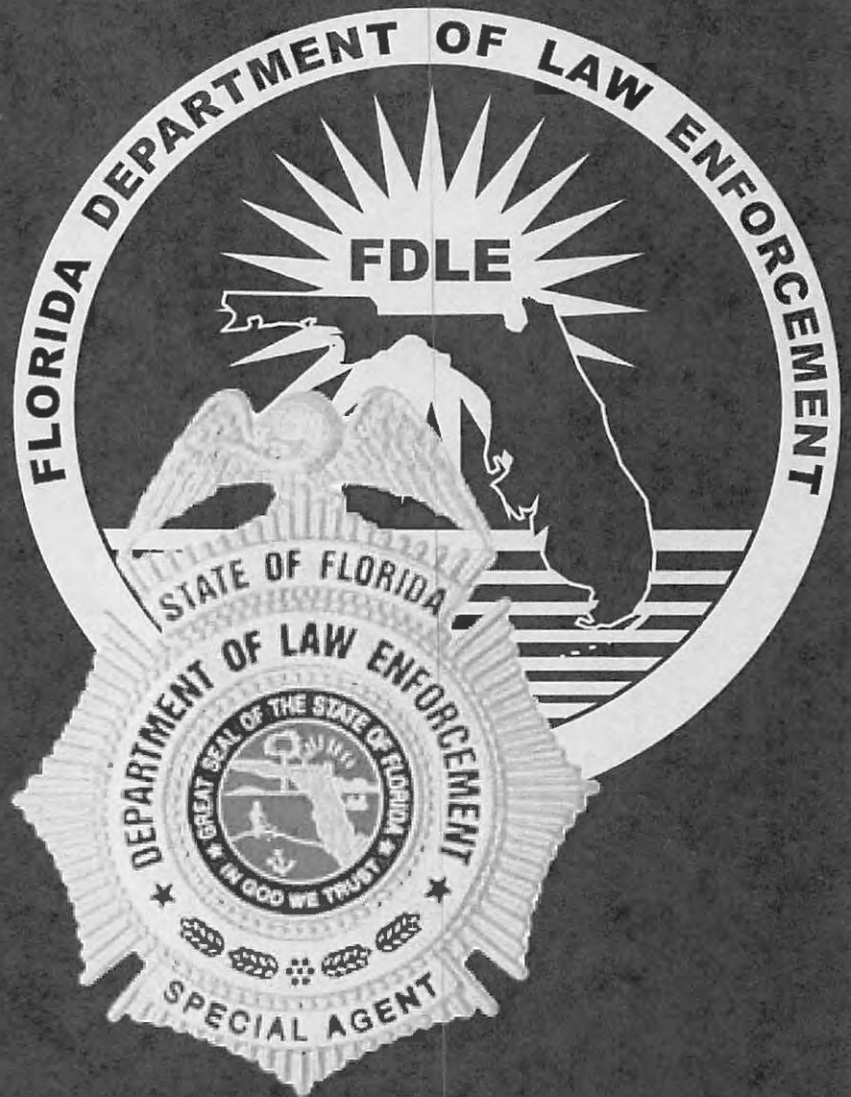


# Florida Department of Law Enforcement

Orlando Regional Operations Center  
500 West Robinson Street  
Orlando, FL 32801  
Office (407) 245-0801  
Fax (407) 245-0824



## Field Offices

Brevard (321) 504-2032  
Fort Pierce (772) 429-2034

## Public Integrity Investigation

### OR-14-0156

### Special Agent Christopher Deardoff

### [ChristopherDeardoff@FDLE.STATE.FL.US](mailto:ChristopherDeardoff@FDLE.STATE.FL.US)

*Service - Integrity - Respect - Quality*

**Florida Department of Law Enforcement  
OR-14-0156**



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- I. Investigative Summary**
  
- II. Investigative Reports / Related Items**

# Florida Department of Law Enforcement

Case Number: OR-14-0156

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## Investigative Summary

Public Integrity

Port Orange Police Department

Incident Date: August 1, 2018

Case Agent:  
Special Agent Chris Deardoff

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Subject:

Captain Kimberly Kilpatrick  
White/Female  
[REDACTED]

Witnesses:

[REDACTED]  
White/female  
[REDACTED]

David Fouts  
White/Male  
[REDACTED]

## **INITIATION OF INVESTIGATION**

On August 1, 2018, Resident Agent in Charge (RAC) Jason Kriegsman of the Florida Department of Law Enforcement (FDLE) was contacted by Chief Thomas Grimaldi of the Port Orange Police Department (POPD). Chief Grimaldi requested for the FDLE to conduct an investigation into allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts' life insurance policy. RAC Kriegsman directed Special Agent (SA) Christopher Deardoff to conduct the investigation.

On July 25, 2018, Assistant Chief Proctor received a letter from the Florida Attorney General's Office, Office of Citizen Services. The letter was initially addressed to Officer Justin Eugene White with the POPD, who had sent a letter to their office. Officer White's letter was included. In the letter from Officer White to the Florida Attorney General's Office, Officer White requested the Florida Attorney General's Office open an investigation into Captain Kilpatrick. Officer White made allegations that Captain Kilpatrick forged beneficiary documents for the life insurance policy of a POPD Officer who was in a coma (Fouts). The Florida Attorney General's Office responded to Officer White and advised that he would need to bring the matter to the Internal Affairs unit of the POPD.

Assistant Chief Proctor provided further information that on April 23, 2016, Fouts and his wife Jennifer Marie Fouts were involved in a traffic accident which resulted in the death of Jennifer Fouts and left Fouts in a coma. When Fouts was involved in the traffic accident, he was assigned as a Detective with the POPD. While Fouts was in a coma Captain Kilpatrick was assigned as his liaison with fundraisers and other charitable donations to help pay the medical bills.

## **INTERVIEW OF OFFICER JUSTIN WHITE**

On August 2, 2018, SA Deardoff contacted POPD Officer Justin Eugene White, via phone, in regards to the letter he submitted to the Florida Attorney General's Office. In the letter, Officer White made allegations that Captain Kilpatrick forged life insurance policy paperwork pertaining to a former POPD Officer (Fouts). SA Deardoff requested that Officer White explain how he learned of these allegations. Officer White advised that after Officer Fouts was in a traffic accident, which left him in a coma, he spoke with POPD Evidence Technician Deborah Lannie about Officer Fouts and his condition. Lannie told Officer White that Captain Kilpatrick was assigned as Fouts' liaison for the life insurance company that Fouts had a policy through. At the time Fouts was in a coma, it was believed that he would pass away. It was discovered by Captain Kilpatrick that Fouts' life insurance policy listed his ex-wife as the beneficiary. Captain Kilpatrick wanted to change the beneficiary from Fouts' ex-wife to his current wife that passed away in the traffic accident. Had Fouts passed away, the funds from the payout of the policy would go to his children instead of his ex-wife. Captain Kilpatrick then met with a representative of the life insurance company in Fouts' hospital room, while Fouts' was in a coma. Captain Kilpatrick allegedly changed the beneficiary on Fouts' life insurance

policy. SA Deardoff asked Officer White how Lannie was made aware of this information. According to Officer White, Lannie received the information from a former POPD victim advocate Carmen Lynn Miller. Officer White had no direct information or evidence pertaining to the allegations against Captain Kilpatrick.

Officer White advised that he had also spoken with Lieutenant Joseph Keith Swetz of the POPD in regards to Captain Kilpatrick's involvement with the life insurance policy paperwork. According to Officer White, Lieutenant Swetz and Captain Kilpatrick were in a relationship at the time of Fouts' traffic accident. Officer White believed Lieutenant Swetz would have further information to provide.

On August 8, 2018, SA Deardoff met with Officer White at his residence and obtained a sworn, audio recorded, statement confirming the aforementioned information provided via phone.

#### **INTERVIEW CARMEN MILLER**

On August 3, 2018, SA Deardoff contacted former POPD victim advocate Carmen Lynn Miller via phone. SA Deardoff explained the allegations against Captain Kilpatrick. Miller advised she had knowledge of the situation and agreed to meet for an interview. On August 7, 2018, SA Deardoff met with Miller at her residence. During a sworn and audio recorded statement, Miller advised that she was working as a victim advocate for the POPD at the time of Fouts' traffic accident. Miller was assigned as a liaison, along with Captain Kilpatrick, between Fouts and his life insurance company. Miller also helped organize a Go Fund Me account, with the help of Captain Kilpatrick, as well as a bank account for donations towards Fouts and his family.

SA Deardoff informed Miller he received information that she had spoken with POPD Evidence Technician Deborah Lannie about Captain Kilpatrick forging Fouts' life insurance policy beneficiary paperwork. Miller advised she had never told Lannie that information. Miller did talk to Lannie about an issue with Fouts' life insurance policy paperwork. However, it was an issue with the representative from the life insurance company. Miller could not recall the name of the company or the representative. According to Miller the representative from the insurance company approached her about the beneficiary on Fouts' life insurance policy still being Fouts' ex-wife. The representative asked Miller if she would be the witness signer on the beneficiary paperwork that would remove Fouts' ex-wife and place his current wife as the beneficiary. At the time the representative asked Miller to witness the change, Fouts was in a coma and unable to sign any paperwork. Miller told the representative she would need to think about it. Miller felt uncomfortable that the representative asked her to witness the beneficiary change because she knew Fouts was unable to sign any paperwork. Miller excused herself as the liaison to Fouts and turned over her responsibilities and notes to Captain Kilpatrick. Miller had no further information pertaining to the beneficiary change on Fouts' life insurance policy.

According to Miller, she was never approached by Captain Kilpatrick to help change the beneficiary paperwork and was unaware if Captain Kilpatrick did so. SA Deardoff contacted Assistant Chief Proctor to obtain information about the insurance company and representative used for Fouts' life insurance policy. Assistant Chief Proctor advised that the insurance company was Police and Firemen's Insurance Association and the representative was Michael Maples.

#### **INTERVIEW OF LIEUTENANT JOSEPH SWETZ**

On August 15, 2018, SA Deardoff went to the POPD and met with Lieutenant Joseph Keith Swetz. During a sworn and audio recorded statement, SA Deardoff advised he was made aware that Lieutenant Swetz might have information pertaining to the changes in Fouts' life insurance policy. Lieutenant Swetz advised that at the time of Fouts' traffic accident, he and Captain Kilpatrick were involved in a romantic relationship and lived together. Lieutenant Swetz recalled Captain Kilpatrick being assigned as a liaison for Fouts while he was in a coma. At some point during Fouts' coma, Captain Kilpatrick mentioned to Lieutenant Swetz that the beneficiary on Fouts' life insurance policy was listed as Fouts' ex-wife. Lieutenant Swetz could not recall Captain Kilpatrick's exact wording but advised she had also mentioned she was looking for a way to switch the beneficiary from Fouts' ex-wife to his current wife. This occurred around the time when it was believed that Fouts would pass away. According to Lieutenant Swetz, Captain Kilpatrick advised the beneficiary change would help Fouts' children if he passed away. Lieutenant Swetz and Captain Kilpatrick had no further discussions about the life insurance policy.

#### **INTERVIEW OF MICHAEL MAPLES**

On August 15, 2018, SA Deardoff contacted Michael Maples via phone and asked if he was familiar with Fouts and his life insurance policy. Maples recalled Fouts' traffic accident and that he was the representative with Police and Firemen's Insurance Association that assisted with Fouts' policy. Maples agreed to meet with SA Deardoff to provide a statement.

On August 20, 2018, SA Deardoff met with Maples at the RaceTrack Gas Station, located at 4115 East State Road 46, Sanford, FL 32771. During a sworn audio recorded statement, Maples advised that he was the representative from Police and Firemen's Insurance Association that assisted with handling Fouts' life insurance policy. Maples advised that he did not recall dealing with Captain Kilpatrick in regards to Fouts' life insurance policy and was unsure if he had ever met her. Furthermore, Maples had never met Fouts or went to the hospital to see him when he was in a coma. SA Deardoff asked Maples if he was aware of any beneficiary changes to Fouts' policy. According to Maples, he was contacted, via phone, by a person assisting Fouts who requested paperwork to change the beneficiary on Fouts' life insurance policy. Maples did not recall who he spoke with. Maples delivered the change of beneficiary paperwork to the POPD and left it with a receptionist. After a few days, Maples was given the change of beneficiary paperwork by Officer Andrew McKay of the POPD. Maples did not recall the



changes made to the policy but believed it was authorized by Fouts. Maples was unaware of the extent of Fouts' injuries and only heard that he was in and out of consciousness.

**INTERVIEW OF** [REDACTED]

On September 10, 2018, SA Deardoff obtained a voluntary, sworn and recorded statement from David Fouts' daughter, [REDACTED]. SA Deardoff advised [REDACTED] of the allegations against Captain Kilpatrick. [REDACTED] stated that Captain Kilpatrick did not forge the documentation pertaining to her father's life insurance policy. When [REDACTED] father was involved in the traffic accident, [REDACTED] became responsible for all items and documents pertaining to her father's well-being. [REDACTED] was aware that her father's life insurance policy included herself, her brother, and his ex-wife as beneficiaries. Due to [REDACTED] father's health declining as a result of the traffic accident, [REDACTED] believed her father would pass away. [REDACTED] decided to obtain Power of Attorney over her father and change the life insurance policy to remove her father's ex-wife as a beneficiary.

[REDACTED] was unaware of how to complete the proper paperwork for a Power of Attorney and the life insurance policy beneficiary change. [REDACTED] contacted Captain Kilpatrick, who was her father's liaison with the POPD and requested her assistance locating the correct paperwork. Captain Kilpatrick assisted [REDACTED] to obtain the correct forms from the Port Orange City Hall. After Captain Kilpatrick helped [REDACTED] obtain the correct paperwork, she had no further involvement with the forms. [REDACTED] advised that she completed the documentation herself and Captain Kilpatrick did not complete any of the forms.

Once [REDACTED] completed the paperwork she presented them to her father, who agreed and signed. [REDACTED] reiterated that Captain Kilpatrick did not have a role in the change of beneficiary paperwork for her father's life insurance. SA Deardoff asked [REDACTED] if she knew how the allegations against Captain Kilpatrick came to be. [REDACTED] advised that she did not know, but was not surprised. According to [REDACTED], her father sustained a traumatic brain injury as a result of the traffic accident. This resulted in [REDACTED] father routinely making statements that were not true, loss of memory, and an inability to tell right from wrong. [REDACTED] believed the allegations stemmed from a false statement provided by her father as opposed to any wrongdoing from Captain Kilpatrick.

SA Deardoff asked [REDACTED] if she could provide the documentation pertaining to the change of beneficiary to her father's life insurance policy. [REDACTED] stated that she no longer has the paperwork.

## **INTERVIEW OF DEBORAH LANNIE**

On September 19, 2018, SA Deardoff obtained a voluntary, sworn and recorded statement from Deborah Lannie at the POPD, located at 4545 S Clyde Morris Blvd, Port Orange, FL 32129. SA Deardoff informed Lannie of the allegations against Captain Kilpatrick and inquired as to any information she may have in regards to the allegations. Lannie advised that shortly after Fouts' accident, she was approached by former POPD Victim Advocate Carmen Lynn Miller. Lannie said that Miller advised that "they" wanted Miller to help change the beneficiary on Fouts' life insurance policy. At the time Miller was approached to assist in changing the life insurance policy, she was a Victim Advocate for the POPD. SA Deardoff asked Lannie if she could expand on who "they" were. Lannie did not know, because she did not ask Miller. Lannie advised Miller to request to be removed from anything having to do with Fouts and his recovery. Lannie was unsure if Miller requested to be removed from any situation having to do with Fouts.

SA Deardoff asked Lannie if she had ever heard Captain Kilpatrick discuss Fouts' life insurance policy. Lannie stated that while Fouts was recovering in the hospital, she saw Captain Kilpatrick and asked how Fouts was doing. Lannie knew that Captain Kilpatrick was acting a liaison for Fouts during his recovery. Captain Kilpatrick told Lannie that Fouts' ex-wife was still listed on his life insurance policy as a beneficiary. Captain Kilpatrick did not like that and wanted it changed. Lannie did not hear Captain Kilpatrick say anymore in regards to Fouts' life insurance policy. Captain Kilpatrick and Lannie did not discuss the matter ever again.

## **INTERVIEW OF CAPTAIN KIMBERLY KILPATRICK**

On September 27, 2018, SA Deardoff and SA Lisa Gundrum obtained a voluntary, sworn and recorded statement at the Forhan Law Office located at 810 Fentress Court, Unit 150, Daytona Beach, Florida. Greg Thomas Forhan, Captain Kilpatrick's legal counsel, was present during the interview. Captain Kilpatrick advised the following: Captain Kilpatrick has been employed with the POPD for approximately twenty-two (22) years and is currently assigned as the supervisor over the Criminal Investigations Unit. SA Deardoff advised Captain Kilpatrick of the allegations against her that were brought to FDLE's attention. Captain Kilpatrick advised that she has known Fouts for many years and worked with him at the POPD. At the time of Fouts' traffic accident, Captain Kilpatrick was assigned as a liaison for him through the POPD. Captain Kilpatrick was in charge of organizing donation funds from charities to assist with Fouts' medical bills.

SA Deardoff questioned Captain Kilpatrick about Fouts' life insurance policy and the alleged changes made to the beneficiary paperwork. Captain Kilpatrick advised that she did not forge Fouts' signature and did not directly deal with any changes related to Fouts' policy. Captain Kilpatrick only assisted Fouts' daughter in obtaining the paperwork for a Power of Attorney for Fouts as well as the paperwork for changing the beneficiary. Captain Kilpatrick did not fill out any of the documentation and only instructed Fouts' daughter on how to obtain them.



**INTERVIEW OF DAVID FOUTS**


On September 27, 2018, SA Deardoff and SA Lisa Gundrum met with Fouts at his residence, located at [REDACTED]. During a sworn and audio recorded statement, Fouts advised that he has known Captain Kilpatrick for approximately ten years and they are good friends. SA Deardoff advised Fouts about the allegations brought against Captain Kilpatrick. Fouts advised that he had no knowledge of Captain Kilpatrick signing his name on any documentation. Fouts stated that his daughter had power of attorney over him while he was recovering in the hospital and she would have been the one to change the beneficiary paperwork for his life insurance policy. Fouts did not believe that Captain Kilpatrick would forge his signature. Fouts' memory was impaired due to the injuries sustained from the traffic crash and could not recall details pertaining to his life insurance policy.

**CONCLUSION**

FDLE has completed a comprehensive investigation into the criminal allegations against POPD Captain Kimberly Kilpatrick. The investigation did not produce evidence supporting the allegation that Captain Kilpatrick forged former POPD Officer David Fouts' signature. FDLE submits this investigative summary to the Port Orange Police Department.

SWORN to and SUBSCRIBED

This 2 day of October 2018

  
\_\_\_\_\_  
Christopher Deardoff, Special Agent  
Florida Department of Law Enforcement  
319 Riveredge Blvd., Suite #214  
Cocoa, Florida 32922

  
\_\_\_\_\_  
(Notary Public or LEO)

# Florida Department of Law Enforcement

Case #: OR-14-0156

## Investigative Reports (IR) Table of Contents



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7	Interview of [REDACTED]	6
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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts' life insurance policy.

On July 25, 2018, Assistant Chief Proctor received a letter from the Florida Attorney General's Office, Office of Citizen Services. The letter was initially addressed to Officer Justin Eugene White with the POPD, who had sent a letter to their office. Officer White's letter was included. In the letter from Officer White to the Florida Attorney General's Office, Officer White requested the Florida Attorney General's Office open an investigation into Captain Kilpatrick. Officer White made allegations that Captain Kilpatrick forged beneficiary documents for the life insurance policy of a POPD Officer who was in a coma (Fouts). The Florida Attorney General's Office responded to Officer White and advised that he would need to bring the matter to the Internal Affairs unit of the POPD.

Assistant Chief Proctor provided further information that on April 23, 2016, Fouts and his wife Jennifer Marie Fouts were involved in a traffic accident which resulted in the death of Jennifer Fouts and left Fouts in a coma. When Fouts was involved in the traffic accident, he was assigned as a Detective with the POPD. While Fouts was in a coma Captain Kilpatrick was assigned as his liaison with fundraisers and other charitable donations to help pay the medical bills.

A copy of the letters will be electronically maintained in the related items section of this case file under INV-1.

Case Number: OR-14-0156	Serial #: 1
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 08/29/2018	Activity End Date:08/29/2018
Approved By: Kriegsman, Jason David	

Description:Initial Contact by Port Orange Police Department

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**Grimaldi, Thomas**

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**From:** attorney.general@myfloridalegal.com  
**Sent:** Tuesday, July 24, 2018 3:06 PM  
**To:** JCLOVES@YAHOO.COM  
**Subject:** From Florida Attorney General Pam Bondi

Dear Mr. White:

The Florida Attorney General's Office received your correspondence regarding Port Orange police captain Kim Kilpatrick. Attorney General Bondi asked that I respond.

Pursuant to part VI of chapter 112, Florida Statutes (see [www.leg.state.fl.us/Statutes/](http://www.leg.state.fl.us/Statutes/)), each employing agency is responsible for the internal investigation of complaints against law enforcement officers. Therefore, we encourage you to contact the Port Orange Police Department's Internal Affairs unit for assistance:

Port Orange Police Department  
Internal Affairs  
4545 S. Clyde Morris Boulevard  
Port Orange, Florida 32129-4062  
Telephone: 386-506-5830  
Website: <https://www.port-orange.org/directory.aspx?did=39>

The Florida Department of Law Enforcement's website also provides information on the complaint process:

[www.fdle.state.fl.us/CJSTC/Professional-Compliance/PC-Process.aspx](http://www.fdle.state.fl.us/CJSTC/Professional-Compliance/PC-Process.aspx)  
<http://www.fdle.state.fl.us/FAQ-s/Frequently-Asked-Questions.aspx#officermisconduct>

The U.S. Department of Justice may also review alleged police misconduct in some circumstances, as described on its website:

<http://www.justice.gov/crt/about/spl/documents/polmis.php>

Finally, because our office is not at liberty to give legal advice to private individuals, if you need legal guidance, please consult a private attorney. If you need help finding an attorney, please contact The Florida Bar's Lawyer Referral Service toll-free at (800) 342-8011 or online at <https://www.floridabar.org/public/lrs/>.

Thank you for contacting Attorney General Bondi's office. Please understand our duties are prescribed by law.

Sincerely,

Annette Simmons-Brown  
Office of Citizen Services  
Florida Attorney General's Office  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050  
Telephone: (850) 414-3990  
Toll-free in Florida: (866) 966-7226  
Website: <http://www.myfloridalegal.com>

PLEASE DO NOT REPLY TO THIS E-MAIL. THIS ADDRESS IS FOR PROCESSING ONLY.

To contact this office please visit the Attorney General's website at [www.myfloridalegal.com](http://www.myfloridalegal.com) and complete the on-line contact form. Again, thank you for contacting the Office of the Florida Attorney General.

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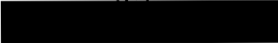
INTERNET MESSAGE RECEIVED BY THE ATTORNEY GENERAL'S OFFICE ON 07/10/2018

Justin White



Email: jcloves@yahoo.com

RE: Port Orange Police Department  
4545 Clyde Morris Boulevard  
Port Orange, FL 32127



Subject: Forgery by Police Captain

I am requesting that an investigation be opened on the Port Orange Police Captain Kim Kilpatrick for forging a former Port Orange Police Detective's Police and Fire Insurance beneficiary while he was in a coma, in which she arranged to change the beneficiary. When this incident happened, she was working in her capacity of a Port Orange Police Captain and the Port Orange Police Department liaison. I am contacting you because I believe that City Officials and the police administration have knowledge of this incident. Thus I do not believe that there would be a fair and impartial investigation.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts' life insurance policy.

On August 2, 2018, SA Deardoff contacted POPD Officer Justin Eugene White, via phone, in regards to the letter he submitted to the Florida Attorney General's Office. In the letter, Officer White made allegations that Captain Kilpatrick forged life insurance policy paperwork pertaining to a former POPD Officer (Fouts). SA Deardoff requested that Officer White explain how he learned of these allegations. Officer White advised that after Officer Foust was in a traffic accident, which left him in a coma, he spoke with POPD Evidence Technician Deborah Lannie about Officer Foust and his condition. Lannie told Officer White that Captain Kilpatrick was assigned as Fouts' liaison for the life insurance company that Fouts had a policy through. At the time Fouts was in a coma, it was believed that he would pass away. It was discovered by Captain Kilpatrick that Fouts' life insurance policy listed his ex-wife as the beneficiary. Captain Kilpatrick wanted to change the beneficiary from Fouts' ex-wife to his current wife that passed away in the traffic accident. Had Fouts passed away, the funds from the payout of the policy would go to his children instead of his ex-wife. Captain Kilpatrick then met with a representative of the life insurance company in Fouts' hospital room, while Fouts' was in a coma. Captain Kilpatrick allegedly changed the beneficiary on Fouts' life insurance policy.

SA Deardoff asked Officer White how Lannie was made aware of this information. According to Officer White, Lannie received the information from a former POPD victim advocate Carmen Lynn Miller. Officer White had no direct information or evidence pertaining to the allegations against Captain Kilpatrick.

Officer White advised that he had also spoken with Lieutenant Joseph Keith Swetz of the POPD in regards to Captain Kilpatrick's involvement with the life insurance policy paperwork. According to Officer White, Lieutenant Swetz and Captain Kilpatrick were in a relationship at the time of Fouts' traffic accident. Officer White believed Lieutenant Swetz would have further information to provide.

On August 8, 2018, SA Deardoff met with Officer White at his residence and obtained a sworn, audio recorded, statement confirming the aforementioned information provided via phone.

Case Number: OR-14-0156	Serial #: 2
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 08/29/2018	Activity End Date:08/29/2018
Approved By: Kriegsman, Jason David	

Description: Interview of Officer Justin White

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Case Number	OR-14-0156
IR Number	2

A copy of the audio recorded interview will be electronically maintained in the related items section of this case file under INV-2.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts' life insurance policy.

On August 2, 2018, SA Deardoff contacted POPD Evidence Technician Deborah Lannie via phone. SA Deardoff explained the allegations brought forward about Captain Kilpatrick. Lannie advised that she was aware of the situation and did have information pertaining to it. However, Lannie was in fear of retribution by Captain Kilpatrick if she provided a statement to SA Deardoff. According to Lannie, Captain Kilpatrick is her direct supervisor. SA Deardoff advised Lannie to consider providing a statement and contact him on a later date. As of August 28, 2018, Lannie had yet to contact SA Deardoff to provide a statement.

Case Number: OR-14-0156	Serial #: 3
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 08/29/2018	Activity End Date:08/29/2018
Approved By: Kriegsman, Jason David	

Description:Initial Contact with Deborah Lannie

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts' life insurance policy.

On August 3, 2018, SA Deardoff contacted former POPD victim advocate Carmen Lynn Miller via phone. SA Deardoff explained the allegations against Captain Kilpatrick. Miller advised she had knowledge of the situation and agreed to meet for an interview. On August 7, 2018, SA Deardoff met with Miller at her residence. During a sworn and audio recorded statement, Miller advised that she was working as a victim advocate for the POPD at the time of Fouts' traffic accident. Miller was assigned as a liaison, along with Captain Kilpatrick, between Fouts and his life insurance company. Miller also helped organize a Go Fund Me account, with the help of Captain Kilpatrick, as well as a bank account for donations towards Fouts and his family.

SA Deardoff informed Miller he received information that she had spoken with POPD Evidence Technician Deborah Lannie about Captain Kilpatrick forging Fouts' life insurance policy beneficiary paperwork. Miller advised she had never told Lannie that information. Miller did talk to Lannie about an issue with Fouts' life insurance policy paperwork. However, it was an issue with the representative from the life insurance company. Miller could not recall the name of the company or the representative. According to Miller the representative from the insurance company approached her about the beneficiary on Fouts' life insurance policy still being Fouts' ex-wife. The representative asked Miller if she would be the witness signer on the beneficiary paperwork that would remove Fouts' ex-wife and place his current wife as the beneficiary. At the time the representative asked Miller to witness the change, Fouts was in a coma and unable to sign any paperwork. Miller told the representative she would need to think about it. Miller felt uncomfortable that the representative asked her to witness the beneficiary change, because she knew Fouts was unable to sign any paperwork. Miller excused herself as the liaison to Fouts and turned over her responsibilities and notes to Captain Kilpatrick. Miller had no further information pertaining to the beneficiary change on Fouts' life insurance policy.

According to Miller, she was never approached by Captain Kilpatrick to help change the beneficiary paperwork and was unaware if Captain Kilpatrick did so.

SA Deardoff contacted Assistant Chief Proctor to obtain information about the insurance

Case Number: OR-14-0156	Serial #: 4
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 08/30/2018	Activity End Date:08/30/2018
Approved By: Kriegsman, Jason David	

Description: Interview of Carmen Miller

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Case Number	OR-14-0156
IR Number	4

company and representative used for Fouts' life insurance policy. Assistant Chief Proctor advised that the insurance company was Police and Firemen's Insurance Association and the representative was Michael Maples.

A copy of the audio recorded interview will be electronically maintained in the related items section of this case file under INV-3.



**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts' life insurance policy.

On August 15, 2018, SA Deardoff went to the POPD and met with Lieutenant Joseph Keith Swetz. During a sworn and audio recorded statement, SA Deardoff advised he was made aware that Lieutenant Swetz might have information pertaining to the changes in Fouts' life insurance policy. Lieutenant Swetz advised that at the time of Fouts' traffic accident, he and Captain Kilpatrick were involved in a romantic relationship and lived together. Lieutenant Swetz recalled Captain Kilpatrick being assigned as a liaison for Fouts while he was in a coma. At some point during Fouts' coma, Captain Kilpatrick mentioned to Lieutenant Swetz that the beneficiary on Fouts' life insurance policy was listed as Fouts' ex-wife. Lieutenant Swetz could not recall Captain Kilpatrick's exact wording, but advised she had also mentioned she was looking for a way to switch the beneficiary from Fouts' ex-wife to his current wife. This occurred around the time when it was believed that Fouts would pass away. According to Lieutenant Swetz, Captain Kilpatrick advised the beneficiary change would help Fouts' children if he passed away. Lieutenant Swetz and Captain Kilpatrick had no further discussions about the life insurance policy.

A copy of the audio recorded interview will be electronically maintained in the related items section of this case file under INV-4.

Case Number: OR-14-0156	Serial #: 5
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 08/30/2018	Activity End Date:08/30/2018
Approved By: Kriegsman, Jason David	

Description: Interview with Lt. Joseph Swetz

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts life insurance policy.

On August 15, 2018, SA Deardoff contacted Michael Maples via phone and asked if he was familiar with Fouts and his life insurance policy. Maples recalled Fouts' traffic accident and that he was the representative with Police and Firemen's Insurance Association that assisted with Fouts' policy. Maples agreed to meet with SA Deardoff to provide a statement.

On August 20, 2018, SA Deardoff met with Maples at the RaceTrack Gas Station, located at 4115 East State Road 46, Sanford, FL 32771. During a sworn audio recorded statement, Maples advised that he was the representative from Police and Firemen's Insurance Association that assisted with handling Fouts' life insurance policy. Maples advised that he did not recall dealing with Captain Kilpatrick in regards to Fouts' life insurance policy and was unsure if he had ever met her. Furthermore, Maples had never met Fouts or went to the hospital to see him when he was in a coma. SA Deardoff asked Maples if he was aware of any beneficiary changes to Fouts' policy. According to Maples he was contacted, via phone, by a person assisting Fouts who requested paperwork to change the beneficiary on Fouts' life insurance policy. Maples did not recall who he spoke with. Maples delivered the change of beneficiary paperwork to the POPD and left it with a receptionist. After a few days, Maples was given the change of beneficiary paperwork by Officer Andrew McKay of the POPD. Maples did not recall the changes made to the policy, but believed it was authorized by Fouts. Maples was unaware of the extent of Fouts' injuries and only heard that he was in and out of consciousness.

A copy of the audio recorded interview will be electronically maintained in the related items section of this case file under INV-5.

Case Number: OR-14-0156	Serial #: 6
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 08/30/2018	Activity End Date:08/30/2018
Approved By: Kriegsman, Jason David	

Description: Interview of Michael Maples

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts life insurance policy.

On September 10, 2018, SA Deardoff obtained a voluntary, sworn and recorded statement from David Fouts' daughter, [REDACTED]. SA Deardoff advised [REDACTED] of the allegations against Captain Kilpatrick. [REDACTED] stated that Captain Kilpatrick did not forge the documentation pertaining to her father's life insurance policy. When [REDACTED] father was involved in the traffic accident, [REDACTED] became responsible for all items and documents pertaining to her father's well-being. [REDACTED] was aware that her father's life insurance policy included herself, her brother, and his ex-wife as beneficiaries. Due to [REDACTED] father's health declining as a result of the traffic accident, [REDACTED] believed her father would pass away. [REDACTED] decided to obtain Power of Attorney over her father and change the life insurance policy to remove her father's ex-wife as a beneficiary.

[REDACTED] was unaware of how to complete the proper paperwork for a Power of Attorney and the life insurance policy beneficiary change. [REDACTED] contacted Captain Kilpatrick, who was her father's liaison with the POPD, and requested her assistance locating the correct paperwork. Captain Kilpatrick assisted [REDACTED] to obtain the correct forms from the Port Orange City Hall. After Captain Kilpatrick helped [REDACTED] obtain the correct paperwork, she had no further involvement with the forms. [REDACTED] advised that she completed the documentation herself and Captain Kilpatrick did not complete any of the forms.

Once [REDACTED] completed the paperwork she presented them to her father, who agreed and signed. [REDACTED] reiterated that Captain Kilpatrick did not have a role in the change of beneficiary paperwork for her father's life insurance.

SA Deardoff asked [REDACTED] if she knew how the allegations against Captain Kilpatrick came to be. [REDACTED] advised that she did not know, but was not surprised. According to [REDACTED] her father sustained a traumatic brain injury as a result of the traffic accident. This resulted in [REDACTED] father routinely making statements that were not true, loss of memory, and an inability to tell right from wrong. [REDACTED] believed the allegations stemmed from a false statement provided by her father as opposed to any wrongdoing from Captain Kilpatrick.

Case Number: OR-14-0156	Serial #: 7
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 09/11/2018	Activity End Date:09/11/2018
Approved By: Kriegsman, Jason David	

Description: Interview of [REDACTED]

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Case Number	OR-14-0156
IR Number	7

A copy of the audio recorded statement will be electronically maintained in the related items section of this case file under INV-6.



**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts life insurance policy.

On September 27, 2018, SA Deardoff and SA Lisa Gundrum obtained a voluntary, sworn and recorded statement at the Forhan Law Office located at 810 Fentress Court, Unit 150, Daytona Beach, Florida. Greg Thomas Forhan, Captain Kilpatrick's legal counsel, was present during the interview. Captain Kilpatrick advised the following: Captain Kilpatrick has been employed with the POPD for approximately twenty-two (22) years and is currently assigned as the supervisor over the Criminal Investigations Unit. SA Deardoff advised Captain Kilpatrick of the allegations against her that were brought to FDLE's attention. Captain Kilpatrick advised that she has known Fouts for many years and worked with him at the POPD. At the time of Fouts' traffic accident, Captain Kilpatrick was assigned as a liaison for him through the POPD. Captain Kilpatrick was in charge of organizing donation funds from charities to assist with Fouts' medical bills.

SA Deardoff questioned Captain Kilpatrick about Fouts' life insurance policy and the alleged changes made to the beneficiary paperwork. Captain Kilpatrick advised that she did not forge Fouts' signature and did not directly deal with any changes related to Fouts' policy. Captain Kilpatrick only assisted Fouts' daughter in obtaining the paperwork for a Power of Attorney for Fouts as well as the paperwork for changing the beneficiary. Captain Kilpatrick did not fill out any of the documentation and only instructed Fouts' daughter on how to obtain them.

A copy of the audio recorded interview will be electronically maintained in the related items section of this case file under INV-7.

Case Number: OR-14-0156	Serial #: 8
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 09/28/2018	Activity End Date:09/28/2018
Approved By: Kriegsman, Jason David	

Description: Interview of Captain Kimberly Kilpatrick

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts life insurance policy.

On September 27, 2018, SA Deardoff and SA Lisa Gundrum met with Fouts at his residence, located at [REDACTED]. During a sworn and audio recorded statement, Fouts advised that has known Captain Kilpatrick for approximately ten years and they are good friends. SA Deardoff advised Fouts about the allegations brought against Captain Kilpatrick. Fouts advised that he had no knowledge of Captain Kilpatrick signing his name on any documentation. Fouts stated that his daughter had power of attorney over him while he was recovering in the hospital and she would have been the one to change the beneficiary paperwork for his life insurance policy. Fouts did not believe that Captain Kilpatrick would forge his signature.

A copy of the audio recorded interview will be electronically maintained in the related items section of this case file under INV-8.

Case Number: OR-14-0156	Serial #: 9
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 09/28/2018	Activity End Date:09/28/2018
Approved By: Kriegsman, Jason David	

Description: Interview of David Fouts

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT**

On August 1, 2018, Special Agent (SA) Christopher Deardoff of the Florida Department of Law Enforcement (FDLE) was contacted by Assistant Chief William Proctor of the Port Orange Police Department (POPD). Assistant Chief Proctor wanted to discuss allegations that POPD Captain Kimberly Kilpatrick had forged the signature on former POPD Officer David Fouts life insurance policy.

On September 19, 2018, SA Deardoff obtained a voluntary, sworn and recorded statement from Deborah Lannie at the POPD, located at 4545 S Clyde Morris Blvd, Port Orange, FL 32129. SA Deardoff informed Lannie of the allegations against Captain Kilpatrick and inquired as to any information she may have in regards to the allegations. Lannie advised that shortly after Fouts' accident, she was approached by former POPD Victim Advocate Carmen Lynn Miller. Lannie said that Miller advised that "they" wanted Miller to help change the beneficiary on Fouts' life insurance policy. At the time Miller was approached to assist in changing the life insurance policy, she was a Victim Advocate for the POPD. SA Deardoff asked Lannie if she could expand on who "they" were. Lannie did not know, because she did not ask Miller. Lannie advised Miller to request to be removed from anything having to do with Fouts and his recovery. Lannie was unsure if Miller requested to be removed from any situation having to do with Fouts.

SA Deardoff asked Lannie if she had ever heard Captain Kilpatrick discuss Fouts' life insurance policy. Lannie stated that while Fouts was recovering in the hospital, she saw Captain Kilpatrick and asked how Fouts was doing. Lannie knew that Captain Kilpatrick was acting a liaison for Fouts during his recovery. Captain Kilpatrick told Lannie that Fouts' ex-wife was still listed on his life insurance policy as a beneficiary. Captain Kilpatrick did not like that and wanted it changed. Lannie did not hear Captain Kilpatrick say anymore in regards to Fouts' life insurance policy. Captain Kilpatrick and Lannie did not discuss the matter ever again.

A copy of the audio recorded interview will be electronically maintained in the related items section of this case file under INV-9.

Case Number: OR-14-0156	Serial #: 10
Author: Deardoff, Christopher Michael	Office: Brevard
Activity Start Date: 10/01/2018	Activity End Date:10/01/2018
Approved By: Kriegsman, Jason David	

Description: Interview of Deborah Lannie

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