



City of Margate Police Department

ACCREDITED LAW ENFORCEMENT AGENCY



MEMORANDUM

TO: Robert Kriplean, Police Lieutenant

FROM: Jonathan Shaw, Chief of Police

DATE: July 8, 2021

SUBJECT: POSSIBLE DISCIPLINARY ACTION

I am in receipt and have reviewed Margate Police Department Internal Investigations Unit Administrative Investigation #21-05, a copy of which is attached. This investigation is predicated upon statements that you made to me regarding the existence of a surreptitious recording that you reportedly created of a command staff meeting on March 10, 2021.

Based upon the information provided to me, an administrative investigation was initiated into the allegations that were made against you. A thorough review was completed by Sergeant Paul Kostick of the Internal Investigations Unit.

This investigation revealed that you admitted under oath that you surreptitiously recorded the command staff meeting that was held in the City Commission Chambers on March 10, 2021. The meeting was attended by seven (7) Police Lieutenants, three (3) Police Captains, and the Chief of Police, none of whom provided their consent for the meeting to be recorded. During your statement, you claimed to have created the recording for your "own purposes" and denied any knowledge that such actions were a violation of department policy.

The investigation revealed that your actions have created a significant lack of trust with other commanders in this agency. Five other command level officers indicated that their trust in you has been diminished due to your actions in this incident. As you should be aware, trust is an essential component in a harmonious and productive command staff. Furthermore, trust and integrity are integral parts of being an effective leader.

The results of this investigation determined that you, Lieutenant Robert Kriplean, engaged in inappropriate behavior and conduct and your actions are in violation of the following General Orders:

- **General Order 7.3.104 – Unauthorized Investigations / Surreptitious Recording:** *Officers or employees shall not initiate any covert investigation without authorization and documentation through the department. Officers or employees shall not intentionally intercept or endeavor to intercept via audio/video recording any oral or other communication of any member of the department without the member's consent or without the authorization of the Chief of Police*

- **General Order 7.3.101 - General Proficiency** - Personnel are required to maintain job knowledge and skills required for the performance of official duties.
- **General Order 7.3.66 – Conduct Unbecoming** - Personnel shall conduct themselves at all times in a manner which does not discredit themselves or the department.

Based upon my review of all of the aforementioned information and testimony, I have determined that your conduct constitutes “just cause” for discipline. The evidence gathered in the administrative investigation exceeds preponderance of the evidence criterion burden of proof to sustain each administrative violation.

I am greatly disappointed and deeply concerned by your behavior. I intend to hold you accountable for your conduct. Your actions in this instance will not be tolerated at any level of the organization.

Your actions, as detailed above, adversely impact the efficient working of a command staff that I expect a high level of accountability and discipline from. Furthermore, these actions from a high-ranking police official sets a poor example for other members of this agency. Based upon all the information and documentation presented, your conduct in regards to the violation of the specified General Orders constitutes “just cause” for disciplinary action. After considering all the facts, I am recommending a twenty (20) day (160 hours) suspension without pay. Additionally, you will be relieved of your command over all specialty assignments, specifically the Special Response Team (SRT) and the K-9 Unit effective immediately.

It should be noted that your prior disciplinary record reflects the following:

May 2004	General Order 13.4.1 – Operator Accountability	Letter of Reprimand
June 2004	General Order 7.3.45 – Use of Department Equipment	Letter of Reprimand
December 2004	General Order 4 – Use of Force General Order 62.7.2 – Use of Force Considerations by K-9 handler	Letter of Reprimand
February 2006	General Order 62.5.3- K-9 Building Searches off lead	Letter of Reprimand
February 2006	General Order 7.3.18 – Fictitious Injury, Illness, Malingering General Order 20.7.7 (a) – Sick Leave Abuse General Order 7.3.89 – Prompt Compliance with a Lawful Order	Letter of Reprimand
May 2006	General Order 13.4.1 – Operator Accountability	Letter of Reprimand

Prior to submitting this request for disciplinary action for final approval by the City Manager, you or your legal representative may request an informal meeting with me. At this meeting, you will have an opportunity to present to me any information you wish to be considered or witnesses you may deem appropriate. However, your request for a meeting must be received by me within five (5) days after you receive this correspondence.

If you elect to have an informal meeting, you will not be compelled to make any statements or be interrogated. If you do not file a timely request for a meeting, I will presume that you agree with these findings. In lieu of an informal meeting, or any additional information that you may wish to provide, I will base my decision upon all the facts and information in my possession.

Received:  Date: 7/8/21
Robert Kriplean, Police Lieutenant

Witness: CAPT.  Date: 07/08/21

cc: Office Management
Personnel File
Internal Investigations Unit



City of Margate Police Department

ACCREDITED LAW ENFORCEMENT AGENCY



MEMORANDUM

TO: Jonathan Shaw, Chief of Police

FROM: Paul Kostick, Sergeant, Internal Investigations Unit

DATE: June 14, 2021

SUBJECT: Administrative Investigation 21-05

ASSIGNMENT

On March 16, 2021, I was directed by Chief of Police Jonathan Shaw to conduct an administrative investigation regarding the conduct of Lieutenant Robert Kriplean. The investigation was initiated on a complaint generated by Chief of Police Jonathan Shaw. Chief Shaw alleged that during a command staff meeting held on March 10, 2021, Lieutenant Kriplean surreptitiously recorded the meeting without the consent of those individuals present. Furthermore, Chief Shaw stated that Lieutenant Kriplean admitted to recording the meeting and offered to play the audio recording to him (Chief Shaw) during a meeting in the Chief's Office on Thursday, March 11, 2021.

Should the allegation against Lieutenant Kriplean be proven true, he could be in violation of the following General Order:

- **General Order 7.3.104 – Unauthorized Investigations / Surreptitious Recording:** *Officers or employees shall not initiate any covert investigation without authorization and documentation through the department. Officers or employees shall not intentionally intercept or endeavor to intercept via audio/video recording any oral or other communication of any member of the department without the member's consent or without the authorization of the Chief of Police.*

INVESTIGATION

On March 16, 2021, I met with Chief Shaw in his office to discuss information that he received from Lieutenant Robert Kriplean during two meetings with him on March 11th and March 16th, 2021.

Chief Shaw stated that on March 11, 2021, Lieutenant Kriplean made reference to him during the conversation that “he had a recording of the meeting, if Chief Shaw wanted to hear it.” The meeting between Chief Shaw and Lieutenant Kriplean was concerning the behavior that Lieutenant Kriplean exhibited during the command staff meeting. It was during this meeting where Lieutenant Kriplean admitted to recording the command staff meeting and was willing to play the audio for Chief Shaw.

As described by Chief Shaw, he acknowledged the comment made by Lieutenant Kriplean. Chief Shaw told me that later in the day on March 11, 2021, the determination was made to initiate an administrative investigation. Chief Shaw acknowledged that Lieutenant Kriplean’s comment about recording the command staff meeting on March 10, 2021, might have been a statement of fact and therefore a violation of policy.

On the morning of March 16, 2021, Captain Palma advised Chief Shaw that both he and Captain Joe Galaska were told by Lieutenant Kriplean that he (Kriplean) had recorded the command staff meeting on his cellular phone on March 10, 2021. This admission to both Captains was made on March 12, 2021.

On March 16, 2021, Chief Shaw met with Lieutenant Kriplean in his (Chief Shaw’s) office. During that meeting, Lieutenant Kriplean advised Chief Shaw that he (Lt. Kriplean) shared the recording with Lieutenant David Young. This comment was made during a meeting with Lieutenant Kriplean, Captain Palma, and Chief Shaw in Chief Shaw’s office. Chief Shaw provided Lieutenant Kriplean with a direct order to not share, distribute, or destroy the recording with anyone.

Based upon Lieutenant Kriplean’s statement to Chief Shaw that he provided a copy of the recording to Lieutenant Young, a potential policy violation was now being alleged. Lieutenant Young, per department General Orders, is required to notify his direct supervisors of potential policy violations when they occur. Therefore, Lieutenant Young should have been aware of the potential policy violation regarding “Unauthorized Investigations/Surreptitious Recordings” committed by Lieutenant Kriplean.

Should the allegation against Lieutenant Young be proven true, he could be in violation of the following General Order:

- ***General Order 7.3.44 - Failure To Follow SOP, Directive, Order: Personnel shall adhere to Standard Operating Procedures, General Orders, policies, and directives, to wit: Violation of 6.7.3 -Supervisors who view violations shall document their actions. The documentation shall be in one of these methods: (d) On a memorandum, when disciplinary action is the appropriate response, but the action is outside the scope of the supervisor’s authority.***

On March 16, 2021, Chief Shaw instructed me to contact Lieutenant David Young. I advised him under direct order from Chief Shaw to not share, distribute or destroy the audio recording that was provided to him by Lieutenant Kriplean. On this date, I contacted Lieutenant Young via cellular phone and provided that order to him.

The allegation that Lieutenant Kriplean intentionally intercepted the oral communication of the persons present at the staff meeting on March 10, 2021 potentially could be a violation of Florida State Statute 943.03(1)(a) which states: "Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, oral, or electronic communication." Florida State Statute 943.03(4)(a) states that a violation of this subsection (1) is punishable as a felony of the third degree.

On March 17, 2021 at approximately 10:35 AM, I entered into the City Commission Chambers to observe any affixed audio and/video recording devices therein. As I entered the room, directly to my left affixed to the wall was a sign which read, "ATTENTION AUDIO AND VIDEO EQUIPMENT IN USE THIS MEETING IS BEING STREAMED LIVE ON WWW.MARGATEFL.COM."¹ I also noticed that there were four (4) video cameras affixed to the walls on the City Commission Chambers and three microphones placed throughout the room as well.

At approximately 10:38 AM, I took a digital photograph of the sign affixed to the wall with my cellular phone. The photograph was later digitally uploaded to the case file and is attached to this administrative investigation.

On March 16, 2021, I made a phone call to the Broward County State Attorney's Office, more specifically the Office of the Special Prosecutors Unit. I conferred with Assistant State Attorney (ASA) Christopher Killoran in regards to potential violations of Florida State Statute 934.03. Upon providing the facts of the incident and the statutory requirements required by law, I was able to conclude that probable cause for violation of Florida State Statute 943.03 did not exist.

The facts existed that there was not an expectation of privacy based upon several factors associated with the City Commission Chambers. Those facts are as follows:

- A posted sign was affixed to the wall inside the Commission Chambers, which provided a disclaimer indicating audio and visual recording.
- Permanently affixed audio and video recording devices are clearly visible throughout the City Commission Chambers.
- Each individual present during the command staff meeting has had prior knowledge of the audio and video equipment that is permanently affixed inside the City Commission Chambers.

¹ City of Margate Disclaimer Sign – Affixed signage located within the City Commission Chambers stating, "Attention: Audio and Video Equipment in Use. This meeting is being streamed live on www.margatefl.com"

The following individuals were all present at the command staff meeting that took place in the City Commission Chambers on March 10, 2021. They are as follows: Chief of Police Jonathan Shaw, Captain Laura Sudman, Captain Michael Palma, Captain Joseph Galaska, Lieutenant David Young, Lieutenant Ryan McCarthy, Lieutenant Ashley McCarthy, Lieutenant Efrain Suarez, Lieutenant Robert Kriplean, Lieutenant Alain Banatte, and Lieutenant Michael Druzvik.

On March 18, 2021, I met with Captain Michael Palma in the Internal Investigations Unit office. A sworn taped witness statement was obtained from him on this date. During the interview, Captain Palma was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

Captain Palma stated that he was present at the command staff meeting located in the City Commission Chambers on March 10, 2021. Captain Palma stated that he was aware of the permanently affixed audio and video recording equipment that was located within the City Commission Chambers. He also stated that he was aware of an audio and video disclaimer sign located within the room. Captain Palma stated that when he arrived at the meeting, he did not feel that it was necessary to ask any of his peers if they were recording the meeting. He further stated that command staff meetings have never been recorded before. *(The following is verbatim from the statement transcript of Captain Michael Palma, pgs. 4-5):*

Q. OKAY. UH, WITHIN THE COMMISSION CHAMBERS...UM, PRIOR TO YOU WALKING IN. DID YOU HAVE ANY...PRIOR KNOWLEDGE OF AUDIO OR VIDEO RECORDING, WITHIN THE COMMISSION CHAMBERS?

A. NO. WHAT DO YOU MEAN BY "PRIOR KNOWLEDGE"?

Q. MEANING IS IT NORMAL THAT THERE ARE VIDEO CAMERAS AND AUDIO RECORDING EQUIPMENT WITHIN THE CITY COMMISSION CHAMBERS?

A. YES.

Q. TO THE BEST OF YOUR KNOWLEDGE, DO YOU KNOW IF THEY'RE PERMANENTLY AFFIXED?

A. THEY ARE PERMANENTLY AFFIXED, YES.

Q. OKAY. ARE YOU AWARE OF ANY SIGNS, ANYTHING...OUTSIDE OR INSIDE THE COMMISSION CHAMBERS THAT MAY PROVIDE A...SOME TYPE OF IMPLIED CONSENT OR NOTIFICATION THAT AUDIO AND VIDEO RECORDINGS ARE...BEING CONDUCTED?

A. YES, THERE IS A SIGN OUTSIDE.

Q. ARE YOU AWARE THAT UH, OR HAVE YOU SEEN THE SIGN THAT, THAT IS POSTED WITHIN THE CITY COMMISSION CHAMBERS THAT SAYS, "ATTENTION: AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING STREAMED LIVE ON WWW.MARGATEFL.COM"?

A. YES.

Q. AND YOU HAVE SEEN THAT, THAT SIGN?

A. I HAVE SEEN IT.

Q. OKAY. UM, DURING THE MEETING, AT ANY TIME DID YOU FEEL IT WAS NECESSARY TO...UH, ASK YOUR PEERS IF ANYONE WAS RECORDING THE MEETING?

A. NO.

I then asked Captain Palma if he was ever made aware that there was a recording made of the command staff meeting and if so, did he know who made the recording. Captain Palma stated that he was made aware several days later that a recording of the meeting was made. Captain Palma stated that Lieutenant Robert Kriplean texted him on March 12, 2021 at approximately 12:50 PM, and asked if he was busy. Captain Palma stated that the text from Lieutenant Kriplean usually meant that Lieutenant Kriplean wanted to speak with him. Captain Palma stated that he called Lieutenant Kriplean, and that they spoke about the entire command staff meeting. Captain Palma stated that it was during that conversation that Lieutenant Kriplean advised him that he had a recording of the meeting. Captain Palma stated that Lieutenant Kriplean also told him that he (Lt. Kriplean) had told Chief Shaw about the recording. Captain Palma stated that the phone call ended and that he planned to inform Chief Jonathan Shaw when he returned to work. *(It should be noted that Captain Palma was off-duty that day and would not be returning to work until Tuesday, March 16, 2021.)*

Furthermore, Captain Palma stated that on the morning of March 16, 2021, he arrived at his office, and met with Chief Shaw. During their conversation, Captain Palma informed Chief Shaw that Lieutenant Kriplean told him that he recorded the command staff meeting during his and Lieutenant Kriplean's telephone conversation. *(The following is verbatim from the statement transcript of Captain Michael Palma, pg. 5):*

Q. OKAY. UM...NOW, THIS COMPLAINT IS ALLEGING THAT LIEUTENANT KRIPLEAN UH, OBTAINED A COPY...EXCUSE ME, OBTAINED A RECORDING OF THAT COMMAND STAFF MEETING. UH, AND PART OF THE ALLEGATION WAS THAT HE HAD, HE HAD EITHER ASKED, OR PROV...ASKED IF PEOPLE WANTED IT AND/OR PROVIDED SAID COPY TO ANYONE? AT ANY TIME DID LIEUTENANT KRIPLEAN MAKE YOU AWARE THAT HE HAD A...AUDIO RECORDING OF THE COMMAND STAFF MEETING?

A. YES. SEVERAL DAYS AFTER THE MEETING.

Q. CAN YOU ELABORATE?

A. SURE. ON MARCH...I BELIEVE IT WAS FRIDAY, MARCH 12TH, AT APPROXIMATELY...12:50 P.M., HE TEXTED ME AND SAID, ARE YOU BUSY? AND USUALLY THAT MEANS LIEUTENANT KRIPLEAN WANTS TO TALK TO ME, SO I CALLED HIM. UPON CALLING HIM, WE TALKED ABOUT SOME PATROL ISSUES AND ISSUES UH, YA KNOW, IN THE MEETING. I SPOKE TO HIM ABOUT...JUST THE ENTIRE MEETING AND HE SAID, THAT'S WHEN HE ADVISED ME AT THAT POINT THAT HE HAD A RECORDING OF THE MEETING. WE BASICALLY ENDED THE PHONE CALL AND UM, I KNEW THAT...ONCE I CAME BACK TO WORK, I WAS GOING TO HAVE TO INFORM MY BOSS, THE CHIEF, ABOUT THIS RECORDING, WHICH I DID ON TUESDAY...I BELIEVE MARCH 16TH.

Q. OKAY.

A. WHEN I CAME IN, AND THEN THE CHIEF ADVISED ME THAT HE WAS ALREADY TOLD ABOUT THE RECORDING; AND LET ME BACK UP...LIEUTENANT KRIPLEAN HAD ALREADY SHARED WITH ME THAT HE DID SHARE THIS WITH THE CHIEF, IN A MEETING...PRIOR TO TELLING ME.

I then asked Captain Palma if he was provided a copy of the recording or if he had listened to it. Captain Palma stated that he did not hear it, nor was he provided a copy. *(The following is verbatim from the statement transcript of Captain Michael Palma, pg. 6):*

Q. AND, ALTHOUGH HE MADE YOU AWARE OF THE RECORDING, HE DID NOT...DID YOU HEAR IT, OR LISTEN TO IT? OR WERE YOU PROVIDED A COPY?

A. NO.

On March 18, 2021, I met with Lieutenant Michael Druzvik in the Internal Investigations Unit office. A sworn taped witness statement was obtained from him on this date. During the interview, Lieutenant Druzvik was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

During the interview, I asked Lieutenant Druzvik if he felt that he had an expectation of privacy in the City Commission Chambers. Lieutenant Druzvik replied that he did feel that he had an expectation of privacy. When I asked him if he was aware if the City Commission Chambers are audio and visually recorded with a posted sign stating so, he stated he understood that they were but he perceived that meant only during City Commission meetings or workshop meetings. *(The following is verbatim from the statement transcript of Lieutenant Michael Druzvik, pg. 3):*

Q. OKAY. UM...IN YOUR OWN OPINION, DO YOU BELIEVE THAT THERE WAS AN EXPECTATION OF PRIVACY, WITHIN THE COMMISSION CHAMBERS?

A. JUST BASED SOLELY ON THAT QUESTION?

Q. YES.

A. I FEEL SO.

Q. ARE YOU AWARE THAT THE...COMMISSION CHAMBERS ARE AUDIO AND DIGITALLY RECORDED; AND IT'S POSTED AS WELL?

A. AND I, I UNDERSTAND THAT. BUT I DO PERCEIVE THAT AS DURING...CITY COMMISSION MEETINGS OR WORKSHOP MEETINGS.

I then asked Lieutenant Druzvik if he was aware of a sign that reads "Attention: Audio and video equipment in use. This meeting is being streamed live on www.margatefl.com." Lieutenant Druzvik stated that he could never say that he has seen it. Furthermore, he stated that he does not recall ever looking to see if there was a sign. *(The following is verbatim from the statement transcript of Lieutenant Druzvik, pg. 3-4):*

Q. UM, BUT THIS WAS IN THE CITY COMMISSION CHAMBERS, OBVIOUSLY WITH COVID RESTRICTIONS AND THINGS LIKE THAT, UM...THAT'S WHERE THE MEETING WAS HELD. DO YOU KNOW, OR DID YOU SEE...DO YOU KNOW OF, OR DID YOU SEE THE SIGN THAT IS POSTED IN THE CITY COMMISSION CHAMBERS THAT READS, "ATTENTION: AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING STREAMED LIVE ON WWW.MARGATEFL.COM"?

A. I'VE...I CAN NEVER SAY THAT I'VE SEEN IT. I MEAN, I BELIEVE IT'S THERE, BUT I DON'T RECALL EVER LOOKING TO SEE IF THERE WAS A SIGN.

I then asked Lieutenant Druzvik if he had reason to believe that any of his peers in that meeting were audio or digitally recording the meeting. He stated, "Absolutely not." I asked Lieutenant Druzvik if Lieutenant Kriplean contacted him in any way via text, phone call, or by asking him if he wanted a copy of the audio recording that he made at the meeting. Lieutenant Druzvik stated that he had no idea that there was a recording made, nor did he speak to Lieutenant Kriplean about such recording. *(The following is verbatim from the statement transcript of Lieutenant Druzvik, pg. 4):*

Q. OKAY. UM...AFTER THE MEETING, DID...DID LIEUTENANT KRIPLEAN COME UP TO YOU, OR TEXT YOU, OR MAKE A PHONE CALL AND ASK YOU IF YOU WANTED A COPY OF THE AUDIO RECORDING THAT HE MADE FOR THE MEETING?

A. NO. I HAD NEVER...ANY IDEA THAT THERE WAS ANY AUDIO RECORDING, NOR HAD I SPOKEN TO HIM IN REGARDS TO ANYTHING LIKE THAT.

Q. DID ANY OF THE OTHER PARTICIPANTS IN THE MEETING, MEANING THE LIEUTENANTS, THE CAPTAINS OR THE CHIEF, DID ANYONE EVER APPROACH YOU AND SAY...HEY, I'VE GOT A COPY OF A MEETING FROM BOB. DO YOU WANT A COPY OF THE, THE DIGITAL RECORDING OF THE MEETING?

A. NO.

During Lieutenant Druzvik's statement, he emphasized that he lost his trust in Lieutenant Kriplean because of this allegation. Furthermore, he showed a concern that the office that he shares with all of the Patrol Lieutenants, including Lieutenant Kriplean, may be bugged with an audio or video recording device. Lieutenant Druzvik stated that this thought is something that he now has to keep in the back of his head. *(The following is verbatim from the statement transcript of Lieutenant Druzvik, pg. 4):*

A. WELL, I WOULD LIKE TO ADD TO THIS STATEMENT IN REGARDS TO SOMETHING...WHEN WE WERE IN THIS MEETING, UM...I BELIEVE IT WAS THE CHIEF, WHEN HE WAS TALKING TO US ALL, AND BASICALLY...AS US ALL BEING COMMAND STAFF UM, LEADERS WITHIN THIS AGENCY, STUFF THAT WAS BEING DISCUSSED IN THIS MEETING AND DIFFERENT TOPICS, WAS NOT TO BE TALKED ABOUT AMONGST ANYONE ELSE IN THE AGENCY. THIS WAS A TIME FOR US ALL TO BE ABLE TO SPEAK TOGETHER, TO TALK ABOUT DIFFERENT TOPICS, DIFFERENT ISSUES AND BASICALLY TO KEEP IT, INSIDE THIS ROOM. BECAUSE THINGS GET BROUGHT OUT, OR SPOKE ABOUT TO...WHETHER IT'S THE ROAD PATROL SERGEANT OR OFFICERS, AND THEN THINGS JUST ESCALATE INTO...NOT REALLY WHAT OCCURRED, OR A STORY GETS BLOWN OUT OF PROPORTION. SO THE WAY I PERCEIVED THAT, BECAUSE EVEN AFTER THAT MEETING, MY SERGEANT ASKED ME HOW DID IT GO? I BASICALLY TOLD HIM, OH THE MEETING WAS GOOD, ETC., ETC. I DIDN'T GET INTO ANY SPECIFICS OF SOME OF THE HEATED, CRAZINESS THAT WENT ON, BECAUSE OF THE...SPECIFICALLY WHAT THE CHIEF HAD DIRECTED ME. SO AT NO POINT IN THAT ENTIRE MEETING WOULD I HAVE EVER IMAGINED THAT SOMETHING WAS BEING RECORDED. BECAUSE I EVEN SPOKE ON SEVERAL TOPICS, DURING THAT MEETING, UM...ABOUT MY OPINION ABOUT SOME THINGS THAT I FELT WERE WRONG; AND I FELT THAT I WAS A VICTIM OF SOME WRONGNESS IN CERTAIN THINGS. I BROUGHT IT OUT AND I SPOKE ABOUT IT; AND TO KNOW NOW THAT THAT WAS RECORDED AND LEFT THAT ROOM...I HAVE A PROBLEM WITH THAT. THEN ALSO, KNOWING THAT IT WAS A CO-WORKER, ANOTHER CO-COMMANDER, WHO I SHARE AN OFFICE WITH. THERE'S FOUR LIEUTENANTS WHO SHARE ONE OFFICE, AND NOW I HAVE TO THINK IN THE BACK OF MY HEAD...IS THIS OFFICE BEING BUGGED WITH AN AUDIO OR VIDEO RECORDING. YOU CAN HAVE ANY DEVICE IN THE MARKET, ON AMAZON, ANYWHERE; AND NOW I HAVE TO HAVE THIS IN THE BACK OF MY HEAD. SO I HAVE A PROBLEM WITH THE WAY THIS IS ALL GOING DOWN. IT'S, IT'S NOT RIGHT.

On March 18, 2021, I met with Lieutenant Alain Banatte in the Internal Investigations Unit office. A sworn taped witness statement was obtained from him on this date. During the interview, Lieutenant Banatte was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

I asked Lieutenant Banatte if he was present at the command staff meeting and if he felt that he had an expectation of privacy within the City Commission Chambers. Lieutenant Banatte stated that he did have an expectation of privacy for a closed door command staff meeting. *(The following is verbatim from the statement transcript of Lieutenant Banatte, Pg. 3):*

Q. FOR THE COMMAND STAFF MEETING, OKAY. UM...WERE ALL OF THE LIEUTENANTS AND CAPTAINS, ALONG WITH THE CHIEF, PRESENT AT THAT COMMAND STAFF MEETING?

A. YES.

Q. AND WHERE WAS THAT MEETING HELD?

A. THE COMMISSION CHAMBERS.

Q. WAS LIEUTENANT ROBERT KRIPLEAN PRESENT AT THAT MEETING?

A. YES.

Q. DO YOU FEEL THAT YOU HAD ANY EXPECTATION OF PRIVACY WITHIN THE COMMISSION CHAMBERS?

A. FOR THAT MEETING? YES, I HAD AN EXPECTATION OF PRIVACY, AS FAR AS THE MEETING GOES. UH, BECAUSE IT WAS KIND OF A...CLOSED DOOR UM, COMMAND STAFF MEETING, TO JUST GO OVER...YA KNOW, SOME UH, I GUESS, ISSUES, I WOULD SAY.

Q. COMMAND ISSUES?

A. YES.

Q. ADMINISTRATIVE ISSUES?

A. CORRECT.

I then asked Lieutenant Banatte if he was aware of the permanently affixed cameras and audio equipment that was inside the commission chambers and the posted sign indicating such. Lieutenant Banatte stated that he was aware of the video and audio equipment as well as the posted sign. However, he stated that he knew that the sign was there but that he assumed that the cameras were only functioning during commission meetings. *(The following is verbatim from the statement transcript of Lieutenant Banatte, Pg. 3):*

Q. OKAY. UM, ARE YOU AWARE OF THE AFFIXED, OR PERMANENTLY AFFIXED CAMERAS AND AUDIO EQUIPMENT THAT IS INSIDE OF THE COMMISSION CHAMBERS?

A. YES.

Q. DO YOU KNOW OF, OR DID YOU SEE A SIGN THAT IS POSTED WITHIN THE CITY COMMISSION CHAMBERS THAT READS, "ATTENTION AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING STREAMED LIVE ON WWW.MARGATEFL.COM?

A. UH, YES I BELIEVE I'VE SEEN THAT SIGN BEFORE, BUT I JUST ASSUMED THAT'S ONLY FUNCTIONING WHEN THERE'S COMMISSION MEETINGS.

I asked Lieutenant Banatte if Lieutenant Kriplean personally asked him if he wanted a copy of the meeting that he had recorded. Lieutenant Banatte stated that he did not know that the meeting was recorded until he walked into the Internal Investigations Unit office for the interview. *(The following is verbatim from the statement transcript of Lieutenant Banatte, Pg. 4):*

Q. AT ANY TIME AFTER THE MEETING, DID LIEUTENANT KRIPLEAN COME TO YOU AND ASK YOU IF YOU WANTED A COPY OF THE MEETING FOR WHATEVER PURPOSE IT MIGHT HAVE BEEN?

A. NO.

Q. UH, DO YOU KNOW OF ANYONE THAT...LIEUTENANT KRIPLEAN WENT UP TO, PERSONALLY, AND SAID, HEY...I HAVE A COPY OF THIS MEETING, DO YOU WANT IT?

A. I DIDN'T KNOW HE EVEN RECORDED IT, UNTIL...I WALKED INTO HIS OFFICE THERE.

Furthermore, Lieutenant Banatte stated that if the allegation was sustained against Lieutenant Kriplean, this would be a violation of his (Banatte's) trust and the trust of his peers. He stated that he personally did not like that the recording was kept a secret and in his (Banatte's) opinion, he believed that Lieutenant Kriplean was up to something. *(The following is verbatim from the statement transcript of Lieutenant Banatte, Pg. 4):*

A. BECAUSE IT'S A VIOLATION...THAT'S A VIOLATION OF MY TRUST AND, AND THE TRUST OF...HIS PEERS. UH...IF HE OR ANYBODY ELSE WANTS TO RECORD AND SAYS, HEY...I'M GOING TO RECORD IT, WHATEVER...UM, I PROBABLY WOULDN'T HAVE AN OBJECTION TO IT. BUT FOR YOU TO SECRETLY RECORD A MEETING; HOW DO I KNOW YOU'RE NOT GOING TO RECORD...EVERY INTERACTION I HAVE WITH YOU? UM, TO ME, WHAT'S THE...IF THE GOAL IS POSITIVE, OR YOU'RE TRYING TO JUST CAPTURE MINUTES OR CAPTURE THE MEETING, THEN THERE'S NO REASON THAT YOU CAN'T SAY IT OUT IN THE OPEN, OR BRING IT TO EVERYONE'S ATTENTION. THE FACT THAT, KEEP IT A SECRET, AND UH...(UNINTELLIGIBLE), IN MY OPINION, YOU'RE UP TO SOMETHING. SO...

On March 18, 2021, I met with Lieutenant Efrain Suarez in the Internal Investigations Unit office. A sworn taped witness statement was obtained from him on this date. During the

interview, Lieutenant Suarez was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

I asked Lieutenant Suarez if he was present at the command staff meeting and if he felt that he had an expectation of privacy within the City Commission Chambers. Lieutenant Suarez stated that he believed that he did have an expectation of privacy under the circumstances of the command staff meeting. He stated he was aware of the recording capabilities within the commission chambers but only for commission meetings. Furthermore, I asked him if he knew of the posted sign within the commission chambers that stated that audio and video equipment was in use. *(The following is verbatim from the statement transcript of Lieutenant Suarez, Pg. 3):*

Q. ONE OF THE QUESTIONS THAT I HAVE FOR YOU IS...DO YOU BELIEVE, DO YOU PERSONALLY BELIEVE THAT YOU HAD AN EXPECTATION OF PRIVACY WITHIN THE CITY COMMISSION CHAMBERS?

A. WELL, THAT'S A LITTLE BIT OF A COMPLICATED SITUATION. SO...YES, UNDER THE FACT THAT IT WAS A COMMAND STAFF MEETING, AND NOT A COMMISSION MEETING. BUT...I'M AWARE OF THE RECORDING CAPABILITIES OF THE COMMISSION CHAMBERS.

Q. ARE YOU AWARE OF A SIGN THAT IS POSTED IN THE COMMISSION CHAMBERS THAT READS, "ATTENTION: AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING LIVE STREAMED ON...I'M SORRY, STREAMED LIVE ON WWW.MARGATEFL.COM"?

A. I AM.

I asked Lieutenant Suarez if he had prior knowledge that a recording existed and if Lieutenant Kriplean personally asked him if he wanted a copy of the meeting that he had recorded. Lieutenant Suarez stated that he did not know that the meeting was recorded nor did he know if the recording was shared with or listened to by anyone. *(The following is verbatim from the statement transcript of Lieutenant Suarez, Pg. 4):*

Q. OKAY. SO YOU SAID YOU WERE NOT AWARE OF ANYONE RECORDING IT, SO THEN THEREFORE, YOU WOULD HAVE NEVER GIVEN YOUR CONSENT TO...FOR A RECORDING TO TAKE PLACE?

A. ABSOLUTELY NOT.

Q. OKAY. DO YOU KNOW OF...OR WERE YOU INFORMED BY LIEUTENANT KRIPLEAN THAT HE HAD A...RECORD...AN AUDIO RECORDING OF THE MEETING, PRIOR TO UH...TODAY, YESTERDAY?

A. NO, IT WAS NOT.

Q. DO YOU KNOW OF ANYONE THAT MAY HAVE GOTTEN A COPY, OR HAVE EVEN LISTENED TO THE...ALLEGED AUDIO RECORDING THAT LIEUTENANT KRIPLEAN ALLEGEDLY IS IN POSSESSION OF?

A. NO.

During the conclusion of Lieutenant Suarez's interview, he stated that he had concerns regarding the content of the meeting that was recorded. His concerns dealt with if the recording was of the entire meeting or a snippet of the meeting due to the fact that he and Lieutenant Kriplean had a very contentious interaction during the meeting.

Furthermore, Lieutenant Suarez stated that if the allegations against Lieutenant Kriplean are sustained, it has violated his trust and that it would be hard to move forward with the cohesiveness of the command staff. *(The following is verbatim from the statement transcript of Lieutenant Suarez, Pg. 4):*

Q. THE CONCERNS THAT YOU HAVE ARE BASICALLY...SHOULD THIS BE A RECORDING OF THE ENTIRE MEETING...

A. UM, HUM.

Q. UM, IS ONE THING, CORRECT?

A. CORRECT.

Q. BUT IF IT IS ONLY A...SMALL SNIPPET OF APPARENTLY SOME TYPE OF VERBAL ISSUE THAT YOU AND LIEUTENANT KRIPLEAN HAVE, THAT WOULD BE ONE OF YOUR OTHER CONCERNS THEN, CORRECT?

A. RIGHT, I WOULD HAVE ADDITIONAL CONCERNS, IF IT WAS JUST...

Q. WHAT...?

A. SO...

Q. WILL YOU, WILL YOU ELABORATE ON WHAT THEY ARE?

A. ABSOLUTELY. SO...IF IT WAS A RECORDING OF THE ENTIRE COMMAND STAFF MEETING UH, YA KNOW, LIKE...A COMMAND STAFF MEETING IS...RESTRICTED TO PEOPLE OF A CERTAIN RANK.

Q. CORRECT.

A. SOMETIMES IT COULD INCLUDE SERGEANTS, SOMETIMES IT'S LIEUTENANTS. THIS PARTICULAR CASE, IT WAS LIEUTENANTS, CAPTAINS AND THE CHIEF. THOSE SPECIFIC PEOPLE WERE INVITED FOR A REASON, RIGHT? SO...WHEN WE GO THERE, THERE'S THIS

EXPECTATION THAT WE CAN SPEAK, SOLVE PROBLEMS IN THE AGENCY. WE CAN...HASH OUT DIFFERENCES OF OPINIONS. WE CAN DO ALL OF THOSE THINGS AND TRUST THAT THOSE THINGS ARE GOING TO REMAIN THERE; AND THAT WHEN WE LEAVE THERE, THAT WE'RE GOING TO...MOVE FORWARD IN A COHESIVE FASHION.

Q. WORK ON THE ISSUES THAT WERE DISCUSSED IN THE MEETING?

A. RIGHT.

Q. OKAY.

A. THAT IF WE HAVE DIFFERENCES OF HOW THOSE THINGS ARE GOING TO BE DONE, IT'S DONE IN THOSE MEANS. BUT ONCE WE LEAVE THAT MEETING, WE'RE ALL WORKING IN THE SAME DIRECTION. EVEN THOUGH WE MAY HAVE GONE INTO THE MEETING BEFOREHAND, HAVING DIFFERENCES OF HOW WE WANT TO APPROACH THINGS. WE HASH THOSE OUT, BEHIND CLOSED DOORS. SO THAT NOBODY HAS TO SEE THAT WE DON'T NECESSARILY AGREE. WE COME TO OUR CONCLUSIONS OF HOW WE'RE GOING TO MOVE FORWARD, AND THEN WE COME OUT A COHESIVE UNIT AT THE END OF IT. THIS, HAS VIOLATED THAT TRUST. NOW, IF THERE'S THIS RECORDING OF THIS ENTIRE MEETING...I HAVE QUESTION AS TO WHETHER OR NOT I CAN GO INTO A, A MEETING IN THE FUTURE AND TRUST THAT THOSE CONVERSATIONS ARE GOING TO REMAIN THAT WAY.

Q. AND THAT, THAT CONCERN IS SPECIFICALLY WHY THIS INVESTIGATION IS, IS GOING IN THE DIRECTION THAT IT IS. BECAUSE OF...THAT TRUST FACTOR THAT IS...IMPORTANT FOR THE COHESIVENESS OF THE DEPARTMENT.

A. OF COURSE.

Q. THAT TRUST FACTOR HAS TO BE THERE, IN ORDER TO...MAKE A POSITIVE IMPACTS ON THIS DEPARTMENT EVERYDAY.

A. UM, HUM.

On March 18, 2021, I met with Captain Laura Sudman in the Internal Investigations Unit office. A sworn taped witness statement was obtained from her on this date. During the interview, Captain Sudman was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

I asked Captain Sudman if she was aware of the permanently affixed cameras and audio equipment that was inside the commission chambers and the posted sign indicating such. I also asked her if she had an expectation of privacy within the City Commission Chambers. Captain Sudman stated that she was aware of the video and audio equipment as well as the posted sign. However, she stated that she assumed that the audio and video equipment was off and was only operational during City Commission meetings. She stated that she felt that she had an expectation of privacy because the meeting was private and that it was not a public meeting. *(The following is verbatim from the statement transcript of Captain Sudman, Pg. 3):*

Q. OKAY. UH, DO YOU BELIEVE THAT YOU HAD AN EXPECTATION OF PRIVACY WITHIN THE CITY COMMISSION CHAMBERS?

A. YES.

Q. UM, ARE YOU AWARE OF A POSTED SIGN THAT READS, "ATTENTION: AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING STREAMED LIVE ON MARGATE...UH, WWW.MARGATEFL.COM"?

A. UM, I...I KNOW A SIGN EXISTS. BUT I DIDN'T SEE IT THAT DAY.

Q. OKAY. UM, WERE YOU MADE AWARE THAT, THAT A RECORDING WAS GOING ON...IN THE COMMISSION CHAMBERS?

A. NO.

Q. UM, WERE YOU AWARE, OR DID YOU BELIEVE AT ANY TIME, THAT ANY OF THE CAMERAS THAT ARE IN THERE, PERMANENTLY AFFIXED, THAT THEY WERE WORKING?

A. WORKING? MEANING OPERATIONAL?

Q. CORRECT.

A. UM, SO...MY UNDERSTANDING IS THAT WHEN A, WHEN A COMMISSION UH, MEETING OR OTHER...PUBLIC MEETING IS HAPPENING, THAT THOSE THINGS ARE UM, UH...ON. BUT FOR THE PURPOSES OF WHAT WE WERE DOING...NO...

Q. IT'S NOT, IT'S NOT THE NORM?

A. I, I ASSUMED...I ASSUMED THEY WERE OFF.

Q. OKAY.

A. BECAUSE IT WASN'T A PUBLIC MEETING, IT WAS A PRIVATE MEETING.

On March 22, 2021, I met with Lieutenant Ryan McCarthy in the Internal Investigations Unit office. A sworn taped witness statement was obtained from him on this date. During the interview, Lieutenant Ryan McCarthy was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

I asked Lieutenant R. McCarthy if he was aware of the permanently affixed cameras and audio equipment that was inside the commission chambers and the posted sign indicating such. I also asked him if he had an expectation of privacy within the City Commission Chambers. Lieutenant R. McCarthy stated that he was aware of the cameras, but that he did not specifically

remember seeing the posted sign. He stated that he felt that he had an expectation of privacy because the meeting was private amongst the group of commanders and the Chief. *(The following is verbatim from the statement transcript of Lieutenant R. McCarthy, Pg. 3):*

Q. OKAY. UM, ARE YOU AWARE OF AUDIO AND DIGITAL RECORDING EQUIPMENT THAT IS PERMANENTLY AFFIXED IN THAT...IN THE...SPACE THAT IS THE CITY COMMISSION CHAMBERS?

A. I KNOW THERE'S A CAMERA UH, IN THERE. UM, BECAUSE I HAVE SEEN SOME CITY COMMISSION MEETINGS, BUT I...I DON'T KNOW WHERE IT IS SPECIFICALLY. I'VE NEVER LIKE, LOOKED FOR IT, IN THAT ROOM, SO...

Q. OKAY. UH, ARE YOU AWARE OF ANY SIGNS OR NOTIFICATIONS OF DIGITAL OR AUDIO EQUIPMENT BEING UTILIZED IN THAT ROOM?

A. I'M NOT AWARE. UM, THERE MAY BE, BUT I...I NEVER TAKE A LOOK, YA KNOW. I, I DIDN'T LOOK FOR IT.

Q. OKAY. SO YOU HAVE NOT SEEN THE, THE SIGN THAT'S POSTED INSIDE, RIGHT INSIDE THE DOOR THAT SAYS, "ATTENTION AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING STREAMED LIVE ON WWW.MARGATEFL.COM"?

A. NO. AGAIN, I DON'T PAY ATTENTION TO, TO THAT.

Q. OKAY. UM, WHEN YOU WALKED INTO THE COMMISSION CHAMBERS FOR THE MEETING. DID YOU BELIEVE THAT YOU HAD AN EXPECTATION OF PRIVACY WITHIN THE COMMISSION CHAMBERS?

A. UM...I BELIEVED THAT WHAT WAS BEING DISCUSSED IN THERE WAS PRIVATE AMONGST THE GROUP OF COMMANDERS AND THE CHIEF.

Furthermore, I asked Lieutenant R. McCarthy if he was aware that Lieutenant Kriplean had made a recording of the command staff meeting and if so was he offered a copy of it. Lieutenant R. McCarthy stated that he was not aware of the recording until the time of his interview nor was he ever offered a copy. *(The following is verbatim from the statement transcript of Lieutenant R. McCarthy, Pg. 5):*

Q. OKAY. PRIOR TO SPEAKING WITH ME TODAY, DO YOU HAVE ANY KNOWLEDGE OF A RECORDING THAT LIEUTENANT KRIPLEAN HAD MADE OF THAT MEETING?

A. NO.

Q. DID HE EVER OFFER YOU A COPY OF THE VIDEO...SORRY. DID HE EVER OFFER YOU A COPY, OR TO LISTEN TO THE AUDIO RECORDING THAT HE HAD MADE, OF THAT MEETING?

A. NO.

Q. DO YOU KNOW OF ANYONE THAT WAS IN THAT MEETING, THAT LIEUTENANT KRIPLEAN MAY HAVE SPOKEN TO THAT YOU HEARD...THAT SAID, OH...LIEUTENANT KRIPLEAN SAID HE RECORDED IT, AND HE TRIED TO GIVE ME A COPY OF IT. I DIDN'T WANT IT OR I TOOK IT?

A. NO.

On March 23, 2021, I met with Lieutenant Ashley McCarthy in the Internal Investigations Unit office. A sworn taped witness statement was obtained from her on this date. During the interview, Lieutenant A. McCarthy was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

I asked Lieutenant A. McCarthy if she was aware of the audio and video recording equipment located with the City Commission chambers and if she was aware of the sign that is posted on the wall indicating such. Lieutenant A. McCarthy stated that she was aware of the video and audio recording equipment and the sign posted on the wall. She further stated that the sign posted on the wall was intended for public meetings only. Lieutenant A. McCarthy stated that the sign is required so that the public can listen to or view publicly held meetings of two or more board members whereas anything that is discussed and is actionable, that the public has a right to see it. *(The following is verbatim from the statement transcript of Lieutenant A. McCarthy, Pg. 3):*

Q. UM, ARE YOU AWARE OF THE PERMANENTLY AFFIXED AUDIO AND VIDEO RECORDING EQUIPMENT THAT'S WITHIN THE CITY COMMISSION CHAMBERS?

A. YES.

Q. ARE YOU AWARE OF A SIGN THAT IS IN THE CITY COMMISSION CHAMBERS THAT SAYS, "ATTENTION: AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING STREAMED LIVE ON WWW.MARGATEFL.COM"?

A. YES.

Q. UM, WHAT IS YOUR UNDERSTANDING OF WHY THAT SIGN IS THERE?

A. ACCORDING TO THE SUNSHINE LAW, THE PUBLIC MEETINGS HELD BY BOARD MEMBERS OR CITY COMMISSIONERS MUST BE OPEN TO THE PUBLIC. ANYTIME TWO OR MORE MEMBERS OF THE BOARD, OR TWO OR MORE COMMISSIONERS ARE MEETING TO DISCUSS ANYTHING THAT COULD BE ACTIONABLE, THE PUBLIC HAS THE RIGHT TO SEE IT, HEAR IT AND HAVE A TRANSCRIPT OF IT. IT'S MY UNDERSTANDING THAT THAT RECORDING EQUIPMENT AND THE SIGN ARE IN THERE, BECAUSE NORMALLY THOSE MEETINGS THAT ARE PUBLIC, ARE ATTENDED BY THE CITIZENRY WHEN WE COULD HAVE PUBLIC MEETINGS IN PERSON. WHEN THEY ARE NOT, WE DO STREAM THOSE ON...SOME LOCAL PUBLIC STATION. WE ALSO AUDIO AND VIDEO RECORD THEM AND PUT THEM ON THE CITY WEBSITE, SO OTHER PEOPLE CAN WATCH THEM AT A LATER TIME. WE ALSO DO THAT WITH

SPECIAL MAGISTRATES AND THE DRC MEETINGS, WHICH I ATTEND BOTH ON A REGULAR BASIS.

I then asked Lieutenant A. McCarthy if she felt that it was necessary to ask any of her peers at the meeting if they were recording the meeting. She stated that she felt that she had an expectation of privacy and that she did not feel that it was okay to be recorded without her consent. Lieutenant A. McCarthy stated that she had no reason to believe that she was going to be recorded that day. *(The following is verbatim from the statement transcript of Lieutenant A. McCarthy, Pg. 4):*

Q. WHEN YOU WERE AT THIS MEETING, DID YOU FEEL IT NECESSARY TO ASK ANY OF YOUR PEERS IF THEY WERE RECORDING YOU, OR...WAS IT OKAY FOR YOU TO BE RECORDED?

A. NO, I DO NOT FEEL IT WAS OKAY FOR ME TO BE RECORDED WITHOUT MY CONSENT. I DID HAVE AN EXPECTATION OF PRIVACY, BASED ON THE MEETING AND THE FACT THAT IN THE PAST, ALL COMMAND STAFF MEETINGS HAVE BEEN HELD IN...USUALLY THE EXECUTIVE CONFERENCE ROOM, WHERE THERE IS NO RECORDING EQUIPMENT. I HAVE NO REASON TO BELIEVE I WAS GOING TO BE RECORDED.

Furthermore, I asked Lieutenant A. McCarthy if Lieutenant Kriplean had offered her the recording or if he had offered it to anyone else in the meeting. Lieutenant A. McCarthy responded, "Absolutely not." *(The following is verbatim from the statement transcript of Lieutenant A. McCarthy, Pg. 4):*

Q. DID LIEUTENANT KRIPLEAN, BY ANY CHANCE, OFFER THE RECORDING TO YOU, AFTER THE MEETING?

A. ABSOLUTELY NOT.

Q. DO YOU KNOW OF ANYONE ELSE, OTHER THAN YOURSELF, THAT LIEUTENANT KRIPLEAN MAY HAVE ASKED IF THEY WANTED A COPY OF THE MEETING?

A. ABSOLUTELY NOT.

On March 29, 2021, I met with Captain Joseph Galaska in the Internal Investigations Unit office. A sworn taped witness statement was obtained from him on this date. During the interview, Captain Galaska was asked a series of questions pertaining to the allegations made against Lieutenant Robert Kriplean.

I asked Captain Galaska if he was aware of the audio and video recording equipment located with the City Commission chambers and if he was aware of the sign that is posted on the wall indicating such. Captain Galaska stated that he was aware of the recording equipment because he had attended commission meetings and CRA meetings. Captain Galaska stated that he never

noticed the sign that was posted in the chambers. I asked Captain Galaska if there was a possibility that the meeting was going to be recorded. He replied, "Uh, it could be recorded." He also stated that he was not concerned that the meeting could be recorded or that it was not recorded. *(The following is verbatim from the statement transcript of Captain Joseph Galaska, pg. 3):*

Q. AND WERE YOU AWARE UM, THAT THERE ARE PERMANENTLY AFFIXED UH, AUDIO AND VIDEO RECORDING DEVICES THAT ARE IN THE CITY COMMISSION CHAMBERS?

A. YES.

Q. HOW DO YOU KNOW THAT?

A. I ATTENDED A LOT OF CRA MEETINGS AND OTHER MEETINGS IN THAT UH, THERE. I'VE WATCHED AND...ATTENDED, SO I KNOW THAT THEY'RE TELEVISED ON THE NEWS AND ALSO ON A WEBSITE.

Q. OKAY. ARE YOU AWARE, OR HAVE YOU SEEN A SIGN THAT IS IN THE CITY COMMISSION CHAMBERS THAT READS, "ATTENTION: AUDIO AND VIDEO EQUIPMENT IN USE. THIS MEETING IS BEING STREAMED LIVE ON WWW.MARGATEFL.COM"?

A. I DON'T KNOW IF I'VE EVER NOTICED THE SIGN.

Q. DO YOU FEEL THAT THERE WAS A...IMPLIED CONSENT, BY BEING IN THE CITY COMMISSION CHAMBERS, BECAUSE OF THE AUDIO EQUIPMENT THAT WAS IN THERE, THAT THERE WAS THE POSSIBILITY THAT THE MEETING COULD BE RECORDED?

A. UH, IT COULD BE RECORDED. I DON'T KNOW...TO MY KNOWLEDGE, THE EQUIPMENT ISN'T RUNNING ALL THE TIME; SOMEBODY HAS TO INITIATE THE EQUIPMENT TO START RECORDING. I DIDN'T REALLY THINK OF IT, ONE WAY OR THE OTHER, TO TELL YOU THE TRUTH.

Q. OKAY.

A. YA KNOW...DURING THAT MEETING, I WASN'T CONCERNED THAT IT WAS BEING RECORDED. I DIDN'T KNOW IT WOULD BE RECORDED. I ALSO DIDN'T KNOW THAT I WOULD NOT BE RECORDED. LIKE I SAID, IT'S NOT SOMETHING THAT I REALLY THOUGHT ABOUT IN THE MEETING.

Q. OKAY; AND WHY, WHY IS THAT?

A. GENERALLY WE HAVE OUR MEETINGS UH, WHENEVER WE HAVE A COMMAND STAFF MEETING, I DON'T RECALL EVER A TIME THAT IT WAS RECORDED. UM, BUT I JUST WASN'T CONCERNED IF IT WAS OR WAS NOT, BY THE EQUIPMENT THAT WAS THERE.

During the interview, I asked Captain Galaska, if at any time, did Lieutenant Kriplean have a conversation with him where Lieutenant Kriplean offered to give him (Captain Galaska) a copy of the audio recording of the command staff meeting. Captain Galaska stated that he received a text message from Lieutenant Kriplean on Friday, March 12, 2021. Captain Galaska stated that Lieutenant Kriplean had sent the message to Captain Michael Palma as well. In that specific text message, Captain Galaska stated that Lieutenant Kriplean indicated that he had listened to the audio recording from the meeting several times and that he (Lieutenant Kriplean) did not say something that somebody was saying that he said. Captain Galaska stated at that point, the text conversation ended and that he contacted Captain Palma and communicated with him that Lieutenant Kriplean recorded the meeting and that they would have to notify Chief Shaw. *(The following is verbatim from the statement transcript of Captain Joseph Galaska, pg. 4):*

Q. OKAY. AT ANY TIME AFTER THE MEETING WAS HELD, DID YOU HAVE A CONVERSATION WITH LIEUTENANT KRIPLEAN, WHERE HE OFFERED TO GIVE YOU OR ANYONE ELSE, A COPY OF THE AUDIO RECORDING?

A. YES. IT WAS A TEXT MESSAGE THAT UH, HE HAD SENT TO ME AND CAPTAIN PALMA ON THE...UH, FRIDAY THE 12TH.

Q. OKAY.

A. AND IN THAT TEXT MESSAGE, HE HAD MENTIONED THAT HE HAD LISTENED TO IT SEVERAL TIMES AND, DIDN'T STATE SOMETHING THAT SOMEBODY WAS SAYING HE STATED. UM...THAT'S KIND OF WHERE THAT CONVERSATION STOPPED, AT THAT POINT I...COMMUNICATED WITH CAPTAIN PALMA AND SAID, THIS HAS BEEN RECORDED, WE'RE PROBABLY GOING TO HAVE TO NOTIFY THE CHIEF IT WAS RECORDED.

Furthermore, I asked Captain Galaska if he did in fact notify Chief Shaw about the recording. Captain Galaska stated that he was out sick for two weeks, but that he knew that the Chief was notified. Captain Galaska stated that Captain Palma indicated that Chief Shaw did know about the recording. *(The following is verbatim from the statement transcript of Captain Joseph Galaska, pg. 6):*

Q. OKAY. DID YOU ULTIMATELY END UP TELLING THE CHIEF, OR CAPTAIN PALMA...UH, I MEAN...RELAYING THAT INFORMATION TO THE CHIEF OF POLICE?

A. I...WHAT I REMEMBER WAS THAT...AFTER ME AND CAPTAIN PALMA TALKED, WE SAID WE'RE GOING TO HAVE TO NOTIFY THE CHIEF ON MONDAY THAT THIS OCCURRED. UH, THAT THERE'S A COPY OF...POTENTIALLY SOME, A RECORDING OF THIS MEETING. HOWEVER, THAT SATURDAY, I GOT SICK AND I HAVEN'T BEEN TO WORK FOR TWO WEEKS, SINCE THEN. SO, I KNOW THAT SINCE THAT TIME, HE WAS NOTIFIED.

Q. OKAY.

A. AND HOW I KNOW THAT IS, AFTER MONDAY; AND TO BE HONEST WITH YOU, I DON'T REMEMBER IF IT WAS MONDAY OR TUESDAY, UM...CAPTAIN PALMA INDICATED...THAT HE KNEW.

Q. CORRECT. OKAY.

A. THAT'S ALL THAT I KNOW, AS FAR AS...I DON'T KNOW HOW HE GOT THE INFORMATION, OR...OR WHO HAD BEEN THE FIRST TO TELL HIM. AT THAT POINT, I WAS SICK FOR THAT TWO WEEKS, AND I KNEW I DIDN'T HAVE TO, BECAUSE HE ALREADY KNEW.

On April 15, 2021, Lieutenant David Young was given a notice of administrative interview. I was later contacted by Police Benevolent Association (PBA) of Broward County Administrator, Elizabeth Moya. Ms. Moya contacted me on behalf of Lieutenant David Young and his attorney, Michael White. An interview was scheduled for April 28, 2021.

On April 28, 2021, I met with Lieutenant David Young and Attorney Michael White in the Internal Investigations Unit office of the Margate Police Department. Lieutenant Young was afforded all due process rights required by Florida State Statute, the City of Margate's Collective Bargaining Agreement with the Police Benevolent Association, and departmental policy. The Administrative Rights Advisory was read to Lieutenant Young and he initialed and signed the document. The process was audio recorded via digital recorder.

At interview, I asked Lieutenant Young a series of questions regarding the allegation made against him in regards to failing to report a policy violation that was committed in his presence. I also asked him questions pertaining to the allegation made against Lieutenant Kriplean.

I asked Lieutenant Young if he was aware of the video and audio recording equipment that are permanently affixed in the City Commission Chambers. He stated that he was aware of the equipment, but he was not aware that it was operational for the command staff meeting. *(The following is verbatim from the statement transcript of Lieutenant David Young, pgs. 7-8):*

Q. ARE YOU AWARE OF AUDIO AND VIDEO RECORDING EQUIPMENT THAT IS PERMANENTLY AFFIXED IN THE CITY COMMISSION CHAMBERS?

A. YES I AM.

Q. DO YOU KNOW IF THAT AUDIO AND VIDEO RECORDING EQUIPMENT WAS ON DURING THAT MEETING?

A. I HAVE NO IDEA.

Q. DO YOU KNOW IF IT IS OPERATIONAL? OR IF IT WAS OPERATIONAL?

A. ON THAT SPECIFIC DAY? I DON'T KNOW. I, I DO FREQUENTLY WATCH THE...UH, CITY COMMISSION MEETINGS AND THE CRA MEETINGS THAT ARE TELEVISED; AND OFTEN PUT OVER THE INTERNET. I DON'T KNOW IF IT WAS WORKING THAT DAY, BUT I KNOW THAT EQUIPMENT DOES WORK.

Q. OKAY. AT ANY TIME DURING THAT MEETING, DID LIEUTENANT KRIPLEAN STATE TO YOU, EITHER PRIOR TO THE MEETING, OR DURING THE MEETING, THAT ANY OF THAT...THAT THE MEETING THAT HE WAS GOING TO RECORD, THAT MEETING?

A. NO.

Q. AND YOU FOUND OUT ABOUT THAT ONLY AFTERWARDS, AFTER THE MEETING WAS OVER?

A. CORRECT.

Q. THE NEXT DAY, AFTER THE MEETING?

A. THE FOLLOWING DAY.

Q. OKAY. SO, NOBODY IN THERE SAID...FROM WHAT YOU, BEING IN THAT MEETING, NO ONE CONSENTED AND SAID...OH, I CONSENT TO HAVING THIS UH, THIS MEETING RECORDED?

A. I DON'T BELIEVE THAT EVER CAME UP, NO.

Furthermore, Lieutenant Young stated that on March 11, 2021, he spoke with Lieutenant Kriplean in the Lieutenant's Office. Lieutenant Young stated that he told Lieutenant Kriplean that it seemed like people (other Lieutenants) in the room were ganging up on him and were voicing their displeasure with him. According to Lieutenant Young, Lieutenant Kriplean then stated that he had a recording of the meeting and that he had told Chief Shaw about it himself. *(The following is verbatim from the statement transcript of Lieutenant David Young, pg. 8):*

Q. OKAY. WAS THERE ANY TYPE OF INCIDENT THAT OCCURRED DURING THAT MEETING THAT YOU FEEL LIEUTENANT KRIPLEAN WAS TRYING TO DOCUMENT?

A. WELL, I REMEMBER WHEN I CAME INTO WORK THE FOLLOWING DAY, SPEAKING TO LIEUTENANT KRIPLEAN; AND SAYING THAT IT SEEMED LIKE...UH, PEOPLE IN THAT ROOM WERE GANGING UP ON HIM. THAT IT APPEARED THAT THERE WAS A TONE THAT...VARIOUS LIEUTENANTS WERE TAKING A TURN AT VOICING THEIR DISPLEASURE WITH SOMETHING THAT HE HAD DONE. THAT'S WHEN HE SAID, THAT'S WHY...UH, WHEN HE GOT CALLED UP TO THE CHIEF'S OFFICE, THE FOLLOWING MORNING...THAT UH, THE CHIEF STARTED TO TELL HIM THAT HE WAS UPSET WITH HOW HE INTERACTED WITH SOME OF THE LIEUTENANTS, SPECIFICALLY WITH LIEUTENANT SUAREZ. ACCORDING TO LIEUTENANT KRIPLEAN, HE WAS TOLD THAT HE THREATENED LIEUTENANT SUAREZ. THAT'S WHEN LIEUTENANT KRIPLEAN

INFORMED THE CHIEF, ACCORDING TO HIM, THAT HE DID NOT THREATEN LIEUTENANT SUAREZ; AND HE KNOWS THAT BECAUSE HE RECORDED THE CONVERSATION.

Q. OKAY, AND THAT...

A. THAT WAS THE FIRST TIME I HEARD THAT THERE WAS A RECORDING OF THE MEETING.

Q. OKAY. THAT WAS COMING FROM LIEUTENANT KRIPLEAN...?

A. TO ME.

Q. TO YOU?

A. WHEN I CAME INTO WORK, ROUGHLY AROUND 4:00 P.M. THE NEXT DAY.

Q. ON MARCH 11TH?

A. CORRECT.

Lieutenant Young stated that Lieutenant Kriplean told him that he had a meeting with Chief Shaw earlier in the day on March 11, 2021 and told him about the recording. He also stated that he believed that Lieutenant Kriplean told him that both Captain Palma and Captain Galaska knew that Lieutenant Kriplean recorded the command staff meeting as well. *(The following is verbatim from the statement transcript of Lieutenant David Young, pg. 8):*

Q. OKAY. LIEUTENANT KRIPLEAN SPECIFICALLY STATED THAT HE HAD TOLD THE CHIEF THAT HE HAD MADE A RECORDING OF THAT...MEETING?

A. HE, HE SAID HE...WAS UPSTAIRS WITH THE CHIEF; AND I BELIEVE HE HAD MENTIONED BOTH, CAPTAIN GALASKA AND CAPTAIN PALMA, AS WELL, THROUGHOUT THE EARLY PART OF THE DAY AND THAT THEY ALL KNEW THAT HE HAD A COPY OF A RECORDING OF THE ENTIRE MEETING.

Lieutenant Young confirmed that he asked Lieutenant Kriplean for a copy of the recording after Lieutenant Kriplean told him that he had spoken to the Chief and Captains Palma and Galaska. He stated that he did not intend to use the recording for any type of personal, professional, or financial gain. Lieutenant Young stated that he wanted to obtain a factual and accurate recollection of the encounter that Lieutenant Kriplean had with other Lieutenants in the room. He further stated that he was curious about some of the statements even though he was at the meeting. Lieutenant Young stated that Lieutenant Kriplean provided him with the audio recording through the AirDrop feature on both of their iPhones. *(The following is verbatim from the statement transcript of Lieutenant David Young, pg. 9):*

Q. OKAY; AND WAS IT...DID YOU ASK FOR A COPY OF THE FILE, OR DID HE VOLUNTARILY TELL YOU, I'LL GIVE YOU A COPY OF THE FILE?

A. NO, AFTER HE HAD TOLD ME THAT HE HAD BEEN UPSTAIRS THROUGHOUT THE DAY, TALKING WITH THE CAPTAINS AND THE CHIEF; AND THAT HE HAD A COPY OF THE RECORDING. I ASKED HIM...CAN I HAVE A COPY?

Q. OKAY. WHAT WAS YOUR REASONING BEHIND RECEIVING A COPY OF IT? WHAT DID YOU INTEND TO DO WITH IT, AS WELL?

A. I WANTED TO LISTEN TO IT. UH, HE SAID THAT PEOPLE WERE ALREADY TRYING TO PUT WORDS IN HIS MOUTH, THAT HE THREATENED LIEUTENANT SUAREZ IN THAT MEETING. AND THAT HE SAID HE NEVER DID THREATEN HIM, THAT HE JUST SAID, YOU'RE A LIAR! WHEN LIEUTENANT SUAREZ SAID...DON'T, DON'T CALL ME A LIAR! BOB SAID, OR WHAT? I JUST WANTED TO HEAR THAT...THAT INTERACTION BACK AND FORTH, TO MAKE SURE I WAS REMEMBERING THINGS THE WAY THEY ACTUALLY HAPPENED.

Q. SO...WAS THERE ANY INTENT, BY YOU, TO UTILIZE THAT RECORDING FOR ANY TYPE OF...PERSONAL, PROFESSIONAL, OR FINANCIAL GAIN?

A. NO, I WANTED TO HEAR THE CONVERSATION.

Q. IT WAS JUST...

A. THAT I WAS I WAS ALREADY...

Q. CURIOSITY THAT YOU ALREADY...

A. PRIVY TO THE MEETING.

Q. OKAY.

A. I WANTED TO MAKE SURE I WAS LISTENING AND HAD A RECOLLECTION THAT WAS FACTUAL AND ACCURATE, BASED ON THE ENCOUNTER THAT HE HAD WITH OTHER LIEUTENANTS IN THE ROOM.

Q. DID HE PROVIDE YOU WITH A...CD, OR WAS IT AN AUDIO FILE, OR DID HE SHARE IT WITH YOU ON YOUR PHONE?

A. HE SHARED IT WITH ME VIA UM...AIR DROP; AND I DIDN'T KNOW HOW TO DO IT. SO HE HELPED ME...

Along with his attorney, Lieutenant Young agreed to allow me to take a screenshot photograph² of his Apple Iphone which depicted the audio recording sent to him on March 11, 2021. Only one audio file was present on his phone. Lieutenant Young agreed to play the file so that I could

² Ex. 1 – Color photograph of Apple Iphone audio recording file dated March 11, 2021, with a duration of 1 hour, 15 minutes.

determine that it was in fact an audio recording of the command staff meeting. *(The following is verbatim from the statement transcript of Lieutenant David Young, pgs. 9-10):*

Q. OKAY. ONE OF THE QUESTIONS THAT I DO WANT TO ASK YOU IS THAT...EITHER THROUGH YOUR ATTORNEY, BECAUSE I AM FULLY AWARE THAT YOU ARE, IF I ASK YOU FOR CONSENT TO LOOK THROUGH YOUR PHONE, I'M FULLY AWARE THAT YOUR ATTORNEY IS GOING TO TELL ME NO. HOWEVER, WHAT I WOULD STIPULATE TO, IS IF YOU ARE ABLE TO GET A COPY AND TAKE A COPY FROM YOUR CLIENT, IN REGARDS TO IT, SO THAT THE DATE AND TIME STAMP THAT WILL BE ON AN AIR DROP FROM UH, APPLE.

A. (UNINTELLIGIBLE)

Q. I'M SORRY?

MR. WHITE: FROM HIS PHONE TO MINE?

Q. NO, FROM...FOR HIS PHONE, HE CAN EITHER...YOU CAN EITHER VIEW IT, OR ON-VIEW IT AND SEE, OR...IF YOU WILL AGREE TO JUST ONLY HAVE THAT AUDIO FILE UP AND OPEN ON HIS PHONE, BECAUSE THERE WIL BE A DATE AND TIME STAMP THAT'S ON IT.

MR. WHITE: YEAH, THAT'S FINE. I'VE ALREADY SEEN IT.

A. I DON'T CARE. I JUST DON'T KNOW HOW TO GIVE IT TO YOU.

MR. WHITE: I...WELL THE TIME STAMP...THERE'S NO TIME STAMP. THERE'S JUST THE DURATION OF THE AUDIO.

Q. DO YOU HAVE...

A. IF YOU LOOK AT ALL RECORDINGS ON MY PHONE...

Q. SO, MARCH 11TH, 2021, OKAY...

A. IT JUST SHOWS THE LENGTH OF THE...IT DOESN'T SHOW A TIME ON WHEN I GOT IT.

Q. WOULD YOU MIND IF I TAKE A SCREEN SHOT OF THAT? JUST THAT?

A. GO AHEAD.

Q. ON MY PHONE, SO THAT I CAN ADD IT TO THE FILE. BECAUSE I WANT TO MAKE A...THAT IT'S DOCUMENTED THAT IT SAYS MARCH 11TH ON THERE. WOULD YOU PLAY IT SO THAT I KNOW THAT THAT IS THE PART OF THE MEETING?

(RECORDING...CHIEF SPEAKING AT BEGINNING OF THE MEETING.)

Furthermore, Lieutenant Young stated that he did not share the recording with anyone. He stated that once he received notification by me (Sergeant Kostick) that an order was given by the Chief to not share the file, that order was followed. He stated that his attorney, Michael White had not heard it either. *(The following is verbatim from the statement transcript of Lieutenant David Young, pg. 11):*

Q. OKAY. NOW, I HAD CALLED YOU ON THE...17TH OF MARCH, I BELIEVE, WHEN YOU WERE STILL ON VACATION. I INSTRUCTED YOU, DO NOT...AND THAT WAS DIRECTED FROM THE CHIEF, DO NOT SHARE THAT VIDEO UH, THE AUDIO; AND TO...PRESERVE THE AUDIO. DID ANYONE...OR DID YOU OR DID YOU ALLOW ANYONE TO LISTEN TO THE AUDIO, OTHER THAN YOURSELF?

A. NOBODY ELSE HAS EVER HEARD THAT.

Q. EXCEPT YOU AND YOU TODAY, AND...

A. NOT OFF OF MY PHONE. I HAVEN'T ALLOWED ANYBODY. I HAVE...UNTIL NOW, MY ATTORNEY HASN'T EVEN HEARD ANYTHING OFF OF THAT RECORDING.

Lieutenant Young went on to provide me with his justification as to why he did not inform his direct supervisor concerning Lieutenant Kriplean's alleged violation of policy. He stated that he assumed, due to Lieutenant Kriplean's own admissions to him, that Chief Shaw, Captain Palma, and Captain Galaska were already made aware of the recording. Lieutenant Young stated that because of Lieutenant Kriplean's statement to him, he did not feel it necessary "to stick my nose in matters that didn't involve me." He told me that his direct supervisor, Captain Palma was already aware of the existence of the recording because Lieutenant Kriplean informed Captain Palma. *(The following is verbatim from the statement transcript of Lieutenant David Young, pgs. 11-12):*

Q. OKAY. FROM YOUR STATEMENT, YOU SAID THAT YOU...ASSUMED THAT HE HAD ALREADY...TOLD THE CHIEF THAT HE HAD THE RECORDING.

A. THAT'S WHAT HE TOLD ME.

Q. AND...IS THAT THE REASON WHY YOU DIDN'T REPORT THE RECORDING TO ANY OF YOUR SUPERVISORS?

A. ABSOLUTELY. I DIDN'T FEEL THE NEED TO STICK MY NOSE IN MATTERS THAT DIDN'T INVOLVE ME.

Q. OKAY. AT A LATER TIME, DID YOU FIND OUT THAT YES, IN FACT, ANYONE ELSE WAS NOTIFIED ABOUT THAT RECORDING?

A. I WAS TOLD THAT THE TWO CAPTAINS, CAPTAIN PALMA AND CAPTAIN GALASKA, ALONG WITH CHIEF SHAW, WERE ALREADY AWARE OF THE EXISTENCE OF THE RECORDING, BECAUSE BOB HAD INFORMED THEM.

Q. ON THE 11TH?

A. THAT'S WHAT HE TOLD ME, YES.

It should be noted that Captain Michael Palma is the commander that oversees the Field Service Bureau to which both Lieutenant Young and Lieutenant Kriplean fall under Captain Palma's command.

On April 15, 2021, Lieutenant Robert Kriplean was given a notice of administrative interview. I was later contacted by Police Benevolent Association (PBA) of Broward County Administrator, Elizabeth Moya. Ms. Moya contacted me on behalf of Lieutenant Robert Kriplean and his attorney, Michael White. An interview was scheduled for April 29, 2021.

On April 29, 2021, I met with Lieutenant Robert Kriplean and Attorney Michael White in the Internal Investigations Unit office of the Margate Police Department. Lieutenant Kriplean was afforded all due process rights required by Florida State Statute, the City of Margate's Collective Bargaining Agreement with the Police Benevolent Association, and departmental policy. The Administrative Rights Advisory was read to Lieutenant Kriplean and he initialed and signed the document. The process was audio recorded via digital recorder.

At interview, I asked Lieutenant Kriplean a series of questions regarding the allegation made against him. Lieutenant Kriplean admitted that on March 10, 2021, he activated a voice memo-recording feature on his personal cellular telephone with the sole purpose of recording the command staff meeting. Lieutenant Kriplean admitted to having said recording on his personal phone at the time of the interview. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pg. 6):*

Q. ON MARCH 10TH, 2021, AT ABOUT 2:00 O'CLOCK IN THE AFTERNOON, YOU WERE PRESENT FOR A COMMAND STAFF MEETING, CORRECT?

A. CORRECT.

Q. OKAY. AND PRIOR TO THE START OF THAT MEETING, DID YOU ACTIVATE A VOICE MEMO RECORDING ON YOUR PERSONAL CELLULAR PHONE IN THE...UH, IN ORDER TO RECORD THAT COMMAND STAFF MEETING?

A. YES.

Q. DO YOU HAVE A COPY OF THAT RECORDING WITH YOU TODAY?

A. I BELIEVE IT'S STILL ON MY PHONE, YES.

Lieutenant Kriplean went on to explain his intentions behind recording the command staff meeting on that day. Lieutenant Kriplean stated that he had a conversation with Chief Shaw prior to the command staff meeting that Lieutenant Kriplean described as a "heads up" meeting. He explained that Chief Shaw told him that many of the commanders who would be attending the command staff meeting would be discussing things that were directed at him. Lieutenant Kriplean further explained that Chief Shaw intended on soliciting conversation from the other commanders in an attempt have them speak up about things that the commanders felt Lieutenant Kriplean was doing wrong. He stated that because of this conversation with Chief Shaw, he wanted to have a recording or some evidence if the commanders were "making things up about me." *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pg. 6):*

Q. OKAY. WHAT WERE YOUR BASIC INTENSIONS, IN REGARDS TO RECORDING THAT MEETING THAT DAY?

A. WELL UH, PRIOR TO THE MEETING, I HAD HAD A COUPLE OF MEETINGS WITH THE CHIEF OF POLICE, WHERE HE STATED THAT UH, THE MEETING WAS ESSENTIALLY GOING TO BE RESOLVED AROUND ME, PER SAY, AND HOW OTHER SUPERVISORS FELT ABOUT ME. THEN THE DAY BEFORE THE MEETING UH, AGAIN, HE HAD ANOTHER CONVERSATION WITH ME, WHERE HE SAID THAT...HE WAS GIVING ME A HEADS UP THAT A LOT OF PEOPLE WERE GOING TO BE TALKING AND DISCUSSING UH, THINGS ABOUT ME; AND THAT HE WAS GOING TO TRY AND...IF PEOPLE WERE AFRAID TO TALK, THAT HE WAS GOING TO TRY TO ILLICIT CONVERSATION THROUGH HIM, TO GET THEM TO SPEAK UP ABOUT THINGS THAT...THEY FELT, OR THAT I WAS DOING WRONG, PER SAY. SO, I FELT THAT...HEY, IT SEEMED LIKE EVERYBODY WAS KIND OF AGAINST ME AT THIS MEETING, INCLUDING THE CHIEF, BECAUSE IT SEEMED LIKE HE DIDN'T REALLY HAVE MY BACK, PER SAY, IN THE CONVERSATIONS THAT I HAD WITH HIM. SO I THOUGHT WELL, IF EVERYBODY SEEMS TO BE AGAINST ME...THEN I WANTED TO HAVE SOME TYPE OF...UH, RECORDING OR SOME KIND OF UH...EVIDENCE, ABOUT SOMETHING EITHER I WAS SAYING, OR WASN'T SAYING. BECAUSE AGAIN, IF PEOPLE ARE CONSTANTLY MAKING THINGS UP AGAINST ME. UM, YA KNOW, PRIOR TO THE MEETING, HE WAS SAYING THAT...YA KNOW, SEVERAL OF THE THINGS THAT HAVE BEEN RECENTLY GOING ON IN THE DEPARTMENT, WERE BEING BLAMED ON ME, PERSONALLY. UM, SO I FELT...WELL, I WANTED TO HAVE SOME KIND OF RECOLLECTION OF WHAT WAS BEING SAID DURING THAT MEETING FOR MY OWN PURPOSES. SO, IN CASE SOMEBODY WAS MAKING UP LIES AGAINST ME, I COULD GO TO THE CHIEF AND SAY...THIS IS NOT AN ACCURATE REPRESENTATION; HERE'S WHAT WAS TRULY SAID.

I asked Lieutenant Kriplean if he was aware of the potential policy violations and possible criminal implications in recording conversations without a person's consent. Lieutenant Kriplean stated that he was not aware that unauthorized/surreptitious recordings were a policy violation. He further stated that he did not believe that there was any criminal intent on

recording the meeting or the conversations had within the meeting. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pg. 7):*

Q. WERE YOU AWARE OF THE POTENTIAL POLICY VIOLATIONS AND POSSIBLE...CRIMINAL IMPLICATIONS IN RECORDING CONVERSATIONS WITHOUT A PERSON'S CONSENT?

A. IT WAS NOT AWARE OF THE POLICY VIOLATION. UH, HAD I BEEN AWARE OF THE POLICY VIOLATION, I NEVER WOULD HAVE RECORDED UH, THE MEETING. AS FAR AS...CRIMINAL ASPECT, I NEVER BELIEVED THAT UH, THERE WAS ANY CRIMINAL INTENT ON RECORDING THAT CONVERSATION, OR THOSE CONVERSATIONS. I DIDN'T THINK THAT THERE WAS ANY...THERE WAS ANY CRIMINALITY IN WHAT I WAS DOING.

Based upon Lieutenant Kriplean's statement that he was not aware that unauthorized/surreptitious recordings were against policy demonstrates a lack of general workplace proficiency as it pertains to standards of conduct. Lieutenant Kriplean has been an employee of the City of Margate for over twenty years. During that time, Lieutenant Kriplean knew or should have known that General Order 7.3.104 was drafted and implemented into policy after an officer was terminated in 2013 for a multitude of policy violations, to include surreptitiously recording conversations with supervisors.³

Lieutenant Kriplean has been a supervisor within the department since 2015. He has had the responsibility to understand the standards of conduct that are clearly outlined in General Order #7. Lieutenant Kriplean was previously assigned as a Criminal Investigations Division Detective and was later assigned as the Supervising Sergeant of that unit. Lieutenant Kriplean knew or should have known that recording individuals without consent, or not during an ongoing investigation is a crime (felony) according to Florida State Statute 943.03.

Should the allegation against Lieutenant Kriplean be proven true, he could be in violation of the following General Order:

- **General Order 7.3.99 – Commission of a Felony:** *Personnel shall not commit an act or crime defined by Florida or Federal law as a felony, whether charged or not.*
- **General Order 7.3.101 - General Proficiency -** *Personnel are required to maintain job knowledge and skills required for the performance of official duties.*

Lieutenant Kriplean stated that he believed that due to the fact that the City Commission Chambers were open to the public, that the doors were not locked, and that signs state, "at any given time, that uh, things can be audio and video recorded," his personal belief was that there was no expectation of privacy.

³ Administrative Investigation #13-16 regarding sustained violations of policy.

He went on to say that he did not intend to utilize the recording for personal, professional, or financial gain. Lieutenant Kriplean stated that he did not intend on using the recording to tarnish anyone's careers or that the recording would be used for some unauthorized investigative purpose. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pg. 7):*

Q. AND WHY DO YOU, WHY DO YOU HAVE THAT OPINION IN, IN REGARDS TO THE RECORDING? WHAT'S YOUR...WHAT IS YOUR JUSTIFICATION BEHIND THAT?

A. UH, SEVERAL THINGS. ONE BEING BASED ON...BEING IN A PUBLIC AREA. UH, BEING OPEN TO UH, THE ROOM BEING ABLE TO BE OPEN TO ANYBODY, TO COME WALKING INTO THAT AREA AT ANY GIVEN TIME. THAT THERE IS NO EXPECTATION OF PRIVACY WITHIN THE BUILDING AT ALL. UH, AT ANY TIME, ANYBODY WHO'S WORKING HERE, CAN GO WALK INSIDE THE COMMISSION CHAMBERS. THE DOORS AREN'T LOCKED. THEY'RE NOT SEALED SHUT. UM, THERE'S A...SIGNS WITHIN THE COMMISSION CHAMBERS THAT STATE, THAT AT ANY GIVEN TIME, THAT UH...THINGS CAN BE AUDIO AND VIDEO RECORDED.

Q. DID, DID YOU HAVE ANY TYPE OF...SPECIFIC INTENTION TO UTILIZE THAT AUDIO RECORDING FOR...PERSONAL, FINANCIAL, OR...UH...?

A. NEVER.

Q. PROFESSIONAL GAIN?

A. NEVER.

Q. DID YOU INTEND ON...ALLOWING ANY MEDIA OR MEDIA OUTLETS...

A. NEVER.

Q. TO UTILIZE THAT RECORDING?

A. NEVER. NEVER EVEN CROSSED MY MIND.

Q. WERE YOU PLANNING...

A. NEVER EVEN THOUGHT ABOUT IT.

Q. WERE YOU PLANNING TO UTILIZE THAT RECORDING TO TARNISH ANYONE'S CAREER, PROFESSIONALLY OR PERSONALLY?

A. I HAVE NEVER ONCE IN MY LIFE, IN THE TWENTY-ONE YEARS THAT I HAVE BEEN HERE...PURPOSELY TRIED TO GO OUT AND HURT SOMEBODY WITHIN THIS AGENCY. NEVER WOULD IT BE MY INTENSION TO TRY TO GO OUT AND HURT SOMEBODY AT THIS AGENCY. I'VE NEVER DONE IT, NOR WOULD I EVER TRY TO DO IT. THAT'S NOT WHO I AM. THAT'S NOT WHAT I AM ABOUT. I'VE NEVER STOOD FOR IT. NO, ABSOLUTELY NOT.

Q. WERE YOU PLANNING ON USING IT FOR YOUR OWN PERSONAL INVESTIGATION AGAINST SOMEONE ELSE, OR WAS IT A AUTHORIZED INVESTIGATION BY SOMEONE...BY SOME OTHER GOVERNMENT ENTITY?

A. THERE WAS NO INVESTIGATION BEING CONDUCTED.

Q. SO THIS WAS NOT FOR ANY TYPE OF INVESTIGATION PURPOSES? THIS WAS ONLY A, A PERSONAL RECORDING...

A. WHAT INVESTIGATION WOULD I EVER HAVE? THERE'S NOTHING TO INVESTIGATE. IT'S A MEETING.

Lieutenant Kriplean's statement indicates that he understood the elements of F.S.S. 943.03 prior to entering the City Commission Chambers with the intent to record the command staff meeting.

As indicated by Lieutenant(s) Banatte, Druz bik, A. McCarthy, Suarez, as well as Captain(s) Palma and Sudman, never has a command staff meeting been recorded in their presence. Lieutenant A. McCarthy indicated that only announced public meetings are audio and video recorded in the Commission Chambers. A police command staff meeting in not a public meeting. On March 10, 2021, the City Hall Main Lobby doors were locked and secured and no public access was available on that date. City-wide notifications had been made via email to all department personnel that due to COVID-19 restrictions, public access to City Hall was suspended. Due to the fact that almost all of the command staff indicated that they had an expectation of privacy during that meeting, Lieutenant Kriplean's personal belief does not negate the fact that that command staff meeting was a private meeting, attendance at which was restricted to specific individuals, and who maintained an expectation of privacy at said meeting.

Lieutenant Kriplean further stated that he did have a meeting with Chief Shaw on March 11, 2021. Lieutenant Kriplean stated that he believed that the meeting's purpose was for Chief Shaw to inform Lieutenant Kriplean that he was "out of line" in regards to the conversation with Lieutenant Suarez during the meeting. Lieutenant Kriplean further stated that he believed that he was being attacked verbally in the meeting for something that he did not say. Lieutenant Kriplean stated that it was at that moment in the conversation with Chief Shaw that he told Chief Shaw that he had a recording of the meeting and that the Chief could listen to it himself. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pg. 9):*

Q. OKAY. DID YOU TALK TO THE CHIEF THAT DAY, ON THE 10TH, AFTER THE MEETING?

A. NO.

Q. DID YOU SPEAK TO ANYONE THE FOLLOWING DAY, MORE SPECIFICALLY, DID YOU SPEAK TO CHIEF SHAW THE FOLLOWING DAY...

A. YEP.

Q. ABOUT THE MEETING?

A. YES.

Q. AND WHAT WAS THAT ABOUT?

A. UH, HE CALLED ME UP TO HIS OFFICE. UM, YA KNOW, HE STARTED OFF SAYING THAT HE FELT THAT I WAS OUT OF LINE UM, IN REGARDS TO A CONVERSATION THAT ME AND LIEUTENANT SUAREZ WERE HAVING WITH EACH OTHER. UM, I FELT THAT, ONCE AGAIN, I WAS BEING ATTACKED FOR SOMETHING THAT I DIDN'T INSTIGATE. THAT IT SEEMED LIKE IT WAS BEING INSTIGATED ON SOMEBODY ELSE'S BEHALF. UM, I CONVEYED THAT TO HIM AND I SAID, LISTEN TO THE RECORDING. I SAID, I RECORDED THE MEETING, JUST SO YOU KNOW. I HAVE A RECORDING OF THE MEETING. I SAID, LISTEN TO IT. NO, I DON'T WANT TO LISTEN TO IT.

Regarding the meeting on March 11, 2021 with Chief Shaw, Lieutenant Kriplean's admission to recording the command staff meeting and therefore violating policy does not exonerate Lieutenant Kriplean from any wrongdoing. It does however, demonstrate that Lieutenant Kriplean never denied making a recording.

Lieutenant Kriplean confirmed that the meeting with Chief Shaw took place on March 11, 2021, at approximately 3:00 pm. He confirmed that he did not speak with Captain Galaska or Captain Palma about the recording after the meeting with Chief Shaw. He stated that he walked directly to the first floor and immediately met with and spoke to Lieutenant Young in the Road Patrol Lieutenant's Office. Lieutenant Kriplean stated that he had a conversation with Lieutenant Young and it was during that conversation that Lieutenant Young that he asked Lieutenant Kriplean for a copy of the audio recording. Lieutenant Kriplean confirmed that he did AirDrop the recording to Lieutenant Young's Iphone. Lieutenant Kriplean also confirmed that he told Lieutenant Young that had previously informed Chief Shaw that he had recorded the command staff meeting. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pgs. 9-11):*

Q. DO YOU REMEMBER ABOUT WHAT TIME OF THE DAY THAT WAS WHEN YOU HAD THAT MEETING WITH HIM?

A. I WANT TO SAY IT WAS...3:00 O'CLOCK. I BELIEVE KAREN WAS THE ONE THAT UH, SCHEDULED THE MEETING AND SAID, CAN YOU MEET WITH THE CHIEF, I THINK...I WANT TO SAY IT WAS 3:00 O'CLOCK.

Q. THAT WAS...ON MARCH 11TH?

A. THE NEXT DAY.

Q. THE NEXT DAY, CORRECT?

A. YES.

Q. SO THE CHIEF WAS THEN...THAT'S WHEN HE WAS TOLD, BY YOUR OWN ADMISSION, THAT YOU HAD A RECORDING OF IT. THAT YOU MADE A RECORDING OF THAT, THAT DAY?

A. CORRECT.

Q. OKAY. DID HE SAY ANYTHING ELSE TO YOU THAT DAY IN REGARDS TO...THE RECORDING?

A. NO.

Q. DID CAPTAIN PALMA OR CAPTAIN GALASKA UH, KNOW ABOUT THE RECORDING AT ANY TIME AFTER THE...MARCH 10TH?

A. LATER ON AFTER THE MEETING WITH THE CHIEF UM, AGAIN, THE CHIEF WAS TELLING ME HOW...UH, I DON'T RECALL IT NOW, THE...THAT I NEED TO MAKE RIGHT WITH SEVERAL OF THE LIEUTENANTS, OF COURSE, HE WAS SAYING ALL OF THE LIEUTENANTS AND THE CAPTAINS. THAT BASICALLY ALL OF THEM DISLIKE ME. NONE OF THEM WANT TO TALK TO ME. THAT I SHOULD DO MY BEST TO TRY AND FIX THESE RELATIONSHIPS. I REMEMBER SAYING TO HIM...WELL, I'M AWARE OF ANY OF THESE PROBLEMS EVEN EXISTING, BECAUSE I SPEAK TO MOST TO THEM ON A REGULAR BASIS, OR AT LEAST SOME OF THEM; AND NONE OF THEM, AT ANY TIME, HAVE THEY EVER CONVEYED TO ME THAT THEY HAD ANY ISSUES WITH ME. UM, SO AFTER THE MEETING WAS DONE, I WENT DOWN AND THE FIRST PERSON THAT I MET WITH WAS LIEUTENANT YOUNG. I CONFRONTED HIM AND SAID, HEY...

Q. ALL RIGHT, ONE SECOND. BUT THAT CONVERSATION WAS WITH CHIEF SHAW, OR WAS THAT CONVERSATION WAS WITH THE CAPTAINS?

A. CHIEF SHAW.

Q. OKAY. BUT DID YOU...WHEN YOU LEFT THE MEETING THERE, YOU DIDN'T SPEAK TO ANY OF THE CAPTAINS. YOU WENT STRAIGHT, DIRECTLY DOWNSTAIRS?

A. STRAIGHT DOWNSTAIRS.

Q. OKAY. THEN THAT'S WHEN YOU TALKED TO...

A. LIEUTENANT YOUNG.

Q. LIEUTENANT YOUNG. UM, DID YOU VOLUNTARILY UH...DID YOU VOLUNTARILY PROVIDE IT TO HIM, OR DID HE ASK FOR IT PERSONALLY?

A. THE AUDIO?

Q. THE RECORDING. THE AUDIO RECORDING?

A. HE ASKED ME FOR IT.

Q. AND...HOW DID YOU GIVE IT TO HIM?

A. AIR DROP.

Q. OKAY.

A. I TRIED TO TEXT MESSAGE IT TO HIM, BUT IT WAS TOO LONG.

Q. AFTER THE 11TH, LET ME ASK YOU THIS...WHAT, WHAT COMMENTS AND WHAT STATEMENTS DID YOU MAKE TO, TO LIEUTENANT YOUNG, IN REGARDS TO THE RECORDING? DID YOU EVER TELL HIM THAT YOU HAD JUST TOLD THE CHIEF ABOUT IT, OR YOU TOLD THE CAPTAINS ABOUT IT? DID YOU MAKE ANY STATEMENT LIKE THAT?

A. I HADN'T TALKED TO THE CAPTAINS PRIOR TO...TALKING TO LIEUTENANT YOUNG.

Q. JUST CHIEF SHAW?

A. JUST CHIEF SHAW.

Q. DID YOU TELL LIEUTENANT YOUNG THAT YOU TOLD CHIEF SHAW...?

A. YES.

Q. THAT YOU HAD A RECORDING ALREADY?

A. YES.

Lieutenant Kriplean provided me with verbal consent to look at the audio file recording of the command staff meeting on his cellular phone. I was able to confirm that the audio recording was created on March 10, 2021, with a duration of 1 hour, 15 minutes, and 41 seconds.

The date and time was an exact match to what was provided to me by Lieutenant Young during his interview. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pgs. 9-11):*

Q. OKAY. I'M NOT ASKING FOR CONSENT TO LOOK THROUGH YOUR ENTIRE PHONE. WHAT I'M ASKING YOU FOR CONSENT WOULD BE TO LOOK AT THE SCREEN THAT HAS THAT UH, THE RECORDING ON IT, WHICH WOULD HAVE THE DATE AND THE DURATION OF IT UM, FROM THE MEETING. I WOULD ALSO ASK IF YOU WOULD...PLAY THE FIRST COUPLE OF MINUTES, OR FIRST COUPLE OF SECONDS OF IT, SO THAT I COULD...ASCERTAIN WHETHER THAT WAS THE MEETING OR NOT. I'M ASKING YOU FOR CONSENT TO LOOK AT THE PHOTOGRAPHS...TO TAKE A PHOTOGRAPH, ARE YOU WILLING TO CONSENT TO A PHOTOGRAPH OF THE SCREEN?

A. YES. SHOULD I PUSH PLAY?

Q. PLEASE.

(RECORDING OF THE MEETING)

Q. FOR THE RECORD, WHAT DAY DID YOU CREATE THIS, THE AUDIO RECORDING?

A. UH, MARCH 10TH.

Q. AND ABOUT HOW LONG WAS THE DURATION OF THE MEETING?

A. THE RECORDING?

Q. OR I'M SORRY, EXCUSE ME, THE DURATION OF THE RECORDING?

A. ONE HOUR AND FIFTEEN MINUTES AND FORTY-ONE SECONDS (1 HR: 15 MIN: 41 SEC).

I asked Lieutenant Kriplean about text messages that he made to Captain Galaska and Captain Palma. Lieutenant Kriplean did not have an accurate recollection of the exact date that he conversed with Captain Palma or Captain Galaska in regards to when he informed them both that he recorded the command staff meeting. Lieutenant Kriplean stated that it would have been between March 11th and March 15, 2021. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pgs. 14-15):*

Q. OKAY. IN CAPTAIN PALMA'S STATEMENT AND IN CAPTAIN GALASKA'S STATEMENT, THEY BOTH MADE REFERENCE TO TEXT MESSAGES UM, IN REGARDS TO...UH, YOU CONTACTING THEM IN WHAT WE BELIEVE WOULD EITHER BE MARCH 11TH OR MARCH 12TH. DO YOU REMEMBER MAKING...SENDING ANY TEXT MESSAGES TO CAPTAIN PALMA OR CAPTAIN GALASKA?

A. I REMEMBER TEXTING CAPTAIN PALMA, ASKING HIM IF HE WAS AVAILABLE FOR A CONVERSATION. UM, AND THEN SHORTLY AFTER, HE CALLED ME. AGAIN, THAT WAS...BASED ON, YA KNOW, THE CHIEF AND WHAT I HAD TOLD THE CHIEF THAT I WOULD DO WAS...REACHING OUT TO PEOPLE, TO SEE...HEY, WHAT ARE THE ISSUES THAT YOU HAVE WITH ME? BECAUSE THOSE, ACCORDING TO WHAT THE CHIEF WAS SAYING...CAPTAIN PALMA WAS ONE OF THE ONES WHO SAYS HE DOESN'T KNOW WHAT TO DO WITH ME ANYMORE. THAT CAPTAIN GALASKA WAS ONE OF THE ONES WHO SAID, I THINK HIS COMMENT WAS...UM, I'VE TRIED AND I CAN'T GET THROUGH TO HIM. SO I SAID, WELL...I WANTED TO TALK TO THEM AND SAY...HEY, WHAT IS YOUR...WHAT ARE YOUR PROBLEMS? WHY, WHY DO YOU FEEL THIS WAY? HE SAYS, I NEVER SAID ANY OF THAT.

Q. DID YOU TELL...OR THROUGH TEXT, OR ON THE PHONE, DID YOU TELL HIM THAT YOU HAD MADE A RECORDING OF THE MEETING ON MARCH 10TH?

A. HUH, I...I BELIEVE WE DISCUSSED IT ON THE PHONE UM, THAT...YA KNOW, I HAD...BECAUSE EVERYBODY KEPT SAYING UM, WHEN I GOT INTO IT WITH ONE OF THE

OTHER PEOPLE THAT WERE IN THERE, THAT I KEPT SAYING...UH, ONE THING. I WAS LIKE, THAT'S NOT WHAT I WAS SAYING, BECAUSE...HE KEPT SAYING LIKE, I WAS TRYING TO ENCOURAGE OR ILLICIT...A CONFRONTATION FROM THIS PERSON. I SAID, THAT'S NOT WHAT I WAS SAYING. THIS IS WHAT I WAS SAYING...I SAID I RECORDED THE MEETING. I SAID I'VE LISTENED TO IT SEVERAL TIMES. THIS PARTICULAR VARIATION OF THE MEETING, I SAID THAT'S NOT WHAT I SAID. THIS IS WHAT I SAID. AGAIN, ONE OF THE REASONS WHY I WAS RECORDED...RECORDING THE CONVERSATION, BECAUSE I WAS, I WAS FEARFUL THAT PEOPLE WERE GOING TO SAY, THAT I SAID THINGS, THAT I DID NOT SAY.

Q. DID YOU TALK TO CAPTAIN GALASKA VIA TEXT, OR PHONE AFTER THAT AS WELL?

A. WE DID.

Q. AND...?

A. I DON'T REMEMBER IF TEXT, OR...I BELIEVE IT WAS PHONE. I MAY HAVE TEXTED HIM TO SAY...HEY, ARE YOU AVAILABLE TO TALK, AGAIN? THAT WAS MY START OF...YA KNOW, DOING WHAT I TOLD THE CHIEF THAT I WOULD DO. TRYING TO MEND WHATEVER ISSUES THAT SOME PEOPLE HAD. UM, SO I AGAIN ASKED JOE, I SAID HEY...THIS IS WHAT WAS BEING TOLD TO ME BY THE CHIEF. I'M TRYING TO CLARIFY AND TO SEE. I NEVER SAID THAT. WELL, THIS IS WHAT IS GOING ON. THEN WE STARTED TALKING ABOUT THE MEETING. AGAIN, I TOLD HIM I HAD A RECORDING OF THE MEETING. HE ASKED IF HE COULD HAVE A COPY OF IT. I SAID I WOULD GIVE HIM A COPY IF HE WANTED IT. I SAID I CAN'T TEXT IT TO YOU THOUGH, BECAUSE IT'S TOO LONG. I WOULD HAVE TO AIR DROP IT TO YOU OR SOME OTHER WAY, BECAUSE IT WOULDN'T SEND THROUGH A TEXT MESSAGE.

Q. OKAY, SO...HE ASKED YOU FOR A, A...HE ASKED YOU FOR A SOLICITED, YOU FOR A COPY OF IT?

A. YES.

Q. OF THE RECORDING? DO YOU REMEMBER WHAT DAY THAT WAS?

A. I COULDN'T TELL YOU EXACTLY. SEVERAL DAYS AFTER THE MEETING, OR A DAY AFTER THE MEETING. I DON'T REMEMBER EXACTLY.

Q. WOULD IT HAVE BEEN SOME TIME BETWEEN THE 11TH AND THE 15TH?

I then asked Lieutenant Kriplean about his conversation with Lieutenant Young and the sharing of the recording. Lieutenant Kriplean was asked why he thought that Lieutenant Young did not report the potential policy violation of surreptitious recordings to his direct supervisor or the Chief of Police. Lieutenant Kriplean stated that he specifically told Lieutenant Young that he told Chief Shaw and that he assumed this was Lieutenant Young's reason for not reporting it. *(The following is verbatim from the statement transcript of the Lieutenant Robert Kriplean, pg. 15):*

Q. THAT WAS PRIOR TO? OKAY. IN REGARDS TO LIEUTENANT YOUNG...IN HIS STATEMENT THAT HE SAID YESTERDAY, THAT HE HAD BEEN GIVEN THE COPY OF THE RECORDING ON MARCH 11TH, WHEN HE HAD COME IN TO...COME IN FOR HIS SHIFT. UM, TO YOUR BEST RECOLLECTION WITH ALL OF THIS, IF HE DIDN'T REPORT THE VIOLATION AS FOR...WHAT IS WRITTEN IN GENERAL ORDERS. DO YOU BELIEVE THAT HE HAD THE ASSUMPTION THAT THE CHIEF ALREADY KNEW ABOUT IT?

A. I BELIEVE...WELL YEAH, HE KNEW THE CHIEF KNEW ABOUT IT, BECAUSE I TOLD HIM THE CHIEF KNEW ABOUT IT.

SUMMARY OF FACTS

On March 10, 2021, Lieutenant Kriplean admittedly surreptitiously recorded a command staff meeting where those present, in their own words, had an expectation of privacy.

As documented during this investigation, the City Commission Chambers are equipped with the audio and video recording devices that allow city staff to record City publically noticed meetings that are held inside that room. During City Commission meetings, the audio and visual equipment within the City Commission Chambers are operated and activated by City Clerk, Joseph Kavanagh. During any other publically noticed meetings, only designated trained individuals can operate and activate the recording equipment. The City Clerk only activates the camera system during publically notice meetings and would not do so for a police command staff meeting.

The City Commission Chambers were not accessible to the public on March 10, 2021, nor had they been since April 2020, when City COVID-19 restrictions were implemented.

Lieutenant Kriplean knowingly provided a copy of the recording of the command staff meeting to Lieutenant David Young. At that time on March 11, 2021, Lieutenant Young knowingly accepted a potentially illegally obtained audio recording of individuals without their consent.

The recording in question was created on Lieutenant Kriplean's personal cellular telephone through the I-Phone audio recording application. The copy obtained by Lieutenant Young was done so through the AirDrop feature of both Lieutenant Kriplean's and Lieutenant Young's phones.

Both verified copies of the recordings were provided by Lieutenant Kriplean and Lieutenant Young during each of their respective sworn statements. Verbal consent was granted during the sworn taped statements to verify the existence of the two copies of the command staff meeting recordings as well as digital photographs obtained of each file on their respective phones.

CONCLUSION

Lieutenant Robert Kriplean

Count I

Regarding Count I - Unauthorized Investigations / Surreptitious Recording, there is evidence that confirms the fact that Lieutenant Kriplean did knowingly and intentionally record the command staff meeting on March 10, 2021, without the consent of all individuals involved. Each commander stated that they either did not consent to the recording or that they believed that they had an expectation of privacy to not be recorded. It is clear that Lieutenant Kriplean admitted to the Chief of Police, as well as Captain Micahel Palma, Captain Joseph Galaska, Lieutenant David Young, and myself that he created an unauthorized and surreptitiously recorded audio file for personal reasons.

The burden of proof in an administrative investigation is the preponderance of the evidence. There is sufficient evidence to conclusively determine that Lieutenant Kriplean violated department policy. Therefore, the allegation that Lieutenant Kriplean's actions were in violation of General Order 7.3.104 – Unauthorized Investigations / Surreptitious Recording: is resolved with the following conclusion of fact: SUSTAINED.

Count II

Regarding Count II – Commission of a Felony, based upon the review of the circumstances surrounding this incident that was conducting by me in conjunction with Assistant State Attorney Chris Killoran and Legal Counsel Gregg Rossman, it was determined that the necessary elements of a crime were not present in this instance. Therefore, the allegation that Lieutenant Kriplean's actions were in violation of General Order 7.3.99 – Commission of a Felony: is resolved with the following conclusion of fact: NOT-SUSTAINED, to wit: Unfounded.

Count III

Regarding Count III – General Proficiency, there is evidence to determine that Lieutenant Kriplean failed to maintain adequate job knowledge and skills required for the performance of his official duties. Lieutenant Kriplean admitted to not knowing that recording conversations without consent was a violation of department policy. As a Lieutenant, it is his duty to know what actions are violations of department policy.

The burden of proof in an administrative investigation is the preponderance of the evidence. There is sufficient evidence to conclusively determine that Lieutenant Kriplean violated department policy. Therefore, the allegation that Lieutenant Kriplean's actions were in violation of General Order 7.3.101 – General Proficiency: is resolved with the following conclusion of fact: SUSTAINED.

Count IV

Regarding Count IV – Conduct Unbecoming, there is evidence to determine that Lieutenant Kriplean's lack of judgement as it pertains to this incident have tarnished his

level of trust with his fellow Lieutenants, Captains, and the Chief of Police. Lieutenant Druzvik expressed his concerns about the Road Patrol Lieutenant's Office being "bugged". Lieutenant Banatte expressed his concerns about how this incident has been a violation of his trust in Lieutenant Kriplean. Trust and integrity is an integral part of being an effective leader. Lieutenant Kriplean's actions have discredited his reputation with his peers. His actions go against the basic building blocks of honesty, integrity, and effective workplace relationships. It is Lieutenant Kriplean's responsibility to conduct himself at all times in a manner that does not discredit himself or the department.

The burden of proof in an administrative investigation is the preponderance of the evidence. There is sufficient evidence to conclusively determine that Lieutenant Kriplean violated department policy. I therefore find that Lieutenant Kriplean's actions were in violation of General Order 7.3.66 – Conduct Unbecoming, which states: "*Personnel shall conduct themselves at all times in a manner which does not discredit themselves or the department.*" This allegation is therefore resolved with the following conclusion of fact: SUSTAINED.

Lieutenant David Young


Regarding Count I - Failure To Follow SOP, Directive, Order, there is evidence to determine that Chief Shaw was informed that Lieutenant Kriplean had recorded the command staff meeting on March 10, 2021. Testimony during this investigation determined a factual timeline as it pertains to conversations that Lieutenant Kriplean had with Lieutenant Young, Chief Shaw, Captain Galaska, and Captain Palma. Testimonial evidence has shown that Lieutenant Young was informed by the alleged violator of policy (Lieutenant Kriplean) that the Chief of Police had been notified of a policy violation regarding Lieutenant Kriplean's actions on March 11, 2021. Lieutenant Young would have no reason to believe that Lieutenant Kriplean's statement to him was untrue. However, Lieutenant Young made no attempts to verify that Lieutenant Kriplean did inform Chief Shaw, Captain Palma, or Captain Galaska. As a Lieutenant who witnessed an obvious violation of department policy, it was Lieutenant Young's responsibility to notify Captain Palma of the alleged violation. His explanation that he did not want to "involve himself in matters that did not pertain to [him]" does not alleviate the responsibility to report violations of department policy.

The burden of proof in an administrative investigation is the preponderance of the evidence. While there is evidence to determine that Lieutenant Young knew about a policy violation, but did not verify that the violation had been reported, he did so under the assumption that Lieutenant Kriplean admittedly informed the Chief prior to Lieutenant Young's and Lieutenant Kriplean's conversation. This investigation has determined that Chief Shaw was notified on March 11, 2021, prior to Lieutenant Young's conversation and notification by Lieutenant Kriplean. However, Lieutenant

Young did not take steps to verify Lieutenant Kriplean's notification of a potential violation of policy. Also, Lieutenant Young knowingly requested a copy of the recording knowing that the recording itself could have potentially been obtained illegally and could have been fruits of a crime. Therefore, the allegation that Lieutenant Young's actions were in violation of General Order 7.3.44 – Failure to Follow SOP, Directive, Order is resolved with the following conclusion of fact: SUSTAINED.

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 of the rights contained in ss. 112.532 and 112.533 of Florida Statutes.


Sergeant Paul Kostick


Date:

Reviewed by:


Jonathan Shaw
Chief of Police


Date: