



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Chief Deputy Doug Waller
FROM: Agent Kirk Geweniger, Staff Services
DATE: August 18, 2016
RE: Administrative Investigation 2016-CI-020

D. L. P. 151 8/19/16
X Crossley with findings
X Crossley with no further actions.

I. Allegation:

On July 12, 2016, at approximately 1700 hours, Sergeant Brett Lockhart received a call from a Mr. Don Williams. Mr. Williams informed Sgt. Lockhart that he is employed as a private investigator and has been conducting surveillance on Mr. Dale Crossley. Earlier in the day, he was at his home located in the Cocoa area when Mr. Crossley approached him inquiring as to why he was following him. He asked Mr. Crossley how he obtained his address and Mr. Crossley refused to answer his question. Mr. Williams stated that he believed Mr. Crossley provided his vehicle license plate information (EHE H15) to a law enforcement officer to obtain his address. Mr. Williams requested the issue be looked into.

Sgt. Lockhart informed Lieutenant Ross Torquato of Mr. Williams' concerns.

On July 13, Lt. Torquato made contact with Kimberly Benson of the Judicial Process Unit and requested an audit of the Florida Driver and Vehicle Information Database (D.A.V.I.D) and FCIC/NCIC to inquire as to who, if any, of the Sheriff's Office employees may have ran the license plate of Mr. Williams.

The same day, Lt. Torquato received the audit results which indicated that on July 12, 2016, at 1110 hours, Agent Raonel Barrial accessed the specific tag information through the utilization of FCIC/NCIC; also, the information was accessed by Deputy Sean Wilkin later that same day at 1720 hours for a bona fide law enforcement purpose (case number 2016-234755). The audit report for the D.A.V.I.D database indicated that no access had been made regarding the specific vehicle tag information.

Based on the possibility that Agent Barrial's utilization of the FCIC/NCIC database was improper and that there was a possibility that Agent Barrial disseminated protected information (Mr. Williams address), Lt. Torquato completed and forwarded a memorandum via Chain of Command to Major Alex Fischback of the Staff Services Unit.

On July 28, 2016, Chief Deputy Doug Waller authorized a formal administrative investigation.

II. Possible Policy Violations:

- ***400.00 – General Professional Responsibilities***
- ***400.06 – Compliance with Law and Regulation***
- ***400.63 – Obtaining and Disseminating Information***

III. Witness:

Donald Williams
Cocoa, Fl.

Mr. Donald Williams stated that on July 12, 2016, he had just pulled into the driveway of his grandmother's house, located on Aster Drive, Cocoa. While still sitting in the car with his cousin, he noticed Mr. Dale Crossley, who is a subject he was hired to surveil, drive past his grandmother's residence. He was sure it was Mr. Crossley because it is not too often you see a hundred thousand dollar Porsche drive thru the trailer park his grandmother lives in. At the time, Mr. Crossley was driving and Crossley's girlfriend was in the passenger seat. They did not stop, so he and his cousin followed them to the end of the street and continued out of the neighborhood into a local gas station parking lot. He approached Mr. Crossley inside the store and asked him why he was driving by his house and who did he get his address from? Mr. Crossley stated he didn't know what he was talking about. They stepped outside the store when Mr. Crossley told him he knew who he was and then asked what he wanted to know. Mr. Williams stated he did not provide Mr. Crossley any information and directed him to stay away from his house. He informed Mr. Crossley that he was following him for a legal purpose and he had a legal right to do what he was doing.

Mr. Williams advised that one evening, several days prior to this incident, he followed Mr. Crossley's girlfriend back to Crossley's home in Cape Canaveral. That evening several times Crossley and his girlfriend left the residence and possibly managed to get his tag number as they drove behind him. A second time he was on surveillance at Mr. Crossley's place of employment, he parked north of Mr. Crossley's office building in the back of the parking lot. Mr. Crossley drove right up to his vehicle and started taking pictures so he drove off without any contact between the two of them.

Mr. Williams alleged that he called the Brevard County Sheriff's Office to advise he would be on surveillance in the area of Mr. Crossley's place of employment. A deputy then called him requesting his tag number as dispatch did not get it when he called in. *I made contact with the communications center supervisor, and she indicated there was no record of a private investigator in the reported area before, on, or after the date in question. However, Mr. Williams had notified BCSO when he was in the area of Mr. Crossley's Cape Canaveral Address and provided his vehicle and tag information.*

Mr. Williams stated that Mr. Crossley never called him by name nor did he provide Mr. Crossley with his name. He did however, state that he was a Private Investigator. Mr. Williams stated that his employer, Eyewitness Investigations informed him that it was a possibility Mr. Crossley could have had a family member and/or friend in law enforcement, but this was never verified. Mr. Williams stated that he was positive that no one could have followed him to his house as he is very good at what he does and is always checking his mirrors.

Rodolfo Barrial
Merritt Island, Fl.

On August 2, 2016, Agent Kraig Hupfer and I made contact with Mr. Rodolfo Barrial and conducted a sworn audio-recorded interview with him. Details of the interview are as follows: on or about July 12, 2016, he received a phone call from a friend of his by the name of Dale Crossley. Crossley advised him that he and his girlfriend, Molly Smith have noticed a vehicle following them to and from their homes and place of employment. On a couple of occasions, he and his girlfriend had noticed the same vehicle parked in the cul-de-sac near his home. Mr. Crossley told him that on one occasion, he had attempted to make contact with the unknown male in the suspicious vehicle while it was parked outside his place of employment, the Raymond James Financial Center located on North Courtney Parkway, Merritt Island. As he approached the vehicle to make contact with the driver, the male drove off at a high rate of speed without speaking to him. However, he managed to obtain the vehicle tag number and take a few photos of the vehicle. Crossley expressed that he was concerned that this unknown person was possibly stalking him and/or his girlfriend and wanted to know if his (Rodolfo) cousin was still a police officer. The vehicle that Mr. Crossley described to him was a silver, 90's model Toyota Corolla, with very dark tinted windows. The male would lay down in the vehicle to conceal himself. Mr. Crossley provided him with the vehicle's tag number.

Rodolfo stated he called his cousin, Agent Raonel Barrial, and provided him with the information and the concerns of his friend, Mr. Crossley. He asked Raonel if he could find anything out about the vehicle or owner of the vehicle. Raonel explained the rules of the agency and stated that if his friend was that concerned he needed to file a police report. Before they hung up, Raonel informed him that the tag matched the described vehicle, but was registered to a female, not a male. Raonel told him again that if it bothered his friend enough, he needed to report it.

Rodolfo advised he called Mr. Crossley and told him that the tag appeared to match the vehicle and that he should report the incident. Mr. Crossley thanked him and advised he was able to follow the vehicle from his office building's parking lot to a neighborhood in Cocoa, where he lost him. Mr. Crossley went home and at some point he drove back to the area where he lost the vehicle and the unknown male. As he was driving around the neighborhood, he located the vehicle parked in a driveway. He continued by the residence and the owner's must have seen him because the vehicle backed out of the driveway and followed him to a nearby gas station. Once at the gas station, one of the males showed him some type of badge and identified himself as a Private Investigator while the other just stood next to him. Mr. Crossley told him that one of the males flashed the badge so fast he was unable to verify anything the male was saying. The male told him he "fucked up" by coming by his house. Mr. Crossley asked him why it was okay for him to drive by his house, why could he not do the same. Rodolfo advised Mr. Crossley he needed to go and file a report like his cousin had advised.

The next day Mr. Crossley told him that he made a report with the Sheriff's Office and they were going to find out if the male was a Private Investigator or not.

Rodolfo stated that his cousin never provided him with any information that would have identified who the owner of the vehicle was nor did he provide the address of the registered owner.

**Walter Dale Crossley Jr.
Cape Canaveral, Fl.**

On August 3, 2016, Agent Kraig Hupfer and I made contact with Mr. Walter Dale Crossley Jr. and conducted a sworn audio-recorded interview with him. Details of the interview are as follows: Prior to July 12, 2016, he noticed a car had been following him, parking outside his home and doing the same to his girlfriend, Molly Smith. During one occasion, the suspicious vehicle was parked outside his home in the cul-de-sac where there are no parking signs posted. He pulled up next to the vehicle and waited for the male inside to roll down his window so he could talk to him and ask what he was doing. The male did not respond so he wrote down the license plate number. He and his girlfriend left to eat diner, but returned approximately an hour later and the vehicle was still parked in the same place and the male was still sitting inside.

Mr. Crossley advised that a few days later, he was at his place of employment, located at 2395 N. Courtenay Pkwy #201, Merritt Island. As he was coming out from his office, he noticed the vehicle parked at the far end of the parking lot. The vehicle was the same silver, Toyota Corolla that was parked outside his home the few nights prior. He got in his car drove over to the vehicle and parked next to it. He got out and walked behind the car to verify the license plate number. As he started taking pictures of the vehicle, it drove out of the parking lot, recklessly at a high rate of speed (photos of vehicle attached as enclosures). The vehicle traveled south on Courtney Parkway. A short time later, he received a call from his girlfriend who advised the vehicle was next to her at a stop light

located at North Courtney and SR 520. He told her to follow the vehicle at a safe distance and attempt to see where the vehicle was heading. She followed the vehicle west on SR 520 towards Cocoa. At US 1 in Cocoa the vehicle headed north. He told her to stop following the vehicle and he was going to head towards Cocoa via SR 528. He made it to the hotel parking lot located at SR 528 and US 1 and parked there for approximately five minutes when he noticed the silver vehicle was still traveling north past him on US 1. He pulled out behind the vehicle at a great distance so he would not be noticed. The vehicle turned left (west) on Camp Road, Cocoa. He was not able to make the light and had to stop. However he was able to still see the vehicle as it turned on its left blinker and turned down an unknown street. He discontinued following the vehicle, turned around, and headed back to his office in Merritt Island.

Mr. Crossley could not remember on which date, but he called his friend "Rudy" (Rodolfo Barrial) and told him about this guy that was following he and his girlfriend. He stated his girlfriend lives alone and she is scared. He also advised that the way this individual was driving thru the parking lot, he was going to kill someone. He provided Rudy with the vehicle tag number and asked if he could help find out who this guy was that was following them. Rudy called him back a short time later and told him the vehicle belonged to a female not a male but it matched the description he provided.

Mr. Crossley stated that on June 12, 2016, he and his girlfriend drove to the area of Camp Road and began driving through the neighborhood in an attempt to locate the vehicle that had been following them. As they were driving up and down the streets, on or about the third street, they noticed the same vehicle parked in a driveway, but continued past. As they made it to the end of the street and turning around, they noticed the vehicle was now directly behind them. He noticed there were now two males in the car. Mr. Crossley stated he knew there were cameras at the Circle K gas station located nearby (US 1 and Camp Road) so he drove there. Once there, he went into the store. The vehicle pulled into the parking lot and parked near his vehicle. The two males came into the store and confronted him at the counter/front door area. One of the males stated, "What's up, why are you driving by my house." He then asked the male why he was driving by his house. The second male did not say anything, he just stood behind him as he and the other male were talking. The cashier told them they needed to leave the store. Mr. Crossley advised he walked out the front door to leave and the two males followed. One of the males stated that what he was doing was legal. Mr. Crossley told the male to stop driving by his house and he will stop driving by theirs. One of the male identified himself as a private investigator and quickly flashed some sort of badge at him.

Mr. Crossley advised that he left the Circle K and drove directly to the East Precinct of the Sheriff's Office to make a report of the incident (2016- 234755). He was unable to provide a name or an address, but provided a deputy with the tag number. One of the deputies showed him a few pictures and asked if he could identify the male. The second picture he was shown was the male that was driving the vehicle and that had identified himself as a private investigator.

On August 3, 2016, I made contact with Anthony Rodriguez who was the cashier for the Circle K, located at 4665 N. US Highway 1, Cocoa, on July 12, 2106. Mr. Rodrigues recalled the incident and described it as Mr. Crossley described. Mr. Rodriguez also provided me with a video recording of the event. After reviewing the video it too was consistent with the account provided by Mr. Crossley and Mr. Williams.

**Molly Smith
Cocoa Beach, Fl.**

On August 4, 2016, Agent Kraig Hupfer and I made contact with Ms. Molly Smith and conducted a sworn audio-recorded interview with her. Details of the interview are as follows: she and her boyfriend, Walter Dale Crossley, have been being followed by an unknown male for the past few weeks. She had noticed the vehicle following her to and from her residence, parked in front of her boyfriend's residence, and parked in the parking lot at their place of employment. On one occasion, she was walking her dog when she saw the vehicle drive by her and it caused her concern and she did not know who it was or their intentions. Ms. Smith stated that one evening, she was out with her boyfriend and they noticed the Toyota parked in the cul-de-sac in front of her boyfriend's residence. They noticed two people in the vehicle and they were able to drive by and capture the tag number. A few days later she and her boyfriend were at work when they noticed the same vehicle parked in the parking lot of their place of employment. She left the parking lot and the vehicle stayed there. A short time later she was on the phone with him when he told her that he attempted to make contact with the occupants of the vehicle, however they sped off upon seeing him. As she was sitting at the light at North Courtney Parkway and SR 520, the vehicle pulled up next to her and then turned right (west) on SR 520. Her boyfriend requested she follow him to possibly see where the vehicle was going. She followed the vehicle through Cocoa to where the vehicle turned right (north) on US 1. Her boyfriend told her to stop following as he was unsure what he would do if she was seen. Her boyfriend stated he would attempt to catch up to the vehicle by driving west on SR 528. Ms. Smith stated that she was told by her boyfriend that he had located the car but lost him before he could see where the vehicle stopped.

Approximately a week later, on or about July 12, 2016, she and Crossley drove to the area he had last seen the vehicle and started driving up and down several of the streets. After a couple streets, they noticed the vehicle parked in the driveway of a residence. As they got to the end of the street, the vehicle was now behind them following. She could not understand how the vehicle was following them so fast because she did not see anyone come out from the house and get in the vehicle.

They drove directly to a gas station nearby and the two males confronted her boyfriend inside the store. They exchanged words as to why each of them had been following each other. One of the males stated he was a private investigator. Later her boyfriend went to the Sheriff's Office and filed a report.

Ms. Smith stated she was never informed where the male lived as that is why they had to search the neighborhood for the vehicle.

IV. Subject Employee:

**Agent Raonel Barrial
Brevard County Sheriff's Office
East Precinct, General Crimes Unit**

On July 28, 2016, I made contact with Agent Raonel Barrial and provided him with his "Notice of Administrative Investigation." and explained the allegations. I informed him to contact a representative of his choice if he desired to have one with him during his interview that was scheduled to take place on August 2, 2016, at 1000 hours.

On August 2, 2016, at 1000 hours, Agent Barrial arrived at my office with Al Boettjer from the Coastal Florida PBA as Agent Barrial's representative. Prior to the sworn audio-recorded interview, Agent Barrial and his representative reviewed the investigative file. During the sworn audio-recorded interview, Agent Barrial provided the following information:

Agent Barrial stated that on July 12, 2016, he received a call from his cousin, "Rudy" (Rodolfo Barrial) who told him that a friend of his, Dale Crossley, was concerned and in need of advice due to a suspicious vehicle that has been following him and his girlfriend for the last several weeks. He explained that the driver of the vehicle was a young white male driving a silver Toyota sedan, possibly a Corolla or a Camry. He had seen the vehicle at him and his girlfriend's respective homes and place of employment. Rudy advised that Dale had obtained the tag from the vehicle in front of his office, but the vehicle sped off at a high rate of speed upon sight, prior to making contact with the driver. Rudy asked him if he could find out anything from the tag that would help his friend identify this individual and/or why he was following them. He explained to Rudy that Dale would need to make an official report and he could then inquire further. Agent Barrial advised that he knew that Rudy's friend Dale was somewhat wealthy and possibly he was being followed to perhaps rob him in the future. Agent Barrial stated he ran the tag number he was provided through "Mobile" FCIC/NCIC. Agent Barrial advised he checked to assure there were no wants or warrants on the vehicle and/or owner of the vehicle. Had that been the case, he says he would have advised Rudy to tell Dale if he sees the car again to immediately call 911. However, the vehicle came back registered to a female, not a male, with no wants or warrants. The vehicle also matched the description Rudy had provided.

Agent Barrial stated that he told his cousin that the vehicle came back to a silver Toyota and it belonged to a female, not a male. Agent Barrial advised he never disclosed any name, address, or any other identifiable information to his cousin Rudy. He again told

Rudy that Dale should come into the Sheriff's Office and file a complaint just in case this individual was planning to rob or harm him and/or his girlfriend.

Agent Barrial later learned that Dale took his advice and went to the precinct and filed a report of the incidents.

The next day he received a call from Lieutenant Ross Torquato inquiring if he had run the tag "EHEH15." Agent Barrial stated this was odd since Lt. Torquato must have already done an inquiry and knew he had run it, how else would he have known that tag had been ran. However, he answered Lt. Torquato with a "yes" answer and explained as to why he ran it.

Agent Barrial stated that once he determined there were no wants and/or warrants that came back to the vehicle or the owner he did not look into it any further. Agent Barrial could not recall the female's name nor did he recall a male's name attached to the registration.

Agent Barrial advised that he does not have a personal relationship with Mr. Crossley and only knew of him through conversation with his cousin Rudy.

Agent Barrial explained that he does not feel he violated any policies by doing what he had done. Agent Barrial felt like it was his responsibility to look into the suspicious activity reported to him and verify if the vehicle and/or its owners were connected with criminal activity. As soon as he learned neither of the two were connected to criminal activity, provided the information he had at the time, he still advised that a report of the incident should be made, which it was. He felt that at no time did he break the law, violate regulation, and did not disseminate any identifiable or personal information to anyone.

Agent Barrial referred to *500.00 Patrol Functions*, particularly: *Incident Reports Taken by phone certain minor incidents do not require on-scene investigation by a deputy sheriff. Examples of incidents that may be handled by telephone include: Lost property, civil complaints, petit thefts where there is no evidence or suspects, misdemeanor vandalism with no physical evidence or suspects, referrals to other agencies, or other minor calls that may be effectively handled by telephone. However, regardless of the nature of a call, a physical response is required if specifically requested.*

Agent Barrial added that *Section 500.00 Patrol Functions (D) (4)* indicates that *when a telephone report that requires a follow-up investigation or other action they are assigned to the appropriate zone deputy, precinct GCU agent, or other appropriate agency component;* and this is what he felt he had done by looking into the concern and then referring him to report the incident if still feeling it needed to be reported, which he (Agent Barrial) did feel he needed to report the suspicious activity.

V. Summary and Recommendations

On July 12, 2016, Sergeant Brett Lockhart received a possible complaint from a Private Investigator Mr. Don Williams. Mr. Williams was concerned that a member from our agency may have accessed his vehicle information through the D.A.V.I.D. database and provided that information to a Mr. Dale Crossley, who he was hired to surveil. Mr. Williams had no factual data to support his claim however, felt there was no other way Mr. Crossley could have located and drove past his residence on July 12, 2016.

On July 13, Lt. Torquato requested an audit of the Florida Driver and Vehicle Information Database (D.A.V.I.D) and FCIC/NCIC to inquire as to who, if any of the Sheriff's Office employees, may have ran the license plate of Mr. Williams (EHEH15).

The audit results indicated that on July 12, 2016, at 1110 hours, Agent Raonel Barrial accessed the specific tag information through the utilization of FCIC/NCIC.

The same information was also accessed by Deputy Sean Wilkin at 1720 hours. However, Deputy Wilkins accessed the information when taking the report from Mr. Crossley to identify the individual possible following him (case number 2016-234755). The audit report for the D.A.V.I.D database indicated that no access had been made regarding the specific vehicle tag information.

Based on the interviews that were conducted with Don Williams, Rodolfo Barrial, Walter Dale Crossley, and Molly Smith, there was no evidence that supported and/or had proven that Agent Barrial's utilization of the FCIC/NCIC database was improper. Agent Barrial had a well-articulated reason for conducting such a search and once his concerns were unsubstantiated he discontinued his efforts.

As it relates to **400.00 General Professional Responsibilities**, Agent Barrial was on-duty at the time of the inquiry and acting in his official duties as he was assigned to the East Precinct General Crimes Unit. Even though agent Barrial received this information third party, he acted in good faith and made every effort to prevent, detect, and deter crime.

As it relates to **400.06 Compliance with Law and Regulations**, Agent Barrial acted in a manner that did not violate any laws and/or regulations.

As it relates to **400.63 Obtaining and Disseminating information**, Agent Barrial obtained the vehicle information in accordance of his official duties as he had a well-founded concern for a citizen of this county. Agent Barrial did not use the information he obtained for any unofficial purpose, and Agent Barrial did not disseminate the information he had access to.

Ultimately, Agent Barrial stated he takes full responsibility for his actions and decisions he made on July 12, 2016, and feels he acted within policy; however, if it is decided otherwise, Agent Barrial will still take responsibility for his actions.

Based on the investigation, I recommend that the allegations against Agent Raonel Barrial be closed as follows:

- ***Violation of 400.00 General Professional Responsibilities – Exonerated***
- ***Violation of 400.06 Compliance with Law and Regulation - Exonerated***
- ***Violation of 400.63 Obtaining and Disseminating Information – Exonerated***

VI. Enclosures:

- E-mail from the Florida DHSMV, No access made to database
- CAD history report for 16-234755
- Circle K video with property receipt – Anthony Rodriguez
- Photographs (2 ea.) – Provided by Mr. Crossley of Mr. Williams' vehicle
- FDLE Transaction Archive Report (TAR)
- Memorandum with Citizen Complaint attached – Lt. Ross Torquato
- Memorandum from Chief Deputy Doug Waller to Commander Jimmy Donn authorizing administrative investigation, dated July 28, 2016
- Brevard County Sheriff's Office Notice of Administrative Investigation served to Agent Raonel Barrial on July 28, 2016
- Brevard County Sheriff's Office Administrative Investigation Warning signed by Agent Raonel Barrial on August 2, 2016

VII. Oath:

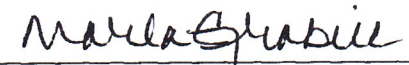
I, Agent Kirk Geweniger, do hereby swear, under penalty of perjury, that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

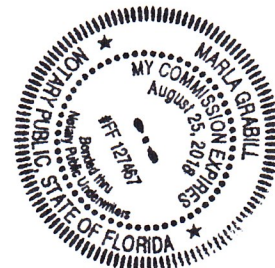
Signed


Agent Kirk Geweniger Id# 640

Sworn to and subscribed before me, the undersigned authority, this 17th day of March 2014

Signature


NOTARY PUBLIC/LAW ENFORCEMENT OFFICER
IN PERFORMANCE OF OFFICIAL DUTIES





Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Agent Raonel Barrial
FROM: Chief Deputy Doug Waller
DATE: August 19, 2016
RE: Final Action, 2016-CI-020

Handwritten initials and circled number 157

A TRUE COPY	
TIME	7:55 AM
DATE	8/22/2016
BREVARD COUNTY SHERIFF'S OFFICE	
Received By: Raonel Barrial	
Signature of Employee Served	
Served by	
Signature of Agent/Deputy	

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Command Inquiry 2016-CI-020 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 July 12, 2016. Based on this determination, it has been recommended that the allegations against you:

- 400.00 - General Professional Responsibilities
- 400.06 - Compliance with Law and Regulation
- 400.63 - Obtaining and Disseminating Information

Should be closed as "EXONERATED." 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 Dan Singleton