

MARGATE POLICE DEPARTMENT

Internal Investigations Unit

CASE NO. 21-14

Administrative Investigation

Re: Jonathan Shaw

Report by:
Sergeant Paul Kostick
Investigator John "Jack" Dale



MARGATE POLICE DEPARTMENT

Internal Investigations Unit

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MARGATE POLICE DEPARTMENT
INTERNAL INVESTIGATIONS UNIT
INTERNAL INVESTIGATIONS UNIT CASE NO. 21-14

Investigative Summary

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INVESTIGATOR: SERGEANT PAUL KOSTICK



City of Margate Police Department

ACCREDITED LAW ENFORCEMENT AGENCY



MEMORANDUM

TO: Cale Curtis, City Manager

FROM: Paul Kostick, Sergeant, Internal Investigations Unit

DATE: April 13, 2022

SUBJECT: **Administrative Investigation – IIU #21-14**

ASSIGNMENT

On September 30, 2021, I met with City Manager Cale Curtis in regards to initiating an internal administrative investigation into allegations that were conveyed to me by Officer Anne Clarke and Officer Amalin Hernandez. This meeting was in response to the City of Margate Commission meeting agenda item where Commissioners requested the investigation into the allegations of misconduct against Chief of Police Jonathan Shaw be conducted.

Present during the meeting were City Manager Cale Curtis, City Attorney David Tolces (via Zoom), Acting Chief of Police Joseph Galaska, and myself.

John “Jack” Dale, was hired by the City of Margate to assist me with this investigation. Jack Dale is a retired Broward Sheriff’s Office Colonel and Executive Director of the Department of Professional Standards where his area of responsibility was supervision of Human Resources, Training, Accreditation, Internal Audit, Policy, Staff Inspections, Internal Affairs, Disciplinary Processes, and Labor Relations. Mr. Dale was also a Sergeant and Investigator within the Fort Lauderdale Police Department’s Office of Internal Affairs. Mr. Dale also held the rank of Captain of the Office of Internal Affairs for the Fort Lauderdale Police Department.

The investigation into the allegations made by Officer(s) Clarke and Hernandez is as follows:

Officer Anne Clarke alleges that Chief of Police Jonathan Shaw harassed, intimidated, discriminated against, and created a work environment which caused her mental and emotional harm. She further alleges that Chief of Police Jonathan Shaw physically abused her while engaged in a sexual relationship from 2008 through 2011. Officer Clarke also alleges that Jonathan Shaw engaged in sexual activity with her to include oral sex and sexual intercourse while he was on duty and acting in his capacity as a law enforcement officer for the City of Margate Police Department. Clarke alleges sexual encounters took place while Shaw was both on and off duty, and occurred within Shaw’s assigned Police Department provided vehicle.

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Internal Investigation #21-14 0004

Should the allegations be proven true, Chief of Police Jonathan Shaw could be in violation of the following General Orders:

- **General Order 7.3.1 - The Code Of Ethics** – which states: *Personnel shall strictly adhere to the code of ethics (Law Enforcement - Attachment A, Civilian - Attachment B) should a situation arise not covered by any department directive. Ethics training will be conducted for all personnel biennially.*
- **General Order 7.3.36 – Solicit/Engage In Sexual Activity or Conduct** – which states: *Personnel will not solicit nor engage in sexual activity while on duty.*
- **General Order 7.3.22 – Distractions From Duty** – which states: *Personnel will not engage in or conduct personal business while on duty which may cause them to neglect or become inattentive to duty.*
- **General Order 7.3.57 – Neglect of Duty** – which states: *Personnel shall not neglect to perform any aspects of their assigned duty. Violations of this may range from simple cases of neglect to cases where the neglect may endanger others.*
- **General Order 7.3.63 – Harassment** – which states: *Personnel shall not use their official position to harass, threaten or coerce any person.*
- **General Order 7.3.66 – Conduct Unbecoming** – which states: *Personnel shall conduct themselves at all times in a manner which does not discredit themselves or the department, to wit: Engaging in sexual activity while operating or occupying a city owned, unmarked police vehicle.*

Moreover, should the investigation establish that Jonathan Shaw violated the aforementioned policies, his conduct would also constitute a violation of the following section of the Florida Administrative Code (FAC) which governs and regulates law enforcement certification:

Florida Administrative Code (FAC) 11B-27.0011 – Moral Character - Subsection (4) – Misuse of Official Position and Engaging in Sex While on Duty, which states in pertinent part: For the purposes of the Criminal Justice Standards and Training Commission’s implementation of any of the penalties specified in Section 943.1395(6) or (7), F.S., a certified officer’s failure to maintain good moral character required by Section 943.13(7).

Officer Amalin Hernandez alleges that Chief of Police Jonathan Shaw harassed, discriminated against, and created a work environment which caused her mental and emotional harm. She further alleges that Chief of Police Jonathan Shaw denied her promotions, transferred her without cause, intimidated and bullied her through actions of his own and through another police commander within the agency. Officer Hernandez alleges that after having sexual intercourse with Chief of Police Jonathan Shaw on more than one occasion he made promises regarding her professional advancement and promotion within the agency. Officer Amalin Hernandez alleges that she was privy to a culture of sexual activity that she described as high ranking police

administrators engaging in “Swinging Parties” and a “Swinging”¹ lifestyle. Officer Hernandez alleges that due to her knowledge and her attendance at a swingers party, Chief of Police Jonathan Shaw bullied, threatened and intimidated her through adverse work assignments and verbal abuse.

Should the allegations be proven true, Chief of Police Jonathan Shaw could be in violation of the following General Orders:

- **General Order 7.3.1 - The Code of Ethics** – which states: *Personnel shall strictly adhere to the code of ethics (Law Enforcement - Attachment A, Civilian - Attachment B) should a situation arise not covered by any department directive. Ethics training will be conducted for all personnel biennially.*
- **General Order 7.3.63 – Harassment** – which states: *Personnel shall not use their official position to harass, threaten or coerce any person.*
- **General Order 7.3.66 – Conduct Unbecoming** – which states: *Personnel shall conduct themselves at all times in a manner which does not discredit themselves or the department, to wit: Engaging in Quid Pro Quo by Utilization of Supervisory or Command Position Regarding Promotional Opportunities.*

INVESTIGATION

On June 30, 2021, I met with Police Officer Anne Clarke in regards to allegations that she provided to me regarding sexual misconduct and domestic violence battery that she alleged were committed upon her by Chief of Police Jonathan Shaw. Officer Clarke stated to me that she had retained copies of digital photographs and text/email messages that depicted the violence that was committed against her by Chief Shaw when they were in a relationship in the past.

I asked Officer Clarke if she believed based upon her knowledge, training, and experience as a law enforcement officer, if her complaints rose to a level of a potential crime and violation of Florida State Statutes. Officer Clarke stated that Chief Shaw was sexually violent with her and had choked her against her will during domestic situations. Officer Clarke claimed to have documented evidence that she was willing to provide to the State Attorney’s Office if necessary.

Officer Clarke was extremely concerned about the future of her career by providing this information and indicated she feared retaliation by Chief Shaw or other administrators who are good friends with the Chief of Police. She stated that she had been threatened and intimidated by Chief Shaw during and after their relationship had ended. Officer Clarke also stated that she believed that she was passed over for assignments and career development because of her relationship with Chief Shaw. She advised specific statements were made to her such as, “You will never go anywhere in this police department because of Shaw.” Officer Clarke alleges that specific statement was made to her by then Deputy Chief of Police Michael Borrelli.

¹ Swinging –slang term defined as the act or the practice of engaging in group sex or the swapping of sexual partners within a group, especially on a habitual basis.

On this date, I advised Officer Clarke that it was in her best interest that I refer her complaint to and consult with the Special Prosecutors Office of the Broward County State Attorney's Office.

On June 30, 2021, I made contact with Assistant State Attorney (ASA) Christopher Killoran, of the Broward County State Attorney's Office, Office of Special Investigations - Public Corruption. ASA Killoran is the unit head of the Office of Special Investigations. On this date, ASA Killoran provided guidance to discuss the matter with my City Manager and he scheduled an appointment to meet with me on July 1, 2021, in order to discuss the allegations made against Chief Shaw.

On July 1, 2021, I met with City Manager Cale Curtis to discuss the complaint that was made to me by Officer Anne Clarke. I also stated that due to the potential of criminal misconduct alleged by Officer Clarke, I had spoken to ASA Christopher Killoran for input regarding the investigation. I advised City Manager Curtis that I had a scheduled appointment with ASA Killoran at 3:00 PM, that afternoon.

Later that day on July 1, 2021, I met with ASA Killoran in his office at the State Attorney's Office, Office of Special Investigations. I outlined the information that was provided to me by Officer Clarke. ASA Killoran advised me that his office would be taking over the investigation to determine if any criminal violations in regards to the allegations made by Officer Clarke against Chief Shaw. I provided ASA Killoran Officer Clarke's cellular phone number so that she could be contacted. Due to the potential of this complaint having a potential criminal nexus, the administrative investigation was tolled.

Immediately after the meeting, I again met with City Manager Cale Curtis to discuss the details of the meeting that I had with ASA Killoran. I advised City Manager Curtis that ASA Killoran was taking over the investigation to determine the potential of criminality and that Killoran would provide notification once any determination was made.

On September 10, 2021, I was notified by City Manager Curtis that the State Attorney's Office would not be opening a criminal investigation into the allegations against Chief Shaw due to the statute of limitations having expired and that any conduct by Shaw related to the allegations does not rise to the level of criminality within the purview of the Broward State Attorney's Office. I advised City Manager Curtis that an administrative investigation would need to be completed based upon the allegations. City Manager Curtis advised me that additional direction in regard to an administrative investigation would be forthcoming.

On September 11, 2021, I was notified by Officer Clarke that she had received an emailed letter from ASA Killoran stating that the State Attorney's Office would not be opening a criminal investigation into the allegations against Chief Shaw. Officer Clarke stated to me that she wanted to go forward with an administrative investigation into the allegations that she made to me against Chief Shaw.

On September 15, 2021, I met with Police Officer Amalin Hernandez in regards to allegations that she wished to provide to me. The allegations were in regards to sexual misconduct, sexually

deviant behavior, moral turpitude, discrimination, and harassment by Chief of Police Jonathan Shaw and Lieutenant Efrain Suarez. Officer Amalin Hernandez also provided information to me in regards to potential sexual misconduct and moral turpitude involving three other Lieutenants, a Sergeant, and an officer. These statements were made to me verbally and not in a recorded statement.

Officer Hernandez stated she was willing to provide witness testimony and documented evidence in regards to these allegations. Officer Hernandez emphasized that she is extremely fearful of retaliation by each of the individuals listed above. She explained that she has been intimidated, pressured, and even threatened during her tenure with the police department because of her knowledge and previous participation in sexual activity involving Chief Shaw and Lieutenant Efrain Suarez. She stated that she was involved in a sexual encounter with Lieutenant Ryan McCarthy, and had knowledge about the sexual lifestyles of two additional Lieutenants, a Sergeant, and an officer.

On September 23, 2021, I again met with City Manager Cale Curtis to inform him of the allegations that were reported to me by Officer Amalin Hernandez. I verbally provided the information to City Manager Curtis. The decision was made to further discuss the complaint with the City of Margate Interim City Attorney, David Tolces.

On September 27, 2021, I met with City Manager Cale Curtis in his office and we conducted a telephone conference call with Interim City Attorney David Tolces and Assistant City Manager Larry Vignola. The call consisted of a discussion of an interoffice memorandum to the City Commission and the next course of action in regards to the allegations of misconduct against Chief Shaw.

On September 29, 2021, a Special City Commission meeting was held to discuss the complaints and allegations made against Chief of Police Jonathan Shaw. Ultimately, Chief Shaw was placed on administrative leave with pay beginning September 29, 2021.

On October 8, 2021, Lieutenant Efrain Suarez abruptly resigned from the Margate Police Department and provided no notice or explanation.

On October 14, 2021, I obtained a recorded complaint statement from Officer Anne Clarke. This complaint statement was witnessed by Attorney Ivelices Thomas, who had been contracted by the City of Margate to assist me at that time. The complaint statement was audio recorded utilizing a digital audio voice recorder. Also on this date, Officer Clarke provided me with an Apple Iphone 3GS cellular telephone. Clarke advised that the cellular phone contained text messages and photographs relevant to the allegations made against Chief Shaw.

During this complaint statement, Officer Clarke provided both Attorney Thomas and myself a basis for her complaint. Officer Clarke alleges intimidation, discrimination and workplace harassment on the part of Chief of Police Jonathan Shaw in regards to his actions against her over the past 10 years in which she was denied for career advancement, reassignment to specialized units, and denied training opportunities due to their prior relationship. Officer

Clarke provided me a cellular telephone in which she preserved text messages, picture messages, and pictures as evidence of her complaint against Jonathan Shaw.

Officer Clarke also alleges that former Deputy Chief of Police Michael Borrelli threatened and intimidated her on behalf of Jonathan Shaw due to their close friendship. Officer Clarke alleges that Deputy Chief Borrelli told her, "You will never go anywhere in this department because of your relationship with Shaw."

On October 14, 2021, I obtained a recorded complaint statement from Officer Amalin Hernandez. This complaint statement was also witnessed by Attorney Ivelices Thomas.

During this complaint statement, Officer Hernandez provided the basis for her complaint against Chief of Police Jonathan Shaw, and Lieutenant Efrain Suarez.

Officer Hernandez alleged that she began a relationship with Jonathan Shaw during 2015 through 2016. She alleged that she and Jonathan Shaw engaged in sexual intercourse prior to and after Jonathan Shaw attended the Federal Bureau of Investigation National Academy (FBI NA). Chief Shaw graduated from the FBI NA on September 18, 2015. Officer Hernandez stated that she was given a FBI NA t-shirt by Jonathan Shaw and has kept the shirt as of today. Officer Hernandez alleges that she and Shaw communicated through text messages and text photographs while he was attending the FBI NA. Officer Hernandez alleges that Shaw sent her sexually explicit photographs of his penis during their sexual relationship.

Officer Hernandez alleges that both former Lieutenant Suarez and then Captain Jonathan Shaw offered to help her study for the Sergeant's promotional process during the beginning of 2016. That process concluded and was certified May 31, 2016. Officer Hernandez stated that she and Shaw lived in the same residential subdivision and that Shaw would stop by her residence unexpectedly while she was studying for the Sergeant's test. Officer Hernandez stated that she and Jonathan Shaw had sexual intercourse at her residence during more than one of his visits. Officer Hernandez alleges that she believed that their sexual relationship would help her get promoted to Sergeant if she and Shaw continued to have sex with each other.

Officer Hernandez stated that she was a single woman and the sexual relationship was consensual and she knowingly continued the sexual relationship with the hopes that Shaw would get her promoted.

Officer Hernandez alleges that after she finished last on the May 31, 2016, promotional process, she confronted Shaw and was then later confronted by former Lieutenant Suarez who instructed her to keep quiet about her and Suarez's relationship, her and Shaw's relationship, and her knowledge of a "Swinger" party or there would be consequences for her. Officer Hernandez alleges that former Lieutenant Suarez was ordered by Shaw (who was a Captain) to have that conversation with her so that she did not tarnish Shaw's reputation.

Officer Hernandez alleges that former Deputy Chief Borrelli warned her about her behaviors with Suarez and Shaw. She alleges that former Deputy Chief Borrelli knew about her prior relationship with Suarez and perceived her in a negative way because of the prior relationship.

Officer Hernandez alleges that when she became vocal about her treatment within the department, she was intimidated, humiliated, and discriminated against by Suarez and Shaw. Officer Hernandez alleges that she was reassigned from being a School Resource Officer after allegations were made against her for engaging in sexual activity with a city employee off-duty. Officer Hernandez alleges that she was told that the rumor was initiated by a city department head. When she attempted to make a complaint with Internal Investigations Unit Supervisor Efrain Suarez, she was told that it would not be investigated. Officer Hernandez stated that Suarez went and talked to then Captain Shaw and that they both told her, "You do not want to open that can of worms for yourself." Officer Hernandez stated that she was being road blocked by both Suarez and Shaw because she had previously been involved in sexual relationships with both of them. She further stated that Suarez met with her outside of the police department to warn her about what she said and who she said it to and that those things could ruin her future and her career.

Officer Hernandez stated that the behavior of Suarez and Shaw that she was forced to endure was workplace harassment and discrimination. She described that years later when Shaw was the Chief of Police, he was off duty and drinking with multiple City of Margate Department heads and Jonathan Shaw introduced her to City of Margate Building Department Director Richard Nixon. Officer Hernandez stated that she believes that Richard Nixon was given her telephone number by Shaw and that Nixon called her the following week. Officer Hernandez alleges that Nixon invited her to Bru's Room in [REDACTED] to have drinks "with all the guys". (Officer Hernandez described "the guys" as Joseph Kavanaugh, Richard Nixon, and Jonathan Shaw.) She alleges that when she arrived she was met by only Richard Nixon and that he made sexual comments and provocative insinuations to her that night. Officer Hernandez left the restaurant.

Furthermore, during the complaint statement she described a party that was held at Lieutenant Ryan McCarthy and Lieutenant Ashley McCarthy's house in [REDACTED]. She stated that she did not recall a specific date that this party occurred but that she went with Efrain Suarez. She stated that she recalls Lieutenant(s) Ryan and Ashley McCarthy, Sergeant Erin Blanton, former Lieutenant Efrain Suarez and Chief Shaw being present at the party. Officer Hernandez alleges that the party turned into what she described as a skinny dipping party which later turned into a "Swingers" party. She stated that the men and women present at this party began swapping wives or girlfriends with the other men at the party. Officer Hernandez alleges that Lieutenant Ryan McCarthy was naked in the pool as was she. Officer Hernandez stated that Lieutenant Ryan McCarthy began making sexual advances toward her while they were both in the pool. Officer Hernandez stated that she was extremely uncomfortable and did not know what to do since he was a Lieutenant and that everyone present at the party was a police administrator. Officer Hernandez stated that she exited the pool because the telephone was ringing. She claimed that she used that as an excuse to remove herself from the pool and Lieutenant Ryan McCarthy's advances.

Officer Anne Clarke Allegations Investigation

Beginning October 15, 2021 through November 9, 2021, a digital forensic examination was completed on the cellular telephone that was provided to me by Officer Anne Clarke. A certified

forensic examination² was completed by Coral Springs Police Detective Marc Gorlach. Detective Gorlach provided a comprehensive report based upon his forensic examination. The examination revealed a total of 12,880 text messages that were preserved between Anne Clarke and Jonathan Shaw. The messages also revealed sexually explicit pictures and explicit verbal depictions of sexual acts. The text messages begin on or about June 18, 2010, and continue through May 8, 2011. Photographic documentation was taken and preserved in regard to the text message thread that was obtained from the cellular telephone. Photographic documentation³ was taken and preserved of the digital photograph album contained within the cellular phone. Prior to the examination of the phone, a City of Margate Consent to Search form was completed by Officer Anne Clarke, which was witnessed by Margate Police Sergeant Gregory Giacomino.

I completed an examination of both the photographs of the text thread and the photographs of the digital pictures and compared them to the results of the forensic examination and report compiled by Coral Springs Detective Gorlach. The photographic evidence and the evidence compiled by Detective Gorlach are identical. The details of the phone are as follows: Apple, iPhone #GS, IMEI: 012158003460401, Internal Memory Card, 32GB, SIM Card, AT&T, ICCID: 89014103232945499390. Furthermore, the phone is recognized by Detective Gorlach's investigation as System #IIU21-014-1.

Detective Gorlach utilized a Cellebrite UFED 4PC and Physical Analyzer to obtain an advanced logical extraction from System #IIU21-014-1. Detective Gorlach provided me with an electronic Investigative Report of the forensic download that he completed.

The text thread that was examined was between Officer Anne Clarke with telephone number [REDACTED] and the telephone number [REDACTED]. The telephone number [REDACTED] [RED], is the cellular telephone number that Jonathan Shaw registered with the City of Margate as his personal cellular telephone number. Shaw has readily utilized the telephone number [REDACTED] [REDACT], as his own and conducted day to day operations with Margate Police Personnel utilizing this telephone number.

The text message thread between Officer Anne Clarke and Jonathan Shaw was frequently sexually graphic in nature both verbally and through digital photographs. Throughout the text message thread that was preserved, few digital images show in the text thread itself. The indication of a digital picture shows as a "GIF" (Graphic Interchange Format – Specific to images and short animations), with a question mark and an identifying number.

This investigator cannot show the exact digital photographs that are memorialized within the text thread. This investigator has had to rely upon Officer Anne Clarke's testimony and recollection of the text thread and chat based upon the text conversation between Clarke and Shaw.

² Forensic Download report CD of the cellular phone examination completed by Coral Springs Detective Marc Gorlach.

³ Digital and hardcopy photographs of the complete text message thread and photo album accessible through normal means of the owner/operator.

Furthermore, due to the age of the phone and the fact that application updates were never conducted by Officer Clarke, the phone time clock is listed as UTC-5. This information was confirmed by Detective Gorchach in his forensic examination of the phone.

UTC-5 indicates that the phone time and text and call times are Universal Time Coordinated minus (5) hours. However, upon reviewing the text message thread as well as the content of the chats, it can be determined that the times listed on the phone chats are in fact Coordinated Universal Time (UTC), also known as Greenwich Mean Time (GMT) or zero. As an example, this means that on the text chats the time may indicate 3:00 pm, when in fact the actual time the messages were sent, received, delivered is in fact 10:00 am.

Coral Springs Police Detective Marc Gorchach stated that in order to update all of the times the phone would have to be updated which could cause a complete deletion or corruption of the information that was contained within the phone. In his expert opinion, Detective Gorchach stated that it appears that the phone reverted back to Greenwich Mean Time because the phone had not been updated in several years.

Examination and Review of Cellular Phone Contents – Anne Clarke

A thorough review of the cellular phone that was provided by Anne Clarke, was completed and evidence was obtained from that examination. Officer Clarke has provided sworn statements and she indicates unequivocally, that the sexually explicit images contained within the cellular phone are of her and Jonathan Shaw. It is also apparent, having personally known Chief Jonathan Shaw, that some of the digital pictures within the phone depict his likeness to include digital pictures of his face, digital pictures of his face and body, and full length digital pictures of himself.

During my investigation, I can show based upon the text chat content that both Officer Clarke and Jonathan Shaw discuss what pictures of each other that they want to receive and then acknowledge the types of pictures that are immediately sent. The text content is very descriptive and provocative in nature.

The text messages between Clarke and Shaw corroborate testimony provided by Clarke and are further utilized to identify specific incidents and potential policy violations.

Text Thread Evaluation

On June 21, 2010 at 9:14 am, Jonathan Shaw and Anne Clarke begin a text conversation chat. According to City of Margate time sheet records, June 21, 2010, is a work day for Shaw with a schedule from 8:00 am to 6:00 pm. A synopsis of the text chat is as follows, with the actual chat depicted below⁴:

⁴ Text message thread between Anne Clarke and Jonathan Shaw under Exhibit #1.

Jonathan Shaw begins the conversation stating that he is on duty and at work because former Sergeant Les Lytle⁵ had a family emergency. The conversation discusses that Anne Clarke is driving to Key West in her personally owned Jeep Wrangler. Shaw allegedly sends a picture of his face and he then asks Clarke for pictures in return. Shaw specifically asked for pictures of Clarke's breasts while she is driving. Shaw tells her via texts that based upon the previous picture that she sent to him that it would be easy for her to quickly slide down one side of her shirt. Shaw then says, "23 I got a line of kilos w/questions on the 5 case."⁶

Shaw's statement via text chat confirms that he is on-duty and acting in his official capacity as a Police Sergeant. Shaw's City of Margate time sheet records⁷ indicate that he worked a 10-hour shift and is scheduled from 8:00 AM to 6:00 PM. There were no documented leave deductions made on Shaw's time sheet records for this date.

Shaw: Just to let you know they called me into work cuz Lytle had a kid emergency so I have to be here. (Time Stamp @ 9:14 AM)

Clarke: Meaning...?

Clarke: Everything ok?

Shaw: I'm stuck here. (Time Stamp @ 9:45 AM)

Shaw: Picture 4120-1 sent

Clarke: I'm sorry. I'm at drs. Ugh. Then salon.

Clarke: I have a hotel for tonite. (Time Stamp @ 2:32 PM)

Shaw: Y?

Shaw: Why did u need a room or just a. Vaca? (Time Stamp @ 2:35 PM)

Clarke: Y not. Girl needs to treat herself well :)

Clarke: You wanna join

Shaw: Doin sig 5 runnin around tinightb and kids are home but I could come tuck u in at some point.

Clarke: N what parts of Me would u tuck?

⁵ Reference made to former Police Sergeant Les Lytle who at this timeframe was assigned as the Criminal Investigations Division Sergeant.

⁶ "23" is Police 10-code for Standby. Shaw references the "5 case" which in Police coding stands for a Murder. "Kilos" are police code for Detectives as their call signs were "K" and their badge number, indicating Kilo for the letter K.

⁷ Copy of Employees Absence Record for 2010 in the name of Jonathan Shaw #3214, and employee #018—1721.

Shaw: You get to Pick

Clarke: Mmmmmmmmm

Shaw: What hotel

Clarke: The almond inn

Clarke: ;)

Shaw: Whaaaaatttt

Clarke: What? (Time Stamp @ 3:17 PM)

Clarke: It's a rather cute b&b

Shaw: Where

Clarke: Where do u think I am

Shaw: Ft myrtd area I'm guessing

Shaw: Myers

Clarke: Nope 4 more weeks for that

Shaw: Well then playin detective I'd say key west.

Clarke: Lol! Yup. N the jeep loved this drive

Shaw: U party girl I should be getting photo by photo parts of your day

Clarke: Picture #4147-0 sent (Time Stamp @ 3:34 PM)

Shaw: U still drivin

Shaw: Picture #4148-1 sent (Time Stamp @ 3:34 PM)

Clarke: Now that's a face I could grab n nuzzle metween mu breasts

Shaw: Like to see those too!!!

Clarke: Mm44, unless jackass doesn't move it in front of me

Shaw: Mm44?

Shaw: Mile marker

Shaw: Sorry took me a sec

Clarke: Duh

Clarke: Dork

Shaw: After reviewing pic it would b easy for u to quickly side down one side of shirt... (Time Stamp @ 3:45 PM)

Shaw: 23 I got a line of kilos w/ questions (Time stamp @ 3:45 PM)

Shaw: On the 5 case

Clarke: N what do I get in return

Clarke: Yawn (Time Stamp @ 4:02 PM)

Shaw: Back what do u want

Clarke: Make me wet

Shaw: Picture #4166-1 sent (Time Stamp @ 4:18 PM)

Shaw: Get use to leanin over that mid way thru ur night

Clarke: Q

Clarke: Picture#4168-1 sent

Shaw: Picture #4170-0 sent

Shaw: That's ur new home. No clothes arms bound to those headrestst poles legs boy d to hooks at bottom Only decision is face down or up, not ur decision. FYI

Shaw: And you remembered all pics open mouth u r getting this sub thing down.

Clarke: Face down w my back arched real low (Time Stamp @ 4:30 PM)

Shaw: Ball gag in and I'm gonna. Ask you questions and spank u hard when I don't understand your answers. I'll probably stop while we r driving finger u get u nice and wet and stop

Shaw: Tight tight tie down, pre lube ur ass b4 the drive even starts so it's ready when I am

Shaw: Nipple clips with heavy weights attached so even If u think of sitting up ur in for self punishment

Clarke: Oooohhhhh yeah

Clarke: Getting wet

Clarke: Real wet

Clarke: Mm3

Shaw: Pic- Both tits mouth wide open. Btw small anal bead in for entire drive. When car stops I will climb into back, ball gag gets taken off and u suck while I finger u. As soon as my dick comes out u beg for more cock if u don't a hard beating ensues and anal bead goes one deeper (Time Stamp @ 4:46 PM)

Shaw: Did u fall in down there (Time Stamp @ 5:56 PM)

Clarke: Had a quick drink w friends n now 51 back to hotel to change for nite out wanna watch?

Shaw: Definatly (sic) (Time Stamp @ 6:22 PM)

Clarke: Picture #4196-0 sent

Clarke: Wow. That may be my favorite pic

Clarke: Snooze

Clarke: Picture #4199-0 sent (Time Stamp @ 6:47 PM)

Shaw: Welllllllll (Time Stamp @ 7:23 PM)

Clarke: Well WHAT

Clarke: Sir?

Clarke: Dam. Just looked at those pics again. They are HOT n fucking Kinky!!!!

Clarke: If there was ever a nite for u to do something impulsive and drive down, this would be it gorgeous!!!

Shaw: Ugg oh my god we had a 32 at marina my phone had no service I got one pic you gotta resend it was fuckin hot (Time Stamp @ 8:13 PM)

(It should be noted that Shaw is referring to a suicide that occurred at the Margate Marina in which Officer Vonley Williams was on the phone with the individual who killed himself. I have personal knowledge of this because I was present on the scene as a Criminal Investigations Unit Detective. Jonathan Shaw and Les Lytle were my supervisors in the Criminal Investigations Division. Jonathan Shaw was Sergeant on the scene that day and the sun had already set when I, other detectives, and Sergeant Shaw left the scene and returned to the Police Department.)

Clarke: Sad. First thought is 'drowning? Awesome!' next thought was 'which pic'

Clarke: Sir

Shaw: I got you leaning over bed and that's it are there others?

Clarke: Picture #4213-0 sent

Shaw: Cute

Clarke: Did u like me leaning over like that?

Clarke: What do u want to do w me?

Shaw: Yes I did I am gonna look at that all night it sucks I have 2 hours of tag finding to do and I wanted to bang that ass

Shaw: The open mouth GOOD GIRL

Clarke: Oh were u gonna cum over?

Shaw: I wanna pic now can't u find a hot little place to hide in

Clarke: Are you begging?

Clarke: Sir

Shaw: Yes begging and screaming

Clarke: Beg cum more

Clarke: I mean some more

Clarke: Sir

Shaw: Please subby please

Clarke: Subby?

Clarke: WTF is that

Shaw: Submissive = subby (Time Stamp @ 8:30 PM)

Shaw: Seemed kinky

Clarke: I like subby. Seems school girl kinky

Clarke: Btw. Down a bottle already

Clarke: Get on your knees bad boy

Shaw: Picture #4246-0 sent

Shaw: Done

Clarke: A little higher

Clarke: (oh my god)

Shaw: Huh

Clarke: A little higher..

Clarke: Sid

Clarke: Sir

Clarke: Whoops

Shaw: Picture #4259 sent

Shaw: Another man's name that's a beating

Clarke: Yup. My legs r Now crossed n I'm wet

Clarke: Show me you thrusting that into my ass (Time Stamp @ 8:45 PM)

Shaw: Well I think I should see gotta b a bathroom round that joint

Clarke: You already got three good ones from me SIR I think I deserve a little in return

Clarke: Please

Clarke: Sir

Shaw: Picture #4267 sent

Shaw: Rock hard about to b slipped into that ass for destruction

Clarke: Fast n deep!!!

Clarke: Mmmmmmmmm

Clarke: I want to see u cum

Clarke: Sir

Clarke: I'm imagining it would be going all over my face

Shaw: Can't yet no return ;)

Clarke: Mmmmm (Time Stamp @ 9:06 PM)

Clarke: Get yourself ready

Clarke: I'm gonna go to the ladies room

Shaw: Waiting subby

Clarke: I wanna see cum

Clarke: Picture #4280-0 sent

Shaw: On surveillance again no cum yet had to sneak into a bathroom for other photos (Time Stamp @ 9:15pm)

Clarke: Cum into ur gatorade bottle bitch

Shaw: U want cum I want tits pussy and open mouth :)

Shaw: 23 for cum

Shaw: That's ur face n eyes upon ur return u better say thank u SIR for the gift

Shaw: Picture #4285-1 sent

Clarke: YES!! Love it!

Shaw: Ur turn subby (Time Stamp @ 9:31 PM)

Shaw: ???? What happened to u

Clarke: I'm w my friends now can't cun (sic)

Clarke: Cum

(The last text message was at 9:31 PM)

In the preceding text message thread, Jonathan Shaw states twice that he is working and on-duty by references that he makes to job actions and surveillance. Shaw also states that he was on surveillance and that he had to find a bathroom so that he could take pictures for Clarke.

It should be noted that Shaw is referring to a homicide investigation under Margate case #10-004182, during this text thread on this date.

Officer Clarke stated in her sworn statement that she did send nude digital pictures of herself to Shaw and that he sent nude digital photographs of himself to her during this text chat. Recovered digital pictures of Anne Clarke's trip to Key West were obtained however she can only identify the pictures based upon her recollection and not because they are referenced to the photograph numbers listed in the text thread. The pictures⁸ are described below and are attached to this investigation under Exhibit #8:

Exhibit #8 – Picture #1: a digital image of Anne Clarke in sunglasses driving with a seatbelt across her chest.

Exhibit #8 – Picture #2: a digital image of Anne Clarke in a dress with her left leg up, with her hand over her vagina and a finger digitally penetrating her vagina.

Exhibit #8 – Picture #3: a digital image of Anne Clarke in her hotel room, wearing a multi-colored top, with her left hand up by her face and her pointer finger in her mouth.

Exhibit #8 – Picture #4: a digital image of Anne Clarke without her face showing while wearing only a grey and red fringed bra and underwear with half of her nipples showing from her bra.

Exhibit #8 – Picture #5: a digital image of Anne Clarke without her face showing with her bare breasts exposed and her left hand in the top of her pants near her groin.

⁸ Digital Photographs obtained with Forensic Download of Anne Clarke's cellular telephone by CSPD Detective Gorchach. Listed as Exhibit #8 – Digital images identified by Anne Clarke as described above.

Exhibit #8 – Picture #6: a digital image of an erect penis and testicle.

Exhibit #8 – Picture #7: a digital image of a right hand gripping an erect penis

Exhibit #8 – Picture #8: a digital image of a right hand in front of the tip of a penis, with ejaculate (semen) in the palm of the hand.

I showed Clarke images that were taken on or about the time that she had taken pictures that depict herself and friends in [REDACT]. Pictures #1 through Picture #5 of Exhibit#8, described above were positively identified by Officer Clarke as her likeness and pictures that she believed that she had sent to Shaw during her trip to [REDACT] on June 21-23, 2010. She also positively identified the three digital photographs of being text message digital pictures sent to her by Jonathan Shaw during her trip. In her text messages to Shaw, Clarke specifically asks Shaw, "Show me you thrusting that into my ass." Clarke stated that the pictures of a penis and semen were sent to her by Shaw during her text thread with him while she was driving to [REDACT], [REDA] and during the night while she was out with friends at a bar.

In the text thread, Clarke states, "I wanna see cum. Cum into ur Gatorade bottle bitch." To which Shaw replies, "U want cum, I want tits pussy and open mouth." Officer Clarke swore to in her statement that Picture #8 of Exhibit #8, was sent to her by Shaw during their text conversation and identified ejaculate within the palm of a hand. I asked Officer Clarke during her statement, "Or, potentially would that have been the tip of his penis cumming into his hand?" Officer Clarke responded, "Possibly." *(The following is verbatim from the sworn statement transcript of Officer Ann Clarke, pg. 53-59):*

PK *Okay. Specific to some incidents that are in the -- that are in your text thread, there's a specific incident on June 21st through June 22nd. There's text threads throughout the day and throughout the night where -- and you did review these, correct?*

AC *Yes, I did.*

PK *There's specific text messages where you appeared to be on a road trip to [REDACT]*

AC *Correct.*

PK *Did you actually take a trip to [REDACT] during that time period?*

AC *Yes, to meet up with some friends from [REDACT].*

PK *Okay. And during your drive, you were conversing with Jon Shaw?*

AC *Yes.*

PK *Okay. And you were not working, correct? You were off duty on your own time?*

AC *On my own time.*

PK *Okay. Now, there's some conversation that is in here and it states where you were or where you were going, and it also states what Jon Shaw was doing at the time.*

AC *Mm-hmm.*

PK *And in these specifically, you guys are -- both of you sent some pictures back and forth to each other and asking each other for things in this text thread. Was there a time where Jon sent you explicit photos or naked photos of what you believe to be his penis?*

AC *In that text thread?*

PK *In that text thread.*

AC *Yes.*

PK *And during that, he states to you that, "We just had a 32 at a marina. My phone had no service. I got one pic, you gotta resend it. It was -- it was fucking hot." What's a 32?*

AC *A 32 is a suicide.*

PK *Okay. So -- and at a marina. What do you think he was referring to?*

AC *We only have two in the city; one is Winfield and one is Oriole.*

PK *Okay. So, would you have assumed that he was at work at that period of time or that he was working?*

AC *One-hundred percent, yes. Or that he would be -- have called in.*

PK *Okay. Because he was a detective or detective serg -- well, because he was a detective sergeant? Okay.*

AC *If that was his position at the time. I don't recall. Because of the fact that the positions at the department are very transient, some people stay in positions for three months, some people stay six months, some people stay a year, some people stay 10 years, you know. And if -- they're very transient. So, you know --*

PK *Right, he could've been called out or --*

AC *Anything.*

PK *Okay. So -- but you had no reason to believe that he wasn't at work when he was telling you he was at work or on surveillance during this text thread?*

AC *If he sent me that, I was under the impression one-hundred percent that he was, you know, either at work or on his way to work.*

PK *Okay. So, in the thread, you ask him to send you a picture.*

AC *Mm-hmm.*

PK *And specifically said, "Get on your knees, bad boy" and he sends a picture to you and says, "Done" and you say, "A little higher" and he then sends a second picture to you.*

AC *Mm-hmm.*

PK *Okay. Now, in the -- in your phone, there's a set of pictures, 'cause the actual pictures are not on the actual thread itself. They were contained within your phone but are also stamped at times in your -- in the phone itself on the forensic download.*

AC *Correct.*

PK *Okay. There are three sequential pictures that were taken all at the same time that I would show you, and one appears to be a person's lap with what appears to be a scrotum or --*

AC *Commonly referred to as --*

PK *-- "nut sack," so to speak, or a scrotum, on the photo, correct?*

AC *Correct.*

PK *And I'm showing you --*

AC *Which appears to be a pair of jeans.*

PK *A pair -- okay. And the pictures that were on your phone were saved by you, and these were all pictures that you had received from Jon Shaw's phone, correct?*

AC *Correct.*

PK *So --*

AC *If they were in the text thread, then yes, it would've been from his phone.*

PK *Okay. So, in your recollection, the pictures that you had sent back and forth to each other, the majority of them were all explicit photographs of each other?*

AC *One-hundred percent, yes.*

PK *Okay. When you said "a little bit higher," and there's a second picture, which is the next sequential number in the -- in your saved phone, there is a picture of an erect penis that was a little bit higher, correct?*

AC *Correct.*

PK *And it appears to be the same jeans in the background?*

AC *Correct.*

PK *Okay. Later on in the text thread, you then are talking to each other, and the picture that he sends to you when you tell him "a little bit higher" and he states, "Rock hard, about to be slipped into that ass for destruction," is that a picture that he had sent prior, was an erect penis or that would classify as rock hard?*

AC *That -- I would say that classifies as a little bit higher.*

PK *Okay. And after that text, he says, "Fast" -- or you say, "Fast and deep, mm. I want -- I want to see cum, sir" and --*

AC *That would be under that fantasy category, because the fact that we're not in the same place, obviously.*

PK *Okay. So, he says, "I wanna see cum" and you said, "Sir, I'm imagining it all over -- it will be going all over my face." "Can't yet, no return." And he says to you, "Wait, subby" and you said, "I wanna see cum." You send another picture, which were pictures that were sent from your phone while you're in the Keys, which is also on your phone as well, depicting what you're -- what you were wearing in Key West, correct?*

AC *Correct.*

PK *Okay. He says to you, "On surveillance again. No cum yet. Had to sneak into a bathroom for other photos." Would you believe that the photos that he had sent to you were taken while he was on surveillance if he said that on his text thread?*

AC *Yes.*

PK *Okay. You then say to him, "Cum into your Gatorade bottle, bitch" and she -- he says, "You want cum; I want tits, pussy, and open mouth. Twenty-three for cum." He then sends you a picture, which is the next sequential number in the three that were on his phone, which depicts what?*

AC *It appears to be an cupped head with a white reflective liquid.*

PK *Okay. So, you're a police officer; in your knowledge, training, experience, what do you believe that to be?*

AC *Ejaculate.*

PK *In a hand, correct?*

AC *Correct.*

PK *Okay. The top of the picture depicts in your knowledge, training, and experience?*

AC *A thumb.*

PK *Okay. Top of the picture here, thumb is down at the bottom right here, top of the picture.*

AC *Uh, the cup of the hand.*

PK *Or potentially would that have been the tip of his penis cumming into his hand?*

AC *Possibly.*

PK *Possibly? Okay. You then say in your text thread, "Yes," three apostrophes, "Love it." And he then says to you, "Your turn" and says, "What happened to you?" and you said, "I'm with friends now, can't cun [sic]" and then change it to "cum." Okay. So, this text thread that you guys are having on this specific date and time, there were explicit pictures that were sent back and forth to each other?*

AC *Mm-hmm.*

PK *And based upon him stating that he was at work, did you believe that he was at work when this was occurring?*

AC *Yes.*

PK *Okay.*

AC *I had no reason not to.*

On January 19, 2022, during his sworn statement, Sergeant Chad Ryen was asked about Margate Police Department case #10-004182⁹. More specifically, he was asked if the Investigative Notes that were located within the 2010 SOD Files folder on the City of Margate Police Department server. Sergeant Ryen confirmed that he remembered the case and that it was concerning a homicide investigation where the Special Operations Division assisted the Criminal Investigations Division with surveillance. Sergeant Ryen confirmed that Sergeant Jonathan Shaw was working in the capacity as both a Criminal

⁹ A copy of the SOD Investigative Notes and the Homicide Investigation Reports under Margate Police Department Case #10-004182, are attached to this summary and are memorialized under Exhibit Ex. #1.

Investigations Division Sergeant and as the Sergeant of the Special Operations Division. The following is verbatim from the statement transcript of Sergeant Chad Ryen, pg. 9-11):

PK Okay, I'm gonna ask you, and I'm gonna show you a report that I have, and it is a SOD Investigative Notes on Margate Police Department letterhead. It has a case number of 10-004182. Do you recognize this document? The document does have your name on it as an investigator. Are those the type of notes that you would have taken during a case that you were working as an narcotics detective?

CR Yes.

PK Do you remember that incident that is depicted in those investigative notes?

CR Yes, it's one of the cases we assisted with I believe CID.

PK And just for the record, that was a homicide investigation that had occurred that SOD was assisting with surveillance, correct?

CR Correct.

PK On the suspected murder suspect?

CR Correct.

PK Do you remember if Jon Shaw was the supervisor of the unit at that specific time in the month of June 2010?

CR Yeah, I believe he's the one who called us in.

PK Was he working in a capacity both as a CID supervisor and as a SOD supervisor at the time that you were doing this investigation?

CR I believe so, yes.

PK There are multiple reports that are in this -- in regards to this case number that's here. Let me just -- just for the record, is there any -- you can take a look at that -- is there any reports that are in there that were generated by you other than the SOD investigative notes?

CR No, it's just like all the (indiscernible 0:14:39.4), all the detectives.

PK And you said that Jon Shaw, you do remember that Jon Shaw called you out to assist with the investigation?

CR Yes.

PK Do you have any reason to believe that Jonathan Shaw would've never -- would have never -- been out on any of these surveillances for this -- in regards to this case?

CR Say that again?

PK If it's in your -- if there were notes that were written that stated that Sergeant Shaw was out on the surveillance, that would be an accurate depiction based on any reports that were written, correct?

CR Correct.

PK But if he was not there, his name would not be named in any type of report that he was not out there?

CR Correct.

PK Is it normal protocol for you that if you were conducting an investigation that you would put the officers, detectives or supervisors that were on the case, you would list them somewhere on an operational report or on an ops plan?

CR Correct.

PK Or in the actual event report?

CR Yes.

PK Is that a fair statement?

CR Yes.

On August 30, 2010, Shaw and Clarke begin a text chat concerning Clarke asking Shaw to pick her up from Fort Lauderdale International Airport after a flight that she has taken¹⁰. The text chat discusses sexual activity and more specifically Clarke performing oral sex upon Shaw while driving from the airport to her personal residence. Shaw's City of Margate time sheet records indicate that he worked a 10-hour shift and is scheduled from 8:00 AM to 6:00 PM. There were no documented leave deductions made on Shaw's time sheet records for this date. The actual text chat is verbatim and is listed below:

Shaw: It will b a fun airport pick up going shopping in ten

(Time Stamp @ 9:32 AM)

Clarke: At airport. Imagining the table shake!!

Clarke: And the new challenge ahead of me sucking ur cum by 95

¹⁰ Text thread between Anne Clarke and Jonathan Shaw and a Margate Police Department Tactical Briefing Sheet from 08/27/2010, under Exhibit #2.

Shaw: New truck yesterday another pick up. Long flat seat.....:)

Shaw: So what are the odds of a sexy airport bathroom shot ;)

Clarke: (Heart Emoji) ya boading (sic) (Time Stamp @ 9:48 AM)

Clarke: Picture #8463-0 sent

Shaw: U have a layover?

Clarke: I'll hit ya up when I'm in Tampa but I'll take a pic enflight (sic) too

Clarke: I better have sumthing (sic) in my mail box upon landing

Clarke: Sir

Clarke: That's n order

Shaw: Just went 97 store :)))

Clarke: ooohhhh!!! Sexy Kinky!!!

Clarke: My face (sic) colors r blue purple n pink

Clarke: N my red ass

Clarke: In air n on my way... Mwah! (Time Stamp @ 12:35 PM)

Clarke: In Tampa b!

Shaw: One of four purchases the rest are surprises

Shaw: Cool just took a shower getting ready to meet crazy at two

Shaw: Let the fun begin

Shaw: Picture #8478-1 sent

Clarke: Lol!!'n good thing I covered the pic so the guy next to me didn't see

Clarke: Sgt

Clarke: Sir

Clarke: Btw

Clarke: THAT'S AWESOME

Clarke: !!!!!!!

Shaw: Just wait till ur blind folded and the rest comes out

Clarke: Oh boy oh boy oh boy oh boy!!!!!!

Clarke: Yes sir I'm a bad girl sir!!

Shaw: U are and it will be handled in a out (sic) hoursn (sic

Clarke: What were ya thinking of in the shower

Shaw: Having u bent over and bound it's been driving nuts all day

Clarke: Just all day?? I've been waiting all week (Time Stamp 12:49 PM)

Shaw: No young lady ever since I got this stuff u over the table has been all day. U have been torturing me all week, and are gonna pay for it with the use of that hot little body

Clarke: N I'm gonna grab that dick n bring it down deep

Shaw: I can't wait to give u the first load

Clarke: Before 95

Clarke: Sir

Shaw: Get use to that there will be a lot of addressing me as sir

Clarke: I'm compliant

Clarke: Just slugged a drink ar (sic) the bar. N about to board next flight (Time Stamp @ 1:00 PM)

Shaw: I thought I was promised a pick if it's too late then u will b disciplined at home

Clarke: Picture #8504-0 sent

REDACTED



Clarke: From the little plane bathroom

Clarke: Sir

Clarke: Oh sir

Clarke: Oh sir

Clarke: Oh sir

Clarke: Oh sir!!!

Shaw: Good girl

Clarke: Boarding

Clarke: That much closer to sucking down ur xum (sic)

Clarke: Cum

Shaw: At 1530-1830 u r required to serve with only one goal

Clarke: Have I Ever Ever disappointed

Shaw: Nope never

Clarke: How dare you have little faith in me

Shaw: I have total Faith

Clarke: Ur cum is mine

Clarke: U better get a drink too

Clarke: I want the beginnings of fucking frisky

Shaw: I will give you every drop

Clarke: I'll gag it all down

Clarke: Sir

Later in the text thread chat, Jonathan Shaw tells Ann Clarke that he is leaving Plantation and on his way to pick her up at the airport. Clarke advises Shaw that she has landed and is at the bar having a drink. The text chat is verbatim and is as follows:

Shaw: Just got out 51 from plantation (Time Stamp @ 2:59 PM)

Clarke: Hurry hurry

Clarke: Just ordered 2nd drink from this bar

Clarke: That make 4

Clarke: Hurry I'm hungry

Clarke: Ur dick hard yet

Clarke: Where r u Sargent (sic) ?????

Shaw: No that's ur job 595 and turnpike (Time Stamp @ 3:16 PM)

Clarke: My tab is paid. Tell me when I should step outside

Clarke: Southwest

Clarke: Btw

Clarke: SIR

Shaw: B there in 5

Clarke: WaLjj g out

Clarke: Kolo

Clarke: U got smokes?

Shaw: White 4 door chevy truck

Clarke: I'll make that white two tone

Shaw: No we can stop

Clarke: Fuck Yeah

Clarke: I'm frisky

Shaw: Approach ing terminal

Clarke: I want dick

Clarke: Dick

Clarke: Di k

Clarke: Sick

Clarke: U Jodi

Clarke: Sick

Clarke: Dickp

Clarke: Si K

Clarke: Dick

Clarke: Dick

Clarke: Di J

Clarke: Dick

Clarke: Duckpins

Clarke: Dick

Clarke: Dick

Clarke: Dick

Clarke: Dick

Clarke: Dick

Clarke: WTF r duckpins?? V

Clarke: Can I blow u in the parking garage!??

Clarke: Oh I missed u

Clarke: N ur big boy (Time Stamp @ 11:49 PM)

During Officer Clarke's sworn statement, she confirms that she was at the airport and that Shaw picked her up after her flight in order to bring her to her residence. Clarke confirms that Shaw picked her up in a white Chevy pickup truck on that date. Clarke confirms that the vehicle that Shaw was driving was his assigned unmarked police vehicle because she confirmed that there were suction cup light bars in the truck. Clarke also confirmed that she performed oral sex on Shaw while they were in his City of Margate assigned unmarked police vehicle. *(The following is verbatim from the sworn statement transcript of Officer Ann Clarke, pg. 59-63):*

PK Okay. So, during this thread, you're talking that -- you're talking about how you are flying and you say, "In Tampa." He states -- you guys are talking back and forth about what's gonna happen during your trip to -- from your trip -- when he picks you up at the airport, 'cause obviously, from the text thread, it looks like you were trying to ask him for a ride home from the airport to your house.

AC Correct.

PK Okay. So, in here, it says -- he says, "I can't wait to give you the first load" and you say, "Before 95." What is that in reference to again?

AC "Load" being ejaculation, so that I would get him to ejaculate before we got to I-95.

PK Okay. So, he says that he will see you in about three hours during this thread. You guys go back and forth. There is a picture that was sent from the little plane bathroom that you had sent to him, 'cause he asked you for a picture. And then he basically -- you tell him that the vehic -- the plane is boarding and that he'll see you approximately, you know, between 1530 or 1840, whenever you arrive. And you then -- you both are proceeding to discuss with each other what you are going to do with -- do to each other once you get picked up. Is that correct?

AC Correct.

PK He asks you, "What airline?" and you ultimately tell him that you are --

AC Southwest.

PK -- getting ready to land. I don't believe you -- you talked to him about when you're getting ready to land and that you do land. You tell him that you were on a Southwest airplane. And he states to you in this text thread, "Just got out 51 from Plantation." What does 51 mean?

AC En route.

PK Okay. Do you know what is in Plantation that he might be leaving from?

AC I do know there are some unmarked, unknown buildings that the detectives and Narcotics DEA either used to use/still uses in Plantation.

PK Okay. But during this text thread, he doesn't tell you that he's working, correct? Do you remember? Like, he doesn't say, "I'm working, I'll be able to pick you up"? In this text thread, he doesn't say that anywhere?

AC No. No, but if he's coming from Plantation, I would infer that.

PK Okay. But he could also be coming from the mall, correct?

AC Correct.

PK Okay.

AC But he wasn't the type to go to the mall.

PK Okay.

AC He could, he could, but -- and there is a mall in Plantation.

PK All right. So, ultimately, he says, "Be there in five," referencing be there in five minutes, and he tells you, "I'll be in a white four-door Chevy truck." Do you know if that was his personal vehicle, a white four-door Chevy truck?

AC Not a personal vehicle.

PK And I'm gonna show you that this is -- the date on this is August the 30th from when this text thread -- I have a tactical briefing sheet from the Margate Police Department which is signed and approved by Sergeant Shaw in regards to a -- an interdiction ops plan for a potential arrest. It shows personnel and assignments in here, where it says "Sergeant Shaw and the vehicle." What is the vehicle described?

AC A white Chevy.

PK So, the white four-door Chevy truck could be the same white Chevy truck that he was referring to as his work vehicle, correct?

AC Correct.

PK All right. He does -- he states -- you state, "I'm frisky." He states, "Approaching terminal." You then proceed to state, "I want dick" multiple times on the text thread. And ultimately, you state to him, "Can I blow you in the parking garage?" in here. On your ride home in that white Chevy pickup truck, do you remember what had occurred?

AC Hmm, do I remember off hand? No.

PK Okay. Later on in the text thread, you state -- and this is October 13th. And during that time period from August 30th to October 13th, there was no other references at all to any type of airport pickups that he would've done with you at all.

AC Mm-hmm.

PK However, in this text thread, you state to him that -- you guys are discussing about what your fantasizing on doing to each other when you see each other shortly in this text thread on October 30th. And he tells you that he is 51 and you tell him that he only has 13 seconds, and you state to him on October 13th of 2010, "I got you off before we hit 95 after leaving the airport. I can do it." Is that in reference to --

AC That would be in reference to a prior time, yes.

PK And what would've -- what are you referring to in regards to that?

AC If it's speaking specifically about a time he's picking me up, then yes, it would be about the prior time he picked me up at the airport, which would be that Southwest flight.

PK On August the 30th?

AC Correct.

PK And if you say, "I got you -- I got you off before we hit 95 after leaving the airport," would that be you either performing oral sex or --

AC It would be oral sex.

PK -- hand manipulation to him in order to have him ejaculate?

AC It would be oral sex.

PK Okay. And again, he picked you up from the airport in that white pickup truck and that you would've had oral sex in that pickup truck at that time?

AC Correct.

PK Do you remember seeing any type of police -- like police supplies or any type of lights or siren or police-related --

AC Oh, yeah.

PK -- in that white pickup truck when he picked you up from the airport?

AC Yeah. The suction cup lightbars would be in there and -- 'cause that was before we had, you know, them permanently inst -- you know, or not permanently installed but, you know, before -- it used to be the old suction cups one that you put underneath the flaps.

PK Right, on the -- okay.

AC Yeah. And then you would have the wires coming down, and you know, you would have the jack box by the center console. You know, so there would be a lot of supplies in the car.

A Margate Police Department Tactical Briefing Sheet was located within the City of Margate Police Server and was preserved within the SOD Files (Special Operation Division) under case number SOD#10-036 and Margate Police Department case number #10-006444. This Operational Plan was approved by then Sergeant Jonathan Shaw and reflects such on the official police document. It has a date of Friday, August 27, 2010, and describes a controlled delivery of one pound of marijuana being conducted by the Broward Sheriff's Office Interdiction Unit with

the assistance of the Margate Police Department Special Operations Division and the Drug Enforcement Administration. A listed Broward Sheriff's Office case number is also memorialized on the Tactical Briefing Sheet and is BSO #10-08-6216.

On this specific Tactical Briefing Sheet, it describes the vehicles being driven by Margate Police Personnel. The vehicle that is listed for Sergeant Jonathan Shaw is a White Chevy and lists Shaw as the Supervisor.

On January 19, 2022, I obtained a sworn witness statement from Sergeant Chad Ryen. During the Ryen's statement, he confirmed that in 2010, he was assigned as a Detective within the Special Operations Division. He also stated that Jonathan Shaw was his Sergeant at that time. Sergeant Ryen stated that in 2010, the Special Operations Division personnel would utilize "lease" vehicles which were unmarked vehicles rented from a city approved car rental agency and were paid for by the City of Margate. Sergeant Ryen also stated that the "lease" vehicles were outfitted with red and blue visor lights and were provided by the City of Margate to be utilized in those unmarked vehicles. *The following is verbatim from the statement transcript of Sergeant Chad Ryen, pg. 4-7):*

- PK Did you ever assist any other agencies, such as DEA, HSI, the Broward Sheriff's Office Major Narcotics Unit?
- CR We did.
- PK And you would do some of the same things, surveillance and --
- CR Correct.
- PK -- buy-walks, or were assisting those agencies, correct?
- CR Yes.
- PK Did you ever assist our Criminal Investigations Division with covert surveillance?
- CR I did.
- PK And was that a normal occurrence, or was that just occasional?
- CR It was occasional. It was depending on -- I think we did a couple homicides where we did covert surveillance and then some internal projects, if you will.
- PK Okay, who was your direct supervisor -- your direct sergeant at that time?
- CR Sergeant Jonathan Shaw.
- PK And that was in 2010?
- CR Yes.

PK Okay, in what capacity would he work? Was he a sergeant? Was he a lieutenant, a captain?

CR He was a sergeant, he was acting -- he was an acting sergeant for us.

PK During that time do you remember if he had like a dual duty where he worked partially with the Criminal Investigations Division as a sergeant as well as the Special Operations Division as a sergeant?

CR He did. There was a period of time where he was doing both duties.

PK Okay, and when you were assigned to the Special Operations Division, were you in a Class B uniform, which would be your patrol --

CR No, I was in plain clothes.

PK You were in plain clothes? Was the supervisor also in plain clothes? Was Jon Shaw also in plain clothes when he worked?

CR Yes.

PK Were there times where he was ever in attire which would be normal for what our CID -- our Criminal Investigations Division detectives would wear, either a shirt and tie or a polo and khakis?

CR When he was here, yes.

PK And that would be during his dual duties?

CR Yes.

PK Okay, what type of vehicle did you drive when you were assigned to the Special Operations Division?

CR Several different vehicles, I don't recall. I mean, I had undercover trucks, undercover vans, plain cars, Maximas.

PK Whatever they --

CR They're rentals.

PK They were leased vehicles, correct?

CR Leased -- leased from the rental.

PK Do you remember what leasing agency in your time period when you were in Narcotics, what companies that you utilized?

CR We used Budget, and we used -- what's the one right here? I can't think of the name.

PK Avis?

CR Not Avis.

PK Enterprise?

CR Enterprise. I believe we started working -- using Enterprise, and then we went to Budget.

PK So you said that you had multiple different vehicles, correct?

CR Multiple, yeah, probably at least a dozen.

PK And with those leases, you were -- you could trade them out and switch to a different car based on the contract, correct?

CR Based on the -- yeah, as long it was in that contract, --

PK Okay.

CR -- we were able to get whatever I needed.

PK So a couple questions about the vehicles: So were those vehicles outfitted with semi-permanently affixed red and blue lights that would indicate you as a police officer in those vehicles?

CR Me, personally, I just had a visor light.

PK Okay, so there was a -- but there was a red and blue light that was provided --

CR On the visor.

PK -- to you by the city?

CR The city, yeah.

PK And that vehicle that you drove, and those leased vehicles that you drove, did you pay for them yourself?

CR No.

PK So they were provided by the city to you as a police vehicle for you to utilize, correct?

CR Yes.

PK Even though it was unmarked?

CR Yes.

PK But they were outfitted with some type of police lights, red and blue lights, that you could utilize?

CR Yes, I had visor lights.

During the statement, Sergeant Ryen was shown a copy of the Tactical Briefing Sheet with SOD case number #10-036, and Margate Police Department case Number #10-006444. Sergeant Ryen acknowledged that the document that was provided to him was an accurate depiction from SOD case file SOD #10-036. He acknowledged that he took part in the operational plan and that his name was listed on said plan. Sergeant Ryen acknowledged that he had drafted hundreds of operational plans just like the one I provided to him. Sergeant Ryen acknowledged that the vehicle descriptions and assignments were listed on the operational plan and that there was no reason that the vehicles that were listed on the Tactical Briefing Sheet would be different from the ones that the individuals were assigned and actively utilizing during the operation. *The following is verbatim from the statement transcript of Sergeant Chad Ryen, pg. 11-15):*

PK I'm gonna show you a Margate Police Department tactical briefing sheet with the supervisor of Sergeant Shaw and approved by Sergeant Shaw. The date on it is Friday, August 27, 2010, it's listed with a SOD Case Number 10-036. What would the SOD case numbers depict?

CR It's the date and -- or the month and the --

PK I'm sorry, it would be the year of the --

CR Right, the year.

PK The year that the case, and then --

CR The year and the month.

PK Okay, and the Margate Case Number is 10-006444, and that's the actual Margate Police Department Case Number. The SOD numbers that you would utilize during your SOD -- your Special Operations Division investigations were internally utilized for just the SOD Unit, correct?

CR Correct.

PK Okay, is that a tactical briefing sheet that you would have completed? That's a fair and accurate description of -- from a case file, that's what one of the operational plans would look like?

CR Yes.

PK *If you read the narrative of that tactical briefing plan, is that an operational plan that you were listed on, that you would have taken part of?*

CR *Yep, I'm on there.*

PK *I'm gonna draw your attention to the vehicles, and it's a personnel and assignments list that's on the tactical briefing sheet. It states Sergeant Shaw, Detective Chad Ryen, Detective Alan Benet (ph), and DEA Group 13. What is DEA Group 13?*

CR *That's the DEA group that was assigned to -- that we were assisting, so I think that was -- Drusbick (ph) might've been in there at that time, I'm not exactly sure.*

PK *Okay, so this is probably one of the -- where they were either assisting you, or you guys were assisting them?*

CR *Assisting them. I think Drusbick was assigned to them at that point.*

PK *Okay, so is this personnel and assignments sheet that's here, is this what was the normal that would be completed in an ops plan?*

CR *Yes, the unit number, supervisor, case agent, co-case agent and what vehicles they drove.*

PK *Okay, did you -- have you ever drafted any type of operational plan that looks exactly like this does?*

CR *Hundreds of 'em.*

PK *Do you currently utilize the same tactical briefing sheet or a tactical briefing sheet such as this that would depict --*

CR *Yes.*

PK *-- personnel and vehicles and call signs?*

CR *Yes.*

PK *Okay, specifically to this operational plan that's here, it lists Sergeant Shaw and the vehicle was a white Chevy, his call sign and his supervisory role, correct?*

CR *Correct.*

PK *It also lists you, Detective Chad Ryen at the time, and it shows a silver Chevy, and your call sign is Victor 380, and you being the case agent. Is that correct?*

CR *Correct.*

PK *And also Detective Alan Benet driving a white Ford with a call sign of Victor 433, being co-case agent. Is this normal as what would've been written on an ops plan?*

CR *Yes.*

PK *Okay, is there any reason to believe that the vehicle descriptions that were here would totally be different?*

CR *No.*

PK *So if that was the vehicle that each of you were driving, you would provide an accurate depiction of what that vehicle was?*

CR *Yes.*

PK *Now it doesn't say a tag number or anything else or the year of the vehicle or anything like that, and why is that?*

CR *To keep it covert, so in case this does get out, no one knows exactly what we're driving.*

PK *Okay, so it could be a white Chevy Malibu, it could be a white Chevy --*

CR *Just a white Chevy.*

PK *-- pickup truck, it could be a white Chevy Corvette, correct?*

CR *Correct.*

PK *This could be a silver Chevy Corvette, it could be a Chevy Silverado, it's just not depicted on here because of confidentiality reasons, correct?*

CR *Correct.*

PK *I'm gonna read you a text message that was from Jonathan Shaw to Ann Clark (ph) on August the 30th of 2010, and I wanna draw your attention to that tactical briefing sheet that says August 27th of 2010. Is that correct?*

CR *It says August the -- it has two different dates actually. So it says August 27th, and this here says August 26th. Actually, oh yep, yep, today, August 27th, that's -- I got it.*

PK So I'm gonna read you a little snippet of text messages. It says, "Where are you sergeant?" "No that's your job." "595 and the turnpike." "My tab paid is paid." "Tell me when I should step outside." "Southwest BTW sir." "Be there in 5 minutes." And it says, "Waljg out." And then the next thing is, "Kolo.", K-O-L-O. And then a correction of "LOL you got smokes?" And it also says, "White four-door Chevy truck.", from Jonathan Shaw. Earlier in the text thread, Jonathan Shaw states, "It'll be fun airport pickup going shopping in 10." And Clarks says, "At the airport. Imagining the table shake and the challenge ahead of me sucking your cum by 95." Jonathan Shaw states, "New truck yesterday another pick up, long flat seat." And he describes that truck later in the text message thread of a white four-door Chevy pickup truck. Is it reasonable to believe based on that operational plan that's there, and he says, "picked it up yesterday," that he would possibly be driving a white four-door Chevy pickup truck based upon that tactical briefing sheet?

CR Yes.

During the text thread chat between Shaw and Clarke, a reference is made to how long it would take Clarke to give Shaw an erection and make him ejaculate. On October 13, 2010, Shaw states: "I would cum in like 13 seconds." Later in the conversation, Clarke makes the statement in the text thread, "I got you off before we hit 95 after leaving the airport. I can do it." In her sworn statement, Clarke confirms that she did perform oral sex on Shaw and made him ejaculate before they reached I-95, in the city leased white Chevy pickup truck.

In regard to the white Chevy pickup truck that Shaw stated that he was driving in the August 30, 2010, text chat thread with Ann Clarke, there is a later reference in the text thread on February 15, 2011, and that Clarke makes the statement, "Hmmm poor Al. He just got into his truck. The things I've done in there." When Clarke asked Shaw why the lease vehicles were getting switched, Shaw told Clarke, "Chief want main undercover guys to get lease."

On October 13, 2010, Clarke and Shaw are conversing in their text thread. Shaw makes a statement that he is in a meeting until 1530 (referring to 3:30 pm). *(The following is verbatim from the text thread of Shaw and Clarke on October 13, 2010):*

Shaw: I would cum in like 13 seconds (Time Stamp @ 2:18 PM)

Clarke: Cum on over n we'll time u (Emoji smiley face) from the moment of insertion

Clarke: I dare you

Clarke: I'm naked

Clarke: In the bathtub

Shaw: Would have to b 1545 hours I am in a meetin till 1530

Shaw: Let me c if I can get out of here

Clarke: Hahahaha!!!

Clarke: 13 seconds is tough mister. I'll be properly wet for you tho for immediate and slick insertion

Shaw: K I'll know in five if I can leave 23

Clarke: Mmmm some really needs a piece of pussy

Clarke: That's fucking sexy (Time Stamp @ 2:30 PM)

Shaw: What r u doing

Clarke: Putting lotion on my body

Shaw: Do u feel the need for some hard action

Clarke: Oh yes please!

Shaw: Where will I find u? :)

Clarke: Naked on my bed. Very wet and touching myself. Doors open

Shaw: Should I b nice n gentle?

Clarke: U have 13 seconds ... U tell me

Shaw: I hope you started I'm 51

Clarke: My body feels so good all shaved

Clarke: My arms

Clarke: My legs

Clarke: My stomach

Clarke: My pussy

Shaw: Im shaved down pretty good too

Clarke: Oh yeah I started. Hope ur not jealous of what's inside me

Shaw: Lemme c

Clarke: Sends Picture #9750-0 (Time Stamp @ 2:45 PM)

Clarke: I got you off before we hit 95 after leaving the airport. I can do it

Break in the text thread for 53 minutes. No texts sent or received.

Clarke: I like it when u skip out of your meetings w Borelli. Your time is well spent, and ur energy. (Time Stamp @ 3:38 PM)

City of Margate electronic time sheet records for October 13, 2010, show that Jon Shaw was on duty and worked a ten hour work day. Shaw's assigned shift was 0800 hours to 1800 hours on October 13, 2010. There is no record of Shaw being approved for time off of work during this time period. There were no documented leave deductions made on Shaw's time sheet records for this date.

On November 18, 2010, Shaw and Clarke begin a text chat where Clarke asks Shaw if the surveillance is going good¹¹. During the chat, Shaw states that Chad (Ryen) is on the eye referring to being the first view of their said target while on surveillance. During the chat, Shaw asks Clarke for explicit pictures to be sent to him via text. The conversation turns to a "sexting" conversation while Shaw is on an active surveillance with then Detective Chad Ryen. Shaw specifically asks for a picture from Clarke where he asks to see her breasts pushed together, to which Clarke allegedly send a picture to him. *(The following is verbatim from the forensic download of the text chat thread of Shaw and Clarke on November 18, 2010):*

Clarke: Surveillance going good? (Time Stamp @ 4:16 PM)

Clarke: Picture sent #12931-0 (Time Stamp @ 4:46 PM)

Clarke: Lonely

Shaw: Yeah but Chad is on the eye and he is blind

Shaw: It looks lonely

Clarke: Lol.

Clarke: Very

Clarke: What should I do with myself?

Shaw: Let me c those tits pushhhhhhhed together

Clarke: Picture sent #12938-0

Shaw: Mmm that looks so good

¹¹ Text message thread between Anne Clarke and Jonathan Shaw under Exhibit #3.

Clarke: *What would u do if u walked thru the door and found me and the vibrator together* (Time Stamp @ 5:01 PM)

Shaw: *Spank u till u said I'm a bad girl sir, no relenting because of squirming and sunburns this time*

Clarke: *My ass is in the air right now and I just got off while moaning your name. Doors open n I'll take the paddle out (Spanking hand emojis)*

Shaw: *That sounds so good all stressed (sic) out* (Time Stamp @ 5:17 PM)

Clarke: *Hummph. Stressed out Jonathan is bad!! We must fixy fixy that!!*

Clarke: *We start with half hour massage and half hour happy ending*

Shaw: *If I didn't know better I'd say u liked doing that :)))*

Clarke: *I believe I do*

Clarke: *Sir*

Clarke: *Any requests on how to make it better or more intense??*

Clarke: *(Smiley Face Emoji)*

Clarke: *(Surprised Face Emoji)*

Shaw: *I'll tell u when I get close then stop. Go hard until I say it. It gets crazy intense*

Clarke: *Yes master*

Clarke: *I think we need to take a drive tonight*

Shaw: *I might get free from 1800-1900 if u want me to swing over.* (Time Stamp @ 5:35 PM)

Shaw: *Bad guy is going to the gym*

Clarke: *That sounds good. Of course I do*

Clarke: *Lol is Chad gonna work out w him*

Shaw: *B there in 29* (Time Stamp @ 5:49 PM)

Shaw: *20*

Clarke: *Lol*

Clarke: I'm ready for you

Clarke: I'm back to good girl white (Time Stamp @ 6:07 PM)

Shaw: Can't wait to see you

Clarke: Oh u will

Clarke: Unless ur eyes r in the back of ur head

Shaw: Mmmmmmm

Clarke: Sucked to your breaking point

Clarke: Over and over

Shaw: 97 in 2

Break in text thread chat for 1 hour and 26 minutes.

Clarke: U taste so damn good (Time Stamp @ 7:33 PM)

Shaw: Mmmmmmm

Clarke: I hope that was a good release for my stressed out Sgt

The text thread continued to the following day, November 19, 2010.

Clarke: Hey gorgeous! How was ur nite? (Time Stamp @ 11:31 AM)

Shaw: Unsuccessfil (sic) ugg

Clarke: I'm sorry b. :) But u did get ur dick sucked hard

Shaw: Very very Tru

Clarke: N it was VERY tasty (Time Stamp @ 11:48 AM)

In this text chat, Clarke states that she had oral sex with Shaw the night before while he was on duty and was required to be on a surveillance with his detectives. Shaw left mid-surveillance and drove to Clarke's residence where based upon her sworn statement that they engaged in sexual activity. This was also confirmed via text by Shaw himself where he responds to her comment of, "But u did get ur dick sucked hard", and Shaw responds, "Very very tru (sic)."

Shaw did not deny via text message on the text thread that Clarke performed oral sex upon him the prior night while. Shaw stated that he was off duty and that the surveillance had concluded.

City of Margate electronic time sheet records for November 18, 2010, show that Jon Shaw was on duty and worked a ten hour work day. There is no record of Shaw being approved for time off of work during this time period. City of Margate electronic time sheet records for November 18, 2010, show that Jon Shaw was on duty and worked a ten hour work day. Shaw's assigned shift was 8:00 AM to 6:00 PM on November 18, 2010. There is no record of Shaw being approved for time off of work during this time period. There were no documented leave deductions made on Shaw's time sheet records for this date.

On January 19, 2022, a sworn taped statement was obtained from Lieutenant Alain Banatte. Lieutenant Banatte was asked about specific incidents that he could have a recollection of in regards to this investigation. I asked Lieutenant Banatte if he remembered a case that he, Chad Ryen, and Jonathan Shaw had worked a surveillance on in 2010 where the target would frequent his gym while they were conducting surveillance on the target. Lieutenant Banatte stated that he did remember conducting surveillance on a target that was in reference to a Broward Sheriff's Office money laundering investigation. Banatte stated that he remembered that this target went to a gym or owned a gym that was in West Boca (Boca Raton, FL) off of Glades Road. Banatte stated, "Chad went in a couple of times to see if he was working out, but that's the only case that stands out." *(The following is verbatim from the statement transcript of Lieutenant Alain Banatte, pgs. 13-14):*

PK *Okay. Unfortunately, I don't because the records were past record retention and the records were destroyed. I only had some certain things on a case report from an event report in regards to that. The only other thing that I did find in regards to it was a potential DEA surveillance with DEA Group 13, and that specifically was a surveillance where it was Sergeant Shaw and Detective Chad Ryen, and it was on November 18, it was a text message, and I am going to read some of the text thread here if this possibly jars your memory. Anne Clarke states, "surround is going good". She then sends a picture and she says she is lonely. John Shaw replies, "yeah, but Chad is on the eye and he is blind and it looks lonely". She states "LOL, very, what should I do with myself?" He states, "let me see those tits pushed together". She sends a picture of her breasts pushed together. He says, "mmm, that looks so good", and later in the thread he states, "I will tell you when I get close then I will stop. Go hard until I say it. It gets crazy in ten". She says, "yes master, and I think I will need to take a drive tonight". He states, "okay I might get free from 1800 to 1700 if you want me to swing over. The bad guy is going to the gym". And she says, "that sounds good, of course I do, LOL. Chad is going to work out with them". Do you remember doing any surveillance where a bad guy went to the gym during their surveillance and there was some down time during that time period? I know it's 12 years, but.*

AB *No. The only instance that I remember as far as any case as far as a gym was we worked a case in West Boca, I believe, and we pretty much slapped a tracker on a guy's car while he was at the gym, but I don't remember anything as far as Chad going, you seeing a gym or anything like that.*

PK *Do you remember any type of surveillances where it could have been –*

AB *At a gym?*

PK *Like he went to the gym and you guys were just sitting there waiting on surveillance while the guy was working out?*

AB *The only thing, the only case that stands out in my mind as far as the gym is that case, and I believe it was a money laundering case that we were working with BSO where the guy was like into the gym or he owned a gym in West Boca off of Glades, and I believe we did surveillance a couple of times waiting, or Chad went in a couple of times to see if he was working out, but that's the only case that stands out.*

On November 29, 2010, Shaw and Clarke begin a text message conversation where Clarke asks Shaw to pick her up from the airport again¹². They both continue with a sexual conversation and refer back to prior airport pickups where Clarke alludes to performing oral sex on Shaw in his unmarked City of Margate Police vehicle. *(The following is verbatim from the text chat thread between Clarke and Shaw dated November 29, 2010 through November 30, 2010):*

Shaw: Yeah I'll pick u up but gotta b back to Pd by 12ish I'll come back over after my [REDACTED] meeting (Time Stamp @ 11:24 PM)

Clarke: I'll give u a good t40

Clarke: I made certain parts look good for u tonight

Shaw: Good girl. Maybe we can sneak in some fast relief b4 I meet Larry at 12

Clarke: Oh you will be begging for relief before we even hit 95

Clarke: Ur dick will be down my throat before you are out of the airport (Time Stamp @ 11:30 PM)

Clarke: then the teasing begins

Shaw: Will I b cumming b4 going 97 ur house or am I finishing u on the patio

Clarke: Blue ballz to your meeting

Shaw: U would suffer a horrible beating after

Clarke: I think I would like listening to your threats all day knowing that the number one thing on your mind while at your meeting with Larry would be cumming

Shaw: Maybe I should set up b4 u get home maybe secret like up those stairs or something. Where is that key Again...

¹² Text message thread between Anne Clarke and Jonathan Shaw under Exhibit #4.

Clarke: Lol! Passenger side below door frame

Clarke: I like surprises (Time Stamp @ 11:45 PM)

Shaw: Inside of jeep or below outside

Clarke: Inside. In a key box

Shaw: I think I may not get there till 1230. And u may b one soar and battered little girl by then tomorrow

Clarke: Picture sent #13511-0

Clarke: Remember Sir

Clarke: That's if I let you cum

Clarke: If

Shaw: Well that's fine. But then I want total submission Wednesday u need some retraining

Clarke: I'll think about it. Well see what you get if you don't beg hard and loud enough

Shaw: Ur mine Wednesday FYI ur not allowed up those stairs I might make a little work space up there

Clarke: NICE

Clarke: I promise

Shaw: I'll set it up tomorro. (sic) Just wait see u at 11 let me know if u get held up

Clarke: Of course b. Mmmmm I can't wait!! My pussy is super soft in my hand

Shaw: I am dreaming up about ten ideas for my workspace.... (Time Stamp @ 12:00 AM)

Clarke: Please oh please OH PUHLEASE let there be an ankle spreader involved!!!

Shaw: I can work on that too

Clarke: I need a good stretch

Shaw: It's gonna be a whirlwind of torture we will polish off a bottle of wine b4 ur allowes up there

Clarke: A. Bottle n a nut full of cum

Shaw: In deed

Clarke: Mwah! Mwah! Suck gulp. Gulp

Shaw: Goodnight (Sleepy emoji face)

Clarke: U too b. Mwah

Text begins again on November 30, 2010.

Clarke: Boarding. :) (Time Stamp @ 7:13 AM)

Shaw: Have a good flight

Clarke: See u soon b (Kissing face emoji)

Clarke: Just landed. Gotta get my bag still (Time Stamp @ 10:35 AM)

Shaw: K should b there bout twenty five mins

Clarke: No rush

Shaw: U out yet (Time Stamp 11:04 AM)

Clarke: Yup sitting outside watching a group of 5 old guys load too many bags n golf club into a minivan

Shaw: 97

In regards to this text thread, Clarke confirmed in her sworn statement that she had sexual intercourse and engaged in sexual activity with Shaw. Clarke states that she would have performed oral sex upon Shaw during the ride back to her residence just like she did on prior trips from the airport. Clarke stated that she and Shaw always had sexual intercourse when Shaw drove her home from the airport to her residence.

City of Margate electronic time sheet records for November 20, 2010, show that Jon Shaw was on duty and worked a ten hour work day. There is no record of Shaw being approved for time off of work during this time period. There were no documented leave deductions made on Shaw's time sheet records for this date.

On February 10, 2011, Shaw and Clarke begin a text message conversation where Clarke asks Shaw to pick her up from Enterprise Rental the following morning of February 11, 2011¹³. During the text thread, Shaw discusses Clarke “paying a price” for him picking her up at the rental agency. Clarke asks Shaw if he is working tomorrow (February 11, 2011), to which Shaw replies, “Yea, I’ll come get u round 0830. Maybe a little later gotta pick up stuff for the boys and drop it off 0930 probably.” *(The following is verbatim from the text chat thread between Clarke and Shaw dated February 10, 2011 through February 11, 2011):*

Clarke: Almost home! Stopin for a lil gas

Shaw: How’s ur drive

Clarke: Rain stop. In web

Clarke: Yay! Getting off!! (Time Stamp @ 9:16 PM)

Clarke: U still up?

Shaw: Yeah sleepy like u I’m sure

Clarke: Just pulled in. I’m happy to b home!!

Clarke: Could u drive me from enterprise back home tomorrow so I can drop the car off

Shaw: Sure

Clarke: U da bestest

Shaw: There may be a price ...

Clarke: Oh Sir Anything!! (Time Stamp @ 9:40 PM)

Shaw: Look behind u and down I’ll take that

Clarke: You want a foot fuck!!!

Shaw: Higher above the thigh below the lower back

Clarke: I think I know what you are assking (sic) for

Shaw: (Emoji face blushing) maybe

Clarke: I think I may want to put you away dirty for work

Clarke: Are you going in tomorrow

¹³ Text message thread between Anne Clarke and Jonathan Shaw under Exhibit #5.

Shaw: Yea, I'll come get u round 0830 (Time Stamp @ 10:02 PM)

Shaw: Maybe a little later gotta pick up stuff for boys and drop it off 0930 probably

Clarke: Oh I'm so gonna make u dirty.

Clarke: That's fine. More time for me to get my energy up

Clarke: Stretch out

Clarke: Stretch my back

Clarke: Stretch my mouth

Shaw: Perfect

Shaw: Say ahhhhhhhhhhhhhhhh/gulp.....mmmmmmmmmmmm

Clarke: Picture sent #17467-0

Shaw: Such such a good girl

Clarke: I'll stay in my bed. Sweatpants on. Comfy cozy until you climb in and make the mornings decisions (Time Stamp @ 10:17 PM)

Shaw: Decisions decisions

Clarke: And then more decisions when you cum back later!!!! I can't wait!!!

Clarke: Woah just saw. Who got the thi

Shaw: Young

Clarke: What happened

Clarke: Im reading the online paper

Shaw: Good morning I don't have a's much time a's I thought and I am up north at kids school y don't I meet u at enterprise that way I can pick u up on the way back (Time Stamp @ 8:45 AM)

Clarke: Ok. At 0930 still or earlier

Clarke: Everything ok at school

Shaw: Yeah just helped needed manual labor Yeah I should b there 0920 ish

Clarke: Ok. Brushing teeth n going

Shaw: K leaving school

Clarke: Leaving too

During her sworn statement, Clarke stated that each and every time that Shaw came to her house that they would have sex. I specifically asked her if she and Shaw engaged in sexual activity in his vehicle on the ride back to her house on February 11, 2010, to which Clarke replied, "Specifically, no. But as I said, you know, every time he came over, we would have sex." Clarke also stated that she did not recall if Shaw was in plain clothes or dressed as a detective sergeant with any type of shirt or tie. Clarke also stated that she believed that Shaw was working and going into work on that day. *(The following is verbatim from the statement transcript of Officer Anne Clarke, pgs. 70-71):*

PK Do you remember if anything at all up when he drove you back to his house, did you engage in any type of sexual activity or sexual intercourse or anything at all while in the vehicle then?

AC Well, we would've been in -- oh, I was dropping a vehicle off. Um, no. Specifically, no. But as I said, you know, every time he came over, we would have sex.

PK Okay. Do you remember at that time -- do you remember if he was going into work in plain clothes or as a detective sergeant with any type of like shirt or tie or anything like that on?

AC I don't recall.

PK Okay. Based on his text messages that he would be going in, what would you refer -- infer that to mean?

AC Going into work.

PK Going into work. But you didn't know if he was going in late? He couldn't -- he might've been going in at 11 o'clock and it wouldn't have made any difference?

AC He would go into late often. He would modify his schedule, you know.

PK Okay.

AC He made it seem like the detectives had a very fluid schedule, which that was the presumption of the time. Because of the fact that he would have meetings with his ex, he would claim to be doing PTA stuff at the boys' school, you know. He would have breakfast with, you know, his brother or his parents, or you know, he -- he made it seem like his mornings were very fluid.

PK Is it safe to say that you would not have known when he was working or when he wasn't working based upon -- like, if he came to your house, he may not have been on duty? You guys engaged in sexual activity, and then he went into work?

AC Oh, yeah.

PK Is that a fair statement?

AC Very fair statement. I never knew exactly what his -- he never had a permanent schedule.

PK Okay.

AC Because he created his own. He was his own boss.

On February 15, 2011, Shaw and Clarke begin a text message conversation where Clarke talks about Al (Al Banatte) getting into his truck¹⁴. Clarke states in the text thread, "Hmm, poor Al, he just got into his truck. The things I've done in there."

During Clarke's sworn statement, I asked her about what she had meant about "the things I've done in there." Clarke replied, "... it would be the sexual activity that occurred in the -- between myself and Jon in the truck." She also makes mention of a trip that she and Shaw took in Shaw's assigned unmarked police vehicle to a rest stop on [REDACTED].
[R] Clarke stated that she and Shaw had driven out to [REDACTED] to look at the stars at a rest stop. Clarke stated that both she and Shaw were in the bed of the truck and that she was partially undressed. Clarke stated that she did not recall if she was performing oral sex on Shaw or if they were having full intercourse. She stated that a Florida Highway Patrol Trooper came up to the truck. Clarke explained in her statement that Shaw pulled the Trooper aside and talked to him. Clarke stated that later Shaw told her that he "badged" him and that he was trying to not get them in any trouble. (The following is verbatim from the statement transcript of Officer Anne Clarke, pgs. 71-73):

PK Okay. This text thread starts and says, "You -- eh, I only have to report for my guy who [indiscernible]." This is you texting this. "So why does Chad get the Jeep?" Jon replies, "Chief wanted main undercover guys to get lease" and you state, "Chad's being dirty; he's asking about you, LOL. Phew, he's gone." And you -- he says, "Resend your last -- your last text. It's in cyberspa -- in cyberspace" and you state, "I said Chad's being dirty and he was asking about you. Then I said phew, he's gone." Jon states, "LOL, I saw dirty. It disappeared and my mind went racing." You say, "I bet it did. You probably still have dirty schoolgirl on your mind. Hmm, poor Al, he got into his trucks. The thing" -- excuse me -- "Hmm, poor Al, he just got into his truck. The things I've done in there." What are you referring to in saying Al just got into his truck?

AC If that would be the lighter colored pickup, it would be the sexual activity that occurred in the -- between myself and Jon in the truck.

PK When you state, "The things I've done in there, that's what you're referring to?"

¹⁴ Text message thread between Anne Clarke and Jonathan Shaw under Exhibit #6.

AC Correct. To Jon.

PK To Jon, okay. So, based upon the text threads -- and you had made mention earlier as well about a trip that you took with Jon on **REDACTED**.

AC Correct.

PK Can you describe what that was, what you did?

AC I don't recall specifically when it was. But there was one night where we had been drinking, and we drove on out to **REDACTED** just to look at the stars and stopped at a rest stop. After the toll plazas -- so, we passed the toll plazas of **REDA** and got onto **REDACTED** and -- with the truck. We were in the bed of the truck, making out in some way, shape, or form. I was partially undressed when a trooper came up. And I don't recall if I was giving him oral sex or if we were having full intercourse. I don't recall that. But I do recall that I was partially clothed. And the trooper was -- I recall Jon pulling the trooper aside and Jon told me afterwards that he badged him, meaning he told him he was an officer and, you know, he was trying not to get us into trouble type of thing.

PK Okay.

AC And that, you know, the trooper just told us to go on our way.

PK Okay. Do you remember if you were -- if Jon owned a personal vehicle which was a truck at the time?

AC No.

PK And would you believe that that vehicle that Jon was driving at the time was most likely a City-owned vehicle or a City leased vehicle that Jon was operating as -- within his official capacity as a law enforcement officer for the City of Margate and, more specifically, a CIU or Narcotics supervisor and he had a lease vehicle at his disposal?

AC Oh, yeah. Yeah, yeah, yeah. It was the lighter colored truck.

PK Or this could've been any of the trucks or whatever that he had as a lease vehicle, 'cause we --

AC Oh, yeah.

PK We did not -- I know for a fact that we did not have a white GMC truck or Chevy truck that was purchased by the City. It would've most likely been a leased vehicle that the City paid for with the lease.

AC Yeah.

PK *Okay. Within the text thread on your phone throughout that time period, there's other mentions of "we need to go and make another [RE] run."*

AC *Mm-hmm.*

PK *Is this what you're referring to in there, in that text thread?*

AC *Yes.*

During my investigation, I was unable to obtain any type of call history from the Florida Highway Patrol (FHP) in regards to this alleged stop by a FHP Trooper. Sunpass transponder data is past records retention with the Florida Department of Transportation, the governing entity of the SunPass program. Additionally, Budget Car Rental and Enterprise Car Rental contracts were also past records retention with the City. In speaking with customer service representatives of both agencies, those records could only be obtained through a court order, state subpoena, or federal subpoena even if they were still in existence.

During her sworn statement, Officer Clarke describes an incident where she stated that she had passed out because she had been intoxicated. Clarke stated that she remembers waking up to Shaw anally penetrating her with his penis. Clarke stated that she vomited on the floor and when she came to, Shaw was behind her having anal intercourse with her and that he appeared to be taking pictures with his phone. In Clarke's initial complaint, she stated that this was the first time that she had anal intercourse with Shaw. I specifically asked her about all of the text messages that went back and forth between her and Shaw about anal intercourse or anal penetration. Clarke stated that the talk was fantasy and that the two of them had only used toys, beads, and a butt plug.

Clarke alleges that during this incident she was tied up on her dining room table and Shaw was anally penetrating her with his penis. Clarke stated that it was after this incident that she broke all ties with Shaw and ended their sexual relationship. *(The following is verbatim from the statement transcript of Officer Anne Clarke, pgs. 74-75):*

PK *Okay. Specific to one of the things that you had said in your initial complaint, the sexual relationship that you had with Jon Shaw was a consensual relationship, correct?*

AC *Overall, yes.*

PK *Okay. Your text messages that you state back and forth to Jon are very vivid and they are very descriptive.*

AC *Yes.*

PK *Okay. They describe consensual encounters of what you both wanted to do to each other. Is that correct?*

AC Correct.

PK *Okay. One specific incident that you brought up was where you had been intoxicated to the point where you had passed out and you were having anal intercourse, or Jon was having anal intercourse with you, but you believe that you were passed out. Is that correct?*

AC *Yes, I know I passed out.*

PK *Okay. And you had stated that you vomited, and when you --*

AC *Correct.*

PK *-- came to, that Jon was doing something behind and may have been doing something with his phone?*

AC *Correct. I was under -- I'm under the impression that he was taking pictures.*

PK *Okay. In your original complaint, you had stated that that was the first time that you had anal intercourse with Jon. Is that correct? Is there any -- during the text thread, you talk about -- or, you talk about -- or the fantasizing of anal intercourse or some type of anal penetration prior to when you say that during -- towards the end of your relationship in about March -- I'm sorry -- May of 2011 when you said on or about that time was when the dining room table incident occurred.*

AC *There was a period where we just used toys, beads and like a smaller plug.*

PK *Okay. But not --*

AC *But in reference to intercourse --*

PK *Not his penis in --*

AC *Yeah, there -- as to how many times or how often, that, I couldn't recall. This was such a traumatic incident and this was such a catalyst.*

PK *So, you had said after that incident -- 'cause there's mention in your text thread about being tied up on your dining room table.*

AC *That was --*

PK *And that was a place where you had had sex before, was the dining room table.*

AC *Jon enjoyed tying me up.*

PK *Okay.*

AC *He enjoyed making me his submissive. If you notice through the texts, I was -- I had to call him "sir"; I had to follow through with the subordinate, you know, whether I was at work or whether I was in a personal role. This followed through my entire -- it was 24/7, 365 for three years.*

Clarke alleges this incident was traumatic for her and was her catalyst to end the relationship. Clarke describes Shaw's behavior as being dominant and that she had to be sexually subservient to him.

However, after a thorough analysis of the text messages, there is no mention by Clarke to request Shaw to not perform a sexual act. There are not text messages between Clarke and Shaw that describe an argument about committing a sexual act that was not permitted in the relationship. In fact, during the majority of the text comments, Clarke describes sexual actions that she is doing to herself without Shaw being present or asking/demanding/ordering her to do so. The text thread does show several messages where an outside reader could perceive the messages differently, however there is no fact that goes to show that the relationship with Clarke and Shaw was anything but consensual. Only Clarke's statement goes to show that the "dining room table" incident was without her approval. However, during her sworn statement Clarke never reveals to this investigator that she demanded him to stop or ever stated, "No." This investigator explains to Clarke that nowhere in the text thread did Clarke ever say, "No, I don't ever want you to do this to me again." I explained to Clarke that none of those types of texts exist which would lead any investigator to believe that anything was of a non-consensual relationship and that the things that were being done to each other were completely consensual. *(The following is verbatim from the statement transcript of Officer Anne Clarke, pgs. 75-76):*

PK *And that was a place where you had had sex before, was the dining room table.*

AC *Jon enjoyed tying me up.*

PK *Okay.*

AC *He enjoyed making me his submissive. If you notice through the texts, I was -- I had to call him "sir"; I had to follow through with the subordinate, you know, whether I was at work or whether I was in a personal role. This followed through my entire -- it was 24/7, 365 for three years.*

PK *In reference to that, there are messages from you where you are encouraging certain types of behavior that you wanted to be performed on you.*

AC *Mm-hmm.*

PK *Was that in order to appease him, or was that because you wanted that to happen as well?*

AC *It was to appease him.*

PK *Had you ever been in a sexual relationship prior that had to do with as much dominatrix type of thing or submissive type of thing prior to this?*

AC *Never, and I have never been in one since. And I am -- I speak out on domestic violence cases, I -- you know, from that point on, I do not let any domestic violence, you know, cases on the road pass by. I am outspoken about it on the road. If you ask my coworkers --*

PK *Well, I want -- I wanna make mention to this, 'cause it is important in regards to this. So, a sexually deviant behavior in regards to domestic violence are two totally different things.*

AC *I understand.*

PK *So, the type of sexual behavior that you were partaking in with Jon --*

AC *At some --*

PK *-- at that -- well, hear me out for a second.*

AC *Yeah.*

PK *At that time, there is -- there is never a time in any of those texts in the text threads that I have looked at that that showed that you ever said, "No, I don't ever want you to do this to me again." There's -- none of those types of texts are there, which would lead any investigator to believe that this was a complete and one-hundred percent consensual relationship and the things that were being done to each other were completely consensual.*

AC *I understand.*

During Officer Clarke's sworn statement, Investigator John "Jack" Dale, and I asked Clarke several questions concerning how she alleges she was treated by Shaw after their relationship ended and during the time Shaw's career advanced through the department.

Clarke stated that after submitting a memorandum for an open assignment to become a Criminal Investigations Unit detective, she was finally selected after her fifth attempt. Clarke alleges that she met with former Lieutenant Efrain Suarez who at the time was the Commander of the Criminal Investigations Unit. She alleges that she had a conversation with Lieutenant Suarez wherein Clarke told him that she believed that the only reason why she was selected to be a detective was because both he and Shaw finally realized that she (Clarke) had a case for a hostile work environment. Clarke alleges that Lieutenant Suarez was stunned and made no comment to her in return when she made her comment in regard to a hostile work environment claim. *(The following is verbatim from the statement transcript of Anne Clarke, pg. 23-24):*

PK *Correct me if I'm wrong, I think that was a -- like, it was a -- you being interested in CIU anticipated openings later and it --*

AC *Yes.*

PK *-- and they were giving people that had put a memo in to do that the opportunity to --*

AC *Yes.*

PK *-- like for three months or whatever, I don't remember what the timeframe was, to put in -- to be a part of CIU, or CID then, to see what it was all about and how you would handle the work or the caseload?*

AC *Yes, yes.*

PK *Okay. So, after you had that temporary assignment, the very next time that CIU came in, was that when you -- or opened up, was that when you got it?*

AC *Yes, that was when I got it. And I -- I'm -- in honest -- in honest -- you know, honestly, what I was feeling at the time was that I got the temporary position, and I'm using sub-quotes on it, as if it was a pat on the back, "You did a good job, here's your consolation prize. We are going to put you in this position for a few months to placate you."*

JD *Which position is that?*

AC *The temporary CIU position. "To placate you." And then, a few months later, you know, a position did open up and I was offered it. I was asked to come into Lieutenant Suarez's office and, you know, I sat -- you know what, and I thought long and hard about did I want the position, did I earn the position, so on and so forth. And I sat down in his office across from him, and he honestly said, he said, "You don't look happy to be here." He says, "Why is that?" and I told him, I said, "Sir, honestly," I said, "I don't know if I'm honestly getting this position at this point because I deserve it, because of the fact that I honestly earned the position after all these years of hard work and dedication at the department, or because of the fact that after five times of putting in, not having anything on my disciplinary record that would go against me, you know, having investigative classes, you know, at this point that I've been to, having done every single little thing that I could to possibly get this position, with no marks against me." I said, "I don't know if it's because I actually earned the position or if you guys have finally realized that I have a case for a hostile work environment. And his jaw -- he was dead silent and his jaw opened up. He had no response. He -- his response was, "How could you say that?" I said, "I say it because it's easy to say it."*

Moreover, Clarke alleges that former Lieutenant Efrain Suarez spoke to her very frequently about her demeanor with the Chief of Police Jon Shaw. She alleges that Suarez told her on

multiple occasions that she had to respect "Jon". Clarke also alleges that that Lieutenant Suarez came to her on behalf of Shaw.

This investigator cannot show any evidence that Shaw ordered Suarez to speak to Clarke on his (Shaw's) behalf. Clarke provided no documentation nor did she provide any witnesses that could corroborate this allegation of her complaint. *(The following is verbatim from the statement transcript of Anne Clarke, pg. 30-34):*

JD So, when -- I mean, you've had interactions in the past five years. Has he ever brought up the past relationship? Has he ever disparaged you in any way?

AC Him, no, because I will not talk to him in a personal relationship like that, in a personal way.

PK It's only been about work-related?

AC I refuse. Even if he says hello to me in an office, I still to this day will not respond.

PK Did --

AC And if I do, it's a kneejerk reaction.

JD Mm-hmm.

PK Did anyone come speak to you on his behalf?

AC One-hundred percent all the time.

PK Who?

AC The one who would do it the most is Suarez.

PK Now, were those conversations --

AC Open door or closed door?

PK No, I'm not -- were those conversations -- like, how the wording started was, "Hey, Jon told me to come talk to you about this"?

AC Yes.

PK Okay. Well, tell me about that.

AC And a majority of those conversations was -- the most recent ones, okay, and this was even when I was up in CIU, is, "Jon is now the chief; you have to respect him."

PK And what do you --

AC *And I said no.*

PK *-- what do you think that that --*

AC *And I said no.*

PK *What do you think that those comments were? Because Lieutenant Suarez was your CIU lieutenant, correct?*

AC *Correct, he was my direct supervisor.*

PK *So --*

AC *And I said no. I said, "I refuse."*

PK *But why would that come out? Was there some interaction that you had with Chief Shaw at the time, if you saw him in the elevator or some -- wherever?*

AC *If he came into the office, I would ignore him unless he was speaking -- you know, if he was speaking, I was always -- I was never -- I was never rude.*

PK *So it's fair to say that Lieutenant Suarez would've seen your reaction or emotion and that's why he spoke to you, or?*

AC *I was never -- I was never rude, I was never inappropriate. It's not like I would pull out my phone and start texting, you know, or I would turn around to my computer. If he was in the room, you know, I would be facing towards him or -- you know, but I may be looking down at the ground, you know. I was not going to give this man my full attention.*

PK *How many times do you think that Lieutenant Suarez spoke to you about?*

AC *At least once a month.*

PK *And was it the same thing?*

AC *Over and over.*

PK *Just, what, "You have to respect Jonathan"?*

AC *Yeah. But this has also been going on as Jon was a captain, as Jon was a lieutenant. Lieutenant Suar -- or, whatever position he was in -- would come to me and say, "You have to respect Jon." I don't have to do shit. This man beat me for years; he took so much of my dignity, my integrity, everything from me. I don't have to give him another cent. I don't need to give him forgiveness, I don't need to give him shit. No eye contact, no thank yous, no hellos, no nothing.*

PK *So -- and I don't know if you had said this, but did he -- did Lieutenant Suarez ever specifically come to you and say, "Hey, Jon told me to come and talk to you about your behavior"?*

AC *Yes.*

PK *And --*

AC *Specifically, yes, it would be from Jon.*

PK *But he specifically stated those words?*

AC *Yes.*

PK *And what type of -- what -- the correction of the lieutenant would've been, "You need to respect Jon because, you know, he came in the office and" --*

AC *Yeah. He's our superior. I have to do it. And I said --*

JD *So --*

AC *And every single time, I held my stance.*

PK *But like I said, was -- do you believe that that was based upon --*

AC *Our relationship.*

PK *-- how -- no, no, no. Do you -- how when he walked into the room, he read your demeanor and then said something to Lieutenant Suarez?*

AC *As I said, it would never be -- you know, I was never on a phone or I would turn to a computer, or even if I'm on the road. You know, it's not like I would -- you know, if I'm sitting in briefing room, I would just look down, okay, or I'd look at the table in front of me.*

PK *But like, is he reading your dem --*

AC *It's not like I'm overtly being an asshole, okay.*

PK *But reading your demeanor, Jon could've possibly saw your demeanor and -- that's what I'm saying -- if he spoke to Lieutenant Suarez --*

AC *But if I'm in a -- if I'm in a room of people, okay, why are they singling me out?*

JD *When you -- when he used the word "respect" and he told you --*

AC *It would always be the word "respect."*

JD Is it to the degree that he expected you to change your opinion of him and have a favorable opinion of him, or is it be professional when dealing with him in a work setting?

AC He told me I had to, and it was always the word "have." You know, I "have" to do this, I "have" to do that. I have to respect Jon and I have to respect his position.

PK Did Lieutenant Suarez ever make any threats to you about anything at all? Any threats, promises of something, whatever, based upon those conversations that you had with him? And what I mean by that was, if he had said, you know, "Jon told me to come and talk to you; if you don't do this, you're gonna get this"?

AC Nothing specific that I recall.

Officer Amalin Hernandez Allegations Investigation

On October 14, 2021, I along with Attorney Ivelices Thomas of HR and Beyond, obtained a sworn complaint statement from Officer Amalin Hernandez. The complaint statement was taken in response to Officer Hernandez requesting to speak with me in regards to allegation of misconduct that she wanted to make against then Chief of Police Jonathan Shaw. That conversation took place on September 15, 2021. The complaint statement was audio recorded utilizing a digital audio voice recorder.

During Officer Hernandez's complaint statement, she provided details about her previous relationship with former Margate Police Lieutenant Efrain Suarez. Officer Hernandez stated that she believes that her relationship with Suarez caused her to have later issues within the Police Department and more specifically with Shaw.

Officer Hernandez described an incident where she was taken by Efrain Suarez to Lieutenant Ryan McCarthy and Lieutenant Ashley McCarthy's house in [REDACTED]. She further describes the incident as a party which ultimately ended up being a party where all of the attendees were "skinny-dipping" naked and were "making out with each other. During her verbal statement to me on September 15, 2021, Officer Hernandez stated that the people present at that party at the McCarthy's house were the following: Lieutenant Ryan McCarthy, Lieutenant Ashley McCarthy, Lieutenant Efrain Suarez, Sergeant Erin Blanton, and Chief of Police Jonathan Shaw. Hernandez made reference to another "couple" being present at the party that night.

(It should be noted that during her sworn complaint and her sworn statement, Officer Hernandez stated that she could not remember if the "other couple" were Jonathan Shaw and Erin Blanton or if it was someone else.)

Officer Hernandez states that she voluntarily took off all of her clothes and was in the pool. She alleges that she witnessed Lieutenant Ashley McCarthy "making out" with another woman. She alleges that Lieutenant Ryan McCarthy came up to her while he was naked in the pool as well, and got in front of her between her legs. *(The following is verbatim from the transcript of Officer Amalin Hernandez's sworn complaint statement, pgs. 11-16):*

AH *I don't -- I -- I don't think he was, and maybe he was going for lieutenant, I'm not -- it was in the -- in the midst of that. Another -- I think another year had passed by and -- or, time had passed by, and I said -- we were working either the same side or he was in the detective bureau, I am not sure, but we started going out again. And this time, he was divorced, like -- and that's why I think we started back up again. This time, he was divorced, like he was done. And I said, "Okay, maybe" and he was like -- reassured me that she was, you know, leaving him alone, that she was dating somebody else, that whatever. And I was like, "Okay, well, we have a history," and to me, it's like I have to work with this guy for the next umpteen years, whatever. So, we went out again, and I almost -- I'm almost positive that he was either gonna be a lieutenant or starting to be a lieutenant, or some way there, because he was in that social circle. His social circle was like, you know, Jon and the guy that retired.*

PK *Petallus (ph)?*

AH *Petallus. He was in that social circle with Jon, Petallus, McCarthy (ph), the McCarthy's at the time. I know the McCarthy's at the time had a -- had a house in **REDACTED**, if that helps narrow it down.*

PK *Okay.*

AH *And so, I knew that they were all friends and he had a good, tight social circle, so I kind of figured that, you know -- I felt like if I didn't give him another shot that -- I don't know, that I'd be shunned or whatever the case may be, or -- people already knew that we had dated, so it's like why not, you know. He had invited me over to the McCarthy's and we -- I get to the McCar -- I get to the house and there's like -- I can't -- it's almost like I can picture -- I know Ryan and Ashley were there for sure, and it's almost like I can picture another couple, but I don't, like, remember who it was. Like, I can't put the face to it, you know what I mean? Like, I --*

PK *Was it someone from here?*

AH *Yeah, it was all work people. It was all wor -- it was all work people.*

PK *Was it Jon and Erin (ph)?*

AH *I almost wanna say yes, 'cause that was a circle that was like -- it was like -- it definitely wasn't Petallus, 'cause he -- it was -- it was somebody -- it was a couple. You know what I mean? Like, it wouldn't have been Petallus 'cause him and his wife never came around like that. So, I wanna say it was Jon and Erin, but I ca -- I can't tell you a hundred percent. It was one of those like I can -- I know that it was another per -- I know it was another couple and they worked here. So, I get there -- we get there and we're having Coronas. It was like a cooler with like, beer in it, whatever. And at the time, I think Jon was already a lieutenant. No, I think McCarthy and him were already sergeants, and Ashley*

also was already a sergeant. I was the only -- I was the -- I know that I was -- I was the only off -- I think I was the only officer there, from what I remember. Like I said, I'm not a hundred percent who the third couple was. We were hanging out, just chilling, drinking beers, talking, whatever. And I have like control issues. So, when I say control issues, it means like I don't -- like, I mean, because I don't want it taken out of context. But like, I don't -- I'm not a drinker. Like, I'll go out and I'll have drinks and I'll drink, drink, drink, but I'll -- I'm not the -- I don't get drunk like that. Like, I don't -- I don't like not knowing where I'm at, who's around me. So, I remember like, drinking, having -- you know, having beers, Coronas. And Ashley -- we had decided to order beer -- pizza, I think it was, or food. I think it was pizza, I'm almost positive it was pizza. Like, it def -- it definitely was pizza. We ordered pizza, and in the midst of like the pizza coming, we were all jumping in the pool. Nobody told me it was a pool party, so I did not have a bathing suit on. But everybody was going in the pool, so I undressed to my underwear and bra. And when I got in the pool, everybody else was not wearing any clothes. None. I was like, "Okay?" To me, like -- and it's like weird, because like I -- you think -- you would think that I would know what -- like what was happening, but I didn't because I had never experienced anything like that. To me, it was like people were just skinny-dipping in the pool. Didn't think anything of it, so. And I was in the -- in company of people that I work with, so I felt, like, safe, or the sense of safeness, whatever you would call it. And at one point, like I remember like Ashley -- like, if -- I can picture the pool, like I picture like when you walk out of her house from the backyard, it's like the sliding glass doors and then like, the pool's like right there. And I remember walking out, sitting on the edge of -- on the -- on the edge of the pool and jumping in. And you know, I was like, "Okay, well, I'm not taking my clothes off," 'cause, to me, that's a little weird, but whatever. And then at one point, it was like -- it was almost -- I was almost made to feel like, "Why aren't you taking your clothes off? Like, what is there to hide?" type of thing. And I'm like, "I don't have shit to hide," so I was like, "Okay, fine," I'll take -- I took off my underwear and I took off my bra, and I put my -- the bra on the side of the -- on the pool. And I remember to my right -- I remember like there were people -- there was like Ashley; she was making out with somebody, but it was a girl. I don't know who it was. And when I looked over and saw that, I was like, "Okay, well what the fuck's going on?" You know, growing up, seeing women together wasn't a thing for me or my family. My sister came out as a lesbian and she was the first person in my family out of like 15. My mom had 15 brothers and sisters and all of them have children. And she was the first person to come out as gay, and that only happened like five years ago. So, you know, to me, seeing somebody that I work with kissing another girl, it was like -- I was a little weirded out by it, but I think people sensed it, so I tried to like, make light of it, whatever. And at one point, Ryan was standing to my -- I had turned and I was looking inside the house now, and Ryan came up on my left and he was completely naked. I had underwear on. And --

PK You're all right.

IT You're doing good.

PK You're all right.

IT You're doing good.

AH He came up to me on my left and I remember like, feeling like I was like -- like I didn't have anywhere to go, which is stupid, because I could've just gotten out of the pool, you know what I mean? Like, I felt like -- but at the moment, it felt like I was like -- couldn't go anywhere, like I froze, but I wasn't frozen. He came up to me and we were talking, bullshitting, whatever, and he tried to like, make me feel somewhat at ease; at least, I thought that's what it was. And if you ask me how, I wouldn't -- couldn't tell you, but I ended up, like my leg, like one leg, was up and I was like, holding my -- like, holding him. And like, I remember just feeling uncomfortable. I remember like almost saying like, "What the fuck is going on right now?" And he came up and got between my legs, and no matter -- and I was like, "This isn't really happening, like this isn't really happening." I'm like, "This isn't happening -- really happening right now." I'm -- I couldn't move. I coul -- I felt like if I pushed him away, that I'd either get yelled at or like told to leave. And I got there with Efrain, so I didn't have a ride. It was just like, I felt like -- we didn't have sex, because I think somewhere in his mind he was uncomfortable also, and he couldn't perform. Like, he was -- he wasn't erect, like he was just -- it almost felt like he was going through the motions of like just being there and like, it's almost like he felt like he had to, or like he felt uncomfortable. I don't know. Or maybe he felt my uncomfortableness, I don't know. But I remember like the phone ringing and --

PK Did you --

AH -- I --

PK -- did you tell him that you didn't wanna have sex with him, or were you guys just --

AH No, I just --

PK -- hooking up or what?

AH I just felt like I -- if I said anything, I would be told to leave, and I felt that if I -- and I almost sensed like he was uncomfortable also. So I'm like thinking to myself, "This is really happening, like maybe he's just like going through the motions of like, showing people -- like, maybe he was just like putting up a front, something." And I think at one point like the phone started ringing and I was like -- everybody else was busy. Efrain was in the pool, I think. I don't know who he -- who he was making out with. I don't remember if it was Ashley or somebody else, I don't know. I know he wasn't next to me. I know that I felt at the very moment "you brought me here, how the fuck did you leave me alone?" and I just remember like, looking and seeing him on the other end of the pool, and Ryan next to me. The phone started ringing, or a phone started ringing. And then we

both were the only ones that noticed the phone ringing. So, I saw it as my opportunity to get away. I scurried out of the pool, put my bra on, grabbed the phone, and it was Ashley's -- I think it was Ashley's cell phone. I'm almost positive it was Ashley's cell phone or house phone, I don't know. But it was the restaurant calling, saying that the credit card didn't work. And I remember giving the phone to Ashley, telling her that the credit card didn't work, whatever, and like she read it off, the credit card number. And, to me, that was like such an insignificant detail, but I held on to that for so long. It's almost like that was my saving grace, because when I handed her the phone and there was this big issue about her knowing her credit card number -- because she's known her credit card numbers for years and it's the same one that she's had for 12 years or 10 years or whatever -- that she -- that she -- that the credit card number was right. After that competition was over, I remember like sitting, I find -- I found that as my opportunity to just like, not get back in the pool because I was already out of the pool. And I didn't get back in. And I stayed sitting on the edge of the pool until the pool -- until the pizza got there. And I put my clothes back on. Everybody was doing whatever they were doing in the pool, and I got the pizza, brought it in, and everybody -- I told everyone the pizza was there and made myself the hostess, to try to keep myself from having to go back in the pool. And we ate, and I literally like wanted to -- I told Efrain I wanted to go home. And we left. After that day, I tell you that I don't remember ever talking to him again, because I felt like I was put in a very uncomfortable position by somebody that I, at the time, thought I was close to.

PK *He never -- he never talked to you about what happened at all?*

AH *Hmm-mm.*

PK *What about Ryan?*

AH *Hmm-mm.*

PK *Ashley?*

AH *Hmm-mm. Never.*

PK *Jon or Erin? Nothing?*

AH *Nope. I think that that was the time that -- that was the point that everybody realized that I was not to be trusted and that I was not to be in their --*

PK *Part of the --*

AH *Part of their circle. So, I was kind of like, ousted. I think Efrain felt a little bad about that, so he at times would try to reach out to me to like make conversation, but it was never about the incident. McCarthy avoided me at all costs.*

Officer Hernandez describes how time passed from this incident and that she avoided all of the people that she listed that were in attendance at the party. However, she describes an incident that occurred to her while she was assigned as a Community Services Division Crime Prevention Officer. Hernandez alleges that she had a valid internal complaint to file and that she brought it to the attention of the Internal Investigations Unit Sergeant whom at the time was Sergeant Efrain Suarez. Hernandez alleges that Suarez went and spoke with Jonathan Shaw, who at that time was a Police Captain. Hernandez alleges after Suarez and Shaw spoke and that Suarez came back into the Internal Affairs office and told Hernandez, "You don't wanna open that can of worms." *(The following is verbatim from the transcript of Officer Amalin Hernandez's sworn complaint statement, pgs. 16-18):*

AH *Part of their circle. So, I was kind of like, ousted. I think Efrain felt a little bad about that, so he at times would try to reach out to me to like make conversation, but it was never about the incident. McCarthy avoided me at all costs. I think the last years of working here, I can't tell you how my -- I probably seen him maybe a handful of -- a coup -- I've seen him -- I've seen him around, but we've never really had conversation. I think this last year, he was forced to talk to me more than he would ever want, and I can sense how uncomfortable he was talking to me. We were talking, 'cause he was assigned like, the EOC position, and that was -- and I'm part of the EOC. So, you can sense that he was uncomfortable anytime I spoke to him. It's almost like the elephant in the room. I never -- I never worked for him, at least I don't remember, anyway. I was never put in a position to work for him, where I'd always like try to -- I'd try to avoid it at all costs. I was -- I went into the schools to kind of, like, hide. But at the same time, like the schools, going into the schools, was like a saving grace. When Borrelli, who was, at the time, I think captain, when I told him that I needed to go -- I needed to do something, 'cause I was working full-time, you know, obviously working the road. I had two kids at home, my ex-husband had moved to New York. So I had my kids all the time. Thank God I had a family friend who would take them on my four work days. So, I remember like working and working my shift, going to see them, having dinner with them, going home. My life was consumed with that, like I didn't have time for myself. And I -- it was like a saving grace. When Captain, at the time, Borrelli said to me, "Hey, do you wanna go into the schools? Put in for it." 'Cause he saw the struggle that I was having. I would leave work, go to Lori's, having dinner with them, tuck my kids in, leave her house, go home, wake up at 5 o'clock, go to work. Like, this -- and then the days that I was off, I had my kids all the time. So I didn't have that time to like, date, so I didn't -- I just didn't want to. I dove into work and I dove into just watching my kids, or raising my kids. But really, I always tried to avoid working for Efrain or the McCarthy's. I think I had a short period of time where I worked for Ashley, but it was long. And I think I worked for Efrain also a short period of time, also when I was in the schools. I kind of like, reported to him, 'cause he was in the Traffic Unit, but I didn't report to him. It was like, weird; it was like there was a buffer between like having to actually work for him. I took the test a couple times, but I knew that I wasn't -- it's almost like -- like, I wanted to excel, I wanted to do good at my job, I wanted to just move on. And every time I took the test to be a sergeant, I knew, like I knew, that it was -- it was a*

futile effort, because the people that had shunned me were the people who were in control of the test. You had Efrain who was a lieutenant; Shaw was a captain. And it wasn't gonna get anywhere. Time had passed. I came back to the road. And at one point, an incident happened at the school where like I was -- you know, I wanted to come out of the school. I was there for five years. I was done. I wanted to go back to the road. My kids were a little bit older. So, I requested to come out of the road, but I went into the Community Services Division, so Tony (ph) and I kind of swapped positions. And at the time, Shaw was captain. And I remember like wanting to file a complaint about something here and going to Efrain, 'cause he was the IA investigator, and I told him about the complaint and he was like, "Let me talk to Shaw about it." He spoke to Shaw about it and Shaw was like -- you know, whatever happened, he talked to Shaw, he came back to the IA office and he basically told me that -- his words exactly were, "You don't wanna open that can of worms." And I remember like telling him, I said, "I can't -- I can't -- it seems like everything that I do in this department, I can't move ahead."

Officer Hernandez goes on further to explain what the complaint was about that she brought forth to Suarez and Shaw. That complaint stemmed from the City of Margate Parks and Recreation Director, Michael Jones, telling Officer Hernandez that he was told about an incident with Margate City Commissioner Tommy Ruzzano. Hernandez alleges that Michael Jones asked her, "Is it true that you approached Tommy (Ruzzano) and asked to do a threesome." Hernandez also alleges that the Margate Elementary School Principal was also told about the "threesome" allegation.

Furthermore, Hernandez alleges that she went to then Internal Investigations Unit Sergeant Efrain Suarez and informed him that she wanted to file a complaint and that this allegation "needs to be investigated." *(The following is verbatim from the transcript of Officer Amalin Hernandez's sworn complaint statement, pgs. 20-21):*

AH *So, after that, I didn't pay mind to it; it was what it was. I was approached by -- and I'm gonna throw some names out at you that you probably don't even know or aware of, but. One of my teachers at Margate Elementary, her husband works here. He's the parks and rec director, Jones, Mike Jones.*

PK *Mike Jones? Okay.*

AH *And I was friends with him and his -- and his wife. We were, you know, cordial and we got along. And we were comfortable with each other; I think he had a sense of comfort with me enough to basically come to me and tell me what he had heard. He goes, "I need to ask you a question, because it doesn't seem like this is something that you would say or do. But I just need to know. Is it true that you approached Tommy and asked to do a threesome?" I literally like -- I can't remember -- I don't know what hit first, my heart or my jaw, the ground. Like, to me, I felt like the blood just draining from my body, and I'm like, "Are you fucking kidding me? Like, are you serious right now?" He was like, "Yeah. Apparently" -- and he told me, he was like, "You have to swear to me that you'll never say anything, that this came from me." And I -- at the time, I did. I didn't want him to get*

in trouble, you know. Like, to me, it's like I don't -- I don't wanna make enemies where I work, so I didn't say -- I said, "Don't worry about it, 'cause I won't say it was you that told me. Like, what the fuck? Like, how are you hearing this? What is it?" and he said something to the effect of like the city manager knew, the HR director knew, and that they're looking to -- at the time, I had moved from being an SRO to the Community Services Division because Corrahea (ph) wanted to be an SRO and he was retiring soon, and I wanted to do something -- and the community knew me, so what better what to continue the community and having that relationship by going into the Community Services Division. So, I was working in there. I was there a short period of time, maybe halfway through the school year, and this comes out. And, you know, like it was after -- shortly after the whole commissioner was elected, around the incident. And I was like, "Are you fucking kidding me?" and he was like, "Yeah" -- he was like, "No, this is what's happening, this is what they're saying." And he was like, "You might just be careful." I was like, "I can't, like I can't take another fucking blow." I've taken the test three times by that time. So, I couldn't believe it was being said, so I asked. I asked -- I asked, at the time, the school principal of Margate Elementary. I didn't think he's still the same one. I can't remember his name off the top of my head now. But I asked him, 'cause he was real connected with everybody. He knew everything that was going on. He was like the mayor of Margate, like the little mayor of Margate. And I asked him, "Do you believe this is happening?" He said he had heard it. So, for him to have heard it and he's a principal, like I was just beside myself.

PK So, was --

AH So --

PK -- was that what you brought to Efrain?

AH So, I came to Efrain and I said, "I wanna file a complaint. I wanna file a formal complaint, 'cause this needs to be investigated."

Officer Hernandez stated that she spoke to then Captain Shaw and then Chief of Police Dana Watson. Hernandez alleges that during that conversation, Chief of Police Dana Watson refused to do anything about her complaint unless she provided the name of the person who divulged the information about her (Hernandez). *(The following is verbatim from the transcript of Officer Amalin Hernandez's sworn complaint statement, pgs. 21-23):*

AH So, I came to Efrain and I said, "I wanna file a complaint. I wanna file a formal complaint, 'cause this needs to be investigated. Like, where is this coming from? Like, who said this and why?" And he went and spoke to Shaw. He told me to wait at the office. And you know, it was up here on the second floor. He told me to wait. At the time, him and Lori were the IA investigators and Lori wasn't there. And I came to him because I thought that maybe for once like that him and I, we were good, like we were finally back to being cordial, that he would listen and he would know that that's not me, that's not something that I would do. And be it what it may be, I was a single female, I own my relationships, I own that I -- you know, I -- but I can -- and I swear on my children I've never had a threesome and I've nev -- I couldn't even tell you what that was at the time. And I was like, floored. I was just like, "How can somebody like, say this about me? Like, if my

mother was to find this out, like she'd fucking kill me." So, I came up to him thinking that he would do something about it, and I told him about it and he basically went and talked to Shaw and Shaw basically came back -- they came back and they were like, "You know, don't open up a can of worms. You don't have any proof. It's hearsay. How can" -- and I'm like, "But go ask the city manager, go ask the human resources director. This is something that's really happening. Like, why -- you know, people are saying this. Like, it's not just -- I'm not hearing it from one person." They basically told me that I'd be opening up a can of worms and that if I -- you know, it's almost like sealing my fate here, not to like -- like it's not -- it's not a good idea for me to file a complaint.

PK And that's what Efrain said or that's what Jon said?

AH That's what Efrain said. I wasn't happy with that answer, so I asked him that I -- I told him that I wanted to talk to Watson (ph), who was, at the time, the chief, and Ms. Shaw, who was my captain at the time. And I sat in Watson's office with Captain Shaw and I -- and I told Watson and it's almost like he -- I don't know if he had never heard it before or if he had heard it. I don't -- I couldn't read him. I was too emotional to understand what was really going on. And at the end of the conversation, he reassured me, gave me some reassurances that, unless I was willing to divulge who it was that told me the information, that there's really nothing that I can do. So, okay, going back to work in the Community Services Division and I was removed there a month and a half later. They told me that it was because they were restructuring, organizational needs. So, I was sent back to the road. If you asked Captain Wat -- if you asked Chief Watson right now, I don't know what he would say. I don't think he agreed with what was happening, and I think he saw the writing on the wall. So, he didn't fight the commissioner on it. You know, I was at one time told that they removed me because Amanda didn't feel comfortable seeing me near Tommy. I'm like, "My kids play baseball with this guy's kids, like I see him all the time. But you can't see me in a work environment, like?" So, I was removed from that. That was one of the reasons, apparently one of the rumored reasons. The other rumored reason was because the commissioner felt uncomfortable because I didn't endorse them, that they felt uncomfortable going -- attending events with me that I was organizing, so.

In Hernandez's complaint, she also discusses where Jonathan Shaw and his wife **REDACT** moved into the same development as her. Hernandez states that Jonathan Shaw and his sons would watch her dogs while she was away. Hernandez stated that a Sergeant's promotional exam was planning on being announced soon and that she asked Shaw for help and guidance. She stated that Shaw then came around her house more and more and then began to hit on her. Hernandez stated, "...like it almost felt like if I didn't accept his advances that I definitely had no chance again of getting promoted. One thing led to another and I felt like—he came over one night and we were talking bullshit, whatever, and we ended up having sex. And I felt so dirty. I felt like how do I take this back. And I couldn't. (The following is verbatim from the transcript of Officer Amalin Hernandez's sworn complaint statement, pgs. 26):

AHJon started -- and I would see Jon more and more walk by my house by himself with the dog, more and more, like every -- before, it used to be like **R** and him, and every once in a while I just see him and like it became more, like,

him. The test came out and I was asking him, you know, for help or just like for guidance. And then he started to hit on me. And I felt like I already had gone through this once before where -- and maybe it was all in my head, I don't know. Maybe I'm trying to justify why I didn't get the te -- you know, get promoted. But at one point, like it almost felt like if I didn't accept his advances that I definitely had no chance again of getting promoted. One thing led to another and I felt like -- he came over one night and we were talking bullshit, whatever, and we ended up having sex. And I felt so dirty. I felt like how do I take this back? And I couldn't.

PK Was this after the test or before the test?

AH Before the test. And he was going to the FBI Academy and he was going away, and I can't -- I don't remember like exactly when it was, but after that first time, like I felt that if I cut him off and I didn't continue talking to him, that I was completely fucked of getting promoted again. So, we continued, you know, texting, whatever, talking, and I said to him, I said -- he was leaving, going to the FBI, he was like, "Oh" -- I had a friend that was -- I have a friend who's an agent and George (ph) would tell me, the friend of mine would tell me, how -- and we're good friends.

Hernandez stated that Shaw came to her house after the promotional test came and went. She stated that she believes that Shaw was "testing the waters" with her and he made additional advances toward her and tried flirting with her again. *(The following is verbatim from the transcript of Officer Amalin Hernandez's sworn complaint statement, pgs. 27-28):*

AH Jon. I remember like him one time coming to my house and knocking on my door, and I didn't answer and I was like -- like, I made it believe I wasn't home. He came back another time and I opened the door, not realizing it was him, and, "Oh, I was just in the neighborhood, I was just in the neighborhood" and I was like, "Obviously. You live up the street," trying to make conversation, just to feel me out kind of way. And you could almost like -- I can almost sense him wanting to, you know, like -- like, it's almost like he was flirting and trying to make advances and testing the waters, but it was like I -- I was at the point where I was just mad. I was so mad of everything that was going on, that he ended up leaving. And I never spoke to them again. I never -- I mean, he was my chief and I can't tell you how many -- I've had maybe a handful of conversations with him.

During the complaint statement, I asked Hernandez if Shaw had ever sent her (Hernandez) any explicit pictures to her. Hernandez stated that Shaw sent her a "dick pic", referring to a digital picture of his penis. Hernandez stated that she believed that he sent the picture right before or right after Shaw had come to her house. Hernandez stated that she did not believe that it was okay for him (Shaw) to send the picture. She further stated that she did save the digital photograph for a while but it was unable to be retrieved from her old cellular phone when she accidentally dropped that phone into a porta-potty while at a concert. *(The following is verbatim from the transcript of Officer Amalin Hernandez's sworn complaint statement, pgs. 29-30):*

PK Did Jon ever send you any explicit pictures or anything to you?

AH He did. Well, he did send me a -- like, a dick pic, as you -- as you'd call it. But at one point -- that was during the time that he came to my house, or right before or right after or a little while. Like, I think it was right after. And I was so -- like, I was like, "Why does he think this is okay? Like, I'm so over and done with everything." Like, you know, for him to send me the picture, I was like, kind of like, "Whatever." At one point, I did save the picture. You couldn't tell -- I mean, I -- I've seen dick pics here and there and --

PK Do you still have it?

AH Hmm-mm, no. I -- this is gonna sound really gross, but I went to a concert and while I was in the, uh -- in the porta-potty, my phone fell in the porta-potty. I -- that was literally like my whole life in there. So I got the phone back. I had -- like, that's how desperate I was at the time or how attached we are to our phones. I had one of the security guards, whatever, like get me like a garbage bag and -- I had one of the security guards give me a bag and I ended up -- like a garbage bag -- looking for my phone in the porta-potty. I had a case on it, took the case off of it. But the only thing I could salvage from the phone was my contacts, literally. I didn't -- the pictures didn't save on the iCloud back then the way that they do now. I literally was able to save my contacts and like emails and stuff like that that were transferred over, but nothing -- the pictures. So, I wish I could tell you I had it. I had saved it for a long time on my phone, but that was like the last of it. I actually -- I actually tried to do a -- like an encryption -- I don't know what they call that -- like to try to like, retrieve the phone, like the information off the phone. I even called Apple -- I was friends with somebody from Apple -- and I wasn't able to get anything from it. So, he did send me pictures, but. So, what else would you like -- what other questions do you have for me?

(It should be noted that no documented evidence of that specific picture that Hernandez claims to have been sent by Shaw could be retrieved at this time.)

On December 8, 2021, Investigator Dale and I obtained a sworn taped statement from Officer Amalin Hernandez. The statement took place within the City of Margate Police Department Administrative Conference Room. The sworn statement was audio recorded utilizing a digital audio voice recorder.

Officer Hernandez alleges that she was discriminated against, intimidated, and retaliated against due to her previous sexual relationship with former Lieutenant Efrain Suarez and her previous sexual relationship with former Chief Jonathan Shaw. Officer Hernandez alleges that Suarez intimidated her on behalf of Shaw due to the fact that Suarez and Shaw were best friends. Hernandez also alleges that because of her knowledge of sexual behaviors of Shaw and Suarez that she was removed from assignments without cause and was wrongfully discriminated against for promotions. Hernandez swore under oath that she had sexual intercourse with Shaw on more than one occasion between 2015 and 2016. Hernandez alleges that she engaged in sexual

intercourse with Shaw so that she could gain better favor with him because of her previous history within the department.

Hernandez reiterated her consensual sexual encounter with Jonathan Shaw that she discussed in her complaint statement. When asked specifically how many times she (Hernandez) and Shaw had sexual intercourse, she replied, "...well definitely one. I want to say two, and that was it. Maybe – I know definitely one. I don't know if – I can't remember. Literally blocked it. All I can remember is he came at my door. It might have been – it might have been two." (*The following is verbatim from her sworn statement transcription on December 8, 2021, pgs. 3-9*):

PK Okay. I've already taken a complaint statement from you in regards to the complaint that was originally made; however, there are some specifics that I wanted to get into in regards to number one, some of the promotional process things that were spoken about in the initial complaint, as well as your relationship with Chief Jonathan Shaw over the past couple of years. So you had originally said that you -- you did have a relationship, a sexual relationship with Jon Shaw; is that correct?

AH Sexual encounter, yeah.

PK I'm sorry?

AH Sexual encounter.

PK Sexual encounter

AH Encounters; yes.

PK Encounters; okay. How would you describe that?

AH Sex. That was it.

PK Just --

AH Texting for a little bit --

PK Consensual?

AH We had -- it was consensual 'cause he was at my house, so --

PK Okay.

AH -- that's some form of consent.

PK Do you remember around what time of -- when that started? Is there a specific date that you remember, or any type of --

AH *I'm not amazing with dates. I can tell you like timeframes more or less. I know he was a Captain at the time. That's about it. He was a Captain, and I tested I think several months after. After the encounter I tested for a promotion.*

PK *Okay, so I'm going to give you a couple dates, 'cause in your pre -- in your complaint you had said that Chief Shaw was at or going to the FBI National Academy --*

AH *Yes.*

PK *-- is that correct?*

AH *Yes, that's correct.*

PK *Okay, so was --*

AH *He was a Captain at the time, right? Can you get that?*

PK *I would have -- I would have to look. I'm not 100 percent sure. I believe he was a Captain. Did your sexual encounters begin before he went to the FBI National Academy or after?*

AH *Before.*

PK *Before. Do you remember any specific of when or how it started? Like how did that encounter start the first time?*

AH *I know we started texting. Well we had texted in the past 'cause we were cordial, work-wise and stuff like that. I couldn't tell you how the actual sex start part of it started, as far as like who initiated it.*

PK *Was this before or after he moved into your development?*

AH *It was after.*

PK *After?*

AH *He was already living there, yeah.*

PK *Okay. Do you remember when you bought your house?*

AH *When I bought my house?*

PK *Yes.*

AH *Since I moved to Florida, 20 -- 2002.*

PK *Okay. Do you remember when you sold it?*

AH I sold my house in 2019.

PK And you've lived there --

AH Like 2019.

PK -- since -- that house was 2002 -- and the one I'm referring to is the -- it was
REDACTE --

AH Yeah, yeah.

PK -- in **REDACTED** correct?

AH Yes. I sold my house in -- I want to say May or June of 2019. I might be -- I might be able to confirm. Hold on one second. I'll take a look at my calendar. I may be able tell you. I think it was -- I think it was 2019.

PK So your first initial encounter was after -- after he had moved into your neighborhood, correct?

AH Yeah.

PK Okay. And in your -- in your complaint you had said that he -- he had -- or his kids were watching your dogs --

AH Yes.

PK -- during that, and that --

AH I think that's how we started texting.

PK Okay.

AH That's how we started texting 'cause his kids -- that's how the initial conversation got started. When he moved into my complex I think that -- or at one time they had -- had offered to like -- he had said, you know, "If you ever need the dogs walked or whatever," and the dog walked, that -- that his kids were available to do so.

PK Okay. So there is a -- from -- and the dates in which Chief Shaw went to the FBI National Academy, it was I believe in the middle of 2015 through the -- towards the end of 2015. And the -- there was a promotional process that occurred and was certified on May 31, 2016. I'm gonna show you a piece of paper. Is that -- do you remember --

AH Yes.

PK -- that as being the Civil Service Board Eligibility List?

AH Mm-hmm.

PK Okay. There is a secondary one that is dated May 1st of 2018. Are you familiar with that Eligibility List from the Civil --

AH Mm-hmm.

PK -- Service Board?

AH Yes.

PK Okay. So when you discussed earlier in the previous -- in your -- in your complaint when the sexual encounter started, and you also said that Lieutenant Suarez offered to help you study, did Chief Shaw -- when he was a Captain at the time -- did he offer to do that as well?

AH No.

PK Okay. And this was the -- the encounters had nothing to do at your house and nothing to do with the actual studying?

AH No, because I don't think there was -- like I know it was -- it was, you know, scuttlebutt, I guess, that there was a promotional process that was about to go into -- you know, open up.

PK Okay. And so when Chief Shaw was in the FBI National Academy -- again, you said the encounter started before he went there.

AH Yeah.

PK Did it continue while he was at the FBI National Academy?

AH When he was there I think we had texted once, and I had asked him for a shirt, or something about a shirt --

PK Okay.

AH -- like an FBI Academy shirt I think it was.

PK Now was the shirt that he gave you, was it just like a generic FBI shirt, or was it like an FBI shirt that said like Shaw on it, or like an FBI number, like the number that he went to the Academy; do you remember?

AH It had a -- I can't tell you off the top of my head if it had a number on it or not. I know it had the FBI Academy --

PK Insignia?

AH *Yeah, like the -- like a badge type one.*

PK *I guess my question should be like was it --*

AH *Does it say Shaw on it?*

PK *-- was it a brand new shirt that had like tags on it when you got it?*

AH *Yeah.*

PK *Okay, so like it wasn't already worn; it probably didn't say Shaw on the back of it?*

AH *Oh, no, no, no. I know he bought that.*

PK *Okay. And he -- and he brought that back for you?*

AH *Yeah.*

PK *Okay. So when he came back from the FBI National Academy did your sexual encounters continue?*

AH *No.*

PK *It was only prior to him going to the Academy?*

AH *Mm-hmm.*

PK *Could you say how many times it was?*

AH *Jesus. I know for -- well obviously one. I want to say two, and that was it. Maybe -- I know definitely one. I don't know if -- I can't remember. Literally I blocked it. All I can remember is he came at my door. It might have been -- it might have been two. I don't know if the second time -- I remember like the second time like I remember him coming to the door and like me like not wanting to answer, or if I answered and -- like I definitely know it was one. I can't be 100 percent sure about a second time. I know the second time like I -- I think that the intent was there and -- and like the -- the action was there to like, you know, come to my house and like whatever, but I think I was just so disgusted by the whole thing that I don't think it happened a second time.*

PK *Okay. Afterwards how was his -- his demeanor with you after all that happened?*

AH *His kids didn't watch my dogs anymore. They were always somewhat busy. And then I -- I really just started asking the kid -- I think I asked his -- asked for the*

kids one time after that. I think he might have been in the Academy when I asked, and I don't know if he never asked his kids or whatever, but after that I saw his kid at -- working at Publix, so I asked -- RE I think it was -- I asked RE directly, and I got RE's number, and he -- so I was just going through RE his son. But I know that it was not there, the communication, like we weren't texting or talking like we -- like he used to before he left to the Academy.

Internal Margate Police Department records indicated that Jonathan Shaw attended the Federal Bureau of Investigation National Academy (FBI NA) from July 13, 2015 through September 18, 2015.

Open source websites such as the www.bcpa.net (Broward County Property Appraiser's website), indicate the warranty deed of Jonathan Shaw's residence was purchased on November 30, 2015. This purchase was made after Shaw returned from the Federal Bureau of Investigation National Academy and prior to the Margate Police Department's Sergeant Promotional Exam in which results were posted on May 31, 2016. This exam, per City of Margate Civil Service code would have been posted on or about March 1, 2016 through March 30, 2016. Retention records for this promotional posting have lapsed and records are not available.

Hernandez alleges that she texted with Shaw prior to his departure to the Federal Bureau of Investigation National Academy. Hernandez claims that their text conversations and verbal conversations occurred during his attendance at the FBI NA and through the time prior to the promotional exam when she alleged to have sexual intercourse at her residence with during early 2016.

In regards to Hernandez's allegation that she was discriminated against and therefore denied a promotion to the rank of Sergeant, she stated that she "absolutely" feels that her sexual encounters with Jonathan Shaw negatively affected her in receiving a promotion to Police Sergeant in 2016, 2018, and in 2020.

Hernandez also stated that she sought the help of a psychologist after the May 2016 Sergeant's Promotional Exam results. Hernandez claims that she told the psychologist that she had a sexual encounter and sexual intercourse with Shaw prior to taking the Sergeant's Promotional exam that was offered in 2016. (Hernandez did not provide information on nor the name of her psychologist to check for verification upon a medical release).

Officer Hernandez was unable to provide any evidence other than her sworn statement concerning her allegations against Shaw.

Voluntary Sworn Statement Provided by Jonathan Shaw

On February 8, 2022, certified letters requesting a voluntary statement were sent to Jonathan Shaw, as well as his legal representatives, Attorney Joseph Sconzo and Attorney Stuart Kaplan. The certified letter provided the basis of the internal administrative investigation to include the name of the complainants, the nature of the allegations, the person in charge of the investigation, and the alleged violations of policy.

On February 15, 2022, I received a telephone call from Attorney Joseph Sconzo requesting the opportunity to review all of the evidence of the investigation and for Jonathan Shaw to provide a statement.

On February 18, 2022, Jonathan Shaw and Attorney Joseph Sconzo were provided the entire case file to review prior to Shaw providing a statement. The document review was held in the City Administration Executive Conference Room and was monitored by Sergeant Greg Giacchino and myself. On this date, Shaw's review of the material was not completed and a second day of review was requested and provided.

On February 22, 2022, Jonathan Shaw and Attorney Joseph Sconzo again were provided the entire case file of the administrative investigation. The review was held in the Police Administration Conference Room. On this date both Jonathan Shaw and Attorney Joseph Sconzo stated that they thoroughly reviewed all of the documents and had concluded their review. Due to the fact that they both had spent 6 hours reviewing the documents, the decision was agreed to by all parties that the interview and statement of Shaw would take place on another day to be determined.

On February 28, 2022, Attorney Stuart Kaplan, Attorney Joseph Sconzo, and Jonathan Shaw arrived at the Margate Police Department in order to complete a voluntary statement. Present during this statement for the City of Margate Police Department was Investigator Jack Dale and myself.

A summary of the statement provided by Jonathan Shaw is as follows:

At the beginning of Shaw's statement he made a request that I obtain statements from Former Margate employees, Michael Borrelli and Larry Horak. Shaw also requested that I obtain statements from Margate Sergeant Anthony Sclafani and Margate Officer Paul Lindeman. Shaw also requested that statements be taken from Captain Michael Palma, Lieutenant Ryan McCarthy, Mark Patellos, and Efrain Suarez. Shaw opined that each of these individuals would provide witness statements and character statements in his defense.

Shaw stated that he was involved in a consensual relationship with Anne Clarke that began in 2008 and continued through May of 2011. Shaw described the relationship as "off and on and on again." Shaw confirmed that Anne Clarke was "one of the girls that I was dating and that worked here." Shaw also confirmed that his relationship with Clarke was a sexual relationship. Shaw stated that the statements that Clarke made to the Broward County State Attorney's Office were false and that there were never encounters that were "un-consensual."

Shaw also stated that during the time frame in question between 2010-2011, he was assigned as the Sergeant of the Special Operations Division and also shared some duties as a Sergeant for the Criminal Investigations Division. Shaw opined that his schedule was extremely flexible because he had to manage two different units. Shaw stated that both former Captain Michael Borrelli and former Captain Larry Horak allowed him to come into work for a couple hours, leave work for a

few hours, and then come back to work for a couple hours. Shaw stated that this was granted to him so that he could give both units time.

**It should be noted that Shaw's statement that he would only work for a couple of hours and then leave work for a couple hours, and come back to work to finish his day is unheard of within the agency. Never has an employee or supervisor of the Special Operations Division or the Criminal Investigations Division ever worked this type of schedule. There is no precedent that demonstrates that this type of scheduling was ever allowed. No memorandums, emails, or policies and procedures have ever been in effect or drafted that allows for this type of scheduling.

Furthermore, in Shaw's statement, he confirms that he utilized his personal telephone with number [REDACTED], to converse with Clarke utilizing voice calling and text messages.

Shaw also provided his explanation for specific dates that Clarke provided testimony to and that text messages describe sexual encounters or sexual explicit pictures that were sent. Shaw stated that he would lie and not tell Clarke the truth about where he was and what he was doing because of Clarke's jealousy. Shaw stated that he lied to Clarke about his whereabouts because she would become enraged if he talked about another girl. Shaw does confirm that he did send sexually explicit (nude/naked) digital photographs via text message to Clarke and that she would reciprocate that as well. Shaw stated that he never sent any explicit pictures to Clarke while he was on duty. Shaw stated, "What I...what I know is that I just didn't do that at work."

Furthermore Shaw swore under oath that, "if I was on duty, I wasn't sending her pictures and I wasn't taking pictures to send her." Shaw also stated that, "the majority of our conversations in all of those text messages was almost like a fantasy."

Shaw also provided the explanation of how he would switch the Margate Police Department Lease Vehicle that he was assigned by the City into his name so that it would become "his personal rental" instead of the City's vehicle. Shaw stated that he would call up Enterprise Rental or Budget Rental and switch the contract out of the City of Margate's account and the customer service representative would then put the vehicle in his personal name. Shaw stated that he did this dozens of times and that he did not pay for the vehicle because, "the City would pay for our daily use."

Shaw's explanation of being able to call the Enterprise Rent A Car Agent assigned to the City of Margate's account at all hours of the day or all hours of the night after the office closed, is not reasonable. If the Enterprise Rent a Car branch office in Margate was closed at 5 pm each day, Shaw would have had to call every day of the week to switch out his assigned "lease vehicle" prior to 5pm and then would have it switched back into the City of Margate's name at 8 am the following morning.

A Margate Police Department General Order regarding department vehicles was written and approved by then Chief of Police Jerry Blough pertaining to use of department issued/assigned vehicles in 2010 and 2011. Although there was not a specific written policy that stated an employee could not call the City of Margate Lease vehicle vendor and remove the contract from

the City of Margate's name into another name, this practice would have been unauthorized, immoral, and a clear ethics violation. Jonathan Shaw was not provided written authorization to act as the authorizing agent for the City of Margate to make financial decisions or city contractual decisions during his role as a Sergeant of the Special Operations Division.

Furthermore, former Chief of Police Jerry Blough, during 2010 through 2011, had the lease vehicle program authorized through the City Manager and the City Commission. Absent a written authorization, which Jonathan Shaw is not able to provide at this time, no Sergeant, Lieutenant, or Captain of the City of Margate Police Department would be authorized to make changes to a City of Margate contractual agreement signed by the City Manager, City Commissioners, or the Chief of Police. During 2010-2011, Jonathan Shaw would not possess the authority to alter, change, or cancel a legally binding contract with a business and a government agency.

Jonathan Shaw's defense of his actions and explanation must be viewed as mere denial and could be determined to be "ignorantia Juris non-excusat" or "Ignorance of the law excuses not." His defense during this investigation that his actions are exempt because of a policy failure are moot. Shaw cannot defend his actions by arguing that he did not realize that they were improper because there was no policy specifically forbidding it. As a Supervisor, and specifically as it pertains to changes in the "lease vehicle" contracts, it is presumed that he knew or should have known that his actions could potentially be a violation of a policy because he was not authorized because of his rank to make those types of governmental business decisions on behalf of the City of Margate.

Moreover, Shaw stated in his sworn statement and interview that then Captain Larry Horak and then Captain Michael Borrelli were his direct supervisors while he was assigned as the Special Operations Division Sergeant. Shaw was assigned to the Special Operations Division on April 11, 2009. He held that position until his promotion to Patrol Lieutenant on July 13, 2013.

The text chat thread in question between Shaw and Clarke began on June 21, 2010 and continued to its termination on May 8, 2011. During that time specifically, Michael Borrelli was the Captain of the Investigative Services Bureau from July 3, 2006 through September 9, 2009. Shaw worked under Michael Borrelli's supervision for approximately 5 months. Then from September 9, 2009 through January 5, 2013, Shaw worked under Larry Horak's supervision.

Jonathan Shaw claims that both then Captain(s) Michael Borrelli and Larry Horak allowed him to "flex" his work hours however he saw fit. In Shaw's statement he said that Borrelli and Horak told Shaw, "You know, if you wanna come in for a few hours, leave and then come back". *(The following is verbatim from the statement transcript of Jonathan Shaw, pg. 20):*

PK *So that -- so you had -- and I remember this, you had a -- it was a dual role; you worked Criminal Investigations like a portion of the week or whatever and you worked Special Operations like Monday through Thursday, but then you were still on call, or?*

JS *I was really a daily assignment. So, I could come in in the morning to handle one task, depending on what the Narcotics guys were doing. I could -- I could flex my day. And it was Captain Borrelli at that time that came up with it, that would say, "You know, if you wanna come in for a few hours, leave and then come back" -- and Captain Horak; they knew that I would just try to balance out my time to give both units time in there. You know, back then, I had several years being involved Narcotics and I had several years as an investigator. So I would be -- I would be a dual role. And the only issue was overtime. So, over the years, the agreement that Captain Borrelli had made with me was I only take overtime on the search warrants, but besides that, I would flex my time accordingly.*

During Jonathan Shaw's sworn statement, he was asked about the text message digital photographs that were sent back and forth from Anne Clarke and himself on June 21-22, 2010. Shaw stated that he did not recall when he sent the pictures on June 21, 2010 and June 22, 2010, that were provided to this investigator by Clarke and were documented in her cellular phone. Shaw did state that he did not recall if he had saved the photographs from an earlier time, but he was adamant that he did not take the pictures or send them while he was on duty. It should be noted that Shaw never denied that the pictures shown to him were not of his likeness or were not explicit pictures of his body parts. *(The following is verbatim from the statement transcript of Jonathan Shaw, pgs 34-36):*

PK *Correct. Do you remember the Key West trip that she describes to you on or about June 21st, June 22nd of 2010?*

JS *Not specifically. She went on that trip, I didn't go on that trip.*

PK *Correct, because she states in the -- in the text message thread, obviously you're not there.*

JS *Right.*

PK *I guess she's by herself. There's also where she claims that she's with friends and she sends some pictures to you back and forth in regards to things that you asked for her to do for a consensual relationship in regards to pictures, correct?*

JS *Correct.*

PK *Now, any of the pictures that were sent during this timeframe, specifically on the 21st or the 22nd of June of 2010, were those pictures that you actively took at that time, or were they pictures that you would've saved on your phone and sent later?*

JS *I don't -- I don't recall when that -- when I sent them, but I don't know if I saved them and then sent them later or if I sent them to her right then. And the bottom line is, if I was on duty, I wasn't sending her pictures and I wasn't taking pictures to send to her.*

PK *Specifically, she asks you to do certain things to yourself in regards to this text thread. And one of the statements that -- on the text thread that you provide back states that you're on surveillance again and you had to sneak into a bathroom for other photos that were just sent to her. So, your testimony today here is that you would not have taken those at work?*

JS *That's correct.*

PK *It could've been saved from two days, three days, 10 days earlier? [Overlapping talk.]*

JS *Well, I walked into the bathroom of my house and did it. The bottom line is no. You know, the majority of our conversations in all of these text messages was almost like a fantasy. Like, we would talk about things that we were gonna do all the time, but we didn't necessary do those things all the time. It was just young people that enjoyed having this type of relationship.*

PK *Do you remember on or about June the 7th of 2010 involving where SOD detectives and CIU detectives were working an act -- a homicide investigation that had occurred at the Townhomes of Oriole? I believe it was a Trevor Gordon.*

JS *Mm-hmm. I don't remember that day specifically, I remember the Trevor Gordon case.*

PK *The case, okay. So, when you were talking about if you were on surveillance, you -- that might've just been -- you're just lying to her because you don't wanna get her pissed off?*

JS *Correct. And Trevor Gordon's surveillance went on for months and months.*

When asked about the text thread that occurred on August 29 and 30, 2010, where he and Clarke discuss picking Clarke up at the airport, Shaw stated that these dates were regular days off for him. I asked him about the text discussion and more specifically Clarke's testimony that she performed oral sex upon him while inside of his assigned lease vehicle. Shaw responded, "I don't remember. I don't remember. But if it was done, it was done off duty in a personal vehicle." (Referring to switching his lease vehicle out of the City's name and into his own.) (The following is verbatim from the statement transcript of Jonathan Shaw, pgs 34-36):

PK *When she discusses and you discuss back and forth, specifically -- and this is on -- this is on or about August the 29th and August the 30th of 2010 -- when she's getting -- when she asked you to pick her up from the airport. In her complaint, she specifically states that she perform -- performed oral sex while in the vehicle that you were driving on your way back to her house. And specifically, you described the vehicle that you were driving like as a white four-door Chevy truck.*

On Friday, August the 27th, there's a Special Operations tactical briefing sheet which shows that you're driving a vehicle, and it lists Sergeant Shaw driving a white Chevy. Is that the same white Chevy pickup truck that you would've been driving in this tactical briefing sheet and the same white Chevy pickup truck that you would be driving to pick up Anne?

JS I don't know if that was the same truck. I don't recall specifically if August 27th I was driving a white Chevy, if it was a car or a truck. And then on the 30th, I -- I will say that August 29th and 30th, when Joe and I checked those records, were both regular days off for me, and that's when I would typically transfer those vehicles into my personal rental. So, the 29th and the 30th was a Sunday and a Monday, and those were listed as RDOs for me. So that's typically when I would switch those in there. So, if that was the rental that I utilized, then that's a weekend that I would've switched it over.

And to -- just to add to that. I know it came up in Anne's statement. In that specific text conversation, it says that I was coming from Plantation and there was an inference made that that Plantation was the HITA (ph) office. Prior to those text messages, I'm talking about dealing with my kids. My kids both went to a family therapist for years in Plantation, Dr. Matt Simon (ph), and my ex-wife and I used to have to meet there twice a month. So -- and Anne knew that I did that. So -- and when I commented to her that I was coming from Plantation, that's where that would've been, it would've been from Dr. Simon's office, because I was specifically talking about the kids at that point.

PK Is it a fair statement to say that if you were -- if this vehicle was moved out of the City's name and placed into your name and Anne performed any type of sexual activity with you, it would've been in technically what would be considered your personal vehicle?

JS Correct. Right, and you know, as it relates to that white truck, you know, I don't know if that white truck, it was the personal rental. You know, Efrain Suarez had a white Chevy pickup truck that I used from time to time, and that could've been it. If I needed to go get her, it could've been that truck as well. You know, I just don't remember 13 years ago what vehicle I used to go pick up Anne Clarke.

SK Can I just ask you, Sergeant?

PK Yes, sir.

SK Is there a reference in the text thread that he's in a white truck?

PK Yes.

SK What -- can you just read it to me, please?

PK Jon states that -- uh, she says, "Southwest. Be -- by the way, sir, be there in five minutes." Anne says, "You got smokes?" and he says, "White four-door Chevy

truck" and then she says, "I'll make that white two tone." And she then says -- he then says, "Approaching terminal," as if alluding to he's what -- describing what vehicle he would be showing up in, like if I was picking up anybody and I had multiple cars, I would say, "Hey dad, I'm coming in my blue pickup truck."

SK *Okay.*

PK *That's how I would take that. I don't -- I don't think we can -- you know, you wouldn't be saying, "Yes, I'm showing up in whatever truck" if you didn't know what you were coming in, so. In regards to her statement that she performed oral sex on you on that date in that car, is that something that was done to you in that vehicle when you were driving back from the airport?*

JS *I don't remember. I don't remember. But if it was done, it was done off duty in a personal vehicle.*

Shaw was asked about the text thread between himself and Clarke on November 18, 2010. In the text thread he describes himself on surveillance and at or near a gym in Boca (Boca Raton). Based upon their sworn statements, both Chad Ryen and Al Banatte had a recollection of a surveillance where the individual that they were following owned or worked at a gym in Boca Raton. Shaw never confirmed nor did he deny leaving the surveillance, meeting with Clarke, and having sexual intercourse with Clarke on this date on at that time. Shaw stated that he was off duty on that date and time when he met Clarke at her house. *(The following is verbatim from the statement transcript of Jonathan Shaw, pgs 36-37):*

PK *In regards to November 18, 2010, you guys are involved in a text message thread back and forth with each other where the text messages allude that you may be on surveillance where she says, "Surveillance going good?" and you reply later, "Yeah, but Chad (ph) is on the eye and is on the blind -- is on the -- is on -- and he is blind," excuse me. So, that would mean something that you guys were on surveillance, correct?*

JS *It could be, correct.*

PK *Okay. And it says here in the thread that -- excuse me -- "Okay, might be able to -- might get free from 1800 to 1900 if you want to -- want me to swing over. Bad Guy (ph) is going to the gym." And she makes a comment, "LOL, Chad? Gonna work out with him?" and you text her back and said, "Be there in 29" and then you make a correction: "20." Do you remember any type of surveillance that you were on that specific date where you would've left on a gym surveillance and went and gone and met Anne?*

JS *I don't. I checked the schedule for that date and I was scheduled from 8 a.m. to 6 p.m. So, a comment like "I'm free from 6 to 7" more directly dealt with how long I could see Anne before I would go home, not necessarily before I was going back to surveillance.*

PK *There's comments that are made after on that text message thread where it could be alluded to that you did show up at her house, because you had said that "be there in 20" and she says that she's ready for you. And she describes things that she was going to do to you when you got to the house, when you were there. And then the following morning, she states, "Hi, gorgeous. How was your night?" and you said, "Unsuccessful. Ugh." And she makes a comment back in regards to the sexual activity that she was involved in with you and your comment back was, "Very, very true."*

JS *So, I would say I know I was scheduled from 8 to 6, and then if I went and saw her, then I was off duty. And then, if I had to go back later, that would've been just hours that I went back to work. But at that time, I was off duty.*

Shaw was asked about the text thread conversation between he and Clarke that took place on November 29-30, 2010. A reference was made in the text thread about Clarke performing oral sex upon Shaw when he picked her up from the airport. Shaw again neither confirmed nor denied receiving oral sex from Clarke on the car ride back to her residence while he was utilizing his assigned lease vehicle. Shaw again reiterated that if he had done anything sexual within the lease vehicle that it would have been off duty and when the vehicle had been switched out of his name. *(The following is verbatim from the statement transcript of Jonathan Shaw, pgs 36-37):*

PK *There's another reference that is here in regards to -- that you're at a -- and this is -- excuse me -- November 30th of 20 -- of 2010, November 29th and November 30th of 2010, in regards to where Anne is requesting to be picked up again from the airport by you. And she specifically states -- excuse me -- you specifically spate -- state that you have to be back to the PD by twelvish and that you'd come over after meeting with [REDACTED] (ph). [REDACTED] being your ex-wife, correct?*

JS *Correct.*

PK *Later on, it says that "maybe we can sneak in some fast relief before I meet with Larry at 12." She describes some -- she describes sexual activities, again, that she would like to be involved with you in in regards to when she meets you. I'll ask you again, from November 30th of 2010, do you remember when you had to pick her up at the airport again and bring her back home?*

JS *I don't. But I would say that if I was talking about picking her up and then having to go to the PD at a certain time, that I would've been off duty when I was going to pick her up.*

PK *In regards to the same date she makes reference of "I will have you begging for relief before we even hit 95," the previous time that you -- that you had picked her up from the airport, again, you had said if you had done anything that was of any sexual activity in the vehicle, that you would've been off duty. And she makes a reference that you would be begging for it before you hit 95 and things would be down your throat before you were out of the*

airport, alluding to the fact that what she says in her -- in her statement was that she performed oral sex upon you on this date as well when she was asked about it, when you drove her home.

In regards to your testimony that you've given so far today as well, I would -- I would surmise to say that if you were -- if you picked her up from the airport, you would've been off duty at that time if any activities were -- you were involved in with her?

JS Correct. And you know, she also made additional comments in her statement that every time we saw each other we had some kind of sexual activity. That is not true. You know, we used to -- I used to go over to her apartment, she would come over to my apartment, and it wasn't every time we saw each other we had sex. We would meet for lunch, we would -- we would do all types of normal things and it didn't include sex. So her comment that every time we saw each other sex was involved is just not an accurate statement.

Shaw was asked about the text thread conversation between he and Clarke that took place on February 11, 2011. The text thread describes Clarke asking Shaw to pick her up at Enterprise Rental Car and bring her back to her residence. Clarke had stated that she had sexual intercourse with Shaw at her residence after he had picked her up. Clarke stated that she did not recall if Shaw was on duty or wearing anything that would indicated that he was on duty. Shaw again stated that if anything occurred between himself and Clarke, that he would have been off duty. Shaw also did not confirm nor did he deny having sexual intercourse with Clarke on that date and time. *(The following is verbatim from the statement transcript of Jonathan Shaw, pgs 38-39):*

PK On February 11th of 2012, she asks you if you would be able to pick her up from Enterprise rental.

AJS I'm sorry, could you say that again?

JS Yeah, the date again.

AJS I don't think they were together.

PK No, this is a different date.

AJS You said 2012.

PK I'm sorry, excuse me, 2011. I'm sorry. Maybe I'm -- I'm looking at the -- I apologize. My fault. February 11, 2011, excuse me.

AJS Thank you.

PK *I apologize. My mistake. There is a statement in regards to where you're talking back and forth with Anne, that she had been asking you if you could pick her up from Enterprise and drop her back home tomorrow, which would mean the following day. Do you remember picking her up at an Enterprise rental agency and dropping her off back at her house?*

JS *I don't. I do recall, though, when we looked at Anne's testimony in there, that was when you had said that I had made a comment that I was on duty, but Mr. Sconzo and I reviewed the text messages and we didn't find anywhere in there that it referred to the fact that I said I was on duty.*

PK *Which, also, I spoke to you and it was one of the things where "are you going in tomorrow?" and your response was, "Yeah, I'll come -- I'll come get you around 8:30." And Anne had said that she believed you were coming -- or, that you were on duty. I specifically asked her in the statement a follow-up question in regards to her statement, "Do you remember if Jon was wearing any type of police badge or insignia or anything?" and her comment back to me was, "I don't remember."*

JS *Okay, yeah, my answer is that I would've been off duty. I would've gone and gotten her and then I would've gone to work afterwards.*

Shaw was then asked questions as it pertained to the allegations made against him by Officer Amalin Hernandez. Shaw stated that he did attend a party that was held by Ryan and Ashley McCarthy at their house as described by Amalin Hernandez. Shaw stated that he never took part in the "skinny dipping" aspect of the party and that he had left the residence prior to any of that happening if it did in fact happen. He stated that he did not attend that party with Erin Blanton but he believes he was there with Mark Patellos (former Margate Police Officer who has since retired).

Furthermore, Shaw confirmed that he did go to Amalin Hernandez's house twice after January of 2016. Shaw confirmed that he "made out" with Hernandez on her couch after they both drank a large amount of wine. Shaw denied having sexual intercourse with Hernandez like she described in her sworn statement. Shaw denied sending Hernandez digital photographs via text message. *(The following is verbatim from the statement transcript of Jonathan Shaw, pgs. 45-46):*

JD *So you never had any intimate relationship with Hernandez ever?*

JS *No. I believe -- I know that we made out that night. On the second time that we were drinking a lot, I made out with Amalin, but that was it.*

JD *So, I mean, it's not like just it never happened at that home? It never happened at all?*

JS *Correct. And she made mention to photos. I did not send Amalin any photos.*

PK *Did you ever provide or give her a shirt from the FBI National Academy?*

JS *I'm sure. I gave about 15 things out when I came back from the FBI Academy. And Amalin and I were friendly, you know. But I mean I gave them to probably -- I don't know, I must've given out -- between mugs and T-shirts, 15 people at this agency probably got gifts when I came back.*

PK *And --*

JD *So, if Amalin alleges that you both had sexual relations, that would be untrue?*

JS *That's untrue.*

In regard to Hernandez's claim that Shaw discriminated against her during promotional processes, Shaw stated that he never took part in any of the Sergeant's Exam Oral Board processes in which Hernandez was a candidate for. Shaw explained that he did not have any influence over Hernandez's promotion because of her own scores that she received by the assessors.

Shaw also stated that Hernandez did go to Efrain Suarez with a complaint about a rumor concerning her (Hernandez) and a city commissioner. Shaw stated that he did speak with Suarez and then Chief of Police Dana Watson. Shaw stated that he was not Suarez's direct supervisor in Internal Investigations and would therefore have no bearing or influence over decisions made by Internal Investigations Sergeant Efrain Suarez or Chief of Police Dana Watson. *(The following is verbatim from the second statement transcript of Jonathan Shaw, pgs. 19-21):*

PK *Okay. We're back again on the tape; it is approximately 4:12 p.m. after the break. Prior to us getting off to where we were, in regards to -- in regards to Officer Hernandez, she makes a statement in her complaint in her statement in regards to how she brought a potential complaint to Lieutenant Suarez and which, ultimately, he brought to you in regards to apparently a rumor that was brought to her attention regarding her having a three-way or asking for a three-way with potentially a City -- one of our City commissioners. Do you remember that meeting that you had with Amalin and at the time Sergeant Suarez, who was the IA investigator?*

JS *I do.*

PK *What was the outcome of that?*

JS *As soon as they told me about it, I walked into the chief's office and told him about it, and ultimately, Amalin, myself, and the chief sat down. You know, in Amalin's statement, she kind of alleged like I didn't do the right thing as the captain, you know, when I'm told about something and had a possible complaint against the Commission, I went and reported it to the chief of police, and that's kind of what we're supposed to do. Ultimately, in that conversation, Amalin was kind of back and forth as to what she wanted to*

do with it, but the way that Chief Watson left it with her was for her to go back directly to him if she wanted to go forward with the complaint.

So it was -- I was the catalyst in being informed, but that -- that's nothing that I would've had direct investigation on, it's nothing that I would've been involved in. Ultimately, the IA sergeant reported it to me. As a captain, I walked into the chief's office and told him what was going on and he kind of directed the conversation with Amalin, and the conversation was, you know, "You can go forward with it and this is the process of doing it, and it'll go through HR." And she's the one that held off on it at the time. But any follow up was to go directly to Chief Watson; it wasn't to go to the IA sergeant, it wasn't to go to me, it was to go to the chief.

And I think, you know, Chief Watson would be somebody else that would be a good person to talk to, because I think he could tell you exactly about that complaint, I think he could tell you about the rentals and the liberties that we were given in transferring them into our personal name. I think he would be able to go give you all of that information.

PK And just to clarify, and obviously you were my boss and I brought -- as an Internal Affairs investigator, something was brought to me in regards to one of the officers; I had to come directly to you as my direct supervisor. So, in this case, when it was Amalin that was -- that brought information to yours and Sergeant Suarez's attention, it was immediately brought to the chief of police, correct?

JS Correct.

PK And you were not Sergeant Suarez's direct supervisor in Internal Affairs, correct?

JS Correct. But you know, that also doesn't go without saying that, you know, in the administrative staff, a lot of times things are bounced off of the captains before they go to the chief. So if it was something that the IA sergeant wanted to ask me about as a captain, maybe he came in -- you know, I just remember him coming in and saying, "This is the issue that came up" and I said, "Let's go see the chief."

PK But one of my -- my question I'm asking is that the chief ultimately would not have to talk to you as the captain if there was an Internal Affairs investigation that was started?

JS Correct.

PK Because his direct line of communication would be with his IA sergeant, correct?

JS *Any follow up from that point on would've been between Internal Affairs, Human Resources, and the chief himself.*

PK *And fair statement, you wouldn't know necessarily if something would've been done if it was brought to the attention of the IA supervisor because you were not his direct supervisor?*

JS *That's correct.*

PK *Okay. In regards to the conversation, if you do remember, Amalin states that -- she said that the comment was made to her that "you wouldn't wanna open up that can of worms." Do you remember making that statement?*

JS *No.*

PK *Do you remember --*

JS *And to me, what it -- like, it's kind of a ridiculous statement, because she's making a complaint against the commission. I have zero input as a captain into anything that goes on with them. If Amalin wants to go forward with a complaint against them, it really doesn't affect me. Maybe it affects the chief, but it doesn't affect me. So I would've never said that.*

On March 11, 2022, I met with Larry Horak in the City of Margate Police Department Internal Investigations Unit office to obtain a sworn, recorded witness statement. The statement was digitally recorded and was witnessed via "Zoom" application by Investigator Jack Dale. Horak was asked a series of questions regarding potential information pertinent to this investigation. A summary of the interview is as follows:

Horak was asked about his direct supervision of Jonathan Shaw during the time period of June 21, 2010 through May 8, 2011. Horak was asked about his knowledge of the City of Margate "lease vehicle" program and more specifically whether he authorized Jonathan Shaw to violate department policy regarding Shaw's use of his assigned vehicle. Horak was also asked about Shaw's schedule and if Horak had authorized Shaw to work whenever and however he wanted as the supervisor of the Special Operations Division.

Horak stated that he understood that "there was a lot of fast and loose use of the leased vehicles." He further stated that "Dana", referring to former Chief of Police Dana Watson, "put some type of specification where if you used the vehicle, ya know, to go out of town for something personal, ya know, you could like...make an arrangement with the company." Horak stated that he was not positive though. However, it should be noted that Dana Watson was not the Chief of Police in 2010 or 2011, where he would have authorized Shaw to do anything in regard to the "lease vehicles" as claimed by both Horak and Shaw. *(The following is verbatim from the statement transcript of Larry Horak, pgs. 4-6.)*

Q. OKAY. SO, DURING THAT TIME, DO YOU REMEMBER IN...MORE SPECIFICALLY, IN 2010 AND 2011, UM...DO YOU HAVE AN INDEPENDENT RECOLLECTION OF WHAT UH, RENTAL

AGENCY OR LEASING AGENCY THAT THE CITY WAS UTILIZING FOR OUR UNMARKED SPECIAL OPERATIONS AND CRIMINAL INVESTIGATIONS DIVISION VEHICLES?

A. UM, I DON'T HAVE A...100% CERTAINTY. BUT I THINK, TO THE BEST OF MY RECOLLECTION, IT WAS ENTERPRISE.

Q. OKAY. UM...

A. BECAUSE I KNOW WE HAD UH, ENTERPRISE, AND THEN BUDGET.

Q. CORRECT. SO, ORIGINALLY IT WENT FROM...ROYAL RENT-A-CAR, WHICH THEN WENT TO BUDGET. WE LEFT BUDGET AND THE CITY THEN WENT TO ENTERPRISE FOR A PERIOD OF TIME; THEN ULTIMATELY WENT BACK TO BUDGET IN THE MIDDLE OF 2014, BEGINNING OF...I'M SORRY, END OF 2013...BEGINNING OF 2014.

A. IF YOU SAY SO.

Q. SO, BASED ON...BASED ON THE RECORDS THAT, THAT I WAS ABLE TO FIND OUT FROM OUR CONTRACTS AND FROM PEOPLE THAT REMEMBER IT DURING SOD YEARS, SO...

A. I WAS JUST KIND OF UPSET BY THE FACT THAT...I WAS DRIVING A 2007 EXPLORER, AND EVERYBODY THAT HAD ACCESS TO THE LEASED CARS, HAD THESE MACKED OUT, AWESOME VEHICLES. BUT THAT'S JUST...ME TALKING.

Q. SO, UM...ONE OF THE ISSUES THAT WAS BROUGHT UP, AND AS A FORMER CHIEF OF POLICE HERE AT THE CITY OF MARGATE POLICE DEPARTMENT. DO YOU HAVE A RECOLLECTION OF WHAT OUR VEHICLE POLICY WAS FOR THE CITY OF MARGATE?

A. YOU'RE TALKING ABOUT...FOR ASSIGNED, DEPARTMENT...LEASED CARS?

Q. FOR, FOR DEPARTMENT OWNED, OR DEPARTMENT PAID FOR VEHICLES. WAS THERE A SPECIFIC POLICY THAT OUTLINED UH, WHAT WE...AS OFFICERS AND EVEN ADMINISTRATION, UH...WERE ABLE TO, TO UTILIZE, OR HOW WE WERE ABLE TO UTILIZE THOSE VEHICLES?

A. YEAH, I'M EMBARRASSED TO SAY THAT. I THINK THERE WAS A LOT OF FAST AND LOOSE, USED OF THE LEASED VEHICLES. UH, TO THE BEST OF MY RECOLLECTION UH, I THINK DANA PUT SOME TYPE OF...SPECIFICATION WHERE...IF YOU USED THE VEHICLE, YA KNOW, TO GO OUT OF TOWN FOR SOMETHING PERSONAL, YA KNOW, YOU COULD LIKE...MAKE AN ARRANGEMENT WITH THE COMPANY, BUT...I'M NOT POSITIVE.

Q. SO, MORE SPECIFICALLY; AND UM...IN 2014, 2015 AND 2016...UM, DANA WATSON...AND I'M GOING OFF OF THE UH, HE WAS THE CHIEF OF POLICE UH, IN...OCTOBER 15TH, OF 2012. I'M GOING TO SHOW YOU A PIECE OF PAPER, THIS WAY YOU CAN SEE IT, SO YOU CAN SEE THE STATS FOR DANA WATSON. IS THAT CORRECT?

A. YEAH, THAT'S ABOUT RIGHT. YEAH, YEAH.

Q. OKAY. UH, AND AT THAT TIME...SO FROM 2010 TO 2011, AND MORE SPECIFICALLY, HE WAS THE DEPUTY CHIEF OF POLICE...UH, IN OCTOBER UH...31 OF 2011, HE WAS ASSIGNED AS THE DEPUTY CHIEF OF POLICE AND PRIOR TO THAT FROM SEPTEMBER 19TH OF '09, HE WAS THE ADMINISTRATIVE SERVICES BUREAU UH, BUREAU CAPTAIN. AND AS THE ADMINISTRATIVE SERVICES BUREAU CAPTAIN, DO YOU REMEMBER WHAT UH, POSITIONS OR WHAT GROUPS THAT HE WOULD HAVE HAD UNDER HIS COMMAND AS AN ADMINISTRATIVE SERVICES BUREAU?

A. UH NO, I'D BE ONLY GUESSING. UM...ESSENTIALLY, YA KNOW, NONE OF THE OPERATIONAL STUFF. IT'S ALL THE SUPPORT AND ADMIN.

Q. OKAY.

A. TO THE BEST OF MY RECOLLECTION, BECAUSE...WE USED TO CHANGE (UNINTELLIGIBLE), IF WE...

Q. CORRECT, RIGHT...AND THEN THAT'S...IT WAS VERY FREQUENT. SO...AND I, I REMEMBER THAT MYSELF.

A. YEAH, JERRY USED TO MOVE EVERYBODY AROUND AND...I DIDN'T CARE, JUST TELL ME WHAT I HAVE TO SUPERVISE.

Q. SO, ONE OF THE...ONE OF THE QUESTIONS THAT WAS BROUGHT UP BY...UH, JONATHAN SHAW WAS THAT...UH, DANA WATSON, WHEN HE WAS THE CHIEF OF POLICE, HAD ALLOWED INDIVIDUALS UH, THAT HAD LEASED VEHICLES TO CHANGE UH, THE INSURANCE OUT OF THEIR NAME...OUT OF THE CITY'S NAME AND PLACE IT INTO THEIR NAME, TO UTILIZE WHEN THEY NEEDED TO GO ON VACATION, OR FOR THE WEEKEND OR WHATEVER IT WAS...

A. YEAH.

Q. AND THEY WERE ABLE TO DO THAT, SPECIFICALLY UH, JON SHAW SAID THAT THAT WAS WHEN HE WAS THE CHIEF OF POLICE.

A. YEAH.

Moreover, I asked Horak about the rules and regulations that he agreed were in place regarding department issued or department assigned vehicles. I specifically asked Horak if there were certain behaviors that the police department would deem as policy violations even if a leased vehicle was being utilized. Horak replied, "Well, it all depends on what those inappropriate behaviors are." I then asked Horak, if while he was an administrator with the Police Department, he had received a complaint that one of his detectives or supervisors picked up a prostitute in their assigned city vehicle and had sexual intercourse with that individual in the car, would that constitute a violation of Margate Police Department policy. Horak replied, "Of course." *(The following is verbatim from the statement transcript of Larry Horak, pg. 8-9):*

Q. ONE OF MY, MY MORE IMPORTANT QUESTIONS TO YOU WOULD BE...AS A SUPERVISOR OF THE SPECIAL OPERATIONS DIVISION, WHICH WOULD HAVE BEEN UNDER YOUR

COMMAND; AND MORE SPECIFICALLY JONATHAN SHAW. THERE WOULD BE RULES THAT WERE SET FORTH THAT...UH, WOULD BE INAPPROPRIATE TO HAVE BEEN DONE WITHIN A MARGATE CITY RENTED AND CITY PAID FOR VEHICLE. IS THAT A FAIR STATEMENT?

A. RUN THAT BY ME AGAIN, BECAUSE...

Q. SO...MY QUESTION TO YOU IS, IS THAT...THERE WOULD BE CERTAIN BEHAVIORS THAT THE DEPARTMENT WOULD DEEM AS POLICY VIOLATIONS, EVEN IF YOU WERE UTILIZING A LEASED VEHICLE, BECAUSE THE CITY OF MARGATE PAID FOR IT, AND IT WAS AN ASSIGNED VEHICLE THAT WAS GIVEN TO YOU BY THE CITY?

A. WELL, IT ALL DEPENDS ON WHAT THOSE INAPPROPRIATE BEHAVIORS ARE.

Q. TO BE, TO BE MORE SPECIFIC IF IT WAS A...IF...IN A HYPOTHETICALLY SPEAKING... IF YOUR, IF ONE OF YOUR DETECTIVES OR YOUR SERGEANT CAME TO YOU AND SAID...WE JUST GOT A COMPLAINT FROM ONE OF OUR UH, FROM SOMEBODY THAT CAME IN AND STATED THAT UH, OFFICER DETECTIVE "X" PICKED UP A PROSTITUTE IN HIS UNMARKED VEHICLE AND HE WAS NOT ACTING IN HIS OFFICIAL CAPACITY, HAD SEXUAL INTERCOURSE WHILE HE WAS ON-DUTY IN THE VEHICLE; AND WAS NOT DOING ANY TYPE OF CASE.

A. WELL THAT WOULD BE A...

Q. WOULD THAT BE SOMETHING THAT...

A. (UNINTELLIGIBLE) OF COURSE.

Q. CORRECT. SO THAT WOULD BE A POTENTIAL POLICY VIOLATION?

A. YEAH.

Q. SO THERE WOULD BE RULES AND REGULATIONS IN REGARDS TO WHAT COULD AND COULD NOT BE DONE IN A CITY PAID FOR VEHICLE, CORRECT?

A. UH...WELL I WOULD SAY A LOT OF STUFF MIGHT NOT BE SPECIFIED, BUT...BROADLY, PERHAPS YEAH. LIKE...PICKING UP A PROSTITUTE PROBABLY...COMMON SENSE WOULD TELL US IS NOT PERMISSIBLE.

Q. SO...

JD: WHAT ABOUT SOMETHING THAT'S NOT ILLEGAL? I MEAN, COULD YOU TAKE YOUR FAMILY TO DISNEY WORLD IN YOUR CITY RIDE?

A. NO. UH, I THINK THE CONTRACT WOULD LIMIT THAT TOO, TO THE THREE COUNTY AREA.

On March 18, 2022, I met with Michael Borrelli in the City of Margate Police Department Internal Investigations Unit office to obtain a sworn, recorded witness statement. The statement was digitally recorded. Borrelli was asked a series of questions regarding potential information pertinent to this investigation. A summary of the interview is as follows:

Borrelli stated that he commanded both the Investigative Services Bureau and Field Services Bureau between 2006 and 2014. Borrelli was specifically asked if he supervised Shaw during 2010 and 2011. Borrelli was not Shaw's commanding officer during that timeframe and therefore would have no direct knowledge of Shaw's scheduling, investigations, casework, or training sessions. Borrelli also corroborated that the lease vehicles were paid for by the City of Margate and that the Finance Department handled all of the contractual payments.

Borrelli provided some insight as it pertains to his knowledge of the City's "lease vehicles" and the rules and regulations that govern them. I asked Borrelli if he ever authorized Shaw to switch a vehicle out of the City's name and into Shaw's name. Borrelli stated that he did not provide Shaw direction to do that. I also asked Borrelli if it was normal for the individual employees assigned "lease vehicles" to switch those vehicles in and out of the City's name and into their personal names for a couple of hours during their work day while they were on duty. Borrelli did not provide a definitive answer however he did state that "...So I wouldn't have said yes or no either way. *(The following is verbatim from the statement transcript of Michael Borrelli, pg. 5-7):*

Q. OKAY. UM, BUT THERE WAS A WRITTEN, DOCUMENTED CONTRACT THAT WAS IN THE NAME OF THE CITY OF MARGATE, UH...AND WAS PAID FOR BY THE CITY OF MARGATE?

A. YES.

Q. OKAY. DURING 2010 AND 2011...UH, LET ME REPHRASE THAT. DURING 2005 THROUGH...I'M SORRY 09/17/05, THROUGH 05/31/2010, UH...DETECTIVE ERICK REYES WAS ASSIGNED AS A...UH, NARCOTICS DETECTIVE FOR THE CITY OF MARGATE, BOTH WITHIN THE CITY AND ALSO IN THE DEA TASK FORCE. DO YOU HAVE AN INDEPENDENT RECOLLECTION OF THAT?

A. YES.

Q. DURING THAT TIME, THERE WAS AN INCIDENT IN WHICH UH...NOW OFFICER REYES, BUT DETECTIVE REYES, WAS INVOLVED IN AN INCIDENT REGARDS TO HIS LEASED VEHICLE THAT HE WAS PROVIDED BY THE CITY OF MARGATE. HE ALSO PROVIDED A SWORN STATEMENT UH, TO ME, IN REGARDS TO AN INCIDENT WHERE HE...TOOK THE LEASED VEHICLE OUT OF HIS NAME, I'M SORRY...OUT OF THE CITY'S NAME AND PUT IT INTO HIS NAME, BECAUSE THEY DID NOT HAVE A VEHICLE THAT HE HAD RESERVED. THE SIZE VEHICLE THAT HE HAD RESERVED. DO YOU REMEMBER THAT INCIDENT?

A. YES.

Q. CAN YOU JUST TELL ME ABOUT THAT, PLEASE?

A. IT WAS BROUGHT TO MY ATTENTION, AND I'M NOT SURE WHO...I BELIEVE IT WAS WYLENE SPROUSE, I'D HAVE TO...IT WAS EITHER HER OR KAREN.

Q. OKAY.

A. IT WAS BROUGHT TO MY ATTENTION THAT WE HAD GOTTEN DOUBLE BILLED FOR A WEEK ON...ONE OF REYES' CARS THAT HE HAS RENTED. I CALLED HIM INTO THE OFFICE TO SPEAK WITH HIM ABOUT IT. DURING THAT TIME, HE TOLD ME...WHAT HAD HAPPENED. THAT HE WAS GOING TO RENT THE CAR FROM THE SAME COMPANY THAT OUR LEASED CARS ARE. THEY DIDN'T HAVE ANY CARS AVAILABLE, AND HE MADE ARRANGEMENTS WITH THEM TO...TAKE THE CAR OUT OF THE CITY'S NAME; AND PUT IT IN HIS NAME AND THAT HE WOULD PAY FOR THE DIFFERENCE.

Q. OKAY. IN HIS SWORN STATEMENT, HE MAKES REFERENCE TO THE CONVERSATION THAT YOU GUYS HAD; AND THAT...UH, YOU HAD EXPLAINED TO HIM THAT THE CITY DIDN'T HAVE A VEHICLE FOR A WEEK, THAT THEY WERE PAYING FOR; AND THAT IF HE WAS GOING TO SWITCH THE CAR OUT, THAT...THERE NEEDED TO BE A CAR THAT WAS READILY AVAILABLE, WITHIN THE CITY, FOR A NARCOTICS DETECTIVE OR ANYONE, TO UTILIZE IT, BECAUSE THE CITY DID NOT HAVE A VEHICLE THAT IT WAS PAYING FOR. DO YOU REMEMBER THAT AT ALL?

A. I DON'T REMEMBER THAT, EXACTLY...BUT, IT WOULD MAKE SENSE.

Q. OKAY. UM, DO YOU RECALL IF...ERICK REYES SAID THAT HE HAD PAID FOR THE LEASE DURING THAT TIME? I MEAN, HE PAID FOR HIS RENTAL, BUT THE CITY ALSO GOT BILLED DURING THE SAME TIME FRAME?

A. I DON'T REMEMBER WHETHER HE HAD PAID FOR IT UPFRONT, OR HE WAS GOING TO PAY FOR IT. I JUST KNOW THAT HE WAS GOING TO TAKE CARE OF IT.

Q. OKAY. UM, SO...ONE OF THE ISSUES THAT UH, THAT JONATHAN SHAW BROUGHT UP DURING HIS INTERVIEW, WAS IN REGARDS TO...HOW VEHICLES WERE UH, HOW LEASED VEHICLES OPERATED DURING HIS TIME UH, AS A SERGEANT FOR THE SPECIAL OPERATIONS DIVISION; AND THEN LEADING ALL THE WAY UP TO MOST RECENTLY, UH...WHILE HE WAS STILL THE CHIEF OF POLICE HERE, FOR THE CITY OF MARGATE. MORE SPECIFICALLY, WHAT HE HAD STATED WAS THAT...THE VEHICLES UH, THAT HE HAD BEEN AUTHORIZED TO TAKE THE VEHICLES OUT OF UH, THE CITY'S NAME AND PUT IT INTO HIS NAME, WHENEVER IT WAS NEEDED. UM, AND HE SAID THAT THE CITY WAS VERY FLEXIBLE WITH THAT PROGRAM. UM, IS THAT A...IS THAT A FAIR STATEMENT OF WHAT UH, JONATHAN SHAW WAS EXPLAINING? LIKE, DID YOU HAVE AN INDEPENDENT RECOLLECTION OF THAT AS WELL?

A. IT'S FAIR, WHAT HE'S SAYING...YES. WE, WHEN YOU WORKED IN THAT UNIT, THERE WAS A LOT OF FLEXIBILITY, WITH REGARDS TO HOURS, WITH REGARDS TO LEASED CARS. YA KNOW, IF THEY WANTED TO MAKE SOME TYPE OF A DEAL WITH THE LEASE COMPANY, IT WAS AN UNWRITTEN RULE THAT THERE WOULD BE NO ISSUE WITH THAT.

Q. OKAY; AND MORE SPECIFICALLY IN REGARDS TO YOU, YOU WERE NOT ASSIGNED AS HIS BOSS IN 2010 OR 2011. IS THAT CORRECT?

A. CORRECT.

Q. AND YOU WOULDN'T HAVE HAD ANY DIRECTION TO HIM, AT THAT TIME, SINCE YOU WERE NOT HIS DIRECT SUPERVISOR, CORRECT?

A. CORRECT.

Q. UM, AND YOU DON'T HAVE AN INDEPENDENT RECOLLECTION IF CAPTAIN LARRY HORAK, WHO WAS IN CHARGE OF THAT DIVISION, GAVE THE AUTHORIZATION TO JONATHAN SHAW TO DO THAT. IS THAT CORRECT?

A. CORRECT.

Q. DURING YOUR TIME AS A COMMANDER HERE AT THE CITY OF MARGATE; AND AS A DEPUTY CHIEF PRIOR TO YOUR RETIREMENT, UM...WAS IT NORMAL FOR AN INDIVIDUAL TO SWITCH OUT A CAR FOR AN HOUR OR TWO HOURS, OR THREE HOURS DURING THEIR WORK DAY?

A. WAS IT NORMAL PRACTICE...YOU'RE ASKING?

Q. YES.

A. UNSURE. I, I...IT WAS...IT WAS NEVER BROUGHT TO MY ATTENTION, SO I WOULDN'T HAVE SAID YES OR NO, EITHER WAY.

I then asked Borrelli if he had been made aware that any city assigned take-home vehicle was utilized for improper or inappropriate reasons, would he have taken action as a commander within the Margate Police Department to stop the inappropriate behavior. Borrelli replied in a hypothetical, "If somebody was doing something improper with one of our vehicles, whether it was a leased vehicle or a marked unit, I would take action, yes." *(The following is verbatim from the statement transcript of Michael Borrelli, pgs. 7-8):*

Q. OKAY. HAD YOU BEEN MADE AWARE THAT ANY VEHICLE THAT WAS UTILIZED IN THE CITY OF MARGATE, WAS BEING USED FOR IMPROPER OR INAPPROPRIATE REASONS...WOULD YOU HAVE TAKEN ACTION, AS A COMMANDER WITHIN THE DEPARTMENT, TO STOP THE INAPPROPRIATE BEHAVIOR?

A. SO HYPOTHETICALLY...

Q. HYPOTHETICALLY, YES.

A. IF SOMEBODY WAS DOING SOMETHING IMPROPER WITH ONE OF OUR VEHICLES, WHETHER IT WAS A LEASED VEHICLE OR A MARKED UNIT, I WOULD TAKE ACTION...YES.

Q. OKAY. HOWEVER, IF IT WAS NEVER BROUGHT TO YOUR ATTENTION, OBVIOUSLY YOU WOULD NEVER KNOW THAT, SO THEREFORE ANY TYPE OF ACTION, WOULD NEVER BE WARRANTED, CORRECT? OBVIOUSLY?

A. IF I'M UNAWARE OF SOMETHING, I COULD NOT TAKE ACTION ON IT, CORRECT.

Furthermore, Borrelli was asked about his direct knowledge of Jonathan Shaw's work schedule from January of 2010 through May of 2011. Since Borrelli was not assigned to the Criminal Investigations Division at that time, I asked him if he did not have knowledge of Shaw's daily schedule. Borrelli replied, "Correct", meaning that he would not have had any direct knowledge of Shaw's scheduling. *(The following is verbatim from the statement transcript of Michael Borrelli, pg. 10):*

Q. SO, WHEN YOU HAD LEFT UH, AND YOU WERE REASSIGNED TO THE FIELD SERVICES BUREAU IN SEPTEMBER OF '09?

A. UM, HUM.

Q. UH, AND THE YEARS OF 2010 THROUGH...JANUARY OF 2010 THROUGH MAY OF 2011, UH...OBVIOUSLY YOU WERE NOT ASSIGNED TO THAT BUREAU, SO YOU WOULD NOT KNOW, OR YOU WOULD NOT HAVE...UH, DIRECT KNOWLEDGE ABOUT JON SHAW'S SCHEDULE, CORRECT?

A. CORRECT.

Q. AND CAPTAIN HORAK WAS THE SUPERVISOR THEN, SO HE WOULD BASICALLY KNOW WHEN HIS PERSONNEL WERE FLEXING TIME OR TAKING OVERTIME, CORRECT?

A. CORRECT.

Q. ALL RIGHT. SO, DURING THAT TIME FRAME, YOU WOULDN'T HAVE ANY INDEPENDENT RECOLLECTION OR HAVE DIRECT KNOWLEDGE OF JONATHAN SHAW'S SCHEDULE?

A. CORRECT.

On March 8, 2022, I obtained a sworn taped statement From Officer Erick Reyes. Officer Reyes was a narcotics detective assigned to the Special Operations Division from September 17, 2005 through May 31, 2010. Shaw was Reyes' Special Operations Division supervisor from April 11, 2009 through May 31, 2010. Reyes provided specific information concerning his utilization of a "lease vehicle" from Enterprise Rental Car during his tenure with the Special Operations Division. Reyes also provided information in regard to a time when he switched his City of Margate assigned lease vehicle into his personal name for vacation and the consequences that happened because of the switch.

Reyes stated that the "lease vehicle" that was assigned to him as a narcotics detective was governed under the same policies and procedures that marked City of Margate and unmarked vehicle were governed under. Reyes stated that when he was directly supervised by then Captain Michael Borrelli, he was never given permission by Borrelli to switch leased vehicles out of the City's name and into Reyes' personal name. Reyes also stated that he was never allowed to switch a lease vehicle out of the City's name and into his own for an hour or two during his regular scheduled work day. *(The following is verbatim from the statement transcript of Officer Erick Reyes, pgs. 3-4):*

Q. OKAY. UH, HOWEVER, THAT WAS YOUR TAKE-HOME VEHICLE PER HOUR, DEPARTMENT POLICY, HERE AT MARGATE, CORRECT? IT AS ASSIGNED TO YOU BY THE CITY, PAID FOR BY THE CITY AND YOU UTILIZED IT LIKE ANY OTHER VEHICLE THAT YOU'VE HAD HERE IN THE PAST...EIGHTEEN YEARS?

A. YES.

Q. OKAY. UM, THE LEASED VEHICLES...DID YOU THEN BELIEVE THAT THEY WERE GOVERNED UNDER THE SAME POLICIES AND PROCEDURES THAT THE MARKED POLICE CARDS WOULD BE COVERED UNDER?

A. YES.

Q. AND...THAT WOULD MEAN THAT YOU COULD PUT ONLY YOUR FAMILY MEMBERS IN THERE. UH, BUT BEING ASSIGNED TO SOD, THERE WERE SOME PARAMETERS THAT WERE CHANGED, CORRECT? LIKE YOU COULD PUT A...CONFIDENTIAL INFORMANT IN THERE, OR ANOTHER OFFICER FROM ANOTHER DEPARTMENT. YOU WERE GIVEN THAT TYPE OF LEEWAY, CORRECT?

A. UNDER OFFICIAL DUTY, YES.

Q. CORRECT. UNDER OFFICIAL...YEAH.

A. ANYTHING OUTSIDE OF THAT WAS COVERED UNDER THE...INSURANCE POLICY THAT WE HAD TO KEEP, NO DIFFERENT THAN DRIVING IN A REGULAR, MARKED PATROL CAR.

Q. OKAY. SO...OFFICIAL, POLICE CAPACITY; YOU HAD A LITTLE BIT OF LEEWAY, CORRECT?

A. YES.

Q. YOU COULD PUT A CONFIDENTIAL INFORMANT IN THERE. YOU COULD PUT SOMEONE FROM YOUR TASK FORCE, OR SOMEONE FROM ANOTHER POLICE DEPARTMENT; AS LONG AS YOU WERE ACTING UNDER YOUR OFFICIAL POLICE CAPACITY, CORRECT?

A. YES.

Q. OKAY. SO, THESE LEASE CARS...DO YOU, DO YOU REMEMBER FROM YOUR TIME, UP UNTIL MAY OF 2010. DID ANY OF YOUR SUPERVISORS UH, AND SPECIFICALLY...YOU WOULD HAVE HAD SERGEANT THEN, JIMMY NEAL, WHO SINCE RETIRED AND SERGEANT UH...SCOTT DEDI, WHO HAS ALSO SINCE RETIRED AND THEN YOU HAD CAPTAIN BORRELLI, OR LIEUTENANT BORRELLI AT THE TIME, WAS YOUR SUPERVISOR...CORRECT? BEFORE JON SHAW CAME IN, IN 2010?

A. YES.

Q. OKAY. SO, DID...UH, MICHAEL BORRELLI...AND HE SINCE BEEN RETIRED, HAS HE...DID HE EVER ALLOW YOU TO CHANGE THE VEHICLE CONTRACT OUT OF YOUR NAME...OUT OF THE CITY'S NAME AND PUT IT IN YOUR NAME FOR AN HOUR?

A. NOT TO MY KNOWLEDGE.

Q. DID HE EVER GIVE YOU ANY DIRECTIVE OR EMAIL, OR ANYTHING OR ANY OF THOSE SERGEANTS OR SUPERVISORS, DID THEY EVER ALLOW YOU TO CHANGE OUT YOUR, YOUR CAR FOR AN HOUR OR TWO SO THAT YOU COULD HANDLE PERSONAL BUSINESS?

A. NO.

Reyes also provided details about an incident that occurred during the month of July 2009. Reyes stated that he had reserved a Chevrolet Tahoe from Enterprise Rental Car located at 2699 North State Road 7, Margate, FL 33063. Reyes described that when he arrived to pick up his reserved Chevrolet Tahoe, none were available. Since he had been assigned a Tahoe from the City of Margate through Enterprise Rental Car, he requested if the customer service representative would switch that vehicle into his name for the week so he could take it on vacation. Reyes said that Enterprise did accommodate him and did switch the "lease vehicle" out of the City's name and into his. Reyes stated that a new contract was drafted in his name and that he paid for the vehicle rental for one week. Reyes described that Enterprise Rental double billed the city and Captain Michael Borrelli called Reyes into his office. Reyes stated that Borrelli verbally counseled him and told him that he was not authorized to do what he did in making changes to the City's contract. Borrelli described a process to Reyes in which Borrelli would not have had a problem had he done. Borrelli told Reyes that he should have traded out the Tahoe and had another vehicle assigned to the City's contract so that the City of Margate was never without a vehicle during his vacation. The following is verbatim from the statement transcript of Officer Erick Reyes, pgs. 4-7):

Q. DID HE EVER GIVE YOU ANY DIRECTIVE OR EMAIL, OR ANYTHING OR ANY OF THOSE SERGEANTS OR SUPERVISORS, DID THEY EVER ALLOW YOU TO CHANGE OUT YOUR, YOUR CAR FOR AN HOUR OR TWO SO THAT YOU COULD HANDLE PERSONAL BUSINESS?

A. NO.

Q. DID THERE EVER COME A TIME WHERE YOU DID HAVE SOMETHING LIKE THAT?

A. THERE WAS AN INCIDENT, ISOLATED TO ME.

Q. OKAY, WHAT WAS...WHAT WAS THAT ALL ABOUT?

A. I WENT ON VACATION UM, MADE A DEAL WITH ENTERPRISE TO RENT A VEHICLE. THERE WAS NO VEHICLE AVAILABLE AT THAT TIME, TO SUIT MY FAMILY IN MY TRAVEL.

Q. OKAY.

A. ENTERPRISE SUGGESTED AND SWITCHED THE VEHICLE FROM THE CITY'S NAME, TO MY NAME, IN ORDER FOR ME TO HAVE A VEHICLE WITH THE SIZE THAT I WAS PROMISED.

Q. OKAY. SO WHAT HAPPENED...

A. THEY CHARGED ME THE RENTAL, WITH THE REGULAR AGREEMENT THAT I PAID FOR.

Q. OKAY, SO...THE VEHICLE THAT WAS THE CITY OF MARGATE'S AT THE TIME...

A. YES.

Q. THEY SWITCHED THAT CAR OUT OF YOUR NAME...I MEAN, OUT OF THE CITY'S NAME, PUT IT IN YOUR NAME, BECAUSE THEY DIDN'T HAVE ANY OTHER VEHICLES...

A. CORRECT.

Q. UM, DID ANYBODY KNOW ABOUT THAT?

A. NO, IT WAS JUST ME.

Q. OKAY. DID ANYBODY ULTIMATELY FIND OUT ABOUT IT, OR ANYTHING LIKE THAT?

A. YES.

Q. OKAY. TELL ME ABOUT THAT. WHAT HAPPENED?

A. ENTERPRISE DOUBLED-BILLED THE CITY FOR THE TIME THAT I HAD IT IN THE CITY'S NAME AND FOR THE TIME THAT I HAD LEASED IT, OR RENTED IT FOR MY VACATION.

Q. OKAY, SO WHO FOUND OUT FROM THE CITY, THEN?

A. LIEUTENANT BORRELLI.

Q. DID ANYTHING HAPPEN FROM THAT?

A. UH, HE CALLED ME IN. HE WANTED TO KNOW WHY THE CITY PAID FOR MY VACATION? I TOLD HIM THEY DIDN'T PAY FOR IT, AND I HAD PROOF. I HAD THE RENTAL AGREEMENT. I PRESENTED IT TO HIM. THEN HE PROCEEDED TO EXPLAIN TO ME THAT...I DEPRIVED THE CITY OF A VEHICLE.

Q. OKAY. SO, WHAT DID HE TELL YOU? THAT YOU SHOULD HAVE KEPT A, A CAR IF YOU WERE GOING TO...

A. HE SAID THAT IF I WAS GOING TO SWITCH TO ACCOMMODATE A VEHICLE THAT I HAD BEEN PROMISED, THEN...ENTERPRISE, ALONG WITH ME USING COMMON SENSE, SHOULD HAVE HAD ANOTHER VEHICLE PUT INTO THE CITY'S NAME, REGARDLESS OF ANY TYPE OF VEHICLE THAT IT WOULD HAVE BEEN. BECAUSE IN ESSENCE, THAT VEHICLE...THE CITY WAS STILL PAYING FOR A VEHICLE THAT THEY DIDN'T HAVE, ACCESSIBLE TO THEM.

Q. OKAY, SO LET ME TRY TO GET THIS STRAIGHT. SO, SO LIEUTENANT BORRELLI BROUGHT YOU IN, AFTER YOU WERE...THE CITY INADVERTENTLY WAS BILLED TWICE?

A. CORRECT.

Q. HE SAID TO YOU...THAT YOU WEREN'T ALLOWED TO DO THIS, THE WAY THAT YOU DID IT. IF YOU WERE GOING TO DO IT, THE CITY NEEDED TO HAVE A CAR AVAILABLE TO THEM AT ALL TIMES?

A. YES.

Q. AND...SO WHAT, LIKE THE CAR NEEDED TO BE PARKED AT THE P.D. PARKING LOT, OR IT NEEDED...?

A. THAT, I...I HAD NEVER REALLY UNDERSTOOD, BECAUSE AT THAT POINT...WHETHER IT WAS...ME OR SOMEONE ELSE, THAT VEHICLE WOULD HAVE STILL BEEN ASSIGNED TO ME; AND IF I WOULD HAVE GONE ON VACATION, THAT LEASED VEHICLE STILL WOULD HAVE BEEN SITTING IN MY DRIVEWAY.

Q. OKAY.

A. WITH, WITH OR WITHOUT ME.

Q. OKAY.

A. BUT...I DIDN'T HAVE IT TRANSFERRED OVER TO ANOTHER VEHICLE.

Q. OKAY, SO...

A. AND THAT WAS THE BIGGEST...

Q. THAT WAS THE BIGGEST COMPLAINT; THE PROBLEM THAT LIEUTENANT BORRELLI HAD?

A. CORRECT.

Q. SO, DID HE ULTIMATELY...I MEAN, DID YOU GET LIKE VERBALLY ADMONISHED FROM THAT, FOR SAYING...DON'T DO THIS AGAIN, OR ONLY DO IT THIS WAY...?

A. HE YELLED A LOT BACK THEN, SO...I'M SURE I...KNOW I WAS DEFINITELY UM, VERBALLY COUNSELED. AS FOR ANY RECORD OF COUNSELING...IT WOULD PROBABLY BE IN MY JACKET. I DON'T RECALL.

Q. SO, AFTER YOU GOT YELLED AT BY...THEN LIEUTENANT MICHAEL BORRELLI FOR SWITCHING THE VEHICLE OUT OF THE CITY'S NAME AND PUTTING IT INTO YOUR NAME, YOU'RE TESTIFYING THAT YOU GOT...VERBALLY YELLED AT, TO SAY THAT YOU COULDN'T DO THIS. DID YOU EVER DO IT, EVER AGAIN?

A. NEVER.

Q. AND WAS THAT BECAUSE OF THE, THE VERBAL COUNSELING SESSION THAT YOU GOT FROM CAPTAIN BORRELLI? I'M SORRY, LIEUTENANT BORRELLI, THEN?

A. IT JUST MADE SENSE THE WAY HE BROKE IT DOWN, SO I ADHERED TO...WHAT THE WISHES WERE; AND HIM BEING THE BUREAU COMMANDER. AFTER THAT, I EVEN DROPPED THE CITY OFF OF MY INSURANCE, SO THAT I WOULDN'T EVEN PUT A PERSON OR A FAMILY MEMBER IN MY PATROL CAR.

Q. SO IT WOULD BE SAFE TO SAY THAT, THAT THEN LIEUTENANT MICHAEL BORRELLI...SCARED YOU ENOUGH, THAT YOU TOOK YOUR PERSONAL VEHICLE INSURANCE OUT OF YOUR...

A. I WOULDN'T SAY SCARED, BUT PUT IT IN THE MANNER WHERE...I DIDN'T WANT TO BE PUT IN THAT POSITION EVER AGAIN.

On March 8, 2022, I had obtained a second sworn, taped statement from Sergeant Chad Ryen. Sergeant Ryen was a narcotics detective assigned to the Special Operations Division from July 18, 2009 through September 1, 2017. During 2010 and 2011, Shaw was Ryen's direct supervisor. During Ryen's sworn statement, he provided information in regard to a time in 2013, when the City of Margate utilized Budget Car Rental for the "lease vehicle" program. Ryen stated that he spoke to the Budget manager Kirk who did perform a vehicle switch for him but not as Shaw describes in his statement. Ryen provided the following details concerning the one time he performed a vehicle "switch":

- Ryen stated that he made a reservation with Budget for a pickup truck to take on a camping trip.
- When Ryen arrived at the Budget office in Margate, a pickup truck was not available.
- The Budget Manager, Kirk, told Ryen that he would assign another car on the lot to the City of Margate and that he would put Ryen's personal reservation and contract on the pickup truck that he was driving.
- Ryen explained that a car was left on the Budget lot that was assigned to the City of Margate therefore fulfilling their contract.
- Ryen explained that he paid for and utilized the pickup truck that he was utilizing was "returned" to the Budget lot like any other time that they would switch cars out while in the Special Operations Unit.
- Ryen explained that when he returned from his camping trip, Kirk closed out the contract in Chad Ryen's name, closed out the vehicle on the lot that was assigned to Margate, and reassigned the pickup truck that Ryen had been driving all along back into the City of Margate contract.
- Ryen stated that he was never allowed to switch a vehicle out of his name for an hour or a few hours, nor could he switch the contract name out of the City's and into his name while the City of Margate was still paying for the vehicle.

(The following is verbatim from the statement transcript of Sergeant Chad Ryen, pgs. 4-5):

Q. OKAY. FORMER CHIEF SHAW STATED IN HIS, HE GAVE INFORMATION IN HIS STATEMENT THAT UH, IT WAS COMMON PRACTICE; AND IT WAS ALLOWED UH, BY ADMINISTRATORS...MORE SPECIFICALLY, AT THE TIME, MICHAEL BORRELLI AND LARRY HORAK, THAT THE VEHICLES COULD BE TRADED OUT AND PUT IN THEIR...PUT IN THE OFFICER

OR DETECTIVE WHO WAS DRIVING THEM NAME, INSTEAD OF THE CITY. DO YOU REMEMBER ANYTHING LIKE THAT DURING 2010 AND 2011?

A. NO.

Q. OKAY. DID THERE EVER COME A TIME WHEN, WHEN YOU WERE ABLE TO DO THAT?

A. I DID UH, ONE TIME...WHICH UM, I WENT CAMPING AND I NEEDED TO GET A TRUCK, SO I CALLED...UH, THAT WAS AT BUDGET; THAT WAS PAST THOSE YEARS.

Q. UM, DO YOU REMEMBER AROUND WHEN THAT WAS?

A. 2013, MAY BE? SOMETHING LIKE THAT.

Q. OKAY.

A. SO UH, I NEEDED TO GO GET A TRUCK TO GET CAMPING UH, TO GO CAMPING. I CALLED BUDGET, BECAUSE THAT'S WHO WE WERE USING AT THE TIME. I SPOKE TO THE MANAGER THERE, HIS NAME WAS KIRK, AT THE TIME. I ASKED HIM IF I COULD GET A TRUCK ON THE LOT? HE SAID, WHAT DO YOU NEED IT FOR? I SAID, I WAS GOING CAMPING. HE SAID HE DID NOT HAVE A TRUCK. UM, I SAID WELL I WANTED TO TRY TO GET A TRUCK TO UTILIZE. HE SAID, WE CAN DO UH...WE HAD AN IDEA...WE PUT A CAR IN THE CITY'S NAME UM, THAT STAYED ON THE LOT. SO THAT WAY, I WOULD BE RESPONSIBLE FOR THE TRUCK; AND HE PUT THE TRUCK IN MY NAME AND I TOOK THE TRUCK CAMPING. THEN WHEN I CAME BACK, HE JUST SWITCHED IT BACK FROM THE VEHICLE THAT HE HAD ON THE LOT, BACK TO MY TRUCK.

Q. OKAY, SO DURING THAT TIME, THERE WAS A VEHICLE THAT WAS LEFT IN THE CITY'S NAME...

A. YES.

Q. THAT WAS AVAILABLE FOR THE, THE CITY OF MARGATE TO UTILIZE AS PART OF THEIR CONTRACT, CORRECT?

A. THAT'S WHAT HE TOLD ME, YES.

Q. OKAY; AND ULTIMATELY LIKE...YOU, YOU HAD A CONTRACT IN YOUR NAME, FOR THAT CAR. IT WAS LIKE A REGULAR RENTAL AGREEMENT, CORRECT?

A. CORRECT.

Q. THERE WAS MONEY STIPULATED FOR IT, THAT YOU...THE CONTRACT WAS GENERATED IN YOUR NAME?

A. YES.

Q. JUST LIKE A REGULAR RENTAL THAT YOU WOULD DO FROM THE AIRPORT, TRAVELLING FOR PERSONAL BUSINESS, CORRECT?

A. YES, RIPPED THE CONTRACT UP; AND I REMEMBER PUTTING IT IN THE CLOVE COMPARTMENT OF THAT VEHICLE.

Q. OKAY. NOW, SPECIFICALLY, DO YOU REMEMBER OR WERE YOU EVER TOLD BY SERGEANT SHAW AT THE TIME, OR CAPTAIN BORRELLI, OR LIEUTENANT BORRELLI...WHATEVER IT WAS AT THE TIME, OR LIEUTENANT HORAK OR CAPTAIN HORAK, WHICH EVER ONE IT WAS AST THE TIME. THAT YOU WERE ALLOWED TO SWITCH OUT THE NAME OF THE VEHICLE, HOURLY?

A. NO.

Q. UM, WERE YOU EVER TOLD THAT YOU WERE ABLE TO SWITCH IT OUT FOR A WEEK, WHILE YOU WERE ON VACATION?

A. NO.

Q. WERE YOU EVER TOLD THAT YOU WERE ALLOWED TO SWITCH IT OUT FOR THE WEEKEND, OVER A 24 OR 72 HOUR PERIOD?

A. NO. ONLY LIKE WHAT I STATED.

Furthermore, I asked Sergeant Ryen if he was ever allowed to transfer a lease vehicle of the City of Margate's name and into his personal name. Ryen replied, "no." Ryen also stated that during the entire time he worked in the Special Operations Division, he had never seen anyone that he worked with swap a car every couple of hours. He also stated that he was never advised by Shaw that it was acceptable or allowed for anyone to switch cars out of the City's name and into their own names for personal reasons. *(The following is verbatim from the statement transcript of Sergeant Chad Ryen, pgs. 7-8):*

Q. MORE SPECIFICALLY, WHAT I'M ASKING IS THAT...IF, IF THE PRACTICE OF CHANGING THE VEHICLE UH, CONTRACT OUT OF THE CITY'S NAME, INTO YOUR PERSONAL NAME WAS...ALLOWED...

A. NO.

Q. OKAY? MEANING, IT WAS...WOULD IT BE CONSISTENT TO BE ALLOWED FOR EVERYONE IN THE UNIT?

A. YES.

Q. OKAY; AND AS IT STANDS TODAY...DO YOU REMEMBER IF IT WAS CONSISTENT FOR EVERYONE IN THE UNIT, AT THAT TIME IN 2010 THROUGH 2011...

A. NO.

Q. TO UTILIZE THIS TYPE OF ACTIVITY?

A. NO.

Q. MEANING...CHANGING THE, THE VEHICLE?

A. NO. THE ONLY THING I CAN RECALL, IS IF SOMEONE TOOK A CAR, AND UH, IT WASN'T PERFORMING...MAY BE THEY RETURNED IT THE NEXT DAY AND SAID, I NEED SOMETHING ELSE, OR IT WASN'T FIT FOR THEIR DUTY, OR SOMETHING LIKE THAT. BUT...PERSONALLY, I'VE NEVER SEEN ANYBODY, THAT I WORKED WITH, SWAP A CAR EVERY COUPLE OF HOURS. I'VE NEVER SEEN THAT THE WHOLE TIME I'VE BEEN HERE.

Q. OKAY. DO YOU REMEMBER HEARING ANY OF YOUR OTHER NARCOTIC DETECTIVES THAT YOU WORKED WITH, WHETHER IT WAS UH...DETECTIVE REYES, OR DETECTIVE DRUZHBIK, OR DETECTIVE BANATTE THAT WERE ALL IN THE UNIT FROM '09 TO 2010. DO YOU EVER REMEMBER ANY OF THEM TALKING ABOUT HOW THEY CAN SWITCH OUT THE CAR FOR AN HOUR OR TWO HOURS...

A. NO.

Q. OUT OF THEIR NAMES, SO THAT THEY COULD DRIVE DOWN TO THE KEYS TO GO PICK UP...

A. THAT NEVER CAME UP. NEVER. NOTHING.

Q. OKAY. AND AGAIN, YOU WERE NEVER TOLD BY SERGEANT SHAW THAT THIS WAS ACCEPTABLE, AND ANY OF THE DETECTIVES WERE ALLOWED TO SWITCH OUT THE CARS...

A. NO.

SUMMARY OF FACTS

During this investigation, this investigator can determine that Officer Anne Clarke and former Chief Jonathan Shaw were involved in a consensual sexual relationship that spanned from 2008 through 2011. Clarke's own testimony, coupled with the text message evidence shows that both Clarke and Shaw were sexual active and engaged in sexual conduct with each other while Shaw was on duty in his official capacity as a Florida certified Law Enforcement Officer. Additionally, Shaw engaged in sexually explicit conduct while operating a City of Margate unmarked police vehicle assigned to him both on and off duty.

This investigator can also conclude that no evidence exists nor is contained within the text thread that demonstrates that Clarke was not a willing participant in all types of sexual activities that both she and Shaw discussed engaging in with each other. There is no evidence that shows that Clarke ever objected to any form of sexual dominance. The text messages reveal that Clarke was an initiator of conversations dealing with punishment, slapping, being tied up, and utilizing "sex toys" for both of their pleasures.

Clarke does describe a time where she alleges that she was intoxicated and lost her normal faculties during a sexual encounter with Shaw. However, this investigator and the Broward County State Attorney's Office agree that no sexual battery charge in regards to that incident was ever brought forth in 2011, against Jonathan Shaw by Anne Clarke. There are no text messages contained within the text thread evidence that would lead this investigator to believe that Clarke ever confronted Shaw about the behavior as wrongful. The Broward County State Attorney's Office concluded that the statute of limitations had expired and that any conduct by Shaw related to the allegations does not rise to the level of criminality within the purview of the Broward State Attorney's Office¹⁵.

In regards to Shaw engaging in sexual activity while on duty or while operating a city owned or city leased vehicle while off duty; Evidence to support the allegations has been gathered during this investigation.

Shaw's assigned hours while he was a Sergeant within the Special Operations Division during 2010 to 2011, are listed as 0800 hours through 1800 hours, Tuesday through Friday. Shaw was also assigned as the Criminal Investigations Unit Sergeant on Fridays and was a dual role with his assigned duties as the Sergeant of the Special Operations Division. The assigned Criminal Investigations Unit schedule is documented on posted schedules that were retained via City of Margate Police Department Computer Servers. This investigator is aware that the Special Operations Unit hours varied as overtime was a common occurrence for surveillance, narcotics investigations, etc. However, no documented evidence such as Additional Compensation/Absence Reports were available as they were past records retention. Only Margate Police Department internal records were retained by the Police Administration Office and were still available on the City of Margate computer server.

As the burden of proof in administrative investigations is preponderance of evidence, this investigator has no reason to believe that Shaw's text messages about being "at work", "on-duty", "on surveillance", or "coming into work" as untruthful during the text message thread between he and Clarke. Shaw also makes references to surveillance operations, criminal investigations that he is actively working at, and at work meetings that he is leaving from or may have to attend during their text thread conversations.

As it pertains to Officer Amalin Hernandez's allegations against Jonathan Shaw, this investigator can only rely on the validity of the sworn statements that were provided by Hernandez herself. No witnesses were available or were developed that could substantiate her claims of discrimination during promotions within the Police Department.

This investigator could not find any record of an administrative inquiry or administrative investigation that was conducted under the direction of Chief Dana Watson in regards to the complaint that Hernandez requested to be filed as she mentioned in her complaint.

Hernandez and Shaw did live within the same community located in [REDACTED] from November 2015 through 2019 when Hernandez sold her home. Their homes were within

¹⁵ Exhibit #7- Documents obtained from ASA Christopher Killoran in regard to Anne Clarke's allegation to include her transcribed statement, "Determination Letter", and email correspondence.

close walking distance of each other. Shaw admitted under oath to having a casual relationship with Hernandez that he described as “we hooked up.”

In regards to Jonathan Shaw’s sworn statement and his explanation that he never engaged in sexual activity in a “City” vehicle while on duty or off duty, this investigator can conclude the following:

- A vehicle was provided by the City of Margate and was assigned to Jonathan Shaw while he was a Special Operations Division Sergeant in 2010 and 2011.
- The vehicle that was assigned to Jonathan Shaw was contracted to the City of Margate and was paid for by the City of Margate.
- Margate General Orders state specific rules and regulations as it pertains to “take-home” vehicles.
- Jonathan Shaw was assigned a vehicle paid for by City of Margate as a “Take-home” vehicle for his use.
- Jonathan Shaw swore under oath the he knowingly breached a City of Margate contractual agreement without the authority to do so, then did not compensate or reimburse the City of Margate for the rental contract and agreement that he utilized as a personal vehicle while the City of Margate was paying for the contract.
- Jonathan Shaw swore under oath that he switched the City of Margate leased vehicle out of the City of Margate’s name and into his name whenever he was “going out to drink,” or “whenever Anne and I were going out, I would switch it into a personal rental”, therefore knowingly and purposefully circumventing specific policy outlined in General Order #13.
- Neither former Captain Michael Borrelli or former Captain Larry Horak, while the supervisors of the Special Operations Division, ever provided written or documented authorization in the form of a Directed Update Proposal to change the Take-Home Car Policy as it pertained to the “leased” vehicles that the City of Margate provided as take-home police vehicles. Take-home vehicles per General Order 13, are assigned vehicles a member may drive home and use in accordance with General Order 13. Standards of conduct apply according to General Order #7, in regards to appropriate and inappropriate behavior while utilizing a department owned, rented, or leased vehicle.
- Jonathan Shaw, while a Sergeant of the Margate Police Department, was required to follow the General Orders, Standard Operating Procedures, and Collective Bargaining Agreements, while an employee of the City of Margate. No independent authorization was ever made to Jonathan Shaw as a Sergeant to willfully and knowingly change or amend policies or procedures without the written and documented authority of the Chief of Police, more specifically Chief Jerry Blough.
- Officer Reyes and Sergeant Ryen provided sworn testimony that they were never authorized to switch “lease vehicles’ out of the City’s name and into their personal names by Borrelli, Horak, or Shaw. Officer Reyes described how he was verbally admonished for potential policy violations by Michael Borrelli for the incident where he did in fact switch City of Margate leased vehicle into his own name.
- Officer Reyes and Sergeant Ryen’s testimony reiterates the fact that City of Margate “lease vehicles” were governed by policy and procedure set forth in Margate Police Department General Orders.

- Officer Reyes was verbally admonished in 2009 by Captain Borrelli regarding switching a lease vehicle into his personal name.
- Jonathan Shaw's explanation during his statement is in complete contradiction to his own actions in regard to Erick Reyes and Chad Ryen's vehicle switching incidents.

In regards to Jonathan Shaw's sworn statement and his explanation into his work schedule, his explanation of scheduling demonstrates that there was no documented tracking of time as required and stipulated within department General Order #20. Therefore, Shaw allowed himself, a Police Sergeant, to knowingly and purposefully circumvent department policy in 2010 and 2011, for personal gain. Shaw provided the explanation under oath that he was allowed to flex his hours as he saw fit and that this was all authorized by then Captain Larry Horak and then Captain Michael Borrelli.

However, his explanation is not feasible in regard to arriving to work one to two hours late, then working for an hour or two, then "flexing" hours off to go engage in sexual activity with his girlfriend, then coming back on duty for a couple hours, then finishing work for the day and going home.

PRESENTATION OF EVIDENCE FOR THE BASIS OF ADMINISTRATIVE POLICY VIOLATIONS:

On June 21, 2010, Shaw and Clarke exchange text messages and are "sexting" while Shaw is on-duty and tells Clarke that he is with Detectives who are asking him about a homicide investigation that had occurred on or about June 5, 2010. Explicit talk and digital photographs are shared between Shaw and Clarke. Shaw states in the thread that he is on surveillance and had to sneak into a bathroom to take digital photographs of himself. Clarke positively identified Shaw's fully erect penis as a digital picture sent, as well as a digital picture of his penis in his hand, and then a digital picture of the tip of his penis with ejaculate in his hand. Shaw also infers in text message about his penis being "rock hard". Ultimately, Clarke requests a digital photograph of Shaw ejaculating semen into his hand, which is allegedly sent to Clarke. Shaw confirmed in his statement that the pictures that he (Shaw) had sent to Clarke were all taken off duty and were sent off duty.

On August 30, 2010, text messages reveal that Shaw picked up Clarke at Fort Lauderdale International Airport. He describes a new truck that he picked up the day before. In the text thread he describes the truck as a white four door Chevy truck. A signed Special Operations Division Tactical Briefing Sheet dated 08/27/2010, describes Shaw driving a white Chevy. During this text thread, Shaw and Clarke discuss her performing oral sex on Shaw as soon as she is picked up from the airport. The thread describes how she (Clarke) will make Shaw ejaculate prior to exiting I-595 and onto I-95. Later in the text thread on October 13, 2010, Clarke references how "I got you off before we hit 95 after leaving the airport." Clarke confirms both her and Shaw's discussion about performing oral sex on him after leaving the airport. In August of 2010, CLEAR¹⁶ reveals that Shaw did not own nor did he have any white Chevrolet pickup

¹⁶ CLEAR – Information database utilized by Law Enforcement that compiles open source internet accessible information for law enforcement investigations.

truck registered in his name in Florida or the United States. Shaw stated that if he had sexual relations with Clarke that he did so while he was off duty.

On October 13, 2010, text messages demonstrate that Shaw was on duty and that he ultimately missed a meeting with Michael Borrelli (Former Deputy Chief of Police), in order to engage in sexual activity while Shaw was still on duty at or around 3:30 to 3:45 pm. Clarke describes herself being naked in her bed and Shaw advises her that he is en-route to her house. Clarke provided sworn testimony that she engaged in sexual intercourse with Shaw on this date as describe in their text thread. Multiple digital photographs were sent during this time period in the text thread that Clarke described as nude photographs of herself.

On November 18, 2010, text messages demonstrate that Shaw is on an active surveillance with his Special Operations Division detectives. Clarke asks if the surveillance is good to which Shaw replies how Chad Ryen is currently on the "eye". Shaw asks Clarke for explicit digital photographs to which Clarke sends. Both Shaw and Clarke proceed to "sext" each other and fantasize about their sexual desires while Shaw is on an active Special Operations Division investigation surveillance. Shaw texts that he can leave the surveillance for a short period of time and can come to her residence. Shaw texts Clarke that he is on his way to her house at approximately 5:49 pm. Shaw describes in the text thread that he can "get free from 1800-1900" (hours) from the surveillance. The following morning on November 19, 2010, Clarke asks how the rest of Shaw's night went (referring to the rest of surveillance) to which Shaw responded, "Unsuccessful." Clarke replies, "But you did get your dick sucked hard." To which Shaw confirms that the sexual activity occurred by his response on the text thread which was, "Very very tru (sic)." Shaw stated while under oath that he was off duty when he met with Clarke on this date and time.

On November 30, 2010, text messages describe how Clarke again needs to be picked up from Fort Lauderdale International airport and brought back to her residence. The text thread demonstrates that Shaw is on duty because of his statements of "Yeah I'll pick u up but gotta b back to the Pd by 12 ish." Shaw also states in the text thread that he has a meeting with Larry (Larry Horak- Former Chief of Police) at 12. Clarke and Shaw discuss "relief" and oral sex as Clarke says, "Ur dick will be down my throat before you are out of the airport." Clarke confirms that she performed oral sex on Shaw while on the ride back to her residence where she states that she and Shaw also had sexual intercourse. Shaw stated that he was off duty on this date and time.

On February 10, 2011, text messages between Shaw and Clarke reveal that Clarke requests Shaw to pick her up from Enterprise Rental Car after she drops off a rental car. Clarke requests Shaw to drive her back to her residence. Clarke asks Shaw in the text thread, "Are you going in tomorrow" (Referring to going into work). Shaw responds in the thread, "Yea, I'll come get you around 0830." Clarke stated that she was picked up by Shaw and driven home from Enterprise Rental Car. Clarke stated that she did have sexual intercourse with Shaw at her residence when he dropped her off. In Clarke's statement, she stated that she did not remember if Shaw was dressed for work with his gun and badge on. Shaw stated that he was off duty on this date and time.

On February 15, 2011, text messages between Shaw and Clarke discuss Detective Al Banatte getting into Shaw's lease truck that was reassigned to Banatte. Clarke writes in the text thread to Shaw and states, "Hmmm poor Al. He just got into his truck. The things I've done in there." In Clarke's sworn statement, she describes going on a drive with Shaw in his "work" truck. She provides details in regards to getting caught by a Florida Highway Patrol Trooper parked at a rest area on [REDACTED] while she and Shaw were engaged in sexual activity in the bed of the truck. Clarke described how Shaw "badged" the Trooper so that they would not get in trouble. Throughout the text thread between Shaw and Clarke they both reference making another "[REDACTED] Run".

Due to the fact that Jonathan Shaw is no longer an employee with the City of Margate, disciplinary action would not be able to be imposed upon him regarding this administrative investigation. This investigator is not and will not make recommendations for disciplinary action, however a presentation of evidence showing a preponderance of the evidence criterion burden of proof pertaining to the allegations are listed as follows:

Count I - General Order 7.3.36 – Solicit/Engage In Sexual Activity or Conduct

The evidence gathered in this administrative investigation would meet the preponderance of the evidence¹⁷ criterion burden of proof to sustain an administrative allegation. This investigation revealed six documented incidents where Jonathan Shaw engaged in sexual activity while on duty and/or while operating his department issued police vehicle. Therefore, the allegation that Jonathan Shaw's actions were in violation of General Order 7.3.36 – Solicit/Engage In Sexual Activity or Conduct would reach the described standard of a **sustained** policy violation according to City of Margate Police Department General Orders.

Count II - General Order 7.3.22 – Distractions From Duty

The evidence gathered in this administrative investigation has established a preponderance of the evidence criterion burden of proof to sustain an administrative allegation. As described above, Shaw engaged in "sexting" while on duty and also sent explicit digital photographs while on duty. Therefore, the allegation that Jonathan Shaw's actions were in violation of General Order 7.3.22 – Distractions From Duty, would reach the described standard of a **sustained** policy violation according to City of Margate Police Department General Orders.

Count III - General Order 7.3.57 – Neglect of Duty

¹⁷ Evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact.

The evidence gathered in this administrative investigation has established a preponderance of the evidence criterion burden of proof to sustain an administrative allegation. As described above, Shaw engaged in “sexting” while on duty, sent explicit digital photographs while on an active investigation. Shaw was negligent in leaving his subordinates that he was responsible for supervising on an active investigative surveillance to go and engage in sexual activity with a co-worker. Therefore, the allegation that Jonathan Shaw’s actions were in violation of General Order 7.3.57 – Neglect of Duty, would reach the described standard of a **sustained** policy violation according to City of Margate Police Department General Orders.

Count IV - General Order 7.3.63 – Harassment

Preponderance of the evidence criterion is the burden of proof to sustain an administrative allegation. No evidence has been obtained throughout this investigation that would substantiate or confirm the allegation that Jonathan Shaw used his official position to harass, threaten or coerce Officer Anne Clarke or Officer Amalin Hernandez. Therefore, the allegation that Jonathan Shaw’s actions were in violation of General Order 7.3.63 – Harassment would be a described standard of a **not-sustained, unfounded** policy violation according to City of Margate Police Department General Orders.

Count V - General Order 7.3.66 – Conduct Unbecoming (to wit: Engaging in sexual activity while operating or occupying a city owned, unmarked police vehicle) – Clarke Complaint

The evidence gathered in this administrative investigation has established a preponderance of the evidence criterion burden of proof to sustain an administrative allegation. This investigation revealed six documented incidents where Jonathan Shaw engaged in sexual activity while on duty and/or while operating his department issued police vehicle. Therefore, the allegation that Jonathan Shaw’s actions were in violation of General Order 7.3.66 – Conduct Unbecoming, to wit: Engaging in sexual activity while operating or occupying a city owned, unmarked police vehicle, would reach the described standard of a **sustained** policy violation according to City of Margate Police Department General Orders.

Count VI - General Order 7.3.66 – Conduct Unbecoming (to wit: Engaging in Quid Pro Quo by Utilization of Supervisory or Command Position Regarding Promotional Opportunities) – Hernandez Complaint

Preponderance of the evidence criterion is the burden of proof to sustain an administrative allegation. No evidence has been obtained throughout this investigation that would substantiate or confirm the allegation that Jonathan Shaw engaged in a Quid Pro Quo agreement with Officer Amalin Hernandez in regards to sex for special favor in an upcoming promotional process. Therefore, the allegation that Jonathan Shaw’s actions were in violation of General Order 7.3.66

– Conduct Unbecoming to wit: Engaging in Quid Pro Quo by Utilization of Supervisory or Command Position Regarding Promotional Opportunities would be a described standard of a **not-sustained, unfounded** policy violation according to City of Margate Police Department General Orders.

Count VII - General Order 7.3.1 - The Code of Ethics

The evidence gathered in this investigation established a preponderance of the evidence in regard to multiple ethics violations that former Chief of Police Jonathan Shaw's actions violate the Department's code of ethics as outlined in General Order Seven, Attachment A. The Margate Police Department Law Enforcement Code of Ethics for sworn employees sets a standard of values, principles and provides a guide to ethical conduct, behavior, performance, and decision-making for its sworn employees. As outlined in pertinent part in the Law Enforcement Code of Ethics, it states, "Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department."

Former Chief Jonathan Shaw's actions are demonstrative of knowingly and willingly engaging in behavior while both on and off duty that violate the City of Margate's Standards of Conduct and are clear examples of an unethical decisions and behaviors that negatively reflect upon his moral character.

Shaw admitted to visiting Amalin Hernandez's house while he was a Police Captain of the department and engaged in sexual activity with a subordinate. Shaw knew or should have known that his actions could ultimately have consequences that could lead one to view those actions as ethical lapses in judgement.

The evidence has demonstrated requisite preponderance of the evidence. Therefore, the allegation that former Chief of Police Jonathan's Shaw's actions were in violation of General Order 7.3.1 – The Code of Ethics, would reach the described standard of a **sustained** policy violation according to City of Margate Police Department General Orders.

Lastly, violations of this nature would constitute a failure to maintain good moral character as articulated in Florida Administrative Code (FAC) 11B-27.0011(4)(a)¹⁸: Moral Character. The substantial evidence gathered in this investigation has revealed facts and circumstances that would indicate a violation of this standard.

Accordingly, former Chief of Police Jonathan Shaw's actions represent conduct unbecoming an officer and indicate a failure to maintain good moral character administratively would reach the described standard of a **sustained** policy violation according to City of Margate Police Department General Orders.

¹⁸ The substantiated facts involve an act or conduct which constitutes: Engaging in sex while on duty.

FINAL STATEMENT

This investigator was tasked by City Manager Cale Curtis, as directed by the City of Margate City Commissioners, to complete a thorough, unbiased, and factual investigative report. This investigator has completed that task with the assistance of an outside investigator, John "Jack" Dale. This investigator gathered evidence and sworn testimony from multiple witnesses as well as the subject of the investigation. This investigator has provided no opinions or recommendations for actions against Jonathan Shaw within this administrative investigation. This investigator has provided a factual report based upon evidence gathered which demonstrate preponderance of the evidence as outlined above.

A final conclusion and decision for action against Jonathan Shaw will be determined by City Manager Cale Curtis under direction based upon a consensus reached by the Margate City Commission, to include: Mayor Antonio Arserio, Vice Mayor Anthony Caggiano, Commissioner Tommy Ruzzano, Commissioner Arlene Schwartz, and Commissioner Joanne Simone.

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have provided for a truthful investigation derived from information provided in documents, statements, and reports. I have not knowingly or willfully provided false information within this investigation.



Sergeant Paul Kostick

04/13/2022
Date:

Reviewed by:



Cale Curtis
City Manager

4/13/22
Date: