



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Chief Michael J. Lewis

FROM: Agent Kraig Hupfer, Staff Services Unit

DATE: February 12, 2016

RE: Command Inquiry 2016-CI-001

I. Summary

On January 07, 2016, officers from the Titusville Police Department responded to the residence of Corrections Deputy Kyle Frieberg, ID#1059, in reference to a domestic disturbance with his live-in girlfriend (Refer to TPD case#2016-00001333). Once at the residence, they made contact with [REDACTED] who is Corrections Deputy Frieberg's live-in girlfriend with whom he has a child in common. Ms. [REDACTED] also has an older son (15yoa) from a previous relationship living at the residence. Ms. [REDACTED] advised Titusville Police that she and Corrections Deputy Frieberg had been arguing over family issues. During the course of the argument, Ms. [REDACTED] told Corrections Deputy Frieberg that she was going to leave with the children so that they could spend the night at a hotel. Corrections Deputy Frieberg then took the keys to the vehicles and hid them stating that the vehicles were in his name only. After hiding the vehicle keys, they continued to argue over family matters. At some point during the argument, Corrections Deputy Frieberg went to another room where he kept his BCSO issued firearm and moved it to another room where he kept his agency uniforms. Prior to placing the firearm in its case, Corrections Deputy Frieberg pulled the slide back and chambered a round. At no time did Corrections Deputy Frieberg display or threaten Ms. [REDACTED] with the firearm. *Corrections Deputy Frieberg later told Titusville Police Department officers that this was a daily routine for him to prepare for work the following day.* However after hearing the slide of the firearm being racked, the older son, who had been hearing the couple arguing, climbed out his bedroom window to wait outside. After securing the firearm, Corrections Deputy Frieberg returned to the bedroom where Ms. [REDACTED] was located and they continued their argument over family issues. During this encounter, Ms. [REDACTED] took out her cellular telephone and she began to audio record their argument. Ms. [REDACTED] gave conflicting statements to the Titusville Police Department as to what happened next. Initially, she stated that Corrections Deputy Frieberg intentionally pushed her however

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she later stated that Corrections Deputy Frieberg accidentally bumped into her when he attempted to knock the cellular telephone out of her hand. The alleged physical altercation caused her to fall on the corner of a couch. After completing their investigation, Titusville Police officers determined there were no signs of physical injury and probable cause had not been established for a domestic violence charge therefore an arrest was not made at the scene. Upon completion of the investigation, Corrections Deputy Frieberg agreed to allow Ms. [REDACTED] to leave the residence with the children that evening with one of his vehicles.

On January 12, 2016, Chief Michael J. Lewis authorized an Administrative Investigation of this incident.

On January 13, 2015, the Staff Services Office received this case for further investigation.

On January 14, 2016, Corrections Deputy Frieberg was served his notice of administrative investigation.

II. Possible Policy Violations:

- *400.00 General Professional Responsibilities*
- *400.06 Compliance with Law & Regulation*
- *400.18 Subject of an Investigation*

III. Witness Interviews:

[REDACTED]
Titusville, Fl.

On January 14, 2016, Agent Geweniger and I conducted a sworn, audio-recorded interview with Ms. [REDACTED] at the Brevard County Sheriff's Office Staff Services Office in Titusville, Florida. Ms. [REDACTED] stated that on January 07, 2016, she had been arguing with Corrections Deputy Frieberg about family issues over a period of a few days. On the date of the incident, they were together all day arguing to the point where she felt they were just irritating each other. As the arguing continued that evening, Ms. [REDACTED] decided that it would be best if she left the residence with the children before the arguing turned more serious. Corrections Deputy Frieberg consented to her leaving but he refused to allow her to leave in his vehicle. At some point during the arguing, Ms. [REDACTED] took out her cellular telephone and she began to audio/video record her interaction with Corrections Deputy Frieberg. She stated she did this out of "immaturity" and to later replay the argument back to him with the intent to aggravate him. Ms. [REDACTED] advised that Corrections Deputy Frieberg had previously recorded arguments in the past so she decided she would do the same during this argument. Corrections Deputy Frieberg objected to being recorded and he requested for her to stop the recording. Ms.

██████████ disputed Titusville Police Department's report of Corrections Deputy Frieberg knocking the telephone out of her hand. According to Ms. ██████████, he attempted to hit the stop button on her telephone and when doing so she tripped over a small cabinet door. When she fell onto the couch, she was not injured however the fall did knock the wind out of her. I apprised Ms. ██████████ of the conflicting statements given by her in the report produced by the Titusville Police Department. *During her initial call to the Titusville Police non-emergency line and subsequent audio interview at the residence, Ms. ██████████ clearly told the Titusville Police dispatcher and Titusville Police officers that the domestic incident had become physical and that Corrections Deputy Frieberg intentionally pushed her down.* Ms. ██████████ stated she was very upset at the time and she could not clearly remember what happened. At the time of the incident, she stated that she probably believed that she had been pushed. Once she had calmed down and eventually began to recall what transpired, she did not believe that she was pushed or physically touched. Ms. ██████████ described Corrections Deputy Frieberg's physical size (6'03" and 250lbs) and stated that it would have been a different outcome if he would have physically pushed her. Ms. ██████████ said that the Titusville Police officers kept coming back to her repeatedly questioning her about the incident. Every time that she answered their questions, officers would return back to her with a different version of the incident and question her about things that she did not previously say. During the repeated questions, she became frustrated and she advised that she became sarcastic with them. Ms. ██████████ reiterated that Corrections Deputy Frieberg never had any intent to harm or physically touch her and at no point was she ever afraid for her well-being.

I asked if alcohol was a factor in the domestic incident and she advised that Corrections Deputy Frieberg consumed approximately two beers with his dinner that evening. She stated that he definitely was not intoxicated and she did not believe he had any alcohol dependency issues.

At some point during the evening, Ms. ██████████ did recall Corrections Deputy Frieberg moving his BCSO firearm from a bedroom to another room where he normally keeps it secured. When Corrections Deputy Frieberg is scheduled to work the following day, Ms. ██████████ stated he has a daily routine of preparing for work by getting his uniforms ready and securing his firearm in a utility room. That way he does not have to wake anybody else up in the morning when he prepares to leave for work. Ms. ██████████ stated that at no time did Corrections Deputy Frieberg point or threaten her with the firearm stating that she felt that his handling of the firearm was totally irrelevant to the situation. Ms. ██████████ never heard the firearm slide being racked and she was surprised to learn that her son had climbed out his bedroom window due to the fact there had never been any previous incidents of domestic violence in the residence. Their arguing was occurring in front of the children so she understood that perhaps the timing of the firearm being racked concerned her older son to the point where he became scared. Ms. ██████████ *declined permission to allow agents to interview her son.*

Ms. ██████████ stated her relationship with Corrections Deputy Frieberg had deteriorated to the point they were no longer shielding their arguments from the children and she advised

the only reason she called Titusville Police was to seek legal guidance on how to have somebody leave her residence. When Corrections Deputy Frieberg refused to allow her to leave in his vehicles, she felt the only option was to have him removed from the residence. The residence was leased in her name but she knew that Corrections Deputy Frieberg was a legal resident and therefore she could not force him to leave. Their relationship had reached an impasse and she felt the need to have an outside source either calm the situation down or have some negotiation to allow one of the parties to leave the residence. Ms. [REDACTED] called the non-emergency line and she was frustrated when six Titusville Police officers arrived at the residence because she knew neither one of them had done anything legally wrong.

**Sergeant James Moffitt
Detention Center**

On January 22, 2016, I conducted a sworn, audio-recorded interview with Sergeant Moffitt at the Brevard County Sheriff's Office Detention Center. Sergeant Moffitt stated that on January 08, 2016, at approximately 03:00 a.m., he was the Unit 1 Supervisor when he received a telephone call from Corrections Deputy Frieberg. Corrections Deputy Frieberg advised Sergeant Moffitt that he would not be reporting to work for his assigned day shift due to the fact he had a domestic violence issue at his residence. He told Sergeant Moffitt that the Titusville Police had been called to his residence by his girlfriend because she had made allegations. Corrections Deputy Frieberg did not elaborate on any details of the allegations made by his girlfriend. Corrections Deputy Frieberg stated that the allegations were unfounded and the Titusville Police did not make any arrests. Corrections Deputy Frieberg advised Sergeant Moffitt that he needed the time off so that he could move from the residence. Sergeant Moffitt acknowledged his request and Corrections Deputy Frieberg told him that he would contact his direct supervisor (Sergeant Moore) to make her aware of his situation. I asked if there was any official documentation generated for this type of event to which Sergeant Moffitt stated there was none other than to have Corrections Deputy Frieberg contact his direct supervisor.

**Sergeant Kimberly Moore
Detention Center**

On January 22, 2016, I conducted a sworn, audio-recorded interview with Sergeant Moore at the Brevard County Sheriff's Office Detention Center. Sergeant Moore stated that on January 08, 2016, she was the shift supervisor when she realized that Corrections Deputy Frieberg did not report for duty. Sergeant Moore had not received a pass on from Sergeant Moffitt notifying the day shift supervisor that Corrections Deputy Frieberg had called into the jail earlier that morning stating that he would not be reporting for his assigned shift. Due to his absence, Sergeant Moore called Corrections Deputy Frieberg to ascertain why he had not reported for duty that day. Corrections Deputy Frieberg told

Sergeant Moore that he had not had any sleep the previous night because Titusville Police Department had to respond to his residence because of an argument he had with his girlfriend. He stated Titusville Police investigated the allegations made by his girlfriend at which time they left his residence without making any arrests. Sergeant Moore granted Corrections Deputy Frieberg the day off.

**Lieutenant Michelle Patrick
Detention Center**

On January 22, 2016, I conducted a sworn, audio-recorded interview with Lieutenant Patrick at the Brevard County Sheriff's Office Detention Center. Lieutenant Patrick stated that on January 08, 2016, she was working and present with Sergeant Moore when she spoke with Corrections Deputy Frieberg on the telephone about why he had not reported to duty. Corrections Deputy Frieberg had told them that he had a situation at his residence the previous night where his girlfriend had called the Titusville Police Department. Corrections Deputy Frieberg stated that his girlfriend had told the Titusville Police that he had pushed her to which he denied the allegation made by his girlfriend. After investigating the domestic violence allegations, Titusville Police left the residence without making an arrest. Corrections Deputy Frieberg was granted the day off to deal with his personal matters.

On January 09, 2016, Corrections Deputy Frieberg attempted to take a second day of annual leave. Lieutenant Patrick denied his leave request and she ordered him to report for duty. After reporting for duty, Corrections Deputy Frieberg gave a debriefing of the events that happened at his residence on January 07, 2016. Once Lieutenant Patrick had a better understanding of the incident, she contacted Titusville Police Department Sergeant Johnson to get a detailed report of the incident. Although the written report had not been approved by supervision, Titusville Police Sergeant Johnson advised that alcohol may have been a factor in the incident and that Corrections Deputy Frieberg had handled his agency issued firearm during the course of the domestic incident. After speaking with Titusville Police Sergeant Johnson, Lieutenant Patrick believed the incident was more serious than originally portrayed by Corrections Deputy Frieberg. Lieutenant Patrick then notified Major Hibbs of the information obtained from her initial inquiry into the domestic incident involving Corrections Deputy Frieberg.

IV. Subject Interview:

**Corrections Deputy Kyle Frieberg
Detention Center
Subject Interview**

On February 05, 2016, Agent Geweniger and I met with Corrections Deputy Frieberg at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn audio-

recorded interview with him. Once Corrections Deputy Frieberg reviewed the case file to his satisfaction, I initiated a sworn interview with him. Prior to asking Corrections Deputy Frieberg any questions, he was read the Administrative Investigation Warnings, which he acknowledged he understood and signed. Corrections Deputy Frieberg also acknowledged he understood he could have a representative with him during the interview but chose not to. I explained to Corrections Deputy Frieberg the nature of this investigation and asked him to explain what occurred at his residence on January 07, 2016. The following is a summary of the interview:

Corrections Deputy Frieberg advised that his relationship with Ms. [REDACTED] had been "day to day" and that several factors had been creating an increasing amount of stress to their relationship. He cited financial issues, several family issues and the fact their landlord had unexpectedly told them they were going to have to vacate their residence were all contributing factors to arguments he was having with Ms. [REDACTED]. On January 07, 2016, they were advised by their landlord that he (the landlord) was going to be coming to their residence with a realtor. Corrections Deputy Frieberg stated this initiated an argument about preparing the residence for the landlord's impending arrival. Corrections Deputy Frieberg spent the majority of the day preparing the outside of the residence while Ms. [REDACTED] prepared the interior of the residence. After completing the outside work, Corrections Deputy Frieberg went back inside the residence where he observed that there was still several things that needed to be completed prior to their landlord's arrival. They again began to argue at which time Corrections Deputy Frieberg left the residence to get a haircut. When he returned home for dinner, Corrections Deputy Frieberg stated they were still bickering back and forth. During dinner, he advised that they were making some snide comments towards each other but they attempted to curtail their verbal interaction so as not to upset the children while they were eating. It wasn't until after dinner that they really started to argue again. They then started talking about severing their relationship and discussed child custody over their son. The topic of child custody elevated their arguing when Ms. [REDACTED] told Corrections Deputy Frieberg that he would be a "weekend dad." Corrections Deputy Frieberg stated Ms. [REDACTED] knew this would be a sensitive subject to him and that bringing up child custody issues with his son would agitate him to the point he would respond negatively. At this time, Corrections Deputy Frieberg decided to walk away from the arguing so he took his son into a bedroom to play video games. While he was in the game room with his son, Ms. [REDACTED] was walking about the residence making small comments but for the most part their arguing had ceased.

Because he had told the TPD officers that he had been drinking prior to this incident, I asked Corrections Deputy Frieberg if he was intoxicated or if he felt alcohol may have been a factor in his decision making that evening. Corrections Deputy Frieberg estimated that he had consumed two or three beers around dinner time but he definitely was not intoxicated. As for his audio recorded interview with the TPD officers, he stated he just wanted to be honest about the fact that he had consumed some beers earlier that evening and he did not want to have the appearance that he was being misleading. He stated that

he typically does not drink alcohol after dinner or later in the evening so that he can spend his time with his son.

At some point during their arguing that evening, Ms. [REDACTED] decided she wanted to leave the residence with the children. Corrections Deputy Frieberg stated he did not have a problem with her leaving but he did not want her leaving the residence with their son so he hid the vehicle keys. He explained that with his shift work at the jail complex there are time periods of up to three days where he is unable to see or spend quality time with his son. So when he is off-duty, Corrections Deputy Frieberg said he cherishes whatever time he can spend with him.

At approximately 09:45 p.m., they again began to argue about multiple issues. When they went into the living room area, Corrections Deputy Frieberg observed that Ms. [REDACTED] was using her cellular telephone to record their argument which enflamed the situation. Corrections Deputy Frieberg stated he reached over to hit the red stop button on the telephone in an attempt to terminate the recording. As he did this, Ms. [REDACTED] turned her body away to shield the telephone from him. When she turned away from him, Ms. [REDACTED] may have tripped over the small cabinet doors to their entertainment center. Corrections Deputy Frieberg believed that Ms. [REDACTED] may have "flopped" or embellished her fall to get the attention of her older son who was in his bedroom. Corrections Deputy Frieberg described their living room couch as being approximately five feet from where the entertainment center is located. If Ms. [REDACTED] truly fell, Deputy Frieberg stated that she would not have been able to fall on the couch as she described. When she fell to the floor, Corrections Deputy Frieberg walked away from her to return to the game room. I apprised Corrections Deputy Frieberg of Ms. [REDACTED] repeated accusations of her being intentionally pushed by him to the Titusville Police Department. I asked Corrections Deputy Frieberg if it was possible that he may have accidentally bumped into her when he went to stop the audio recording on her telephone. Corrections Deputy Frieberg reiterated that at no time did he have intentional or accidental physical contact with her. In the heat of the moment, Corrections Deputy Frieberg believed that Ms. [REDACTED] may have originally believed that if she claimed physical contact between them she would have some sort of legal leverage against him during any child custody proceedings.

At some point during the evening, Corrections Deputy Frieberg realized it was getting late and he needed to prepare for work the following day. The night before he has to report to work, he stated he has a ritual of preparing his uniforms, duty belt and BCSO firearm. During his off-duty days, he secures his BCSO firearm in his back bedroom unloaded. The night before he reports to duty, he loads his BCSO firearm and he secures it in his utility room. He described the utility room as the main entry/exit point of his residence and he does this to avoid waking up Ms. [REDACTED] or the children at four o'clock in the morning. On this particular evening, Corrections Deputy Frieberg stated he began to prepare for work as he normally does. Although he was still arguing with Ms. [REDACTED] he did not believe this was out of the norm or noteworthy as this was his normal work preparation ritual. However, after reflecting back on the moment, Corrections Deputy

Friberg realized that the timing of him handling his firearm could have been perceived in a much different negative manner which would have explained why the older child climbed out his bedroom window. Corrections Deputy Friberg emphasized that he never displayed or threatened anybody with the BCSO firearm and that he was just preparing his uniforms and firearm like he always did to prepare for work the following day.

V. Other Investigative Efforts

I obtained a copy of Titusville Police Department's case report package (TPD case#2016-00001333) which included a case report, audio recorded interviews, non-emergency dispatch call and Ms. [REDACTED] audio/video cellular telephone recording. A review of the TPD case package revealed that Ms. [REDACTED] made several conflicting statements to the dispatcher and officers on scene that evening. Ms. [REDACTED] told the dispatcher that the situation with Corrections Deputy Friberg had escalated to a physical altercation and that he had been drinking. She later clarified that although Corrections Deputy Friberg had been drinking, he was not intoxicated. Ms. [REDACTED] also advised the dispatcher that Corrections Deputy Friberg had intentionally pushed her down. Due to her initial allegations of a physical altercation with Corrections Deputy Friberg, the dispatcher advised Ms. [REDACTED] that Titusville Police officers were enroute to her residence.

While on scene, Titusville Police Officer Quinn conducted an audio recorded interview with Ms. [REDACTED]. Ms. [REDACTED] advised Officer Quinn multiple times that the situation with Corrections Deputy Friberg "got physical" and that he intentionally pushed her down. As the investigation continued, Ms. [REDACTED] began to contradict earlier statements stating that any physical contact with Corrections Deputy Friberg was accidental. TPD Officer Quinn annotated in his case report that he did not observe any signs of physical injury to Ms. [REDACTED] and she refused any medical treatment. Ms. [REDACTED] told the officers that she called the Titusville Police because she wanted to leave the residence and she did not call about Corrections Deputy Friberg pushing her down. Due to the conflicting statements and lack of physical evidence, the TPD officers were unable to establish probable cause for an arrest related to this incident.

I reviewed the audio/video recording from Ms. [REDACTED] telephone that captured a portion of the domestic incident from January 07, 2016. *The video portion of the recording is of poor quality and for the most part indiscernible.* During the recording, Ms. [REDACTED] and Corrections Deputy Friberg are having a verbal dispute over family issues. Ms. [REDACTED] can be heard making petty insults towards Corrections Deputy Friberg. At some point during their argument, Ms. [REDACTED] starts to say, "Get the..." and then the recording depicts some sort of altercation after which Ms. [REDACTED] can be heard to be in physical distress. The recording would be consistent with either Ms. [REDACTED] account of Corrections Deputy Friberg attempting to grab/touch her telephone and she accidentally trips over a cabinet door or Corrections Deputy Friberg intentionally pushing her down. Due to the conflicting statements provided by Ms. [REDACTED], it is undetermined as to which scenario and/or statement would be accurate.

VI. Recommendation

On January 07, 2016, officers from the Titusville Police Department responded to Corrections Deputy Kyle Frieberg's residence in reference to a domestic disturbance with his live-in girlfriend, Ms. [REDACTED]. Ms. [REDACTED] told the Titusville Police dispatcher and responding officers that she had been involved in a physical altercation with Corrections Deputy Frieberg. Upon Titusville Police officers arriving at the residence, Ms. [REDACTED] made several audio recorded statements about Corrections Deputy Frieberg intentionally pushing her down. As the Titusville Police investigation continued, Ms. [REDACTED] made contradicting statements of whether the physical contact between her and Corrections Deputy Frieberg was intentional or accidental. Titusville Police officers did not observe any visible signs of injury and medical treatment was refused. Corrections Deputy Frieberg steadfastly denied the allegations of any physical contact between them. After completing their investigation, the TPD officers determined that probable cause had not been established for a domestic violence charge. To resolve the issue for the evening, Ms. [REDACTED] left the residence with the children.

During Ms. [REDACTED] witness interview with Staff Services, she contradicted her previous statements by claiming there was *never* any physical contact between her and Corrections Deputy Frieberg. At the time of the incident, Ms. [REDACTED] explained that she was extremely upset. She believed her emotional state of mind may have obscured her memory to the point where she believed at the time that she was physically touched by Corrections Deputy Frieberg. After having time to reflect on the situation, she stated that she now recalled accidentally tripping over the cabinet door as she pulled away from Corrections Deputy Frieberg's attempt to hit the stop button on her telephone. By Ms. [REDACTED] own admissions, her interactions with Corrections Deputy Frieberg during the incident were "immature." She also acknowledged that during her subsequent interaction with the TPD officers that she became "sarcastic" when answering their questions.

Through the audio recorded non-emergency telephone call to Titusville Police Department and audio recorded interviews by Titusville Police and Staff Services, it is apparent that there was a domestic disturbance between Corrections Deputy Frieberg and Ms. [REDACTED]. Ms. [REDACTED] provided multiple conflicting statements to the TPD officers as well as to Staff Services about what actually occurred that evening. During the course of the criminal investigation and this administrative investigation, Corrections Deputy Frieberg has maintained a consistent version of this incident in the statements he has made. He acknowledges that there was a verbal argument but has denied that there was ever any physical contact with Ms. [REDACTED].

Due to the contradictory statements and lack of any physical evidence, it cannot be determined if there was any physical contact, either intentional or accidental, between Corrections Deputy Frieberg and Ms. [REDACTED].

During the course of the domestic dispute that evening, Corrections Deputy Frieberg began to prepare for work the following day. As part of this process, Corrections Deputy Frieberg retrieved his agency issued firearm and charged it before securing it in another room. Ms. [REDACTED] advised that Corrections Deputy Frieberg's firearm handling that evening did not phase her at all as this was normal for him. She described his firearm handling as being "irrelevant" to the situation. Even though he was not interviewed for this investigation, the other minor child that was in the residence stated that after hearing the arguing and subsequent charging of the firearm, he became scared and exited through his bedroom window. Deputy Frieberg understood why the older son may have negatively perceived the timing of him charging his BCSO firearm. Corrections Deputy Frieberg expressed remorse for the misconception stating he knew it must have been "emotionally tragic and horrible" for the older son to perceive the situation in such a negative way.

After Titusville Police officers left his residence, Corrections Deputy Frieberg stated that he contacted the on-duty midnight shift supervisor (Sergeant Moffitt) to advise that he would not be reporting to his shift that day. Sergeant Moffitt confirmed that he did take this call, and that he instructed Corrections Deputy Frieberg to contact his supervisor, Sergeant Moore. Sergeant Moore did not receive any pass-on regarding Corrections Deputy Frieberg missing work. When he did not report for his assigned shift, she contacted him and he explained what had occurred. Sergeant Moore granted Corrections Deputy Frieberg the day off to deal with his personal matters. The conversation between Sergeant Moore and Corrections Deputy Frieberg was conducted via speakerphone, Lieutenant Patrick was also present with Sergeant Moore during the conversation and was aware of the initial domestic violence allegations. It was not until Lieutenant Patrick denied Corrections Deputy Frieberg's request for a second day off that she determined further inquiry was warranted and she contacted the Titusville Police Department.

Although this investigation was unable to determine exactly what occurred or who the primary aggressor was during this incident, it is clear that Corrections Deputy Frieberg engaged in an hours long verbal argument with Ms. [REDACTED] while two minor children were present in the residence. During the course of this incident, Corrections Deputy Frieberg has acknowledged that he consumed at least two alcoholic beverages with his dinner. Although he stated he was not intoxicated, during his interactions with the TPD officers, Corrections Deputy Frieberg stated that he did not leave the residence because he had been drinking. During his interview with Staff Services, Frieberg repeated that he had a couple of beers but was not intoxicated. What is clear is that he had consumed at least two alcoholic beverages and was in the middle of an on-going argument with his live-in girlfriend when he decided to access his agency issued firearm and charge the weapon. Corrections Deputy Frieberg displayed poor decision making during this incident as he may have been able to resolve the issue earlier by leaving the residence. His decision to access his agency issued weapon during the argument was also problematic as it resulted in the minor child crawling through his bedroom window as he was in fear for his well-being.

Based on the facts set forth in this administrative investigation, I recommend the following:

That the allegation against Corrections Deputy Frieberg that he violated **400.00 General Professional Responsibilities** be closed as **"Sustained."**

That the allegation against Corrections Deputy Frieberg that he violated **400.06 Compliance with Law & Regulation** be closed as **"Not Sustained."**

That the allegation against Corrections Deputy Frieberg that he violated **400.18 Subject of an Investigation** be closed as **"Unfounded."**

VII. Enclosures


- Copy of Titusville P.D. case report with audio interviews (C/R#2016-00001333)
- Copy of audio recorded call from Ms. [REDACTED] to Titusville P.D. dispatch center
- Copy of audio/video recording from Ms. [REDACTED] cellular telephone
- Memorandum from Chief Lewis to Commander Donn titled "Authorization for Administrative Investigation 2016-CI-001."
- Notice of Administrative Investigation
- Administrative Investigation Warning

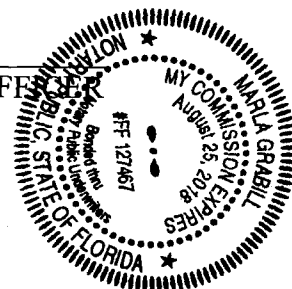
VIII. Oath

I, Agent Kraig Hupfer, 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.

Signed  210
Agent Kraig Hupfer, ID 210

Sworn to and subscribed before me, the undersigned authority, this 15th day of February, 2016.

Signature 
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER
IN PERFORMANCE OF OFFICIAL DUTIES





Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Corrections Deputy Kyle Frieberg
FROM: Chief Michael J. Lewis *99*
DATE: March 03, 2016
RE: Final Action
Administrative Investigation 2016-CI-001

A TRUE COPY
TIME 11:55 AM
DATE 3-5-16
BREVARD COUNTY SHERIFF'S
OFFICE
Received By: CAD Kyle Frieberg
[Signature]
Signature of Employee Served
Served by:
[Signature] 216

Administrative Investigation 2016-CI-001 was initiated in response to allegations that your actions may have violated Brevard County Sheriff's Office policies and procedures.

During your "Pre-Deprivation Hearing" on February 24, 2016, you displayed a positive attitude and recognized that you had family concerns that needed to be addressed. Your willingness to seek assistance prior to your "Pre-Deprivation Hearing" has shown that you have taken this matter seriously and mitigated any intended corrective action in this matter. I encourage you to continue with your assistance program so that this type of incident can be avoided in the future.

As you are aware, a recommendation of a sustained violation was made however after a review of the administrative investigation and speaking with you during your "Pre-Deprivation Hearing", I have determined that the allegation that you violated **G.O. 400.00 General Professional Responsibilities** shall be closed as "Not Sustained." This decision was not made lightly and it is predicated on your assurances to me that you were addressing the root issues of this incident so that they will not happen again.

c: Major James Dodson, Jail Complex
Major Ronald Tomblin, Jail Complex
Investigative File 2016-CI-001