

## MEMORANDUM

To: Chief R. Wright

From: Lieutenant M. Cheatham

Re: IA Case#17-01-DJD

Date: August 9, 2017

---

### Synopsis of Possible Events:

On October 19, 2016, Officer Pedri was dispatched to a medical call involving the death of a 2-month old child. Officer Pedri conducted an investigation along with the South Daytona Criminal Investigations Division. Upon concluding the investigation, Lieutenant Dietrich advised in a command staff meeting there may have been some discrepancies in the reporting of information. On October 27, 2016, Lieutenant Dietrich submitted a memorandum to Chief Ronald Wright advising of the concerned discrepancies. On October 28, 2016, Chief Ronald Wright signed the memorandum with a written order for Lieutenant Dietrich to conduct a "Level 1 complaint and proceed with an internal affairs investigation".

Lieutenant Dietrich then conducted his investigation by serving Officer Pedri with the appropriate internal affairs investigative paperwork. Lieutenant Dietrich arranged to conduct an investigative interview on November 8, 2016. On November 8<sup>th</sup> during the initial interview, Officer Pedri's legal counsel, Mr. Peter Ames advised they had several concerns. The biggest of these was the failure to interview all of the witnesses who were involved in the investigation. They also asked for clarification as to who the actual complainant was. Lieutenant Dietrich acknowledged the requests made by Mr. Ames and Officer Pedri by stopping the interview and agreeing to collect said information. Lieutenant Dietrich informed them he would collect the requested information as soon as possible and conduct another interview when he had met their requests.

On January 26, 2017, Lieutenant Dietrich had arranged to conduct a second interview with Officer Pedri, but due to unforeseen circumstances, the interview was rescheduled for the 31<sup>st</sup> of January. On January 31, 2017, Lieutenant Dietrich, Officer Pedri, and Mr. Peter Ames met at the South Daytona Police Department for a second interview. During the second interview an argument ensued between Lieutenant Dietrich and Mr. Ames. Lieutenant Dietrich eventually ordered Officer Pedri's legal counsel, Mr. Peter Ames, to leave the interview or he would possibly be physically removed, trespassed, and/or arrested. During the confrontation, Sergeant French was ordered to the room by Lieutenant Dietrich to escort Mr. Ames out of the building voluntarily or be subjected to a physical removal. Mr. Ames exited the room and stood outside the door for a short time reading the officer bill of rights through the door. Lieutenant Dietrich and Officer Pedri were the only two in the room to conduct an IA interview. Officer Pedri asked several times for any representative

or at least an independent witness to sit in on the interview. Lieutenant Dietrich denied his request. Lieutenant Dietrich continued with the interview until Chief Wright called and requested the interview to be stopped.

On February 3, 2017, Sergeant Carfagno received a "Request for Compliance Review Hearing" along with the documentation of allegations which was addressed to Chief Ronald Wright.

On April 19, 2017, a Compliance Review Panel met and unanimously agreed "Lieutenant Dietrich intentionally violated Officer Pedri's Bill of Rights." That same day Chief Ronald Wright removed Lieutenant Dietrich from the internal affairs investigation in the form of a memorandum.

On April 20, 2017, I was ordered to complete the internal affairs investigation on Officer Pedri. The investigation was concluded and submitted to Chief Ronald Wright on May 26, 2017.

On June 7, 2017, Chief Ronald Wright ordered me to conduct an internal affairs investigation on Lieutenant Dietrich's actions which had occurred on January 31, 2017.

### **Ofc. Pedri's interview**

On July 13, 2017, at approximately 6:00 pm, I interviewed Officer Kevin Pedri at the South Daytona Police Department. The following is a dictation synopsis of the information that was provided from the interview.

I started the questioning by asking Officer Pedri to explain the events in detail, step by step from the beginning, starting with the first interview conducted by Lieutenant Dietrich on November 8, 2016. Officer Pedri explained, he and his attorney Mr. Peter Ames showed up as requested by Lieutenant Dietrich to partake in an interview on November 8, 2016. As the interview process began, Officer Pedri stated they had some concerns with the limited amount of information or the lack of investigation that had been conducted. Officer Pedri said there was no clear explanation as to who generated the complainant, nor were all of the witnesses involved in the incident contacted or interviewed. Officer Pedri and Mr. Ames explained they felt mistakes were made and had to be corrected before the interview should proceed further. Officer Pedri advised that during the interview, Lieutenant Dietrich was taking notes and appeared to be documenting their concerns.

Officer Pedri then explained, based on the written information originally provided to him by Lieutenant Dietrich, Lieutenant Dietrich appeared as the complainant as well as the investigator investigating the complaint. This is why he and his attorney stated they wanted clarification as to who the actual complainant was. I then asked Officer Pedri once these issues were brought to Lieutenant Dietrich's attention, did he inform both of them he would correct the issues and collect the additional information. Officer Pedri stated yes, Lieutenant Dietrich ended the interview and told them he would collect the needed information and notify them of a second interview date.

I then asked Officer Pedri if the second interview was conducted on January 31, 2017. Officer Pedri said, "Yes, he and Mr. Ames showed up as requested on the said date, but they still had some issues that were not corrected from the first interview. Officer Pedri said, there were still concerns

even after they had received new documentation from Lieutenant Dietrich prior to the second interview. Officer Pedri said his attorney wanted to discuss the discrepancies so they could move forward with the interview.

Officer Pedri began to describe the office in which the interview was to take place. I asked if the office was Lieutenant Dietrich's office and Officer Pedri stated, "No, it was the office directly across from his." He stated Lieutenant Dietrich was sitting behind the desk on the south side of the room. Officer Pedri was sitting in the northeast corner, and Mr. Ames was sitting in the northwest corner. I then asked if they brought up the aforementioned concerns during the interview or before Lieutenant Dietrich started the formal process. Officer Pedri stated once Lieutenant Dietrich started the process of the interview Mr. Ames attempted to address the problems or mistakes that were not corrected. I then asked, "Just to confirm; the entire event was audio recorded." Officer Pedri stated, "Yes it was." He said, basically Lieutenant Dietrich began reading the information from the official department interview forms. Officer Pedri said Lieutenant Dietrich told Mr. Ames he was not allowed to speak and the two of them went back and forth in conversation. Mr. Ames was stating the errors with parts of the investigation, and Lieutenant Dietrich was telling Mr. Ames he was not to speak. Officer Pedri stated he had the understanding if there were any concerns, they were to be corrected before an interview should move forward. Officer Pedri stated Lieutenant Dietrich did not want to hear the mistakes or the questions they had and the incident became more and more hostile. Officer Pedri stated Lieutenant Dietrich's voice got higher and higher. His breathing was getting heavier, and his face was becoming more flushed. Officer Pedri said this could be clearly heard on the audio recording.

I then asked if Mr. Ames started to yell. Officer Pedri said, No, Mr. Ames maintained a monotone voice and was very calm given the situation. Officer Pedri stated Lieutenant Dietrich threatened to have Mr. Ames trespass if he wouldn't stop talking. Officer Pedri stated Lieutenant Dietrich then threatened to have Mr. Ames arrested if he did not stop talking. He said Lieutenant Dietrich then got up and opened the door and yelled down the hallway for Sergeant French who was in the squad room. Officer Pedri said Lieutenant Dietrich yelled to have Mr. Ames removed from the room; removing his representation. Lieutenant Dietrich then told Sergeant French to remove Mr. Ames from the building and if he did not leave to place Mr. Ames in handcuffs. I asked, "So, did Sergeant French comply with this order?" Officer Pedri said Sergeant French stood at the doorway and appeared very confused as to what was actually happening. Officer Pedri said Lieutenant Dietrich again explained to Sergeant French that he needed him to remove Mr. Ames from the premises. I then asked, "Did Lieutenant Dietrich give Sergeant French a lawful order to remove Mr. Ames from the building?" Officer Pedri said, "Yes, he gave him the order, which in my opinion was very unlawful." Officer Pedri stated at that point Mr. Ames began to leave and Officer Pedri thought, now I have no representation for which my bill of rights allows, so Officer Pedri started to get up as well. Officer Pedri, said Lieutenant Dietrich blocked him from leaving and told him that if he were to leave, Officer Pedri would be "terminated." Officer Pedri said he did not complete the words "terminated". I asked Officer Pedri to explain if he implied this or what was meant. Officer Pedri said Lieutenant Dietrich said if he left he would be "terminate" and then stopped himself and changed it to "disciplined". (This can be noted on the minute counter of the audio recording at 3:22 during the second interview) I then asked Officer Pedri was he under the

belief that one or the other was going to occur to him. Officer Pedri said, "Yes, so obviously I couldn't leave." He then said, "Plus I couldn't leave unless I crawled across the desk as he was still blocking the doorway. So there was no real way for me to get out."

Officer Pedri said at this point, "For all my years in law enforcement I had never experienced something like this." He said it was a very hostile interview and certainly nothing like he would have expected from a supervisor. Officer Pedri then asked wouldn't this fall under the elements of false imprisonment? I informed Officer Pedri this is still being investigated and a determination could not be made at that time. I then reiterated the statements made by Officer Pedri. I stated, "He removed your counsel, and basically mandated you to answer questions or did he pick back up where he left off on the South Daytona Interview Forms?" Officer Pedri said, it was implied or stated by Lieutenant Dietrich that if Officer Pedri left the interview he would be disciplined. Officer Pedri then asked could he have some representation. Officer Pedri said, Lieutenant Dietrich denied him that benefit. Officer Pedri then read directly from the transcripts produced from the interview by his legal counsel (Copies of the transcripts are attached to this IA Report).

Officer Pedri read: "I'm requesting for my representative to be in here. Dietrich: No, he's already been told to leave. Pedri: So you're giving me no representative at all? Dietrich: You had one, he violated the rules, he left. Pedri: I'm requesting an additional witness in here. Dietrich: Okay, we're not going that way. You're going to answer questions now." Officer Pedri said he just wanted an independent witness based on the demeanor and actions of Lieutenant Dietrich. Officer Pedri said, this was clearly based on the hostility; Lieutenant Dietrich's actions which anyone could see was out of control. Officer Pedri said, Lieutenant Dietrich was so red in the face and his breathing was so heavy, you can hear it in the audio recording of the interview. Officer Pedri said he thought to himself this was crazy and was he going to be subjected to torturous interrogations next. Officer Pedri said, "It was a forceful interview and I was held against my rights".

I then asked, did he think to ask to make a phone call or was there someone in the hallway talking or yelling through the door? Officer Pedri said that it was Mr. Ames the attorney trying to tell Lieutenant Dietrich the State Statutes he was violating by his actions. He said eventually Sergeant French was able to talk Mr. Ames away from the area and they would fix this somehow. Officer Pedri stated they continued with the interview for a short bit and then Lieutenant Dietrich's phone rang; it was Chief Wright. Officer Pedri said, he assumed his attorney Mr. Ames was able to contact Chief Wright and explain that Officer Pedri's rights were being violated. As well as the fact that Lieutenant Dietrich had lost control of his anger and was making hostile interview actions against Officer Pedri. Officer Pedri said, he could overhear some of the conversation and spoke up to tell the Chief he had no representation during the interview. Officer Pedri stated he also noted on one of the documents that he was requested to sign his name "under protest w/no representative" (this was noted on the Garrity Warning form). Officer Pedri said, "I was told that representation is one of the few or biggest things we are allowed to have and that was taken from me".

I then asked Officer Pedri, once Lieutenant Dietrich got off the phone with the Chief did he stop the interview and allow him to leave? Officer Pedri said, "Yes, once he got off the phone Lieutenant Dietrich concluded the interview and he was able to leave." He said his attorney Mr. Ames was waiting for him in the parking lot. I then referred back to when he was being released



from the interview. I asked if at that time Lieutenant Dietrich released the door and allowed him to leave. Officer Pedri said back when Mr. Ames first left the room is when he blocked the door and once Officer Pedri was seated and appeared to stay, Lieutenant Dietrich went and sat down behind the desk, putting Pedri within reach of the door.

I then said, after the interview was concluded and Officer Pedri and his attorney spoke did he feel it necessary to seek a review board hearing. Officer Pedri said, "Yes, it was definitely an intentional act to come after me in the interview".

I then told Officer Pedri I would read from the standardized questions form. The first being that of, did he have anything else he wished to add to his statement? Officer Pedri said, "Yes". Officer Pedri said he felt Lieutenant Dietrich had issues with Officer Pedri from the past. Officer Pedri then said he had a documented example and he referenced the transcript from the interview on November 8, 2016. Officer Pedri said, "on page #6 line #3 it says It's not going to change the outcome of any of this, but okay ." I stated to Officer Pedri, it was my understanding that Officer Pedri was implying in this statement, no matter what the outcome was, Lieutenant Dietrich had an already determined outcome for the incident. Officer Pedri said, "Yep".

I then asked, what or why he thought Lieutenant Dietrich had a dislike for him. Officer Pedri said he was not sure where he had done something to him personally. Officer Pedri said he had a list of incidents where he felt Lieutenant Dietrich had gone after Officer Pedri to get him in trouble. I informed Officer Pedri, at this time, I am only collecting information that relates to the interview on January 31, 2017, and any other information he had should probably be kept to himself for a later time. This concluded the interview.

### **Lt. Dietrich's Interview**

On August 3, 2017, at approximately 8:30 am I interviewed Lieutenant Dietrich at the South Daytona Police Department. The following is a dictation synopsis of the information that was provided from the interview.

I started the interview by asking Lieutenant Dietrich to explain in his own words the events which had taken place. Lieutenant Dietrich began explaining he would base his information off of the people who were involved and the transcripts that were typed by an outside company or source. Lieutenant Dietrich then said the entire incident was based on a call that involved the death of an infant where Officer Pedri had been the investigating officer. Lieutenant Dietrich said the case was brought before a command staff meeting discussing several cases, but this one had some discrepancies. Lieutenant Dietrich stated Chief Ronald Wright requested Lieutenant Dietrich write up the discrepancies in a memorandum format for review. Lieutenant Dietrich said he presented the memorandum to Chief Wright. Lieutenant Dietrich said the chief wrote on the top corner of his memorandum requesting an IA investigation to be conducted. Lieutenant Dietrich said, he then asked the Chief "why or for what reason should an IA need to be completed." Lieutenant Dietrich said the chief told him to "interview the officer". Lieutenant Dietrich then said, "he told the Chief he would have to interview all of the fire personnel and rescue personnel." Lieutenant Dietrich said the Chief told him, "No, just interview Officer Pedri and get the report straightened out."

Lieutenant Dietrich said he then arranged for an interview with Officer Pedri on November 8, 2016. When the interview was conducted, Officer Pedri's attorney Mr. Peter Ames was present and brought up issues and concerns with the lack of interviews conducted by those involved. Lieutenant Dietrich said these were the exact same issues he had explained to Chief Ronald Wright. Lieutenant Dietrich then stated Officer Pedri is an experienced officer who should have the knowledge to understand that rescue does not pay attention to the officers on the scene of an infant death call. Rescue would not "track officers". Lieutenant Dietrich then explained that Mr. Ames had several other concerns and one of those was the lack of an actual memorandum from Chief Ronald Wright identifying who the actual complainant was. He also had concerns over the official documentation where the Chief was directing Lieutenant Dietrich to conduct the Internal Affairs investigation. Lieutenant Dietrich stated he explained to Officer Pedri and Mr. Ames several times that Chief Ronald Wright hand wrote the request at the top corner of Lieutenant Dietrich's official memorandum to the Chief. Lieutenant Dietrich advised he took notes and then concluded the interview to collect the requested information by Mr. Ames and Officer Pedri. He advised them he would schedule the second interview once he had all of the requested information.

Lieutenant Dietrich advised he brought the memorandum of concerns before Chief Wright. Lieutenant Dietrich said, Chief Wright informed him that the writing at the top of Lieutenant Dietrich's memorandum should be sufficient and that he has conducted business in the past this way without any issues.

Lieutenant Dietrich then researched and identified all the emergency personnel who were on scene or involved with the initial call for service. Lieutenant Dietrich said he interviewed all personnel except for an EMS intern that was on board the EVAC truck during the incident. Lieutenant Dietrich said he could not identify or locate the intern. Lieutenant Dietrich said, he audio recorded ever interview for documentation purposes. Lieutenant Dietrich said, "this took a little over a month to contact all of the people." He then completed a short written synopsis of what each interview revealed. Lieutenant Dietrich said he provided copies of the recordings as well as the written synopsis of information to Officer Pedri.

Lieutenant Dietrich said the only odd thing he observed, was when he went to speak with one of the South Daytona Fire Lieutenants; the Fire Lieutenant already possessed a written statement about the incident. Lieutenant Dietrich said, the Fire Lieutenant told him, Officer McCracken had given him a sworn statement, but never came over to notarize it or collect it. (Officer McCracken is the PBA rep and thought the union was going to have to be involved. Once they discovered Officer Pedri was not a union dues member they ceased their inquiry). Lieutenant Dietrich advised he really did not read the statement, but rather focused on the audio recording interview to which he conducted. Lieutenant Dietrich did notarize the sworn statement and collected the document. Lieutenant Dietrich later learned that what was written and what was said in the audio recording did not match.

Lieutenant Dietrich said he again provided copies of all of this to Officer Pedri and then set up a meeting date to conduct the second interview. That date had to be changed, as Lieutenant Dietrich had to attend a meeting with the FBI office in Tampa. They agreed to change the date to January 31, 2017.

On the day of the second interview, the three of them went into the vacant investigator office across from Lieutenant Dietrich's office. They all sat down and the first incident Lieutenant Dietrich described was Mr. Ames pulling out his own audio recorder. Lieutenant Dietrich said he gave Mr. Ames time to set up his personal recorder. Lieutenant Dietrich then asked Mr. Ames if he was ready and did Mr. Ames need to turn the recorder on. Lieutenant Dietrich said Mr. Ames informed him that he had begun recording before he entered the room. Lieutenant Dietrich then stated ok and activated his Department issued recorder. Lieutenant Dietrich then said he explained to Officer Pedri he was going to read the standardized interview forms to them. Lieutenant Dietrich said as he was reading the content from the forms when was interrupted by Mr. Ames. Lieutenant Dietrich said he stopped reading and told Mr. Ames not to interrupt him. Lieutenant Dietrich asked and told Mr. Ames several times not to interrupt, but Mr. Ames continued. Lieutenant Dietrich then told Mr. Ames if he continued he would be asked to leave. Lieutenant Dietrich advised they went back and forth a few times in conversation about Mr. Ames interruption. Lieutenant Dietrich said he explained this was a standardized form and there was a part for questions later in the form which he could address then. Lieutenant Dietrich said Mr. Ames continued with the questions and again he told Mr. Ames to stop talking or he would have to leave. Lieutenant Dietrich then said he told Mr. Ames "you got to go". Lieutenant Dietrich, said he asked Mr. Ames to leave several times. Lieutenant Dietrich said he got up and opened the office door yelling down the hall for Sergeant French. He said the reason he summoned for Sergeant French was so Mr. Ames was not freely walking the halls, as this is a secure building. Lieutenant Dietrich said, he asked Sergeant French to escort Mr. Ames out of the building. Lieutenant Dietrich said, "It is difficult to get a grown man out of a chair, but I never touched him." Lieutenant Dietrich said, the only thing he did do was tell Mr. Ames that he would be trespassed." Lieutenant Dietrich said that was the "cop" response coming out of him. Lieutenant Dietrich said he repeatedly requested Mr. Ames to leave the office. He said this was all on the documented audio recording. Lieutenant Dietrich said he was standing in the hallway just west of the doorway the entire time as he was debating with Mr. Ames. Lieutenant Dietrich advised he was getting frustrated and again the "cop" in him came out and told Mr. Ames to get up or be put in handcuffs. Lieutenant Dietrich said he never threatened to arrest Mr. Ames, but he did tell Mr. Ames he would be put in handcuffs if he did not get up. Lieutenant Dietrich explained he said this because it was based on his 28 years of being a cop and a typical response when someone doesn't obey orders.

Lieutenant Dietrich said Mr. Ames then instructed his client to leave the room with him. Lieutenant Dietrich said he told them both, "No, Officer Pedri is under orders to stay and answer questions." Lieutenant Dietrich said, Mr. Ames finally did get up and stepped into the hallway. Lieutenant Dietrich said he stepped back into the office with Officer Pedri and shut the office door. Mr. Ames then began speaking loudly through the door and Lieutenant Dietrich said he went and sat behind the desk. Officer Pedri continued to stay in the chair he had originally sat in, which was between the desk and the door. The chair was just east of the door with officer Pedri having his back to the door. Lieutenant Dietrich said none of our office doors lock from the inside. Additionally, Lieutenant Dietrich said Officer Pedri is an employee of the South Daytona Police Department and was scheduled to be there at that particular time.

I then asked Lieutenant Dietrich just to confirm, he was sitting behind the desk and Officer Pedri was between him and the door. Lieutenant Dietrich said, "Yes, Officer Pedri could have opened the door and walked out of the office at any time." Lieutenant Dietrich said he then began to reread the standardized forms to Officer Pedri.

Lieutenant Dietrich said he wanted to address the verbiage of termination used in Officer Pedri's recorded interview. He brought up the transcripts that were created by Officer Pedri's legal counsel and how they were provided to the review board. Lieutenant Dietrich specifically noted on page 5 line 20; there is nowhere documented the word "termination" in the transcript. Lieutenant Dietrich stated he does not have the authority to terminate an employee and that is something conducted by the Chief of Police, HR director, and the City Manager. As far as discipline goes, Lieutenant Dietrich said he could only recommend it. Lieutenant Dietrich did say he advised Officer Pedri if he did not talk or stay Officer Pedri would be disciplined. Lieutenant Dietrich said he did get worked up with the attorney, Mr. Ames and he said the word "term" but he caught himself and corrected with the word "disciplined". Lieutenant Dietrich said their own professional transcriber did not catch him using the word termination, and it wasn't documented. Lieutenant Dietrich said, "That was never my intention as I have never had the ability to fire anyone, it can only be recommended."

Lieutenant Dietrich began to explain the different issues he and Officer Pedri had over some of the paperwork and the audio recordings. Lieutenant Dietrich said all of his recordings were documented on his Department issued recorder and they were kept together when he had a CD copy made of the recordings. Lieutenant Dietrich said he provided Officer Pedri with a packet and the CD with the recordings on it. Lieutenant Dietrich had Officer Pedri sign for the packet with Officer Melody as a witness to the exchange. Lieutenant Dietrich said Officer Pedri signed for the packet with the CD and wrote "under duress" next to his signature when taking the packet. Lieutenant Dietrich said Officer Pedri was given the packet two weeks before the January 31, 2017, date. Lieutenant Dietrich said at no time did Officer Pedri come forward and request copies of any potential missing material or documentation.

Lieutenant Dietrich said during the interview; Officer Pedri wanted to argue over the belief that he did not receive a working copy of the CD, as well as who the actual complainant was for the IA. Lieutenant Dietrich said Officer Pedri continued to argue that they never received a memorandum as to who the actual complainant was. Lieutenant Dietrich said he advised Officer Pedri all he had was the memorandum he wrote to Chief Wright, with Chief Wright noting in the top corner of the original memorandum an IA was to be conducted.

I asked Lieutenant Dietrich if he completed a separate memorandum answering the questions Officer Pedri and Mr. Ames had brought forth from the first interview. Lieutenant Dietrich said, "Yes, I did provide them with a memorandum to answer the questions from the first interview."

Lieutenant Dietrich said once it was just him and Officer Pedri the argument died down as Lieutenant Dietrich felt that the argument or heated discussion was between Mr. Ames and Lieutenant Dietrich. Lieutenant Dietrich said this was because "Mr. Ames was interrupting, he kept interrupting, and would not let me proceed." Lieutenant Dietrich said Officer Pedri and

Lieutenant Dietrich had little bouts and Officer Pedri threw his pen and had sarcasm in some of his responses. Lieutenant Dietrich said he was not yelling. Lieutenant Dietrich said, for the most part, the interview was going well. He said he wasn't feeling well and may have had some sinus issues, which may have added to his heavy breathing heard in the audio recording. Lieutenant Dietrich said Captain Pignataro had noticed Lieutenant Dietrich's condition earlier in the day (on January 31, 2017) and offered to administer the interview that was to take place with Officer Pedri.

Lieutenant Dietrich said, during the interview with Officer Pedri, Officer Pedri requested several times to read the standardized forms Lieutenant Dietrich was requesting him to sign. Lieutenant Dietrich said, while Officer Pedri was reading the forms, Lieutenant Dietrich exited the room to get a cup of water. Lieutenant Dietrich advised the door was open for at least fifteen seconds. Lieutenant Dietrich said, when he returned they continued to argue over representation. Lieutenant Dietrich said, Officer Pedri asked for representation. He asked Lieutenant Dietrich if Sergeant French could sit in as a witness. Lieutenant Dietrich said, he could not call in Sergeant French for two reasons. "The first was because Sergeant French was running the shift. The second was if Officer Pedri implemented Sergeant French in the investigation he could not call him back as a witness." Lieutenant Dietrich said, at one point Officer Pedri asked for anyone to come in and be a representative for him or at least an independent witness. Lieutenant Dietrich said, "I had nobody to choose from and that I did not want to pull working officers from off the street."

Lieutenant Dietrich said, the only real discussion he and Officer Pedri had, in this case, was in regards to the "Fireman's statements". He said, "They did not get into the meat and potatoes of the case." Lieutenant Dietrich said this was because the two discussed why the synopsis of Lieutenant Dietrich's memorandum did not match what was written on the sworn statement by the South Daytona Fire Lieutenant.

Lieutenant Dietrich said, "Kevin is a very smart person and he has been through many of these, so I understand." Lieutenant Dietrich said, Officer Pedri wrote on the second packet acceptance "under duress." Lieutenant Dietrich said on all the forms he signed during the second interview he never wrote he was "under duress." Lieutenant Dietrich said, he was never told by Officer Pedri that he was under duress and that Lieutenant Dietrich was only making Officer Pedri talk "under words to talk." (I believe Lieutenant Dietrich was referring to the information documented on the Garrity Warning form) Lieutenant Dietrich said, he was really contemplating his next move. Lieutenant Dietrich said, he would have continued with the interview had he not been stopped. Lieutenant Dietrich said this was only his second IA in the two plus years since he went to the IA training. (A records check shows Lieutenant Dietrich was the listed investigator of 3 IA investigations) Lieutenant Dietrich said before that he was a PBA representative. During that time he was always told if he interrupts or causes an interruption during an IA interview the representative could be told to leave. This would then leave that person to interview without representation. Lieutenant Dietrich said, during the very first IA he conducted, the Officer did not have a representative present. Lieutenant Dietrich said these are not his forte and something he does not do on a regular basis. Lieutenant Dietrich said, at larger agencies, they have people who specialize in IAs and conduct them on a regular basis. Lieutenant Dietrich said, "Looking back at the incident I was waiting for Officer Pedri to stop talking or say he was under duress." Lieutenant



Dietrich said, he understands that Officer Pedri asked for a representative as it is on the audio recording.

Lieutenant Dietrich said, in hind sight, there are a few things he would have done differently. He said, he would definitely have found a way to play the audio recordings for Officer Pedri. Lieutenant Dietrich said, he probably would have moved over to his office and played the audio recordings to him off his work computer.

Lieutenant Dietrich said, he heard several false statements made by Officer Pedri during his witness interview for this IA. Lieutenant Dietrich wanted to bring those issue to light. Lieutenant Dietrich said, Officer Pedri tried to say or imply from the transcripts presented, that Lieutenant Dietrich's "mind was made up" while Lieutenant Dietrich was conducting the first interview. Lieutenant Dietrich said this was taken out of context and twisted. Lieutenant Dietrich said, "these are fact finding interviews and that there is no mind made up." Lieutenant Dietrich said, he was implying that the information the rescue personnel could provide would most likely not change anything, as they are focused on the injured not the officers on scene. Lieutenant Dietrich said, he never touched Mr. Ames or Officer Pedri. He said he never blocked any exits, and wanted the attorney out of the office. Lieutenant Dietrich said, the door was open for at least fifteen seconds and Lieutenant Dietrich knew the whole event was audio recorded.

I then referenced the door with Lieutenant Dietrich and asked, "At any given time were they free to leave so both Mr. Ames and Officer Pedri could have left if they wanted to?" Lieutenant Dietrich said "correct." I then asked if there was anything else Lieutenant Dietrich wished to add. Lieutenant Dietrich said, "Just that the Chief called and ended the interview which is on the recording." This concluded the interview.

## **Conclusion**

After review of the incident and all of the information collected, the following conclusion was developed:

The second interview conducted by Lieutenant Dietrich on January 31, 2017, was conducted to provide resolution to the questions and concerns generated from the first interview. Those questions should have been resolved and clarified before the second interview was completed. Officer Pedri and his counsel were provided a memorandum containing the information Lieutenant Dietrich had collected. It is unclear if the audio CD copy created for Officer Pedri was not functioning or if he actually did not receive it, as both parties disagreed on this topic.

The other two questions Officer Pedri and his legal counsel had was clarification into who the actual complainant was and the discrepancies between the Fire Lieutenants audio statement and written statement. Lieutenant Dietrich could only provide to Officer Pedri the information that was offered to him by the Chief of Police on the complaintant. Because Officer Perdi and Mr. Ames believed there still remained confusion; there was reasoning for the questions by Mr. Ames. This is what led the heated conversation between Lieutenant Dietrich and Mr. Ames.

Lieutenant Dietrich stated he would have changed a few things looking back. Lieutenant Dietrich stated most of his actions were based on the idea he deemed correct and from prior experience as a union representative.

Lieutenant Dietrich was attempting to remove Mr. Ames from the equation, to avoid further conflict and move forward with the interview process. This included the threat of warning directed at Mr. Ames, that he may be trespassed or placed in handcuffs. Lieutenant Dietrich never used the term "arrest" during the verbal confrontation with Mr. Ames. Lieutenant Dietrich did give a direct order to Sergeant French to have Mr. Ames removed from the premises. The methods for which Lieutenant Dietrich did this may have extended past his authority and appears to have been influenced by the tension applied to the situation. During the confrontation Mr. Ames attempted to read the State Statue that afforded Officer Pedri representation, but Lieutenant Dietrich ignored that information by having Mr. Ames removed. Officer Pedri was directed to answer questions without counsel and under the notion that he could face disciplinary actions for failure to do so. Officer Pedri did make several requests for counsel and was mindful to request anyone who could be deemed as an independent witness. Lieutenant Dietrich recognized he did not afford Officer Pedri an opportunity to have any representative present.

Based on Department policies at the time of this incident, those policies listed below were in relation to the possible violations of concern:

**107.25** Members shall be tactful in the performance of their duties, i.e. control tempers, exercise utmost patience and discretion, and shall refrain from engaging in argumentative discussion even in the face of extreme provocation

**208.67** It shall be the policy of this Department to follow the guidelines set forth in the Law Enforcement Bill of Rights whenever a law enforcement officer is under investigation and subject to interrogation by a member of this Agency

**208.74** The law enforcement officer under interrogation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as inducement to answer any questions.

**208.79** Any law enforcement officer under investigation, at their request, shall have the right to be represented by counsel or any other representative of their choice, who shall be present at all times during such interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement service

**Notes:**

Attached to this memorandum is all of the original documentation and relevant information collected for the Level 1 investigation. The initial audio recording of the interview conducted on January 31, 2017, provided the factual information needed for the investigation. An interview was conducted with both parties involved to provide their points of view at the time of the incident. I contacted a Daytona State College representative and collected the IA course information in which Lieutenant Dietrich attended.

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my 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 FSS. 112.532 & 112.533, Florida Statutes.

LT. M. [Signature]  
Signature

Sworn to and subscribed before me this 9th day of August, 2017  
by Lt. MARK Cheatham  
who is personally known to me.

Trudy A. O'Dell  
Notary Public

