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## 'Ninja' cop awaits fate

May 2, 2008

By Jenny Andreasson  
The Voice

An Oviedo Police Officer under investigation for an unusual MySpace.com page says a city councilman's family is unfairly targeting him for termination.

Officer Justin Varkony's Web page included a description the department considered suspect, which read "Justin (is) a super-trained killer ninja fighter of the night who has not had a chance to use his special skills yet."

Varkony's gun and badge were taken April 4, and he was placed on administrative duty while an internal investigation is conducted.

Varkony's Web page may have violated the standards of conduct section of the department code of conduct, which states "Members and employees shall not engage in any conduct ... that is likely to adversely affect the discipline and good order of the department."

Police Chief Jeff Chudnow said the investigation will "hopefully" be completed this week and, if the complaint is sustained, discipline will be recommended. City leaders have speculated that Varkony could be fired over the sentence on MySpace.

Varkony has been the subject of 23 internal affairs complaints in almost eight years with the department. Eight of those complaints were sustained, meaning the department found some fault in Varkony's actions. Thirteen of the 23 complaints were filed between 2004 and 2005.

Interim City Manager Gene Miller said Varkony signed a "last chance" agreement after his last complaint, which stripped him of his right to appeal. "For repeated offenses a written reprimand is grounds for revocation of the agreement and termination of employment," the agreement states.

### 'Not a rogue cop'

WFTV Channel 9 interviewed 28-year-old Officer Justin Varkony for a story that aired April 11.

Varkony told a reporter with the TV station he is "not a rogue cop," but is being targeted after arresting a City Council member's family

member in 2004.

"The politics get rough," Varkony said. "We try to stay away from them, but unfortunately stuff happens."

Varkony apparently violated another department policy in talking to the station. The department's media policy states that only the "chief of police or an appropriate designee" can give information to the media concerning internal investigations.

Regarding the alleged policy violations, of the eight sustained against him, four were for causing minor damage to his car and one was for not showing up in court.

The last three sustained complaints resulted in suspensions — 12 hours without pay for an unauthorized pursuit, eight hours without pay for not letting his supervisor know he was following a vehicle that didn't stop, and two weeks without pay and six months probation for scratching notches into his Taser electrical stun gun to represent each time it was used.

Five of the 23 code complaints were not sustained due to insufficient evidence — these complaints concerned conduct toward the public, arrests, safe driving and standards of conduct. Six were exonerated, meaning the act occurred but was legal — two of these concerned his gun, though he never fired it. Four complaints were unfounded, meaning the act in question did not occur — these complaints fell under the categories of standards of conduct, carelessness, truthfulness and impartial attitude and actions.

### **Councilman's father complains about cop**

The most recent unfounded complaint was filed March 2007 by Anthony Persampiere Sr., City Councilman Dominic Persampiere's father, after being ticketed by Varkony while driving a truck that belonged to his son, Dominic's half brother.

Dominic Persampiere declined to comment about the investigation, saying the Council has been advised not to talk about Varkony. Anthony Persampiere Sr. also declined to comment. "The problems he (Varkony) has have nothing to do with my family at all," Persampiere Sr. said, "and I really do not wish to discuss it."

In the complaint, Persampiere Sr. alleged that Varkony banged on his truck window March 4, 2007, thinking he was his son, Anthony Persampiere Jr., who was wanted for questioning by police at the time because a witness said he scratched the paint of a car at the Oviedo Marketplace mall. According to Persampiere Sr., Varkony said he was "hunting" for Anthony Jr.

Persampiere Sr. referred to Varkony in his complaint as "an angry boy with a gun" and requested he be immediately removed from duty "because he is armed, reckless and extremely dangerous," the investigation report states.

Varkony denied banging on the window and saying that he was "hunting" for Anthony Jr. He also said that Persampiere Sr. was "very rude to me and used profanity" and "was kind of a jerk the whole time." Varkony said Persampiere Sr. said something to the effect of, "Why the [expletive deleted] are you busting Anthony's horns?"

The police investigation, which was conducted by the Seminole County Sheriff's Office, found Persampiere Sr.'s complaint to be unfounded — the act did not occur or the act was without merit. In the conclusion section of the report, the investigator writes that Persampiere Sr.'s "credibility and motivation are suspect" due to misleading statements made by him and his "openly expressed bias against Varkony."

### **Young Persampiere flees from cop**

That alleged bias may stem from a past incident involving Varkony and the Persampiere family. On Dec. 19, 2004, Varkony charged Anthony Jr. with reckless driving and issued him a series of traffic tickets.

Varkony states in the police report that he and three officers were standing in a road in the Alafaya Woods neighborhood talking to three men when they saw a car coming toward them at what three of the officers estimated to be 45 to 50 mph — the speed limit in the neighborhood was 25.

In the report, Officer Randy Lilly writes that Varkony and another officer shone their flashlights at the car and shouted for the car to stop but the car drove around the officers and ran a stop sign.

Varkony ran to his patrol car and chased down the suspect at the gate of another Oviedo neighborhood. He arrested Anthony Jr. and put him in his patrol car before any other officers got there. Lieutenant Mike Beavers, Varkony's supervisor, then arrived and told Varkony to issue Anthony Jr. a notice to appear in court, an alternative to taking him to jail.

In an article in the Orlando Sentinel a week later on Dec. 26, Persampiere Sr., who was not present during the incident, alleged that during Anthony Jr.'s arrest, Varkony "swore at Anthony, threw him on the trunk of his vehicle, and broke his stereo equipment."

A formal complaint was never filed with the Police Department, but according to the article, Councilman Dominic Persampiere helped to arrange a meeting with Persampiere Sr., the city manager and the police chief to discuss Anthony Jr.'s arrest.

Dominic told the Sentinel that he did not abuse his political power. "All I did is what I'd do for any other citizen," he said. "I didn't step in. All I did was arrange a meeting."

In Persampiere Sr.'s interview about the complaint filed against Varkony in 2007, he discussed this 2004 incident, including the Sentinel

article, saying that all charges were dropped against Anthony Jr., which wasn't true.

According to records obtained by the Oviedo Police from the State Attorney's Office, the reckless driving charge was amended to careless driving and Anthony Jr. pled guilty. The charge of failure to obey a lawful command of a police officer was dropped. He also had to complete driving school and pays court costs of \$115.50.

Persampiere Sr. had hoped to lump together a complaint about the 2007 incident and the 2004 incident, but since Anthony Jr. was older than 18 in 2004, Persampiere Sr. was told Anthony Jr. would have to file his own complaint. Anthony Jr. did not file a separate complaint.

### **'Killer ninja' a video game character**

Varkony's MySpace page was set to "private," Lynch said, meaning only friends could view all but the most basic information about him. A search for Varkony, before his page was removed, brought up his name, a thumbnail picture of him, and the "Killer ninja" comment. Nothing on the search result linked Varkony with Oviedo.

The chief of police found out about the Web page after Councilman Steve Henken reported it to the city manager, Lynch said. Henken said a reporter made him aware of it and it initially concerned him, but during an interview for this article he said it's tough to draw conclusions before the internal investigation is completed.

"It is concerning, but there are two sides to every story ... internals always turn up things you would have never thought about," Henken said.

A close friend of Varkony's, who asked to remain anonymous for fear Varkony would get in more trouble, wrote in an e-mail that the "Ninja" comment had to do with a video game Varkony likes to play. "Killer ninja fighter" is Varkony's "tag name" on an Xbox 360 game. She said he didn't come up with the phrase, though.

"It was in an e-mail a friend sent him several years ago," said the friend, who lives in Oviedo and has known Varkony for three years. "Justin thought it was funny so he cut and pasted the e-mail on his header, not knowing it would be seen by the public."

Jessica, another friend of Varkony's who asked that her last name not be used, confirmed that Varkony is an avid video gamer and comic book fan, and the "Killer ninja" comment was in reference to a game.

"This guy's a dork," said Jessica, who's known Varkony since October. "He has comic book crap all over his walls ... he has a Superman (decorated) bathroom for goodness sake — he's definitely a dork."

While the average number of internal affairs complaints Varkony received each year was probably higher than most officers, he was active when it came to making arrests, Lynch said, something that made him more susceptible to complaints.

His friends said Varkony is a proactive police officer who does his job well and has received numerous accolades throughout his tenure with the Oviedo Police.

A list of awards provided to The Voice, all on plaques or certificates in Varkony's home, includes four Awards of Commendation — one for single-handedly apprehending a suspect wanted for 16 bank robberies and one for resuscitating an elderly man.

He has three Unit Citations, including one for developing a confidential informant and conducting undercover videotaped crack buys that resulted in 12 felony arrests by his squad. He also identified eight cocaine dealers. He has three Certificates of Achievement, including one for "lifting" a fingerprint that identified an armed robbery suspect. He also has two Letters of Recognition from the Police Chief for solving burglary investigations and apprehending a burglar who was a career criminal.

"Justin is jokingly named 'Top Cop' because he always catches the bad guys when no one else can or will," his anonymous friend said.

### **Cop admits Taser incident 'stupid,' 'unprofessional'**

The anonymous friend said that Varkony has had lapses in judgment, such as notching his Taser each time he used it.

According to the report, in July 2005, Varkony "bragged about the incident and number of Taser deployments." Records show Varkony used a Taser 10 times as of May 23, 2005.

Each time a Taser is used by an Oviedo officer, five people in the department have to review and approve of its use afterward, Lynch said. Varkony was never found to have used his Taser when he shouldn't have.

The investigator wrote that Varkony said the notching "was stupid, unprofessional and he regrets doing it." Lynch said Varkony alleged other officers also notched their Tasers, which was not corroborated when all Tasers were inspected.

Varkony appealed the findings but his appeal was denied by then-City Manager Gerry Seeber. Seeber wrote in a memo that he had "grave concerns" about Varkony's behavior between July 2004 and July 2005.

"I hope that you now understand the seriousness of the incident in which you have been involved," Seeber wrote. "I strongly encourage you to be mindful of your behavior ... so that you will avoid any future disciplinary action."

Of Varkony's six other sustained investigations, three were for minor damage on his police car, one was for missing court and one was for not contacting his supervisor when he followed a vehicle that didn't stop for less than a mile.

The last one was for an unauthorized pursuit, where Varkony followed a car on Highway 417 for about six miles that was driving 120 mph. Varkony kept the vehicle in sight and drove between 70 and 80 mph, he said in the report. The complaint was sustained and he was suspended without pay for 12 hours.

The investigator wrote, "Varkony did not exercise good judgment and caution by following the Mustang at high speeds for an extended period ... his actions placed the occupants of the Mustang, himself and every vehicle they passed in danger of serious injury or worse." His appeal was denied.

Varkony's friend said he regrets some poor decisions he has made as an officer, but that "Justin is a great cop and I personally think the only thing he has done wrong in eight years is notch his Taser," she said.

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