



**Brevard County Sheriff's Office**  
Titusville, Florida

**DATE:** August 11, 2016

**TO:** Chief Deputy Doug Waller

**FROM:** Agent James J. Landen, Staff Services Unit *JL #044*

**RE:** Command Inquiry 2016-CI-013  
Deputy Lyndale Smith #0296

**I. Allegation:**

The basis of this Command Inquiry is an allegation of substandard performance by Deputy Lyndale Smith. The allegations are detailed in a memorandum from Lieutenant John Boyd to Commander James Woolsey, dated April 21, 2016. Many of the incidents and allegations detailed in Lt. Boyd's memorandum had previously been addressed by Deputy Smith's supervisors at the time they occurred. The incidents addressed in the memorandum had occurred as far back as 2014 when Deputy Smith was assigned to Operational Services as a K-9 handler and as recently as April 2016 when Deputy Smith was assigned to the North Precinct as a Patrol Deputy.

On April 29, 2016, Deputy Smith had a meeting with Sheriff Wayne Ivey wherein the contents of Lt. Boyd's memorandum were discussed with him. During this meeting Deputy Smith told Sheriff Ivey he would correct his behavior and perform at the level expected of him. Chief Deputy Doug Waller and North Precinct Commander James Woolsey were also in attendance at this meeting.

On May 20, 2016, Chief Deputy Doug Waller authorized an Administrative Investigation into the actions of Deputy Smith as detailed in Lt. Boyd's memorandum.

**II. Possible Policy Violations:**

- 400.04 *Substandard Performance*
- 400.17 *Sexual, Racial, and Religious Harassment*



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### **III. Witnesses**

#### **Sergeant C. Adelman #0140 Brevard County Sheriff's Office/Patrol Services**

On Wednesday June 15, 2016, I conducted a sworn interview with Sergeant Adelman, during that interview he advised that he has supervised Deputy Smith for the past eleven months. During the time that Deputy Smith was assigned to Sgt. Adelman's shift there were several documented incidents involving Deputy Smith. These incidents included Smith losing his patrol vehicle's keys, crashing his patrol vehicle, and getting his vehicle stuck off the road. Two of these incidents were documented as employee counseling's, refer to 2015-COMP-089 and 2016-T-010. Sgt. Adelman advised that Lt. Boyd was present during every counseling session that occurred involving Deputy Smith. Sgt. Adelman also advised that prior to Deputy Smith's meeting with Sheriff Ivey on April 29, 2016, there had been incidents of Deputy Smith talking to members of his squad attempting to impart his personal religious beliefs on them. Sgt. Adelman advised that he had instructed Deputy Smith to stop this activity as it was causing problems within the squad. There had also been complaints from citizens in reference to Deputy Smith praying with other citizens and not handling his assigned calls in a proper and timely manner.

Sgt. Adelman reported that after Deputy Smith met with Sheriff Ivey on April 29, 2016, he came to the next squad meeting and told everyone that he would no longer be trying to pray with them, and that he intended to act in a professional manner. Sgt. Adelman stated that he had not received any new complaints from citizens or employees since Deputy Smith's meeting with Sheriff Ivey.

#### **Lieutenant John Boyd #0360 Brevard County Sheriff's Office/Patrol Services**

On June 14, 2016, I conducted a sworn interview with Lieutenant Boyd, during the recorded interview he stated that he wrote the memorandum dated April 21, 2016 to Commander James Woolsey. Lt. Boyd stated that he wrote that memo over concerns about Deputy Smith's overall job performance and interaction with other North Precinct employees. Lt. Boyd stated that he had worked with Deputy Smith previously and he felt his personality had changed and his performance as a Deputy Sheriff had diminished in recent years. Lt. Boyd added that he has received complaints about Deputy Smith from citizens and other Sheriff's Office employees. Lt. Boyd stated that much of the information in his memorandum was developed by reviewing Deputy Smith's personnel record and simply listing the various counseling's and other completed administrative actions already

in his file. Lt. Boyd stated that he attempted to verify the contents of his memo by speaking with Deputy Smith's prior supervisors and field training officers.

One of the issues I discussed with Lt. Boyd is the allegation that, while he was assigned to Court Services, Deputy Smith had left his assigned area and was later seen "running wind sprints in full uniform in the parking lot of the court house." None of the Court Deputies that were interviewed for this investigation had any awareness of this incident and Lt. Boyd was unable to remember where this information came from.

Lt. Boyd advised that since Deputy Smith's meeting with Sheriff Ivey, there has been no further complaints from employees or citizens, and it appears that Deputy Smith is acting in a professional manner, and handling his calls for service in accordance with BCSO policy.

**Corporal Patrick Ford #0500**  
**Brevard County Sheriff's Office/Court Services**

On June 14, 2016, I conducted a sworn interview with Corporal Patrick Ford at the courthouse. During that interview Cpl. Ford stated that he read the DOR that he completed on Deputy Smith, and the information contained on the document was accurate to his memory of the incidents that occurred on June 8, 2015. Cpl. Ford stated that he only worked with Deputy Smith one time and that he had not had any contact with him since he left the courthouse.

**Lieutenant Mike Green #0089**  
**Brevard County Sheriff's Office/Patrol Services/Canine**

On June 17, 2016, I conducted a sworn interview with Lt. Green who was Deputy Smith's supervisor while he was assigned to the Canine Unit. During that assignment Lt. Green received complaints from supervisors of other precincts and citizens in reference to Deputy Smith's actions. Lt. Green documented the incidents which eventually lead to Smith being reassigned to East Precinct as a Patrol Deputy and losing his Canine position. Refer to Administrative Action's 2014-T-067, 2014-A-113, 2014-A-045.

Lt. Green stated that he has had very little contact with Deputy Smith since his assignment to North Precinct.

**Corporal Richard Hargraves #0492**  
**Brevard County Sheriff's Office/Court Services**

On June 3, 2016, Major Fischback conducted a sworn interview with Corporal Hargraves. During the interview Cpl. Hargraves stated that he had authored the memorandums related to Deputy Smith's time assigned to the training program within Court Services. Cpl. Hargraves confirmed that those memos were accurate and complete. Cpl. Hargraves

did not provide any new information during the interview that was not written in his memorandums.

**Corporal Craig Mawn #0658**  
**Brevard County Sheriff's Office/Court Services**

On June 14, 2014, I conducted a sworn interview with Cpl. Mawn, who advised the Daily Observation Reports that he provided were accurate and complete. He further advised he did not recall any other incidents that were not documented in the DOR's. Cpl. Mawn further advised that he has not had any recent contact with Deputy Smith.

**Sergeant Steven McNatt #0349**  
**Brevard County Sheriff's Office/Court Services**

On June 3, 2016, Major Fischback conducted a sworn interview with Sergeant McNatt. During that interview Sgt. McNatt stated that he was familiar with the problems that Deputy Smith had at the courthouse. Sgt. McNatt confirmed that Smith had left the courthouse on a couple of occasions while on duty without making proper notification. He added that Deputy Smith was not doing well in the FTO program at the courthouse. Sgt. McNatt said he felt that Smith was not receptive to being supervised by the FTO's at the courthouse. Sgt. McNatt did not provide any written memorandums that addressed Deputy Smith's behavior, as he believed it was all covered in the DORs written by the Field Training Officers.

**FTO Mark Medley #0650**  
**Brevard County Sheriff's Office/Court Services**

On June 14, 2016, I conducted a sworn interview with FTO Medley at the Viera Courthouse. During that interview FTO Medley confirmed that he had documented Deputy Smith's actions on the provided Daily Observation Reports during the month of July 2015, and the reports were accurate. FTO Medley did not provide any new information that was not written in the DORs.

**Deputy Sherry Pope #0228**  
**Brevard County Sheriff's Office/Court Services**

On June 3, 2016, Major Fischback conducted a sworn interview with FTO Sherry Pope. During the interview Deputy Pope stated that she felt that Deputy Smith was constantly challenging the way that he was being taught to conduct business at the courthouse. One incident that was brought up by Deputy Pope was an incident where she observed Deputy Smith get up and walk out of a computer training session.

Deputy Pope was asked about the incident where Deputy Smith was allegedly observed doing wind sprints in the parking lot, she stated that she did not observe this incident.

Deputy Pope stated that she documented Deputy Smith's actions on his DOR's while she supervised him as his FTO during the month of June 2015.

**Lieutenant Ross Torquato #0202**  
**Brevard County Sheriff's Office/Patrol Services**

On June 15, 2016, I conducted a sworn interview with Lieutenant Ross Torquato. Prior to the interview I asked him to read the memorandum from Lt. Boyd as well as an employee counseling form completed by Lieutenant Mike Green.

Lt. Torquato confirmed he had reported to Lt. Green on April 3, 2014, that Deputy Smith had not responded to his radio while dispatch was attempting to check his status on two separate occasions. Lt. Torquato further advised that he was supervising Deputy Smith who was working calls at West Precinct during both of the incidents. After the first incident Lt. Torquato counseled Deputy Smith about responding to his radio when being called by dispatch. Lt. Torquato reported and documented the second incident to Lt. Green, he did not discuss it with Deputy Smith as he did not feel that Deputy Smith was responsive to the earlier counseling.

**Commander James Woolsey #0128**  
**Brevard County Sheriff's Office/Patrol Services**

On July 7, 2016, Agent LaRoche and I conducted a sworn interview with Commander Woolsey. During that interview Cmdr. Woolsey confirmed he had read and signed off on the memorandum from Lt. Boyd. Cmdr. Woolsey stated that he was present during the meeting between Sheriff Ivey and Deputy Smith on April 29, 2016, during that meeting several issues were discussed and he felt the Sheriff Ivey made it clear to Deputy Smith that his actions and conduct were not acceptable. Cmdr. Woolsey stated that since that meeting, Deputy Smith has been working at or above standards. He further advised that he has not received any new complaints about Deputy Smith from citizens or BCSO employees.

**Deputy Terry Worthy #0067**  
**Brevard County Sheriff's Office/Court Services**

On June 16, 2016, I conducted a sworn interview with Deputy Terry Worthy. During the interview Deputy Worthy advised that while Deputy Smith was assigned at the Viera Courthouse he had very little contact with him. Deputy Worthy was assigned to the front security post and Deputy Smith was never assigned to that post. His only recollection was that Deputy Smith no longer wanted to be called "Colt" as his name is "Lyndale." Deputy Worthy thought this was strange, because he had always known him as Colt.

**V. Subject Employee:**  
**Deputy Lyndale Smith #0296**  
**Brevard County Sheriff's Office/Patrol Services**

On July 08, 2016, Agent LaRoche and I conducted a sworn recorded interview with Deputy Lyndale Smith. Prior to the interview Deputy Smith was allowed to review the case file and listen to all the recorded interviews. Deputy Smith chose to listen to only some of the recorded interviews. Prior to the interview, Deputy Smith had been advised that he had a right to bring a representative with him to the interview and to have only investigator ask him questions during the recorded interview. Deputy Smith acknowledged that he understood and was waiving both of these provisions. Deputy Smith was sworn in and was read the Administrative Investigative Warning.

I asked Deputy Smith if he recalled an incident at the Viera courthouse where he was allegedly observed running "wind sprints" in the parking lot. Deputy Smith stated he did not recall that ever happening, and denied that he had done that.

I also asked him about a documented incident in reference to him leaving the courthouse to go get coffee. Deputy Smith stated that he had never left the courthouse to get coffee. He did describe an incident where his earpiece had broken off inside his ear and he left to go to the store and purchase tweezers to remove the broken part.

He also described an incident where he was shining the flashlight at one of the corporals. He described this as "fooling around with people he thought were his friends." Deputy Smith stated that he reviewed the Daily Observation Reports that were completed when he was assigned to Court Services. He stated he did not agree with all the comments and stated they were the opinions of his FTO's. Although Deputy Smith disputes some of the information documented in the DOR's, he took responsibility for all his actions during the time he was assigned to the courthouse.

Deputy Smith acknowledged the incidents that were documented by Sgt. Adelman on counseling forms provided by North Precinct. Deputy Smith stated the counseling forms were accurate and those incidents did occur.

Deputy Smith stated that since the meeting with Sheriff Ivey on April 29, 2016 he has not received any complaints from the public or his co-workers. He was asked if he had changed his behavior to better follow the policies and procedures of the Sheriff's Office. Deputy Smith answered this question by stating that he planned on continuing to do his job, act in a professional manner, and to serve and protect the public.

**V. Official Records:**

**A. Authorization for Command Inquiry from Chief Deputy Doug Waller.**

- B. Memorandum from Lieutenant John Boyd to Major James Woolsey.
- C. Notice of Administrative Investigation.
- D. Administrative Investigation Warning.

**VI. Exhibits:**

- A. Memorandums and Daily Observation reports from Court Services.
- B. Employee Counseling Reports and memorandums from Sgt. Adelman.
- C. Employee Counseling Reports and memorandums from Sgt. Green.

**VII. Recommendations:**

Based on the facts developed during this Administrative Investigation it was determined that, prior to his April 29, 2016 meeting with Sheriff Ivey, that Deputy Smith had violated BCSO policies and procedures. The common thread that runs through the performance issues, and the interactions with his co-workers, was Deputy Smith's insertion of his own religious beliefs into his daily interactions with both citizens, and his co-workers. The two policies that appear to best address this conduct are BCSO policies: **400.04 Substandard Performance** and **400.17 Sexual, Racial, and Religious Harassment**.

Most of these incidents were addressed at the time they occurred with various levels of informal corrective actions such as counselings or documentation onto Daily Observation Reports. Whether they had already been addressed or not, **all** the allegations and violations contained in Lt. Boyd's memorandum were addressed with Deputy Smith during the counseling session with Sheriff Wayne Ivey on April 29, 2016.

Commander James Woolsey, Lieutenant John Boyd, and Sergeant Craig Adelman have all confirmed that Deputy Smith's conduct and job performance have improved since his meeting with Sheriff Ivey.

As the Counseling Session with Sheriff Ivey addressed all the allegations contained in this report and, since Deputy Smith has modified his behavior to bring himself into compliance with agency policy and procedures, my recommendation would be to let the **Counseling Session** serve as the **Corrective Action** in this matter and that the no further action be taken in regards to this matter.



**VIII. Oath**

I, Agent James J. Landen, 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 *James J. Landen*  
Agent James J. Landen ID 048

Sworn to and subscribed before me, the undersigned authority, this 11th day of August, 2016.

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

