendship or relationship with [redacted] Officer Roberts answered, *"Oh, no, I barely talk to* [redacted] *like if I see* [redacted] *on a call, whatever."* When Lieutenant Breneman asked if she has a personal relationship with [redacted] Officer Roberts, answered, *"Not really personal. I just like I've seen* [redacted] *and stuff like that and I've, but I don't consider it personal like* [redacted] *would be my friend like to go to."*

Lieutenant Breneman asked Officer Roberts [redacted] Godmother [redacted] Officer Roberts answered, *"Oh, no* [redacted]*."*

Lieutenant Breneman asked Officer Roberts when she first became aware that [redacted] was a confidential informant. Consistent with the allegation that Officer Roberts did not provide clear answers in the witness interview, Officer Roberts provide a wordy, non-specific answer and said, *"I don't believe half the stuff* [redacted] *says to be honest with you. I think it was one of the times when I was interviewing for, I don't know if it was like, I never knew like officially you know if* [redacted] *was or not. I don't pay attention to that stuff, but I remember one of the times that I applied for the* [redacted] *...the position, uh, I was told there officially like, hey, I don't know if I can say that, like hey, like certain.....you may have to work with these people on certain calls like go into whatever. And I said all right and then I didn't obviously get the position or whatever, but that's when I knew officially. Like I, I didn't know officially* [redacted] *just always throws out names like I know* [redacted] *So, I was like, okay, everybody knew, knows* [redacted] *you know what I mean?"*

Lieutenant Breneman asked if [redacted] ever told her that [redacted] was a confidential informant. Officer Roberts replied, *"I don't remember if* [redacted] *officially said it.* [redacted] *just always throws like* [redacted] *knows people and* [redacted] *knows* [redacted] *"* Officer Roberts then said that [redacted] always throws out names of people [redacted] knows.

Questioning continued, where Officer Roberts recalled meeting with [redacted] and TFO [redacted] a few years back. Officer Roberts associated recalling the meeting because that was when she had interviewed for the position under [redacted]

Lieutenant Breneman then asked Officer Roberts when she knew [redacted] was having a sexual relationship with Officer Jason Jackson. Officer Roberts seemed to depend on the word *"official"* and

answered, *"Again, I don't know if it's official, but* [redacted] *always said that* [redacted] *not only him like a couple people that* [redacted] *slept with. I'm like all right* [redacted] *I don't care about that. Like I, I don't want to know or whatever, but I mean* [redacted] *been,* [redacted] *said it for a couple of years."* Officer Roberts denied she had ever talked to Officer Jackson about [redacted] claims or approached him about whether the claim was truthful or not. She explained, *"No, I try to not get involved in that. And I was hoping it wasn't truth."*

Lieutenant Breneman asked Officer Roberts if [redacted] ever told her that [redacted] had sex with Officer Jackson while he was on duty, but Officer Roberts denied [redacted] had ever mentioned to [redacted] having sex on duty with Officer Jackson.

Lieutenant Breneman asked about Officer Roberts friendship with Officer Jackson. Officer Roberts acknowledged she has a friendship with Officer Jackson but limited it to the fact they started at the police department at about the same time.

Lieutenant Breneman asked Officer Roberts if she ever hung out with [redacted] off duty. Officer Roberts described that there was one time she saw [redacted] at a bar. She described it to be some time ago because she remembered that she was *"ihin."* When Lieutenant Breneman asked her if meeting [redacted] at the bar was planned, Officer Roberts said that she was already there and [redacted] had called her asking, *"...hey, where you at what are you doing?"* She told [redacted] where she was at and [redacted] showed up there, but denied she planned to *"go out"* with [redacted]

The conversation continued where Officer Roberts acknowledged knowing [redacted] the one [redacted] referred Officer Roberts [redacted] *"Godmother"* and acknowledged she knows [redacted] enough that [redacted] had Roberts personal phone number, but Roberts claimed she gave [redacted] number to a lot of people. She also denied that currently, she had [redacted] phone number because [redacted] changed [redacted] number.

Lieutenant Breneman asked Officer Roberts if [redacted] told her [redacted] was interviewed for the investigation (IA 2021-006), but Officer Roberts said [redacted] hadn't. Referring back to when Officer Roberts said she saw [redacted] out at a bar, asked if Officer Jackson was with [redacted] but she said no. Lieutenant Breneman then asked Officer Roberts if she ever witnessed *"any"* misconduct by Officer Jackson, to which she answered, *"Personally. No. I've never worked the same shift or anything. It's always... I was a CSA he was already here I think but he was in specialties. And then I've never even worked the same shift other than recently when he was here that we went on like a call together and that's when I noticed he was back."*

Lieutenant Breneman asked if Officer Jackson attended her wedding, which Officer Roberts denied. She then asked Officer Roberts if anyone ever told her of any misconduct by Officer Jackson. Officer Roberts asked, *"Like work related or in general?"* Lieutenant Breneman clarified she meant in general and expanded by asking about anything which would have been a violation of general orders. Officer Roberts answered, *"No, I just know about the, you know* [redacted] *claiming that, that* [redacted] *slept with him, but I can't prove nor deny...And I mean, you hear stuff that, what's been going on through the years. You're always curious but everybody has a different opinion, and everybody (unintelligible) I really don't know officially.*

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Lieutenant Breneman explained to Officer Roberts that when she spoke with [redacted] described [redacted] and Officer Hodakoski as '[redacted] and when Lieutenant Breneman asked [redacted] if [redacted] and Officer Hodakoski knew about [redacted] and Officer Jackson, [redacted] replied, *"They know, I used to tell her everything about Jason. She knows."* When Lieutenant Breneman asked [redacted] if Officer Roberts knew [redacted] was having sex with Officer Jackson on duty, [redacted] said, *"she knows because I tell her everything. She knows everything about me."* In response, Officer Roberts down played what [redacted] told Lieutenant Breneman and said, *"I can guarantee you that [redacted] always said that [redacted] slept with a lot of people here, but you don't believe it. You don't, unless I see it you don't believe it."* Officer Roberts then said that [redacted] claiming [redacted] slept with different officers didn't make sense, so she never believed it.

Lieutenant Breneman asked Officer Roberts who else she would have mentioned [redacted] claiming [redacted] was having a sexual relationship with Officer Jackson to. She recalled, maybe casually, Lucy (Loussanda Jean Baptiste) and maybe Sarah (Hodakoski). Lieutenant Breneman then asked Officer Roberts if she ever confronted Officer Jackson about what [redacted] was saying about him. Officer Roberts said she didn't because she claimed she doesn't know Officer Jackson like that. Officer Roberts explained, in an unclear answer, *"I don't speak to him like that so I mean I don't, it would be like hey how you doing cause everything going on. You know like, haven't heard from you or whatever and how are [redacted] But if I did, I mean, I don't remember ever mentioning it to them because I don't really think it's, it's kind of offensive I don't know with everything else that he's going through...I really don't, if, I mean, like I said I've known for years so I can't I'm not gonna sit here I don't know if I ever maybe talking crap said dude whatever, but I, I don't know."*

Lieutenant Breneman then asked Officer Roberts when [redacted] made those claims, if she ever said anything back to [redacted] Officer Roberts answered, *"I kind of played it off like okay you know whatever cause that's all that...like I said [redacted] would throw just names. [redacted] would like literally, okay, and I know stuff, stuff about everybody Evelyn, and this person. I'm like all right [redacted] like that's irrelevant, you know, whatever and I literally would tell [redacted] I don't want to know, like what are you doing...cause I'm like, how do you know more stuff about people that we work with than I do when I'm in there."*

Sergeant James Langton, who was also sitting in on the interview, attempted to better gauge how long she had known [redacted] by relating her graduating from the police academy in 2009. Officer Roberts was not specific, mentioning she met [redacted] sometime after the academy, but recognized and admitted that [redacted] seemed to be a good person to know, because [redacted] always had information about crime and seemed to know *"everyone,"* so she took it upon herself to get to know [redacted] Officer Roberts summed up her answer by adding, *"That's what I do, I talk to everybody."*

Lieutenant Breneman then asked Officer Roberts what Officer Hodakoski' s relationship was with [redacted] Officer Roberts said, *"Oh, less than mine. Sarah doesn't really talk to people like that. That I'm like you know..."*

Lieutenant Breneman then asked Officer Roberts if she recalled being told by [redacted] about a specific instance, a sexual encounter with Officer Jackson where Officer Jackson referred to one of [redacted] body part [redacted] body part. Officer Roberts acknowledged that she was told of the sexual encounter and when

asked to explain, Officer Roberts said, *"I don't remember exactly because I actually, I literally said I'm like stop that's disgust... you know whatever. Uh, and* [redacted] *was being offensive saying you that* [redacted] *he may* [redacted] *and that to me is very sensitive like don't, don't accuse somebody of being that way, but that, you know like if they're not..."* Lieutenant Breneman clarified that [redacted] accused Officer Jackson of being [redacted] Officer Roberts then claimed every time she saw [redacted] would find a way to talk about Officer Jackson, but she would cut [redacted] short, because she was wearing a body-camera.

Referring back to the time Officer Roberts acknowledged meeting [redacted] at a bar, Officer Roberts confirmed with Lieutenant Breneman that seeing [redacted] at the bar was the only time she met with [redacted] in a personal setting, other than randomly running into [redacted] at a store once or twice.

Lieutenant Breneman then asked Officer Roberts if, whenever [redacted] described [redacted] sexual encounters with Officer Jackson (referring also to the time Officer Roberts applied to the unit with Sergeant [redacted] if [redacted] ever told her [redacted] was a confidential informant. Officer Roberts answer appeared evasive and unclear, saying, *"No,* [redacted] *would always,* [redacted] *never told me* [redacted] *was a CI for the department.* [redacted] *would always say that* [redacted] *just* [redacted] *works with* [redacted] [redacted] *works with* [redacted] [redacted] *knows* [redacted] *like that's* [redacted] [redacted] *Like, uh... if* [redacted] *needed anything you know like so I'm like okay cool. And then* [redacted] *like yeah, I, I, I know people I've been... you know like stuff like that but it wasn't... because I would see* [redacted] *a lot on calls. There was a time that we responded to a lot of* [redacted] *was fighting* [redacted] *which is the* [redacted] [redacted] *so every time* [redacted] *would name drop because I didn't know* [redacted] *That's how I, you know, was like okay. So,* [redacted] *would mention people and I'm like okay so this* [redacted] *must be you know important. Uh, not important, but that* [redacted] *knows people. So, not that that changed the way we outcome cause I mean* [redacted] *got still arrested and stuff but* [redacted] *would... the main name that* [redacted] *said was always,* [redacted] *But I mean* [redacted] *always been in one of those units, so it makes sense. And then after a little bit I don't know if that's when they allegedly started sleeping together that's when* [redacted] *would mention Jackson. Like after a while* [redacted] *wouldn't you know,* [redacted] *just said* [redacted] *knew people."*

Consistent with Lieutenant Breneman's allegation that Officer Roberts was not clear in her answers, Lieutenant Breneman asked Officer Roberts if she recalled when [redacted] started telling her that [redacted] was having a sexual relationship with Officer Jackson. Officer Roberts answered, *"It was a little bit after I got to, like you, know calls and shit, and stuff. Uh..."* Lieutenant Breneman clarified by asking what year she knew. Officer Roberts said, *"Like I was already like not a rookie, so I mean cause like I said that's all I... I don't know if it was before his whatever he's going through like right before or during, like I don't, I don't know. Cause I was like, it was just, it didn't make sense to me. I'm like..."*

Lieutenant Breneman asked what Officer Roberts meant when she said, *"...whatever he's going through..."* and asked if she meant when Officer Jackson was placed on administrative leave in 2017. Officer Roberts wasn't specific, so it was asked [redacted] [redacted] mentioned previously, was a better way to recall when she knew. After some back and forth, it was agreed that Officer Roberts had knowledge of a sexual relationship between [redacted] and Officer Roberts since approximately 2015 or 2016.

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Lieutenant Breneman then referred back to the questions where she asked about the specific sexual encounter [redacted] had with Officer Jackson and where [redacted] had accused Officer Jackson of being gay. Lieutenant Breneman asked if anyone else witnessed [redacted] make the accusations, specifically Officer Hodakoski. Officer Roberts said she couldn't recall, but did acknowledge that [redacted] talks more to her than with Officer Hodakoski because Officer Hodakoski is more *"stand off-ish."* Officer Roberts then said, *"...And I personally thought that's where I drew the line, like, don't, now you're not, not only saying that you're sleeping with him which none of my business but now you're alleging something else. And per... like I said personally to me that's, that's like a, if [redacted] telling me who else is [redacted] that to me is serious. I know it may not be to a lot of people but to alleged something like that if it's not true it, I don't know. But, uh, yeah, but I, I think it was only either me or like if I was on a call with other people, but nobody knows who [redacted] is. There's a lot of rookies so nobody really knows who that is. I always tell people that's a good person to know because [redacted] knows everybody here. You know like if you need, but yeah:"*

Lieutenant Breneman asked Officer Roberts if she knew of anyone else [redacted] had told [redacted] was having a sexual relationship with Officer Jackson. Officer Roberts said she wasn't sure. Lieutenant Breneman asked specifically if [redacted] ever told Officer Sarah Hodakoski. Officer Roberts said, *"I'm sure [redacted] alleged, yeah, I mean... and I believe not to whatever, but I believe Lucy was on a... because [redacted] does not like Lucy and Lucy, they don't get along. Uh, so I don't know if it while, while Luz was there like if you know whatever. Uh, so, I don't know if, if she heard it or whatever. I know that I did mention it to them...you know on like cause I was shocked. Uh, so, but I don't remember who all was there. [redacted] has no prob... it's not like [redacted] discreet...about it or trying to protect [redacted] you know or his."*

Finally, Lieutenant Breneman asked Officer Roberts if she ever reported [redacted] sexual allegations with Officer Jackson to a supervisor, and Officer Roberts said no. Due to the admittance of not reporting the misconduct, Lieutenant Breneman then ended the witness interview (prompting this current Internal Affairs investigation).

**Law Enforcement Witnesses**

Detective Maalisa Langton

Detective Maalisa Langton was witness to the *"off the record"* statement [redacted] made to Lieutenant Breneman and confirmed the same to Sergeant Losapio during her Internal Affairs interview. Detective Langton also confirmed that [redacted] swore [redacted] would never involve Officer Roberts with any investigation which was the reason for leaving it off the record.

Detective Langton also confirmed that [redacted] referred to Officer Roberts and Hodakoski are '[redacted] and that Officer Roberts is [redacted] Godmother. [redacted] also confirmed that when [redacted] was asked if Officer Roberts and Hodakoski knew of the sexual relationship [redacted] answered, *"They know. I used to tell her a lot. Roberts is my go to person that I tell everything about Jason."*

Detective Langton further confirmed that [redacted] said [redacted] told Officer Roberts that [redacted] had sex with Officer Jackson while he was on duty and that Officer Roberts was present in the 2019 meeting with

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Detective [redacted] but admittedly didn't want to assume why Officer Roberts was there (whether it was because she knew [redacted] personally or not).

When Sergeant Losapio asked Detective Langton if Officer Roberts relationship with [redacted] appeared personal, Detective Langton replied, *"Based on what [redacted] told us? It, it appeared as though it may have been, yes."*

**IA 2021-006 Witnesses**

Being that that the allegations against Officer Roberts stemmed from IA 2021-006, several interviews were referred to during the investigation. These individuals were mentioned briefly throughout the investigation however, since the allegations were based on Officer Roberts inconsistency between what she stated to Lieutenant Breneman and what [redacted] had provided, albeit *"off the record,"* these individuals were not reinterviewed.

Detective [redacted]

During IA 2021-006, Detective [redacted] was interviewed by Lieutenant Breneman. Detective [redacted] was witness to [redacted] being paid for credible information as a confidential informant in 2019. Detective [redacted] acknowledged that [redacted] was not currently an active confidential informant but had been a consistent source of information. Detective [redacted] acknowledged that Officer Roberts was present when [redacted] met with [redacted] in [redacted] recalled that Officer Roberts had mentioned she was comfortable with being the liaison between the [redacted] and [redacted] because [redacted] didn't feel comfortable or didn't know Detective [redacted] Detective [redacted] described Officer Roberts relationship with [redacted] as professional. Detective [redacted] said [redacted] never admitted to [redacted] about a sexual relationship with Officer Jackson, only a *"personal"* one.

Detective Loussanda Jean Baptiste

During IA 2021-006, Detective Loussanda Jean Baptiste was interviewed by Lieutenant Breneman. Detective Jean Baptiste was alleged to have witnessed [redacted] admit to a sexual relationship with Officer Jackson. Detective Jean Baptiste acknowledged she knew [redacted] from prior calls for service but denied knowing [redacted] personally and denied [redacted] had ever told her of a sexual relationship between [redacted] and Officer Jackson. Detective Jean Baptiste acknowledged she had conversations with Officer Roberts about [redacted] most about different calls for service, but couldn't recall Officer Roberts ever telling her of a sexual relationship between [redacted] and Officer Jackson. Detective Jean Baptiste also denied that during calls for service [redacted] had ever said anything to her about having sex with Officer Jackson.

Detective Jean Baptiste denied knowing [redacted] was a confidential informant but admitted that [redacted] may have mentioned [redacted] once or twice but said the name [redacted] or Gonzalez were names people on the street would often throw out when interacting with police. Coincidently, Jean Baptiste asked Lieutenant Breneman if Officer Roberts had an alleged personal relationship with [redacted]

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Lieutenant Breneman mentioned at that time, there seemed to be a rapport, but said she didn't know the extent of the relationship yet.

Sergeant [redacted]

During IA 2021-006, Sergeant [redacted] was interviewed by Lieutenant Breneman. Sergeant [redacted] said [redacted] was [redacted] *"handler"* as a confidential informant in [redacted] Sergeant [redacted] also acknowledged [redacted] was a confidential informant in [redacted] and [redacted] and had several different handlers during those times. Sergeant [redacted] acknowledged that in [redacted] was paid $[redacted] for credible intelligence during a drug investigation but was deactivated almost immediately. [redacted] was deactivated because [redacted] learned [redacted] had been sharing information with members of the police department other than the handler. Sergeant [redacted] also acknowledged that in [redacted] admitted to a sexual relationship with Officer Jackson but also said that [redacted] had admitted it previously. [redacted] recalled that at the time [redacted] first mentioned the sexual relationship, Detective Candice Petaccio was [redacted] handler and recalled addressing the allegations [redacted] assumed the allegations were addressed appropriately because in 2019, Officer Jackson was already on administrative leave. Sergeant [redacted] also denied addressing the allegation with Officer Jackson directly, because it may have been part of Detective Petaccio's investigation.

## Civilian Witnesses

[redacted]

[redacted] did not provide an interview for the Internal Affairs Investigation.

[redacted]desire to not participate in the investigation is substantiated during an interview on August 23rd, 2021 by Lieutenant Lesa Breneman and Detective Maalisa Langton in reference to IA 2021-006.

During that interview (page six of the transcription), *"off the record"* information was attempted to be included for the investigation however, when the issue was addressed, [redacted] verbally declined with *"No"* when asked to provide the information on the record.

Additionally, Lieutenant Breneman called [redacted] on December 1st, 2021 and left a message at [redacted] last known number. On December 2nd, 2021 [redacted] came to the police department and met with Sergeant Losapio and Lieutenant Breneman. [redacted] verbally declined to provide a statement for the Internal Affairs investigation.

## Subject Interview

On December 9th, 2021 Officer Evelyn Roberts provided a digitally recorded sworn statement regarding the allegations. Prior to the statement, Officer Roberts was provided her Garrity Warnings, Officer Bill of Rights, Notice of Allegations, and all materials related to the investigation. Officer Roberts was accompanied by Officer Martin Davila.

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As with all interviews, Sergeant Losapio first asked Officer Roberts if she had any questions or objections before questioning started. Officer Roberts asked why she was being interviewed when the main subject of the investigation, [redacted] refused to provide a statement. Sergeant Losapio answered it was a matter of protocol to investigate all allegations, whether sworn or not.

Being that much of the allegations pertaining to Officer Roberts involved her not being clear in her witness interview during IA 2021-006, Sergeant Losapio referred to the written transcript in his questioning of Officer Roberts and utilized page numbers so she could reference it herself. For the first question, for example, Sergeant Losapio referenced page eight of her witness interview where she told Lieutenant Breneman that she didn't believe [redacted] when [redacted] told her [redacted] was sleeping with Officer Jackson, answering, *"I can guarantee you that [redacted] always said that [redacted] slept with a lot of people here, but you don't believe it. You don't, unless I see it you don't believe it."* Simply, Sergeant Losapio asked Officer Roberts what she meant by, *"unless I see it you don't believe it?"* Officer Roberts said she didn't believe it because she had never seen [redacted] and Officer Jackson together, she had never seen pictures of them together and questioned how she would be able to prove it.

Sergeant Losapio asked Officer Roberts if [redacted] should be believed that [redacted] was having sex with Officer Jackson. Officer Roberts answered she didn't know. She then said, *"I don't know if you guys consider [redacted] to be credible."*

Sergeant Losapio asked Officer Roberts if [redacted] should be believed when [redacted] alleged that [redacted] knew her personally. Officer Roberts answered, *"No, [redacted] doesn't know me personally."*

Sergeant Losapio asked Officer Roberts, as she had mentioned on page four of her witness interview transcript that [redacted] said [redacted] slept with a lot of people at the agency, who else [redacted] slept with. Officer Roberts answered that she didn't know because [redacted] never told her names.

Sergeant Losapio asked Officer Roberts why she told Lieutenant Breneman, on page four of the transcript, why when [redacted] told her [redacted] was sleeping with Officer Jackson, she told [redacted] *"I'm like, alright [redacted] I don't care about that"* and then told [redacted] *"she didn't want to know?"* Officer Roberts explained that she knows [redacted] from calls i.e., calls for service. She said that she doesn't care what [redacted] does on [redacted] personal time and when she sees [redacted] it's usually during a fight or disturbance. Often [redacted] would allegedly make comments about Officer Jackson but couldn't recall a specific call or what the circumstances were because her focus was on *"officer safety."*

Sergeant Losapio asked the question again, but was a little more direct, asking, *"And so to be clear, or reiterate the point when [redacted] who was a former or current CI, told you [redacted] was having a sexual relationship with an officer, you said, you don't care and you don't want to know?"* Officer Roberts answered, *"I don't know if I said that, or how I meant it."* She then explained that it was because *"it wasn't*

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*work related"* so she might have misspoken when she said she *"didn't care."* Sergeant Losapio then pointed out the seriousness of the allegations by [redacted] a current or former CI, telling her information about an officer, but that Officer Roberts admittedly said she didn't care. Officer Roberts again explained that she believed she received the information on a scene which was chaotic, a lot of fighting, and not a one-on-one conversation, so she was focused on officer safety, not what [redacted] wanted to tell her.

Sergeant Losapio tried to recap what Officer Roberts had told him and that the information was received on a call for service, so Sergeant Losapio asked if that a call for service was the situation under which [redacted] gave her that information, but Officer Roberts, despite answering she was worried about officer safety, answered, *"I don't remember."* Sergeant Losapio asked specifically if it was a bar closing type of call where [redacted] told her about Officer Jackson, Officer Roberts answered, *"It could have been."*

Sergeant Losapio asked Officer Roberts if she said she *"didn't care"* about [redacted] allegations against Officer Jackson was because she had knowledge that [redacted] was a current or former CI. Officer Roberts replied, *"No."* Sergeant Losapio pressed and asked Officer Roberts if it was convenient for her not to hear about the relationship and Officer Roberts answered the question with her own question asking, *"How do I know if it's true or not?"* Sergeant Losapio rephrased the question, explaining that the nature of the question was more about what her intent was in answering Lieutenant Lesa Breneman's questions during the witness interview. Sergeant Losapio referenced that she said she didn't want to know or cared about the relationship, so Sergeant Losapio asked if she didn't want to know because she knew [redacted] was a confidential informant. Officer Roberts answered, *"Sir, I will never do that. I would never know something that's wrong and not and then not investigated, but I wouldn't ever do that."*

Sergeant Losapio referenced page fourteen of her witness interview with Lieutenant Breneman, and asked Officer Roberts why when Lieutenant Breneman asked her who else witnessed [redacted] admit [redacted] was having sex with Officer Jackson she, at one point, answered it was none of her business. Officer Roberts said it was because there were a lot of rookies around at the time and it *"wouldn't be right"* [redacted] would say something about Officer Jackson in front of them and they would unfairly make their own opinions about something they don't know anything about. She then said that if [redacted] had concerns, she should have gone to Internal Affairs, not her. She was just an officer.

Sergeant Losapio referenced page ten then into page fourteen of the witness transcript, and asked, based on the severity of the allegations [redacted] was having sex with Officer Jackson, why she told Lieutenant Breneman that *"...it was none of her business?"* Officer Roberts said if [redacted] gave her proof or some type of evidence of the sexual relationship, she would have gone to a supervisor. She continued and said, *"It was [redacted] talking to me because [redacted] lied to me on calls before, [redacted] lied to other officers, so to me, by [redacted] just walking by and saying something you know, does that make sense? I have no way to prove that that was factual."* Sergeant Losapio inquired again and asked if it was during a call where there was a large crowd was when [redacted] told her. Officer Roberts said she wasn't sure, there could have been a crowd, and all she remembered was telling [redacted] to just move along.

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When Lieutenant Breneman asked Officer Roberts if anyone had ever told her about misconduct by Officer Jackson, Officer Roberts answered, *"No. I just about the, you know,* [redacted] *claiming that, that* [redacted] *slept with him, but I can't prove or deny it. And I really don't know officially."* Sergeant Losapio asked Officer Roberts what she meant by answering she couldn't prove or deny sex between [redacted] and Officer Jackson. Officer Roberts again answered because she had never seen them together or seen pictures or video of them together.

Sergeant Losapio asked what she meant when she answered, she didn't know *"officially?"* Officer Roberts again answered it was because she didn't have any proof that there was sexual relationship between [redacted] and Officer Jackson. Sergeant Losapio then asked Officer Roberts what her *"threshold"* would be when, if she was told about misconduct by an officer, she would come forward. Officer Roberts she would come forward if it was anyone else besides [redacted] who told her, because she didn't believe [redacted] to be credible. If she knew something to be factual, she would report it.

Sergeant Losapio referred back to what Officer Roberts's *"threshold"* would be for reporting misconduct, recognizing it could be different for each officer personally, but asked her where she drew the line. Officer Roberts replied, *"It's not somebody's telling me anything, it's that* [redacted] *has said that* [redacted] *slept with half the agency. If I was to come in here, honestly, from the bottom of my heart and tell you hey, let's say* [redacted] *did give me names, it's Evelyn talking crap, I have nothing to go by. And I'm not gonna slander an officer's name, if I don't have, if it's just* [redacted] *saying* [redacted] *slept with everybody, pretty much. This was just another person to me for* [redacted] *"*

Sergeant Losapio asked hypothetically, if [redacted] did provide her names, if she would come forward and Officer Roberts said she would. Sergeant Losapio asked if she would come forward if she only provided names but not pictures or proof like she had mentioned earlier. Officer Roberts said she would come forward because of what she is going through now and being under investigation. Officer Roberts said, *"The difference now is because of what I'm going through right now. For somebody who, I don't consider credible, who, I don't consider somebody, who wasn't even willing to give a sworn statement, and I'm being questioned over something that I think is not right. You know, because I know my, really, I know my character and I know what relationship I have. So if it if you're saying I can't speak for the past, how I would have handled it if as* [redacted] *gave me other names. I don't know. If right now, if anybody was to do that, because of the situation I'm in. I'm, yes, I would."*

Sergeant Losapio asked Officer Roberts that if she was faced with the same information today, would she come forward. Officer Roberts said, *"Absol...there is no doubt sir, this is not worth it."*

Sergeant Losapio asked Officer Roberts that when asked during her witness interview, when she knew or became aware [redacted] was a CI, she said, on page three, it was a meeting about *"two years ago,"* was when she knew *"officially,"* but on page twelve, when asked if [redacted] would tell her if [redacted] was a CI she

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said, *"No, [redacted] would always, [redacted] never told me [redacted] was a CI for the department. [redacted] would always say that [redacted] just works with [redacted] [redacted] works with [redacted] [redacted] knows [redacted] like [redacted] [redacted] like..."* Sergeant Losapio asked wouldn't [redacted] *"always"* telling Officer Roberts [redacted] worked with [redacted] whose role was to work in an undercover capacity, show or prove to her that [redacted] was a CI, whether *"officially"* or *"unofficially?"* Officer Roberts answered, *"I don't know. I still to this day after all these years. I don't know what what is constitutes an official or non-official or I don't know that stuff. I've never worked in that capacity. I don't know exactly. The only person, that's how I started to get to know [redacted] was because people [redacted] was naming people that I, at the time when I first started, I looked up to. Units that I wanted to be in. So when [redacted] told me [redacted] knew those people, I was like, oh, and then I remember officers would say, [redacted] a good person and like, you know, if [redacted] [redacted] has information, if it's of course, if it's not against [redacted] [redacted] comes forward with that, you know, so do I know exactly that [redacted] was or what I , I remember the day that I met with [redacted] was when I thought oh, [redacted] kind of official official, but I don't know."*

Sergeant Losapio asked again, and from a cop's perspective, if someone was telling her they were working with someone, was it fair to reason that they were working as a CI, source of information or somebody that's giving information? Officer Roberts first said when she found out she was a *"baby cop"* then conceded, *"...I don't know. I don't know, sir."*

Sergeant Losapio asked Officer Roberts if she intentionally provided unclear answers, as alleged by Lieutenant Breneman, to hide or conceal her true knowledge of [redacted] and Officer Jackson's alleged sexual relationship? Officer Roberts answered, *"Sir, I can guarantee you, I've been here for a very long time. And until recently, I've never been in this predicament lately. Okay. I take my character very seriously. I wouldn't protect anybody to put me in this position. Nobody. He's not a good friend of mine. He's a person that I knew here. I could give a... I would not ever intentionally, I speak that way. I don't. You see how I express myself. Everybody that knows me, knows the way I express myself. I'm a very passionate person. I'm a very emotional person when it comes to if I'm being questioned about my character, which this is what this is to me. Okay, you could question me about a lot of things, not my character. Um, no, I did not intentionally try to cover up for two people that I could care less about. Never."*

Sergeant Losapio asked Officer Roberts if she intentionally provided unclear answers, as alleged by Lieutenant Breneman, to hide or conceal her true knowledge of [redacted] role as a current or former CI? Officer Roberts answered, *"No, sir."*

Sergeant Losapio's next question was prefaced with multiple examples of how Officer Roberts herself, in the witness interview, appeared to describe personal in nature relationship with [redacted] Sergeant Losapio asked, *"On August 23 2021, you testified that you do not have a personal relationship with [redacted] When asked, "Okay, do you have a personal relationship with [redacted] friendship, with [redacted] You answered, and this is on page two, "Not really personal. I just like, I seen [redacted] grown up and stuff like that and I've, but I don't consider a personal like [redacted] would be my friend like to go to." Later, however, when describing your relationship with [redacted] you admitted to having [redacted] number, on page six of that*

*interview, you admitted to meeting up with* [redacted] *at a bar after* [redacted] *recalled, after* [redacted] *called your number, that's on page five of that interview. admitted to having* [redacted] *always saying that* [redacted] *was having a sexual relationship with Officer Jason Jackson, that's on page four that interview, admitted that* [redacted] *tells people* [redacted] *godmother* [redacted] *that's on page three of that interview, plus* [redacted] *alleged* [redacted] *tells you everything and that you and Sarah are* [redacted] *that's on page eight, you acknowledged a, an intimate conversation which we talked about earlier, with* [redacted] *where Jackson referred to* [redacted] *with* [redacted], [redacted] *body part and accused Jackson* [redacted], *that's at page ten. How does this not support a personal in nature relationship between you and* [redacted] Officer Roberts answered that she doesn't have a *"relationship"* with [redacted] but rather, has a *"rapport"* with [redacted] She described that her personality was the same way at work as it was personally; she's friendly to everyone and calls everyone *"honey"* or *"sweetheart."* The only reason why she knows [redacted] was because of the area she worked in and knew [redacted], but again said she does not know [redacted] personally. As for having [redacted] phone number, Officer Roberts said she gave a lot of people her personal phone number before she got her work phone, saying she is very involved with the community where she works.

Sergeant Losapio then asked Officer Roberts, based on the examples he mentioned, and what she testified to, if she would agree that her relationship with [redacted] did not appear to be strictly professional, but personal in nature? Officer Roberts answered, *"There is no personal relationship."* Sergeant Losapio then asked based on her *"rapport"* with people, if her relationship with [redacted] could have been misconstrued. Officer Roberts answered, *"It could be because I am friendlier than other officers. You know, where I've been here a long time. So, I talk to people a certain way. I wasn't like that when I started. It's taken time for me to change like that, and know my area, which I think it happens to all of us, because could* [redacted] *have misconstrued it as, "Oh,* [redacted] *best friend?" I mean, I don't really think that* [redacted] *should, but I can't talk for* [redacted] *speak for* [redacted] *But I have my way of how I conduct myself, and I'm not going to change it."*

Sergeant Losapio then asked, for the record, and to be clear, to describe her relationship with [redacted] Officer Roberts answered that her relationship with [redacted] is a work relationship only.

Sergeant Losapio asked Officer Roberts why she was the liaison between [redacted] and Detective [redacted] in [redacted] when [redacted] was signed up as a CI? Officer Roberts provided that she had always wanted to work undercover and Detective [redacted] took her under [redacted] wing. She also recalled it was also the time when Detective [redacted] was recruiting officers for a case [redacted] was working and wanted to be a part of that. She remembered that [redacted] name had come up during that case and she recalled thinking that was good because she had a good *"rapport"* with [redacted] Sergeant Losapio redirected the question and asked Officer Roberts if she was asked to be the liaison between [redacted] and Detective [redacted] because of her alleged personal in nature relationship with [redacted] Officer Roberts answered, *"I honestly don't know what they thought I just said, I was like, I have a rapport with* [redacted] *I know who* [redacted] *is, you know, whatever. I don't know what they were thinking if that's why they had me go there. I was already in the in the building. You know?"*

Sergeant Losapio then asked Officer Roberts why, if she knew [redacted] was having sexual relationship with Officer Jackson, it was appropriate for [redacted] to be signed up as a CI? Officer Roberts at first defended herself by saying she wasn't the person making the decision to have [redacted] work as a CI. She then defended her position that there was never any proof of a sexual relationship between [redacted] and Officer Jackson. Sergeant Losapio then posed the question another way and asked, if she had information, proven or not, that [redacted] had a sexual relationship with Officer Jackson, how come she didn't *"step in"* to say anything when signing [redacted] up as a confidential informant? Officer Roberts said, *"I don't know. The other guys have been here longer, I don't know."* Sergeant Losapio confirmed with Officer Roberts that her answer to whether or not it was appropriate to have [redacted] as a CI even though [redacted] was allegedly having a sexual relationship with Officer Jackson was, *"I don't know."* Officer Roberts again conceded said she didn't know why she didn't *"step in"* and say something.

Sergeant Losapio referred back to Officer Roberts witness interview where she recalled [redacted] and allegedly [redacted] Godmother. Sergeant Losapio asked if she didn't know [redacted] personally, how did she have knowledge about [redacted] Officer Roberts said she just recalled the [redacted] from seeing [redacted] on the streets and remembered the [redacted] as a time reference because she was bad with dates.

Sergeant Losapio asked Officer Roberts if earlier she testified [redacted] shouldn't be believed, why was [redacted] signed up to be a confidential informant? Officer Roberts replied, *"Sir, that has nothing to do with me why, how it was done or, or whatever. That's above my paygrade. I was trying, I was my, I was trying to show my interest in a unit. How they go about that and how they do things and how they operate. I have no idea."*

Sergeant Losapio then referred Officer Roberts to page fourteen of her witness interview transcript and asked why, if [redacted] shouldn't be believed, why did she tell Lieutenant Breneman's that she tells people, rookies, that [redacted] was a good person to know, because [redacted] knew everybody here? Officer Roberts answered, *'[redacted] knows people. As in you know, [redacted] knows a lot of the big timers so it's like it's good to that's what I was told when I was a rookie, that [redacted] somebody that [redacted] give you you know, 43, Now what you do with it I'm not saying 100% its accurate just like everybody out there. There's a lot of people out there that I know that if certain things happen in North are like, Hey, listen, I didn't see anything, but you should really check out whatever you know. I mean, I don't know."*

Sergeant Losapio asked Officer Roberts that if [redacted] was not credible, why wouldn't she tell other officers not to listen to anything [redacted] says? Sergeant Losapio pointed out that she didn't say that, instead, as she testified, Officer Roberts tells people [redacted] is a good person to know. Officer Roberts answered, *'[redacted] had [redacted] knows everybody out here sir. That's my opinion on it. [redacted] does know a lot of people, good, bad indifferent. I'm not saying, as an officer, you shouldn't believe 100% what anybody tells you, you should create your own rapport, which I'm not going to, and then see what you know what, what is true and what is not, what you can use and what you can't. Does that make sense?"*

To be clear, Sergeant Losapio pointed out that in the beginning of the interview Officer Roberts said [redacted] can't be believed, but some of [redacted] actions and some of the things [redacted] testified to showed [redacted] to be credible. Officer Roberts replied, *"Sir, if [redacted] like, if I know what, I'm, okay. If [redacted] telling me oh, I'm sleeping with this person, or I'm sleeping with people in the agency or whatever. I wasn't there, I didn't see anything. So, to me, you know, then you have to decipher whatever information anybody gives you the way I look at it, I could be wrong. The way I look at is if you give me something you told me Hey, Evelyn, blah, blah, trust me. I could either be blind to it because I my interactions with you before, or be like him a little hesitant and have you proved like, okay, maybe, maybe he's a little right on this, maybe he's not, you know what I mean? Just because I say [redacted] a good person to know, as in, [redacted] knows people on the streets doesn't mean that [redacted] credible, or not credible or not credible, either or. This is my personal way of how I conduct myself, who, you know, like, that's the way I do it. Again, I could be wrong. But to me, like, a lot of times the things that [redacted] said, has been wrong. And people are like, No, that's not what happened. This would happen. Look, there's a video. And I'm like, oh, you know, whatever. I stand corrected. But I just have a different I guess I have a different way of conducting my job. And creating rapports with people. No, I don't believe half the things anybody says out there."*

Sergeant Losapio commented that [redacted] had given credible information as a CI, but Officer Roberts answers so far seemed to be contradicting; that [redacted] was credible or wasn't credible. Officer Roberts said, *"No. I never, it's not that. You're mis- maybe I'm not explaining myself, when it came to what [redacted] was talking about [redacted] having or screwing or whatever. [redacted] did not come up to me one on one. And say here, Evelyn, here's a video, here's this, here's that, it was [redacted] passing literally, either drunk or whatever, [redacted] you know, whatever, in a large crowd. That to me, if you if you truly have a concern, it would be like, hey, Evelyn look this, this and this or text message, and I would stop what I'm doing, regardless of what's going on, like, hey, watch my back, you know, whatever."*

Sergeant Losapio then asked Officer Roberts why [redacted] would tell her [redacted] was having a sexual relationship with Officer Jackson and wondered if it was to [redacted] benefit or not. Officer Roberts said she didn't know but said sometimes [redacted] liked to show off.

Sergeant Losapio pointed out that the nature of the complaint was because [redacted] named her personally and wanted to know why she thought that was. Officer Roberts acknowledged that she was named by [redacted] but pointed out that [redacted] did not provide a sworn statement; all [redacted] comments were made *"off the record."* She took the opportunity to point out that conversely, she was stating under oath that she does not have a personal relationship with [redacted] and she didn't know why [redacted] would allege that she did. She also said she can't control [redacted] opinion of her. She then said, *"...if I don't know how to answer the questions, it's not because I'm trying to hide anything. It's I don't know how to explain it any more than, I truly don't have a personal relationship with [redacted]"*

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Sergeant Losapio asked Officer Roberts if she had knowledge of [redacted] ever providing credible information which lead to a search warrant or an arrest. She answered that she didn't know. Sergeant Losapio then pointed on [redacted] 1, [redacted] she witnessed a $[redacted] payment to [redacted] as a CI and asked Officer Roberts why the payment was made, but Officer Roberts said she didn't know. Sergeant Losapio inquired further and asked Officer Roberts, based on her experience, why a CI would be paid. Officer Roberts recalled a time a [redacted] was paid for doing buys but then claimed not to know much about it. Sergeant Losapio then had to point out that the payment represents credible information being received by the CI. Sergeant Losapio then referenced the CI packet which was provided to her before the interview. The CI packet consisted of a $[redacted] payment to [redacted] witnessed by Officer Roberts, for credible information involving a case.

Sergeant Losapio then referred back to the instance where Officer Roberts admittedly met [redacted] at a bar and asked Officer Roberts what the circumstances were on how the meeting came about. Officer Roberts denied intentionally meeting [redacted] at a bar. She recalled she was at a bar that she used to frequent when she received a call from an unknown number. She answered the phone and recognized it to be [redacted] but since she was not working, allegedly told [redacted] she was not on duty and couldn't talk. It was several hours later that [redacted] coincidently showed up at the bar. Officer Roberts said she never told [redacted] where she was and again said it was coincidence that [redacted] showed up there. Sergeant Losapio then asked Officer Roberts to describe her conversation and interaction with [redacted] when [redacted] got to the bar. Officer Roberts said, "[redacted] *had other people there. There was other people that* [redacted] *was either meeting there or* [redacted] *told to go there. I don't know.* [redacted] *said something about* [redacted] *you know,* [redacted] *You know, and I go* [redacted] *stop talking shit. I'm being honest. Sorry for the bad word. And then I went to the other side of the bar, continued my drink. And then shortly after I left, it was awkward. Because that's not the way I knew* [redacted] *to see me, you know, on my off days."* Noticing [redacted] asked Officer Roberts, "..[redacted]" Sergeant Losapio asked Officer Roberts if [redacted] was referring to the [redacted] where, earlier it was alleged Officer Roberts [redacted] Godmother, and Officer Roberts acknowledged that it was.

Sergeant Losapio mentioned that it appeared, initially, that when [redacted] called her, Officer Roberts invited [redacted] to hang out with her at the bar. Officer Roberts denied this, saying the bar she hung out at was her *"safe place"* but acknowledged that it did appear that way.

Sergeant Losapio asked Officer Roberts if [redacted] told her [redacted] would *"never involve her"* as [redacted] told Lieutenant Breneman, as for reason for not providing a statement. Officer Roberts said she doesn't remember ever hearing that.

Sergeant Losapio asked Officer Roberts if she ever reported the alleged sexual relationship between [redacted] and Officer Jackson to a supervisor. Officer Roberts answered, *"No, sir, because I didn't think there was anything to report."*

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Sergeant Losapio asked Officer Roberts, despite claiming *"officially"* she didn't know if [redacted] was having a sexual relationship with Officer Jackson and *"officially"* she didn't know [redacted] was a CI, if faced with the same information about misconduct in the future, if she would come forward. Officer Roberts answered, *"Sir, absolutely."*

Finally, Sergeant Losapio asked Officer Roberts, in reference to General Order 9.1, misrepresentation or falsification, as it pertained to her Notice of Allegations if she violated policy. After some clarification as to what was being asked, Officer Roberts answered, ***"No, I don't think so."***

Sergeant Losapio asked Officer Roberts, in reference to General Order 22.2, her alleged personal relationship with a known CI, as it pertained to her Notice of Allegations if she violated policy. Officer Roberts answered, ***"No, sir."***

Sergeant Losapio asked Officer Roberts, in reference to General Order 9.1, failing to report unprofessional conduct to a supervisor or Internal Affairs, in reference to her Notice of Allegations if she violated policy. Officer Roberts answered, ***"I don't feel I did, no."***

When Sergeant Losapio asked Officer Roberts if there was anything he failed to ask about the situation or if there was anything she wanted to add to her statement. Officer Roberts added, *"You didn't fail to ask me but I, if I don't, if I could get a second to reiterate that I, I take this very seriously and this is just how I do my job, I have a different way of doing it. It's not textbook. It's not maybe the way that a lot of people is but some of you have seen me work or even in an office setting. I have a different personality, I have a different way of conducting myself. It doesn't mean that I have personal relationships with these people or that I would do anything to jeopardize my job or help anybody else for that matter or hide something this severe. I would never do that."*

Reflecting on her statement, Sergeant Losapio asked if her approach to her job would best described as *"personable?"* Officer Roberts agreed that it was. Sergeant Losapio then asked Officer Roberts if her personable approach helped or hurt her in police work. Officer Roberts replied, *"It's never hurt me until now. I'm gonna be honest with you. It's always helped me. It's always helped make people feel comfortable. Whether it's little girls, you know, feeling comfortable, I don't like the feeling of taking them to jail. And people being afraid of us, I can still do my job and do it accurately and do it as a human. It's worked for me, I'm five foot nothing. When I'm out there, my mouth and me being my, my way has helped me to not get hurt and to make it home to my* [redacted] *The only time its hurt me, to my knowledge is right now. But I'm not going to change how I do my job because I do it and I do it right, in my opinion, and I'm not going to let this little mishap change who I am."*

As mentioned previously, Officer Roberts was accompanied in her interview by Officer Martin Davila who wanted to add a few points on the record. Officer Davila acknowledged that a specific instance (in [redacted] was provided where [redacted] provided credible CI information, but wanted to know [redacted]

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|---|---|
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tenure as a CI, claiming he wanted to know if [redacted] had a consistent track record of providing credible information.

Officer Davila also wanted to confirm that the allegations came from the *"off the record"* information from [redacted] Sergeant Losapio confirmed that it was. It was an *"off the record"* conversation witnessed and substantiated by Detective Maalisa Langton. Sergeant Losapio added that some of the *"off the record"* information, in particular the specific sexual encounter mentioned by [redacted] was admittedly substantiated by Officer Roberts.

**New Information**

During Lieutenant Breneman's review of Sergeant Losapio's investigation file, she found that Officer Roberts' explanation of meeting [redacted] in a bar as *"coincidence"* did not appear to be entirely accurate. During her subject statement, Officer Roberts provided the name of specific bar the alleged coincidental meeting occurred at, a bar she used to frequent, named Rascals.

Lieutenant Breneman sent a text to [redacted] and asked [redacted] if [redacted] had ever been to Rascals. [redacted] replied, *"Lisa, nooooo don't ask me that I never want to lie to you please. Don't put me in that position please."* [redacted] then asked Lieutenant Breneman to call [redacted]

During the subsequent phone conversation, witnessed on speaker phone by Sergeant James Langton, [redacted] admitted [redacted] had been to Rascals one time, [redacted] had been invited and met both Officer Roberts and Sarah Hodakoski there. [redacted] then admitted to having pictures of that night. [redacted] texted Lieutenant Breneman a picture of [redacted] Officer Roberts and Officer Hodakoski at a bar. A text associated with the picture said, *"At rascals bar"*.

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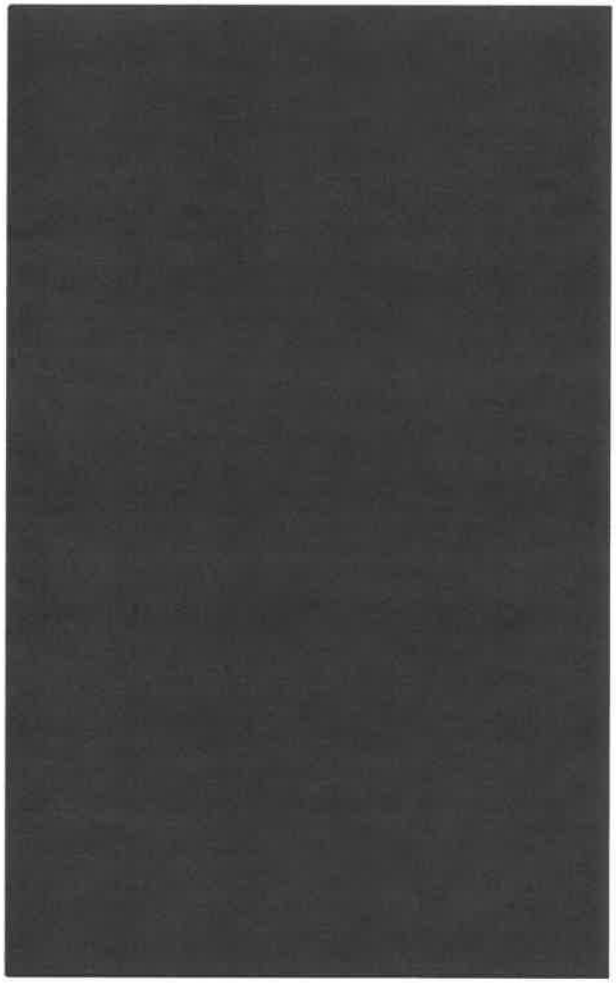

A properties detail of the picture indicated that it was created on October 30th, 2017.

[redacted] also text videos to Lieutenant Breneman. The video's appeared to be copied from social media and were taken at Chuck-E-Cheese Entertainment Center. The pictures and videos appeared to substantiate [redacted] allegations that Officer Roberts [redacted] Godmother. The video's content was Officer Roberts, dressed in casual clothing, [redacted] narrated by [redacted] The videos also appeared to capture and reference Officer Robert's [redacted], who was also in attendance. The videos had titles such as, "[redacted]" and "[redacted]".

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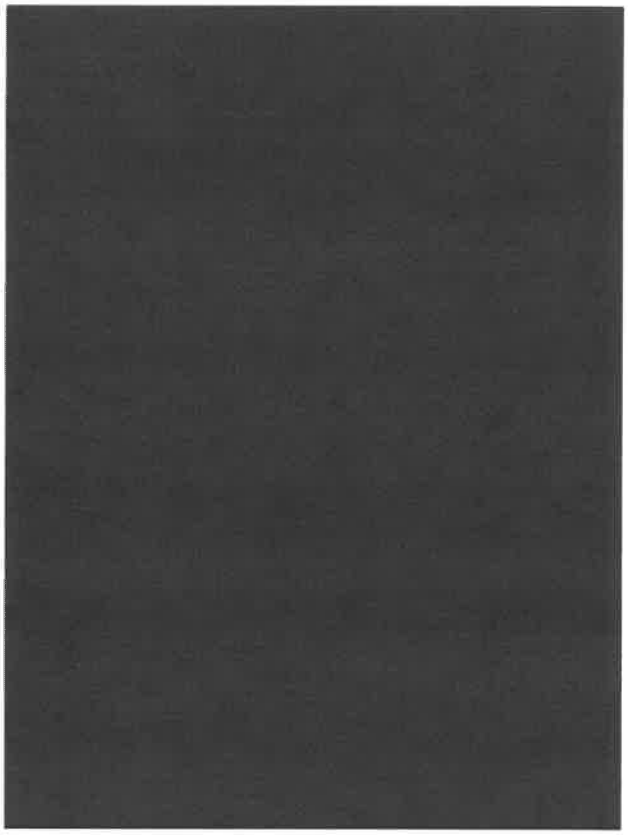

In light of the additional information, On February 16th, 2022, Officer Roberts was presented with the pictures, video's, a supplemental Notice of Allegations (which included untruthfulness) and memorandum's summarizing Lieutenant Breneman's and Sergeant Langton's involvement. Officer Roberts did not provide a statement as to the new information and she was not questioned further by Sergeant Losapio.

# Fort Myers Police Department
# Internal Affairs Investigation

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**Documents:**

- Subject Officer Notifications
- Signed Subject Officer Forms (Notice of Allegations, Garrity & Bill of Rights)
- Signed Witness Forms
- Extension Requests
- Confidential Informant Packet
- [redacted] Witness Memorandum
- Recorded Statements IA 2021-015 & IA 2021-006
- Statement Transcriptions IA 2021-015 & IA 2021-006

Under the penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

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 of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

Dan Losapio
Sergeant Dan Losapio

2.16.2022
Date

# Fort Myers Police Department Memorandum

**TO:** IA 2021-015 Case File

**FROM:** Lieutenant Lesa Breneman

**DATE:** February 16, 2021

**RE:** Additional Case Information

On February 15, 2022, Lieutenant Lesa Breneman learned that Officer Evelyn Hodakoski provided information in her subject interview in reference to her off-duty contact with [redacted] Officer Evelyn Hodakoski advised Sergeant Daniel Losapio that she "*coincidentally*" ran into [redacted] at Rascals bar one time.

Lieutenant Breneman texted [redacted] and asked [redacted] if [redacted] had ever been to Rascals. [redacted] replied, "*Lisa nooooo don't ask me that I never want to lie to you please. Don't put me in that position please.*" [redacted] then asked Lieutenant Breneman to call [redacted]

Lieutenant Breneman called [redacted] on speaker phone; Sergeant James Langton was present for the phone conversation. [redacted] advised that [redacted] had been at Rascals one time, and [redacted] was invited and met Officers Evelyn and Sarah Hodakoski there. [redacted] advised that [redacted] had pictures from that night.

[redacted] then texted Lieutenant Breneman a photograph of Officers Evelyn and Sarah Hodakoski (off-duty) and [redacted] inside of what appears to be a bar. There is a table and alcoholic beverages on the table in front of them. [redacted] texted Lieutenant Breneman, "*At Rascals at the bar*" after [redacted] sent the photograph.

[redacted] then texted Lieutenant Breneman seven videos from inside Chuck E Cheese. The videos depict Officer Evelyn Hodakoski (off-duty), [redacted] and [redacted] [redacted] captioned some of the videos with, [redacted] [redacted] (a video with [redacted] and Officer Evelyn Hodakoski's [redacted]) and [redacted] (a video with Officer Evelyn Hodakoski and [redacted] The captions were similar to captions a user would place on a video prior to publication to social media.

Lieutenant Breneman notified and provided the above-mentioned photograph and videos to Sergeant Losapio pursuant to this case.

# Fort Myers Police Department Memorandum

**TO:** IA 2021-015 Case File

**FROM:** Sergeant James Langton

**DATE:** February 16, 2021

**RE:** Additional Case Information

On February 15, 2022, Lieutenant Lesa Breneman learned that Officer Evelyn Hodakoski provided information in her subject interview in reference to her off-duty contact with [redacted]

In the presence of Sergeant James Langton, Lieutenant Breneman texted [redacted] and asked [redacted] if [redacted] had ever been to Rascals. [redacted] replied, "*Lisa nooooo don't ask me that I never want to lie to you please. Don't put me in that position please.*" [redacted] then asked Lieutenant Breneman to call [redacted]

Lieutenant Breneman called [redacted] on speaker phone, while still in the presence of Sergeant Langton. [redacted] advised that [redacted] had been at Rascals one time, and [redacted] was invited and met Officers Evelyn and Sarah Hodakoski there. [redacted] also advised during this conversation [redacted] had pictures in [redacted] phone from that night.

This concluded Sergeant Langton's involvement in this case.