



Brevard County Sheriff's Office  
Titusville, Florida

**MEMORANDUM**

**DATE:** July 20, 2017  
**TO:** Chief Deputy Doug Waller  
**FROM:** Agent Kraig Hupfer, Staff Services Unit  
**RE:** Command Inquiry 2017-CI-016

*J. Waller*  
*7/21/17*  
*X Case with findings -*  
*X SEARCH PREP -*  
*TERMINATION HUPFER*

**I. Summary**

On May 23, 2017, at approximately 1524 hours, officers from the Melbourne Police Department responded to Deputy Richard Lemons' residence in reference to a domestic disturbance (Refer to MPD case#2017-033194). Upon arrival at the residence, officers made contact with Deputy Lemons who advised he had been involved in a domestic dispute with his estranged spouse. Deputy Lemons told MPD officers that he had just arrived home from an off-duty detail and found his wife in the front yard arguing with his daughter (Mrs. Lemons' step-daughter).

Deputy Lemons stated that he had separated from his wife and that he did not tell her where he had moved. Upon finding his wife and daughter arguing, Deputy Lemons told MPD officers that he confronted his wife and a verbal argument ensued. Deputy Lemons advised the MPD officers that prior to their arrival on scene, his wife had left area on foot. Deputy Lemons told the MPD officers that the dispute was verbal only and there had not been a physical altercation between them. Deputy Lemons' daughter also advised that there was not a physical altercation between her father and step-mother. MPD officers attempted to contact Mrs. Lemons via her cellular telephone with negative results. Believing that the altercation was verbal only, MPD officers provided Deputy Lemons with their case number and they left the scene.

At approximately 1705 hours, Mrs. Lemons contacted MPD and advised them that she had been involved in a physical altercation with her husband. MPD officers responded back to Deputy Lemons' residence where they made contact with Mrs. Lemons. Mrs. Lemons told the responding MPD officers that they had become involved in a domestic dispute, which escalated into a physical altercation earlier that day. Mrs. Lemons alleged that Deputy Lemons had grabbed her by the arm and wrist and threw her to the ground. MPD officers questioned the daughter a second time and she corroborated Mrs. Lemons'

statement of being grabbed by the arm and thrown to the ground. The daughter also showed the MPD officers how Deputy Lemons had placed his knee in Mrs. Lemons back while on the ground to keep her from getting up. When the daughter was asked why she did not disclose this information earlier, she told the MPD officers that she "forgot."

MPD officers then went back to Deputy Lemons to clarify the events of the domestic dispute from earlier in the day. Upon returning home, Deputy Lemons advised that he observed his daughter and Mrs. Lemons arguing in the front yard to his residence. He said he went to break them up when Mrs. Lemons became very expressive with her hands and she unintentionally scratched his sunglasses. Deputy Lemons said his wife was very emotional stating that she went from hugging him to becoming extremely angry with him. At some point, Deputy Lemons told the MPD officers that he attempted to restrain her and they ended up on the ground. When asked why he did not disclose this information in his earlier statement, Deputy Lemons told the responding MPD officers that he did not want to create work for them by having them complete a domestic violence report. After completing their investigation, the Melbourne Police Department determined that probable cause had been established to arrest Deputy Lemons for a single count of "Battery-Domestic Violence." Based on this determination, an arrest of Deputy Lemons was made at the residence. *The information regarding this incident has been culled from the Melbourne Police Department reports as well as interviews with the responding MPD officers and Mrs. Lemons.*

On May 23, 2017, Chief Deputy Doug Waller authorized the Administrative Suspension of Deputy Lemons.

On May 24, 2017, Chief Deputy Doug Waller authorized an Administrative Investigation of this incident.

During the course of this investigation, the Staff Services Unit learned of another incident involving Deputy Lemons and his wife that occurred on May 17, 2017 in the city of Indialantic, Florida (Refer to IPD case#2017-00004317). During this incident, Deputy Lemons advised officers from the Indialantic Police Department that his wife had intentionally rear-ended his vehicle with her vehicle while he was driving in their city. He subsequently drove to the IPD Police Department for assistance. Mrs. Lemons told IPD officers that Deputy Lemons had intentionally slammed on his breaks and she unintentionally struck his vehicle. Due to the minor amount of damage, and the fact that both vehicles belonged to Deputy Lemons, he did not want a crash report completed. Both parties were separated and they left the area in their respective vehicles. *The information regarding this incident was culled from the Indialantic Police Department report as well as interviews with the responding IPD officers.*

On June 10, 2017, Deputy Lemons was served his notice of administrative investigation.

**II. Possible Policy Violations:**

- *400.00 General Professional Responsibilities*
- *400.06 Compliance with Law & Regulation*
- *400.18 Subject of an Investigation*
- *400.68 Truthfulness*

**III. Witness Interviews**

**Lieutenant Bret Nicholas  
South Precinct Road Patrol**

On June 01, 2017, I met with Lieutenant Bret Nicholas at the South Precinct to conduct a sworn audio-recorded interview with him. Lieutenant Nicholas advised that, on May 23, 2017, at approximately 1730 hours, he was contacted by the MPD and told that they were enroute to Deputy Lemons' residence in reference to a domestic disturbance. Upon his arrival at the residence, Lieutenant Nicholas was briefed by MPD as to the allegations made against Deputy Lemons. Prior to the interview, I had Lieutenant Nicholas read the MPD case reports. Based on what he was told at the scene, Lieutenant Nicholas advised that the MPD case reports accurately described what he was told by MPD officers occurred at the residence on the day of the incident. Lieutenant Nicholas stated he did not speak with Deputy Lemons, and that Mrs. Lemons had already been transported to the hospital prior to his arrival. Prior to this incident, Lieutenant Nicholas stated that he was unaware of any previous incidents related to Deputy Lemons and his estranged wife.

**Corporal John Mason  
South Precinct Road Patrol**

On June 01, 2017, I met with Corporal John Mason at the South Precinct to conduct a sworn audio-recorded interview with him. Corporal Mason advised that on May 23, 2017, he was contacted by Sergeant Chou and he was directed to respond to Deputy Lemons' residence. Upon his arrival at the residence, Corporal Mason stated that he had limited interaction with Deputy Lemons and that his concern was to ensure that his daughter was properly taken care of before Deputy Lemons was transported to the jail complex. Corporal Mason stated that he was unaware of any previous incidents related to Deputy Lemons and his estranged wife.

**Sergeant Tsechu Chou  
South Precinct Road Patrol**

On June 01, 2017, I conducted a sworn audio-recorded telephone interview with Sergeant Tsechu Chou. Sergeant Chou advised that, on May 23, 2017, at approximately 1730 hours, he was contacted by Lieutenant Nicholas and he was directed to respond to Deputy

Lemons' residence in reference to a domestic incident. Prior to the interview, I had Sergeant Chou read the MPD case reports. Based on what he was told at the scene, Sergeant Chou advised that the MPD case reports accurately described what he was told by MPD officers occurred at the residence on the day of the incident. Upon his arrival at the residence, Sergeant Chou stated he had limited contact with Deputy Lemons in front of his residence. Sergeant Chou advised he did not speak with Deputy Lemons about what occurred at the residence, but stated Deputy Lemons told him that he was surprised that his estranged wife had found where he was currently living. Sergeant Chou stated that he was unaware of any previous incidents related to Deputy Lemons and his estranged wife.

**Commander Vic DeSantis**  
**South Precinct**

On June 08, 2017, Major Fischback met with Commander Vic DeSantis at the South Precinct to conduct a sworn audio-recorded interview with him. Commander DeSantis advised that, on May 23, 2017, he was contacted by Lieutenant Nicholas who advised him that Deputy Lemons had been involved in a domestic disturbance at his residence with his estranged wife. Prior to this incident, Commander DeSantis stated he had not been contacted by Deputy Lemons or any of his supervisors notifying him of the initial MPD response to his residence or any other previous incidents related to Deputy Lemons and his estranged wife to include an incident that occurred in Indialantic on May 17, 2017.

As a result of a prior complaint, Commander DeSantis advised that he had directed Deputy Lemons to immediately notify either himself and/or his chain of command if any future domestic incidents involving his wife occurred. Commander DeSantis stated he made sure Deputy Lemons understood and acknowledged his instruction at the time of serving him his Final Action, on February 16, 2017. (Command Inquiry 2016-CI-038)

**Corporal Joe Petroske**  
**South Precinct Road Patrol**

On June 08, 2017, Major Fischback and Agent Bracey met with Corporal Joe Petroske at South Precinct to conduct a sworn audio-recorded interview with him. Corporal Petroske advised that he is the current Corporal assigned to Deputy Lemons' shift. Corporal Petroske stated he was made aware of the domestic disturbance involving Deputy Lemons and his estranged wife that occurred on May 23, 2017, but he did not respond to the residence. Prior to this incident, Corporal Petroske stated that he was unaware of any previous incidents related to Deputy Lemons and his estranged wife. Corporal Petroske said the only conversation he had with Deputy Lemons in regards to his wife was when he told him that he had moved to a new residence without telling her.

**Sergeant Michael Conner**  
**Indialantic Police Department**

On June 08, 2017, Major Fischback and Agent Bracey met with Sergeant Michael Conner at the Indialantic Police Department to conduct a sworn audio-recorded interview with him. Sergeant Conner advised that, May 17, 2017, he was notified of a disturbance in the parking lot of the Police Department. Sergeant Conner went outside where he made contact with Deputy Lemons and his estranged wife. Sergeant Conner stated that Deputy Lemons told him he was driving in the Shannon Avenue area when he was rear-ended by Mrs. Lemons who was driving in a separate vehicle. Mrs. Lemons told Sergeant Conner that she was following Deputy Lemons when he intentionally slammed on his brakes causing her to unintentionally strike the vehicle he was driving. Sergeant Conner advised that there was no obvious signs of damage to either vehicle and he was unable to determine if a criminal act had occurred. He then asked Deputy Lemons, who was the registered owner of both vehicles, what he wanted to do to resolve the situation. Sergeant Conner said Deputy Lemons apologized to him for the incident and he told him that he did not want anything done. Sergeant Conner stated Mrs. Lemons was extremely upset with the situation to the point where she was causing a loud commotion. Sergeant Conner said he advised Mrs. Lemons that she needed to calm down or she was going to subject herself to a possible arrest. Sergeant Conner stated that Mrs. Lemons got into her vehicle and she left the area screaming out the window at Deputy Lemons as she left.

**Officer Ryan Dovel**  
**Indialantic Police Department**

On June 08, 2017, Major Fischback and Agent Bracey met with Officer Ryan Dovel at the Indialantic Police Department to conduct a sworn audio-recorded interview with him. Officer Dovel advised that on May 17, 2017, he was dispatched to a disturbance in the parking lot of the Police Department. Upon his arrival, Officer Dovel advised that Sergeant Conner was already on scene speaking with Deputy Lemons and Mrs. Lemons. Officer Dovel stated Mrs. Lemons was extremely upset and uncooperative while Deputy Lemons was cooperate and calmly standing by his vehicle. Deputy Lemons told him that his wife had rear-ended his vehicle somewhere in the Shannon Avenue area of Indialantic. Officer Dovel said he attempted to ascertain from Mrs. Lemons what occurred, but he stated that she was too animated and upset to provide a statement. During the last five years, Officer Dovel advised that he has had numerous occasions to speak with Mrs. Lemons and that this is typically how she interacts with the officers from his department. He later learned that she claimed that Deputy Lemons had purposely slammed on his brakes, which caused her to accidently strike the vehicle he was driving. Officer Dovel stated he did not observe any significant damage to either vehicle other than some minor paint transfer on the bumpers. Due to the lack of damage to either vehicle and the fact there was not any claimed injuries, Deputy Lemons did not request a motor vehicle accident form be completed. Due to Mrs. Lemons continued uncooperative and disorderly behavior, Officer Dovel directed her to leave the area to which she

eventually complied. Officer Dovel then completed an information report to document the incident (IPD case number 2017-004317.)

**Sergeant David Madsen**  
**South Precinct Road Patrol**

On June 26, 2017, I met with Sergeant David Madsen at the South Precinct to conduct a sworn audio-recorded interview with him. Sergeant Madsen advised that he is Deputy Lemons' direct supervisor and he was the supervisor during Deputy Lemons' previous Command Inquiry. Sergeant Madsen stated he was present, on February 16, 2017, when Commander DeSantis served Deputy Lemons his "Final Action Letter" and subsequent directive to immediately contact his chain of command if any further contact was had with his estranged wife. Sergeant Madsen advised that Commander DeSantis explained in detail what his expectations were of Deputy Lemons and that Deputy Lemons acknowledged the direction given to him.

As to the recent incidents with Deputy Lemons, Sergeant Madsen advised he was unaware of any incidents involving him and his estranged wife. Specifically, Sergeant Madsen stated he was never contacted for the incident which occurred in Indialantic on May 17, 2017, or the initial response by MPD to his residence in reference to the domestic disturbance at his residence on May 23, 2017. Based on the direction given to him by Commander DeSantis, Sergeant Madsen advised both of these incidents would have required Deputy Lemons to contact and notice his chain of command.

**Officer Jeffrey Blair**  
**Melbourne Police Department**

On June 26, 2017, Agent Bracey and I met with MPD Officer Jeffrey Blair at the Melbourne Police Department to conduct a sworn audio-recorded interview with him. Officer Blair stated that, on May 23, 2017, he was dispatched to Deputy Lemons' residence in reference to a domestic disturbance. Upon his arrival, he met with Deputy Lemons who advised that his wife had already left the area. Officer Blair said that Deputy Lemons told him that he came home to find his estranged wife in the front yard arguing with his daughter. Deputy Lemons told him that he confronted his wife to break up the altercation between her and his daughter. Deputy Lemons further advised that the altercation between the three of them was verbal only and that there was no physical contact with his wife. Officer Blair stated he specifically asked Deputy Lemons if there was any physical altercation between he and his wife and Deputy Lemons again stated it was a verbal only. After speaking with the daughter, Officer Blair said she also made no allegations of a physical altercation. Officer Blair advised they made multiple attempts to contact Mrs. Lemons by telephone, but she did not respond to their calls. Believing that the incident was only a verbal altercation, Officer Blair stated they gave Deputy Lemons their case report number and they left the area. After clearing the call for service, Officer Blair said he completed an informational report to document the incident.

Approximately two hours later, Officer Blair advised that the Melbourne Police Department received a telephone call from Mrs. Lemons stating that she had been injured in a physical altercation with her husband earlier that day. Officer Blair stated he responded back to Deputy Lemons' residence where he made contact with Mrs. Lemons. Officer Blair said Mrs. Lemons alleged that Deputy Lemons had grabbed her by the wrist and arm and he threw her to the ground. Officer Blair stated he did observe what he believed to be fresh abrasions and bruises to her wrist, arm and legs. Due to her injuries, Mrs. Lemons was transported to the hospital for medical treatment. Officer Blair stated they again spoke with Deputy Lemons' daughter to attempt to clarify the conflicting statements. The daughter then told Officer Blair that there had been a physical altercation between her father and step-mother. The daughter described and demonstrated what Officer Blair believed to be an "arm-bar takedown" by Deputy Lemons to take his wife to the ground. Officer Blair stated the daughter further demonstrated how Deputy Lemons placed his knee onto Mrs. Lemons back to prevent her from getting up. When asked why she did not report the physical actions when first interviewed, Officer Blair said the daughter told him that she "forgot" about it.

After speaking with Mrs. Lemons and the daughter, Officer Blair stated they then spoke with Deputy Lemons about the conflicting statements and they specifically asked him about the allegations of a physical altercation. Officer Blair advised that Deputy Lemons then admitted that there had been a physical altercation between himself and his estranged wife earlier in the day. He stated after returning home from work to find his daughter and estranged wife arguing in the front yard, he went to confront Mrs. Lemons to break up the altercation. Officer Blair stated Deputy Lemons described his wife as being extremely upset and animated with her arms. In the process of Mrs. Lemons waving her arms, Deputy Lemons said that she unintentionally struck his glasses. At some point during the altercation, Deputy Lemons told Officer Blair that he attempted to restrain Mrs. Lemons and they somehow ended up on the ground. Officer Blair asked Deputy Lemons why he did not report this in his original statement and he said Deputy Lemons replied by stating he did not want to cause MPD officers extra work by having them complete domestic violence paperwork or reports. Based on the statements and physical evidence obtained by MPD, Officer Blair stated they determined that probable cause had been established for a battery-domestic violence charge and they subsequently made an arrest of Deputy Lemons at the scene.

**Records Clerk Merlinda Andre  
Melbourne Police Department**

On June 26, 2017, Agent Bracey and I met with MPD Records Clerk Merlinda Andre at the Melbourne Police Department to conduct a sworn audio-recorded interview with her. Mrs. Andre advised that, on June 02, 2017, she was working at the MPD records unit when Deputy Lemons entered into the main lobby of the Police Department. She advised that he was accompanied by several children and a woman who she believed to be Mrs. Lemons. Mrs. Andre described the woman as being approximately 5'5" with a stocky build and she remembered the woman having a Spanish accent. Mrs. Andre stated that

Deputy Lemons filed a public information request for the case reports and 911 calls related to his arrest on May 23, 2017. Mrs. Andre advised she was able to provide the 923.01 arrest affidavit, but initially she did not believe she was authorized to release the audio 911 calls. *This was initially thought to be a violation of Deputy Lemons' conditions of release, a subsequent witness interview with Mrs. Lemons revealed that she was not the person who accompanied Deputy Lemons to the Melbourne Police Department Records Unit on June 02, 2017. Therefore, NO violation had occurred.*

**Officer/FTO Edward Ferguson  
Melbourne Police Department**

On June 28, 2017, Agent Bracey and I met with MPD Officer Edward Ferguson at the Melbourne Police Department to conduct a sworn audio-recorded interview with him. Officer Ferguson stated that, on May 23, 2017, he was dispatched to Deputy Lemons' residence in reference to a domestic disturbance. Upon his arrival, he met with Deputy Lemons who advised that his wife had already left the area. Deputy Lemons told Officer Ferguson that he had returned home from an off-duty detail to find his estranged wife arguing with his daughter in front of his residence. Deputy Lemons advised that he intervened between them at which time she started arguing with him about wanting one of their vehicles. Officer Ferguson advised that he directly asked Deputy Lemons if there had been *any* physical contact between him and his estranged wife. Officer Ferguson stated Deputy Lemons denied that any physical altercation occurred. Officer Ferguson said he then spoke with the daughter who also stated that there was not a physical altercation. Believing that the altercation was verbal only, Officer Ferguson said he provided Deputy Lemons with their case report number and he told him that MPD would generate a case report to document this incident. Officer Ferguson stated Deputy Lemons seemed surprised after being advised that his agency was going to complete a case report stating that he did not mean to cause them any additional paperwork. Officer Ferguson said Officer Stewart attempted to contact Mrs. Lemons by telephone but she did not answer.

Approximately two hours later, Officer Ferguson advised that MPD was contacted by Mrs. Lemons who told their Communications Center that she had been involved in a physical altercation with Deputy Lemons. Officer Ferguson stated he and Officer Blair responded back to the residence where they made contact with Mrs. Lemons. Mrs. Lemons told them that she had been involved in a physical altercation with Deputy Lemons earlier in the day and that she had received injuries from the altercation. Officer Ferguson stated he observed what he believed to be fresh bruising on her leg and arm. When Deputy Lemons returned home, Mrs. Lemons explained to Officer Ferguson that he grabbed her by the arm and swung her to the ground. Due to her injuries, Officer Ferguson stated they had a fire/rescue unit respond to the residence at which time they transported Mrs. Lemons to the hospital. Due to the conflicting statements, Officer Ferguson said that he and Officer Blair again spoke with the daughter to determine if there had been a physical altercation between Deputy Lemons and Mrs. Lemons. Officer Ferguson stated that the daughter then told him that her father had grabbed Mrs. Lemons

by the arm and “put her down on the ground.” She then described to Officer Ferguson what he believed to be an “arm-bar takedown” maneuver and subsequent knee to her back to prevent her from getting up. When asked why she did not reveal this during their first response to the residence, Officer Ferguson stated the daughter said she had “forgot.”

Officer Ferguson advised he went to speak with Deputy Lemons about the conflicting statements and he again asked him to describe what occurred during the incident. Officer Ferguson stated Deputy Lemons was being vague in his statement about what happened and he still did not say anything physical happened between himself and his wife. Officer Ferguson then told Deputy Lemons about his daughter’s revised statement and the fact his wife had injuries she claimed were a result of Deputy Lemons putting her on the ground.

Officer Ferguson stated Deputy Lemons advised him that his wife came at him and she was flailing her arms. At some point during their verbal altercation, Deputy Lemons told Officer Ferguson that his wife accidentally scratched his sunglasses. Officer Ferguson stated that Deputy Lemons did not go into any detail as to how but he told him that they did end up on the ground. Officer Ferguson recalled that Deputy Lemons told him that he had attempted to restrain his wife from his daughter, but Officer Ferguson stated the daughter never made any statements of being in fear of the estranged wife. When Officer Ferguson asked why he did not reveal this information during their first response to the residence, Deputy Lemons told him that he did not want to create paperwork for MPD. Based on the statements and physical evidence obtained by MPD, Officer Ferguson stated they determined that probable cause had been established for a battery-domestic violence charge and they subsequently made an arrest of Deputy Lemons at the scene. *Note that Officer Ferguson is a Field Training Officer and he was training Officer Blair on this day.*

**Caroline Jodoin**  
**Indialantic, Florida**

On June 28, 2017, at the request of Deputy Lemons and PBA representative Al Boettjer, Agent Bracey and I met with Caroline Jodoin at her residence in Indialantic to conduct a sworn audio-recorded interview with her. Mrs. Jodoin was previously in a long-term relationship with Deputy Lemons and they have three children in common. Out of concern for her daughter, Mrs. Jodoin stated she brought her daughter, who was present during the domestic dispute, to her counselor. After their therapy session, Mrs. Jodoin learned of the following information through the counselor that she felt was necessary to provide to the Staff Services Unit. Mrs. Jodoin was informed by the counselor that, on May 23, 2017, the daughter had returned home from school where she observed Mrs. Lemons attempting to take one of the family vehicles. Upon Mrs. Lemons seeing the daughter, a verbal altercation immediately ensued. As the verbal argument continued, Deputy Lemons returned home from working an off-duty detail and he attempted to intervene between them in an attempt to separate his daughter from Mrs. Lemons. Mrs. Lemons allegedly began to swing her arms at Deputy Lemons and the daughter. Mrs.

Lemons eventually left the area at which time Deputy Lemons contacted the Melbourne Police Department to report the incident. After Mrs. Lemons left the area, Deputy Lemons observed that the car had been vandalized, possibly by Mrs. Lemons. Approximately two hours later, the daughter observed that Mrs. Lemons had returned to their residence and she was outside causing another disturbance. The Melbourne Police returned to the residence at which time Deputy Lemons was placed under arrest.

**██████████ Lemons**  
**Satellite Beach, Florida**

On June 29, 2017, Agent Bracey and I met with ██████████ Lemons and her attorney, Charles Kohler, at his office in Satellite Beach to conduct a sworn audio-recorded interview with her. Although they were still married, Mrs. Lemons advised that she was separated from Deputy Lemons and they were living at different residences. She said that her vehicle was broke down at a mechanic garage and the garage had refused to return the vehicle to her because it was in Deputy Lemons' name only. Mrs. Lemons stated that on May 23, 2017, she went to Deputy Lemons' residence to look for their other vehicle, which she still had keys for. She located the vehicle at Deputy Lemons' residence, however, it had a locking device on the steering wheel and she was unable to drive it. At that time, Mrs. Lemons observed Deputy Lemons' daughter walking in the parking lot and she began to speak with her. Mrs. Lemons said that they were having a cordial conversation when Deputy Lemons returned home from work. Immediately upon seeing her father, Mrs. Lemons stated that the daughter began to cry and scream at her. Mrs. Lemons said that Deputy Lemons ran up to her, grabbed her by the arms and told her that she needed to leave his residence. Mrs. Lemons stated that she grabbed ahold of his shirt they began to physically struggle with each other. Mrs. Lemons could not recall specifically, but she stated they somehow ended up on the ground with Deputy Lemons on top of her. She said that he has previously trained in Brazilian Jiu Jitsu martial arts. Mrs. Lemons attempted to describe and demonstrate that Deputy Lemons may have grabbed her by the upper body and leg area and took her to the ground. When they fell to the ground, Mrs. Lemons said she was on her back while Deputy Lemons was on top of her holding her down with his knee across her abdomen. She advised that Deputy Lemons attempted to use his telephone at which time she pushed her body backwards and she was able to turn onto her stomach. Mrs. Lemons stated that Deputy Lemons jumped on her back and he again held her down. It was only after she lost one of her contacts that Mrs. Lemons stated that Deputy Lemons got off of her and the physical altercation ended.

Mrs. Lemons recalled Deputy Lemons telling his daughter to go inside the residence and he told Mrs. Lemons that he was going to contact the police. Mrs. Lemons said she did not trust what Deputy Lemons was going to say to the responding officers so she attempted to call from her telephone. She then realized that her telephone was not properly charged so she went to a nearby store to charge it so that she could contact the police herself. After approximately two hours, Mrs. Lemons stated she contacted the Melbourne Police Department and returned to Deputy Lemons' residence so that she

could provide her statement. Mrs. Lemons said she began to feel increasing pain in her back and legs so she requested to be transported to the hospital to seek medical treatment. I then showed Mrs. Lemons the video recordings, from June 02, 2017, of the MPD front lobby. The purpose of this was due to concerns Deputy Lemons may have violated his no contact order upon his release from the jail. The video depicted a female walking into the lobby with Deputy Lemons and several children. The unknown female was similar in appearance and stature as Mrs. Lemons. After reviewing the video, Mrs. Lemons advised that she was not the person in the video and that she believed the person in the video was Mrs. Jodoin.

**Officer Paul Stewart  
Melbourne Police Department**

On July 03, 2017, I met with MPD Officer Paul Stewart at the Melbourne Police Department to conduct a sworn audio-recorded interview with him. Officer Stewart stated that, on May 23, 2017, he was dispatched to Deputy Lemons' residence in reference to a domestic disturbance (this would be the first response initiated after Deputy Lemons' called). Upon his arrival, he met with Deputy Lemons who told him that he had returned home from an off-duty detail to find his estranged wife involved in an argument with his daughter in front of his residence. Officer Stewart said the estranged wife had left the area prior to his arrival at the residence. Officer Stewart then asked Deputy Lemons if the incident was verbal only or did it escalate to a physical altercation. Officer Stewart advised that Deputy Lemons told him that the incident was a verbal altercation only. Officer Stewart then spoke with the daughter who also advised that the altercations with the estranged wife were verbal only and that there had not been any physical altercation between her father and Mrs. Lemons. Officer Stewart stated Officer Ferguson and Officer Blair arrived on scene and they assumed the investigation. Officer Stewart said he attempted to contact Mrs. Lemons by telephone with negative results. Officer Stewart did not have any further involvement in this incident and he advised he did not respond back to the residence when the second call for service was dispatched to Deputy Lemons' residence.

**IV. Subject Interview**

**Deputy Richard Lemons  
South Precinct Road Patrol  
Subject Interview**

On June 30, 2017, at approximately 0930 hours, Agent Bracey and I met with Deputy Lemons at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn audio-recorded interview with him. After reviewing the case file with PBA representative Al Boettjer, Deputy Lemons requested that I conduct an interview with MPD Officer Paul Stewart prior to him providing a statement for this administrative investigation. The rationale behind this request was that they felt Officer Stewart would be able to provide some type of mitigating testimony that would benefit Deputy Lemons'.

Officer Stewart was not scheduled to work until July 03, 2017. Based on Officer Stewart's work schedule, I rescheduled Deputy Lemons' subject interview for July 03, 2017, upon completion of Officer Stewart's interview.

On July 03, 2017, I completed Officer Stewart's witness interview and I contacted PBA representative Al Boettjer to schedule Deputy Lemons' interview for later that afternoon. At approximately 1600 hours, I met with Deputy Lemons and PBA representative Al Boettjer at the South Precinct where Deputy Lemons requested to listen to the audio-recorded interview with Officer Stewart. After listening to the interview, Deputy Lemons requested to have his subject interview, but he requested that his criminal defense attorney be present during his interview. I then rescheduled Deputy Lemons' subject interview for July 05, 2017, at 0830 hours, at the Staff Services Office.

On July 05, 2017, Agent Bracey and I met with Deputy Lemons at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn, audio-recorded interview with him. Deputy Lemons advised that his criminal defense attorney was unable to be present for the interview and he was accompanied by Coastal Florida Police Benevolent Association representative Al Boettjer. Prior to asking Deputy Lemons any questions, he was read the "Administrative Investigation Warnings," which he acknowledged he understood and signed. I explained to Deputy Lemons the nature of this investigation and asked him to explain what occurred with his spouse on May 23, 2017. At this time, Deputy Lemons stated he did not want to answer any questions related to this administrative investigation citing concerns of his statement being reviewed and used against him in his criminal proceedings. I reiterated that his statement could not be used against him in any criminal proceedings other than for perjury or obstruction of justice charges. Deputy Lemons advised he understood, but stated that he did not want the prosecutor in his criminal case to be able to review his statement and possibly use it to develop a strategy against him while the criminal case was still pending. I then gave Deputy Lemons a direct order to answer my questions regarding this administrative investigation and warned him that a refusal to answer the compelled questions would result in other disciplinary sanctions against him. Deputy Lemons acknowledged he understood my instruction and advised that based upon the advice of his attorney, he was invoking his Fifth Amendment right not to answer any questions while his criminal case was still pending. Major Alex Fischback then came into the room and he also explained to Deputy Lemons that he was compelled to answer questions related to his fitness for duty and he explained that there would be disciplinary sanctions against him if he refused to obey the order and answer the questions. Deputy Lemons stated that he understood the instruction and possible consequences of refusing to answer the questions, but was acting on the advice of his defense attorney.

#### **V. Other Investigative Efforts**

I obtained a copy of the MPD case report package (Case#2017-0033194) which included a case report, crime scene photographs and audio recorded 911 calls. A review of the MPD case package revealed that Deputy Lemons had been involved in a physical

domestic dispute with his wife which was corroborated by his daughter and Mrs. Lemons. A review of the crime scene photographs also documented physical injuries sustained by Mrs. Lemons during the incident.

Based on the allegations that Deputy Lemons may have violated the conditions of the "No Contact Order" issued by Judge Friedland, I obtained a video recording of the Melbourne Police Department front lobby area for June 02, 2017. The video shows Deputy Lemons arriving in the lobby of MPD with a female originally believed to be Mrs. Lemons and several children. *An interview with Mrs. Lemons later determined that the female in the video was not Mrs. Lemons.*

## **VI. Recommendation**

On May 23, 2017, MPD officers responded to Deputy Richard Lemons' residence in reference to a domestic disturbance with his estranged wife, ██████████ Lemons. After completing their investigation, the MPD determined that probable cause had been established for a domestic violence charge and an arrest of Deputy Lemons was made at the scene. Richard Lemons was charged with violating *Florida State Statute 784.03 Battery-Domestic Violence*, a misdemeanor.

A review of the sworn statements provided by Officer Ferguson, Officer Blair and Officer Stewart revealed similar accounts of their interactions with Deputy Lemons and his daughter. On MPD's initial response to his residence, Deputy Lemons and his daughter both stated that the altercation with Mrs. Lemons was verbal only. The MPD officers all stated that Deputy Lemons was directly asked if the altercation was physical in nature and he responded by stating nothing physical occurred during the incident. After Mrs. Lemons contacted the MPD approximately two hours later, MPD officers learned that the incident was in fact a physical altercation. When confronted with evidence of injuries to Mrs. Lemons, her allegations of a physical altercation and the revised statement made by his daughter, Deputy Lemons did make an admission that the altercation was physical. When asked why he did not provide this information during MPD's initial response to his residence, Deputy Lemons stated to the MPD Officers that he did not want to create extra paperwork for them.

After reviewing the arrest affidavits, crime scene photographs and audio recorded 911 calls, the Brevard/Seminole State Attorney's Office, Assistant State Attorney Dave Whatley determined that there was enough evidence to proceed with a criminal case and, on June 28, 2017, he filed a misdemeanor Battery-Domestic Violence charge against Deputy Lemons.

This administrative investigation revealed that Deputy Lemons was involved in a domestic dispute with Mrs. Lemons that escalated to a physical altercation. Although he later recanted his statement that the incident was only verbal, Deputy Lemons' initial statement to MPD about the physical altercation was not truthful. It was only after he was confronted with the conflicting statements and physical evidence that Deputy

Lemons made admissions of a physical altercation with his estranged wife. During the incident, which was outside of the residence, Deputy Lemons could have avoided the physical altercation and defused the situation by simply walking away from Mrs. Lemons or by going inside his residence.

Based on his previous Command Inquiry (2016-CI-038), Deputy Lemons had been directed by Commander Vic DeSantis to report any negative contacts with Mrs. Lemons to his chain of command. In the domestic incident, which occurred at his residence on May 23, 2017, Deputy Lemons failed to promptly report this incident to his supervision. Deputy Lemons had adequate time and ability to make such notification.

This administrative investigation also revealed that Deputy Lemons had been involved in a domestic related incident with Mrs. Lemons, on May 17, 2017, in the city of Indialantic. Deputy Lemons told IPD officers that Mrs. Lemons had intentionally struck his vehicle while driving in the Indialantic area. Mrs. Lemons alleged that Deputy Lemons had intentionally slammed on his brakes causing her to unintentionally strike his vehicle from behind. Due to the conflicting testimony and lack of independent witnesses, the IPD officers were unable to determine whether a criminal act had occurred, or who was the aggressor. Based on Commander DeSantis' previous lawful order and instruction, Deputy Lemons failed to notify his supervision of the incident.

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

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

That the allegation against Deputy Lemons that he violated **400.06 Compliance with Law & Regulation** be closed as **"Sustained."**

That the allegation against Deputy Lemons that he violated **400.18 Subject of an Investigation** be closed as **"Sustained."**

That the allegation against Deputy Lemons that he violated **400.68 Truthfulness** be closed as **"Sustained."**

On July 05, 2017, Deputy Lemons came to the Staff Services Office for his subject interview. Prior to asking Deputy Lemons any questions, he was read the "Administrative Investigation Warnings," which he acknowledged he understood and signed. During the interview, Deputy Lemons was accompanied by Coastal Florida Police Benevolent Association representative Al Boettjer. After explaining to Deputy Lemons the nature of this investigation, I asked him to explain what occurred with his spouse on May 23, 2017. At this time, Deputy Lemons stated he did not want to answer any questions related to this administrative investigation citing concerns of his statement being reviewed and used against him in his criminal proceedings. I reiterated that his

statement could not be used against him in any criminal proceedings other than for perjury or obstruction of justice charges. Deputy Lemons stated he understood, but he still knowingly refused to answer any questions in relation to this administrative investigation. I then gave Deputy Lemons a direct order to answer my questions regarding this administrative investigation and I warned him that a refusal to answer such questions would result in other disciplinary sanctions against him. Deputy Lemons acknowledge he understood the order and he advised that he was invoking his Fifth Amendment right not to answer any questions while his criminal case was still pending.

Based on his deliberate refusal to immediately obey a lawful order or instruction given by a superior officer or supervisor, I recommend that an additional violation of **400.05 Insubordination** be closed as **"Sustained."**

#### VII. Enclosures

- Copy of MPD case reports with audio 911 calls & photographs (C/R#2017-0033194)
- Copy of IPD case report (C/R#2017-00004317)
- Memorandum from Chief Deputy Waller to Deputy Richard Lemons titled "Administrative Suspension/Command Inquiry 2017-CI-016."
- Memorandum from Chief Deputy Doug Waller to Commander Jimmy Donn titled "Authorization for Administrative Investigation (2017-CI-016) Deputy Richard E. Lemons, ID 422"
- Copy of SAO "Information" notice of decision to file Battery-Domestic Violence charge against Deputy Lemons dated June 28, 2017.
- 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   
Agent Kraig Hupfer, ID 210

Sworn to and subscribed before me, the undersigned authority, this 21<sup>st</sup> day of July, 2017.

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





Brevard County Sheriff's Office  
Titusville, Florida

**MEMORANDUM**

**DATE:** August 02, 2017  
**TO:** Deputy Richard Lemons ID#422  
**FROM:** Chief Deputy Doug Waller  
**RE:** Administrative Investigation (2017-CI-016)  
**Notice of Termination**

<b>A TRUE COPY</b>	
TIME <u>5:10</u>	<u>P.</u> M.
DATE <u>8-3-17</u>	
<b>BREVARD COUNTY SHERIFF'S OFFICE</b>	
Received By	<u>422</u>
<u>X [Signature]</u>	
Signature of Deputy Richard Lemons	
Served by:	
<u>[Signature]</u> <u>218</u>	
Signature of Agent/Deputy	

On May 23, 2017, you were involved in a domestic disturbance with your estranged wife at your residence in the city of Melbourne. A criminal investigation of this incident was initiated by the Melbourne Police Department, at the conclusion of this investigation you were charged with a single count of "Battery-Domestic Violence," a misdemeanor.

An Administrative Investigation was authorized to determine if your actions violated the established policies and procedures of the Brevard County Sherriff's Office. During this investigation you were afforded an opportunity to respond to the allegations against you and to provide any mitigating factors that may not have come to light during the criminal investigation. After the appropriate Administrative Warnings were given, you stated that it was your intention to **NOT** answer any questions related to the incident with your estranged wife. It was explained to you that this investigation and interview were "administrative" in nature and that your compelled testimony could not be used against you in your criminal case, you were then given an order to answer the questions related to your actions in this matter. You stated that you understood the Administrative Warnings that you were given and that you understood that you would be defying a direct order if you refused to answer the questions that were posed to you. After you were given this second set of warnings and after you acknowledged their gravity, you stated it was your intention to **NOT** answer any questions related to the incident with your estranged wife.

On July 31, 2017, you were scheduled for a Pre-Termination Hearing at which you could have offered an explanation mitigating factors for your actions. As you had done during the course of the Administrative Investigation, you did not offer any explanation for your actions.

Based on my review of the completed Administrative Investigation, and your refusal to submit to the administrative interview, I have determined that your actions are in violation of the established policies and procedures of the Brevard County Sheriff's Office.

Specifically, I have determined that your actions are in violation of the following General Orders:

- **400.00 General Professional Responsibilities**
- **400.05 Insubordination**
- **400.06 Compliance with Law & Regulation**
- **400.18 Subject of an Investigation**
- **400.68 Truthfulness**

Your conduct during this event and the subsequent Administrative Investigation has been so egregious that I have no alternative, but to **terminate** your employment with the Brevard County Sheriff's Office. This action shall be effective upon personal service of this Notice.

You are required to resolve the return of all issued equipment and property within 48 hours of this Notice service. You are directed to contact Commander Vic DeSantis with any questions or facility access needs.

As provided by the Civil Service Act, Chapter 83-373, Laws of Florida and the Collective Bargaining Agreement between the Police Benevolent Association, and the Brevard County Sheriff's Office, you have the right to appeal this termination action. You have the right to initiate a Petition to the Civil Service Board, or the right to file a disciplinary grievance seeking Arbitration. To lawfully secure such an appeal or grievance of this termination action, you **must** file a Petition for Review within ten (10) days of your receipt of this Notice. Any Petition for Review shall be provided by United States Mail, Registered, Return Receipt Requested, or in person with Manager Lisa Gillis, Human Resources, 700 South Park Avenue, Titusville, Florida 32780. A copy of any Petition should also be directed to Major Alex Fischback in the Administrative Services Division.

Cc: Chief Michael DeMorat  
Chief Alan Moros  
Commander Vic DeSantis  
H.R. Manager Lisa Gillis  
CFO Greg Pelham  
Copy to file 2017-CI-016