



MARION COUNTY

SHERIFF'S OFFICE

INTERNAL AFFAIRS UNIT INVESTIGATION CASE SUMMARY

CASE NUMBER: PS-14-002

**COMPLAINANT: FRED LaTORRE
MARION COUNTY SHERIFF'S OFFICE
CHIEF DEPUTY**

**ALLEGATION: VIOLATION OF OPERATIONS DIRECTIVE:
1068:00- CODE OF CONDUCT.** Conduct of an employee, whether on or off duty, may reflect directly upon the Office. It is, therefore, the policy of the Marion County Sheriff's Office to require all employees to conduct themselves in a manner that does not bring discredit to the Agency.

**EMPLOYEE INVOLVED: MAJOR TOMMY BIBB
MARION COUNTY SHERIFF'S OFFICE
BUREAU OF SPECIAL INVESTIGATIONS**

COMPLAINT: It is alleged that Major Tommy Bibb initiated a telephone call to Deputy Calvin Batts on January 18, 2014 at around 3:00 a.m., and that telephone call may have influenced Deputy Batts in the official performance of his duties.

WITNESSES: Sheriff Chris Blair
Marion County Sheriff's Office

Deputy Calvin Batts
Marion County Sheriff's Office
Bureau of Community Policing

Deputy Beth Billings
Marion County Sheriff's Office
Bureau of Community Policing

Bobby Tillander
1415 SW 17th Street
Ocala, Florida

INVESTIGATOR'S STATEMENT: On February 3, 2014, Inspector Leo Smith, Internal Affairs, was advised of the details pertaining to an allegation directed towards Major Tommy Bibb involving a traffic stop conducted by Deputy Calvin Batts. Inspector Smith was provided with the Notice of Pending Investigation and the Complaint Form that was given to Major Bibb on January 31, 2014, along with the in car video from Deputy Batts' patrol vehicle.

Chris Blair, Sheriff

Inspector Smith then requested and obtained a CD of a telephone call that the Communications Center received during the traffic stop on January 18, 2014, along with the Incident Detail Report (CAD). Inspector Smith also provided Major Tommy Bibb with a copy of his Employee Rights, which he signed a receipt for.

The video CD of the traffic stop along with the Incident Detail Report (CAD) from the Marion County Sheriff's Office Communications Center both reflect that the incident occurred on January 18, 2014. However, the documented times are different. The video CD from the vehicle which Deputy Batts was operating indicated the traffic stop was called in at 3:20 a.m., the CAD report shows that the correct time of the traffic stop, 2:23 a.m. The following is a description of what Inspector Smith observed and overheard during the review of that video CD; the times stated are those documented on the CD from the patrol vehicle. NOTE: Driver is Matthew Thomas Tillander.

3:20:08 am 10-50 (stopping vehicle) 326 west of four lane (441).
White Dodge, tag: L126E.

3:20:35 am Deputy Calvin Batts approaches driver of Dodge pickup;
"Hey, how are you doing?"
Driver explains he has a valid driver's license; however, it is not on him, 3 weeks ago he was in jail and they took his license.
Deputy Batts advises driver he was doing 72 in a 55.
Driver, when asked, stated he was coming from his dad's house. When asked how much he has had to drink, driver stated he has not been.
Driver is told to put his keys on the roof of his truck and does so.

3:22:07am Deputy Batts returns to his vehicle; automated voice advises that subject (Tillander) has an expired driver's license.

3:24:43am Deputy Batts turns off microphone.

3:26:21am Deputy Batts turns back on microphone.

3:26:34am Deputy Batts repositions his marked patrol car for video recording purposes.

3:27:17am Deputy Batts returns to Dodge truck and asks driver to step out.

3:27:30am White male driver exits Dodge truck. Deputy Batts explains license is expired and not suspended, that is something that he can definitely work with. Due to the alcohol some field testing needs to be conducted so he (Batts) can make sure he (Tillander) hasn't had too much to be driving.

3:27:47am Driver puts his cell phone to his ear at the same time that Deputy Batts asks "Are you willing to submit to these exercises?" and driver advises "OK", then something like: What do you need?

3:28:17am Deputy Batts: "I can smell alcohol coming off you; I'm now going to make sure you haven't had too much to drink to be driving. I suspect you of possibly driving while under the influence. Now, I am asking you to submit to field sobriety exercises so I can see if in fact you are driving under the influence or if you have not had too much to drink to be driving, in that case you will be free to go".

3:28:43am Driver is still on the phone, when Deputy Batts asks "You want to do this?" Driver responds "depends on". Deputy Batts states that it is only 5 quick and easy field sobriety exercises, then asks driver if he has any physical disabilities like in his ankle, knees or anything like that.

3:29:13am Driver takes phone away from ear and places it in his pocket. Deputy Batts asks him if he has any weapons on himself and explains that he is

going to "pat him down" for both of their safety. Driver responds "yes sir"; he then turns around so a "pat down" can be conducted.

3:29:24am A female deputy then appears on camera (Beth Billings). Deputy Batts asks the driver to step over to the front of his patrol car, and then turn around with his back to the patrol vehicle.

3:29:45am After telling driver to get his hands out of his pockets, Deputy Batts begins to explain the horizontal gaze exercise. The exercise is started and for the next two minutes Deputy Batts attempts to conduct the exercise and on numerous occasions has to stop and tell the driver to quit blinking his eyes. Driver states that he is "nervous"; however, when he and Deputy Batts are just talking the eyes are not blinking. Deputy Batts decides to go to another exercise.

3:31:55am Deputy Batts gives instructions for heel to toe exercise.

3:32:00am Driver answers his cell phone and gives the caller directions to his location.

3:32:08am Deputy Batts "Sir, please hang up the phone; I don't want anybody else coming to this traffic stop"

3:32:11am Driver: "It's Chris Blair sir, do you want to talk to him?" Deputy Batts responds "I had rather not". Driver: "no"; Deputy Batts: "no, that's OK". Driver then starts giving directions to where he is at again. Deputy Batts states "Sir, I had rather nobody show up to this traffic stop; they can be placed under arrest for obstruction if you don't start paying attention to what I'm doing".

3:32:26am Driver remains on the cell phone and Deputy Batts steps back.

3:32:36am Driver is heard replying on the phone between pauses: "Yes sir, yes sir, Tommy Bibb has nothing to do with this; OK, alright; yes sir; OK, I'll wait right here".

3:33:00am Deputy Batts: "OK, who are you speaking with on the telephone?", and driver does not respond. Deputy Batts "Do you mind if I speak with that person?" Still no answer from the driver.

3:33:10am Deputy Batts "Do you mind if I talk to them so we can figure out what we are going to do here?" No reply, so he states "Will you hand me the phone?" the driver does so. Deputy Batts is then heard asking whom he is speaking with. The caller keeps talking and Deputy Batts asks again "Who am I speaking with?" followed by "What is your name?"

3:34:01am Deputy Batts states "I'll be awaiting their phone call: OK, thank you". Deputy Batts then hands the phone back to the driver then continues to give instructions on the next exercise.

3:34:20am Driver states "If I don't comply what?" Deputy Batts replies "If you don't comply, then I will be forced to make a decision to arrest you for DUI or not based on our short encounter so far, which is me smelling alcohol, you speeding and not really complying on what's going on". Driver then states "I am complying with everything you say, sir". Deputy Batts explains "You are not complying with the eyes and now you are saying you don't want to do this test". The driver is then heard saying "No, I am not saying, I am just asking you a question man to man, just asking you a question".

3:35:00am Driver asks "What do you want me to do?" and Deputy Batts gives instructions on the heel to toe test again. Driver asks "If I do that, am I free to go?" at which time Deputy Batts explains there were three more tests that needed to be conducted.

3:36:07am Deputy Batts tells driver that he may begin the test if he understands the instructions. Driver standing still then loses his balance and Deputy Batts advises "Alright, you don't have anything illegal on you, right; go ahead and turn around; I'm going to pat you down one more time; take your hands out of your pockets please; take your hand out of your pockets please". Driver responds "For what?" Deputy Batts then tells the driver "If you don't start to comply, it's not going to work out"; at which time the female deputy reappears in the camera view.

3:36:35am Deputy Batts "You are standing here not complying". Driver "You are not giving me a chance". Deputy Batts "Are you ready?" Driver "I've been ready, standing here ready".

3:36:46am Driver starts walking the heel to toe test, nine steps then turns and walks back.

3:37:19am Deputy Batts tells driver to turn around and face him, then explains the next test which is leg stand. Deputy Batts is giving instructions when a vehicle pulls up and parks in front of the Dodge truck. Deputy Batts asks driver "Who is that?" and he responds that it is his girlfriend. Deputy Batts then instructs the female deputy to go talk to the girlfriend, then continues instructions.

3:37:57am Deputy Batts answers his cell phone and is heard saying "Yes ma'am, I can do that". He then tells the driver to go lean on the front of his patrol vehicle which he does. Deputy Batts then leaves the camera view and turns off his microphone.

3:46:00am A hand comes into camera view (Deputy Batts) and hands driver something. Driver then shakes that hand.

3:47:00am Deputy Batts back in camera view. Deputy Batts and driver walk back to the Dodge truck. Driver turns to shake Deputy Batts' hand. For the next six minutes driver is seen walking in the direction of his girlfriend's car and then to the passenger side of his truck.

3:53:24am Deputy Batts turns microphone back on and driver talks like his ride is just pulling up, which is not true at the time.

3:53:55am Female deputy starts talking and microphone is turned off again.

3:55:19am Headlights from another vehicle appear next to Deputy Batts' vehicle on the passenger side. That vehicle stops, then pulls up to girlfriend's vehicle.

3:56:22am Deputy Batts leaves the scene with Dodge truck, girlfriend's vehicle and the third vehicle (truck) still at the scene.

Inspector Smith reviewed the CD recording of a telephone call received by the Marion County Sheriff's Office Communications Center from Major Tommy Bibb at 2:37 a.m., on January 18, 2014. This call, if compared to the time line documented on Deputy Batts' in-car camera would show it was happening at 3:34 a.m. The phone call lasts 1 minute and 13 seconds.

Bibb: This is Major Bibb. Can you tell me what deputy has a person named Tillander pulled over on 326? (Pause) Maybe have that Deputy call me, like right now.

Dispatch: Is it like 326 and 441?

Bibb: It could be.

Dispatch: (Speaking to someone else) Is that 5420 that went 10-50 at 326 and 441?

Bibb: Would you just have that, radio that deputy, have him call me on my cell phone?

Dispatch: Confirms Major Bibb's cell number.

Bibb: Alright, thank you.

On February 4, 2014 Inspector Leo Smith conducted interviews with Deputy Calvin Batts and Beth Billings. Those interviews took place at the Marion County Sheriff's Office after both, Batts and Billings, were placed under oath. The following is a summary of those interviews.

STATEMENT OF DEPUTY CALVIN BATTIS: Inspector Leo Smith advised Deputy Calvin Batts that his interview was going to pertain to a traffic stop which he conducted on January 18, 2014 at 2:23 a.m. on County Road 326, just west of Hwy 441, involving Matthew Tillander. Deputy Batts was also advised that the traffic stop was not the subject of this investigation and that it pertained to the phone calls that he received and made during that traffic stop.

Inspector Smith then questioned Deputy Batts about the phone conversation which the traffic stop video shows, wherein Tillander is talking on his cell phone and states to Deputy Batts that he is talking to "Chris Blair". Inspector Smith asked Deputy Batts what was said once he, Batts, was handed the cell phone. Deputy Batts stated that he could not remember the exact words; however, he was speaking to Tillander's father, Bobby. Deputy Batts advised Bobby Tillander advised that he was going to make a phone call and that someone would be calling him (Batts) back. When asked if he knew who would be calling him back, Deputy Batts advised "not at that point".

Inspector Smith advised Deputy Batts that prior to him speaking with Bobby Tillander that he, Batts, appeared on the video to be getting a little frustrated with Matthew Tillander due to his lack of complying with instructions and his blinking continuously during a field exercise. Inspector Smith asked Deputy Batts what his intentions were at the time when he told Matthew Tillander to turn around for a second "pat down". Deputy Batts advised that he was going to go ahead and arrest Matthew Tillander; however, Tillander decided to do the additional exercises. Deputy Batts added "At that point I wanted to get as much evidence as I could so I permitted him to continue performing the sobriety tests." Inspector Smith asked Deputy Batts if "had he (Tillander) not changed his mind, would he be going to jail?" and Deputy Batts responded "Sure, I knew he was drunk, I just needed the evidence to show to a jury if it went to court".

Inspector Smith advised Deputy Batts that on two occasions he turned off the audio of the video traffic stop, and asked why. Deputy Batts advised that he always does that when he makes or receives a phone call or when another deputy appears on the scene because nothing that they might say is of evidence in a case.

Deputy Batts was then asked what he was told once the Sheriff's Office Communications Center telephoned him. Deputy Batts replied that they said "Calvin, you need to call Major Bibb right now" and at that point they provided Batts with Major Bibb's cell phone number. Deputy Batts went on to state that he telephoned Major Bibb and Major Bibb asked "Who do you got?" Deputy Batts advised that once he told Major Bibb who it was, Major Bibb wanted to know what the subject was pulled over for, and then said "The reason I am asking is because the Sheriff is

going to want to know". Deputy Batts stated he told Major Bibb that he pulled Matthew Tillander over for speeding and that he (Batts) believed Tillander was DUI. Major Bibb then asked if Tillander was definitely over the limit and he responded "Yes, he's drunk, he is going to be over the legal limit".

Deputy Batts advised at that point Major Bibb told him that he was going to call the Sheriff and that he would call him right back. Deputy Batts stated he said "Major, hold on; its 3:00 in the morning, I don't think we need to wake up the Sheriff at 3:00 a.m. over this incident. If I need to let this kid get a ride home, I have no problem doing that. We can do that; I don't think we need to wake up the Sheriff over this". Major Bibb then stated he was going to call the Sheriff and get right back with him. Deputy Batts advised that maybe 5 minutes later, Major Bibb called him back and said something to the effect of "Go ahead and do what you got to do". He then told Major Bibb that he was going to go ahead and let Tillander get a ride home. Deputy Batts advised the conversation ended with Major Bibb stating "Well, just do what you think is best" and Batts responded "If he's got the ability to get you woke up and out of bed at 3:00 in the morning, and for you to telephone the Sheriff and get him out of bed at 3:00 in the morning, maybe he (Tillander) just needs to get a ride home".

Deputy Batts advised that he gave Matthew Tillander his identification card back, they shook hands, and he told Tillander that he was not going to be arrested, that he was free to go; however, he could not drive off because he had been drinking. Deputy Batts stated that Matthew Tillander's attitude then got worse. Tillander stated "You just said I am free to go, I can walk off wherever the fuck I want" and at that point Tillander walked over to his truck.

The video shows that shortly after advising Tillander he was not going to be arrested, another vehicle arrived at the traffic stop location. When asked, Deputy Batts stated that the truck was driven by Bobby Tillander, the father of Matthew Tillander, and that Bobby was very polite and apologetic. When asked if Bobby Tillander had made reference to any phone calls, Deputy Batts advised "no".

Deputy Batts was then asked what conversation, if any, he had with Deputy Beth Billings, who was a backup deputy on the scene, in regards to his telephone call with Major Bibb. Deputy Batts stated that he just advised her that he thought it was odd that he got a call from Major Bibb at 3:00 in the morning and that was not ordinary.

Deputy Batts was asked what would have been the outcome of the traffic stop had he not been in contact with Major Bibb and he stated, "I probably would have arrested him. I can tell you I would have arrested him; I would have taken him to jail". Deputy Batts advised that he contacted his supervisor, Sergeant April Nichols, and advised her of the incident. Deputy Batts was asked if he had any contacts with Matthew Tillander prior to this traffic stop or since, and he advised that maybe 30 minutes after he cleared the traffic stop that he checked his cell phone and his Facebook showed that Matthew Tillander had just "poked" him on Facebook. Deputy Batts stated that he went to a District Office to get on a computer; however, the "poke" was no longer there. However, he did take a screen shot of it on his cell phone once he received it.

Deputy Batts' interview was concluded when he asked to go back on the record to make a final comment. Deputy Batts advised "Whenever Major Bibb called me, he did not order me or tell me not to arrest Matthew Tillander".

STATEMENT OF DEPUTY BETH BILLINGS: Deputy Beth Billings confirmed that she was dispatched as a "back up unit" at the request of Deputy Calvin Batts and that she stood by

during the traffic stop. Deputy Billings advised that she was standing at the front of Deputy Batts' vehicle watching traffic and Matthew Tillander at the time Deputy Batts walked to the rear of his vehicle to make a telephone call. Deputy Billings advised she could not hear what was being said; however, at the end of the call Deputy Batts told her that he had just been talking to Major Bibb and that Major Bibb did not say not to arrest him (Tillander) but to use his own discretion. Deputy Billings stated that Deputy Batts commented that if Major Bibb didn't have a problem with it then he (Bibb) would not have called in the first place. Deputy Billings added that she was told that Major Bibb had called the Sheriff.

INVESTIGATOR'S STATEMENT CONTINUED: On February 6, 2014, Inspector Smith made telephone contact with Bobby Tillander, father of Matthew Tillander, and he agreed to meet with Inspector Smith and provide a statement as to his involvement in incident. A couple of hours after the interview, Bobby Tillander telephoned Inspector Smith and wanted to clarify some of his statement. Therefore, Inspector Smith returned to Tillander's office and a second interview was conducted. Inspector Smith also interviewed Sheriff Chris Blair on February 6, 2014. The following are summaries of those interviews, after each subject was placed under oath.

STATEMENT OF BOBBY TILLANDER: Bobby Tillander stated, "My son, Matthew Tillander, attempted to telephone me; however, my phone was turned off, so he called someone else. Regardless, I received a call. The caller advised Matthew's vehicle was on the side of the road and deputy vehicles were behind it with their lights on. The person calling me didn't actually see Matthew so they couldn't say if he was OK or not." Inspector Smith asked Bobby if he would state the person's name who contacted him and he declined, stating that he didn't want to get that person involved.

Bobby Tillander stated that, being concerned, he got up out of bed and proceeded to the location of Matthew's vehicle. He stated "I called Major Bibb. He is a good guy, someone I trust. I told Major Bibb that my son was stopped by deputies. He said let me call to see what's going on. I had asked him to make sure Matthew was OK. Major Bibb called his command center. I don't believe he knew I was still on the line. I could overhear him talking to the deputy. All I could hear was Major Bibb's side of the conversation; however, he wanted to know what was going on from the deputy. I heard Major Bibb saying, 'OK, alright, alright, well look, you need to use your own judgment'. Bobby Tillander advised that Major Bibb then got back on the phone with him and stated that Matthew had been pulled over in a traffic stop, and he was okay. Tillander stated that by then he was almost at the traffic stop location.

Inspector Smith asked Bobby Tillander if, when Major Bibb called the Communications Center and wanted to know who the deputy was at the traffic stop, he could hear that and Tillander replied "no".

Inspector Smith advised Bobby Tillander that, after Major Bibb talked to the Communications Center, the Communication Center had the deputy that stopped Matthew call Major Bibb, they then had a brief conversation, then Major Bibb made another phone call (to Sheriff Blair). Tillander was asked if he heard that conversation and he stated "no". Tillander was asked if he knew that Major Bibb had called the Sheriff and he stated "I did not know that". Tillander was advised that what he described that he heard Major Bibb saying to the deputy was what was said after Major Bibb had spoken to the Sheriff. Tillander replied "I'm not sure".

Bobby Tillander, when asked if he had made only one telephone call to Major Bibb, advised "Yes, I don't think he knew I was still on the line. I never heard the Sheriff's name mentioned, not once. Never heard Major Bibb say anything about the Sheriff".

Bobby Tillander was advised that on the audio/video it showed Matthew Tillander on his cell phone and he verbally names Tommy Bibb. Bobby Tillander was asked if he had called his son after he had talked to Major Bibb and he replied "I don't know". Bobby Tillander was told that the deputy asked Matthew for his cell phone and the deputy stated that once he spoke on the phone the caller advised he was Bobby Tillander. When asked if he remembered talking to the deputy, Bobby Tillander replied "I don't recall, I am trying to recall all of this. I remember talking to Matthew, not sure if it was after I talked to Major Bibb or not". Tillander was asked if he remembered talking to Deputy Batts and he stated that he spoke with him once he (Tillander) arrived at the traffic stop. Tillander added "the deputy told me he (Matthew) was free to go and added "everyone deserves a break".

Bobby Tillander was asked how many phone calls he had with Major Bibb and he responded "one". Tillander was asked if Major Bibb had called him back after he, Bibb, spoke to the deputy to tell him what happened and he stated "no, not that I remember".

Bobby Tillander was asked to describe the relationship he had with Major Bibb for him to be calling Bibb at 3:00 in the morning. Tillander replied "I wouldn't say there is a relationship. It's just, we've become, I don't like to use the word friends that often, you know. We don't hang out together or anything like that. Tommy, he's just a nice guy, he is a pleasant person. He is one of the most straightest guys I know, him and the Sheriff and a few other deputies".

SECOND STATEMENT OF BOBBY TILLANDER: "When you asked if I had spoken to Matthew, I had tried speaking with him a couple of times to get an answer after I heard what was going on. That's when I called Major Bibb for him to find out what was going on for me. In that time after I spoke to the Major, when he said let me call and see what I can find out, Matthew called me back. I said are you OK and he said "yea, I'm fine". I said I had already called Mr. Bibb, Major Bibb, because I didn't know what was going on. He replied out loud 'You called Major Bibb?' Now I recall the deputy asked for the phone and asked 'who is this?' I said this is Mr. Tillander, his father, is he okay? He (Deputy) said he is fine, and then I said I had already called Major Bibb because I didn't know what was going on. He said, 'well OK', then I said you will probably be getting a phone call. At the same time I was hanging up, I don't know what the time span was, Major Bibb called me, he said he got pulled over, I don't remember if he said for speeding or what. He said he got pulled over and he's okay. I said I am on my way there and about that same time he said 'I'm waiting on a call from the officer', that's when I don't know if he hung up or not, that's when I heard him say 'are you there with the Tillander subject?'. That's when he (Bibb) said a lot of uhuh's and OK, well you need to use your own discretion. I assumed he (Bibb) was talking to the officer; he didn't say that, I guess he thought he had hung up the phone".

Inspector Smith asked Bobby Tillander if at any time he talked to or attempted to contact Sheriff Blair and he responded "absolutely not". Tillander was then asked if he requested that Major Bibb contact Sheriff Blair and he replied "absolutely not".

STATEMENT OF SHERIFF CHRIS BLAIR: Sheriff Chris Blair advised that he was home asleep when he received a telephone call from Major Tommy Bibb, who stated that he had just received a call from Bobby Tillander stating that his (Tillander's) son had been pulled over. Major Bibb stated he had contacted the deputy and the traffic stop was for possibly DUI, and he, Bibb, wanted to know what he should do. Sheriff Blair stated he told Major Bibb "You tell that deputy to do what he needs to do" and that was a direct order, adding that he also told Major

Bibb to call the deputy back "to do what he needs to do". Sheriff Blair advised that was the extent of the conversation.

Inspector Smith asked Sheriff Blair if Major Bibb called him back and he advised that he did and Bibb stated that he had delivered the message to the deputy and the deputy decided to release Tillander to his sister.

Inspector Smith advised Sheriff Blair that due to the fact that Bobby Tillander called Major Bibb and Major Bibb called the deputy, the deputy stated in his interview to Internal Affairs that played a role in his decision making. Inspector Smith also advised Sheriff Blair that the deputy stated that he told Major Bibb on their second phone call that if this kid has the ability to have him woke up at 3:00 a.m., and for him to then call the Sheriff and wake him up at 3:00 in the morning, then he had no option but to let him (Tillander) go. Inspector Smith advised Sheriff Blair that this investigation was to look at Major Bibb's actions in relation to Bibb's reaching out to Deputy Batts. Sheriff Blair was asked if he had any concerns that would cause him to have a conversation with Major Bibb later. Sheriff Blair stated "No, it was a very short conversation. Based on those facts, I gave him instructions to deliver to the deputy and I felt the deputy would react the way he needed to react and that was the end of it".

Inspector Smith then stated "the fact that Major Bibb did get involved and reached out to the deputy tends to be a discredit to the Agency." Sheriff Blair advised that was the concerns that he had so he requested this investigation. That he had viewed the video and then learned that Matthew Tillander did not have a valid driver's license at the time and no action was taken pertaining to that violation either. Sheriff Blair stated that this investigation needed to determine if Major Bibb's making contact with the deputy influenced the deputy's decision.

INVESTIGATOR'S STATEMENT CONTINUED: On February 6, 2014, Inspector Leo Smith made contact with Matthew Tillander in hopes of scheduling an in person interview. Tillander requested that Inspector Smith make contact with his attorney, William DeCarlis. Mr. DeCarlis stated that at this time his client, Matthew Tillander, would not be providing any statements.

Mr. DeCarlis also explained that the reason Matthew Tillander did not have in his possession a valid driver's license at the time of the traffic stop was because a couple of weeks prior, Tillander was found to be in possession of two valid driver's licenses, each issued in a different states therefore they were both seized.

Inspector Smith then conducted an interview with Major Tommy Bibb. Major Bibb was placed under oath and then was presented with an Internal Affairs Review Form which listed all information obtained during this investigation that he could review, regardless of form, prior to being asked any questions. After the review of the information obtained, Major Bibb presented a typed statement to Inspector Smith. After reading the statement, the interview of Major Bibb took place. The following is a summary of that interview, which will start with the typed statement Major Bibb provided:

STATEMENT OF MAJOR TOMMY BIBB:

STATEMENT OF MAJOR TOMMY BIBB
January 31, 2014

In the early morning hours of Sunday, January 19, 2014, at approximately 2:33 a.m., I was contacted by phone by Bobby Tillander, who was very concerned

about his son who was pulled over by the Sheriff's Office on CR 326 not far from his son's driveway. Tillander asked me to inquire if his son was ok and the reason for the traffic stop. Tillander also said he was on his way to the traffic stop location. The com-center informed me that Deputy Batts was the officer who initiated the traffic stop.

I called Batts on his cell phone and he told me that he was conducting an investigation regarding Tillander's son, a possible DUI. Batts also told me that Tillander's son in his opinion would probably be over the legal limit. I told Batts that I was going to call the Sheriff and let the Sheriff know about Tillander's call to me, and I would get back with him. I was uneasy about Tillander's call to me so I called the Sheriff to inform him that patrol had stopped Tillander's son. I advised the Sheriff that Tillander only asked me to find out about the stop and if his son was ok. The Sheriff told me "we cannot get involved with that" and tell the deputy to "do what he would normally do and use his discretion". I then re-contacted Deputy Batts immediately and recited to him verbatim the Sheriff's instructions. In addition, the Sheriff told me to call Tillander back and tell him not to interfere and for him to standby at the convenience store down from Deputy Batts' location, which I did. During my conversation I never intended in any way, shape or form to sway Deputy Batts' professional decision, and verbally repeated, "to do what he would normally do and use your discretion".

I apologize to Deputy Batts, the Sheriff and the citizens of Marion County for this entire incident. In my 33 years of serving the citizens of Marion County with the Sheriff's Office, I have never used my position with the Sheriff's Office to grant anyone special treatment and anyone who knows me will attest to this fact.

Inspector Leo Smith began his interview by stating, "When you heard in Deputy Calvin Batts' statement that when you said that you were going to call Sheriff Blair and to hold off till you got back with him, that Deputy Batts stated that he told you that you didn't need to call the Sheriff at 3:00 in the morning. Did that conversation take place?" Major Bibb stated "No, I would remember that; I did tell him that I was going to call the Sheriff because Tillander told me, at 2:33 in the morning or whenever that was, that he was on the way to the traffic stop. I was concerned about that as well and was also concerned about the original phone call. I always keep the Sheriff up to speed on everything and I told Batts I was calling the Sheriff; he never said 'you don't have to wake the Sheriff up'; that never happened and the fact that everything I did, like the Com Center and stuff, that's all recorded lines so I never, everything I did I know was recorded even when I talked to the deputy; he's on a DUI, he's got his mic and everything going, I didn't never try to have a conversation with someone that wasn't recorded".

Inspector Smith then stated "I think you heard Deputy Batts say 'if this guy's got the ability to wake you and you wake the Sheriff at 3:00 in the a.m.', that is where this matter got out of hand". Major Bibb replied "I never did anything to sway anybody; I've never used my position for anything in 33 years so if that's the case I apologize to Batts, the Sheriff, and the citizens. My only thing was to relay to the Sheriff because I was uneasy about the call. Had the Sheriff not answered his phone, then I would have called Chief LaTorre".

Inspector Smith asked Major Bibb what was it he wanted the Sheriff to say once he called him and Major Bibb replied "I just wanted to inform him, I got a call from Bobby, I was uneasy about the call, his son is being stopped, he (Bobby) is concerned for his safety and I wanted the

Sheriff to know that. The Sheriff immediately told me 'Tommy, we can't get involved in that, tell the deputy to do what he would normally do and to use his own discretion'; I repeated that twice to the deputy".

Inspector Smith wondering how Bobby Tillander could hear Major Bibb's phone conversation with Deputy Batts asked Major Bibb if, when Tillander first called him, did he (Tillander) make the call to Bibb's land line and Major Bibb advised "No, I was only on one phone, I don't know how that happened". Major Bibb then added that the big thing was that he, nor the Sheriff, wanted Bobby to go to the traffic stop and interfere and that was why he called Bobby immediately after speaking with Deputy Batts. Major Bibb also advised that he never knew until later why Deputy Batts originally stopped Matthew Tillander, adding that was for speeding. Major Bibb also stated that he didn't know of anything he had done that was wrong other than answer the phone, adding that he always keeps everyone informed.

Inspector Smith ended the interview by asking Major Bibb what the purpose was for him (Bibb) reaching out to Deputy Batts and he replied, "A concerned parent called me and was concerned about his son and wanted me to make sure he was okay; Tillander was on the way to the stop".

CONCLUSION: Bobby Tillander stated that he reached out and telephoned Major Tommy Bibb in the early morning hours of January 18, 2014, solely for the purpose of trying to determine the safety of his son, Matthew Tillander, whose truck deputies were out with on County Road 326, even though he, Bobby Tillander, was traveling to that location at the time. At no time does Bobby Tillander state that he was aware of a DUI investigation.

Major Tommy Bibb states that once he received Bobby Tillander's call, he spoke to Deputy Calvin Batts and learned that Matthew Tillander was the subject of an ongoing DUI investigation. Major Bibb then advised Deputy Batts that he was going to call the Sheriff and advised Batts that he would call him right back. At that point Major Bibb put a stop to the investigation being conducted and, as a result of his phone call to Deputy Batts and then to Sheriff Chris Blair, Deputy Batts released Matthew Tillander to family members at the scene. Deputy Batts advised that Major Bibb did not order him nor direct him not to arrest Matthew Tillander; however, he would have, had Major Bibb not contacted him.

It is true that throughout Major Bibb's career he has always kept his superior's well informed of on-going matters, however this matter did not rise to that level, especially at 3:00 in the morning. The actions of Major Tommy Bibb after learning that the traffic stop was a criminal violation, by halting the investigation, and then contacting Sheriff Blair definitely influenced the out come of this investigation; therefore Violation of Operations Directive 1068.00 Code of Conduct is **SUBSTANTIATED.**

ATTACHMENTS:

1. Notice of Pending Investigation
2. Complaint Form
3. Employee Rights
3. Video CD of traffic stop
4. CAD Report
5. CD Recording of Bibb to SO phone call
6. DAVID Photo of Matthew Tillander
7. 3 page summary of traffic stop
8. Statement of Deputy Calvin Batts
9. Statement of Deputy Beth Billings

10. Star Banner article
11. Statements of Bobby Tillander (2)
12. Statement of Sheriff Chris Blair
13. Typed Statement of Major Tommy Bibb
14. Statement of Major Tommy Bill
15. IA Review Form

DATE OF REPORT: February 10, 2014

I, the undersigned, 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 this investigation of any of the rights contained in §112.532 and 112.533, Florida Statutes.

REPORT PREPARED BY: LEO W. SMITH, JR.
INTERNAL AFFAIRS UNIT

_____ **DATE** _____

REPORT REVIEWED BY: MAJOR DON MAINES
BUREAU OF PROFESSIONAL COMPLIANCE

_____ **DATE** _____

FRED LaTORRE, CHIEF DEPUTY

_____ **DATE** _____

CHRIS BLAIR, SHERIFF

_____ **DATE** _____

