



Media Release

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Sheriff's Office Concludes Probe Into Mistaken Identity Arrest

The Flagler County Sheriff's Office (FCSO) has concluded its internal affairs investigation into a false arrest, which occurred March 26, 2016. The full report is attached. The following is a timeline from the investigation:

- Dec. 15, 2015: Deputy James Gore responded to a battery report in Palm Coast. Gore subsequently signed a charging affidavit against Dakota Ward, instead of the correct suspect, De'Coda Ward. This was due to Gore never confirming the suspect's identity with the victim and/or witnesses through a photo, lineup identification or description. Deputy Gore should have reviewed the victim's statement and realized that the victim had spelled the suspect's name as De'Coda and questioned him about it.
- Feb. 17, 2016: A criminal summons was substitute served to the brother of De'Coda Ward for Dakota G. Ward at 3701 Moody Blvd. to appear in court for the December battery.
- March 22: A capias warrant was issued for Dakota G. Ward for failing to appear on March 22.
- March 26: Dakota G. Ward was arrested on the above listed warrant. Upon his arrest by FCSO Deputy Rich Petkovsek, Dakota Ward said the warrant wasn't for him and he didn't know why he was being arrested. But he provided no information that would have warranted Deputy Petkovsek to take additional action. At no time did Dakota Ward tell Petkovsek that there might be confusion with De'Coda Ward.
- March 26: The night of the arrest, Deputy Petkovsek speaks with Attorney Josh Davis and at no time did Davis raise an allegation of mistaken identity. Nor did he file a complaint with the Sheriff's Office.
- March 28: Unbeknownst to the Sheriff's Office, Flagler Beach Police Detective Liz Williams, acting alone and as a friend to the Dakota Ward family, reports the misidentification to the State Attorney's Office but not to the Sheriff's Office. The reason she never notified the Sheriff's Office was she felt the burden belonged to the State Attorney to clarify the identity of the suspect, according to the investigation.

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- March 29, at 2:53 p.m.: The State Attorney's Office sends an email to Deputy Gore requesting name clarification about the person charged in the December case. Email was not viewed by Gore until March 31. Gore did not answer this email because he was off-duty.
- March 31, 9:30 a.m.: Paula Rose with the Sheriff's Civil Division receives a call from attorney Josh Davis concerning a criminal summons that was being served to Dakota Ward by the Sheriff's Office. This summons was issued by the clerk's office following the March 26 arrest.
- March 31, 11 a.m.: The State Attorney's Office sends a second email to Deputy Gore. The email questions Gore about whether a supplement is being completed into the investigation. According to the investigation, Gore replied to the email that he was out sick and would respond Monday when he returned to work. Gore said if he would have known at any time that he had misidentified the suspect, he would have immediately worked to correct the error.
- March 31, 4 p.m.: PIO Laura Williams was notified by Jonathan Simmons of The Palm Coast Observer that he had been contacted by attorney Josh Davis. Simmons said Davis identified the correct suspect and provided me with information. I then contacted Director Jim Troiano with this information and he forwarded it to Senior Commander Steve Cole. Within hours of Cole's findings that there was a mistaken identity which led to a false arrest, a new criminal investigation and an internal affairs investigation were launched.
- April 1: An official apology was presented to Dakota Ward by Sheriff Manfre and command staff the day this internal affairs investigation began.

As a result of the internal investigation, the following were implemented:

- An unsatisfactory or Incompetent Performance violation was sustained against Deputy Gore for his failure to conduct a proper investigation. The recommended discipline is a three-day suspension without pay.
- FCSO general orders pertaining to criminal investigations have been amended to require deputies to articulate all arrests in general incident reports the manner in which the suspect of the investigation is positively identified.
- April 14: All FCSO law enforcement supervisors were provided instruction concerning the new change in the general order at a supervisors' meeting held specifically as a result of the misidentification. It was emphasized during this meeting the importance of supervisory oversight and ensuring safeguards are maintained throughout all investigations.
- A subsequent criminal investigation was completed April 1 and the proper suspect was identified and all charges were dropped against Dakota Ward.

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The Sheriff's Office has nearly completed administratively expunging this arrest record and any related reports. His arrest photo was immediately removed from the sheriff's Web site April 1.

"This was a terrible mistake and we offer our sincere apology to this man and his family and we are doing everything in our power to rectify this matter," Flagler County Sheriff James L. Manfre said. "It's clear from this investigation that this was an isolated incident and had standard criminal investigative procedures been followed, these mistakes would have never occurred."

It is clear, based on the details of the investigation, that attorney Josh Davis refused to participate in this investigation after being asked on several occasions to provide testimony. Davis stated to the media that he made several contacts with the Sheriff's Office and got no resolution for his client. That statement was not corroborated and Davis declined to speak with the internal investigator.

Gore has 10 working days to decide whether to appeal this decision.

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