



## GAINESVILLE POLICE DEPARTMENT

### INTERNAL AFFAIRS INVESTIGATIVE REPORT

FILE CLASS:	IA Investigation	DATE OCCURRED:	March 3, 2021
TYPE OF COMPLAINT:	Internal	INTERNAL AFFAIRS #:	21-022
DATE RECEIVED:	May 14, 2021	DATE CLOSED:	August 4, 2021
RELATED CASES:	21-002966	ASSIGNED TO:	Sgt. Dana Strama

#### LOCATION OF COMPLAINANT

ADDRESS:	17500 W Newberry Rd	CITY:	Gainesville	ADDITIONAL INFO:	
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#### ASSOCIATED NAMES

CO:	Sgt. John Koprowski	RACE:	White	SEX:	Male	DOB:	Click here to enter text.
SO:	Sgt. Jeff Kerkau	FINDINGS:	Sustained	ACTIONS:	Employee Notice 14 days without take home vehicle		

#### APPLICABLE RULE OF CONDUCT

City Policy E-3 Rule 23 "Carelessness which affects the safety of personnel equipment, tools or property or causes materials, parts or equipment to be damaged or scrapped"

City Policy E-3 Rule 30 "Violating a Safety Rule"

#### COMPLAINT / NOTES / SUMMARY

On May 14, 2021, Internal Affairs received a referral from Sgt. John Koprowski of the Traffic Safety Team regarding a preventable crash involving Sergeant Jeff Kerkau. Based on the preliminary review, it appeared that Sergeant Kerkau's actions contributed to the crash and it was preventable. The damage to his patrol vehicle is over \$15,000. As this incident is categorized as a major crash by Gainesville Police Department General Order 61.7, it was forwarded to Internal Affairs to investigate.

The incident occurred on March 3, 2021 at approximately 0300 hours near the intersection of NW 175<sup>th</sup> St and W Newberry Road. Sergeant Kerkau was operating his assigned patrol vehicle #4242 when it went off the road and struck a tree. As the crash occurred outside of GPD's jurisdiction and the Florida Highway Patrol was called to investigate the crash. Trooper Sergeant Williams (ID #2038) completed the crash report under FHP CR#FHPB21OFF005086.

According to the crash report, Sergeant Kerkau was traveling west on W Newberry Road (State Road 26) in the left lane passing a vehicle on its right. They were east of the intersection of SW 175<sup>th</sup> St. During a period of rain on wet roads, Sergeant Kerkau lost traction and the vehicle began to rotate clockwise. Sergeant Kerkau's vehicle moved into the right lane ahead of the vehicle it was passing and rotated counter clockwise as it left the roadway and struck the curb to the north. Sergeant Kerkau's vehicle continued to travel in a northwest direction where the front of his vehicle struck a guardrail. The vehicle rotated back clockwise and the front struck a tree where it came to a final rest facing forward. The crash investigation lists a contributing circumstance: environment, weather conditions. It was raining at the time of the crash and the road was wet.

Sergeant Kerkau sustained non-life threatening injuries and was transported by EMS to the hospital. Drug Free Workplace was not conducted due to the severity of Sergeant Kerkau's injuries.

On June 30, 2021, I spoke to the witness [REDACTED] [REDACTED] over the phone. He told me he was traveling west on Newberry Road at approximately 50-52 MPH. He observed headlights approaching from behind him. As the vehicle passed him on the left he noticed that it was a police car. Mr. [REDACTED] stated that once the vehicle got ahead of him it went sideways across the roadway and crashed into the tree. He told me he tried to help the officer, along with another unknown couple who stopped, but the officer was unconscious. Mr. [REDACTED] said another officer arrived shortly after and she was able to wake him. I asked Mr. [REDACTED] for an estimate of Sergeant Kerkau's speed. He told me he was traveling around 50-52 MPH and that Sergeant Kerkau had to be going faster than that so probably 65 MPH or more.

Sergeant Kerkau's vehicle is not equipped with an in car camera and there is no video of the crash. However, Sergeant Kerkau's AVL (Automatic Vehicle Locator) was operating and it shows him traveling west at 72 MPH on W Newberry Road at the intersection of NW 161<sup>st</sup> Ter. At 0301 hours his location is W Newberry Road and NW 174<sup>th</sup> St traveling at 73 MPH. His MDC (Mobile Dispatch Computer) shows a connection failure at 0302 hours which would most likely be the time of the crash.

Sergeant Kerkau was noticed of the investigation and provided with the relevant material on July 15, 2021. He was subsequently interviewed on July 23, 2021. Sergeant Kerkau was provided his Garrity Warning and Officer Bill of Rights prior to being interviewed.

Sergeant Kerkau was severely injured during this crash so he doesn't remember much after the crash. Sergeant Kerkau told me he was going home after his shift and it was raining. He remembers passing a vehicle, later determined to be Mr. [REDACTED] and shortly after he lost traction on the roadway. He told me this felt like nothing he has experienced before and had no control over the vehicle. He says that he drives that road every day and there is nothing unusual about that area. He doesn't dispute the speeds from the AVL.

He said while he was recovering he received pictures from Lt. Giles of the rear tires from his patrol vehicle. The tires were showing below the "wear line". Sergeant Kerkau believes this was a contributing factor in the crash. Sgt. Kerkau told me that he was issued the vehicle in January and that



Officer Poirot had the vehicle prior to him. Officer Poirot told Sgt. Kerkau that when he turned the vehicle into City Fleet he told them they needed to replace the rear tires. I asked Sgt. Kerkau if he inspected the vehicle when he picked it up from Fleet and he said no. He wasn't aware at the time that the tires were supposed to be replaced. When he picked up the vehicle it was parked behind the Fleet building and not on the ready line. I checked with Fleet and they have no record of Officer Poirot telling them to change the tires. The Fleet work orders for vehicle 4242 show the following:

3/19/18- Screw in Lt Rear tire, tire replaced

4/19/18- Lt Rear tire has glass in it, tire replaced

8/9/19- Pulls to the right, checked tires does pull to the right. Replaced front tires and had an alignment done. Front tires may have been splitting

09/20- Oil change, aired tires, fluids. no other complaints noted.

3/3/21 crash damage

The last time the vehicle was at Fleet was in September 2020 and they "aired" the tires. City Fleet has a policy that they don't patch or repair patrol car tires. The tires are replaced when needed.

Sergeant Kerkau was issued a traffic citation by Trooper Williams for "Too fast for conditions, Drove too fast for conditions in rain on wet road" Sergeant Kerkau contested the citation on May 5, 2021, citing wear on the tires and an error on the Trooper's citation. Judge Curtain dismissed the citation. The damage estimate for Sergeant Kerkau's vehicle, which is a 2018 Dodge Charger is considered a total loss.

Gainesville Police Department General Order 41.3 "Department Vehicles" states in part, "Department members shall operate Department vehicles in a safe and skillful manner as set forth within the guidelines of Department policies and Florida State Statutes." Based upon the review of the crash report, photographs and damage estimates, it is clear that Sergeant Kerkau failed to use due care when operating his assigned vehicle on March 3, 2021.

Sergeant Kerkau's actions directly contributed to this crash and those actions were not in compliance with City Policy E-3, Rule 23, "Carelessness which affects the safety of personnel, equipment, tools or property or causes materials, parts, or equipment to be damaged," City Policy E-3 Rule 30, "Violating a Safety Rule and Practice" and Gainesville Police Department General Order 41.3 "Department Vehicles." As a result the violation of City Policy E-3, Rule 23 and Rule 30 is **sustained**.

Sergeant Kerkau does not have any prior similar incidents. The matrix in GO 61.7 shows that an employee that causes more than \$15,000 in total damages is classified as a Major Crash and therefore is assigned 3 points, an Employee Notice and loss of take home car for 2 weeks (14 days).

Further violations, similar in nature will result in progressive discipline up to and including suspension and/or dismissal.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true. Furthermore, I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

IA#: 21-022

Investigator:

*[Signature]* #184

Date:

8/4/21

IA Commander:

*[Signature]* #457

Date:

08-04-2021

Bureau Commander:

*[Signature]*

Date:

8-12-21

Chief Inspector:

*[Signature]*

Date:

8-11-2021

Assistant Chief:

*[Signature]*

Date:

8/11/2021

Chief:

*[Signature]*

Date:

8-11-2021