

Brevard County Sheriff's Office Titusville, Florida

MEMORANDUM

DATE:

June 06, 2017

TO:

Chief Michael J. Lewis

FROM:

Agent Kraig Hupfer, Staff Services Unit

RE:

Command Inquiry 2017-CI-01&

I. Summary

On March 13, 2017, at approximately 1800 hours, staff members working in the Video Visitation Building were monitoring the visitations when they observed a female sitting on the floor. Jail staff did not observe her fall and a review of the video visit revealed that she had fallen prior to the automated visit commencing at 1800 hours. Visitation Clerk Frederika Ader checked on the wellbeing of the female who advised that she had fallen off the stool while waiting for her visit to start. The female declined medical attention stating that she wanted to complete her visit. Visitation Clerk Ader contacted Sergeant Richard Zimmerman, who was the shift Housing Sergeant, of the incident and he directed her to complete an incident report (Incident #2017-00001008). Sergeant Zimmerman then contacted the Lieutenant's Office to advise the shift supervisor of the incident. The shift supervisor was not in the office so Agent LaRoche, who was there on another matter, answered the telephone. Sergeant Zimmerman told Agent LaRoche of the incident at which time he suggested to Sergeant Zimmerman that medical assistance should be requested to respond to the visitation building. Shortly after speaking with Sergeant Zimmerman, Lieutenant Kelly Haman came into the Lieutenant's Office at which time Agent LaRoche apprised her of the incident. Lieutenant Haman responded by stating, "Oh well, she's gonna sue us anyway." It was later learned that Sergeant Zimmerman did not respond to the visitation building to assess the situation and determine whether or not medical assistance was required.

On May 11, 2017, Chief Michael J. Lewis authorized an Administrative Investigation of this incident.

On May 11, 2017, the Staff Services Office received this case for further investigation.

Pls schedule of 6-9-14

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On May 12, 2017, Sergeant Zimmerman was served his notice of administrative investigation.

On May 30, 2017, Lieutenant Haman was served her notice of administrative investigation.

II. Possible Policy Violations:

- 400.00 General Professional Responsibilities
- 400.04 Substandard Performance

III. Witness Interviews

Visitation Clerk Leah Hoggard Jail Complex

On May 12, 2017, Agent LaRoche and I conducted a sworn audio-recorded interview with Visitation Clerk Leah Hoggard at the Jail Complex. Hoggard advised that, on March 13, 2017, at approximately 1800 hours, she was working with Visitation Clerk Fredrika Ader in the jail visitation building when she observed a female visitor sitting on the floor laughing. Hoggard said that she did not see the female visitor fall and, based on her observations, the female visitor did not appear to be in any duress. Hoggard stated that Ader went to check on the wellbeing of the female visitor and she heard Ader offer assistance to get her back up on the stool. The female visitor advised that she would need some time before attempting to get up. Hoggard stated that Ader also offered to call 911 but the female visitor declined any medical assistance. Ader then contacted Sergeant Zimmerman to apprise him of the incident. Hoggard advised that the female visitor finished her visitation, which was approximately forty-five minutes in duration, and that an unknown male came into the building to assist her in leaving the visitation building. Hoggard further advised that Sergeant Zimmerman, nor any other supervisor, ever responded to the visitation building.

Visitation Clerk Frederika Ader Jail Complex

On May 12, 2017, Agent LaRoche and I conducted a sworn audio-recorded interview with Visitation Clerk Frederika Ader at the Jail Complex. Ader advised that, on March 13, 2017, at approximately 1800 hours, she was working with Visitation Clerk Hoggard in the jail visitation building when she observed a female sitting on the floor. Ader stated she went to the female visitor to check on her wellbeing and to see if she needed medical attention. The female visitor told her that she was fine and that she wanted to continue with her visit seated on the floor. Ader recalled contacting Sergeant Zimmerman to apprise him of the incident and he directed her to contact 911 if there was a medical

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emergency. Ader said she went to the female visitor a second time to see if she needed medical attention or assistance to sit back on the stool to which the visitor declined any assistance. At some point after speaking with her the second time, Ader observed that the female visitor was seated on the visitor's stool. Ader stated she did not see who, if anyone, helped her back on the stool. A review of the video recordings confirmed Ader did check on the wellbeing of the visitor twice and that a visitor adjacent to her assisted the female visitor back on her stool approximately nineteen minutes into her visit. Once the visitation was completed, Ader went to the female visitor to inquire if she needed any assistance. At the request of the female visitor, Ader said she contacted a friend so that he could assist her in leaving the facility. Ader stated that it was only a short period of time before an unknown male arrived at the visitation building with a walker. When the unknown male asked what had occurred, Ader recalled the female visitor telling him that she hurt her knee to which the male responded, "Oh, that knee?" The unknown male then escorted her out of the building to leave the facility. Ader stated that Sergeant Zimmerman, nor any other supervisor, ever responded to the visitation building during or following the incident. She could not recall if Sergeant Zimmerman contacted her by telephone to conduct any follow up inquiries as to the status of the incident. Ader advised that she did make an annotation in the female visitor's visitation computer notes to document the incident. A review of the View Visitor Notes confirmed that Ader did annotate "Fell and hurt knee confirmation #835937" on the computer visitor log.

Agent Charles LaRoche Staff Services

On May 16, 2017, I conducted a sworn audio-recorded interview with Agent Charles LaRoche at the Staff Services Office in Titusville. Agent LaRoche advised that, on March 13, 2017, at approximately 1800 hours, he was in the lieutenants office at the jail complex on an unrelated investigation when he answered the lieutenant's telephone and spoke with Sergeant Zimmerman. Agent LaRoche stated that Sergeant Zimmerman was attempting to contact a jail lieutenant to apprise them of a civilian that had fallen off a stool in the visitation building. After hearing the details of the incident, Agent LaRoche said he told Sergeant Zimmerman that a medical response would probably be required if the woman was complaining of an injury at which time he ended his conversation with Sergeant Zimmerman. A short time later, Agent LaRoche stated that Lieutenant Kelly Haman entered into the office to begin her shift as the night supervisor. Agent LaRoche advised he briefed Lieutenant Haman as to his conversation with Sergeant Zimmerman. Agent LaRoche stated that Lieutenant Haman responded by stating, "Oh well, she's going to sue us anyway." Agent LaRoche said that Lieutenant Haman went on to assist him in his investigative needs that evening and he did not know if Lieutenant Haman contacted Sergeant Zimmerman or conducted any follow up inquiries as to this incident.

On June 02, 2017, I conducted a second sworn audio-recorded interview with Agent LaRoche. The purpose of this interview was to clarify when and how he notified Lieutenant Haman of the incident and the intent of which the statement was made by

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Lieutenant Haman. Agent LaRoche believed that approximately fifteen to twenty minutes had passed from the time he spoke with Sergeant Zimmerman to the time Lieutenant Haman arrived in the office. Based on that timeline, he confirmed that he spoke with Lieutenant Haman at approximately 1830 to 1840 hours. When he apprised her of the details of the incident from Sergeant Zimmerman, Agent LaRoche stated he did not advise her that she was being requested to respond to the visitation building and he understood why Lieutenant Haman believed that he was only providing her with a pass on briefing. As to the statement Lieutenant Haman made, Agent LaRoche stated that, when she made the statement, it was made in a private office setting and he believed she made the statement as a joke and not with any serious intent.

Lieutenant Michelle Patrick Jail Complex

On May 17, 2017, I conducted a sworn audio-recorded interview with Lieutenant Michelle Patrick at the Jail Complex. Lieutenant Patrick advised that, on March 13, 2017, at approximately 1845 hours, she was contacted by Sergeant Shoar in reference to the female visitor who had slipped off a stool in the visitation building. Lieutenant Patrick recalled Sergeant Shoar advising her that the female visitor did not require any medical attention so she directed that Ader document the incident in an incident report. When she reported to work the following day, Lieutenant Patrick discovered that an incident report had not completed by Ader. Lieutenant Patrick inquired as to why the incident report was not completed the date of the incident at which time Ader told her she did not know how to complete a report in the computer. Lieutenant Patrick then learned that a supervisor never responded to the visitation building to conduct any follow up inquiries with Ader or to ensure the proper documentation of the incident was completed. Lieutenant Patrick stated that it was Sergeant Zimmerman who had been contacted by Ader so he would have been the supervisor responsible to respond to the visitation building to conduct any follow up inquiries or to ensure that the proper documentation was completed in an incident report. Due to the fact it was a civilian involved incident, Lieutenant Patrick advised Sergeant Zimmerman should have definitely went to the visitation building to ensure that the visitor did not require any medical attention.

Sergeant Mark Shoar Jail Complex

On May 17, 2017, I conducted a sworn audio-recorded interview with Sergeant Mark Shoar at the Jail Complex. Sergeant Shoar stated that, on March 13, 2017, he was present in the Unit #2 office when Sergeant Zimmerman received a telephone call from the visitation building in reference to a female visitor that had slipped off a stool and fell on the floor. Sergeant Shoar recalled hearing that the visitor had refused any medical attention. Due to the fact Sergeant Zimmerman answered the call, Sergeant Shoar believed Sergeant Zimmerman was the supervisor who was going to conduct the

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oversight of this incident therefore he did not provide any assistance in this matter other than calling Lieutenant Patrick to notify her of the incident.

Sergeant Michael Ingram Jail Complex

On May 18, 2017, I conducted a sworn audio-recorded interview with Sergeant Michael Ingram at the Jail Complex. Sergeant Ingram stated that, on March 13, 2017, he was present in the Unit #2 office when Sergeant Zimmerman received a telephone call from the visitation building. Sergeant Ingram did not know what the details were but he recalled Sergeant Zimmerman speaking with someone around shift change at approximately 1800 hours about an incident in the visitation building. Sergeant Ingram stated he was busy completing his end of shift paperwork so he did not know any details of the incident nor did he provide any assistance. He advised that, because Sergeant Zimmerman took the telephone call, he assumed that he (Sergeant Zimmerman) was going to take care of any supervisory actions in this matter.

IV. Subject Interviews

Sergeant Richard Zimmerman Jail Complex

On May 17, 2017, Agent McLaughlin and I met with Sergeant Zimmerman at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn audio-recorded interview with him. Once Sergeant Zimmerman reviewed the case file to his satisfaction, I initiated a sworn interview with him. Prior to asking Sergeant Zimmerman any questions, he was read the Administrative Investigation Warnings, which he acknowledged he understood and signed. During the interview, Sergeant Zimmerman was accompanied by Coastal Florida Police Benevolent Association representative Al Boettjer. I explained to Sergeant Zimmerman the nature of this investigation and asked him to explain what occurred at the Jail Visitation building on March 13, 2017. The following is a summary of the interview:

Sergeant Zimmerman stated that on, March 13, 2017, at approximately 1800 hours, he was working as one of the "B" shift day supervisors when he was contacted by Visitation Clerk Ader via his office telephone and told that a female visitor had fallen off one of the stools. Sergeant Zimmerman stated he directed Ader to ascertain if the female visitor required medical assistance and, if she did, he told her to call 911. Sergeant Zimmerman then told Ader to document the incident with an incident report. He stated that Sergeant Shoar and Sergeant Ingram were also in the office when he spoke with Ader about the incident. Sergeant Zimmerman then advised that he attempted to contact Lieutenant Patrick by calling her desk telephone to apprise her of the incident. Sergeant Zimmerman spoke with Agent LaRoche who advised him that there was no day shift lieutenants in the office and that Lieutenant Haman was scheduled to be the night shift supervisor.

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Sergeant Zimmerman stated that he told Agent LaRoche of the incident and he requested that he tell Lieutenant Haman of the incident when she came into the office. Sergeant Zimmerman advised that was his only attempt to contact any of the lieutenants in the complex. He stated that he did not attempt to call Lieutenant Haman or any of the other lieutenant's cellular telephones and he did not confirm Lieutenant Haman was aware of the incident at the visitor's building. Sergeant Zimmerman could not recall whether he briefed any of the night shift sergeants or corporals of the incident. At approximately 1815 hours, Sergeant Zimmerman stated that he left the jail complex to go home. He said that he believed Sergeant Ingram was parked in the front parking lot so thought that he might stop by the visitation building prior to going home to see if there was any supervisory assistance required by the visitation clerks. Sergeant Zimmerman said that there was not any specific conversation between them about this and he later learned that Sergeant Ingram did not respond to the visitation building.

Sergeant Zimmerman stated he did not realize that it was common practice for a supervisor to respond to every incident in the visitation building. Sergeant Zimmerman said he believed each incident was assessed on a case by case basis. He stated that, if he had known that there had been an actual injury, he would have responded to the visitation building. In this incident, Sergeant Zimmerman did not hear back from the visitation clerks so he believed that there was no medical issues that needed his attention. Sergeant Zimmerman said he now understands that it was an error in judgement on his part not to conduct any follow up oversight of the incident.

As to directing Ader to complete an incident report, Sergeant Zimmerman stated he did not give a specific time frame as to when he expected this to be completed but he believed that it was "implied" that it should have been completed prior to the end of her shift. When he returned to shift the next day, Sergeant Zimmerman saw that a report had not been completed and he was advised at that time that Ader did not know how to use the computer database to generate a report. If he had known this, Sergeant Zimmerman stated he would have stayed and assisted Ader with the incident report prior to leaving their shift the previous date.

Lieutenant Kelly Haman Jail Complex

On May 30, 2017, I met with Lieutenant Kelly Haman at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn audio-recorded interview with her. Once Lieutenant Haman reviewed the case file to her satisfaction, I initiated a sworn interview with her. Prior to asking Lieutenant Haman any questions, she was read the Administrative Investigation Warnings, which she acknowledged she understood and signed. During the interview, Lieutenant Haman was accompanied by Coastal Florida Police Benevolent Association representative Al Boettjer. I explained to Lieutenant Haman the nature of this investigation and asked her to explain what occurred at the Jail Visitation building on March 13, 2017. The following is a summary of the interview:

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Lieutenant Haman stated that on, March 13, 2017, at approximately 1800 hours, she was the oncoming night "B" shift supervisor. She advised that she received a pass-on briefing from Lieutenant Patrick and that she was told that Staff Services agents were in the jail complex to conduct interviews for an unrelated matter. Lieutenant Haman said she met with Agent LaRoche and Agent McLaughlin to obtain the names of the people they needed to interview and then she went to the night shift roll call to relay the names to the oncoming night shift sergeants so that they could assist the Staff Services agents with their interview needs. After the roll call concluded, Lieutenant Haman said she went to her office to complete some of her administrative duties. She then decided to check on the Staff Services agents to ensure that they were getting the assistance of the sergeants. At approximately 1830-1845 hours, Lieutenant Haman said she made contact with Agent LaRoche at which time she learned that they were still waiting for their first person to be interviewed. It was at that time Lieutenant Haman said she was told by Agent LaRoche of the telephone call received from Sergeant Zimmerman. She was told that a female visitor had fallen but she was not told there was any injuries sustained as a result of the fall. Due to the fact nobody from the previous shift had notified her of the incident, and the manner in which Agent LaRoche relayed the message to her from Sergeant Zimmerman, Lieutenant Haman believed that it was a minor incident that Sergeant Zimmerman had already taken care of and it did not require any action from her as a lieutenant. Lieutenant Haman advised that Sergeant Zimmerman did not attempt to contact her on her cellular telephone nor was she contacted via her radio. She stated she believed that she was being told of the incident for informational purposes only because she was the night shift supervisor. If she would have had knowledge or been told there had been an actual medical emergency, Lieutenant Haman stated she would have ensured a supervisory response by herself or by one of the shift sergeants.

As to the statement described by Agent LaRoche in which she stated, "Oh well, she's going to sue us anyway", Lieutenant Haman stated she did not recall making that statement. Lieutenant Haman said that if she did make that statement it would have been in jest and not with any seriousness or malicious intent. If she had known there had been an actual injury, Lieutenant Haman stated that, she would have never made a remark or statement making light of the incident.

IV. Other Investigative Efforts

I obtained photographs of the visitation building as well as copies of the audio/video recorded visitations for the female visitor and surrounding visitors for the visitation session that started at 1800 hours and ended at 1845 hours on March 13, 2017. The visitation building has twelve visitation stations with each having a fixed, smooth metal stool in front of each monitor screen. The automated visitation is controlled via computer and each session begins on the top of the hour and lasts exactly 45 minutes, in this session that would have been from 1800-1845 hours. A review of the videos reflects that the female visitor was already sitting on the floor at the start of the visitation session. None of the videos capture the female visitor falling to the floor because she had already

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slipped off the stool prior to the video visits commencing at 1800 hours. In the beginning of the video visit, a visitor next to the female visitor can be seen attempting to help her up with negative results. That visitor later can be heard telling her inmate visit that the female fell. The female visitor begins her video visit while seated on the floor and she can be heard stating she slid off the stool and fell on the floor. On at least two occasions, once at approximately 3:19 minutes and once at approximately 18:49 minutes, Visitation Clerk Ader can been seen making contact with the female visitor. Ader can be heard asking her if she wants emergency services to be contacted on her behalf but the female visitor declines wanting Ader to call 911. During her visit, the female visitor can be heard laughing and she says that she hurt the same knee that she "broke," apparently referring to a previous injury. On the video, the female visitor appears to be in some discomfort as she occasionally groaned when she moved, she also voices this to the person that she is visiting. The visitor insisted on completing her visit. Shortly after declining emergency services, at approximately 22:30 minutes, a visitor at the adjacent station can be seen assisting the female visitor in getting her up back onto the stool at which time she completes her visitation.

V. Recommendation

On March 13, 2017, at approximately 1800 hours, a female visitor slipped off a stool in the visitation building and fell on the floor. Visitation Clerk Ader notified Sergeant Zimmerman of the incident at which time he instructed her to call 911 if the female visitor requested emergency services and to document the fall with an incident report. The visitation clerks did check on the female visitor multiple times and they offered to contact emergency services but she declined any medical assistance. At the end of her visit, Ader contacted a friend on her behalf to assist her in leaving the visitation building. Sergeant Zimmerman stated he attempted to contact his supervisor, Lieutenant Patrick, via telephone (landline) to apprise her of the incident. He ended up speaking with Agent LaRoche, after learning that Lieutenant Patrick was no longer on shift, Sergeant Zimmerman requested Agent LaRoche notify the oncoming shift supervisor, Lieutenant Haman, about the visitor falling in the visitation building. Sergeant Zimmerman acknowledged that he did not attempt to contact either, Lieutenant Patrick or Lieutenant Haman, via their cellular telephones or via their radios. Sergeant Zimmerman stated that, because he did not hear back from Ader, he believed there was not a medical emergency therefore he did not respond to the visitation building.

This investigation determined that Sergeant Zimmerman provided basic instructions but he failed to provide proper or clear supervisory guidance to a subordinate employee. He failed to properly notify the shift lieutenants about the incident and he did not conduct any follow up to ascertain if in fact there was a civilian injury and to ensure that an incident report was completed. During his subject interview, Sergeant Zimmerman said he understood that it was an error in judgement on his part not to conduct any follow up oversight of the incident and that as a supervisor he should have ensured that the incident was properly closed with documentation and supervisor notifications prior to him leaving his shift.

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

That the allegation against Sergeant Zimmerman that he violated 400.00 General Professional Responsibilities be closed as "Sustained."

That the allegation against Sergeant Zimmerman that he violated 400.04 Substandard Performance be closed as "Sustained."

As it pertains to Lieutenant Haman, this investigation revealed that she did receive notification of the incident through Agent LaRoche approximately 30-45 minutes after it occurred. She stated, in essence, that she was unaware was not informed by Sergeant Zimmerman or Lieutenant Patrick that the incident needed a supervisory response by a lieutenant. She believed that she was being told of the incident as a pass on for informational purposes only as she was the oncoming shift supervisor. Believing that it was a minor incident during a visit that had already concluded, Lieutenant Haman thought the incident had already been taken care of by the day shift sergeant, Sergeant Zimmerman. It should be noted that this incident occurred at shift change between the day shift and the night shift, this appears to have contributed to the confusion or lack of response to this incident.

As to her statement to Agent LaRoche, Lieutenant Haman did not recall making the statement. She stated that if she did make such a statement it would have been in jest. Lieutenant Haman advised that she would never have made a derogatory statement about a serious event at the jail complex. During his second interview, Agent LaRoche stated that he believed that her statement was made as a joke and in a private setting.

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

That the allegation against Lieutenant Haman that she violated 400.00 General Professional Responsibilities be closed as "Not Sustained."

That the allegation against Lieutenant Haman that she violated 400.04 Substandard Performance be closed as "Not Sustained."

VI. Enclosures

- Copy of incident report (2017-00001008)
- Photographs of visitation area
- Copy of Employee Counseling Report
- Memorandum from Major Tomblin to Chief Lewis titled "Internal Investigation Request"

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- Notice of Administrative Investigation Sergeant Zimmerman
- Notice of Administrative Investigation Lieutenant Haman
- Administrative Investigation Warning Sergeant Zimmerman
- Administrative Investigation Warning Lieutenant Haman

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 Harbler, ID 210

Sworn to and subscribed before me, the undersigned authority, this 06th day of June, 2017.

Signature

NOTARY PUBLIC/LAW ENFORCEMENT OFFICER
IN PERFORMANCE OF OFFICIAL DUTIES



Brevard County Sheriff's Office

Titusville, Florida

MEMORANDUM

DATE:

June 15, 2017

TO:

Sergeant Richard Zimmerman, ID#943

FROM:

Chief Michael DeMorat

RE:

Final Action

Administrative Investigation 2017-CI-012

Administrative Investigation 2017-CI-012 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 during your "Pre-Deprivation Hearing" on June 15, 2017, I have determined that your actions were in violation of the established policies and standards of the agency.

Specifically, after being notified that a civilian had slipped off of her seat in the visitation building, you failed to properly assess what had occurred and you failed to direct an appropriate response. Investigation established that you provided only minimal direction to a subordinate employee and that you never followed up with that employee to ensure that the situation was resolved. In short, it appears that you failed to take ownership of this incident after it was brought to your attention.

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

- 400.00 General Professional Responsibilities
- 400.04 Substandard Performance

During your hearing you accepted responsibility for your actions and assured me that you now realize the ramifications of the mistakes you made. As we discussed during your hearing, your subordinates look to you for leadership and direction and you must be able to provide them with the level of supervision that they need. Because of your willingness to accept responsibility, I am going to accept that this incident has been an opportunity for you in your development as a supervisor and mitigate the corrective action in this matter down to a **Letter of Reprimand**.

Final Action Memorandum - Zimmerman Administrative Investigation 2017-CI-012 June 15, 2017

You are forewarned that any subsequent violations could lead to progressive discipline up to, and including, termination of your employment.

This memorandum shall serve as your Letter of Reprimand.

Cc: Commander Darryl Hibbs Major Ronald Tomblin H.R. Manager Lisa Gillis Copy to file 2017-CI-012



Brevard County Sheriff's Office

Titusville, Florida

MEMORANDUM

DATE: June 07, 2017

TO: Lieutenant Kelly Haman

FROM: Chief Michael J. Lewis

RE: Meju, Aly Rash or for Final Action

Administrative Investigation 2017-CI-012

BREVARD COUNTY SHERIFF'S OFFICE
Received By: Lt. Kelly Haman
Signature of Employee Served
Served by:

Charles Agent/Deputy
Charles Daccell Wills 346

Administrative Investigation 2017-CI-012 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: Chief Michael DeMorat Commander Darrell Hibbs Investigative File 2017-CI-012