

Case # 13-00302
On-Duty

Subject: Summation

To: Undersheriff D.E. Senterfitt

From: Internal Affairs Unit / Lieutenant S.G. Gallaher #6296

Reference: Failure to Conform to Work Standards

Complainant: In-House

Member: PECO P.L. Robinson #6630, B/F
Services / Communications Center

PECO C. Vanwormer #72115, W/F
Services / Communications Center

PECO II N.R. Pachecker #66873, B/F
Services / Communications Center

PECO J.E. Fooshee #7215, W/M
Services / Communications Center

PECO III D.A. Williams #7811, B/F
Services / Communications Center

PECO IV P.L. Leonard #7017, W/F
Services / Communications Center

Police Lieutenant C.E. Ayoub #6224, W/M
Patrol West / Zone 6

Police Lieutenant J.D. Ricks #7475, W/M
Patrol West / Zone 6

Police Sergeant L.J. Mills #5443, W/M
Investigations / Homicide

Police Lieutenant R. Schoonover #6434, W/M
Investigations / Homicide

On June 28, 2013, Internal Affairs received an in-house complaint from Director M.S. Williams, on behalf of Sheriff Rutherford, concerning the Department's response to the 911 call on June 21, 2013, (CCR# 422457) regarding the kidnapping and murder of Cherish Perrywinkle. More specifically, the issues of concern were the responses by Jacksonville Sheriff's Office (JSO) personnel in the Communications Center, Patrol Division and the Homicide Unit.

Concerns regarding the Communications Center:

- The appropriateness of the call being dispatched as a "Missing Person" rather than a "Kidnapping."
- The dispatcher's responsibility to upgrade the call to a "Kidnapping."
- The supervisors' actions related to the incident;
 - Public Information Officer (PIO) notification
 - Emergency Alert Radio System (EARS) broadcasts

Concerns regarding the Patrol Division:

- The Patrol Watch Commander's actions related to the incident;
 - Notification of the Communications Center
 - Notification of the Patrol chain-of-command
 - The amount of time it took to enter the victim into NCIC/FCIC
- The acting Zone Commander's actions related to the incident;
 - Response to the scene
 - Notification of the Patrol chain-of-command

Concerns regarding the Homicide Unit:

- Homicide Sergeant's actions related to the incident;
 - Information received from the Investigative dispatcher upon call-out
 - Information received from Patrol supervisors
 - Information relayed to the Homicide Lieutenant and when it was relayed
- Homicide Lieutenant's actions related to the incident;
 - Response to the scene
 - Notification of the Investigations chain-of-command

Investigative Note:

Internal Affairs reviewed the following material in reference to this case.

- **General Offense Report CCR#422457**
- **Communications Center telephone recordings**
- **Communications Center dispatch recordings**
- **Communications Center emails**
- **Computer Aided Dispatch – Audit Trail**
- **Cell Phone Records (Schoonover and Mills)**
- **Timelines provided by Patrol Division, Investigations Division and Communications Section**

On July 16, 2013, at 10:45 a.m., Internal Affairs obtained a recorded sworn statement from Christina Vanwormer, former JSO Police Emergency Communications Officer (PECO), at 501 East Bay Street. Present for the interview was Lieutenant Gallaher with the Internal Affairs Unit.

NOTE: Vanwormer resigned from the Jacksonville Sheriff's Office on July 12, 2013, for reasons unrelated to this case.

Vanwormer stated that she was working as the Zone 6 dispatcher on June 21, 2013, and was involved in the dispatching of the missing person call at the Walmart at 12100 Lem Turner Road in Jacksonville, Florida. She said the call was sent to her console by the receiving officer (PECO P.L. Robinson #6630) and she dispatched the call to the police officers, who in-turn responded to the scene.

Vanwormer viewed the Audit Trail which tracked all of the logged entries into Computer Aided Dispatch (CAD) records by the receiving officer as well as other dispatchers involved. Vanwormer explained that the Audit Trail does not show her as the initial dispatcher, but in fact shows PECO N.R. Pachecker #66873 as the initial dispatcher. Vanwormer thought the discrepancy was an error in the Audit Trail. She

explained that when she received the call for dispatch, she read the information, "*sounded the alert tone*," and relayed the information to the responding units.

NOTE: Vanwormer listened to the recording of the original call when it was dispatched to the patrol units. She believed it was her voice on the recording following the alert tone; however, it was later determined that the relief dispatcher, Pachecker, was the one who initially dispatched the call to patrol and Vanwormer took over dispatch approximately two minutes later.

Vanwormer said she interpreted the information from the receiving officer as a report of a missing person and not as a kidnapping. She said she never considered upgrading the "*signal 8*" (missing person) to a "*signal 30*" (kidnapping). Vanwormer said that once the officers are on the scene, it is their responsibility to let her know the call should be upgraded and/or the signal changed; prior to their arrival, she has the authority if she deems it necessary. Vanwormer said it became apparent to her that the case was a kidnapping, after learning that the suspect was a registered sex offender.

Vanwormer explained that she cleared the talk group at the request of the primary officer. She said the officer announced a Be on The Lookout (BOLO) and requested the assistance of the Air Unit. Vanwormer said she told the officer to stand-by, turned to the Investigative Dispatcher (PECO J. Fooshee #7215) who was stationed next to her, and asked if the Air Unit was available. Fooshee told Vanwormer that the Air Unit was off-duty and unavailable. Vanwormer said she immediately notified the requesting officer that the Air Unit was unavailable and never received another request for the Air Unit.

Vanwormer listened to the original 911 call made to JSO. She said that to her, the eleven minute conversation PECO Robinson had with the victim's mother did not describe a kidnapping. Vanwormer said it was her opinion that the victim's mother described the elements of a missing person—Robinson sent it as a missing person—

Vanwormer dispatched it as a missing person and would not have changed it unless an officer requested her to change it.

Vanwormer said that the Communications Center supervisors were aware of the call and were monitoring the situation, even noting that the Audit Trail showed PECO Sergeant D.A. Williams #7811 pulled up the call on her computer at 11:20 p.m. Vanwormer said she was the primary dispatcher for the call until the call was transferred to a tactical talk group at 12:02 a.m.

On July 16, 2013, at 8:34 p.m., Internal Affairs obtained a recorded sworn statement from Police Emergency Communications Officer (PECO) P.L. Robinson #6630. Present for the interview was Lieutenant Gallaher with the Internal Affairs Unit. Robinson declined to have a representative present during her interview. *3 day suspect*

On June 21, 2013, the Communications Center personnel were working out of the back-up communications center located at 515 North Julia Street. Robinson was working as a receiving officer, in which her duties were to accurately obtain information provided to her by 911 callers—determine the appropriate signals—and send accurate descriptions of the calls to the appropriate zone dispatchers so that the calls could be dispatched to police officers.

Investigative Note:

At 11:17 p.m., Robinson answered the 911 call made to JSO by the victim's mother. Robinson talked to the victim's mother for approximately eleven minutes. During the recorded telephone conversation, the first statement from the victim's mother was that her eight-year-old daughter had been taken by a stranger while at the Walmart on Lem Turner Road. The victim's mother described how she had just met the suspect, his suspicious actions while interacting with her daughter, and a description of him and his van. Throughout the conversation, the victim's mother told Robinson that she feared the suspect was going to rape and kill her daughter.

Robinson listened to the recording of the 911 call and agreed that the victim's mother described an abduction of a child, not just a missing child. Robinson, who was visibly upset during the interview, said that she typed and sent to the Zone 6 dispatcher what she believed at the time to be the "*pertinent*" information related to the call, but she now acknowledged that it was incomplete. Robinson was provided a copy of the Audit Trail related to this call. She agreed that she did not include important information that should have been sent to the dispatcher, which in-turn would have been relayed over the radio to the responding officers. Robinson stated she wished she had included the statements the victim's mother made regarding her daughter being taken, and the fear that her daughter might be raped, although Robinson did not think it would have changed anything.

Robinson said that initially she understood the call to be a missing person call. Robinson could not recall if she sent the call as a missing child or a kidnapping, but as she continued to talk to the caller, she began to realize it was "*turning into a kidnapping, but I thought she was lying.*" She said "*it didn't seem like, um...like it was real.*" She said she just "*took it [the information] for face value*" and sent the information and let the police officers investigate. Robinson said that at the time of the call she was hoping the officers would arrive and determine that the suspect had just taken the victim to a store. Robinson reiterated that "*it [the call] didn't seem real.*"

Robinson was asked if there was a reason she did not include the statements the victim's mother made regarding the taking, the raping, and killing of her daughter. Robinson said "*No, I just felt like she needed to talk, so I let her talk. You know, as I was just putting in there what the officers need to look for, you know as far as—the man, the van, the child—um...descriptions um, on how she met him.... and where she met him at before.*" Robinson reiterated that at the time, she didn't think it was pertinent, and that she felt the information she put in the call was more pertinent to help the officers locate the victim.

Robinson admitted that as the call went on, she could have changed the call to a "signal 30" (kidnapping). Robinson felt that the designation of priority 1 (signal 30) versus priority 2 (signal 8) did not affect the response time of the responding police officers because both types of calls are broadcast with an alert tone. She also stated that she did not know that designating the call as a kidnapping, would have required the notification of the PIO by the Communications Center.

Robinson said if she was able to do everything over again, that she would put everything the mother said in the additional information and send it to the dispatcher.

On July 17, 2013, at 8:00 p.m., Internal Affairs obtained a recorded sworn statement from Police Emergency Communications Officer (PECO II) N.R. Pachecker #66873 at 501 East Bay Street. Present for the interview was Lieutenant Gallaher with the Internal Affairs Unit. Pachecker declined to have a representative present during her interview.

Pachecker was working as the relief dispatcher on June 21, 2013, and relieved the Zone 6 dispatcher (Vanwormer) just prior to the call being received by JSO. Pachecker said that she was the dispatcher that sent the initial call to the responding officers. She said that she relayed the first couple of sentences of the additional information over the Zone 6 Talk Group as she received it from Robinson, and then turned the call over to Vanwormer when she returned. Pachecker said that Vanwormer completed relaying the additional information to the responding officers and continued working the call until it was transferred to a tactical talk group.

Pachecker logged into the system on the Audit Trail at 11:19 p.m., and Vanwormer replaced her at the console at approximately 11:21 p.m. Pachecker believed that she relayed the first couple of updates sent to her, and explained that Vanwormer began broadcasting the updates after that. Pachecker said that she could tell the difference between her voice and Vanwormer's voice on the recording. Pachecker said that when Vanwormer returned to the Zone 6 console, she told

Vanwormer that a "signal 8" just came in, officers were en-route and Vanwormer needed to look at it.

Pachecker said the information that she received from Robinson was limited and because of that, the initial designation of a "signal 8" did not appear to be incorrect at that time. She said that as she received the first couple of updates, she thought there was probably more to the call than what she was reading, and that additional information from the complainant was probably forthcoming. Pachecker was asked if she considered updating the priority and signal of the call and she said she did not. Pachecker said that she was not the one who spoke with the complainant and not the person to upgrade the call—that would have been more appropriate for the receiving officer or the Communications Watch Supervisor.

Pachecker listened to the recorded 911 call and said that she believed the caller described "a [signal] 30 just occurred." Pachecker agreed that the caller's statements that her daughter had been taken, and that she was worried that her daughter would be raped and killed were important items to put into the additional information.

On July 17, 2013, at 8:32 p.m., Internal Affairs obtained a recorded sworn statement from Police Emergency Communications Officer (PECO) J.E. Fooshee #7215 at 501 East Bay Street. Present for the interview was Lieutenant Gallaher with the Internal Affairs Unit. Fooshee declined to have a representative present during his interview.

Fooshee was working in the back-up communications center as the Investigative dispatcher on June 21, 2013. He said that he first became aware of the call when Vanwormer asked him if the Air Unit was available. Fooshee said he did not recall observing the call in the pending queue prior to the call being assigned to the officers; therefore, he did not announce the call over the Investigative talk group. Audio recordings and CAD records show that Fooshee was busy calling out a Child Abuse

detective on an unrelated call at the same time the victim's mother was calling 911 to report the kidnapping.

Fooshee acknowledged that Police Pilot S.G. Vaughn #5941 called Fooshee on the Investigative telephone line ([REDACTED]) at 11:39 p.m. and asked him what Zone 6 was working. Vaughn explained to Fooshee that he was in his police car (heading home) and heard a Zone 6 officer ask the dispatcher (Vanwormer) if the Air Unit was available. Vaughn asked Fooshee what Zone 6 was working and Fooshee said, "Yeah, *I don't know what they got going.*" Vaughn told Fooshee that if it was something "pressing" to call Vaughn on his cell phone. Fooshee made the comment to Vaughn that it was past the time that he ends his tour of duty (11:30 p.m.) and told Vaughn to "go home." Vaughn repeated his request to Fooshee that if it was something pressing to call him, to which Fooshee agreed. Fooshee explained to Internal Affairs that he told Vaughn to go home because Fooshee did not have the authority to tell Vaughn to go back to the hangar since he was already off-duty.

Fooshee said that he looked on his monitor and was able to see that Zone 6 was working a "signal 8"; however, he did not research the call. Fooshee said that when Vaughn made the inquiry, Fooshee did not ask Vanwormer if her Zone 6 officers needed the Air Unit. Fooshee said he did not ask, because Vanwormer needed to make the request after obtaining authorization from the Patrol Watch Commander. Fooshee said that once authorization is given, he can then contact Commander Highfill of the Air Unit and notify him of the request. Fooshee acknowledged that it was approximately one minute after Vaughn inquired about the Zone 6 call, that Vanwormer asked Fooshee if the Air Unit was available, to which he told her it was not. Fooshee did not tell Vanwormer that he just spoke with the Police Pilot prior to her making the request. Fooshee said per policy Vaughn could not be called back on his cell phone like he asked Fooshee to do, but Fooshee said if he "*had the power to do it*" he would have called him.

Fooshee said that Police Lieutenant Claude Ayoub called the Communications Center and spoke with PECO III Sergeant Debra Williams and requested the Air Unit be called out on overtime. Williams transferred the call to Fooshee who in-turn called Commander Highfill and made the request.

According to the recorded Communications Center phone conversations provided to Internal Affairs, at 12:06 a.m., Ayoub made contact with Fooshee and requested the assistance of the Air Unit to assist on the kidnapping call; Fooshee then made the call-out of the Air Unit. During the recorded conversation between Fooshee and Vaughn, Vaughn can be heard, with disgust in his voice, asking Fooshee why Patrol did not ask for the Air Unit earlier and Fooshee saying "yeah, I know." The Air Unit arrived on scene at 1:17 a.m.

On July 19, 2013, at 6:30 p.m., Internal Affairs obtained a recorded sworn statement from Police Emergency Communications Officer (PECO III) Sergeant D.A. Williams #7811 at 501 East Bay Street. Present for the interview was Lieutenant Gallaher with the Internal Affairs Unit. Williams declined to have a representative present during her interview.

Sergeant Williams was working as one of the two Communications Watch Supervisors in the back-up communications center on the night of June 21, 2013. Williams said she first became aware of the missing person call at 11:20 p.m., as the call was being received by Robinson and sent to the Zone 6 dispatch console. Williams said that the dispatch system notifies her of all priority 1 and 2 calls that are pending dispatch, and one of her duties is to review those calls, which is what she did in that case. She said the information she read at that time indicated that the call was a "signal 8" (missing person), nothing more.

Williams said she has the capability to listen to the receiving officer talk to the caller if she chooses; however, there was no indication in the dispatch screen that Robinson sent that alerted Williams to listen to the 911 call.

Williams said that her understanding of the situation changed at approximately midnight when Lieutenant Ayoub called the Zone 6 dispatcher and requested a tactical talk group for the missing person call, and according to the dispatcher, Ayoub mentioned that it might be an abduction. Williams said that the call was transferred to a tactical talk group with an assigned dispatcher. Williams said her duties at that time were to periodically monitor the situation.

Williams was asked if she remembered receiving a phone call from Ayoub at 12:03 a.m., requesting the Air Unit because they were working a missing person call that could possibly be an abduction. Williams said that she remembered the call, but did not remember Ayoub tell her that it could possibly be an abduction. Williams said that instead of handling the Air Unit request herself, she attempted to transfer the phone call to Fooshee (Investigative dispatcher), but the call was disconnected. At 12:05 a.m., Ayoub called Williams again and told her that his call had been disconnected, and that he needed the Air Unit to be called out. Williams again transferred the phone call to Fooshee's line, at which time the request was handled. Williams told Internal Affairs that she should have ensured that Ayoub's request for the Air Unit was handled rather than just transfer him to the Investigative dispatcher.

Williams was asked if policy required her to make any particular notifications after learning that the call involved the kidnapping of a child. She said it does, and she was required to call-out the PIO, but she failed to do that. Williams explained that she is a new sergeant and that she relies on her "cheat sheet" (printed notes) to assist her with such duties, but because they were working out of the back-up communications center she did not have her notes with her.

Williams said that she sent the first EARS broadcast at 12:27 a.m. and that the PIO is included in the email distribution list for the broadcast. Williams acknowledged that the EARS broadcast was limited in scope and that the PIO would not know it was a

kidnapping based on the information and also, that the broadcast does not substitute for proper call-out of the PIO.

Williams was asked if she notified her supervisor, Communications Lieutenant Leonard #7017 of the kidnapping call in Zone 6. Williams said that Leonard was notified, but she was not sure if she notified her or if it was the other sergeant working that night. Williams said Leonard was aware of the call at, or prior to 12:13 a.m., because Leonard is heard on one of the recorded phone conversations at 12:13 a.m., asking a Zone 5 supervisor for units to assist Zone 6 with a kidnapping. Williams said that by 12:15 a.m., everyone in the Communications Center was aware that Zone 6 was working a kidnapping.

Williams was asked if she ever considered upgrading the call in the CAD system to a "signal 30." She said she did not, and then explained that is something the officers on the scene normally handle and she even wondered "*why are they [Patrol] not changing the signal?*"

Williams explained that prior to 5:00 a.m., she sent three EARS broadcasts to the media, and that Communications Sergeant Facina sent one broadcast. Williams said that she and Facina sent them in the format as directed by the new policy change. Williams explained that she ensured the broadcasts were sent in the new format because she had been disciplined in the past for sending too much information.

- At 12:27 a.m., **Williams** sent the first broadcast that read "**Homicide responding to 12100 Lem Turner Road, CCR 422457, Sgt. Mills is POC, media staging and time will be updated.**" She said this broadcast was sent as a result of the call-out of the Homicide Unit.
- At 1:45 a.m., **Williams** sent an updated EARS broadcast that read "**Update: The media staging area and specific time that POC Sgt. Mills will address it TBA.**" Williams could not recall exactly why she sent the update, or if it was at

anyone's direction. She did say that there had not been any media interest (calls to the Communications Center) up to that point.

- At 3:33 a.m., **Facina** sent an EARS broadcast that read, ***"EARS update – Sgt. Mills will be doing a press conference in 30 minutes in front of Wal Mart at the Market entrance, CCR 422457, Zone 6, Subsector P-2."***
- At 4:40 a.m., **Williams** sent an updated EARS broadcast at the direction of PIO Shannon Hartley #60231. Internal Affairs listened to the recorded phone conversation between Williams and Hartley. Williams acknowledged that Hartley instructed her to send another broadcast to the media, letting them know the press conference by Mills would occur at 5:00 a.m. in front of the Walmart. Hartley instructed Williams to include specific information stating that an eight-year-old child had been abducted by a registered sex offender and there was suspect vehicle information. Williams said she did not include the information as instructed by Hartley and had no explanation why she did not. The EARS broadcast that Williams sent read, ***"POC Sgt. Mills will address the media @0500 hrs. this date in front of the Walmart, reference Homicide responded to 10300 Lem Turner Rd. CCR 422457."***

Investigative Note:

On June 19, 2013, Special Assistant to the Sheriff, Lauri-Ellen Smith, sent an approved email to the Assistant Chief of Crimes against Persons and to the Assistant Chief of Communications, Vickie Diaz. The email was a draft memorandum regarding the process for updating the media with timely information from crime scenes, with specific instructions for the Communications Center regarding the format by which EARS broadcasts were to be sent.

On June 19, 2013, at 3:05 p.m., Assistant Chief Vickie Diaz forwarded this email to all of the Communications Center supervisors instructing them that it was being sent for their information so that they would be *"on the same page"* as the Detective Division.

MEMORANDUM 2013-12 (Release of information to the media) took effect on June 20, 2013.

The examples for the new EARS procedures were written as follows:

- **EARS #1: "Homicide callout – 7900 Blanding Blvd – CCR 123456"**
- **EARS #2: "Homicide UPDATE – 7900 Blanding Blvd – Sgt. Farhat speaking at 1:45 PM at Chevron Pkg. lot"**

Williams said that she listened to the recording of the 911 call that Robinson took regarding this incident and agreed that the victim's mother described a kidnapping and not just a missing person. Williams said Robinson erred in dispatching the call as a "signal 8" (missing person), when it should have been dispatched as a "signal 30" (kidnapping). Williams said that Robinson failed to add the pertinent information provided by the victim's mother—the child had been taken and the mother feared the suspect was going to rape and kill her daughter.

On July 19, 2013, at 8:19 p.m., Internal Affairs obtained a recorded sworn statement from Police Emergency Communications Officer (PECO IV) Lieutenant P.L. Leonard #7017 at 501 East Bay Street. Present for the interview was Lieutenant Gallaher with the Internal Affairs Unit. Leonard declined to have a representative present during her interview.

Lieutenant Leonard was the Communications Watch Commander on the night of June 21, 2013. She said that she was traveling back and forth between the Communications Center at the Police Memorial Building (PMB) and the back-up center. Leonard explained that she first became aware of the incident shortly after arriving at the back-up center. She explained that she was in the supervisor's office when Robinson approached her and told her about the call. She said Robinson explained that she was upset and had just gotten off of the phone with a caller that was *"kinda talking out of her head about her daughter missing and she's not sure what she has"* and the

victim's mother let a man take her daughter to the dressing room a couple of times and waited thirty minutes to call the police. Robinson then told Leonard that she needed to take a break. Leonard said she initially understood the situation to be a missing person call during her conversation with Robinson.

Leonard said she and the sergeants discussed the call in the supervisor's office and she remained at the back-up center in order to make sure everything was handled properly. Leonard said she realized the call was actually a possible kidnapping when Patrol requested the Homicide Unit to respond. Leonard said that at 12:13 a.m. she called a Zone 5 patrol supervisor and requested additional units, as well as ensured the call was being worked on a tactical talk group before returning to the PMB to finish her work. Leonard said she monitored the call on the radio at the PMB.

Leonard explained that she and Sergeant Williams were responsible for the required notification of the PIO once they understood the call to be a kidnapping. Leonard said the responsibility is on the Communications Watch Supervisors; however, as the lieutenant, it was her responsibility just as much as it was Sergeant Williams'. Leonard said that she just did not think about it.

Leonard said that she reviewed the EARS broadcasts conducted by Williams and said that they were conducted in accordance to the Memorandum (and email from Assistant Chief V. Diaz) that took effect on June 20, 2013, the day before the incident. However, regarding the 4:40 a.m. EARS broadcast, Leonard said that Williams should have included the specific information provided by Hartley, and Williams was wrong in not doing so.

Leonard explained that the Communications Center is no longer responsible for notifying a "Staff Duty Officer" in a situation such as this, and that the Patrol Watch Commander is responsible for notifying his or her chain-of-command.

Leonard agreed that Robinson did not send the Zone 6 dispatcher important details told to her by the victim's mother. Leonard listened to the recording of the original 911 call prior to the Internal Affairs interview and said that she *"probably would have sent it [to Zone 6 dispatch] as a 30 [kidnapping]."*

Leonard was asked if she and Williams could have upgraded the signal to a "30" after they realized it was a kidnapping. She said that once Patrol is on the scene, the Communications Center personnel do not change the signal of a call unless directed by Patrol to do so.

Leonard discussed the call-out of the Air Unit in this case. She said that Fooshee was correct in that he did not have the authority to tell Vaughn to return to the hangar and assist with the call; however, she felt that he should have told Vanwormer or Williams that he had just spoken with the pilot and since he was about to go home, ask Patrol if they would authorize the call-out.

On July 24, 2013, at 3:05 p.m., Internal Affairs obtained a recorded sworn statement from Police Lieutenant C.E. Ayoub #6224, at 501 East Bay Street. Present for the interview was FOP representative Ken Palmer and Lieutenant Gallaher with the Internal Affairs Unit.

Lieutenant Ayoub was working as the Zone 6 Patrol Watch Commander on the night of the incident. He said that he was finishing his administrative duties with an incident involving the death of an officer earlier that day. Ayoub said that he heard the Zone 6 dispatcher announce the missing person call and recalled the dispatcher saying that it was involving an eight-year-old. Ayoub decided to head toward the scene after hearing Police Sergeant S.C. Putman #7127 arrive on scene and announce that it might be a possible kidnapping. Ayoub said that he read the additional information on the dispatch screen. He said that it was concerning to him that the complainant had just met the suspect at the store, the victim left with the suspect and that the suspect had been paying a lot of attention to the victim.

At approximately 12:00 midnight, Ayoub arrived at the scene and met with Putman and obtained a briefing from him. Putman told Ayoub that an eight-year-old child was missing and that it was possibly a kidnapping. Putman then went through the timeline of events as relayed to him by the victim's mother. Putman told Ayoub that he already called the on-call Missing Persons detective and the on-call Homicide sergeant, and Homicide was responding. Ayoub said that he understood the situation at that moment to be a missing child of tender years—potentially a child abduction.

Ayoub explained that he has only had limited training in the Incident Command System (ICS), but he knew that the situation required him to implement ICS. He said he designated himself as the Incident Commander and established the parking lot of the Walmart as the command post; he designated a scribe; he designated Sergeant Putman as the Operations Section Chief, and Police Sergeant R.C. Messersmith #5327 as the Planning Section Chief. According to Ayoub it was an informal implementation of ICS. He instructed Police Officer J.G. Bennett #66417 on how to complete an ICS Form 201 and how to find exemplars on the Inspections Unit website. Ayoub said he did not fill the general staff positions of the Liaison Officer, Safety Officer or the PIO. Ayoub said he did not request the PIO and that he knew an EARS broadcast would be sent out to the media because Homicide was responding.

Ayoub said he knew that he needed additional resources to form search teams and needed the assistance of the Air Unit. Ayoub called the Communications Center and spoke with Sergeant Williams. Ayoub said he told Williams that they were working a missing person case of an eight-year-old and it was possibly a kidnapping. He said he asked for the assistance of the Air Unit and authorized the overtime if needed. He said Williams told him that he would have to request the Air Unit through Investigative Dispatch and then she attempted to transfer his call to Fooshee, but it got disconnected. Ayoub said that he called Williams back and she again transferred his call to Fooshee. Ayoub then told Fooshee that he needed the help of the Air Unit in an overtime capacity because he was working a potentially bona fide kidnapping.

Ayoub said that he briefed Sergeant Mills upon his arrival and then Ayoub and his officers operated in a support capacity for Homicide. Ayoub said that he obtained additional units from Zone 5 and coordinated the efforts of the patrol officers while Homicide conducted their investigation.

At approximately 1:00 a.m., Ayoub called Police Lieutenant J.D. Ricks #7475, the Acting Zone Commander for Zone 6, and informed him of the situation. Ayoub said that he told Ricks they were investigating an abduction of a girl, taken from the Walmart. Ayoub said he explained how the suspect met the victim and her mother; how he drove them to Walmart and shopped with them for well over an hour; how the suspect and the victim walked to the parking lot together, got in the suspect's van, and drove away. Ayoub said that he told Ricks that everything was recorded on the store's video surveillance system. Ayoub said Ricks told him something to the effect of *"Okay, just let me know what happens."*

Ayoub said he did not tell Ricks that he thought Ricks should respond because he did not feel it was his place to tell him. Ayoub said he called Ricks because he felt that the potential abduction of a child was a situation that needed to be forwarded up the Patrol chain-of-command.

Ayoub was asked if he believed that the victim was entered into NCIC/FCIC in accordance with the Missing Person Operational Order (10.02.23) regarding the two hour time limit for obtaining the dispatch number. Ayoub said that Police Officer A.A. Lewis #61131 was the reporting officer. Ayoub recalled that he specifically told Lewis to coordinate with Mills due to the nature of the incident, and to ensure the accuracy of the information entered into NCIC/FCIC. Ayoub acknowledged that it was approximately 2:15 a.m. when Mills declared the case a bona fide kidnapping.

Ayoub said that he was very busy during the entire incident. He said that he and Mills coordinated their efforts and felt that Mills was doing a good job. Ayoub said he

was aware that Mills had talked to Schoonover during the night, but he was not privy to their conversations. Ayoub said he recalled that Mills had been in contact with the Communications Center during the night, updating the EARS broadcasts.

Ayoub said that once things slowed down about 5:00 – 5:30 a.m., he cleared the tactical talk group and spoke with Ricks, who in-turn spoke with Police Chief J.C. Tranquille #6819. According to Ayoub, Ricks relayed Tranquille's instructions to relocate the command post to the Zone 6 substation if nothing was occurring at Walmart. Ayoub said that Ricks and Police Chief J.C. Tranquille #6819 arrived at approximately 6:30 a.m.

On July 29, 2013, at 3:05 p.m., Internal Affairs obtained a recorded sworn statement from Police Lieutenant J.D. Ricks #7475, at 501 East Bay Street. Present for the interview was FOP representative Ken Palmer and Lieutenant Gallaher with the Internal Affairs Unit.

Ricks was serving as the "Acting Zone Commander" for Zone 6 during the time of this incident. He was off-duty and asleep when he received a phone call from Ayoub on June 22, 2013, at approximately 1:00 to 1:30 a.m. Ayoub told Ricks that Patrol and Homicide responded to the Walmart on Lem Turner Road in reference to a missing child. Ricks said Ayoub told him that the Air Unit had been called out; patrol officers were searching hotels and motels in the area; detectives were interviewing the mother at that time, and *"they were breaking her down."* Ayoub said they (Homicide) were leaning toward interference with custody based on the video, and that the girl was supposed to be at the airport at 5:00 a.m. to take a flight to California to see her father. Ricks told Ayoub, *"Let me know if anything changes."*

Ricks said he didn't remember Ayoub tell him any specifics about the victim leaving the scene in a van with the suspect. Ricks said that Ayoub did not read him the *"call screen"* on the Mobile Digital Computer (MDC) and had Ricks been told that *"basic information,"* he would have called Chief Tranquille. Internal Affairs asked Ricks if

Ayoub told him that Ayoub thought it was a possible abduction and Ricks replied "No—*interference with custody.*" Ricks said the "*crux of the information*" that he was told was that it was a situation in which Homicide was leaning toward interference with custody, and that was Ricks' understanding at the end of their phone conversation.

Ricks acknowledged that Ayoub told Internal Affairs that he conveyed to Ricks that it was a possible kidnapping; however, Ricks said that is not what Ayoub told him, and that Ayoub had a lot going on at the time the phone call was made. Ricks said that during the phone conversation with Ayoub, he listened to Ayoub and asked questions of him, and at the end of the conversation he had no reason to respond to the scene and no reason to call Chief Tranquille.

At approximately 5:00 a.m., Ricks sent a text message to Ayoub asking him what happened—Ayoub asked Ricks to call him. Upon calling Ayoub, Ricks learned all of the details about the kidnapping, the suspect, and the Amber Alert. Ricks said that he was upset that he was just learning that information. He said he obtained all of the specific details and immediately notified Chief Tranquille. Ricks said he then responded to the command post without being directed to respond.

Ricks said that he was the "Acting Zone Commander" in the absence of his Assistant Chief, but he had not received any instructions from his chain-of-command regarding when he was expected to respond to after-hours scenes. Ricks said he had reviewed the Duties and Responsibilities of the Zone Commander (PAT 12.2.2) prior to the date of this incident. Ricks felt that based on the information he had at the time, he was in compliance with his duty and responsibility to; respond to serious/noteworthy scenes; act as a liaison between the Sheriff's staff and members under his command and; make management decisions that cannot be handled at a lower level in the chain-of-command.

On July 30, 2013, at 2:20 p.m., Internal Affairs obtained a recorded sworn statement from Police Sergeant L.J. Mills #5443, at 501 East Bay Street. Present

for the interview was FOP representative Ken Palmer and Lieutenant Gallaher with the Internal Affairs Unit.

Sergeant Mills said that he received a call from Investigative Dispatch (Fooshee) at approximately 12:04 a.m. on June 22, 2013; Fooshee did not give Mills any additional information. Mills said he was instructed to call the sergeant at the scene (Putman) and upon doing so, was given an overview of the missing person case that Patrol was working at the Walmart. Mills did not recall the conversation verbatim, but did recall he was told that the mother and her children had been shopping at the Dollar General store earlier in the evening and met the suspect while there. The mother accepted a ride from the suspect and they all drove to the Walmart on Lem Turner Road. The mother told the officers that she did not know the suspect, but she and her children walked around the store shopping for clothes, and at some point the suspect and the victim walked out of the store together. Mills said Putman told him that the mother's behavior was somewhat unusual and there could possibly be a child custody issue as the victim was scheduled to take a flight to see her biological father the next day. Mills said that he was told that the video surveillance confirmed the mother's account of events.

Mills told Internal Affairs that Putman just provided the facts and details, and then Mills made decisions based on what he was provided. Mills explained that based on the information he was told, he thought that the mother could be hiding the child; the child could have gone with the suspect to another store to get a sandwich; or the child could have really been abducted. Mills said that there were still a lot of unanswered questions in his mind. Mills said he has been doing investigations long enough to be aware of the fact that there was a possibility that the mother could have been hiding the child from the biological father. Mills also commented that *"from a normal parental standpoint"* some of the things that the mother did, were things that a rational parent would not do.

Mills said that because of the child's age and the video evidence supporting the fact the child left with the suspect, he called his detectives and instructed them to respond to the scene. At approximately 12:10 a.m., Mills called Homicide Lieutenant

Robert Schoonover and notified him that he and his detectives were headed to a call involving a missing child, and that the store surveillance confirmed that the child left with the suspect. Mills said he provided Schoonover with a general description of the victim, suspect and van and the fact that the mother had just met the suspect and was shopping with him. He said he explained to Schoonover that he did not know the exact reason she was missing, whether it was a bona fide abduction or not, but they would be responding and Mills would call Schoonover with an update. Mills said that Schoonover said to keep him posted.

Mills said that Schoonover's response to keep him posted was appropriate at that time because Mills was not exactly sure what the call-out entailed, and would not know until he and his detectives arrived at the scene.

At 12:53 a.m., Mills arrived at the Walmart and met with Lieutenant Ayoub. Mills said Detective Paul Cullen arrived just before Mills and Detective Don Alexander just after. Mills said Ayoub explained the actions he and his officers had taken in an attempt to locate the victim. Mills said Ayoub had the Air Unit en route, called in officers from other zones and was having different locations checked. Mills said that upon arriving at the scene, he took charge of the investigation and utilized Patrol in a supporting capacity.

Mills then spoke with the officer (Lewis) who interviewed the mother. The officer relayed to Mills what the victim's mother told him. The story was consistent with what Mills had been told on the telephone, with more specific information regarding the fact that the mother did not know the suspect and they were supposedly going to meet the suspect's wife at the Walmart. The officer also told Mills that the locations where they were shopping inside the store had been identified, as well as more detail of how the mother realized the suspect and daughter had not gone to the McDonalds inside the store, but actually left the store in the suspect's van.

Mills said that he instructed his detectives to interview the victim's mother and *"Pressure her a little bit on the details, so that we can get as much information as we can,"* to make sure the information the mother was providing was accurate. Mills said that Cullen is his *"Bulldog"* in that regard and is the one Mills used to *"push that issue."* Mills said he clarified to his detectives that he had concerns about the validity of the mother's story because she just met this stranger—accepted a ride from him, shopped with him for several hours and let him take her daughter to the McDonalds—coupled with the fact there was a scheduled visitation for the next day. Mills said that some of her story was not making sense and he could not disregard the possibility that the mother was hiding the child to prevent the visitation from happening. Mills thought it was suspicious that the victim's younger siblings were saying the exact same thing as the mother—almost as if they had been coached—but acknowledged that he is not qualified to conduct forensic interviews with children. Mills also said that the mother's behavior and emotions did not match the situation and said that it was not unrealistic that the mother could have been lying.

Mills explained the mother's unusual behavior in more detail. He said that when she cried, she moaned and cried, but he never saw any tears. Mills said that he thought it was suspicious that the mother's boyfriend knew that she was at the Walmart and was calling the store wanting to know what was happening, when the mother had no cell phone and no way of contacting him. Mills said she made odd comments to the detectives that she was a psychic and she wanted to help the police with finding missing persons; she made the comment that when the police do bring her daughter back, it will be in a box.

Mills explained that although the mother's behavior was concerning, he realized that the eight-year-old victim was missing, the mother's story had not changed and the video surveillance supported the fact that the victim left the store with the suspect. Mills said it was at that time he determined it was necessary to initiate an Amber Alert. Mills said it was approximately 2:15 a.m. when he determined they were investigating a bona fide kidnapping.

At approximately 2:20 a.m., Mills called Schoonover and updated him on the status of the investigation, including his concerns regarding the mother's behavior, and requested authorization to initiate an Amber Alert. Mills said that Schoonover approved the Amber Alert. Mills said Schoonover did not give him any instructions and Schoonover did not mention anything about responding to the scene or notifying their chain-of-command. Mills assumed Schoonover had been asleep due to the late hour.

Mills explained that initiating an Amber Alert is very serious and not an everyday occurrence. He said that since this was the first time he had initiated an alert, he used his laptop computer in his car to read the applicable operational orders regarding the Amber Alert procedures. Mills said that once he obtained permission from Schoonover, Mills notified Ayoub and the detectives that he was going to contact FDLE and initiate Amber Alert.

Mills did not know if the PIO had been notified at that time. He explained that he usually does not request the PIO because as a Homicide Sergeant he is the person that usually addresses the media at the scene.

Mills said that from 2:30 - 3:30 a.m. he was very busy on his cell phone talking with FDLE and others involved in initiating the Amber Alert. Mills said that during that time period he did not have any additional leads regarding the suspect or the victim's whereabouts; therefore, he did not feel the activation of the Child Abduction Response Team (ART) would have been appropriate. Also, the other two detectives on his squad were still on call and he was trying to avoid using them unless absolutely necessary so they could respond to any other call-outs. Mills explained that in addition to CART, which he can request through FDLE, he has the ability to utilize the Homicide Unit's CART that is supervised by Homicide Sergeant D.S. Coarsey #6957.

At 2:40 a.m., the victim was entered into NCIC/FCIC by Officer Lewis. Mills was if he and Lewis ever discussed the NCIC/FCIC entry as stated by Ayoub. Mills

said during that hour, he was extremely busy and on his phone with several people so it was possible that Lewis approached him about the topic, but Mills could not recall. Mills was familiar with the language in the Missing Person Operational Order (10.02.23) regarding the two hour time limit for an officer to enter a missing person into NCIC/FCIC. Mills believed that the officer was in compliance because the official "receipt of the report" as defined in the operational order was not until 2:15 a.m. when Mills declared the case a bona fide kidnapping.

Between 3:00 and 3:30 a.m., several things occurred. Mills learned that [REDACTED] Mills spoke with the on-call Homicide Assistant State Attorney, Mark Caliel, and apprised him of the situation. Caliel confirmed with Mills that he and his detectives were authorized to operate under exigent circumstances while attempting to locate the victim. Additionally, Mills learned from Patrol that the suspect had been identified, was a registered sexual offender, and the owner information for the van had been obtained.

At 3:33 a.m. Mills called the Communications Center and requested an EARS broadcast for the media to respond to the Walmart. Mills said that he assumed the broadcasted information would let the media know what Homicide was working—he did not make any specific requests—and said he normally does not need to request an EARS broadcast, that it is something that is automatically done by Communications personnel. Mills said he did not get the expected response from the media at 4:00 a.m., only the Times-Union responded. Mills said he gave the Times-Union reporter all of the information and allowed the reporter to photograph the surveillance photos. Mills added that he did not believe that the media would generate many leads until the morning news aired the story about 6:00 or 7:00 a.m.

Between 3:30 and 5:00 a.m., Mills directed Ayoub and his officers to respond to the suspect's house where they met with the suspect's mother and searched the house for the victim. Mills finalized the Amber Alert with FDLE and contacted Investigative

Dispatch (Fooshee) and made a request for the PIO to call Mills. PIO Shannon Hartley called Mills and was informed of the situation and was requested to respond to the scene. Mills asked Hartley to schedule a news briefing and tell the media that the eight-year-old victim had been kidnapped by an identified sexual offender and there was suspect vehicle information.

Mills was asked if he contacted Schoonover to update him on the new information. Mills said *"Yeah, I'm sure I did. I probably didn't note it in here [timeline provided by Mills] but I'm back and forth on contact with him throughout this."* Mills went on to explain that it was a very fluid scene, a lot was happening, but he was managing the situation just fine. Mills was asked if he called Schoonover to notify him that the Amber Alert had been sent, the suspect had been identified and officers were searching the suspect's house for the victim. Mills was not sure if he called at that moment. He said that he was making several calls to FDLE and receiving several calls from them as well, and it would have been difficult for him to call Schoonover until he finalized the Amber Alert. He reiterated that during the entire event he thought that he spoke with Schoonover several times but he was not sure and he did not record all of the times and conversations.

Mills was asked if he thought it would have been appropriate to activate CART during the timeframe of 3:30 to 4:20 a.m., especially since the suspect had been identified. Mills acknowledged that the identification of the suspect was a significant lead, but it was his only lead and he had *"two detectives, and four officers, and a lieutenant on that."* Mills said it was not appropriate at that time because he did not have any leads for them (CART) to follow-up on; however, had they discovered additional leads at the house, that might have changed his decision to activate CART. Mills added that the suspect and vehicle information had been broadcast to all zones.

Investigative Note:

According to FDLE (www.fdle.state.fl.us/), CART is an organized, rapid, and planned response to an abducted child or other missing child incident. Through

FDLE, local law enforcement agencies have immediate access to experts in child abduction investigations and personnel trained in the incident command system. According to FDLE, CART works in conjunction with the Florida Department of Law Enforcement's (FDLE) Missing Endangered Persons Information Clearinghouse (MEPIC) to utilize the Amber Alert or the Missing Child Alert when the appropriate criteria for activation are met. CART Members include experienced and professional investigators, crime analysts, forensic experts, search and rescue professionals and other support personnel trained and available to respond as needed.

At 5:00 a.m., Mills gave an on-camera interview with the local TV stations that responded to the 4:40 a.m., EARS broadcast. Mills then directed two additional detectives to respond to the Homicide office to start fielding leads as they were called in.

At approximately 5:45 a.m., Mills called Schoonover and updated him on the investigation. Mills said they discussed the need to activate CART and agreed that it was needed. Mills said he then contacted FDLE and requested a CART response.

Mills was asked if Schoonover gave Mills any instructions at that time, and Mills said "No." Mills said he did most of the talking because he was the one relaying all of the information. Mills was asked if Schoonover said anything about notifying Assistant Chief C.R. Butler. Mills said he assumed Schoonover was going to notify Butler, but Schoonover didn't say he was.

On August 1, 2013, at 10:16 a.m., Internal Affairs obtained a recorded sworn statement from Police Lieutenant Robert Schoonover #6434, at 501 East Bay Street. Present for the interview was Lieutenant Gallaher with the Internal Affairs Unit. Lieutenant Schoonover declined to have a representative.

Lieutenant Schoonover said that he arrived home from a trip to Boston, Massachusetts at approximately 11:00 p.m. on June 21, 2013. He said that he was in bed when he received a telephone call from Mills on June 22, 2013, at approximately 12:10 a.m. Schoonover said the call was only a couple of minutes long. He said Mills stated that *"they [Mills and his detectives] received a signal 30 call"* and were headed to the Northside. Schoonover said the conversation was very brief and he told Mills to keep him updated. Schoonover said that approximately six minutes later he received a text on his phone from the Communications Center notifying him that a *"signal 30"* occurred—12000 block of Lem Turner Road—basically the same information that Mills had just told him. He said that he was not told any specific information regarding the victim, child custody issues or the suspect. Schoonover said there was not a need for him to respond so he went back to bed.

Schoonover explained that his sergeants and detectives often get called out to possible kidnapping calls and it is normal for him to receive a call from the responding sergeant notifying him that they are being called out, only to later receive an update that it was not bona fide or was not true. Schoonover said that he does not respond to the initial fact-finding call-out—he waits for an update from the sergeant. He also explained that he does not notify his chain-of-command in these types of call-outs. Schoonover said he always receives a text from the Communications Center when his people are being called out, and believed that his chain-of-command receives the same texts.

Investigative Note:

Internal Affairs confirmed through the Communications Section that the Investigations chain-of-command did receive the same text message as Schoonover.

Schoonover said the next call that he received from Mills was at approximately 2:20 a.m., and it was about five minutes in length. Schoonover said he was asleep when he received the call on his cell phone. Mills told him that they had an eight-year-old missing from the store—video confirmed that the suspect walked around with the

mother and children for a couple of hours and then showed the suspect exit the store and the little girl followed him—*"no abduction, doesn't grab her and doesn't force her out."* Mills then explained to Schoonover that he was concerned about the possibility of a child custody issue because the child was supposed to be taking a flight to see her father in the morning. Mills continued by stating the mother could be making the complaint as a ruse, or the suspect could be known to her, and they are preventing the child from going to see her father in California, but either way, Mills reiterated to Schoonover that the girl was not there and he wanted to do an Amber Alert. Schoonover said he told Mills that he agreed with him regarding the Amber Alert and then asked Mills to elaborate on the foul-play. Mills replied that he still had concerns regarding the mother's story and there were still things that he needed to look into, but the fact remained that the girl was missing. Schoonover said that he gave Mills permission to initiate the Amber Alert and instructed Mills to keep him updated. Schoonover said he did not give Mills any other instructions or directions, nor did he respond to the scene. Schoonover said that he did not notify his chain-of-command and that he went back to bed after speaking with Mills.

Internal Affairs asked Schoonover if he understood the situation to be a kidnapping based on what Mills told him. Schoonover said *"With circumstances, yes—that she was missing—she's gone. She left the store with this man and basically we don't know who this man is, but [he] spent the last three, four hours with the family at Walmart, so, you know that was the concerns."* Schoonover reiterated that due to the child's age and the fact she was missing, an Amber Alert was appropriate.

Schoonover said he did not respond to the scene based on the information provided by Mills. Schoonover said that he wanted to wait for Mills to update him *"to see if anything more takes place."* Schoonover said that Mills did explain that they had several Zone 6 officers on the scene, Lieutenant Ayoub and the Air Unit; therefore, Schoonover felt that his presence at that time would not have helped.

Schoonover said that he did not notify his chain-of-command because of the same reasons he did not respond. He did not feel it was necessary to wake them up at 2:20 a.m. to tell them that he was authorizing the Amber Alert, as he and Mills still had some concerns as to whether or not it was bona fide. Schoonover acknowledged that this was the first time he had ever authorized an Amber Alert, and the first time the Homicide Unit had initiated an Amber Alert, during his tenure as the Homicide Lieutenant. Schoonover acknowledged that initiating an Amber Alert is serious and the reason for issuing it that night was to alert the public of the abduction of the victim and provide them with suspect and vehicle descriptions. Schoonover agreed that the case was an unusual and media worthy case that could have benefited from the assistance of the media.

Schoonover said the next time that he spoke to Mills was at approximately 5:45 a.m. when Mills woke him up. Schoonover said that Mills gave an update on the situation. Mills explained that they identified the suspect at approximately 3:30 a.m., and that the suspect was a registered sexual offender. Mills said they obtained a tag number for the suspect's van, updated the Amber Alert, and Patrol went to the suspect's house and spoke with his mother. Schoonover said that he and Mills then discussed activating CART.

Schoonover explained the concept of CART and said that this was the first time as the Homicide Lieutenant that he authorized the activation of CART. Schoonover said he called Assistant Chief Butler immediately after the phone call with Mills and informed Butler of the situation and the timeline of events as relayed to him from Mills.

Investigative Note:

Lieutenant Schoonover provided a copy of his cell phone bill that showed all of the calls sent and received from his phone on June 21-22, 2013. The calls listed below detail the date, time and length of each call described by Schoonover.

- June 22, 2013, at 12:14 a.m., Mills called Schoonover; the call was one minute in duration.
- June 22, 2013, at 2:04 a.m., Mills called Schoonover; the call was four minutes in duration.
- June 22, 2013, at 5:43 a.m., Mills called Schoonover; the call was four minutes in duration.
- June 22, 2013, at 5:48 a.m., Schoonover called Butler's cell phone and reached his voicemail.
- June 22, 2013, at 5:49 a.m., Schoonover called Butler's home phone; the call was thirteen minutes in duration.

Schoonover provided his cell phone records to clarify two points—the first being that the timeline of events Chief A.M. Smith provided to Internal Affairs listed his initial notification to Assistant Chief Butler at 6:20 a.m. and that is incorrect. Schoonover said that he called Butler immediately after ending his call with Mills at 5:48 a.m., and his phone records support that. The second point of clarification was that between the 2:04 a.m. call from Mills and the 5:43 a.m. call from Mills, Schoonover did not receive any other calls from Mills, even though Mills said in his statement to Internal Affairs that he made other calls to Schoonover during the night, his phone records show that Mills did not. Schoonover said that Mills was probably mistaken because he had so much going on with the incident that night.

Schoonover said that after he made the calls to Butler and authorized the CART activation, he got dressed and headed to the command post at the Zone 6 substation. Schoonover arrived at the command post and checked in at 7:18 a.m.

Schoonover explained that his unit does not call out the PIO—that is a function of the Communications Center—and that his sergeants are normally very busy working the crime scene. He said that his sergeants will address the media without the PIO being present and then forward their comments to the PIO to ensure all media receive the same message. Schoonover said he believed the PIO receives the same texts that

Schoonover receives whenever Homicide is responding to a call-out. He also commented that had all of the media responded earlier in the morning at 2:30 – 3:00 a.m., he did not think it would have changed anything because he believed they would not have put it out on their news broadcasts until 5:00 or 6:00 a.m.

Schoonover was asked if the same scenario were to occur again, would he respond when getting the request to conduct an Amber Alert. Schoonover said that they learned from *"this tragic event"* and they would do things differently. He acknowledged that he would respond to the scene and notify his chain-of-command at the onset of the Amber Alert. Schoonover also said that if Mills had called him at 3:30 a.m. when they identified the suspect and learned that he was a sexual offender, Schoonover would have responded immediately and notified his chain-of-command.

Schoonover felt that based on the information he received from Mills, he was in compliance with his duties and responsibilities as it related to him coordinating with Mills to ensure that the investigation was being conducted correctly and that all leads were being followed up in a timely manner. Schoonover said his sergeants do not to hesitate to ask him to respond to scenes when they feel his response is needed. Schoonover said that Mills never asked him to respond that night.

Schoonover believed that he notified his Assistant Chief of the high profile incident in a timely manner, and was in compliance with his duty and responsibility to notify his Chief and Assistant Chief of the unusual case, because Mills did not tell him about the suspect information until approximately 5:45 a.m. However, Schoonover did acknowledge that at approximately 2:20 a.m., he authorized an Amber Alert, and that an Amber Alert is a high profile, law enforcement request.

Schoonover explained that for the most part, his response to the scene of a murder is at his discretion. He said that during daytime hours he notifies his chain-of-command of the call-out immediately; however, when a call-out occurs in the middle of the night, he usually waits until 5:30 – 6:00 a.m. to notify his Assistant Chief.

FACTUAL PARTICULARS:

1. On June 28, 2013, Internal Affairs received an in-house complaint from Director M.S. Williams, on behalf of Sheriff Rutherford, concerning the Department's response to the 911 call on June 21, 2013, (CCR# 422457) regarding the kidnapping and murder of Cherish Perrywinkle. More specifically, the issues of concern were the responses by Jacksonville Sheriff's Office (JSO) personnel in the Communications Center, Patrol Division and the Homicide Unit.
2. Concerns regarding the Communications Center:
 - The appropriateness of the call being dispatched as a "Missing Person" rather than a "Kidnapping."
 - The dispatcher's responsibility to upgrade the call to a "Kidnapping."
 - The supervisors' actions related to the incident;
 - Public Information Officer (PIO) notification
 - Emergency Alert Radio System (EARS) broadcasts
3. Concerns regarding the Patrol Division:
 - The Patrol Watch Commander's actions related to the incident;
 - Notification of the Communications Center
 - Notification of the Patrol chain-of-command
 - The amount of time it took to enter the victim into NCIC/FCIC
 - The acting Zone Commander's actions related to the incident;
 - Response to the scene
 - Notification of the Patrol chain-of-command
4. Concerns regarding the Homicide Unit:
 - Homicide Sergeant's actions related to the incident;
 - Information received from the Investigative dispatcher upon call-out
 - Information received from Patrol supervisors

- Information relayed to the Homicide Lieutenant and when it was relayed
 - Homicide Lieutenant's actions related to the incident;
 - Response to the scene
 - Notification of the Investigations chain-of-command
- 5. Vanwormer stated that she was working as the Zone 6 dispatcher on June 21, 2013, and was involved in the dispatching of the missing person call at the Walmart at 12100 Lem Turner Road in Jacksonville, Florida. She said the call was sent to her console by the receiving officer (PECO Patricia Robinson #6630) and she dispatched the call to the police officers, who in-turn responded to the scene.
- 6. Vanwormer said she interpreted the information from the receiving officer as a report of a missing person and not as a kidnapping. She said she never considered upgrading the "signal 8" (missing person) to a "signal 30" (kidnapping). Vanwormer said it became apparent to her that the case was a kidnapping, after learning that the suspect was a registered sex offender; however, Vanwormer was no longer the dispatcher for the call at that point.
- 7. Vanwormer explained that the primary officer on the scene announced a Be on The Lookout (BOLO) and then requested the Air Unit. Vanwormer said she told the officer to stand-by, turned to the Investigative Dispatcher (PECO J. Fooshee #7215) who was stationed next to her, and asked if the Air Unit was available. Fooshee told Vanwormer that the Air Unit was off-duty and unavailable. Vanwormer said she immediately notified the requesting officer that the Air Unit was unavailable and never received another request for the Air Unit.
- 8. Vanwormer listened to the original 911 call made to JSO. She said that to her, the eleven minute conversation PECO Patricia Robinson #6630 had with the victim's mother did not describe a kidnapping.

9. Robinson was working as a receiving officer, in which her duties were to accurately obtain information provided to her by 911 callers—determine the appropriate signals—and send accurate descriptions of the calls to the appropriate zone dispatchers so that the calls could be dispatched to police officers.
10. At 11:17 p.m., Robinson answered the 911 call made to JSO by the victim's mother. Robinson talked to the victim's mother for approximately eleven minutes. During the recorded telephone conversation, the first statement to Robinson from the victim's mother was that her eight-year-old daughter had been taken by a stranger while at the Walmart on Lem Turner Road. The victim's mother described to Robinson how she had just met the suspect, his suspicious actions while interacting with her daughter, as well as a description of the suspect and his van. Throughout the conversation, the victim's mother told Robinson how she feared the suspect was going to rape and kill her daughter.
11. Robinson listened to the recording of the 911 call and agreed that the victim's mother described an abduction of a child, not just a missing child. Robinson, who was visibly upset during the interview, said that she typed and sent to the Zone 6 dispatcher what she believed at the time to be the "*pertinent*" information related to the call, but she now acknowledged that it was incomplete. She agreed that she did not include important information that should have been sent to the dispatcher, which in-turn would have been relayed over the radio to the responding officers. Robinson stated she wished she had included the statements the victim's mother made regarding her daughter being taken, and the fear that her daughter might be raped, although Robinson did not think it would have changed anything.
12. Robinson said that as she continued to talk to the caller, she began to realize it was "*turning into a kidnapping, but I thought she was lying.*" She said "*it didn't seem like, um...like it was real.*" She said she just "*took it [the information] for face value*" and sent the information and let the police officers investigate.

13. Robinson admitted that as the call went on, she could have changed the call to a "signal 30" (kidnapping). Robinson felt that the designation of priority 1 (signal 30) versus priority 2 (signal 8) did not affect the response time of the responding police officers because both types of calls are broadcast with an alert tone. She also stated that she did not know that designating the call as a kidnapping, would have required the notification of the PIO by the Communications Center.
14. Robinson said if she was able to do everything over again, that she would put everything the mother said in the additional information and send it to the dispatcher.
15. Pachecker was working as the relief dispatcher on June 21, 2013, and relieved the Zone 6 dispatcher (Vanwormer) just prior to the call being received by JSO. Pachecker said that she was the dispatcher that sent the initial call to the responding officers. She said that she relayed the first couple of sentences of the additional information over the Zone 6 talk group as she received it from Robinson and then turned the call over to Vanwormer when she returned. Pachecker said that Vanwormer completed relaying the additional information to the responding officers and continued working the call until it was transferred to a tactical talk group.
16. Pachecker listened to the recorded 911 call and said that she believed the caller described "a [signal] 30 just occurred." Pachecker agreed that the caller's statements that her daughter had been taken, and that she was worried that her daughter would be raped and killed were important items to put into the additional information.
17. Fooshee was working in the back-up communications center as the Investigative dispatcher on June 21, 2013. He said that he first became aware of the call when Vanwormer asked him if the Air Unit was available. Fooshee said he did not recall observing the call in the pending queue prior to the call being assigned

to the officers; therefore, he did not announce the call over the Investigative talk group. Audio recordings and Computer Aided Dispatch (CAD) records show that Fooshee was busy calling out a Child Abuse detective on an unrelated call at the same time the victim's mother was calling 911 to report the kidnapping.

18. Fooshee acknowledged that Police Pilot S.G. Vaughn #5941 called Fooshee on the Investigative telephone line (██████) at 11:39 p.m. and asked him what Zone 6 was working. Vaughn explained to Fooshee that he was in his police car (heading home) and heard a Zone 6 officer ask the dispatcher (Vanwormer) if the Air Unit was available. Vaughn asked Fooshee what Zone 6 was working and Fooshee said, *"Yeah, I don't know what they got going."* Vaughn told Fooshee that if it was something *"pressing"* to call Vaughn on his cell phone. Fooshee made the comment to Vaughn that it was past the time that he ends his tour of duty (11:30 p.m.) and told Vaughn to *"go home."* Vaughn repeated his request to Fooshee that if it was something pressing to call him, to which Fooshee agreed. Fooshee explained to Internal Affairs that he told Vaughn to go home because Fooshee did not have the authority to tell Vaughn to go back to the hangar since he was already off-duty.

19. Fooshee said that he looked on his monitor and was able to see that Zone 6 was working a *"signal 8"*; however, he did not research the call. Fooshee said that when Vaughn made the inquiry, Fooshee did not ask Vanwormer if her Zone 6 officers needed the Air Unit. Fooshee said he did not ask, because Vanwormer needed to make the request after obtaining authorization from the Patrol Watch Commander. Fooshee said that once authorization is given, he can then contact Commander Highfill of the Air Unit and notify him of the request. Fooshee acknowledged that it was approximately one minute after Vaughn inquired about the Zone 6 call, that Vanwormer asked Fooshee if the Air Unit was available, to which he told her it was not. Fooshee did not tell Vanwormer that he just spoke with the Police Pilot prior to her making the request. Fooshee said per policy Vaughn could not be called back on his cell phone like he asked Fooshee to do, but Fooshee said if he *"had the power to do it"* he would have called him.

20. Fooshee said that Police Lieutenant Claude Ayoub called the Communications Center and spoke with PECO III Sergeant Debra Williams and requested the Air Unit be called out on overtime. Williams transferred the call to Fooshee who in turn called Commander Highfill and made the request.
21. According to the recorded Communications Center phone conversations provided to Internal Affairs, at 12:06 a.m., Ayoub made contact with Fooshee and requested the assistance of the Air Unit to assist on the kidnapping call; Fooshee then made the call-out of the Air Unit. During the recorded conversation between Fooshee and Vaughn, Vaughn can be heard, with disgust in his voice, asking Fooshee why Patrol did not ask for the Air Unit earlier and Fooshee saying "yeah, I know." The Air Unit arrived on scene at 1:17 a.m.
22. Sergeant Williams was working as one of the two Communications Watch Supervisors in the back-up communications center on the night of June 21, 2013. Williams said she first became aware of the missing person call at 11:20 p.m., as the call was being received by Robinson and sent to the Zone 6 dispatch console. She said the information she read at that time indicated that the call was a "signal 8" (missing person), nothing more.
23. Williams said that her understanding of the situation changed at approximately midnight when Lieutenant Ayoub called the Zone 6 dispatcher and requested a tactical talk group for the missing person call, and according to the dispatcher, Ayoub mentioned that it might be an abduction.
24. Williams received a phone call from Ayoub at 12:03 a.m., requesting the Air Unit because they were working a missing person call that could possibly be an abduction. Williams said that she remembered the call, but did not remember Ayoub tell her that it could possibly be an abduction. Williams said that instead of handling the Air Unit request herself, she attempted to transfer the phone call to Fooshee (Investigative dispatcher), but the call was disconnected. At 12:05 a.m., Ayoub called Williams again and told her that his call had been

disconnected, and that he needed the Air Unit to be called out. Williams again transferred the phone call to Fooshee's line, at which time the request was handled. Williams told Internal Affairs that she should have ensured that Ayoub's request for the Air Unit was handled rather than just transfer him to the Investigative dispatcher.

25. Williams said she was required to call-out the PIO since the call was a kidnapping, but she failed to do that. Williams explained that she is a new sergeant and that she relies on her "*cheat sheet*" (printed notes) to assist her with such duties, but because they were working out of the back-up communications center she did not have her notes with her.
26. Williams said that she sent the first EARS broadcast at 12:27 a.m. and that the PIO is included in the email distribution list for the broadcast. Williams acknowledged that the EARS broadcast was limited in scope and that the PIO would not know it was a kidnapping based on the information and also, that the broadcast does not substitute for proper call-out of the PIO.
27. Williams explained that prior to 5:00 a.m., she sent three EARS broadcasts to the media, and that Communications Sergeant Facina sent one broadcast. Williams said that she and Facina sent them in the format as directed by the new policy change. Williams explained that she ensured the broadcasts were sent in the new format because she had been disciplined in the past for sending too much information. The broadcasts Williams sent at 12:27 a.m. and 1:45 a.m. were sent in the appropriate format.
28. At 4:40 a.m., Williams sent an updated EARS broadcast at the direction of PIO Shannon Hartley #60231. Williams acknowledged that Hartley instructed her to send another broadcast to the media, letting them know the press conference by Mills would occur at 5:00 a.m. in front of the Walmart. Hartley instructed Williams to include specific information stating that an eight-year-old child had been abducted by a registered sex offender and there was suspect vehicle information.

Williams said she did not include the information as instructed by Hartley and had no explanation why she did not. The EARS broadcast that Williams sent read, **"POC Sgt. Mills will address the media @0500 hrs. this date in front of the Walmart, reference Homicide responded to 10300 Lem Turner Rd. CCR 422457."**

29. Williams said that prior to her interview with Internal Affairs, she listened to the recording of the 911 call that Robinson took regarding this incident and agreed that the victim's mother described a kidnapping and not just a missing person. Williams said Robinson erred in dispatching the call as a *"signal 8"* (missing person), when it should have been dispatched as a *"signal 30"* (kidnapping). Williams said that Robinson failed to add the pertinent information provided by the victim's mother—the child had been taken and the mother feared the suspect was going to rape and kill her daughter.

30. Lieutenant Leonard was the Communications Watch Commander on the night of June 21, 2013. She said that she was traveling back and forth between the Communications Center at the Police Memorial Building (PMB) and the back-up center. Leonard explained that she first became aware of the incident shortly after arriving at the back-up center. Leonard said based on her conversation with Robinson, Leonard initially understood the situation to be a missing person call.

31. Leonard said she realized the call was actually a possible kidnapping when Patrol requested the Homicide Unit to respond. Leonard said that at 12:13 a.m. she called a Zone 5 patrol supervisor and requested additional units, as well as ensured the call was being worked on a tactical talk group before returning to the PMB to finish her work. Leonard said she monitored the call on the radio at the PMB.

32. Leonard explained that she and Sergeant Williams were responsible for the required notification of the PIO once they understood the call to be a kidnapping. Leonard said the responsibility is on the Communications Watch Supervisors;

however, as the lieutenant, it was her responsibility just as much as it was Sergeant Williams'. Leonard said that she just did not think about it.

33. Leonard said that she reviewed the EARS broadcasts conducted by Williams and said that they were conducted in accordance to the Memorandum (and email from Assistant Chief V. Diaz) that took effect on June 20, 2013, the day before the incident. However, regarding the 4:40 a.m. EARS broadcast, Leonard said that Williams should have included the specific information provided by Hartley, and Williams was wrong in not doing so.

34. Leonard agreed that Robinson did not send the Zone 6 dispatcher important details told to her by the victim's mother. Leonard said that she listened to the recording of the original 911 call and said that she *"probably would have sent it [to Zone 6 dispatch] as a 30 [kidnapping]."*

35. Leonard was asked if she and Williams could have upgraded the signal to a "30" after they realized it was a kidnapping. She said that once Patrol is on the scene, the Communications Center personnel do not change the signal of a call unless directed by Patrol to do so.

36. Leonard said that Fooshee was correct in that he did not have the authority to tell Vaughn to return to the hangar and assist with the call; however, she felt that he should have told Vanwormer or Williams that he had just spoken with the pilot and since he was about to go home, ask Patrol if they would authorize the call-out.

37. Lieutenant Ayoub was working as the Zone 6 Patrol Watch Commander on the night of the incident. Ayoub heard the Zone 6 dispatcher announce the missing person call and recalled the dispatcher saying that it was involving an eight-year-old. Ayoub decided to head toward the scene after hearing Police Sergeant S.C. Putman #7127 arrive on scene and announce that it might be a possible kidnapping.

38. At approximately 12:00 midnight, Ayoub arrived at the scene and met with Putman and obtained a briefing from him. Putman had already called the on-call Missing Persons detective and the on-call Homicide sergeant, and Homicide was responding. Ayoub said that he understood the situation at that moment to be a missing child of tender years—potentially a child abduction.
39. Ayoub explained that he has only had limited training in the Incident Command System (ICS), but he knew that the situation required him to implement ICS. According to Ayoub it was an informal implementation of ICS. He instructed Police Officer J.G. Bennett #66417 on how to complete an ICS Form 201 and how to find exemplars on the Inspections Unit website. Ayoub said he did not fill the general staff positions of the Liaison Officer, Safety Officer or the PIO. Ayoub said he did not request the PIO, and that he knew an EARS broadcast would be sent out to the media because Homicide was responding.
40. Ayoub said he told Williams that they were working a missing person case of an eight-year-old and it was possibly a kidnapping. He said he asked for the assistance of the Air Unit and authorized the overtime if needed. He said Williams told him that he would have to request the Air Unit through Investigative Dispatch and then she attempted to transfer his call to Fooshee, but it got disconnected. Ayoub said that he called Williams back and she again transferred his call to Fooshee. Ayoub then told Fooshee that he needed the help of the Air Unit in an overtime capacity because he was working a potentially bona fide kidnapping.
41. Ayoub said that he briefed Sergeant Mills upon his arrival and then Ayoub and his officers operated in a support capacity for Homicide. Ayoub said that he obtained additional units from Zone 5 and coordinated the efforts of the patrol officers while Homicide conducted their investigation.

42. At approximately 1:00 a.m., Ayoub called Police Lieutenant J.D. Ricks #7475, the Acting Zone Commander for Zone 6, and informed him of the situation. Ayoub said that he told Ricks they were investigating an abduction of a girl, taken from the Walmart. Ayoub said he explained how the suspect met the victim and her mother; how he drove them to Walmart and shopped with them for well over an hour; how the suspect and the victim walked to the parking lot together, got in the suspect's van, and drove away. Ayoub said that he told Ricks that everything was recorded on the store's video surveillance system. Ayoub said Ricks told him something to the effect of *"Okay, just let me know what happens."*

43. Ayoub said he did not tell Ricks that he thought Ricks should respond because he did not feel it was his place to tell him. Ayoub said he called Ricks because he felt that the potential abduction of a child was a situation that needed to be forwarded up the Patrol chain-of-command.

44. Ayoub was asked if he believed that the victim was entered into NCIC/FCIC in accordance with the Missing Person Operational Order (10.02.23) regarding the two hour time limit for obtaining the dispatch number. Ayoub said that Officer Lewis was the reporting officer, and recalled that he specifically told Lewis to coordinate with Mills due to the nature of the incident, and to ensure the accuracy of the information entered into NCIC/FCIC. Ayoub acknowledged that it was approximately 2:15 a.m. when Mills declared the case a bona fide kidnapping.

45. Ayoub said that he was very busy during the entire incident. He said that he and Mills coordinated their efforts and felt that Mills was doing a good job. Ayoub said he was aware that Mills had talked to Schoonover during the night, but he was not privy to their conversations. Ayoub said he recalled that Mills had been in contact with the Communications Center during the night, updating the EARS broadcasts.

46. Ayoub said that once things slowed down about 5:00 – 5:30 a.m., he cleared the tactical talk group and spoke with Ricks, who in-turn spoke with Police Chief J.C. Tranquille #6819. According to Ayoub, Ricks relayed Tranquille's instructions to relocate the command post to the Zone 6 substation if nothing was occurring at Walmart. Ayoub said that Ricks and Police Chief J.C. Tranquille #6819 arrived at approximately 6:30 a.m.

47. Ricks was serving as the "Acting Zone Commander" for Zone 6 during the time of this incident. He was off-duty and asleep when he received a phone call from Ayoub on June 22, 2013, at approximately 1:00 to 1:30 a.m. Ayoub told Ricks that Patrol and Homicide responded to the Walmart on Lem Turner Road in reference to a missing child. Ricks said Ayoub told him that the Air Unit had been called out; patrol officers were searching hotels and motels in the area; detectives were interviewing the mother at that time, and *"they were breaking her down."* Ayoub said they (Homicide) were leaning toward interference with custody based on the video, and that the girl was supposed to be at the airport at 5:00 a.m. to take a flight to California to see her father. Ricks told Ayoub, *"Let me know if anything changes."*

48. Ricks said he didn't remember Ayoub tell him any specifics about the victim leaving the scene in a van with the suspect. Ricks said that Ayoub did not read him the *"call screen"* on the Mobile Digital Computer (MDC) and had Ricks been told that *"basic information,"* he would have called Chief Tranquille. Internal Affairs asked Ricks if Ayoub told him that Ayoub thought it was a possible abduction and Ricks replied *"No—interference with custody."* Ricks said the *"crux of the information"* that he was told was that it was a situation in which Homicide was leaning toward interference with custody, and that was Ricks' understanding at the end of their phone conversation.

49. Ricks acknowledged that Ayoub told Internal Affairs that he conveyed to Ricks that it was a possible kidnapping; however, Ricks said that is not what Ayoub told

him, and that Ayoub had a lot going on at the time the phone call was made. Ricks said that during the phone conversation with Ayoub, he listened to Ayoub and asked questions of him, and at the end of the conversation he had no reason to respond to the scene and no reason to call Chief Tranquille.

50. At approximately 5:00 a.m., Ricks sent a text message to Ayoub asking him what happened—Ayoub asked Ricks to call him. Upon calling Ayoub, Ricks learned all of the details about the kidnapping, the suspect, and the Amber Alert. Ricks said that he was upset that he was just learning that information. He said he obtained all of the specific details and immediately notified Chief Tranquille. Ricks said he then responded to the command post without being directed to respond.

51. Ricks said that he was the "Acting Zone Commander" in the absence of his Assistant Chief, but he had not received any instructions from his chain-of-command regarding when he was expected to respond to after-hours scenes. Ricks said he had reviewed the Duties and Responsibilities of the Zone Commander (PAT 12.2.2) prior to the date of this incident. Ricks felt that based on the information he had at the time, he was in compliance with his duty and responsibility to; respond to serious/noteworthy scenes; act as a liaison between the Sheriff's staff and members under his command and; make management decisions that cannot be handled at a lower level in the chain-of-command.

52. Sergeant Mills said that he received a call from Investigative Dispatch (Fooshee) at approximately 12:04 a.m. on June 22, 2013; Fooshee did not give Mills any additional information. Mills said he was instructed to call the sergeant at the scene (Putman) and upon doing so, was given an overview of the missing person case that Patrol was working at the Walmart. Mills said Putman told him that the mother's behavior was somewhat unusual and there could possibly be a child custody issue as the victim was scheduled to take a flight to see her biological

father the next day. Mills said that he was told that the video surveillance confirmed the mother's account of events.

53. Mills told Internal Affairs that Putman just provided the facts and details, and then Mills made decisions based on what he was provided. Mills explained that based on the information he was told, he thought that the mother could be hiding the child; the child could have gone with the suspect to another store to get a sandwich; or the child could have really been abducted. Mills said that there were still a lot of unanswered questions in his mind. Mills said he has been doing investigations long enough to be aware of the fact that there was a possibility that the mother could have been hiding the child from the biological father. Mills also commented that *"from a normal parental standpoint"* some of the things that the mother did, were things that a rational parent would not do.

54. Mills said that because of the child's age and the video evidence supporting the fact the child left with the suspect, he called his detectives and instructed them to respond to the scene. At approximately 12:10 a.m., Mills called Homicide Lieutenant Robert Schoonover and notified him that he and his detectives were headed to a call involving a missing child, and that the store surveillance confirmed that the child left with the suspect. Mills said he provided Schoonover with a general description of the victim, suspect and van and the fact that the mother had just met the suspect and was shopping with him. He said he explained to Schoonover that he did not know the exact reason she was missing, whether it was a bona fide abduction or not, but they would be responding and Mills would call Schoonover with an update. Mills said that Schoonover said to keep him posted.

55. At 12:53 a.m., Mills arrived at the Walmart and met with Lieutenant Ayoub. Ayoub explained the actions he and his officers had taken in an attempt to locate the victim. Mills said Ayoub had the Air Unit en route, called in officers from other zones and was having different locations checked. Mills said that upon arriving

at the scene, he took charge of the investigation and utilized Patrol in a supporting capacity.

56. Mills then spoke with the officer (Lewis) who interviewed the mother. The story was consistent with what Mills had been told on the telephone, with more specific information regarding the fact that the mother did not know the suspect and they were supposedly going to meet the suspect's wife at the Walmart.

57. Mills said that he instructed his detectives to interview the victim's mother and *"Pressure her a little bit on the details, so that we can get as much information as we can,"* to make sure the information the mother was providing was accurate. Mills said that Cullen is his *"Bulldog"* in that regard and is the one Mills used to *"push that issue."* Mills said he clarified to his detectives that he had concerns about the validity of the mother's story because she just met this stranger—accepted a ride from him, shopped with him for several hours and let him take her daughter to the McDonalds—coupled with the fact there was a scheduled visitation for the next day. Mills said that some of her story was not making sense and he could not disregard the possibility that the mother was hiding the child to prevent the visitation from happening. Mills thought it was suspicious that the victim's younger siblings were saying the exact same thing as the mother—almost as if they had been coached—but acknowledged that he is not qualified to conduct forensic interviews with children. Mills also said that the mother's behavior and emotions did not match the situation and said that it was not unrealistic that the mother could have been lying.

58. Mills explained the mother's unusual behavior in more detail. He said that when she cried, she moaned and cried, but he never saw any tears. Mills said that he thought it was suspicious that the mother's boyfriend knew that she was at the Walmart and was calling the store wanting to know what was happening, when the mother had no cell phone and no way of contacting him. Mills said she made odd comments to the detectives that she was a psychic and she wanted to help

the police with finding missing persons; she made the comment that when the police do bring her daughter back, it will be in a box.

59. Mills explained that although the mother's behavior was concerning, he realized that the eight-year-old victim was missing, the mother's story had not changed and the video surveillance supported the fact that the victim left the store with the suspect. Mills said it was at that time he determined it was necessary to initiate an Amber Alert. Mills said it was approximately 2:15 a.m. when he determined they were investigating a bona fide kidnapping.
60. At approximately 2:20 a.m., Mills called Schoonover and updated him on the status of the investigation, including his concerns regarding the mother's behavior, and requested authorization to initiate an Amber Alert. Mills said that Schoonover approved the Amber Alert. Mills said Schoonover did not give him any instructions and Schoonover did not mention anything about responding to the scene or notifying their chain-of-command. Mills assumed Schoonover had been asleep due to the late hour.
61. Mills explained that initiating an Amber Alert is very serious and not an everyday occurrence. He said that since this was the first time he had initiated an alert, he used his laptop computer in his car to read the applicable operational orders regarding the Amber Alert procedures. Mills said that once he obtained permission from Schoonover, Mills notified Ayoub and the detectives that he was going to contact FDLE and initiate an Amber Alert.
62. Mills did not know if the PIO had been notified at that time. He explained that he usually does not request the PIO because as a Homicide Sergeant he is the person that normally addresses the media at the scene.
63. Mills said that from 2:30 - 3:30 a.m. he was very busy on his cell phone talking with FDLE and others involved in initiating the Amber Alert. Mills said that during

that time period he did not have any additional leads regarding the suspect or the victim's whereabouts; therefore, he did not feel the activation of the Child Abduction Response Team (CART) would have been appropriate. Also, the other two detectives on his squad were still on call and he was trying to avoid using them unless absolutely necessary so they could respond to any other call-outs. Mills explained that in addition to CART, which he can request through FDLE, he has the ability to utilize the Homicide Unit's CART that is supervised by Homicide Sergeant D.S. Coarsey #6957.

64. At 2:40 a.m., the victim was entered into NCIC/FCIC by Officer Lewis. Mills was asked if he and Lewis ever discussed the NCIC/FCIC entry as stated by Ayoub. Mills said during that hour, he was extremely busy and on his phone with several people so it was possible that Lewis approached him about the topic, but Mills could not recall. Mills was familiar with the language in the Missing Person Operational Order (10.02.23) regarding the two hour time limit for an officer to enter a missing person into NCIC/FCIC. Mills believed that the officer was in compliance because the official "receipt of the report" as defined in the operational order was not until 2:15 a.m. when Mills declared the case a bona fide kidnapping.

65. Between 3:00 and 3:30 a.m., several things occurred. Mills learned that [REDACTED]
[REDACTED]
[REDACTED] Mills spoke with the on-call Homicide Assistant State Attorney, Mark Caliel, and apprised him of the situation. Caliel confirmed with Mills that he and his detectives were authorized to operate under exigent circumstances while attempting to locate the victim. Additionally, Mills learned from Patrol that the suspect had been identified, was a registered sexual offender, and the owner information for the van had been obtained.

66. At 3:33 a.m. Mills called the Communications Center and requested an EARS broadcast for the media to respond to the Walmart. Mills said that he assumed

the broadcasted information would let the media know what Homicide was working—he did not make any specific requests—and said he normally does not need to request an EARS broadcast, that it is something that is automatically done by Communications personnel. Mills said he did not get the expected response from the media at 4:00 a.m., only the Times-Union responded. Mills said he gave the Times-Union reporter all of the information and allowed the reporter to photograph the surveillance photos. Mills added that he did not believe that the media would generate many leads until the morning news aired the story about 6:00 or 7:00 a.m.

67. Between 3:30 and 5:00 a.m., Mills directed Ayoub and his officers to respond to the suspect's house where they met with the suspect's mother and searched the house for the victim. Mills finalized the Amber Alert with FDLE and contacted Investigative Dispatch (Fooshee) and made a request for the PIO to call Mills. PIO Shannon Hartley called Mills and was informed of the situation and was requested to respond to the scene. Mills asked Hartley to schedule a news briefing and tell the media that the eight-year-old victim had been kidnapped by an identified sexual offender and there was suspect vehicle information.

68. Mills was asked if he contacted Schoonover to update him on the new information. Mills said *"Yeah, I'm sure I did. I probably didn't note it in here [timeline provided by Mills] but I'm back and forth on contact with him throughout this."* Mills went on to explain that it was a very fluid scene, a lot was happening, but he was managing the situation just fine. Mills was asked if he called Schoonover to notify him that the Amber Alert had been sent, the suspect had been identified and officers were searching the suspect's house for the victim. Mills was not sure if he called at that moment. He said that he was making several calls to FDLE and receiving several calls from them as well, and it would have been difficult for him to call Schoonover until he finalized the Amber Alert. He reiterated that during the entire event he thought that he spoke with

Schoonover several times but he was not sure and he did not record all of the times and conversations.

69. Mills was asked if he thought it would have been appropriate to activate CART during the timeframe of 3:30 to 4:20 a.m., especially since the suspect had been identified. Mills acknowledged that the identification of the suspect was a significant lead, but it was his only lead and he had *"two detectives, and four officers, and a lieutenant on that."* Mills said it was not appropriate at that time because he did not have any leads for them (CART) to follow-up on; however, had they discovered additional leads at the house, that might have changed his decision to activate CART. Mills added that the suspect and vehicle information had been broadcast to all zones.

70. According to FDLE (www.fdle.state.fl.us/), CART is an organized, rapid, and planned response to an abducted child or other missing child incident. Through FDLE, local law enforcement agencies have immediate access to experts in child abduction investigations and personnel trained in the incident command system. According to FDLE, CART works in conjunction with the Florida Department of Law Enforcement's (FDLE) Missing Endangered Persons Information Clearinghouse (MEPIC) to utilize the Amber Alert or the Missing Child Alert when the appropriate criteria for activation are met. CART Members include experienced and professional investigators, crime analysts, forensic experts, search and rescue professionals and other support personnel trained and available to respond as needed.

71. At 5:00 a.m., Mills gave an on-camera interview with the local TV stations that responded to the 4:40 a.m., EARS broadcast. Mills then directed two additional detectives to respond to the Homicide office to start fielding leads as they were called in.

72. At approximately 5:45 a.m., Mills called Schoonover and updated him on the investigation. Mills said they discussed the need to activate CART and agreed that it was needed. Mills said he then contacted FDLE and requested a CART response.
73. Mills was asked if Schoonover gave any instructions at that time, and Mills said "No." Mills said he did most of the talking because he was the one relaying all of the information. Mills was asked if Schoonover said anything about notifying Assistant Chief C.R. Butler. Mills said he assumed Schoonover was going to notify Butler, but Schoonover did not say he was.
74. Lieutenant Schoonover said that he was in bed when he received a telephone call from Mills on June 22, 2013, at approximately 12:10 a.m. Schoonover said the call was only a couple of minutes long. He said Mills stated that *"they [Mills and his detectives] received a signal 30 call"* and were headed to the Northside. Schoonover said the conversation was very brief and he told Mills to keep him updated. Minutes later he received a text on his phone from the Communications Center notifying him that a *"signal 30"* occurred—12000 block of Lem Turner Road—basically the same information that Mills had just told him. He said that he was not told any specific information regarding the victim, child custody issues or the suspect. Schoonover said there was not a need for him to respond so he went back to bed.
75. Schoonover explained that his sergeants and detectives often get called out to possible kidnapping calls and it is normal for him to receive a call from the responding sergeant notifying him that they are being called out, only to later receive an update that it was not bona fide or was not true. Schoonover said that he does not respond to the initial fact-finding call-out—he waits for an update from the sergeant. He also explained that he does not notify his chain-of-command in these types of call-outs. Schoonover said he always receives a text

from the Communications Center when his people are being called out, and believed that his chain-of-command receives the same texts.

76. Schoonover said the next call that he received from Mills was at approximately 2:20 a.m., and it was about five minutes in length. Schoonover said he was asleep when he received the call on his cell phone. Mills told him that they had an eight-year-old missing from the store—video confirmed that the suspect walked around with the mother and children for a couple of hours and then showed the suspect exit the store and the little girl followed him—*“no abduction, doesn’t grab her and doesn’t force her out.”* Mills then explained to Schoonover that he was concerned about the possibility of a child custody issue because the child was supposed to be taking a flight to see her father in the morning. Mills continued by stating the mother could be making the complaint as a ruse, or the suspect could be known to her, and they are preventing the child from going to see her father in California, but either way, Mills reiterated to Schoonover that the girl was not there and he wanted to do an Amber Alert. Schoonover said he told Mills that he agreed with him regarding the Amber Alert and then asked Mills to elaborate on the foul-play. Mills replied that he still had concerns regarding the mother’s story and there were still things that he needed to look into, but the fact remained that the girl was missing. Schoonover said that he gave Mills permission to initiate the Amber Alert and instructed Mills to keep him updated. Schoonover said he did not give Mills any other instructions or directions, nor did he respond to the scene. Schoonover said that he did not notify his chain-of-command and that he went back to bed after speaking with Mills.

77. Internal Affairs asked Schoonover if he understood the situation to be a kidnapping based on what Mills told him. Schoonover said *“With circumstances, yes—that she was missing—she’s gone. She left the store with this man and basically we don’t know who this man is, but [he] spent the last three, four hours with the family at Walmart, so, you know that was the concerns.”* Schoonover

reiterated that due to the child's age and the fact she was missing, an Amber Alert was appropriate.

78. Schoonover said he did not respond to the scene based on the information provided by Mills. Schoonover said that he wanted to wait for Mills to update him *"to see if anything more takes place."* Schoonover said that Mills did explain that they had several Zone 6 officers on the scene, Lieutenant Ayoub and the Air Unit; therefore, Schoonover felt that his presence at that time would not have helped.

79. Schoonover said that he did not notify his chain-of-command because of the same reasons he did not respond. He did not feel it was necessary to wake them up at 2:20 a.m. to tell them that he was authorizing the Amber Alert, as he and Mills still had some concerns as to whether or not it was bona fide. Schoonover acknowledged that this was the first time he had ever authorized an Amber Alert, and the first time the Homicide Unit had initiated an Amber Alert, during his tenure as the Homicide Lieutenant. Schoonover acknowledged that initiating an Amber Alert is serious and the reason for issuing it that night was to alert the public of the abduction of the victim and provide them with suspect and vehicle descriptions. Schoonover agreed that the case was an unusual and media worthy case that could have benefited from the assistance of the media.

80. Schoonover said the next time that he spoke to Mills was at approximately 5:45 a.m., when Mills woke him up. Schoonover said that Mills gave an update on the situation. Mills explained that they identified the suspect at approximately 3:30 a.m., and that the suspect was a registered sexual offender. Mills said they obtained a tag number for the suspect's van, updated the Amber Alert, and Patrol went to the suspect's house and spoke with his mother. Schoonover said that he and Mills then discussed activating CART.

81. Schoonover explained the concept of CART and said that this was the first time as the Homicide Lieutenant that he authorized the activation of CART. Schoonover said he called Assistant Chief Butler immediately after the phone call with Mills and informed Butler of the situation and the timeline of events as relayed to him from Mills.

82. Schoonover provided a copy of his cell phone bill that showed all of the calls sent and received from his phone on June 21-22, 2013. The calls listed below detail the date, time and length of each call described by Schoonover.

- June 22, 2013, at 12:14 a.m., Mills called Schoonover; the call was one minute in duration.
- June 22, 2013, at 2:04 a.m., Mills called Schoonover; the call was four minutes in duration.
- June 22, 2013, at 5:43 a.m., Mills called Schoonover; the call was four minutes in duration.
- June 22, 2013, at 5:48 a.m., Schoonover called Butler's cell phone and reached his voicemail.
- June 22, 2013, at 5:49 a.m., Schoonover called Butler's home phone; the call was thirteen minutes in duration.

83. Schoonover's cell phone records clarified two points—his initial notification to Assistant Chief Butler was immediately after ending his call with Mills at 5:48 a.m.—and between the 2:04 a.m. and 5:43 a.m. calls from Mills, Schoonover did not receive any other calls from Mills. Schoonover said that Mills was probably mistaken because he had so much going on with the incident that night.

84. Schoonover said that after he made the calls to Butler and authorized the CART activation, he got dressed and headed to the command post at the Zone 6 substation. Schoonover arrived at the command post and checked in at 7:18 a.m.

85. Schoonover commented that had all of the media responded earlier in the morning at 2:30 – 3:00 a.m., he did not think it would have changed anything because he believed they would not have put it out on their news broadcasts until 5:00 or 6:00 a.m.

86. Schoonover said that they learned from *"this tragic event"* and they would do things differently. He acknowledged that he would respond to the scene and notify his chain-of-command at the onset of an Amber Alert. Schoonover also said that if Mills had called him at 3:30 a.m. when they identified the suspect and learned that he was a sexual offender, Schoonover would have responded immediately and notified his chain-of-command.

87. Schoonover felt that based on the information he received from Mills, he was in compliance with his duties and responsibilities as related to him coordinating with Mills to ensure that the investigation was being conducted correctly and that all leads were being followed up in a timely manner. Schoonover said his sergeants do not to hesitate to ask him to respond to scenes when they feel his response is needed. Schoonover said that Mills never asked him to respond that night.

88. Schoonover believed that he notified his Assistant Chief of the high profile incident in a timely manner, and was in compliance with his duty and responsibility to notify his Chief and Assistant Chief of the *unusual* case, because Mills did not tell him about the suspect information until approximately 5:45 a.m. However, Schoonover did acknowledge that at approximately 2:20 a.m., he authorized an Amber Alert, and that an Amber Alert is a high profile, law enforcement request.

CONCLUSION:

Robinson, in the role of a receiving officer, took a call from a mother attempting to report the kidnapping of her eight-year-old daughter. Robinson talked to the victim's mother for approximately eleven minutes. During the recorded telephone conversation, the first statement to Robinson from the victim's mother was that her eight-year-old daughter had been taken by a stranger while at the Walmart on Lem Turner Road. The victim's mother described to Robinson how she had just met the suspect, his suspicious actions while interacting with her daughter, as well as a description of the suspect and his van. Throughout the conversation, the mother told Robinson how she feared the suspect was going to rape and kill her daughter. As the mother provided information, Robinson updated the call screen for the Zone 6 dispatcher; however, Robinson did not include any of the mother's statements regarding the fact that her daughter had been taken or that the mother believed the suspect was going to rape and kill her daughter—information which should have resulted in the call being dispatched as a "signal 30" (kidnapping).

Robinson listened to the recording of the 911 call and agreed that the victim's mother described an abduction of a child, not just a missing child, and that she could have upgraded the signal to a kidnapping but did not. Robinson told Internal Affairs that if it was possible to do everything over again, that she would put everything the mother said in the additional information and send it to the dispatcher. Pachecker, Williams and Leonard listened to the recorded 911 call and all agreed that the victim's mother described a kidnapping, and that Robinson should have entered it as such.

Internal Affairs finds that Robinson not only failed to determine the appropriate signal for the call, but failed to update the Zone 6 dispatcher with accurate information related to the imminent, life-threatening danger that the victim was in. Robinson's lack of attention to detail and her personal opinions of the mother's truthfulness directly resulted in 1) the incorrect dispatch signal being applied to this incident and 2) the lack of accurate information being forwarded to everyone involved.

Based on these facts, Internal Affairs finds that there is sufficient evidence to prove that PECO P.L. Robinson #6630 violated the provisions set forth in **Duties and Responsibilities – Serv 14.002.05 (Communications Personnel), Article VIII, B, 1, & 7, and General Order XI.18 (Code of Conduct), Article IV. A. 3.** to wit:

VIII. Duties and Responsibilities of the Receiving Officer

B. In addition to following all Sheriff's Office written directives, the Receiving Officer will:

1. Obtain accurate and complete information from callers, especially calls involving crimes in progress or calls involving possible serious injury or death;

7. Accurately relay requests for police service;

And,

IV. Performance of Duty

A. Members shall maintain sufficient competence to perform their duties properly and to assume the responsibilities of their positions. They shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office.

3. The failure to conform to work standards established for the member's rank, grade or position;

Therefore, Internal Affairs recommends the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against Police Emergency Communications Officer P.L. Robinson #6630 be classified as **SUSTAINED**.

Pachecker, in the role of relief dispatcher, was operating the Zone 6 console when the call was transferred to her from Robinson. Pachecker immediately sounded the alert tone and dispatched the call as a "signal 8" (Missing Person) to Patrol. Pachecker started to receive updated information from Robinson and relayed that information to the responding officers. Approximately two minutes after initially dispatching the call, Zone 6 dispatcher Vanwormer, returned to the console and took over the dispatch function of the Zone 6 console. Pachecker informed Vanwormer of the missing person call and then proceeded to relieve the next dispatcher.

Internal Affairs found no evidence to support that Pachecker should have known that the call was actually a kidnapping and that the signal should have been changed. Pachecker relied on information received from Robinson, and based on the information Pachecker received, dispatched the call correctly.

Accordingly, Internal Affairs recommends the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against Police Emergency Communications Officer II N.R. Pachecker #66873 be classified as **EXONERATED**.

Vanwormer, in the role of the Zone 6 dispatcher, was not operating the Zone 6 console when the call was initially dispatched, but was meeting with Lieutenant Leonard at that time. Vanwormer returned to the console and took over the dispatch responsibility from Pachecker, approximately two minutes after the call was initially dispatched. Vanwormer continued to receive updates from Robinson for approximately eight minutes, and relayed all of the updates to the responding officers.

Vanwormer was involved with the call for approximately forty minutes before transferring the call to a tactical talk group. During the time Vanwormer was involved,

she facilitated a, Be on The Lookout (BOLO) by Officer Lewis and requested the Air Unit at Lewis' request. Vanwormer said she relied on the information she received from Robinson, and based on that information believed the call to be a missing person.

Accordingly, Internal Affairs recommends the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against Police Emergency Communications Officer Christina Vanwormer #72115 be classified as **EXONERATED**.

Fooshee, in the role of the Investigative Dispatcher, was contacted by telephone at 11:39 p.m., by Police Pilot S.G. Vaughn #5941, who asked Fooshee what Zone 6 was working, as he had just heard a Zone 6 officer ask the dispatcher (Vanwormer) if the Air Unit was available. Fooshee said, "Yeah, I don't know what they got going." Vaughn told Fooshee that if it was something "pressing" to call Vaughn on his cell phone. Fooshee made the comment to Vaughn that it was past the time that he ends his tour of duty (11:30 p.m.) and told Vaughn to "go home." Vaughn repeated his request to Fooshee that if it was something pressing to call him, to which Fooshee agreed.

At 11:40 p.m., Vanwormer asked Fooshee if the Air Unit was available, to which Fooshee immediately told Vanwormer that the Air Unit was no longer on-duty. Fooshee did not tell Vanwormer that Vaughn called one minute earlier inquiring about her call, nor did he tell her that Vaughn requested to be called on his cell phone if it was important.

At 12:06 a.m., Ayoub made contact with Fooshee and requested the assistance of the Air Unit to assist on the kidnapping call; Fooshee then made the call-out of the Air Unit. During the recorded conversation between Fooshee and Vaughn, Vaughn can be heard, with disgust in his voice, asking Fooshee why Patrol did not ask for the Air Unit earlier and Fooshee saying "yeah, I know." The Air Unit arrived on scene at 1:17 a.m.

Fooshee explained to Internal Affairs that he looked on his monitor and was able to see that Zone 6 was working a "signal 8"; however, he did not research the call. Fooshee explained that he told Vaughn to go home because Fooshee did not have the authority to tell Vaughn to go back to the hangar since he was already off-duty. Internal Affairs recognizes that the Aviation Unit call-out procedures require all requests to come from a street supervisor or higher authority; however, it does not stand to reason that 1) Fooshee did not tell Vaughn that Zone 6 was working a missing person call of an eight-year-old when Vaughn specifically asked, thus preventing Vaughn from making his own decision of whether or not to respond, and 2) Fooshee did not tell Vanwormer that he had just spoken to Vaughn and that Vaughn offered to assist if needed. Had Fooshee done either, or both, it is reasonable to conclude that the response from the Air Unit would have been significantly quicker.

Therefore, Internal Affairs finds that there is sufficient evidence to prove that PECO J.E. Fooshee #7215 violated the provisions set forth in **General Order XI.18 (Code of Conduct), Article IV. A. 4.,** to wit:

IV. Performance of Duty

A. Members shall maintain sufficient competence to perform their duties properly and to assume the responsibilities of their positions. They shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office.

4. Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention;

Therefore, Internal Affairs recommends the charge of **FAILURE TO TAKE APPROPRIATE ACTION** against Police Emergency Communications Officer J.E. Fooshee #7215 be classified as **SUSTAINED**.

Williams, in the role of the Communications Watch Supervisor (Sergeant), became aware of the missing person call at 11:20 p.m., two minutes after the victim's mother called 911. Williams initially understood the situation to be a missing person call based on the information Robinson entered into the call screen; however, her understanding changed at 12:00 midnight when Ayoub requested a tactical talk group from the Zone 6 dispatcher, and informed the dispatcher that they were working a missing person case that was possibly a kidnapping.

Williams acknowledged that she was responsible for notifying the PIO upon learning that the call involved the kidnapping of an eight-year-old child, but failed to do so. Williams' explanation was that she is a new sergeant and that she relies on printed notes to assist her with such duties, but because they were working at the back-up communications center, she did not have her notes with her.

Accordingly, Internal Affairs finds that there is sufficient evidence to prove that PECO III Sergeant D.A. Williams #7811 violated the provisions set forth in **General Order XLIX.9 (Media Relations) Article V, A, 12.**, to wit:

V. Activation of the Public Information Officer (PIO)

A. The PIO will be notified by the Communications Center of the following types of incidents:

12. Any suspected kidnapping or child endangerment case, or an Amber Alert*;

NOTE: Those items marked with an asterisk require an automatic response to the scene by a PIO and does not require a deployment by the scene commander.

At 12:03 a.m., Ayoub called Williams by telephone and informed her that the missing person call was possibly a kidnapping, and requested the assistance of the Air Unit and authorized the overtime. Rather than instructing Fooshee to make the call-out,

Williams told Ayoub that he needed to make the request through the Investigative dispatcher (Fooshee) and attempted to transfer his call, but the call was disconnected. At 12:05 a.m., Ayoub made a second call to Williams requesting the Air Unit and told Williams that the previous call had been disconnected. Again, Williams chose to transfer Ayoub to Fooshee rather than instruct Fooshee to make the call-out. Williams told Internal Affairs that she should have ensured that Ayoub's request for the Air Unit was handled rather than just transfer him to the Investigative dispatcher.

Williams was responsible for sending the EARS broadcasts to the media and did so on three different occasions. Williams sent the first two broadcasts to the media in the appropriate format as instructed; however, at 4:40 a.m., Williams sent an updated EARS broadcast at the direction of PIO Shannon Hartley #60231. Williams acknowledged that Hartley instructed her to send another broadcast to the media, letting them know the press conference by Mills would occur at 5:00 a.m. in front of the Walmart. Hartley instructed Williams to include specific information stating that an eight-year-old child had been abducted by a registered sex offender and there was suspect vehicle information. Williams said she did not include the information as instructed by Hartley and had no explanation why she did not.

Internal Affairs finds that Williams' actions as they related to the notification of the PIO; the call-out of the Air Unit; and the accuracy of the EARS broadcast, were not performed in a manner that demonstrated the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office as stated in **General Order XI.18 (Code of Conduct), Article IV. A. 3.**, to wit:

IV. Performance of Duty

- A. Members shall maintain sufficient competence to perform their duties properly and to assume the responsibilities of their positions. They shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office.**

3. The failure to conform to work standards established for the member's rank, grade or position;

Therefore, Internal Affairs recommends the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against Police Emergency Communications Officer III Sergeant D.A. Williams #7811 be classified as **SUSTAINED**.

Leonard, in the role of the Communications Watch Commander (Lieutenant), was traveling back and forth between the Communications Center at the PMB and the back-up center. Leonard became aware of the incident when Robinson approached her and told her about the missing person call that she just handled. Leonard said she and the sergeants discussed the call in the supervisor's office and she remained at the back-up center in order to make sure everything was handled properly. Leonard said she realized the call was actually a possible kidnapping when Patrol requested the Homicide Unit to respond. Leonard said that at 12:13 a.m., she called a Zone 5 patrol supervisor and requested additional units to assist on the kidnapping call. Leonard then ensured the call was being worked on a tactical talk group before returning to the PMB to finish her work. Leonard said she monitored the call on the radio at the PMB.

Leonard explained that she and Sergeant Williams were responsible for the required notification of the PIO once they understood the call to be a kidnapping. Leonard said the responsibility is on the Communications Watch Supervisors; however, as the lieutenant, it was her responsibility just as much as it was Sergeant Williams'. Leonard said that she just did not think about it.

Accordingly, Internal Affairs finds that there is sufficient evidence to prove that PECO IV Lieutenant P.L. Leonard #7811 violated the provisions set forth in **General Order XLIX.9 (Media Relations) Article V, A, 12., and General Order XI.18 (Code of Conduct), Article IV. A. 3.** to wit:

V. Activation of the Public Information Officer (PIO)

A. The PIO will be notified by the Communications Center of the following types of incidents:

12. Any suspected kidnapping or child endangerment case, or an Amber Alert*;

NOTE: Those items marked with an asterisk require an automatic response to the scene by a PIO and does not require a deployment by the scene commander.

And,

IV. Performance of Duty

A. Members shall maintain sufficient competence to perform their duties properly and to assume the responsibilities of their positions. They shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in *carrying* out the functions and objectives of the Sheriff's Office.

3. The failure to conform to work standards established for the member's rank, grade or position;

Therefore, Internal Affairs recommends the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against Police Emergency Communications Officer IV P.L. Leonard #7017 be classified as **SUSTAINED**.

Ayoub, in the role of the Patrol Watch Commander, responded to the scene and was briefed on the situation by Sergeant Putman. Ayoub understood the situation to be a possible kidnapping of an eight-year-old child. Ayoub ensured that a command post

was established, additional resources were requested and Homicide was provided any needed assistance.

According to Ayoub, he called Ricks at approximately 1:00 a.m. and informed him of the situation. Ayoub said he called Ricks because he felt that the potential abduction of a child was a situation that needed to be forwarded up the Patrol chain-of-command. Ayoub said at the end of their conversation Ricks told him something to the effect of *"Okay, just let me know what happens."*

Without the ability to listen to the phone conversation between Ayoub and Ricks, Internal Affairs is unable to prove or disprove whether or not Ayoub told Ricks that the investigation was a kidnapping. Therefore, Internal Affairs recommends that the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against **Police Lieutenant C.E. Ayoub #6224** be classified as **NOT SUSTAINED**.

Ricks was serving as the "Acting Zone Commander" for Zone 6 during the time of this incident. He was off-duty and asleep when he received a phone call from Ayoub on June 22, 2013, at approximately 1:00 to 1:30 a.m. Ricks said that at the end of their phone conversation he understood the situation to be an interference with custody issue. Ricks told Ayoub to let Ricks know if anything changed.

Ricks said that during the phone conversation with Ayoub, he listened to Ayoub and asked questions of him, and at the end of the conversation he had no reason to respond to the scene and no reason to call Chief Tranquille.

At approximately 5:00 a.m., Ricks called Ayoub and learned all of the details about the kidnapping, the suspect, and the Amber Alert. Ricks said that he was upset that he was just learning that information. He said he obtained all of the specific details and immediately notified Chief Tranquille. Ricks said he then responded to the scene.

Without the ability to listen to the phone conversation between Ayoub and Ricks, Internal Affairs finds that there is not a preponderance of evidence to prove or disprove that Ricks was told the investigation was a kidnapping. Therefore, Internal Affairs recommends that the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against **Police Lieutenant J.D. Ricks #7475** be classified as **NOT SUSTAINED**.

Mills, in the role of Homicide Sergeant, was first notified of this incident at 12:04 a.m., by Investigative Dispatch. Mills called the on-scene patrol supervisor, who explained an eight-year-old child was missing from Walmart and that store surveillance showed her leaving with the suspect. Mills contacted Schoonover, the Homicide Lieutenant, and relayed this information to him. Not knowing if the case was a bona fide abduction, a child custody matter, or simply a lost child, Mills told Schoonover he would update him when he learned more information.

Mills and his detectives responded to the scene, arriving at approximately 12:55 a.m., and interviewed the missing child's mother and siblings. After these interviews, Mills had concerns regarding the mother's response to her child being missing and felt it was not unrealistic that the mother could have been lying. However, with the video evidence that showed the child had left the store with the suspect, along with the unknown whereabouts of the child, Mills declared the incident a bona fide kidnapping at approximately 2:00 – 2:15 a.m. Mills contacted Schoonover and provided him with this latest information and requested Schoonover's authorization to have an Amber Alert issued; Schoonover approved the request. Mills told Internal Affairs this was the first time he had ever initiated an Amber Alert. He explained that he then contacted FDLE and the others involved with the initialization of the Amber Alert.

Mills explained that between 3:00 and 3:30 a.m., he relayed the details of the case to the on-call Homicide Assistant State Attorney, who confirmed that law enforcement was authorized to operate under exigent circumstances while attempting to locate the victim. Also during this time frame, Mills learned that [REDACTED]

[REDACTED]. He also discovered that

the suspect, who was seen leaving the store with the child, was a registered sexual offender.

Mills relayed to Internal Affairs the supervisory actions he took after learning the suspect was a registered sexual offender. He said that between 3:30 and 5:00 a.m., he finalized the Amber Alert with FDLE, directed Lieutenant Ayoub and his patrol officers to respond to the suspect's house, and requested the PIO to respond and issue a statement about the eight-year old victim having been kidnapped by a sexual offender. Mills said he did *not* call out the Child Abduction Response Team (CART) at that time, explaining he did not feel its activation was appropriate since he did not have any additional leads on which CART could follow-up. However, all of the actions that took place during this time period were, according to FDLE, actions for which CART was created to rapidly respond and assist.

Phone records confirmed that Mills did not contact and update Schoonover again until 5:43 a.m., several hours after learning the suspect was a sexual offender. It was during that conversation that Mills discussed with Schoonover the need to activate CART. After their conversation, Mills contacted FDLE and requested the CART activation.

Internal Affairs recognizes that Mills was busy supervising the investigation, as well as coordinating the search for the victim and the suspect. However, once Mills learned that the suspect was a registered sexual offender, it was incumbent upon him to elevate the law enforcement response to the situation. This heightened response should have included at least two *immediate* actions: 1) Mills should have notified his chain-of-command (through the Homicide Lieutenant) of the newly-discovered dangers facing the child, and 2) Mills should have acquired additional resources by activating a CART deployment. By waiting several hours to accomplish these two things, Mills did not take advantage of critical resources available to him and he delayed the establishment of a fully staffed Incident Command System.

Accordingly, Internal Affairs finds that Mills' actions as they related to the notification of his chain-of-command and the utilization of CART were not performed in a manner that demonstrated the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office as stated in **General Order VII.6 (Direction and Supervision) Article III. A.**, and **General Order XI.18 (Code of Conduct), Article IV. A. 4.**, to wit:

III. Duties and Responsibilities of Supervisors

- A. Supervisors are responsible not only for their own conduct and performance of duties, but for the conduct and performance of employees under their immediate supervision. They must accept responsibility in matters not covered by written procedure.**

And.,

IV. Performance of Duty

- A. Members shall maintain sufficient competence to perform their duties properly and to assume the responsibilities of their positions. They shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in *carrying* out the functions and objectives of the Sheriff's Office.**

- 4. Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention;**

Therefore, Internal Affairs recommends the charge of **FAILURE TO TAKE APPROPRIATE ACTION** against **Police Sergeant L.J. Mills #5443** be classified as **SUSTAINED**.

Schoonover, in the role of the Homicide Lieutenant, received two notifications of the call-out. The first was at 12:14 a.m. from Mills, the second was from the Communications Center via text alert moments later. Schoonover said Mills explained that he and his detectives were responding to a call-out in reference to a kidnapping. Schoonover said the conversation was very brief, and he was not told any specific information regarding the victim, suspect, or custody issues. He said there was no need for him to respond to the scene or notify his chain-of-command. Schoonover told Mills to keep him updated.

At 2:04 a.m., Mills called Schoonover and told him that they had an eight-year-old child missing, and the store video confirmed that the victim left with the suspect. Although Mills had concern about the possibility of a child custody issue, Mills requested permission to issue an Amber Alert which Schoonover granted. Schoonover said he told Mills that he agreed with him regarding the Amber Alert and then asked Mills to elaborate on the foul-play. Mills replied that he still had concerns regarding the mother's story and there were still things that he needed to look into, but the fact remained that the girl was missing. Schoonover said that he gave Mills permission to initiate the Amber Alert and instructed Mills to keep him updated. Schoonover said he did not give Mills any other instructions or directions, nor did he respond to the scene. Schoonover said that he did not notify his chain-of-command and that he went back to bed after speaking with Mills.

Schoonover acknowledged that this was the first time he had ever authorized an Amber Alert, and the first time the Homicide Unit had initiated an Amber Alert during his tenure as the Homicide Lieutenant. He said that he did not notify his chain-of-command because of the same reasons he did not respond—he did not feel it was necessary to wake them up at 2:20 a.m. to tell them that he was authorizing the Amber Alert, as he and Mills still had some concerns as to whether or not it was bona fide.

At 5:43 a.m., Mills called Schoonover to update him on the situation. Schoonover learned that the suspect was a registered sexual offender, the Amber Alert had been updated, and Patrol had gone to the suspect's house and interviewed the suspect's mother. Schoonover and Mills then discussed activating CART.

At 5:48 a.m., Schoonover notified Assistant Chief Butler of the situation and at 7:18 a.m., Schoonover arrived at the command post.

Schoonover acknowledged that had Mills called him at 3:30 a.m. when they identified the suspect and learned that he was a sexual offender, Schoonover would have responded immediately and notified his chain-of-command; however, based on the information he knew when he authorized the Amber Alert, Schoonover believed his decision not to respond or notify his Assistant Chief was appropriate. Internal Affairs disagrees with this reasoning based on the fact that neither Mills nor Schoonover had ever initiated an Amber Alert—both agreed that the situation was an extremely serious and rare occurrence—and the sole purpose for coordinating the alert was to bring attention to the situation on a large scale level. Therefore, it stands to reason that in a case such as this, where every minute matters, notifying his Chief and Assistant Chief, along with responding to the scene upon authorizing the Amber Alert, would have ensured the most timely and efficient use of available resources to conduct the investigation.

Accordingly, Internal Affairs finds that there is sufficient evidence to prove that Police Lieutenant Robert Schoonover #6434 violated the provisions set forth in **General Order VII.6 (Direction and Supervision) Article II. V., and Duties and Responsibilities – DET 06.45.03 (Homicide Lieutenant) B. 20, 32, & 35.,** to wit:

II. Duties and Responsibilities of Commanding Officers

- V. Commanding Officers shall respond personally to any emergency or occurrence of a serious or unusual nature which arises within their**

territory or jurisdiction, unless their presence at their stations would be of more value under the circumstances, in which case they shall assign a competent supervisor to take command at the scene of the emergency. They shall also, whenever possible, respond to calls where members of their command are involved in controversy or serious accidents.

And;

B. In addition to following all Sheriff's Office written directives, the Homicide Lieutenant, as it pertains to the Homicide Unit, will:

20. Notify the Chief of Investigations and Assistant Chief of Crimes Against Persons on any major arrest, *unusual case*, or involvement of any public official or member of the Sheriff's Office in any crime as a victim or as a suspect;
32. In high profile investigations, coordinate with appropriate detective and sergeant to ensure that the investigation is being conducted correctly and that all leads are being followed up in a timely manner;
35. Ensure that the Assistant Chief of Crimes Against Persons is briefed on high profile and media worthy events in a timely manner.

Accordingly, Internal Affairs finds that there is sufficient evidence to prove that Police Lieutenant Robert Schoonover #6434 violated the provisions set forth in **General Order XI.18 (Code of Conduct), Article IV. A. 3.,**

IV. Performance of Duty

- A. Members shall maintain sufficient competence to perform their duties properly and to assume the responsibilities of their positions. They shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in *carrying out* the functions and objectives of the Sheriff's Office.

3. The failure to conform to work standards established for the member's rank, grade or position;

Therefore, Internal Affairs recommends the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against Police Lieutenant Robert Schoonover #6434 be classified as **SUSTAINED**.

"Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true based upon my personal knowledge, information and belief." "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 the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'S.G. Gallaher', written in a cursive style.

Lieutenant S.G. Gallaher #6296

August 27, 2013