

Sheriff



Larry Ashley, Okaloosa County Sheriff

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Date: November 14, 2011
OCSO11CAD168655

Public Records Request:

From:

On November 9, 2011 the OCSO received a PRR from the Northwest Florida Daily News reference the status of the investigative report reference #11-9650. The agency response is in **bold**.

The video is available via this [link](#).

See attached documents.



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**Okaloosa County Sheriff's Office
Office of Professional Standards
Investigative Report**

Summary

Lieutenant Jeff Lydston submitted this report on October 17, 2011. It was written in response to a request by Major Greg Gaddis, Director of Operations, for an administrative investigation reference a loaded .38 caliber firearm that was found hidden, tucked under a roll of toilet paper, in an Okaloosa County Sheriff's Office (OCSO) Booking cell. The following facts were known at the time of writing of this report.

Narrative

On September 8, 2011, Major Gaddis, advised a .38 caliber revolver had been found by Deputy Sheriff (D/S) Frank Allen tucked under a roll of toilet paper inside one of the holding cells of the Booking area. Major Gaddis stated it appeared to have been brought into the OCSO Booking Facility by Mr. Stoney Mathis, who had been arrested for a traffic offense by D/S Casey Isenbarger. Mathis and another individual arrested during the traffic stop, James Copeland, were transported to the OCSO Booking Facility by C Shift Central personnel and processed. Sometime during the processing, Mathis hid the gun where it was found. A copy of OCSO Offense Report #11-9650, detailing the discovery of the firearm, will be maintained in the case file.

On September 8, 2011, the below listed personnel completed an OCSO Office of Professional Standards, Notice of Confidentiality. I read the Notice of Confidentiality in its entirety and all stated they understood and signed.

Sergeant (Sgt.) Fred Lithgow
D/S Casey Isenbarger
D/S Kourtney Spruill
D/S Mitch Landis
D/S Bill Myers
D/S James Morton
D/S Tim Harbarger
D/S Robert Speakman
D/S David Tatman
D/S Miguel Rojas
D/S Frank Allen
D/S Dennis Campbell

On September 9, 2011, I met with Sgt. Fred Lithgow in my office located at the Okaloosa County Courthouse Annex. I advised Sgt. Lithgow I had been assigned to conduct an administrative investigation regarding the discovery of the firearm found in the OCSO Booking Facility. I further advised I would be recording the interview per policy. I asked him to explain in his own words what he was aware of regarding the firearm. Sgt. Lithgow advised he responded to D/S Isenbarger's traffic stop because one of the occupants of the vehicle had run away during the stop. When he arrived the remaining occupants of the vehicle were lined up at the back of the stopped vehicle. Present were D/S's Isenbarger, Speakman, and Landis. D/S Isenbarger briefed him on what occurred and they decided on what actions to take. He and D/S Landis then began walking in the neighborhood to try and locate the individual that ran. While walking in the neighborhood Sgt. Lithgow heard via radio that D/S Bill Myers transported Mathis and

Copeland to booking. When Sgt. Lithgow returned to the scene of the traffic stop a search of the stopped vehicle was being conducted. Later, approximately 14 grams of cocaine was found in the area the individual ran. Sgt. Lithgow said he found out when he returned to work the next day a gun had been found in the Booking Facility. Sgt. Lithgow added he had dealt with Mathis on a previous occasion where someone with Mathis threatened another person with a gun, there was a short pursuit, the individuals "bailed" out of the car and "dumped some dope". The vehicle belonged to Mathis and he had been in it. Copies of any paperwork and/or audio recordings from the interview will be maintained in the case file.

On October 1, 2011, I met D/S Allen in my office at the Okaloosa County Courthouse Annex. I advised him I had been assigned to conduct an administrative investigation regarding the discovery of the firearm found in the OCSO Booking Facility. I further advised I would be recording the interview per policy. I asked him to explain in his own words what he was aware of regarding the firearm. D/S Allen advised he was conducting the morning cell searches for contraband because his partner, D/S Rojas, just took several inmates up to the jail. Because there were no prisoners in the booking area it was the optimal time to search the cells. He began with the first cell on the left and used a flashlight to search the floors, under the benches and in the toilet. He stated he had found contraband in the toilet before. When he looked at the toilet paper roll holder, located on the left side of the toilet, he saw what appeared to be a firearm. He presumed it was a revolver and then finished the search of the cell. He then secured that cell and completed his search of the rest of the area. When finished, D/S Allen went back to the cell with the gun, put gloves on and then removed the firearm from where it was hidden. The gun was under the roll of toilet paper with the barrel pointing outwards. He unloaded the gun, as it was loaded when found, and then placed the ammunition and firearm in a container. He telephoned D/S Campbell and asked him if there had been anyone secured in the first cell on the left the previous night. D/S Campbell replied he had not.

I asked D/S Allen how often he does cell searches and he replied every morning, daily, and all shifts are supposed to conduct them when they come on duty. If there are prisoners in any of the cells they search the unoccupied cells first, move the prisoners into the already searched cells and then complete the other cells. D/S Allen described the gun as a smaller five shot Smith and Wesson revolver with no exposed hammer. Later he placed the gun and ammunition into evidence. Copies of any paperwork and/ or audio recordings from the interview will be maintained in the case file.

On October 2, 2011, I met D/S Campbell in my office at the Okaloosa County Courthouse Annex. I advised him I had been assigned to conduct an administrative investigation regarding the discovery of the firearm found in the OCSO Booking Facility. I further advised I would be recording the interview per policy. I reminded him that he had previously signed an OCSO Notice of Confidentiality and then asked him to explain in his own words what he was aware of regarding the firearm. He said D/S Myers brought Mathis and Copeland to the Booking Facility that morning. He started his normal routine and began to search and shackle Copeland, taking what property he had. He then went to Mathis and began to search him. Mathis asked if he could use the bathroom and D/S Campbell said he could after he was finished being searched and shackled. D/S Campbell searched Mathis, checking his waist and pockets, and remembered he had a pair of thick jeans on and thin, long black shirt. D/S Campbell shackled Mathis and then asked Mathis to remove his belt. Mathis did and D/S Campbell allowed him to use either the right or left cell to go to the bathroom. D/S Campbell then went behind the booking counter to complete processing their property and did not observe which cell Mathis used. Mathis came out after a few minutes and then returned and sat down on the bench. D/S Campbell then finished the process by fingerprinting and taking their photograph. He then placed them into the second cell on the left until they were transported to the County Jail.

I asked how soon after Mathis arrived did he ask to use the bathroom and D/S Campbell responded it was not immediately on arrival, but after a couple of minutes. D/S Campbell described Mathis as being approximately 5'8" or so in height, small hands, but with a "big gut". He described his as hanging over the belt. D/S Campbell described his search process as having them empty their pockets, then he goes up their legs (front leg, side leg, up the middle), check their back, their arms, their chest, and go around their waist. Sometimes there is a problem with the waist, he would normally check their waist bands, but with Mathis he did reach around and check; although he did not physically lift up his stomach. D/S Campbell opined that might have been a mistake in retrospect. He found out the revolver had been found in a cell when D/S Allen called to ask if anyone had been placed in Cell #2, the first cell on the left. D/S Campbell said he did cell inspections when he arrived for duty, prior to Mathis being brought to booking, and found no contraband in the first cell on the left. He also said he did not place anyone in Cell #2 that entire night. Copies of any paperwork and/or audio recordings from the interview will be maintained in the case file.

On October 10, 2011, I met D/S Isenbarger in my office at the Okaloosa County Courthouse Annex. I advised him I had been assigned to conduct an administrative investigation regarding the discovery of the firearm found in the OCSO Booking Facility. I further advised I would be recording the interview per policy. I reminded him that he had previously signed an OCSO Notice of Confidentiality and then asked him to explain in his own words what he was aware of regarding the firearm. He said he was on patrol on Beal Parkway and saw what he thought was a vehicle belonging to Stoney Mathis. From previous information he knew Mathis to be a narcotics violator and pulled out to follow the vehicle. He saw the vehicle accelerate rapidly on to Lang Road and then accelerate even faster so D/S Isenbarger turned on to Lang Road and used his moving radar to clock the vehicle exceeding the posted speed limit. He then initiated a traffic stop on the vehicle. As he was calling in the stop four black males got out of the vehicle at the same time. The rear, right side passenger appeared to throw something and then took off running. He maintained control of the remaining individuals and recognized the driver as Mathis. D/S Landis and D/S Speakman arrived about the same time for back-up. D/S Speakman was the primary back-up. One passenger, James Copeland, was discovered to have an outstanding warrant and D/S Landis handcuffed and searched him. D/S Landis then placed Copeland in the back of D/S Isenbarger's patrol vehicle. Mathis was arrested for reckless driving because his speed was more than 30 miles an hour over the posted limit. D/S Isenbarger had gloves on to conduct a search of the vehicle, so he asked D/S Speakman to handcuff and search Mathis, which he did. The search was recorded on D/S Isenbarger's in car camera. D/S Myers arrived on scene at some point and then transported both Mathis and Copeland to the OCSO Booking Facility. D/S Isenbarger then completed his search of the vehicle and D/S Speakman found a bag of cocaine when he did a walk around of the house of the driveway the vehicle was in. He stated he did observe the search of Copeland, but did not observe the search of Mathis. Copies of any paperwork and/or audio recordings from the interview will be maintained in the case file.

On October 10, 2011, I met D/S Myers in my office at the Okaloosa County Courthouse Annex. I advised him I had been assigned to conduct an administrative investigation regarding the discovery of the firearm found in the OCSO Booking Facility and he was a subject of the investigation. I read the OCSO Notification of Administrative Inquiry/Investigation with attached Summary of Allegations which he acknowledged and signed. I also read the OCSO Administrative Inquiry/Investigation "Garrity Warning" to D/S Myers and he stated he understood and signed. I further advised I would be recording the interview per policy. I reminded him that he had previously signed an OCSO Notice of Confidentiality and then asked him to explain in his own words what he was aware of regarding the firearm. He said he responded to D/S Isenbarger's traffic stop to provide assistance if needed. As he got out of his vehicle D/S Speakman was doing a search of Mathis and he observed the search. After talking with D/S Isenbarger, D/S Myers transported both Copeland and Mathis to the OCSO Booking Facility. He did not conduct an additional search of Mathis as he had observed D/S Speakman search him, but he did do a search prior to transport with Copeland, as he did not observe anyone search Copeland. After taking

Mathis and Copeland to booking he went back in service after asking D/S Campbell if he needed assistance, which he replied he did not. D/S Myers was not present when D/S Campbell conducted his searches of Mathis or Copeland. Copies of any paperwork and/or audio recordings from the interview will be maintained in the case file.

On October 10, 2011, I met D/S Speakman in my office at the Okaloosa County Courthouse Annex. I advised him I had been assigned to conduct an administrative investigation regarding the discovery of the firearm found in the OCSO Booking Facility and he was a subject of the investigation. I read the OCSO Notification of Administrative Inquiry/Investigation with attached Summary of Allegations which he acknowledged and signed. I also read the OCSO Administrative Inquiry/Investigation "Garrity Warning" to D/S Speakman and he stated he understood and signed. I further advised I would be recording the interview per policy. I reminded him that he had previously signed an OCSO Notice of Confidentiality and then asked him to explain in his own words what he was aware of regarding the firearm. D/S Speakman said he responded to assist D/S Isenbarger with the traffic stop. While D/S Isenbarger did a criminal history check of the three individuals he maintained control of them. Copeland was arrested for the outstanding warrant and it was decided to arrest Mathis. D/S Isenbarger asked D/S Speakman to handcuff and search Mathis. D/S Speakman brought Mathis to the front of D/S Isenbarger's vehicle and handcuffed him. He asked Mathis if he had anything that would stick or hurt him (D/S Speakman) and Mathis said no. D/S Speakman performed the search and went to put Mathis in a patrol car. D/S Myers had arrived on scene and it was decided he would transport Mathis and Copeland to booking.

D/S Speakman felt he did a good search by checking between the butt checks and said he felt his testicle and penis (groin area). He also said tries to do his searches the same way every time. Copies of any paperwork and/or audio recordings from the interview will be maintained in the case file.

NOTE: I conducted a review of D/S Speakman's search of Mathis which was recorded on D/S Isenbarger's in car video. In the video D/S Speakman is seen emptying Mathis' pockets and placing the contents on the hood of the vehicle. He begins a search of Mathis' person and searches the upper portion of the body and then the lower portion of the body; although that portion of the search was obscured by the vehicle. He then stops as if completed, looks around the area, and then appeared to realize he did not search the waist area of Mathis. He begins to search the waist area, but does so quickly and only does half of the waist area. He then stops and goes off camera with Mathis.

On October 10, 2011, I met D/S Campbell in my office at the Okaloosa County Courthouse Annex. I advised him I had not previously told him he was a subject of the administrative investigation; but that I would be doing so now. Present during the interview was Mr. Ricky Mayo, Staff Representative of the Florida Police Benevolent Association, who was acting as D/S Campbell's representative. I read the OCSO Notification of Administrative Inquiry/Investigation with attached Summary of Allegations which he acknowledged and signed. I further advised I would be recording the interview per policy and provided him a copy of the Florida Law Enforcement Officer's Bill of Rights. I reminded him that he had previously signed an OCSO Notice of Confidentiality. I asked D/S Campbell if he had any questions for me and he replied he did not. The interview was terminated. Copies of any paperwork and/or audio recordings from the interview will be maintained in the case file.

Conclusion (summary of facts)

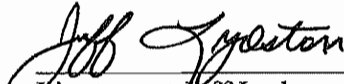
1. D/S Isenbarger conducted a traffic stop and arrested Stoney Mathis for Reckless Driving. A passenger in the vehicle, James Copeland, was arrested on an outstanding warrant.
2. D/S Speakman conducted a search of Mathis and D/S Landis conducted a search of Copeland.
3. D/S Myers transported Mathis and Copeland to the OCSO Booking Facility. Prior to transport he conducted a search of Copeland, as he had not been present when Copeland was searched. D/S Myers did not conduct a search of Mathis as he had been present when D/S Speakman searched Mathis at the request of D/S Isenbarger.
4. D/S Campbell conducted a search of Mathis and Copeland after their arrival at the OCSO Booking Facility. He then allowed Mathis to use a cell to go to the bathroom while he (D/S Campbell) completed paperwork for the property taken from Mathis and Copeland.
5. After morning shift change, D/S Allen conducted a cell inspection to ensure the cells were free of contraband or any other restricted materials. When he checked the first cell on the left, Cell #2, he found a loaded .38 caliber revolver tucked under the toilet paper contained in the toilet paper holder.
6. A review of video recorded in the booking area showed Mathis enter Cell #2, bend over towards the toilet paper roll (located to the left of the toilet bowl), make some type of movements and then stands up, appearing to urinate in the toilet. The video also showed Mathis was the only person who had been in Cell #2 during D/S Campbell's shift.


Findings

There is a preponderance of the evidence to believe D/S Speakman and D/S Campbell failed to find the loaded firearm during the searches of Mathis per the discovery of the loaded .38 caliber revolver discovered in Cell #2, and the observations of the recorded video. This would be a violation of Okaloosa County Sheriff's Office General Order 11.05 (1), Unsatisfactory Performance. Neither D/S Speakman, nor D/S Campbell has been the subject of any previous discipline making their violations a Category 1 violation per OCSO policy. The maximum recommended discipline would be a Letter of Reprimand.

There is not a preponderance of the evidence to believe D/S Myers violated Okaloosa County Sheriff's Office General Order 11.05 (1), Unsatisfactory Performance, as he was present for the search of Mathis prior to transport. He was cognizant of OCSO General Order 29.01, Prisoner Transport, and conducted his own search of Copeland prior to transport because he was not present for his first search by D/S Landis. No discipline is recommended for D/S Myers.

While not a violation of OCSO Policy, officer safety practices pertaining to the initial stop were addressed with all C Shift Central personnel to include Deputy Sheriff's Isenbarger, Speakman, Landis, Morton, Myers, Spruill, Harbarger and Sgt. Lithgow. The absolute necessity of maintaining positive control of subjects, using that force necessary as dictated by the situation, and having command of the situation were briefed and reinforced.


Lieutenant Jeff Lydston
Okaloosa County Sheriff's Office
Field Services

 Accepted.
____ Remanded for further investigation.



**Okaloosa County Sheriff's Office
Administrative Inquiry/Investigation
Disciplinary Notification/Action**

Employee (Last, First MI): Campbell, Dennis	ID # 962	Date: 11/04/11	OPS/IA#: 11-26
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You are hereby notified that the following policy violation(s) have been **SUSTAINED** and the following disciplinary action(s) will be imposed.

Policy Violation (General Order Number): 11.05 D.(1)	Specific Charge(s): Unsatisfactory Performance
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Synopsis of Allegation(s):
On 09/08/11 at approximately 0225 hours, Deputy Myers delivered Stoney Mathis and James Copeland to Booking at the Shalimar Annex. You were the Booking Deputy on duty and thus responsible for the intake, processing, care and transport of person(s) arrested and delivered to you. As part of your processing duties you are to search all persons for security and safety reasons. During your search of Mathis, you failed to locate a loaded .38 caliber pistol that he had concealed upon his person. This weapon was later discovered in the holding cell in which you allowed him to use the toilet in prior to you completing your booking process.

Recommended Discipline: ___ Days Suspension ___ Months Disciplinary Probation
 Written Reprimand Demotion in Rank to Termination

Discipline will commence on (Date): <i>IBA 11/4/11</i>	Supervisor Issuing Discipline: Major Greg Gaddis 316/003 <i>[Signature]</i>
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[Signature] *ANDY* Concur Do Not Concur
 Undersheriff Date
 Remarks: *3 DAY SUSPENSION W/D PAY 3 months DISCIPLINARY PROBATION. SUSPENDED.*

I hereby acknowledge receipt of this notice and I:

Accept the findings and disciplinary action (Discipline imposed no earlier than 24 hrs.) Request to appeal disciplinary action (Written response within 5 Business Days)

<i>[Signature]</i> Employee Signature	<i>11-4-11</i> Date	<i>[Signature]</i> Supervisor Signature	<i>11/4/11</i> Date
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You are not authorized to act, conduct, or participate in any law enforcement activities if the recommended discipline involves either suspension or termination. Issued equipment and credentials shall be surrendered to the appropriate authorities if so instructed. A request to appeal the recommended discipline imposed must be made within 24 hrs of this notification. (Automatic for Termination)

**Okaloosa County
Sheriff's Office**

To: Deputy Dennis Campbell

From: Major Greg Gaddis

Date: 11/04/11

Re: Letter of Reprimand / OPS IA # 11-26

On 09/08/11 at approximately 0225 hours, while on duty as a Booking Deputy assigned to Booking at the Shalimar Annex, Deputy Bill Myers delivered two arrestees to be booked. As part of the intake process it is your duty to search all persons being remitted into your custody. One of these arrestees was identified as Stoney Mathis. During the intake, per your statement, he ask to use the toilet. Prior to allowing this you explained that he would be allowed to after you conducted your search. During said search you failed to locate a .38 Smith & Wesson pistol that Mathis had concealed on or upon his person. This weapon was later discovered by the on-coming Booking personnel in the holding cell that you permitted Mathis to use the toilet in. Your failure to conduct a proper search could have had grave results to not only you but others entering the Booking area had Mathis deemed to take this action.

This policy violation, 11.05 D. (1) Unsatisfactory Performance was investigated and sustained.

Further violations such as this will not be tolerated and will be dealt with in a harsher form of discipline up to and including termination.



**Okaloosa County Sheriff's Office
Administrative Inquiry/Investigation
Disciplinary Notification/Action**

Employee (Last, First MI): Speakman, Robert	ID # 1139	Date: 11/04/11	OPS/IA#: 11-26
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You are hereby notified that the following policy violation(s) have been **SUSTAINED** and the following disciplinary action(s) will be imposed.

Policy Violation (General Order Number): 11.05 (1)	Specific Charge(s): Unsatisfactory Performance
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Synopsis of Allegation(s):
On 09/08/11 at approximately 0145 hours you assisted Deputy Isenbarger on a traffic stop in which you subsequently searched Stoney Mathis after being placed under arrest. This search was captured on the in-car video of Deputy Isenbarger's assigned vehicle. During this search the video depicted you pausing then returning to the search without conducting a proper or solid search pattern. In doing so you missed finding a loaded .38 caliber pistol that Mathis had concealed upon his person.

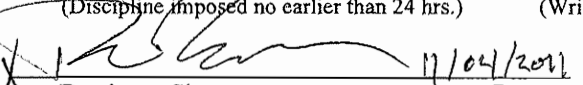
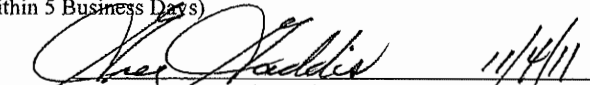
Recommended Discipline: ___ Days Suspension ___ Months Disciplinary Probation
 Written Reprimand Demotion in Rank to _____ Termination

Discipline will commence on (Date): TBA 11/4/11	Supervisor Issuing Discipline: Major Greg Gaddis 316/003
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 Undersheriff _____ Date _____
 Concur Do Not Concur
 Remarks: **3DAY SUSPENSION WITHOUT PAY
3 MONTHS DISCIPLINARY PROBATION SUSPENDED.**

I hereby acknowledge receipt of this notice and I:

Accept the findings and disciplinary action (Discipline imposed no earlier than 24 hrs.) Request to appeal disciplinary action (Written response within 5 Business Days)

 Employee Signature _____ Date 11/04/2011	 Supervisor Signature _____ Date 11/4/11
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You are not authorized to act, conduct, or participate in any law enforcement activities if the recommended discipline involves either suspension or termination. Issued equipment and credentials shall be surrendered to the appropriate authorities if so instructed. A request to appeal the recommended discipline imposed must be made within 24 hrs of this notification. (Automatic for Termination)

**Okaloosa County
Sheriff's Office**

To: Deputy Robert Speakman

From: Major Greg Gaddis

Date: 11/04/11

Re: Letter of Reprimand OPS / IA # 11- 26

On 09/08/11 at approximately 0145 hours you assisted Deputy Isenbarger on a traffic stop. The driver was identified as being Stoney Mathis who was subsequently arrested. As part of your assistance, you searched Mathis and failed to locate a loaded .38 Smith and Wesson pistol that he had concealed on his person. This search was recorded on the in-car video inside Deputy Isenbarger's patrol vehicle. The video depicts you being distracted and or nonchalant in your search. This inadequate search placed you and your shift partners at risk if not in grave danger.

This policy violation 11.05 D. (1) Unsatisfactory Performance was investigated and sustained.

Further violations such as this will not be tolerated and will be dealt with in a harsher form of discipline up to and including termination.