



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Chief Michael J. Lewis *ML*
FROM: Agent Kraig Hupfer, Staff Services Unit
DATE: February 16, 2017
RE: Command Inquiry 2016-CI-039

I. Summary

On December 27, 2016, officers from the Cocoa Police Department responded to the residence of Deputy Patrick Ford, ID#500, in reference to a disturbance (Refer to CPD case#2016-00049779). Upon their arrival, they met with Ms. Danine Frasier who alleged that she was the victim of a battery by Deputy Ford at Lido's Cabaret in Cocoa Beach, Florida. Ms. Frasier told them Deputy Ford had attempted to grab her purse while in the club and in the process pushed her to the ground. She further alleged that Deputy Ford had struck her in the face during the struggle for the purse. CPD Officer Yakarys did not observe any injuries to Ms. Frasier and she declined any medical treatment while on scene. Both Deputy Ford and Ms. Frasier had personal property belonging to each other at which time CPD facilitated the return of property to their respective parties. Due to the fact the alleged battery occurred in the county jurisdiction, CPD contacted the Sheriff's Office to assume the investigation.

Deputy Mauldin responded to the area where he met with Ms. Frasier and obtained a sworn statement from her (Refer to BCSO case#2016-00435010). While at Lido's Cabaret, Ms. Frasier again alleged that Deputy Ford had attempted to seize her purse from her at which point she bit him on the arm in self-defense. Ms. Frasier further alleged that Deputy Ford had bit her during the struggle for the purse. Deputy Mauldin documented in his case report that he did observe what appeared to be a bite mark on her left forearm. After they left the club and returned to the Cocoa Village area, she told Deputy Mauldin that Deputy Ford exited her vehicle, took her cellular telephone and he returned to his residence. When she arrived at this residence, another verbal dispute ensued so she contacted the Cocoa Police Department to assist her in retrieving her property from Deputy Ford. Deputy Mauldin completed his initial report and he referred the case to the Special Victims/Domestic Violence Unit for further investigation.

*CONCUR w/ p/s.
BINDINGS.
SET A PRE-TEAM
HEARING - 29
2-17-17*

On December 27, 2016, Agent Stacie Moore received this report for further investigation. During her investigation, Agent Moore conducted several sworn audio recorded interviews to include a consensual interview with Deputy Ford. Surveillance video from Lido's Cabaret was also obtained as an enclosure for this investigation. Based on the information obtained during this investigation, Agent Moore contacted Brevard/Seminole Assistant State Attorney Linda Barnett and apprised her of the details of this investigation. Based on the behavior of both Ms. Frasier and Deputy Ford, ASA Barnett advised that both individuals acted as primary aggressors throughout the incident, therefore the State Attorney's Office would not accept this investigation for criminal prosecution.

On January 03, 2017, Chief Michael J. Lewis authorized an Administrative Investigation of this incident.

On January 05, 2017, the Staff Services Office received this case for further investigation.

On January 30, 2017, Court Deputy Ford was served his notice of administrative investigation.

II. Possible Policy Violations:

- *400.00 General Professional Responsibilities*
- *400.06 Compliance with Law & Regulation*
- *400.38 Intoxication On & Off Duty*

III. Subject Interview:

Court Deputy Patrick Ford Court Services Subject Interview

On February 02, 2017, Agent LaRoche and I met with Deputy Ford at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn audio-recorded interview with him. Once Deputy Ford reviewed the case file to his satisfaction, I initiated a sworn interview with him. Prior to asking Deputy Ford any questions, he was read the Administrative Investigation Warnings, which he acknowledged he understood and signed. During the interview, Deputy Ford was accompanied by Coastal Florida Police Benevolent representative Al Boettjer. I explained to Deputy Ford the nature of this investigation and asked him to explain what occurred at the Lido Cabaret on or about December 26, 2016. The following is a summary of the interview:

Deputy Ford stated that, subsequent to his previous administrative investigation (2016-CI-012), Ms. Frasier moved from his residence and he had limited contact with her. He

advised that he continued to help her in some of her legal matters to include payment of her court ordered restitution. Deputy Ford estimated that he paid approximately four or five thousand dollars to satisfy her probationary conditions for restitution which allowed Ms. Frasier to be early terminated from her active felony probation status. *Court records reflect that Ms. Frasier had her probationary status terminated on July 21, 2016 by Judge Crawford.* Deputy Ford stated he had completely severed his everyday relationship with her but there were some sporadic days when she came to his residence and they engaged in an intimate relationship.

In December 2016, Deputy Ford stated that Ms. Frasier contacted him requesting to spend some time together with her family during the Christmas holidays. He said that they had previously spent Christmas together and he had befriended her family during those previous holidays. Although he was reluctant to spend time with her, Deputy Ford believed nothing negative would happen if he was around her family members so he went to her family's residence on Christmas Day. After spending the day with her family, Deputy Ford said Ms. Frasier returned to his residence with him and spent the evening there. He disputed Ms. Frasier's statements to CPD that she had been living at this residence for over a week time period. He explained that she only spent the one evening at this residence which explained why she only had an overnight bag at his residence. *After reviewing CPD body camera footage from December 27, 2016, I observed CPD facilitate the return of a small bag that contained Ms. Frasier's personal belongings.*

On December 26, 2016, Deputy Ford and Ms. Frasier decided to go out and have dinner together. They went to Ryan's Pizza in Cocoa Village where they met another couple from Illinois. During the course of their meal, Deputy Ford remembered consuming one and possibly two alcoholic beverages. He said that Ms. Frasier had several glasses of wine and he recalled that she did not eat very much food. After leaving Ryan's Pizza, they decided to go to Lido's Cabaret in Cocoa Beach with the out of state couple. Deputy Ford stated he drove both couples in Ms. Frasier's vehicle to the club and they entered into the business. Deputy Ford said the out of state couple bought drinks from the bar and they sat at a table by the "VIP" section. He stated everyone was having a good time and there was not any issues upon arriving at the club. *The Lido's security video confirmed that the couples arrived at the club at approximately 1920 hours.*

After a short period of time, Deputy Ford recognized the club waitress as a former co-worker of his and he introduced her to their party. Deputy Ford stated that the introduction did not sit well with Ms. Frasier and that was when her mood changed abruptly to the point she was extremely upset with him. Deputy Ford believed that Ms. Frasier became jealous with the fact he was talking with another female. He said that Ms. Frasier began to make negative comments about the waitress and then she started to make racially derogatory statements towards him. Deputy Ford admitted that he was upset with Ms. Frasier's behavior to the point he wanted to leave the club. Deputy Ford advised that he had left his residential keys in her vehicle and that he had earlier placed his wallet and cellular telephone in Ms. Frasier's purse. He said that he had repeatedly requested his personal items back but Ms. Frasier refused to return them to him.

I then reviewed several portions of the Lido's security camera footage with Deputy Ford and had him explain each incident as depicted on the video. The following is Deputy Ford's responses to each of the incidents:

At approximately 2042 hours, the security video showed Ms. Frasier texting on her cellular telephone. Deputy Ford is then seen reaching over Ms. Frasier's shoulder and abruptly grabbing her telephone away from her. Deputy Ford explained he had asked Ms. Frasier several times who she was texting but she ignored his question and kept calling him derogatory names. Out of frustration, he admitted to grabbing her telephone to see who she was in fact texting. He also stated that he may have taken the telephone in an attempt to negotiate the return of his personal items but he ultimately decided to return the telephone back to her.

At approximately 2114 hours, the security video showed Ms. Frasier sitting at the table with a set of keys in her hand. Deputy Ford is then seen reaching over her shoulder and attempting to grab the keys from her hand. A struggle to take possession of the keys ensued and a drink was spilled as a result of the struggle for the keys. Deputy Ford explained that he still was wanting to leave the club so he took the keys from her possession with the intent to go out to the vehicle to retrieve his residential keys so that he could go home. Once he had the vehicle keys, he said Ms. Frasier made such a commotion that he decided to return the vehicle keys to her in the hope that she would calm down.

As the evening progressed, the security video showed Ms. Frasier and the out of state female repeatedly exposing and fondling each other's breasts. At approximately 2156 hours, Deputy Ford is seen reaching over from where he was seated and he fondled Ms. Frasier's crotch area as she was physically engaged with the other female. Deputy Ford stated that his behavior was "stupid" and he had no reasonable explanation as to his actions. He did say that he was only attempting to pacify Ms. Frasier long enough with the intent to leave the club. Deputy Ford stated that he understood this type of behavior in a business open to the public was unacceptable for a deputy sheriff.

At approximately 2159 hours, the security video showed Ms. Frasier with her breasts exposed and Deputy Ford and the other female kissing/sucking her breasts. Although Ms. Frasier initially pulled his head towards her breast, Deputy Ford stated he had no reasonable explanation for his actions and that he should have removed himself from that situation. He also admitted that this type of behavior in public was unacceptable for a deputy sheriff.

At approximately 2217 hours, the security video showed Ms. Frasier with her breasts exposed and Deputy Ford and the other female fondling her breasts. Even though Ms. Frasier initiated this contact, Deputy Ford stated he had no reasonable explanation for his actions and he admitted that this type of behavior in public was unacceptable for a deputy sheriff.

At approximately 2226 hours, the security video showed Deputy Ford grabbing Ms. Frasier's purse as she attempted to hold on to it. During the struggle for the purse, Ms. Frasier turned her back to Deputy Ford and sat on the floor in front of him. As Deputy Ford disengaged from Ms. Frasier, he can be seen giving a push to her back as she squatted on the floor in front of him. Deputy Ford admitted to grabbing her purse in an attempt to either retrieve his telephone so that he could call someone or his residential keys so he would be able to return to his residence. During the struggle for the purse, Deputy Ford stated that Ms. Frasier had spit in his face and that was the reason he pushed her away from him. I asked Deputy Ford why he didn't report this to Agent Moore or to CPD during their interviews. Deputy Ford stated that he only remembered her spitting in his face after he reviewed the security video. I then asked if he believed it was an intentional act or if she perhaps accidentally secreted saliva on him while she was yelling at him. Deputy Ford advised that it was not an obvious intentional spit but he definitely felt the "spray" of Ms. Frasier's saliva on his face while she yelled at him in close proximity. He admitted that he was wrong for pushing her and that he should have handled the situation differently.

Again at approximately 2226 hours, the security video showed Ms. Frasier return to her seat clutching her purse. Deputy Ford is seen aggressively grabbing Ms. Frasier's purse and another struggle for the purse ensued. During the struggle, Deputy Ford attempted to jerk the purse from her possession causing her to fall forward into his lap. The out of state male is seen attempting to speak with Deputy Ford in an attempt to deescalate the situation. Deputy Ford again stated that he was only attempting to retrieve his telephone and/or his residential keys so he could leave the club. He admitted that his behavior was wrong and that he should have handled the situation differently.

At approximately 2231 hours, the security video showed Deputy Ford and Ms. Frasier arguing. Deputy Ford is seen aggressively grabbing Ms. Frasier's purse and pulling her forward as she attempted to hold on to it. The out of state male is seen speaking with Deputy Ford in an apparent attempt to deescalate the situation. Deputy Ford reiterated that he was attempting to retrieve personal belongings so he could leave the club. He admitted that his behavior was wrong and that he should have handled the situation differently.

At approximately 2249 hours, the security video showed Deputy Ford and Ms. Frasier arguing. Deputy Ford stood up, reached around Ms. Frasier, and he successfully grabbed her purse. Ms. Frasier stood up and grabbed Deputy Ford's right arm at which point the video showed Ms. Frasier bite his arm. After a continued brief struggle for the purse, Deputy Ford eventually returned the purse to Ms. Frasier. Deputy Ford said he pleaded with Ms. Frasier and the out of state couple to talk with her about returning his personal items with negative results. While attempting to speak with her, Deputy Ford said he observed Ms. Frasier's purse on the floor so he made another attempt to retrieve his personal belongings so he could leave the club. When he got possession of the purse, Deputy Ford stated that Ms. Frasier bit him on his right arm. Deputy Ford said he only

wanted his property back but he eventually returned the purse to her. He admitted that his behavior was wrong and that he should have handled the situation differently.

During this particular struggle for the purse, Ms. Frasier had made an allegation to Deputy Mauldin that Deputy Ford had bit her and dragged her over a chair. Deputy Mauldin annotated in his report that Ms. Frasier had showed him an injury to her arm which was consistent with a bite injury and he documented the injury with photographs. I displayed the photographs to Deputy Ford and I asked him, if at any point during the struggle for the purse, did he bite her. Deputy Ford adamantly denied ever biting her and that he believed she may have bit herself in attempt to falsely accuse him of hurting her. *A complete review of the Lido's Cabaret security video failed to substantiate Ms. Frasier's claim of being bit or dragged over a chair by Deputy Ford. After contacting CPD, Ms. Frasier made several allegations of physical abuse by Deputy Ford but at no time did she make mention or show CPD officers a bite injury to her arm. CPD Officer Yakarys also annotated in his report that he did not observe any signs of physical injury.*

At approximately 2322 hours, they left the club and they returned to the Cocoa Village area to drop off the out of state couple at their vehicle. Upon arriving at the vehicle, Deputy Ford retrieved his residential keys, exited Ms. Frasier's vehicle and he walked home in an attempt to avoid any additional confrontation with Ms. Frasier. When Ms. Frasier did not return immediately to his residence to retrieve her belongings, Deputy Ford returned to Cocoa Village where he observed Ms. Frasier talking with the out of state couple. At that time, Deputy Ford advised Ms. Frasier's demeanor appeared to be calm so he asked her to return to his residence so that they could return each other's belongings. When they returned to his residence, Deputy Ford stated that he pleaded with Ms. Frasier to return his personal belongings so that he could go to bed. Ms. Frasier wanted to go inside his residence however Deputy Ford knew this would create additional problems. Deputy Ford advised that he had already placed her personal belongings in a trailer in the driveway to avoid the need for Ms. Frasier to enter into his residence. Ms. Frasier sat in her vehicle and she continued to be uncooperative with him. Deputy Ford said that Ms. Frasier had become agitated again at which time she refused to give him his personal belongings and she kept taunting him by pointing her telephone in his face. Deputy Ford stated that he took the telephone away from her which he admitted exacerbated the situation and they continued to argue. Deputy Ford stated he should have immediately returned the telephone to her. Ms. Frasier eventually contacted CPD and they responded to the residence to facilitate the return of their perspective property.

I then asked Deputy Ford about his alcohol consumption that evening. Deputy Ford believed he may have consumed one or two drinks at Ryan's Pizza but he was unsure about how many drinks he may have had at Lido's Cabaret. I advised him that, after reviewing the security video, I observed him consume approximately seven alcoholic beverages. Deputy Ford did not dispute that number but he stated that the drinks were small and "watered down." When asked if he was intoxicated that evening, Deputy Ford responded that he "felt like he had a few drinks" but he was able to be socially functional. He noted that Ms. Larkin in her interview mentioned that he did not appear to be

intoxicated. When asked if the alcohol consumption was a factor in his decision making that evening, Deputy Ford admitted that "it probably did."

IV. Other Investigative Efforts

I obtained a copy of Cocoa Police Department's case report package (CPD case#2016-00019395) which included a case reports and audio/video recorded interviews. A review of the CPD case package revealed that Ms. Frasier made several statements to the officers on scene stating she was a victim of domestic violence involving Deputy Ford. Ms. Frasier did not display any signs of injury and she refused medical treatment. A review of the CPD body camera videos depicts Ms. Frasier as being extremely agitated and using excessive profanity towards Deputy Ford and his elderly father. The video depicts Deputy Ford as being subdued and attempting to have CPD facilitate the return of his property from Ms. Frasier.

I obtained and reviewed Agent Moore's case package to include the Lido's Cabaret security videos obtained during her investigation. A complete review of the video revealed several altercations between Deputy Ford and Ms. Frasier. The video shows Deputy Ford arriving at the club at approximately 1920 hours and leaving the club at approximately 2322 hours. Early in the video, Deputy Ford is seen abruptly grabbing Ms. Frasier's telephone and keys from her. Although he returned the items to her, Deputy Ford took them without Ms. Frasier's permission and she became visibly upset. During the course of the evening, the video depicts Deputy Ford engaging in sexual behavior with Ms. Frasier while inside the club. And on four separate occasions, Deputy Ford is seen physically attempting to take Ms. Frasier's purse away from her. On each occasion, Ms. Frasier resisted Deputy Ford's attempts to gain possession of the purse and she is visibly upset with him. During the course of the video, I observed Deputy Ford consuming approximately seven drinks. This was consistent with Ms. Larkin's interview with Agent Moore where she estimated that she served him approximately four drinks during the course of her shift. This did not account for the drinks served by Ms. Santagata during her shift or the drinks purchased at the bar.

V. Recommendation

On December 27, 2016, officers from the Cocoa Police Department responded to Deputy Patrick Ford's residence in reference to a domestic disturbance. Upon their arrival, they met with Deputy Ford and Ms. Frasier. During the course of their investigation, CPD learned that there had been a physical altercation at the Lido's Cabaret between Deputy Ford and Ms. Frasier. They then contacted the Sheriff's Office to assume the investigation of the alleged physical altercation.

Agent Moore conducted several interviews and obtained the Lido's Cabaret security video as part of her investigation into this incident. After concluding her investigation,

she contacted the Brevard/Seminole County State Attorney's Office and apprised them of the facts of the investigation. After reviewing the investigation with Agent Moore, Assistant State Attorney Linda Barnett advised that both individuals acted as primary aggressors throughout the incident, therefore the State Attorney's Office would not accept this investigation for criminal prosecution.

I have also reviewed all of the material available to include the CPD case report, Agent Moore's case report and a complete review of the security video obtained from Lido's Cabaret. This investigation revealed that Deputy Ford conducted himself in a manner that was detrimental to the reputation of the Brevard County Sheriff's Office. The security video clearly depicts Deputy Ford engaging in risqué behavior with Ms. Frasier such as placing his hand on her crotch and sucking/fondling her bare breast in a business open to the public and furthermore involves himself in a dispute with her that eventually led to several physical confrontations involving Ms. Frasier's purse, telephone and vehicle keys. On four separate occasions, Deputy Ford attempted to retrieve his personal belongings from Ms. Frasier by aggressively grabbing her purse from her possession. Deputy Ford also consumed approximately eight alcoholic beverages that evening. Although he claimed he was not intoxicated, Deputy Ford admitted that the alcohol was a contributing factor in his decision making in the incidents involving Ms. Frasier. After having time to reflect on his behavior that evening, Deputy Ford admitted that his actions were not conducive to the standards of a deputy sheriff and that he should have sought alternative means to retrieve his personal property from Ms. Frasier.

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

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

That the allegation against Deputy Ford that he violated **400.06 Compliance with Law & Regulation** be closed as "**Sustained.**" This is supported by the fact that Deputy Ford is seen on video committing a "Battery" on Ms. Frasier in violation of F.S.S. 784.03 and participating in "Lewd & Lascivious Behavior" with Ms. Frasier in a business open to the public in violation of F.S.S. 798.02.

That the allegation against Deputy Ford that he violated **400.38 Intoxication On & Off Duty** be closed as "**Sustained.**"

VI. Enclosures

- Copy of Cocoa P.D. case report with audio/video interviews (C/R#2016-00049779)
- Copy of BCSO case report with audio/video interviews and Lido's Cabaret security video (C/R2016-0435010)

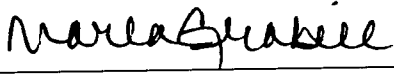
- Memorandum from Chief Lewis to Commander Donn titled "Authorization for Administrative Investigation"
- Notice of Administrative Investigation
- Administrative Investigation Warning

VII. 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 16th day of February, 2017.

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

