



Brevard County Sheriff's Office
Titusville, Florida

Redaction per F. S. 119.071 (4) (d) 2a
(II)

MEMORANDUM

TO: Commander Jimmy Donn

FROM: Chief Michael J. Lewis *Major Alex Rodriguez for*

DATE: August 08, 2016

RE: Authorization for Administrative Investigation
2016-CI-021

This memorandum is authorization for the initiation of an Administrative Investigation into an allegation that Court Deputy David Dugdale, ID#0163 has engaged in conduct that is in violation of Brevard County Sheriff's Office standards and policies.

The essence of the complaint is that on July 15, 2016, West Melbourne Police Department responded to Court Deputy Dugdale's residence in reference to a domestic disturbance with his spouse. Although an arrest was not made, initial investigation indicates that Court Deputy Dugdale may have engaged in conduct that was in violation of the established policies and procedures of the Brevard County Sheriff's Office.

In particular, you are to review the following general orders and determine applicability in regards to the above referenced incident of alleged misconduct:

- General Order **400.00 General Professional Responsibilities**
- General Order **400.06 Compliance with Law & Regulation**

c: Commander John Mellick



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Chief Michael J. Lewis

FROM: Agent Kraig Hupfer, Staff Services Unit

DATE: October 03, 2016

RE: Command Inquiry 2016-CI-021

I. Summary

On July 15, 2016, officers from the West Melbourne Police Department responded to the residence of Deputy David Dugdale, ID#0163, in reference to a domestic disturbance with his spouse, [REDACTED] (Refer to WMPD case#2016-014148). Once at the residence, they made contact with both Deputy Dugdale and Mrs. Dugdale. Mrs. Dugdale advised WMPD that she was in the laundry room when Deputy Dugdale returned home. As she was gathering her belongings, Mrs. Dugdale alleged that Deputy Dugdale began yelling at her and he wrapped his arms around her after she told him she did not want to speak with him. After Mrs. Dugdale broke free from his hold on her, she stated Deputy Dugdale grabbed her cellular telephone away from her and refused to return it to her so that she could call the police. As she confronted Deputy Dugdale about returning her telephone, Mrs. Dugdale alleged that Deputy Dugdale placed his knee into her lower back area, shoved her into the laundry room and closed the door. Mrs. Dugdale stated that the only reason Deputy Dugdale gave her telephone back to her was because she advised him of the legalities of depriving someone of their telephone to contact the police. Once she contacted the police, Mrs. Dugdale claimed that Deputy Dugdale was going to tell WMPD to "look at the red marks on my arm." *WMPD officers reported that they did not observe any visible physical injuries on her and she declined medical attention while officers were on scene.*

Deputy Dugdale told WMPD that when he arrived home from work, Mrs. Dugdale began to verbally abuse him with several derogatory statements. As Mrs. Dugdale entered into the laundry room from the kitchen area, Deputy Dugdale did admit to WMPD that he closed the door so that he could separate himself from her and not listen to her verbal abuse. As he closed the door, Deputy Dugdale alleged that Mrs. Dugdale reached out and scratched his arm. *WMPD officers reported that they did observe some superficial*

*Concub. Bindings
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scratch marks on the back of his left tricep. After being scratched, Deputy Dugdale claimed that Mrs. Dugdale made the statement, "Oh, you just pushed me." Deputy Dugdale denied ever touching her during the incident and he denied her allegation of being kneed in the back by him. Deputy Dugdale admitted that he temporarily took Mrs. Dugdale's telephone in an attempt to rationalize with her when she stated that she was calling law enforcement but it was for only a brief moment.

Due to the contradicting statements, lack of evidence and lack of independent witnesses, WMPD Officer Navedo did not make an arrest at the scene. Because they both claimed physical injuries caused by each other during the domestic incident, WMPD Officer Navedo completed *capias* requests for both Deputy Dugdale and Mrs. Dugdale to the Brevard/Seminole State Attorney's Office for a filing decision for the offense of battery domestic violence and an additional offense of preventing the use of 911 for Deputy Dugdale. Deputy Dugdale was instructed to leave the residence for the evening to which he complied.

On August 08, 2016, Chief Michael J. Lewis authorized an Administrative Investigation of this incident.

On August 12, 2015, the Staff Services Office received this case for further investigation.

On September 19, 2016, Deputy Dugdale was served his notice of administrative investigation.

II. Possible Policy Violations:

- *400.00 General Professional Responsibilities*
- *400.06 Compliance with Law & Regulation*

III. Subject Interview:

Deputy David Dugdale Court Services Subject Interview

On September 19, 2016, I met with Deputy Dugdale at the Melbourne Courthouse to serve him his "Notice of Administrative Investigation." After doing so, Deputy Dugdale advised he wanted to have his interview conducted right then. Deputy Dugdale was given the opportunity to review the case package which he declined. I then conducted a sworn audio-recorded interview with him. Prior to asking Deputy Dugdale any questions, he was read the Administrative Investigation Warnings, which he acknowledged he understood and signed. Deputy Dugdale also acknowledged he understood he could have a representative with him during the interview but he chose not to. I explained to Deputy

Dugdale the nature of this investigation and asked him to explain what occurred at his residence on July 15, 2016. The following is a summary of the interview:

Deputy Dugdale advised that he and his estranged wife, [REDACTED] have been having on-going marital problems for several months and they are in the process of getting a divorce. During that time, she has contacted the West Melbourne Police Department on several occasions and initiated complaints against him. In his subject interview, I had Deputy Dugdale respond to each of the documented incidents in which WMPD had to respond to his residence.

In the first incident on April 10, 2016 (Refer to WMPD C/R#2016-006544), Deputy Dugdale stated that Mrs. Dugdale contacted WMPD from her place of employment and she alleged that he was suicidal. WMPD responded to the residence where they made contact with him. Deputy Dugdale advised that he told WMPD officers he was having an argument with Mrs. Dugdale via text messaging through their respective cellular telephones. Deputy Dugdale stated he voluntarily allowed the WMPD officers to review the text messaging between he and his wife. After speaking with him and reviewing the text messages, Deputy Dugdale stated WMPD determined there was no evidence to support Mrs. Dugdale's concerns of his well-being. Deputy Dugdale stated he met with the EAP doctor and she declared him fit for duty the next day.

On May 23, 2016, Deputy Dugdale advised that Mrs. Dugdale contacted WMPD in reference to a domestic dispute he was having with his 13 yoa daughter (Refer to WMPD C/R#2016-009956). Deputy Dugdale stated WMPD responded to the residence where they made contact with him and his daughter. Deputy Dugdale said he was in his daughter's bedroom where he located bank paperwork belonging to his estranged spouse. Thinking that it would help him in his divorce proceedings, he took pictures of the paperwork. As he was bent over taking the pictures, he said his daughter became extremely upset with him and she jumped on top of his back. As she did this, Deputy Dugdale stated that she rolled off of him and fell to the floor. Subsequent to falling on the floor, his daughter contacted Mrs. Dugdale by telephone and she alleged that he had deliberately pushed her. Deputy Dugdale denied the allegations made by his daughter. After speaking with him and his daughter, WMPD determined that there was no probable cause for a domestic violence offense. At WMPD's request, Deputy Dugdale stated he left the residence for the evening.

On July 05, 2016, Deputy Dugdale advised that Mrs. Dugdale contacted WMPD in reference to a domestic dispute (Refer to WMPD C/R#2016-013346). On this incident, Deputy Dugdale stated he was sitting on his couch cross-legged when he and Mrs. Dugdale began to argue. As they continued to argue, he said that Mrs. Dugdale was pushing up against him attempting to grab his telephone while he remained seated on the couch. In order to create space between himself and Mrs. Dugdale, Deputy Dugdale stated used his crossed leg to nudge her away from him. Deputy Dugdale stated he used a steady consistent pressure with his leg to create separation from her and at no time did he use any sort of kicking motion. When he stood up, Deputy Dugdale stated his wife

continued to grab for his telephone. In the process of her grabbing at his telephone, Deputy Dugdale stated he sustained a superficial scratch on his hand and he received red marks around his neck area. Deputy Dugdale said that the injuries he sustained were accidental from Mrs. Dugdale and not the result of any criminal intent to cause harm to him. He advised that Mrs. Dugdale did eventually gain possession of his telephone and she began to toss it back and forth with his daughter while laughing in order to prevent him from regaining possession of it. At some point during the tossing of the telephone, the telephone fell to the floor and broke. Once the telephone broke, Deputy Dugdale stated his wife continued to laugh and she went into their bedroom with his telephone and locked the door. Deputy Dugdale admitted he was upset and frustrated with the situation and he forced entry into the bedroom with the intent of regaining possession of his telephone. When he entered into the bedroom, Deputy Dugdale stated that his wife was in the bathroom where he observed his telephone along with her telephone on the counter. He said he took possession of his telephone and then he admitted to throwing her telephone on the floor causing it to break. He further admitted to intentionally breaking her telephone because of the fact that she broke his telephone. He denied that he broke her phone to prevent her from calling law enforcement. Deputy Dugdale stated that at no time did he threaten Mrs. Dugdale with bodily harm. He said that Mrs. Dugdale used their daughter's telephone to contact her boyfriend who then suggested she contact law enforcement. After speaking with all parties, to include their daughter and son, WMPD determined that there was not any probable cause for a domestic violence offense. *WMPD's case report annotated that there were inconsistencies in Mrs. Dugdale's statements. Initially, she claimed that Deputy Dugdale attempted to prevent her from calling 911 but later changed her story to one that was more consistent with Deputy Dugdale's statement. Also, after speaking with the son, who did not witness the incident but could hear it from his bedroom, he corroborated Deputy Dugdale's statement by stating he had heard his mother and sister laughing.* At WMPD's request, Deputy Dugdale stated he left the residence for the evening.

On July 15, 2016, Deputy Dugdale advised that Mrs. Dugdale contacted WMPD in reference to a domestic dispute (Refer to WMPD C/R#2016-014148). On this incident, Deputy Dugdale stated he had returned home from work when he encountered Mrs. Dugdale outside of their residence. He advised that he did not expect Mrs. Dugdale to be home because he thought she was still at the Florida Hospital in Orlando visiting their daughter. When he saw her at the residence, Deputy Dugdale stated he thought his daughter must have come home so he went inside the residence to see her. Immediately upon entering into the kitchen area, Deputy Dugdale said Mrs. Dugdale began to verbally abuse him by calling him a multitude of derogatory names. While continuing with her verbal abuse, Deputy Dugdale stated she entered into the laundry room which is adjacent to the kitchen and leads out into the garage area. In order to separate himself from her while still leaving her an avenue to leave the residence, Deputy Dugdale said he grabbed the door and attempted to close it. While attempting to close the door, Deputy Dugdale stated Mrs. Dugdale reached out and grabbed his left triceps causing a scratch to his arm. Deputy Dugdale said Mrs. Dugdale never made an attempt to grab the door but instead she intentionally grabbed his arm. He continued to close the door at which time Deputy

Dugdale alleged that Mrs. Dugdale yelled the statement, "Oh, you kicked me. I'm calling the police." Deputy Dugdale stated he believed Mrs. Dugdale made that statement in a loud tone so that their son would hear from his bedroom. He further stated that he believed Mrs. Dugdale knowingly did this so that, when WMPD eventually arrived, they would interview the son who then could potentially corroborate her statement to them. Deputy Dugdale vehemently denied he ever touched Mrs. Dugdale and specifically the allegation that he kicked her. After she made that statement, Deputy Dugdale said he opened the door to attempt to speak with her again. While holding her telephone up, Deputy Dugdale advised that she again stated she was calling the police. When he looked at her telephone, he stated he observed that the screen was still in the black timeout mode at which time he believed Mrs. Dugdale was making an idle threat to contact law enforcement. Deputy Dugdale admitted that he temporarily took Mrs. Dugdale's telephone out of her hand in an attempt to reason with her and speak with her about their children. However, as soon as Mrs. Dugdale made the statement, "You're obstructing me", he immediately returned the telephone to her. Deputy Dugdale continued by stating he has not previously and would never prevent Mrs. Dugdale from contacting law enforcement. As she was contacting WMPD, Deputy Dugdale stated he went outside to wait for WMPD's arrival to his residence. After WMPD completed their investigation, Deputy Dugdale stated that he again was told to leave the residence to which he complied.

Since the incident on July 15, 2016, Deputy Dugdale stated he has not returned to the residence and he has been able to secure alternate living arrangements. Deputy Dugdale advised that Mrs. Dugdale has continued to harass him and deprive him from having contact with his children. On August 02, 2016, at approximately 3:00 a.m., he described an incident in which Mrs. Dugdale came to his current residence, began using her vehicle horn repeatedly, screaming and she attempted to leave their son in the driveway to the residence. Deputy Dugdale did not want to risk having any negative contact with Mrs. Dugdale so he contacted law enforcement who subsequently made contact with her. *BCSO CAD report (Refer to BCSO C/R#2016-259558) confirmed Deputy Dugdale's statement of Mrs. Dugdale coming to the residence. Deputies made contact with Mrs. Dugdale in the area of Deputy Dugdale's residence and they completed a Trespass Warning.*

V. Other Investigative Efforts

I obtained copies of West Melbourne Police Department's CAD reports and case report packages (WMPD C/R#2016-006544, 2016-009890, 2016-009956, 2016-012421, 2016-013346 & 2016-014148) which included audio/video recorded interviews as well as body-cam footage. A review of the case packages revealed that WMPD has had to respond to the Dugdale's residence on multiple occasions. In the videos, both parties claimed several times that they were in the process of seeking a divorce however neither Deputy Dugdale nor Mrs. Dugdale had moved out of the residence. During interviews with WMPD, Deputy Dugdale and Mrs. Dugdale openly displayed animosity and disdain

towards each other and both made unsubstantiated allegations of physical abuse. Both parties also made the claim that they have not reported past allegations of physical abuse because they did not want to cause each other to lose their employment.

Until July 15, 2016, WMPD again responded to the residence where they made contact with both parties. In the video, Mrs. Dugdale made the allegation that Deputy Dugdale grabbed her around her waist and then kicked her in the back. She alleged that the force of the kick "flung" her into the laundry room and she was now experiencing a great amount of pain. She then attempted to show WMPD red marks/injuries that she sustained as a result of being kicked. A WMPD female officer examined Mrs. Dugdale and she was not able to observe any signs of physical injury on her body. Mrs. Dugdale also refused any medical attention while WMPD was at the residence. Based on the allegations of physical abuse, WMPD made the determination to file *capias* requests for both parties for Battery-Domestic Violence charges.

On August 19, 2016, I attempted to contact Mrs. Dugdale to offer her the opportunity to provide a statement in reference to this administrative investigation. Mrs. Dugdale did not answer her telephone so I left her a message to get in contact with me in reference to this investigation. Since that date, I have attempted to contact Mrs. Dugdale via her cellular telephone numerous times with negative results. On September 06, 2016, I responded to Mrs. Dugdale's residence in an attempt to offer her the opportunity to provide a statement. Nobody appeared to be home so I left a business card with a message to contact me. On September 15, 2016, I again responded to Mrs. Dugdale's residence in attempt to contact her with negative results. I left a second business card with a message to contact me. On September 19, 2016, I responded to Mrs. Dugdale's residence in attempt to contact her with negative results. As of this date, Mrs. Dugdale has not contacted the Staff Services Unit.

VI. Recommendation

Beginning on April 10, 2016 and prior to July 15, 2016, Mrs. Dugdale contacted the West Melbourne Police Department on several occasions and filed complaints against Deputy Dugdale. On each occasion, WMPD responded to their residence to investigate the alleged complaints and officers conducted interviews with all family members present. At the conclusion of WMPD's investigations into each incident, officers determined that there was no evidence to proceed with criminal charges and they referred their case reports to file for informational purposes only.

On July 15, 2016, officers from the West Melbourne Police Department responded to Deputy David Dugdale's residence in reference to a domestic disturbance with his spouse, [REDACTED]. Mrs. Dugdale told the WMPD responding officers that she had been involved in a physical altercation with Deputy Dugdale and that she had sustained injuries from the altercation. Deputy Dugdale also stated that he had been involved in a physical altercation with Mrs. Dugdale and that he too had sustained

injuries from the altercation. According to their case report, WMPD officers did not observe any visible signs of injuries to Mrs. Dugdale and she refused medical treatment at the scene. During his interview with WMPD and his subject interview, Deputy Dugdale vehemently denied having intentional or incidental contact with his wife during the incident as she had alleged. WMPD did observe superficial scratch marks to his left triceps area that supported his allegations of a physical altercation.

Based on the allegations of physical injury made by both parties, WMPD's filed capias requests with the State Attorney's Office for the offense of Battery-Domestic Violence against both Deputy Dugdale and Mrs. Dugdale. After reviewing the affidavit associated with the capias request and audio interviews, the Brevard/Seminole State Attorney's Office, State Attorney Kip Vugteveen, determined that there was not enough evidence to proceed with a criminal case against either Deputy Dugdale or Mrs. Dugdale. I have also reviewed all of the material available to include the WMPD case reports, and interviews. Based on my review, I concur with State Attorney Kip Vugteveen's decision to not file charges on either party for Battery-Domestic Violence.

This investigation revealed that Deputy Dugdale and Mrs. Dugdale have been embroiled in a contentious relationship for the last several months. During his subject interview, Deputy Dugdale admitted that he has had on-going marital issues with Mrs. Dugdale and that they were in the process of getting a divorce. Deputy Dugdale stated that, because he and Mrs. Dugdale worked opposite shifts, he had been able to avoid having contact with his wife on most occasions. Even though there was marital issues, he advised he remained at the residence due to his children's medical issues and because of his financial situation. As of July 15, 2016, Deputy Dugdale stated he permanently moved from the residence at the direction of Major Young and has not returned to the residence since that date.

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

That the allegation against Deputy Dugdale that he violated **400.00 General Professional Responsibilities** be closed as "**Not Sustained.**"

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

IV. Enclosures

- Copy of West Melbourne P.D. case reports with audio/video interviews (C/R#2016-006544, 2016-009890, 2016-009956, 2016-012421, 2016-013346 & 2016-014148)
- Copy of No-File Notice from the State Attorney's Office


- Memorandum from Chief Lewis to Commander Donn titled "Authorization for Administrative Investigation 2016-CI-021."
- Notice of Administrative Investigation
- Administrative Investigation Warning

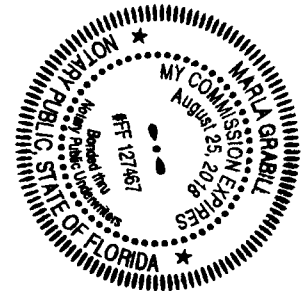
V. Oath

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 
Agent Kraig Hupfer, ID 210

Sworn to and subscribed before me, the undersigned authority, this 3rd day of October, 2016.

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


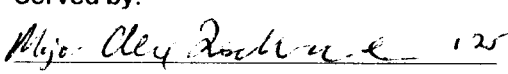




Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Corporal David Dugdale
FROM: Chief Michael J. Lewis
DATE: October 3, 2016
RE: Final Action
Administrative Investigation 2016-CI-021

A TRUE COPY	
TIME <u>943</u> M.	
DATE <u>10/4/16</u>	
BREVARD COUNTY SHERIFF'S OFFICE	
Received By: Corp. David Dugdale	
	
Signature of Employee Served	
Served by:	
	

Administrative Investigation 2016-CI-021 was initiated in response to allegations that your actions may have violated Brevard County Sheriff's Office policies and procedures.

Subsequent investigation of these allegations by the Staff Services Unit resulted in a recommendation that the allegations should be closed as "**Not Sustained.**" 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.

c: Commander John Mellick
Investigative File 2016-CI-021