



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Chief Deputy Doug Waller
FROM: Agent Kirk Geweniger, Staff Services Unit
DATE: June 8, 2016
RE: Command Inquiry 2016-CI-014

D. Waller
6/13/16
K. Geweniger
Staff Services

I. Allegation

On May 11, 2016, the Brevard County Sheriff's Office received an e-mail at admin@bcso.us from [REDACTED]. The content of the e-mail identified the author as a Mrs. [REDACTED] Preston who is the ex-wife of Brevard County Sheriff's Office employee, Agent Matthew Preston with whom she shares custody of their four-year-old daughter with.

In essence, Mrs. Preston indicated that on May 10, 2016, her four-year-old daughter returned home from her father's residence. The following morning on the 11th, she overheard her daughter make a comment using the word "shoot." She questioned her daughter and that is when she indicated that while she was at her father's residence, he had told her that he was going to come to their house and shoot everyone inside. Mrs. Preston indicated that she asked her to repeat herself and recorded the conversation. She immediately sent Mr. Preston a text message concerned and demanding to know why their daughter had made such a statement. After Mr. Preston responded to her with a text message, denying that he made such a statement to their daughter. She called and reported the incident to Rockledge Police Department to make a report of the incident and document it (case number 2016-13758).

Later the same afternoon Agent Preston contacted Lieutenant Alex Fischback of Staff Services Unit and briefed him in regards to his involvement with the Rockledge Police Department and the allegations reported by his ex-wife. Preston informed Lt. Fischback that he had already briefed his supervision at his respective precinct and wanted to bring awareness to the Staff Services Office should they be notified by an outside source.

On May 23, 2016, Chief Deputy Doug Waller authorized a formal administrative investigation be conducted regarding the allegations.

II. Possible Policy Violations:

- ***General Order 400.00 General Professional Responsibilities***

III. Witnesses:

**Ilene Manzo
Officer
Rockledge Police Department**

On May 13, 2016, Agent Kraig Hupfer and I made contact with Officer Ilene Manzo with the Rockledge Police Department (RPD). Officer Manzo stated that RPD received a call for service on May 11, 2016, in reference to a verbal dispute which she was assigned to and responded to the residence.

Upon arrival, Officer Manzo indicated that she made contact and spoke to Mrs. [REDACTED] Preston and Mrs. Preston's daughter. Mrs. Preston reported that on May 11, 2016, she and her four-year-old daughter were eating breakfast when she overheard her daughter say the word "shoot." Mrs. Preston stated that she asked her daughter what she had just said. Her daughter told her that her father (Matthew Preston) told her that he would shoot everyone in her house if "Travis" (Mrs. Preston's boyfriend, Travis Holloway) did not stay away from her.

Mrs. Preston advised that she had her daughter repeat what she had just said so it could be recorded. Mrs. Preston advised that she then sent Mr. Preston a text message indicating what their daughter had just said and she wanted to know why their daughter would say something so disturbing. Mr. Preston allegedly responded back telling her to stop putting ideas in their daughter's head and that she (Mrs. Preston) was only trying to get him in trouble at work.

Officer Manzo stated that she attempted to qualify the four-year-old to conduct an interview with her; however, the four-year-old was not able to determine the difference between the truth and a lie nor could she properly answer qualifying questions.

Officer Manzo advised that she contacted Mr. Preston and spoke to him regarding the allegations made by Mrs. Preston. During their conversation, Mr. Preston denied making any statement to his daughter to the effect Mrs. Preston was claiming. Officer Manzo advised that Mr. Preston expressed two concerns he had that pertain to Mrs. Preston. First, Mrs. Preston has allowed her boyfriend, which she had only been with for a couple

of months, to move into her home with their four-year-old daughter. The second, is that Mrs. Preston is allowing their daughter to sleep in the bed with her and her boyfriend. Mr. Preston stated that he had voiced his concerns with Mrs. Preston to no avail.

Officer Manzo advised that during her contact with Mr. Preston he was forthcoming and cooperative with her investigative efforts.

Officer Manzo stated that after speaking to the parties involved, she determined that there was no evidence that a crime had occurred and she had closed her report and referred it to file for informational purposes only.

Officer Manzo provided me with a copy of the written statement made by Mrs. [REDACTED] Preston, copies of the text messages between Mr. and Mrs. Preston, a copy of the audio recording between Mrs. Preston and her daughter, and all on-scene video and audio footage of her interactions with Mrs. Preston and her daughter (body-cam).

[REDACTED] Preston
Complainant
Rockledge, Fl.

On May 13, 2016, Agent Kraig Hupfer and I met with Mrs. [REDACTED] Preston. I showed Mrs. Preston a copy of the e-mail that was sent to our office on May 11, 2016. Mrs. Preston confirmed she in fact was the author and it was an accurate copy of what she had sent. I showed Mrs. Preston a copy of the text messages and a written statement that she had provided to Officer Manzo on May 11, 2016, both of which she confirmed they were true and accurate.

Agent Hupfer and I then conducted a sworn audio-recorded interview with Mrs. Preston. The information Mrs. Preston provided was consistent to what she had already reported to Rockledge Police, which was documented in Officer Manzo's report and the e-mail she had sent our office.

Mrs. Preston added that she felt Mr. Preston is bitter because the court, during their divorce, awarded her half of his retirement for the time they were together. Mrs. Preston alleged Mr. Preston was upset about the court's decision and he allegedly told her that if she agreed to give the money back he would leave her alone.

Mrs. Preston stated that she is not concerned with the comments made by Mr. Preston that pertain to her however, what he says in front of their daughter is a concern. Because of his comments, she feels their daughter needs counseling, which he will not agree to. Mrs. Preston added she does not want to see him in trouble, she just wants him to stop interfering with her relationship(s). Mrs. Preston requests Mr. Preston to stop saying

inappropriate things in front of their daughter and agree to get their daughter into counseling.

IV. Additional Investigative Efforts:

An audit was conducted by the IT Unit of the Brevard County Sheriff's Office. The audit indicated that no one utilized any of the Sheriff's Office databases to include BULLET, D.A.V.I.D, and New World to access Mrs. Preston's boyfriend, Travis Holloway's information.

I reviewed the text message series consisting of six (6) messages provided by [REDACTED] Preston and none of which contain any threatening content.

V. Subject Officer

Matthew Preston
West Precinct / GCU Agent
Brevard County Sheriff's Office

On May 24, 2016, I made contact with Agent Matthew Preston and provided him with a "Notice of Administrative Investigation." I explained the nature of the allegations and informed Preston he had the option to contact a representative of his choice if he desired to have one with him during his interview. An interview was scheduled, based on the availability of Preston's Fraternal Order of Police (F.O.P.) representative for June 2, 2016.

On June 2, 2016, 1830 hours, Preston arrived with his F.O.P. representative, Ned Golden. Prior to the sworn audio-recorded interview, Preston reviewed the investigative file to include all audio files. Details of his sworn audio-recorded interview are as follows:

Agent Preston advised he and his ex-wife, [REDACTED] Preston have been divorced for approximately 2 ½ years. Following the divorce, he was awarded by the court 51% custody of their four-year-old daughter to include all decision making authority for school purposes and joint decision on medical issues, such as counseling. Preston stated that since their divorce, [REDACTED] had dated several people. He and [REDACTED] have had several disagreements during that time and he has expressed his discomfort for how quickly she introduces her boyfriends into their daughter's life. With that being said, he strongly denied ever interfering with or threatening any of the individuals [REDACTED] was dating. As it pertains to her current boyfriend, Travis Holloway he was told by his daughter that Mr. Holloway had moved into the house with them and they had all slept in the same bed. Preston stated this was disturbing to him and unacceptable if he was in fact sleeping in the same bed as his daughter. He contacted his ex-wife and expressed his concerns with

her when she put Mr. Holloway on the phone (not at his request) to speak to him. This was the one and only time he had ever spoken to Mr. Holloway. He told Mr. Holloway that he did not care what he did with his ex-wife; however, he needed to stay away from his daughter and never be in the same bed as her. Agent Preston advised that once he learned of Mr. Holloway, he conducted a search of Holloway's criminal history utilizing a Brevard County public access web-site, Efacts, where he found that Mr. Holloway did in fact have a criminal history.

Agent Preston listened to the recording that his ex-wife made with their daughter on the morning of the 11th containing her concerning comments. Agent Preston strongly denied making any statement in front of his daughter that would have led her to believe he was going to shoot anyone; nor had he ever made a statement in front of his daughter that she could have misconstrued as such. Agent Preston advised that his daughter is very familiar with shooting as she has attended several shooting competitions with him over the last several years and the word "shoot" is not unfamiliar to her in any way. Preston advised as recent as April 21, 2016, he took his daughter and her friend to the Sheriff's Office gun range for an all-day event to watch the annual shooting competition.

Agent Preston stated that the series of text messages his ex-wife provided to my office were an accurate representation of their texting conversation on May 11, 2016 (see attached text message exchange). Preston advised that his ex-wife continues saying things to their daughter putting bad ideas in her head that a four-year-old has no need to hear. On one occasion, his daughter returned home telling him that her mother purchased a new vehicle with his money. What she was referring to was that he and his ex-wife have had disagreements in the past concerning the portion of his retirement that she had been awarded by the court at the time of their divorce, which he has paid her, and he assumed is the money she had used to buy the new vehicle.

Ms. Preston alleged that Agent Preston indicated that if she gave the money back he would leave her alone. Agent Preston denied ever making such a statement to her. Preston advised that he believes his ex-wife is only making these allegations and coaching their daughter to hurt him as she is not happy with her own life; and she knows interfering with his job and relationship with his daughter will hurt him the most. Preston stated that [REDACTED] had threatened him in the past that if he does not agree to give her more child support, she would interfere with his job. Preston advised he was not worried about the subtle threats until now as she has fabricated this allegation and now causing a problem with his employment and hurting their daughter.

VI. Additional Interview:

Mr. Henry Preston
[REDACTED]

On June 7, 2016, I conducted a sworn audio-recorded interview with Mr. Henry Preston, the father of Matthew Preston. Mr. H. Preston advised since his son's divorce from Ms. [REDACTED] Preston, he (Henry Preston) has had very little contact with her. The little bit of contact he has had was during the exchange of his granddaughter with Ms. Preston. A few weeks prior to this investigation, [REDACTED] arrived at his residence to pick up her daughter. In his presence, [REDACTED] became very angry to the point she had thrown her cell phone as she was upset with his son, Matthew Preston. He asked her to leave and she did without incident. On April 26, 2016, [REDACTED] contacted him by phone, which he thought was odd since she had not called him in years. While on the phone, [REDACTED] was yelling and cussing telling him that his son (Matthew) was going to pay her more money. She stated she was living in poverty and if he does not pay her more money, he will be living in poverty as well. She then emphasized how much she knows Matthew likes his job. [REDACTED] also expressed to him during the conversation that it was her opinion that Matthew knew the judge that handled their divorce and the whole hearing was rigged in his favor. She continued with the derogatory statements about Matthew so he ended the phone conversation. Mr. Henry advised that during the child exchanges with [REDACTED] that usually take place in his driveway, [REDACTED] is always complaining that Matthew does not pay her enough money.

VII. Policy Discussion and Recommendations

During this investigation, I conducted interviews and reviewed all available documents associated with this complaint to include the investigation by Rockledge Police Department. Based on my investigation, I find that there is no evidence to support a violation of department policy and/or procedure. I recommend that the allegations against Deputy / Agent Matthew Preston in this this complaint be closed as **UNFOUNDED** of any wrong-doing.

VIII. Enclosures:

- Copy of e-mail from Mrs. Preston to admin@bcso.us
- Copy of Rockledge Police Department report –Officer Manzo w/enclosures
- Memorandum authorizing an administrative investigation, dated May 23, 2016
- Notice of Administrative Investigation served to Deputy / Agent Matthew Preston, dated May, 24, 2016

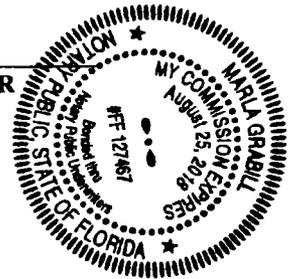
IX. Oath

I, Agent Kirk Geweniger, 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 
Agent Kirk Geweniger, ID 640

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

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





Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Agent Matthew Preston
FROM: Chief Deputy Doug Waller
DATE: June 14, 2016
RE: Final Action, 2016-CI-014

<p>A TRUE COPY TIME <u>8:31 A.M.</u> DATE <u>6-16-2016</u> BREVARD COUNTY SHERIFF'S OFFICE Received By: <u>Matthew Preston</u> <i>Matthew Preston</i> Signature of Employee Served Served by: <u>Alton G. Givens</u> <i>Alton G. Givens</i> Signature of Agent/Deputy</p>

Complaint 2015-CI-014 was initiated in response to allegations that your actions may have violated Brevard County Sheriff's Office Policies and Procedures.

Subsequent an investigation of these allegations by the Staff Services Unit revealed that you were following proper Brevard County Sheriff's Office, Policy and Procedure as it pertained to your actions on or about May 11, 2016. Based on this determination, it has been recommended that the allegations against you; **400.00 General Professional Responsibilities** should be closed as "**Unfounded.**" I have reviewed the investigative report and concur with this recommendation.

I realize that an administrative investigation can be stressful to the involved employees. However, the need to be responsive to allegations of misconduct makes it imperative that we investigate such allegations in a thorough and professional manner. I appreciate the patience you have demonstrated while waiting for the investigative results. The investigative report is being provided for your review as an enclosure with this memorandum.

cc: Commander Bruce Barnett