



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

DATE: February 22, 2017
TO: Chief Deputy Doug Waller
FROM: Agent Kraig Hupfer, Staff Services Unit
RE: Command Inquiry 2017-CI-001

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I. Summary

On February 02, 2017, Deputy Daniel McMahon responded to 410 Wickham Lake Drive in Melbourne, Fl. in reference to a possible stolen cellular telephone. Upon his arrival, Deputy McMahon met with Ms. Ashleigh Goldstein who was in possession of a white Apple iPhone 5C (Refer to BCSO case #2017-00040396). Ms. Goldstein advised that she had broken her cellular telephone and she asked her friend, Ms. Daniella Grove, if she could use one of her old telephones. Deputy McMahon learned that Ms. Grove had purchased the telephone several months prior to this date from a local pawn shop, however, she had not been using it. Ms. Grove gave her an old Apple I-Phone 5C at which time Ms. Goldstein began using it with the residential Wi-Fi network. Ms. Goldstein then reset the telephone so she could access her personal iPhone account. When she did this, the telephone prompted a message advising that it was being monitored by the Brevard County Sheriff's Office. Deputy McMahon took possession of the telephone and he logged into the telephone with his agency account password to open the telephone. Deputy McMahon advised the telephone logged onto the BCSO network and operated exactly as a BCSO agency telephone. Deputy McMahon took possession of the telephone and he contacted Sergeant Sangeleer.

Initial investigation revealed that the telephone was in fact BCSO property and it had been pawned at the Best Pawn located at 895 S. Wickham Road in West Melbourne on March 30, 2016. A FINDER report indicated that the person responsible for pawning the telephone was Deputy Douglas Lindberg.

On February 02, 2017, Sergeant Sangeleer authored a memorandum to Staff Services titled "Investigation of misuse of Agency property," which summarized the incident.

On February 03, 2017, Commander Greg Purden authored a memorandum to Chief Deputy Doug Waller titled, "Deputy Douglas Lindberg," which summarized the incident and formally requested a formal administrative investigation.

On February 03, 2017, Chief Deputy Doug Waller authorized an Administrative Investigation of this incident.

On February 03, 2017, the Staff Services Office received this case for further investigation.

On February 06, 2017, Deputy Douglas Lindberg was served his notice of administrative investigation and he was placed on administrative leave pending this investigation.

II. Possible Policy Violations:

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

III. Witness Interviews:

Sergeant Scott Behringer Special Operations – Motor Unit

On February 08, 2017, I conducted a sworn, audio-recorded interview with Sergeant Behringer at the Palm Bay Eastern State College campus. Sergeant Behringer advised that he has been Deputy Lindberg's supervisor for approximately four years. During that time, Sergeant Behringer stated that Deputy Lindberg has never told him about any issues in regards to his agency issued cellular telephone. If Deputy Lindberg had advised him about any damaged/lost agency property, Sergeant Behringer stated that he would have directed him to complete a case report and a lost/damaged property form to document the incident.

Matthew Turner Best Pawn – West Melbourne

On February 08, 2017, Agent McLaughlin and I conducted a sworn, audio-recorded interview with Matthew Turner at the Best Pawn in West Melbourne. Mr. Turner is an employee at the Best Pawn and he confirmed that he was the person who conducted the transaction for the pawned BCSO telephone on March 30, 2016. Due to the length of time since the transaction, Mr. Turner could not recall the actual transaction or who may have brought the telephone into the business. He further stated that the iPhone 5C was a commonly pawned item at his business and unless there was something unusual or distinct about the telephone, this type of transaction was an everyday occurrence.

As for the Pawn Shop's protocol for inspecting a cellular telephone, Mr. Turner advised that he would have powered the telephone up, inspected it for operational readiness and documented the model and serial number. Once his business decided to follow through with the transaction, Mr. Turner advised he would have required a signature, a thumb print on the Florida Pawnbroker Transaction Form and an identification from the seller that he would have scanned into their computer database. In this particular transaction, Mr. Turner stated that his business paid Deputy Lindberg fifty (\$50.00) dollars to complete the purchase of the pawned cellular telephone. I then requested Mr. Turner to provide a copy of the scanned identification that was given to him by the person associated with this transaction on March 30, 2016. Mr. Turner gave me a copy of Deputy Lindberg's Florida driver's license. After reviewing the copy of Deputy Lindberg's driver's license photograph, Mr. Turner still was unable to recall the transaction for the telephone.

Ron Spangler
Logistics Manager

On February 08, 2017, Agent McLaughlin and I conducted a sworn, audio-recorded interview with Manager Ron Spangler at his office in Sharpes, Florida. Manager Spangler noted that Deputy Lindberg had an "806" prefix telephone number which led him to believe that Deputy Lindberg had ported his personal telephone number over to the BCSO AT&T plan. *This was later confirmed through AT&T who provided documentation that Deputy Lindberg ported his personal telephone number, which records reflected as being activated on an iPhone 4, over to the BCSO service plan on February 25, 2011.* Manager Spangler provided documentation that showed Deputy Lindberg had been issued an iPhone 5C on or about December 11, 2014. He also confirmed, via the serial number and EMEI number, that the white iPhone 5C that had been issued to Deputy Lindberg was the same white iPhone 5C that had been pawned at the Best Pawn on March 30, 2016.

Manager Spangler provided documentation that showed he ordered a new iPhone 6 on March 18, 2016, and that the telephone was activated and issued to Deputy Lindberg on March 30, 2016. The iPhone 6 would have been issued to replace the iPhone 5C telephone that had been issued to him. He had previously told Lieutenant Maddox that he thought Deputy Lindberg had told him that he had lost his issued telephone. When I spoke to Manager Spangler he stated that he now believed he may have mistakenly confused Deputy Lindberg with another employee who needed a cellular telephone replaced. Manager Spangler also could not say with certainty if he, or Nancy Baker, completed the issuance of the new telephone to Deputy Lindberg nor did he have any documentation showing that Deputy Lindberg signed for the iPhone 5C. Manager Spangler advised that the iPhone 5C that Deputy Lindberg had at that time (March 2016) was one of the telephones that would have been due an upgrade through AT&T. When an employee receives a new telephone, Manager Spangler said the employee is supposed to trade in the old telephone at the time of being issued the new telephone. However, he

sometimes has allowed employees to keep the old telephone for a short period of time so that the employee can download any personal items such as pictures and contacts prior to turning it back into his office. Once the new telephone is issued, Manager Spangler advised that the old telephone is then deactivated from the BCSO plan.

Beginning with the issuance of the iPhone 6 telephones in April 2016, Manager Spangler advised that the telephones were equipped with an AT&T Apple Device Enrollment Program. This program allowed Manager Spangler to manage and control all Apple devices under the BCSO AT&T plan. Manager Spangler stated that all of the BCSO controlled Apple devices displayed a message that the device was being monitored by the Brevard County Sheriff's Office when the device was turned on. The enrollment plan also prevented anyone from attempting to activate a BCSO owned device to another service provider. In October 2016, Manager Spangler stated that he was able to "push" this software upgrade out to all of the other BCSO devices that had been issued without it. Prior to October 2016, Manager Spangler said that the iPhone 5C that Deputy Lindberg had would not have had the enrollment plan installed on it. He advised that would have explained how the person who purchased the BCSO pawned telephone in April 2016 was able to activate it with another service provider. When the telephone was activated on February 02, 2017, the enrollment software downloaded onto the device and alerted the user that the telephone was being monitored by the Brevard County Sheriff's Office.

Daniella Grove
Melbourne, Fl.

On February 09, 2017, I conducted a sworn, audio-recorded interview with Ms. Daniella Grove at her residence in Melbourne, Florida. In April 2016, Ms. Grove stated her mother purchased the iPhone 5C for her from the Best Pawn in West Melbourne and activated it under her service provider plan. Ms. Grove used the telephone until October 2016 at which time she turned eighteen and she purchased her own personal telephone with another service provider. After activating her new telephone, Ms. Grove stated she placed the old iPhone 5C in her bedroom drawer until February 02, 2017, when her friend, Ashleigh Goldstein, needed a telephone. Upon turning on the telephone, they observed the message on the screen of the telephone which stated that it was being monitored by the Brevard County Sheriff's Office. Believing that the telephone may have been stolen, they contacted the Sheriff's Office to make a report. Deputy McMahon responded to their residence where he took possession of the telephone.

Nancy Baker
Former Logistics Specialist

On February 16, 2017, I conducted a sworn, audio-recorded interview with Nancy Baker at the Port St. John Substation. The purpose of this interview was to substantiate Deputy Lindberg's recollection of his conversation with her during the telephone upgrade on March 30, 2016. Ms. Baker advised that she did recall the day that Deputy Lindberg came into her office to upgrade his cellular telephone. Around that time period, she

remembered that her office had a lot of employees with personal telephones that were converting over to agency issued telephones due to the newly enacted BCSO archival policies. Ms. Baker stated that she handled several employee telephone transitions where the employee brought their personal telephones into her office and they received an agency issued telephone. She then transferred their telephone contacts over to the new BCSO telephone and the employee left with both (personal and agency) telephones. So when Deputy Lindberg came into her office for his agency issued telephone, Ms. Baker assumed that he was also an employee who had been using his personal telephone prior to being issued the agency telephone. Ms. Baker did recall Deputy Lindberg telling her that the iPhone 5C he brought into her office was his personal telephone. Ms. Baker admitted that she did not confirm the ownership of the telephone.

IV. Subject Interview

Deputy Doug Lindberg Special Operations – Motor Unit

On February 14, 2017, Agent McLaughlin and I met with Deputy Lindberg at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn audio-recorded interview with him. Once Deputy Lindberg reviewed the case file to his satisfaction, I initiated a sworn interview with him. Prior to asking Deputy Lindberg any questions, he was read the Administrative Investigation Warnings, which he acknowledged he understood and signed. During the interview, Deputy Lindberg was accompanied by his representative, Ned Golden from the Fraternal Order of Police. I explained to Deputy Lindberg the nature of this investigation and asked him to explain what occurred on March 30, 2016. The following is a summary of the interview:

Prior to 2014, Deputy Lindberg stated he had his own personal telephone number and personal iPhone with another service provider. When the Brevard County Sheriff's Office offered their employees the option of switching their service provider to the Sheriff's Office plan and receive a reduced government rate plan, Deputy Lindberg advised that he switched to the BCSO plan and ported his personal telephone number over to the Sheriff's Office AT&T plan. Deputy Lindberg advised that he believed he was also using his own personal iPhone as part of transitioning to the Sheriff's Office plan. I advised Deputy Lindberg that Logistics Manager Ron Spangler had provided documentation from AT&T which confirmed, via the IMEI and serial number, that he had been issued a BCSO owned telephone on or about December 11, 2014. Deputy Lindberg stated he was most certain that he had used his own iPhone as his initial telephone with the BCSO plan. Deputy Lindberg did not want to dispute Mr. Spangler's records, but he said that he did not ever remember being issued a BCSO telephone until March 2016.

Deputy Lindberg further stated that he had owned several iPhones during that time period to include two iPhone 4's and two iPhone 5's. Deputy Lindberg said that he attempted to retrieve personal telephone records from his service provider for the time period prior to

2014, but he was advised that they were unable to retrieve those records. He also attempted to research his personal credit card and bank statements to provide documentation for the purchase of any of his personal iPhones but he was met with negative results. Deputy Lindberg stated that he was no longer in possession of any of the previous iPhones stating that he had sold one iPhone and given the others away.

During the time period of March 2016, Deputy Lindberg remembered speaking with Logistics Specialist Nancy Baker who advised him that there was a BCSO telephone upgrade being issued. She told him that his telephone (iPhone 5C) was one of the telephones that was eligible to be upgraded to an iPhone 6. On March 30, 2017, Deputy Lindberg was advised by Ms. Baker that his new iPhone 6 was ready to be issued so he responded to her office to complete the transition to the new telephone. While completing the upgrade, Deputy Lindberg stated he remembered telling Ms. Baker that the iPhone 5 he had was in fact his personal telephone that he used to port his personal telephone number over to the BCSO service provider plan. He said Ms. Baker did not question the ownership of the telephone nor did she tell him that the iPhone 5 was BCSO agency property. *During a subsequent interview with Ms. Baker, she confirmed recalling that Deputy Lindberg told her that the iPhone 5C was his personal telephone. Ms. Baker also confirmed that she did not verify ownership of the iPhone 5C stating that she took Deputy Lindberg "at his word" that the telephone belonged to him.* With the belief that the telephone was his personal property, Deputy Lindberg stated he left Ms. Baker's office with both telephones. Because his previously owned telephone number was under the BCSO plan and the fact he was issued a BCSO iPhone 6, Deputy Lindberg advised he has since obtained another secondary personal telephone number with a personally owned telephone under another service plan.

Although he remembered pawning the iPhone 5C, Deputy Lindberg did not recall pawning the telephone on the same day as being issued his BCSO iPhone 6. He stated he did not have to "wipe" the iPhone 5C clean due to the fact he did not have any personal information or photographs stored on it with the knowledge that the BCSO could monitor and/or access the telephone that was under the BCSO service provider plan. Deputy Lindberg also remembered that he purchased an iPad for his mother-in-law that day from the same pawn shop and they used the fifty dollars received from the sale of the iPhone 5C towards the three hundred dollar purchase of the iPad. Deputy Lindberg advised that was the only item he has ever pawned and he was not experiencing any financial hardships of any kind. *A check in the FINDER Data Sharing System confirmed that this was the only pawn transaction under Deputy Lindberg's name.* He stated that he understood that knowingly pawning an item that did not belong to him would have constituted a criminal act, which in turn would have jeopardized his career. Deputy Lindberg further stated that it was not his intent to knowingly pawn an agency owned item stating he would never jeopardize his ten year career with the Brevard County Sheriff's Office for fifty dollars.

V. Other Investigative Efforts:

On February 03, 2017, I responded to the Best Pawn located at 895 South Wickham Road in West Melbourne. I spoke with the on-duty manager who advised that his employee, Matthew Turner, conducted the pawn transaction for the BCSO iPhone 5C with Deputy Lindberg. Mr. Turner was not present at work that day. I obtained the original Florida Pawnbroker Transaction Form completed by Mr. Turner and signed by Deputy Lindberg.

On February 07, 2017, I provided the BCSO Fingerprint Identification Unit with the Florida Pawnbroker Transaction Form containing a thumbprint obtained at the time of the pawn transaction on March 30, 2017, and requested them to compare it to the known fingerprint standards of Deputy Lindberg. On February 07, 2017, the Fingerprint Identification Unit positively identified the standards of the thumbprint on the pawn ticket as being Deputy Lindberg.

On February 08, 2017, an audit of Deputy Lindberg's cellular telephone usage was conducted by Manager Spangler dating March 15, 2016, through April 13, 2016. The audit revealed there was no break or interruption of telephone usage during that time between the issuance of his new iPhone 6 and the previously issued iPhone 5C.

I confirmed that prior to 2014, employees who had a personal iPhone's were able to switch their service to the Sheriff's Office account, at their expense, so that they could pay the reduced rate that the Sheriff's Office receives. Beginning in 2012, the Sheriff's Office began to "phase out" this benefit due to the BCSO archival policies.

VI. Recommendations:

On February 25, 2011, Deputy Lindberg ported his personal telephone number over to the BCSO AT&T plan. This was confirmed through AT&T who provided documentation that Deputy Lindberg activated this number on an iPhone 4 (this was his personal phone).

On December 11, 2014, Deputy Lindberg was issued an agency owned iPhone 5C by the BCSO Logistics Management Office. On March 30, 2016, Deputy Lindberg was issued a new iPhone 6 by the BCSO Logistics Management Office. Later that same day, Deputy Lindberg took the agency owned iPhone 5C and pawned it at the Best Pawn Shop located at 895 S. Wickham Road in West Melbourne. This telephone was identified and confirmed as BCSO property by Mr. Spangler, via the serial number and EMEI number, as the same iPhone 5C that had been issued to Deputy Lindberg. The telephone was verified as being pawned by Deputy Lindberg by the completed Florida Pawn Broker Transaction Form, verification of Deputy Lindberg's thumbprint on the form, the business' copy of the scanned driver's license on the day of the transaction and through Deputy Lindberg's own admission.

During Deputy Lindberg's subject interview, he did not dispute pawning the iPhone 5C telephone at the Best Pawn on March 30, 2016. Deputy Lindberg stated, in essence, that he had forgotten who owned the telephone and he believed that the telephone belonged to him at the time he pawned it. Deputy Lindberg stated he had owned several previous iPhone devices and that he must have mistakenly confused the BCSO iPhone 5C with his other personally owned iPhone devices. When he was issued his new BCSO iPhone 6, Deputy Lindberg also told Ms. Baker that the iPhone 5C was his personal telephone, which she did not dispute, and that was why he maintained possession of the telephone along with his new agency issued telephone.

This administrative investigation determined that, although there does not appear to be any criminal intent on the part of Deputy Lindberg when he pawned the agency owned iPhone, Deputy Lindberg was careless and negligent in his responsibilities to maintain and protect agency property when he failed to return the iPhone to Central Logistics.

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

That the allegation against Deputy Lindberg that he violated *200.15 Loss Control* be closed as **"Sustained."**

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

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

VII. Enclosures:

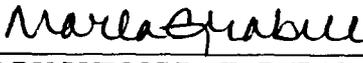
- Memorandum from Sergeant Sangeleer to Chief Deputy Doug Waller titled "Supervisory Overview ref. BCSO Case Number 2016-00108636"
- Copy of case report from Deputy McMahan
- Memorandum from Commander Purden to Chief Deputy Doug Waller titled "Deputy Douglas Lindberg"
- Notice of Administrative Investigation
- Administrative Investigation Warning

VIII. 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  210
Agent ~~Craig~~ Hupfer, ID 210

Sworn to and subscribed before me, the undersigned authority, this 22nd day of February, 2017.

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





Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

DATE: March 02, 2017
TO: Deputy Doug Lindberg ID#745
FROM: Chief Deputy Doug Waller
RE: Final Action
Administrative Investigation 2017-CI-001

A TRUE COPY	
TIME	10:04 AM .M.
DATE	3/9/17
BREVARD COUNTY SHERIFF'S OFFICE	
Received By:	
Signature of Deputy Doug Lindberg #745	
Served by:	
Signature of Agent/Deputy 37	

Administrative Investigation 2017-CI-001 is now closed. The final action regarding this inquiry is the determination of sustained charges and the application of appropriate corrective action.

After a review of the administrative investigation, and in consideration of the input you provided at your "Pre-Deprivation Hearing" on March 2, 2017, I have determined that your actions were in violation of the established policies and standards of the agency. Specifically, you failed in your responsibilities to maintain and protect agency property that had been issued to you.

As a result of my review, I am sustaining the following policy violations:

- **200.15 Loss Control**
- **400.00 General Professional Responsibilities**

During your hearing you accepted complete responsibility for your actions. You stated, in essence, that you had forgotten that the agency had issued you a telephone and you truly believed that the telephone belonged to you at the time it was pawned. You stated that you understood that it was ultimately your responsibility to maintain and protect agency issued property. Furthermore, you have agreed to reimburse anyone who may have been financially impacted by your actions to include the business and customer. Based upon our discussion today, I believe you understand the seriousness of your actions and how they reflect upon the agency and yourself. Therefore, I have mitigated the corrective action in this matter down to a **Letter of Reprimand**. *This memorandum shall serve as your Letter of Reprimand.*

Cc: Commander Greg Purden
H.R. Manager Lisa Gillis
Copy to file 2017-CI-001