



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE
"An honor to serve, a duty to protect."

Internal Investigation Report

Internal Inquiry Incident #2017-0004

Sworn Employee

Bradley Gilyard

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Linked To: General Order #019

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Internal Inquiry Incident #:2017-0004

Subject Employee: Bradley Gilyard #564

Division: Detention Services

Date of Hire: 06/11/2011

Probation Status (if any): N/A

Date of Most Recent Promotion: N/A

Previous Corrective Measures: None

List of Witnesses:

- Deputy Jonathan Vitale #558
- Deputy Colin Haggerty #523
- Deputy Stephanie DaSaro #751
- Minnie Ann Slater (Inmate)
- [REDACTED] (Inmate)
- Julio Vazquez (former employee of FCSO)

List of Exhibits:

1. Photo of Inmates [REDACTED] and Slater (laughing) (1 page)
2. Photos of Inmate Slater (various reactions) (4 pages)
3. Photos of Inmate [REDACTED] and Slater (jumpsuit comparison) (2 pages)
4. Photo of B. Gilyard (carrying gun belt) (1 page)
5. Photo of B. Gilyard (carrying Taser) (1 page)
6. Photo of B. Gilyard (hand gestures) (1 page)
7. Copy of F.S.S. 951.22 and Florida Model Jail Standards Chapter 14 “Contraband” (1 page)
8. Diagram of Laundry Room (1 page)
9. One (1) CD containing audio interviews of:
 - a. Bradley Gilyard with FDLE
 - b. Colin Haggerty with FCSO
 - c. Julio Vazquez with FDLE

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- d. Jonathan Vitale with FCSO
 - e. Minnie Slater with FDLE
 - f. [REDACTED] with FDLE
 - g. Stephanie DaSaro with FCSO
10. One (1) CD containing two (2) videos from Flagler County Inmate Facility security cameras (CO/77 and CO/79)
 11. Jump Drive containing 32 various videos from Flagler County Inmate Facility security cameras and 14 screen shots (still pictures)
 12. Three (3) ring binder submitted by FDLE under case# JA-02-0012 authored by SA Prendergast (currently in evidence at FCSO under case# 36825-17 item#1)
 13. CD containing subject interview (B. Gilyard) with Cmdr. Sepe

Incident and Complaint:

On Thursday January 19th, 2017 at approximately 12:00pm Chief Cole was made aware, by Deputy B. Sheridan of some rumors that were circulating from a female inmate alleging that Deputy B. Gilyard may have had some type of sexual relationship with inmate [REDACTED] ([REDACTED]). It was undetermined at this time if this occurred in the past prior to Inmate [REDACTED] being incarcerated or if this was something that occurred while in-custody.

Chief Cole instructed Commander Miceli to conduct some fact finding and attempt to determine the validity of these rumors. At approximately 5:00pm Chief Cole was contacted by Commander Miceli who advised that he had located a female inmate, Minnie Slater (B/F 05/09/90). Inmate Slater told Commander Miceli that this past Monday, January 16th (Martin Luther King Day) she was working in the laundry room at the inmate facility with Inmate [REDACTED]. Inmate Slater described an incident alleging that Deputy Gilyard entered the laundry room and proceeded to have sexual intercourse with Inmate [REDACTED]. Inmate Slater reported that she witnessed this entire event.

Chief Cole, Commander Miceli, and Sgt. Davis reviewed surveillance video from Monday January 16th, and some footage was found to corroborate some of Inmate Slater's statements. The Florida Department of Law Enforcement (FDLE) was contacted and Special Agent Supervisor J. Mead responded with FDLE resources and began to initiate a criminal investigation into this matter.

On Friday January 20, 2017 prior to starting his shift at 6:00am, FDLE agents made contact with Deputy Gilyard in the parking lot of the Flagler County Inmate Facility to obtain a statement of his account of these allegations. At the conclusion of speaking to FDLE Commander Miceli collected Deputy Gilyard's equipment (badge, Taser, firearm, etc.) and he was put on paid administrative leave.

The Prison Rape Elimination Act (PREA) protocols were initiated and services were offered to potential victims and witnesses.

At that time Chief Cole recommended that this matter be referred to the Professional Standards Distribution: Original to investigative file

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Unit for further internal investigation.

Investigation:

Statement of Deputy Jonathan Vitale taken by Cmdr. Chris Sepe

On Wednesday April 19th, at 7:19pm Cmdr. Chris Sepe conducted a sworn interview with Deputy Jonathan Vitale at the Flagler County Inmate Facility.

The full interview is available in the Internal Affairs case file. Below are highlights pertaining to this investigation:

- Dep. Vitale was read the “Template for Interview of Department Employee as a Witness” form (FCSO IA-007) and “Internal Investigation Confidentiality Acknowledgement Form” (FCSO IA-002).
- Dep. Vitale admitted to knowing Dep. Gilyard and advised that they were friendly on and off duty.
- Dep. Vitale knew what the allegations were against Dep. Gilyard.
- Dep. Vitale admitted to knowing about blind spots from the camera system at the Inmate Facility, specifically the laundry room. When asked if there would be a reason for any Detention Deputy to not be familiar with the blind spots, his reply was, “*If you’re not a Control Room Deputy then maybe not*”.
- Dep. Vitale advised that there is no talk about blind spots among the other Detention Deputies.
- Deputy Vitale then clarified by saying, “*I’m not saying that nobody talks about it but it’s not generally a topic of discussion*”.
- Dep. Vitale admitted that he knew of the blind spots and although it would have been important to share things like that with a friend and CSOT partner like Dep. Gilyard, he never did.
- Cmdr. Sepe asked, “*Do you think that there is a definite chance that Dep. Gilyard has no idea about that blind spot (laundry room)*” and Dep. Vitale responded, “*No*”.
- Cmdr. Sepe then clarified by asking, “In your opinion do you think that he (Dep. Gilyard) has a good idea about that blind spot (laundry room)” and Dep. Vitale responded, “*I’m sure he knew about it...I would bet that he (Dep. Gilyard) knew at some point*”.
- On the morning after FDLE arrived at the Flagler County Inmate Facility (1/20/17) to criminally investigate the allegations of Dep. Gilyard, Dep. Vitale admitted to speaking with Dep. J. Vazquez about FDLE’s presence. Dep. Vitale admitted that Dep. Vazquez stated, “*FDLE is here for Gilyard, get in touch with him and let him know*”. Dep. Vitale then walked outside of the Inmate Facility and sent a text to Dep. Gilyard requesting that Dep. Gilyard call him “ASAP”.
- Dep. Gilyard then called Dep. Vitale who relayed the message, “*FDLE is here for you*” and Dep. Gilyard responded “*ok*”.
- Cmdr. Sepe asked Dep. Vitale if he felt like it was the right or wrong thing to do regarding the “heads up” text to Dep. Gilyard and Dep. Vitale responded, “*In hindsight probably not...I jammed myself up...I guess I got Vazquez in trouble*”.

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- Cmdr. Sepe asked if Dep. Vitale had ever been used as a messenger to give oral/verbal communication or written communication for Dep. Gilyard to an inmate and his response was, “No”.
- The conversation continued about note passing and Dep. Vitale advised that inmates would pass requests for lawyer’s phone numbers or state statutes. Dep. Vitale continued to say that sometimes inmates would carry notes in their front pockets and when given an opportunity, they would pass along the request to a Detention Deputy. Cmdr. Sepe asked, “*Would there be any reason for an inmate to have a note tucked away inside their jumper or in their bra?*” and Dep. Vitale replied, “*I wouldn’t think so*”.
- Cmdr. Sepe asked Dep. Vitale if he felt like inmate [REDACTED] had anything to gain by making an accusation against Dep. Gilyard and Dep. Vitale replied, “*No*”.
- Cmdr. Sepe asked Dep. Vitale if he felt like inmate Minnie Slater had anything to gain by giving law enforcement a statement about what she witnessed and Dep. Vitale replied, “*I don’t particularly think they have anything to gain*”.
- Dep. Vitale admitted to speaking with Dep. Gilyard about his accusations since Dep. Gilyard was put on administrative leave and he replied, “*Yes...he (Dep. Gilyard) just keeps saying that he is not guilty*”.
- Cmdr. Sepe asked Dep. Vitale as a “tactical officer/CSOT member” if he felt like it was appropriate to walk around with your vest off and holding your gun belt in your hands and Dep. Vitale replied, “*No...there are times when our vests are not on but not our gun belt*”.
- Cmdr. Sepe asked Dep. Vitale if he would ever approach two inmates and get in close proximity with them while holding his gun belt in his hand and he replied, “*No*”.
- Cmdr. Sepe then asked Dep. Vitale if he felt like that was an officer safety issue and Dep. Vitale replied, “*Yes*”.

The interview was concluded at 7:26pm.

Statement of Deputy Stephanie DaSaro taken by Cmdr. Chris Sepe

On Wednesday April 19th, at 6:34pm Cmdr. Chris Sepe conducted a sworn interview with Deputy Stephanie DaSaro at the Flagler County Inmate Facility.

The full interview is available in the Internal Affairs case file. Below are highlights pertaining to this investigation:

- Dep. DaSaro was read the “Template for Interview of Department Employee as a Witness” form (FCSO IA-007) and “Internal Investigation Confidentiality Acknowledgement Form” (FCSO IA-002).
- Dep. DaSaro is familiar with Dep. Gilyard and the criminal investigation related to him because FDLE had interviewed her about it.
- Although Dep. DaSaro had worked for the Flagler County Inmate Facility for less than two (2) months leading up to the date of the allegations against Dep. Gilyard (1/16/17), she was aware that there was a blind spot in the laundry room.

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- Cmdr. Sepe asked Dep. DaSaro how she knew about the blind spot in the laundry room and her response was, “*You can see it on the camera in control*”.
- Cmdr. Sepe asked Dep. DaSaro if were safe to say that all the Detention Deputies were aware of the blind spots in the Inmate Facility, particularly the laundry room and Dep. DaSaro replied, “*I would hope so...we're supposed to know where they all are for safety reasons*”.
- Dep. DaSaro advised that she is now aware that the multi-purpose room does not have any cameras so she makes sure to stand in the doorway while inmates are cleaning that room.
- Dep. DaSaro advised that a few days after the alleged incident date (1/16/17) there were a few female inmates in the recreation yard and one of them asked her what would happen if an inmate and a guard had sex. Dep. DaSaro then told the inmate that if there was something going on they needed to let her know and the inmate replied that nothing was going on.
- Dep. DaSaro said that due to the fact that there were no specifics surrounding the conversation with the inmates, she did not make any supervisors aware of it.

The interview was concluded at 6:45pm

Statement of Deputy Colin Haggerty taken by Cmdr. Chris Sepe

On Wednesday April 19th, at 6:14pm Cmdr. Chris Sepe conducted a sworn interview with Deputy Colin Haggerty at the Flagler County Inmate Facility.

The full interview is available in the Internal Affairs case file. Below are highlights pertaining to this investigation:

- Dep. Haggerty was read the “Template for Interview of Department Employee as a Witness” form (FCSO IA-007) and “Internal Investigation Confidentiality Acknowledgement Form” (FCSO IA-002).
- Dep. Haggerty has worked at the Flagler County Sheriff’s Office for almost nine years and has worked with Dep. Gilyard on multiple occasions.
- Cmdr. Sepe asked Dep. Haggerty if he ever heard Dep. Gilyard speak about blind spots in the camera system at the Flagler County Inmate Facility. Dep. Haggerty responded, “*I heard him say about the laundry room...in conversation with a bunch of us around he said that there was a crazy blind spot by the door in the laundry room*”.
- Dep. Haggerty also stated that Dep. Gilyard did not mention any other blind spots in the Inmate Facility.
- Cmdr. Sepe then asked if it is a known thing here among employees that there are blind spots in the camera system, specifically the laundry room and Dep. Haggerty replied, “*Yeah*”.
- Cmdr. Sepe asked if it would be possible for anyone who has worked in the Inmate Facility for more than a year to be totally unaware of the blind spots or is it talked about often enough and Dep. Haggerty responded, “*It's talked about often enough*”.
- Dep. Haggerty continued to say that if you worked control, you would definitely know about the blind spots. Cmdr. Sepe clarified by asking what if you didn’t work in control, would you still find out about the blind spots and Dep. Haggerty replied, “*You'd find out*”.

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- Dep. Haggerty was asked if he ever heard Dep. Gilyard discuss the blind spots with other Detention Deputies and he replied, “Yes”.

The interview was concluded at 6:24pm.

Statement of Deputy Bradley Gilyard taken by Cmdr. Chris Sepe

On Friday April 28th, at 1:30pm Cmdr. Chris Sepe conducted a sworn interview with Deputy Bradley Gilyard at the Flagler County Sheriff’s Office Operations Center. Dep. Gilyard was presented an appropriate amount of time to review all exhibits and interviews prior to any questioning by Cmdr. Sepe.

The full interview is available in the Internal Affairs case file. Below are highlights pertaining to this investigation:

- Dep. Gilyard read FCSO IA-008 Garrity Notice and signed it. Dep. Gilyard was then read FCSO IA-014 Template for Interview of Subject Employee.
- Dep. Gilyard confirmed his presence on the day in question and his familiarization with inmates [REDACTED] and Minnie Slater. He also acknowledged the allegations made against him.
- Cmdr. Sepe asked Dep. Gilyard if he was familiar with any blind spots in the camera system at the Flagler County Inmate Facility and he responded, “Yes...there’s several of them...there’s spots like the laundry room that people talk about”.
- Cmdr. Sepe asks Dep. Gilyard if he has specific knowledge of the blind spots in the laundry room and Dep. Gilyard responds, “I don’t know exactly where”.
- Cmdr. Sepe asks Dep. Gilyard if he felt like it was important for a CSOT member to be familiar with the blind spots and Dep. Gilyard’s response was, “Yes sir”.
- Dep. Gilyard continues, “I’ve heard of talk about blind spots” but admits that he never took the initiative to find out where they were. Dep. Gilyard also agreed with Cmdr. Sepe’s statement that somebody, especially a CSOT member, should probably take the initiative to find out where the blind spots were.
- Cmdr. Sepe asks Dep. Gilyard if it was normal to walk around the Inmate Facility without his gun belt on (exhibit 4) and he responded, “If I take my gun belt off, I put my mace in my BDU pocket so there’s nothing on there at all”.
 - Dep. Gilyard never answers yes or no to the question
- Cmdr. Sepe then asks Dep. Gilyard if he feels it’s an officer safety issue to be in close proximity to an inmate (just in general) and Dep. Gilyard responds, “There’s the potential to be...there’s times when we have to be”.
- Dep. Gilyard continues to state that he personally is okay with being up close with inmates during his normal course of work throughout the day.
- Cmdr. Sepe shows Dep. Gilyard exhibit 1 (inmates [REDACTED] and Slater laughing) and he admits that he has a good relationship with all the inmates and officers.
- Cmdr. Sepe states that throughout the day there were times when Dep. Gilyard was stopped at the laundry room door speaking with inmates [REDACTED] and Slater (27 minutes and 11 minutes) and asked Dep. Gilyard what he was speaking about. Dep. Gilyard responded, “I don’t talk

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about anything personal...I don't talk about anything specific...I don't talk about anything inappropriate".

- Cmdr. Sepe questioned Dep. Gilyard if he thought there was an issue with him breaking the threshold of the laundry room doorway and being inside of it knowing that there are blind spots, especially with two female inmates in the room. Dep. Gilyard's response was, "*The only time I would go into the laundry room would be to lean on the door handle*".
 - This was witnessed when Dep. Gilyard spent 27 minutes at the threshold of the laundry room earlier in the day (9:25:34 - 9:52:35). Part of his body was still visible from the hallway camera. His body was not visible from the hallway camera during the time of the alleged sexual misconduct.
- Dep. Gilyard went on to state, "*I don't think it would be smart if I was aware that I was not on camera*".
 - Dep. Gilyard makes this statement but still willingly goes into the laundry room out of camera view during the time of the alleged incident.
- Cmdr. Sepe states that throughout the day multiple Detention Deputies are seen walking by the laundry room (while the door was open and occupied by inmates [REDACTED] and Slater) but never stopped to talk to them (Cpl. Descartes, Dep. DaSaro, Dep. Manning, Dep. Haggerty). Cmdr. Sepe then asks Dep. Gilyard if he feels that's odd. Dep. Gilyard responds, "*Not necessarily because if you look at another day, there would be other people that stop by there and I wouldn't stop by there*".
 - The investigation is focused on the day in question where Dep. Gilyard stops by multiple times.
- Cmdr. Sepe advises Dep. Gilyard that inmate Minnie Slater gave a statement that Dep. Gilyard had sex while on duty and when Cmdr. Sepe asked Dep. Gilyard if he in fact had sex while on duty, he responded, "*No*".
 - Inmate Slater gave a specific statement detailing time of day, duration and location which are all supported by the camera system (location was in the blind spot).
- Cmdr. Sepe produced exhibit 2 to Dep. Gilyard which depicts 20 different screen captures over a period of 3 minutes and 28 seconds of inmate Slater sitting in the laundry room. Each capture shows a different position of inmate Slater looking up, looking down, partially covering her face with her left hand, partially covering her face with her right hand or laughing. Cmdr. Sepe asked Dep. Gilyard why inmate Slater was acting so shocked or embarrassed or what was causing her to act the way she was while he and inmate [REDACTED] were in the blind spot of the laundry room. Dep. Gilyard responded, "*I don't know why she's laughing and putting her hands in her face, I don't know the distance or area of the blind spot...I've never been within arms-reach of [REDACTED]*
 - These captures took place after Dep. Gilyard went off camera while holding his gun belt in his hand and wearing no vest, after inmate [REDACTED] walked off camera towards Dep. Gilyard and happened at the time and for the duration of time consistent with inmate Slater's statement.
- Cmdr. Sepe then asks Dep. Gilyard what was happening when he walks into the laundry room blind spot with his gun belt in his hand, allowing inmate [REDACTED] to leave the job she's supposed to be performing (folding laundry) and walk towards him into the same blind spot. Dep. Gilyard's response was, "*I wasn't aware she ([REDACTED] was off camera, I wasn't aware I was off camera, but like I said there was at no point when she was within arms-reach of me*".

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- Dep. Gilyard could not advise what was going on, he had no ability to dispel or discredit any of inmate Slater's testimony.
- Cmdr. Sepe then talked about how Dep. Gilyard would stop and talk to inmates [REDACTED] and Slater on the day in question but Cmdr. Sepe wanted to know why Dep. Gilyard was so far out of view during the time of the alleged incident. Dep. Gilyard advised, "*I'm not sure*".
- Cmdr. Sepe presents exhibit 3 which is the laundry room camera showing inmates [REDACTED] and Slater. Page 1 of exhibit 3 shows 2 pictures. The first picture shows inmate [REDACTED] from the front view about 3 minutes before the alleged incident. Her jumper is neat and there a small portion of her white tee shirt visible on her left sleeve. The second picture is about 7 minutes after the alleged incident (first available front view) and shows inmate [REDACTED] jumper displaying her white tee shirt extending beyond her jumper sleeve on her right arm.
- Page 2 of exhibit 3 consists of 2 pictures. The first picture is the back view of inmate [REDACTED] about 3 minutes before the alleged incident. Her jumper is spread evenly across her back and there is no white tee shirt visibly extending beyond the jumper sleeve on her right side. The second picture is captured as inmate [REDACTED] comes back into camera view showing her from the back. Her jumper is unevenly spread across her back with her white tee shirt showing at the collar and left shoulder. The picture also displays inmate [REDACTED] white tee shirt clearly extending beyond her jumper on her right arm.
- Cmdr. Sepe asked Dep. Gilyard if inmate [REDACTED] jumper looks disheveled when comparing the before and after pictures of exhibit 3 and Dep. Gilyard responded, "*It looks different*". Cmdr. Sepe then asked Dep. Gilyard what happened that made inmate [REDACTED] jumper shift the way it did and Dep. Gilyard responded, "*Nothing happened*".
- Cmdr. Sepe asks Dep. Gilyard the following question, "*Do you think I'm off my rocker for thinking that something went on here?*"? Dep. Gilyard responded, "*I can't... (pause) that would be an opinionated statement but what I can tell you is that I would never disrespect a woman and have sex with her at a jail*".
- Cmdr. Sepe asked Dep. Gilyard his opinion about if a reasonably prudent person looking at the exhibits so far would feel that something was going on between him and inmate [REDACTED] and he responded, "*It depends on who you talk to... they could think that*".
- Cmdr. Sepe refers to inmate Slater's testimony with FDLE where she claims that Dep. Gilyard advised her at some point to "zip it" or keep her mouth shut. Cmdr. Sepe then asked Dep. Gilyard if he said that and he said, "*No*".
- Cmdr. Sepe presents exhibit 6 which depicts Dep. Gilyard in the hall outside the laundry room with inmates [REDACTED] and Slater inside the laundry room. Dep. Gilyard is facing them and with his left hand he is making a gesture. The gesture can be described as an open hand cupped like the letter "C" and closing to where the tips of the 4 fingers motion towards the thumb. Cmdr. Sepe continued to explain how the hand gesture that Dep. Gilyard is making clearly supports the statement of inmate Slater. Cmdr. Sepe asked Dep. Gilyard to explain and he stated, "*I can clearly see the time stamp was 3-something and this time stamp was 2-something. How come it said I said to zip it before something happened? That don't make sense to me*". Cmdr. Sepe advised that maybe there was conversation leading up to the alleged incident where Dep. Gilyard could be forewarning inmate Slater.
- Cmdr. Sepe asked Dep. Gilyard, "*What were you saying and who were you saying it to?*"? Dep. Gilyard answered, "*I don't have a clue but there's no reason I would say zip it... there's nothing inappropriate that took place*".

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- Cmdr. Sepe brought up the statement of Julio Vazquez to FDLE who identified Dep. Gilyard as saying, “*Monday (1/16/17) is a holiday and there aren’t going to be many people around*” Dep. Gilyard advised that he never said that and Julio Vazquez is lying.
- Julio Vazquez’s interview with FDLE included statements about Dep. Gilyard referring to Dep. Gilyard always talking about sex and women. Dep. Gilyard denies that.
- Cmdr. Sepe advised Dep. Gilyard that Julio Vazquez also mentioned that Dep. Gilyard said that he (Dep. Gilyard) knew of blind spots in the laundry room. Dep. Gilyard said that never happened.
- Cmdr. Sepe advised Dep. Gilyard that Dep. Haggerty also mentioned that Dep. Gilyard talked about blind spots in the laundry room. Dep. Gilyard argued Dep. Haggerty’s statement. Dep. Gilyard tried to defend himself by saying that Dep. Haggerty’s statement advised that he heard Dep. Gilyard talk about blind spots in a group of people. Dep. Gilyard continued to state that he only hangs in a group of senior guys which would be Dep. Haggerty, Dep. Vitale and himself. Dep. Gilyard then referred to Dep. Vitale’s statement which advised that he never heard Dep. Gilyard talk about the blind spots. Cmdr. Sepe then advised Dep. Gilyard that Dep. Vitale also lied in his interview with FDLE to protect Dep. Gilyard so his statements may have lost some credit.
 - Julio Vazquez and Dep. Haggerty have corroborating statements regarding Dep. Gilyard talking about blind spots in the laundry room. Dep. Vitale claims that he never heard Dep. Gilyard talk about the blind spots (and was found to be lying in his interview with FDLE on another topic in order to protect Dep. Gilyard).
- Dep. Gilyard admits to working the Control Room at the Flagler County Inmate Facility.
- Cmdr. Sepe established with Dep. Gilyard that there have been sworn statements taken from veteran detention deputies as well as rookie detention deputies who are familiar with the blind spots in the camera system. In addition, FDLE interviewed inmate Margaret Tillman and in her statement she advised that Dep. Gilyard told the laundry people (inmates) that there was a blind spot in the laundry room. Inmate Tillman heard this and said that inmate Lynn Watson was present. Inmate Tillman and Watson could not be tracked down for a follow up statement (released from jail). All these people are familiar with the blind spots but Dep. Gilyard is only familiar that there is one but he’s not sure of the dimensions.
- Cmdr. Sepe quoted Dep. Gilyard’s statement with FDLE as, “*I can’t see where there’d be a blind spot in the laundry room*”. Then Cmdr. Sepe asked Dep. Gilyard what his statement is now and he replied, “*I’ve heard talk of blind spot in the laundry room but I don’t know the dimensions*”.
- Cmdr. Sepe questioned Dep. Gilyard why he was walking around holding his gun belt and Dep. Gilyard said, “*Cause I just came from the restroom up top*”.
 - There is a bathroom upstairs that Dep. Gilyard used. He then walked down the hall, through a locked door, down two flights of stairs, through another locked door and down the hall until he entered the laundry room.
- When Cmdr. Sepe proposed the above route of travel and asked if Dep. Gilyard thought about putting his gun belt on, Dep. Gilyard said, “*It was just a mishap on my part*”.
- Cmdr. Sepe advised Dep. Gilyard that he hung out in the laundry room off camera for approximately 6 minutes and asked if he could explain. Dep. Gilyard responded, “*No sir, I was just talking*”.

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- Dep. Gilyard did admit that a 2 inch nylon belt could be used as a weapon when questioned about whether he felt his actions were an officer safety issue.
- Cmdr. Sepe presented exhibit 5 which depicts Dep. Gilyard walking down the hall, taking his department issued dart firing stun gun out of its holster and walking into the laundry room which was occupied by inmates [REDACTED] and Slater. Cmdr. Sepe asked Dep. Gilyard to explain why he did that and Dep. Gilyard response was, “*I’m not sure what was going on at the moment*”.
 - As Dep. Gilyard walked into the laundry room, inmates Slater and [REDACTED] are laughing, they continued to work, they didn’t put their hands up and there were no calls for assistance/back up over the radio.
- Dep. Gilyard did state, “*If you would’ve showed me a picture of my Taser with the beams on (laser sight), then that would have been a problem*”.
- Cmdr. Sepe asked Dep. Gilyard if he thought he could just walk around with his Taser in his hand and Dep. Gilyard said, “*I don’t think there’s a rule against it*”.
- Cmdr. Sepe then summarized the lack of explanations that Dep. Gilyard has responded with and asked if he was just having a bad day. Dep. Gilyard responded, “*It seems that way*”.
- Cmdr. Sepe clearly asked if any coworkers called or sent a text message on the morning of 1/20/17 stating that FDLE was on scene. Dep. Gilyard said, “*No sir*”.
 - Dep. Vitale made a clear statement that he sent a text message to Dep. Gilyard to “call ASAP, call off speaker”. This text message was confirmed when FDLE looked at Dep. Gilyard’s phone on the morning of 1/20/17. Dep. Vitale continued in his statement to say that he told Dep. Gilyard that FDLE was here for him. Julio Vazquez who was working as a detention deputy on the morning of 1/20/17 admitted in a statement to FDLE that he told Dep. Vitale that FDLE was here for “your boy” and to let him know. These statements corroborate each other but Dep. Gilyard is saying that he was just told that “investigators are at the jail”.
- Dep. Gilyard gave clear answers to the following questions:
 - Did you have sex with inmate [REDACTED]? “No”
 - Did you ever give contraband to an inmate? “No”
 - Did you ever use another Detention Deputy to pass contraband to an inmate for you? “No”
 - Did you ever call inmate [REDACTED] long-time boyfriend and father of her children a crybaby? “Yes”
 - Can you give an explanation of why inmate [REDACTED] jumper goes from neat to disheveled during the time of the alleged incident? “No”
- Cmdr. Sepe went back to questioning Dep. Gilyard about the text message he received from Dep. Vitale. Dep. Gilyard admits that the text stated, “Call ASAP call off speaker”. There is physical evidence of this. Dep. Vitale’s statement is this is when he told Dep. Gilyard about FDLE being at the jail for him and he didn’t want to alert Dep. Gilyard’s wife who drives him to work every day (that’s why he requested off speaker). Dep. Gilyard said that he and Dep. Vitale spoke about their transport that was happening that morning. Dep. Gilyard advised that Dep. Vitale needed to inform him that he was given the keys to the Ford Focus not the marked unit. Dep. Gilyard denies that Dep. Vitale advised him of FDLE’s presence or intentions.
- Cmdr. Sepe then makes the statement that through all the interviews and evidence, it appears that, “*There was a plan to get (inmate) [REDACTED] in the laundry room, in the blind spot to have sex with her. And then we (FCSO) have stuff that insinuates that it happened and I don’t really*

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have any explanations from you (Gilyard)... ”. Dep. Gilyard mumbles something that sounds like “right”. Cmdr. Sepe continues to state, “*...to defend that it did not other than ‘it wasn’t me, I didn’t do it, I never had inappropriate relations’*.” Dep. Gilyard then says, “Right”. Cmdr. Sepe then asks Dep. Gilyard if he had anything else to add and Dep. Gilyard responded, “No sir”.

- Dep. Gilyard advises that Julio Vazquez and Inmate Slater are making things up and when asked about whether Dep. Vitale was making things up, Dep. Gilyard stated, “I don’t know”.
- Cmdr. Sepe summarizes again for Dep. Gilyard the statements and evidence as such:
 - You (Dep. Gilyard) walked into the laundry room while holding your gun belt in your hand and not wearing your vest.
 - You (Dep. Gilyard) walked into the blind spot of the laundry room.
 - You (Dep. Gilyard) allowed inmate [REDACTED] to leave her job function at the table and approach you in the blind spot so the both of you were off camera.
 - Inmate Slater then reacts in a manner for about 3 minutes where she is burying her hands in her face, looking away from you (Dep. Gilyard) and inmate [REDACTED] acting like what could be interpreted as shocked, embarrassed, surprised or stunned. (supported by 20 different screen captures-exhibit 2)
 - Inmate [REDACTED] approaches you (Dep. Gilyard) and her jumper looks neat and evenly distributed across her body as she leaves the camera view.
 - Inmate [REDACTED] re-enters the camera view a few minutes later and her jumper is unevenly spread across her shoulders looking disheveled.
 - Inmate Slater said that you (Dep. Gilyard) and inmate [REDACTED] were having sex. Inmate Slater provided a time frame, duration and explicit details.
- Dep. Gilyard responded with, “*Like I said I was never in arms reach of her* ([REDACTED])
- Dep. Gilyard also said as the interview was ending, “*This is my statement...I wish I had more but I don’t*”.
- Dep. Gilyard was sworn in again to close the interview (he was also sworn in to start the interview).

Discussion:

Dep. Gilyard had a series of non-committed and non-explanatory answers. Dep. Gilyard had no real clear and convincing answers to explain away the accusations made against him. Dep. Vitale’s statement regarding the text message he sent and the phone conversation to follow with Dep. Gilyard only hurts Dep. Vitale. Dep. Gilyard stands firm on his answer that Dep. Vitale never said that FDLE was here for him.

Inmate Slater was a trustee who had nothing to gain by making false allegations about Dep. Gilyard and inmate [REDACTED]. Her statement about Dep. Gilyard making hand gestures and telling her to “zip it” or close your mouth were supported by the camera. Her statements about the alleged sexual actions between Dep. Gilyard and inmate [REDACTED] were supported by the time of day, duration, her reactions and the fact that Dep. Gilyard and inmate [REDACTED] were in the blind spot at that time.

Regarding the knowledge of the blind spot from the camera system in the laundry room:

- Dep. Vitale feels that Dep. Gilyard knew about it

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- Dep. DaSaro knew about it herself and only worked at the Inmate Facility for less than 2 months. She also felt that everyone should know about the blind spots for officer safety.
- Dep. Haggerty advised in his interview, “*I heard him (Dep. Gilyard) say about the laundry room...in conversation with a bunch of us around he (Dep. Gilyard) said that there was a crazy blind spot by the door in the laundry room*”.
- Dep. Haggerty also advised that the blind spot in the laundry room was common knowledge among the employees at the Inmate Facility.
- During Inmate Margaret Tillman’s interview with FDLE, she advised that Dep. Gilyard mentioned, in her presence, to other laundry room trustees that there was a blind spot in the laundry room.
- Julio Vazquez advised during his interview with FDLE that Dep. Gilyard has mentioned that there are blind spots in the laundry room.

Julio Vazquez advised in his interview with FDLE that he warned the laundry trustees (Cheryl Folta and [REDACTED]) on Friday (1/13/17) not to be alone with Dep. Gilyard on that following Monday (1/16/17). J. Vazquez told FDLE that after a conversation with Dep. Gilyard, he felt like something was “going down” on Monday (1/16/17). Inmate Folta claimed a knee injury on Monday (1/16/17) morning and that’s why Inmate Slater filled in that day.

Dep. Gilyard is seen on camera walking around with his gun belt in his hand and entering the laundry room which was occupied by inmates [REDACTED] and Slater. He had no explanation of why he wasn’t wearing the gun belt other than he just left the bathroom (which was upstairs and through 2 secured doors). He also went to the back to the bathroom 7 minutes after he walked into the laundry room and came out with his gun belt on. This was right after the alleged incident in the laundry room.

Dep. Gilyard is seen walking into the laundry room earlier in the day (occupied by inmates [REDACTED] and Slater) while holding his dart firing stun gun (Taser) in his hand. Dep. Gilyard gave no explanation of why this occurred other than “I’m not sure what was going on at that moment”.

Inmate [REDACTED] jumper clearly went from neat and evenly spread across her shoulders as she left the camera view and approached Dep. Gilyard to disheveled and unevenly spread across her shoulders as she came back into camera view a few minutes later leaving Dep. Gilyard’s company.

Inmate [REDACTED] was interviewed by the Florida Department of Law Enforcement regarding the criminal investigation of Dep. Bradley Gilyard and denied any sexual interaction with Dep. Gilyard. At the time of this investigation, inmate [REDACTED] had absconded from a drug rehabilitation center and had warrants out for her arrest. Cmdr. Sepe was unable to track her down for an interview.

Findings:

This investigation has **sustained** the following General Order violations:

Flagler County Sheriff's Office General Order 024 – Less Lethal Weapons and Devices IV. **(E) 1. (i):**

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The DFSG shall only be used as a less-lethal method of controlling noncompliance of potentially violent subjects that resist arrest or other lawful commands. Any misuse of the DFSG, including horseplay, may result in disciplinary action up to and including termination.

Deputy Action: Dep. Gilyard un-holstered his department issued dart firing stun gun (Taser) and walked into a room occupied by 2 inmate trustees (Slater and [REDACTED] who then reacted with laughter. Dep. Gilyard had no explanation why this occurred.

Disciplinary Action: According to Flagler County Sheriff's Office General Order 020 – Standards of Conduct III. (A) 2 Category 9 Violations:

(h)Violation of Rules:

Personnel will obey the policies, procedures, instructions and directives of the Sheriff.

According to Flagler County Sheriff's Office General Order 020 – Standards of Conduct III. (A) 5 Category 6 Violations:

(a)Use of Weapons:

Personnel shall not use or handle weapons in a careless or imprudent manner. Personnel shall use weapons in accordance with law and Sheriff's Office procedures.

According to Flagler County Sheriff's Office General Order 019 – Discipline, Category 9 Violations carry a penalty of “All ranges of discipline, from written reprimands up to and including termination”. Category 6 Violations carry a penalty of “seven to ten days suspension”.

Flagler County Sheriff's Office General Order 020 – Standards of Conduct III. (A) 2

Category 9 Violations:

(a)Unsatisfactory or Incompetent Performance:

Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima fascia evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the Sheriff's Office.

(f)Unbecoming Conduct:

Personnel shall conduct themselves at all times, both on and off duty, in such manner as to reflect most favorably on the FCSO. This includes, but is not limited to, electronic communications on social media (e.g., Facebook, Twitter, Myspace, etc.) and internet sites. Conduct unbecoming shall include that which brings the FCSO into disrepute or reflects discredit upon the personnel as a member of the FCSO, or that which impairs the operation or efficiency of the FCSO or personnel.

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Deputy Action: The totality of circumstances surrounding the allegations of Dep. Gilyard and Inmate [REDACTED] regarding misconduct lead Cmdr. Sepe to the inescapable conclusion that there is a preponderance of evidence that Dep. Gilyard's actions are "Unsatisfactory or Incompetent Performance" or "Unbecoming Conduct".

Disciplinary Action: According to Flagler County Sheriff's Office General Order 019 – Discipline, Category 9 Violations carry a penalty of "All ranges of discipline, from written reprimands up to and including termination".

Flagler County Sheriff's Office General Order 020 – Standards of Conduct III. (A) 10

Category 1 Violations:

(d) Personal Appearance:

Personnel on duty shall wear uniforms or other clothing in accordance with established agency procedures. Except when acting under proper and specific orders from a superior, personnel on duty shall maintain a neat, well-groomed appearance.

Deputy Action: Dep. Gilyard was seen on camera walking around holding his gun belt in his hands and interacting with inmates. Dep. Gilyard was also seen on camera walking around with his tactical vest straps openly flapping and not secured. At the time of the alleged incident, Dep. Gilyard did not have his tactical vest on (As a CSOT member, the Axon camera should be attached to it)

Disciplinary Action: According to Flagler County Sheriff's Office General Order 019 – Discipline, Category 1 Violations carry a penalty of "Written Reprimand".

Flagler County Sheriff's Office General Order 020 – Standards of Conduct III. (A) 1.

Category 10 Violations:

(a) Truthfulness:

Personnel shall truthfully relay all information and answer all questions related to their employment with the agency, off-duty employment, volunteer activities with the agency, or questions otherwise related to Sheriff's Office operations, that are asked by, or provided to the Sheriff, the Sheriff's designee, or a superior officer. Personnel shall truthfully answer any questions during any legal proceeding, or otherwise under oath.

Deputy Action: Cmdr. Sepe quoted Dep. Gilyard's statement with FDLE as, "*I can't see where there'd be a blind spot in the laundry room*". Then Cmdr. Sepe asked Dep. Gilyard what his statement is now and he replied, "*I've heard talk of blind spot in the laundry room but I don't know the dimensions*".

Below are findings from sworn interviews obtained during this investigation regarding Dep. Gilyard's knowledge of the blind spot from the camera system in the laundry room:

- Dep. Vitale feels that Dep. Gilyard knew about it
- Dep. DaSaro knew about it herself and only worked at the Inmate Facility for less than 2 months. She also felt that everyone should know about the blind spots for officer safety.

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- Dep. Haggerty advised in his interview, “*I heard him (Dep. Gilyard) say about the laundry room...in conversation with a bunch of us around he (Dep. Gilyard) said that there was a crazy blind spot by the door in the laundry room*”.
- Dep. Haggerty also advised that the blind spot in the laundry room was common knowledge among the employees at the Inmate Facility.
- During Inmate Margaret Tillman’s interview with FDLE, she advised that Dep. Gilyard mentioned, in her presence, to other laundry room trustees that there was a blind spot in the laundry room.
- Julio Vazquez advised during his interview with FDLE that Dep. Gilyard has mentioned that there are blind spots in the laundry room.

Disciplinary Action: According to Flagler County Sheriff’s Office General Order 019 – Discipline, Category 10 Violations carry a penalty of “Termination”.

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To be Completed by the Investigating Supervisor or Official:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

Signature

Date

Sworn to and subscribed before me, the undersigned, this _____ day, _____ month,

Notary

Reviewing Supervisor Printed Name

Date

Signature of Reviewing Supervisor

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