



FLAGLER COUNTY SHERIFF'S OFFICE

Rick Staly, Sheriff

"An honor to serve, a duty to protect."

Internal Investigation Report

Internal Inquiry Incident # 2025-001

Sworn Employee

Flagler Beach Police Department

Sergeant Austin Yelvington

Officer Emmett Luttrell

Internal Inquiry Incident #: 2025-001

Subject Employees: Sergeant Austin Yelvington
Officer Emmett Luttrell

Division: Flagler Beach Police Department

List of Exhibits:

1. CAD printout from case #2025-00003352
2. Flagler Beach Police Department report #2025-00003352
3. FBPD Directive 600 – Arrest Procedures
4. FBPD Directive 1006 – Use of Force
5. FBPD Directive 200 – Code of Conduct & Ethics
6. FBPD Directive 204 – Oath and Canon of Ethics
7. FB City Ordinance Chapter 6 and Chapter 14
8. The Circuit Court, Seventh Judicial Circuit - Announcement of no information
9. Comparative Documents received from Kyle Totton
10. Transcript of interview with Subject Officer, Sergeant Austin Yelvington
11. Transcript of interview with Subject Officer, Officer Emmett Luttrell
12. Photos of the scene indicating approximate property lines.
13. USB flash drive containing videos and interviews:
 - Sergeant Yelvington body worn camera video
 - Officer Luttrell body worn camera video
 - Audio recording of interview with Subject Officer, Sergeant Austin Yelvington
 - Audio recording of interview with Subject Officer, Officer Emmett Luttrell

Synopsis:

On March 2, 2025, at 10:34 AM Officer Emmett Luttrell responded to the Funky Pelican, 215 S Ocean Shore Blvd, in reference to a complaint from the Funky Pelican management about a male subject they wanted trespassed from the business. (FBPD case number 2025-00003352) The male, identified as Jeffery Gray, was standing on the sidewalk in front of the Funky Pelican holding a sign that read "God bless homeless vets." The Funky Pelican management requested that Gray be trespassed from the business for harassing people coming in and out of the business and taking pictures. Officer Luttrell addressed the complaint about harassing people to which Gray denied and stated, "Have you seen me harass anyone?" Officer Luttrell then verbally trespassed him from the Funky Pelican property and requested Gray to move down the sidewalk, which Gray refused. Sergeant Yelvington arrived on scene, made contact with Gray and advised him he was being trespassed from the City of Flagler Beach Boardwalk and Pier in addition to the Funky Pelican. Gray refused to identify himself, answer questions or leave the area. Sergeant Yelvington warned Gray several times about refusing to leave and subsequently placed him under arrest. A search incident to arrest revealed a .380 caliber Smith and Wesson Bodyguard firearm in Gray's front right pocket. Gray was charged with F.S. 810.09.2.B Trespass armed with firearm and was served with a written trespass warning for the Funky Pelican and boardwalk.

Investigation Timeline:

March 5, 2025

Chief Matt Doughney contacted Chief of Staff Mark Strobbridge via email and requested the Flagler County Sheriff's Office to conduct an Internal Investigation into the arrest of Mr. Gray to determine its validity, and to determine if there were violations of Flagler Beach Police Department Directives.

March 6, 2025

Commander George Bender emailed the Flagler Beach Police Department records clerk and requested all reports, documents, witness statements and body worn camera footage attached to this case. Additionally requested were all FBPD Directives. On this date I received all requested items except for the FBPD directives.

March 7, 2025

Chief of Staff Strobridge authorized Commander Bender to conduct an internal investigation of FBPD case 2025-00003352 to determine any violations of arrest procedures and Flagler Beach Police Department Directives. Additionally on this date, access to PowerDMS to all FBPD directives was received. Employee Notices of Internal Investigations for Sergeant Yelvington and Officer Luttrell were sent to Chief Doughney to be served respectively. Both signed documents were returned on March 12, 2025.

March 19, 2025

A representative for Sergeant Yelvington, Kyle Totton, emailed several comparative documents which will be attached to this report as **Exhibit #9**.

March 27, 2025

A phone call was placed to the Funky Pelican from a Sheriff's Office number to speak with management to schedule witness interviews. I advised who I was and what my purpose was for calling and was immediately hung up on.

May 9, 2025

Emails requesting interviews were sent to Sergeant Yelvington and Officer Luttrell.

May 13, 2025

Requested training files for Sergeant Yelvington and Officer Luttrell from the Flagler Beach Police Department.

May 16, 2025

I have not received the training files as of this date.

May 20, 2025

Met with a manager at the Funky Pelican who did not wish to provide a statement.

June 24, 2025

The training files for Sergeant Yelvington and Officer Emmett Luttrell were emailed as a link however the link is not functioning properly. A reply was sent requesting another link.

June 27, 2025

As of this date no response regarding the training files has been received.

NOTE: The interview summaries found within the following section of this investigative report represent a general description of testimony provided by the individual witnesses. Transcripts of each digital audio recording are contained within the investigative case file for review by the reader. **(EXHIBIT 10 & 11)**

INTERVIEWS

Sergeant Austin Yelvington Professional Standards Interview

The following is a synopsis of the sworn, digitally recorded statement provided at approximately 9:16 AM on May 20, 2025.

At the onset of the interview, Sergeant Yelvington was allowed to review all documents and evidence about this investigation, which he did. Sergeant Yelvington read and signed the Flagler Beach Police Department forms of the Law Enforcement Officers Bill of Rights, Confidentiality Law, Garrity Statement, and Perjury Affidavit, signaling comprehension.

Sergeant Yelvington was asked if he was familiar with the incident occurring on March 2, 2025, on the boardwalk in front of the Funky Pelican involving Jeffery Gray. He replied, "Yes sir." Sergeant Yelvington stated he did not have any past interactions with Mr. Gray and was not familiar with him prior to this incident. Sergeant Yelvington described Mr. Gray's behavior as calm and did not observe him touching or harassing anyone upon his arrival. Sergeant Yelvington determined that Mr. Gray was on city property because of past practice which he has been doing for the last thirteen years, and they have always treated the boardwalk and pier as being city property. Because he thought it was city property, he thought he was doing the right thing. Officers have historically trespassed individuals from city property at their discretion **(EXHIBIT 9)**, however, this is not something they were trained on, nor could Sergeant Yelvington recall who told him this was an acceptable practice of issuing trespass warnings.

In describing the Flagler Beach Police Department arrest procedures, Sergeant Yelvington gave an example of when someone is committing a crime, they establish they have probable cause to make an arrest and then make the arrest. Sergeant Yelvington was asked if he received any training on their arrest procedures and he advised he did via power DMS (FBPD Directives). Sergeant Yelvington provided figures of how many people were trespassed and or arrested from the Funky Pelican and other areas of the boardwalk. **(EXHIBIT 9)**

Sergeant Yelvington was asked if how Mr. Gray was placed in the patrol car was consistent with Flagler Beach Police Department procedures and he replied "Yes." With no further elaboration.

Observed in both Sergeant Yelvington and Officer Luttrell's videos was a period of time when their Axon cameras were muted. Sergeant Yelvington recalled the conversation he had with Officer Luttrell stating the majority of the conversation in the muted section of the Axon videos was of him explaining to Officer Luttrell why they did what they did and since Officer Luttrell was fairly new. At one point Sergeant Yelvington is sure he pointed to the west side of A1A and told Officer Luttrell if he had been over there, they would not have done anything. Sergeant Yelvington was also unable to recall any training on the 1st amendment or 1st amendment auditors prior to this incident.

At this point in the interview Mr. Totton was given an opportunity to ask Sergeant Yelvington questions. Mr. Totten, for the purpose of clarification, asked Sergeant Yelvington if he understood this was about arrest procedures, not the whole incident and that Mr. Gray was not interviewed and agreed to do the interview knowing that. Sergeant Yelvington replied with "Yes." Mr. Totten also asked how many incidents there were stated in the Comparative Documents (**EXHIBIT 9**). Sergeant Yelvington advised just at the area of the Funky Pelican 24 people who had been arrested. And those numbers in his opinion were not accurate, they are going to be low and, in some cases, higher because if the header of the call was a high priority like a physical disturbance they would have labeled it physical disturbance instead of trespassing. Sergeant Yelvington was previously told the Funky Pelican building is city owned property. Sergeant Yelvington explained in the past they had always been told that all the Pier and boardwalk were city owned property. You could ask anyone in the department, and they would have told you the same thing. Sergeant Yelvington provided a printout of a map and after doing his own research, on the Property Appraiser's website he discovered there is a section of the boardwalk in the 100 block of A1A directly behind the new hotel that is now owned by the hotel. Another map that was provided shows a section of South 4th Street where a subject was previously arrested and found guilty of trespassing. This property is not owned by the city either (**EXHIBIT 9**). He also spoke of another area up near the north end of the city where the boardwalk is split down in the middle, half owned by the city and half owned by the state. After

Date: March 2, 2025

doing more investigation and research, Sergeant Yelvington now understands there was no probable cause to arrest because where Mr. Gray was standing was in fact owned by the Department of Transportation, not the city.

In this situation Mr. Gray had already demonstrated his refusal to leave, prompting Sergeant Yelvington to expedite the situation to a resolution by effecting an arrest after several warnings to leave the area. In his heart, Sergeant Yelvington felt like they were doing the right thing, so they made the arrest. Looking back, he realizes now it was not right. But, also felt that if he left, Mr. Gray would have stayed up there and eventually he would have been forced to do something.

This interview was then concluded at 9:29 AM on May 20, 2025.

INTERVIEWS

Officer Emmett Luttrell

Professional Standards Interview

The following is a synopsis of the sworn, digitally recorded statement provided at approximately 3:41 PM on May 28, 2025.

At the onset of the interview, Officer Luttrell was allowed to review all documents and evidence about this investigation, which he did. Officer Luttrell read and signed the Flagler Beach Police Department forms of the Law Enforcement Officers Bill of Rights, Confidentiality Law, Garrity Statement, and Perjury Affidavit, signaling comprehension.

Officer Luttrell was asked if he was familiar with the incident occurring on March 2, 2025, on the boardwalk in front of the Funky Pelican involving Jeffery Gray. He replied, "Yes sir." When Officer Luttrell arrived on scene, he observed a man that was described as a heavier set gentleman wearing a gray shirt and was holding a sign that said homeless vets on it. Mr. Gray had two of his own cameras set up near the front of the Funky Pelican, both of which Officer Luttrell did not notice when he first arrived.

Upon his contact with the Funky Pelican Management, they advised him that Mr. Gray was harassing people from out there and was writing on the chalk board, which is on the front face of the building. None of these actions were observed by Officer Luttrell. Prior to this incident Officer Luttrell was not familiar with Mr. Gray. When asked why he noted Mr. Gray as a 1st

amendment auditor in his case notes he advised Deputy Long sent him a chat on his MDT (Mobile Data Terminal) telling him he was bringing an auditor to them. Officer Luttrell also described Mr. Gray's behavior as calm and mellow.

Initially Officer Luttrell thought Mr. Gray was on the Funky Pelican property which is owned by the city. The managers wanted Mr. Gray to go so Officer Luttrell explained to them that he was not doing anything wrong but would try to get him to move down one way or another. Prior to Sergeant Yelvington's arrival, Officer Luttrell planned to just talk to Mr. Gray and further evaluate the situation to see if he was harassing anyone or if any crimes or ordinance violations were taking place, but he personally did not observe Mr. Gray harassing anybody.

Officer Luttrell was not trained on exactly where the city property limits were but was told it was the Flagler Beach boardwalk and pier area from 8th south to 4th north St to include the Funky Pelican sidewalk. This was explained to Officer Luttrell by Sergeant Yelvington. Officer Luttrell was not specifically trained on the procedure for trespassing individuals from city property at their discretion. However, he was told that if they are on the boardwalk or the pier they can be trespassed. To his understanding people had to be doing something wrong such as an ordinance violation to be issued a trespass warning. This process of issuing trespass warnings, according to Officer Luttrell, is a well-known and acceptable practice throughout the agency.

In describing the Flagler Beach Police Department arrest procedures, Officer Luttrell stated felonies, and misdemeanor exceptions he did not observe. With recently reading them in FTO (Field Training, 3 months) and the short in-house training (A little over a week) gave him an understanding that he did not think he had enough to make an arrest and that is why he told the Funky Pelican managers that technically Mr. Gray was not committing any crimes right now. As for the Flagler Beach Police Department arrest procedures, Officer Luttrell was provided with this directive in power DMS to read and sign.

When asked if the manner in which Mr. Gray was placed in the patrol vehicle was consistent with the Flagler Beach Police Department procedures, Officer Luttrell explained that he would not have gone about that way and would have tried a different way to get him into the vehicle. He would not have pushed him in the vehicle. It should be noted that observed on Axon videos is Sergeant Yelvington pushing Mr. Gray into the vehicle causing his head to be pushed forward toward his chest. Officer Luttrell did witness this transpire and was not sure if he was stuck

because it was a tight fit. On the way to the detention facility Mr. Gray did say his neck hurt so Officer Luttrell made sure he took corners slowly to ensure no further injury. Officer Luttrell was unable to recall if he offered to take Mr. Gray to the hospital or if Mr. Gray asked to go but recalls telling Mr. Gray they have a nurse on staff at the detention facility. Usually, Officer Luttrell's common practice is if somebody has complaints about chest pains or says they are hurt is to ask them if they want med, however in this incident with Mr. Gray, he is unsure if he did that. If he did not that day, "that's unfortunate," explains Officer Luttrell.

Observed in both Sergeant Yelvington and Officer Luttrell's videos was a period of time when their Axon cameras were muted. Officer Luttrell recalled the conversation he had with Sergeant Yelvington during this time period where both of their Axon cameras were muted, Sergeant Yelvington recommended charging Mr. Gray with armed trespassing due to him having a firearm in his right pocket. Sergeant Yelvington was also explaining why he could trespass from this area because the Funky Pelican property is owned by the city. He further advised, if he had been standing across the street they would not have touched it.

Officer Luttrell was never provided with any type of map that outlines the city property limits, nor did he receive any training on the 1st amendment and 1st amendment auditors prior to this incident.

When asked to elaborate on what he interpreted as what the Funky Pelican management described as harassing, he advised such things as haggling, poking and asking for money. With that being said, Officer Luttrell stated he still does not think he would have acted on it unless there were active threats of violence, or trying to touch people.

Officer Luttrell did in fact assume the role of arresting officer in this case. Initially he was not going to make the arrest because he did not think he had enough. Upon Sergeant, Yelvington's arrival, due to his "green nature" of the job, deferred to Sergeant Yelvington and that is when Sergeant Yelvington went hands on.

In closing comments, Officer Luttrell explained knowing what he now knows, he 100% would not have made that arrest and would have spoken up and said he was not willing to make this arrest. He is very remorseful of the time that Mr. Gray did spend because it was a felony so if he could see him again, he would 100% apologize to him for that day.

This interview concluded at 4:01 PM on May 28, 2025.

Discussion:

The authorized scope of this case I was given to investigate was to determine any violations of arrest procedures, not the arrest of Mr. Gray. Therefore, the testimony of Mr. Gray for the physical arrest is not relevant to the scope of this investigation of the Flagler Beach Police Department arrest procedure directives. However, a review of the body camera demonstrates Mr. Gray was not on city property rather, he was on the Department of Transportation property. The Flagler Beach Police Department did not secure, nor have, the authority to issue a trespass warning on the DOT property. As a result, the subsequent arrest for trespass after warning was improper.

Sergeant Yelvington provided a listing of similar incidents involving an arrest after trespassing in or near the pier and boardwalk to demonstrate this was the practice of his agency. Body camera footage demonstrates that Mr. Gray was located approximately eighteen to thirty-six inches outside the city property in an area determined to be DOT property. Sergeant Yelvington who had an opportunity to review the facts and conduct independent research, testified Mr. Gray was not on city property when he was trespassed and subsequently arrested. **(Exhibit 13).**

It should be noted this investigator was only able to decide as to the boundaries of city property and the DOT by creating an overlay which included combining property appraiser records with DOT maps in a single composite. **(Exhibit 12)**

The record contains no evidence of personal bias or malice on the part of Sergeant Yelvington and Officer Luttrell towards Mr. Gray. Neither Sergeant Yelvington nor Officer Luttrell had any prior interaction with Mr. Gray, nor were they aware of his prior interactions with other law enforcement agencies.

Findings:

Upon careful review of the evidence and a review of the Flagler Beach Police Department Directives, I submit **SUSTAINED** findings against Sergeant Austin Yelvington for the following violations:

Count 1: Violation of Department Arrest Procedures Directive #600, #600.13

A review of the evidence demonstrates Mr. Gray was not on city property but rather he was located on the DOT's property. Sergeant Yelvington did not secure, nor did he have the authority to issue a trespass warning on the DOT's property. As such there was no probable cause to effect the arrest for trespass after warning, the arrest was improper. As the senior officer present at the scene, it was his responsibility to assess the facts and determine a course of action. In this case, Sergeant Yelvington failed to properly analyze the relevant facts prior to effecting the arrest. A review of the evidence demonstrates Mr. Gary was handcuffed behind his back, because of his girth he was double cuffed. It appears the handcuffs were properly adjusted and double locked consistent with department directives. ***600.13: The arresting Officer is responsible for the safety and protection of the arrested person while in their custody.*** Mr. Gray was escorted to the patrol car and placed in the vehicle, though he engaged in a verbal exchange he did not resist. He was searched and placed in the back of the vehicle, at this point Mr. Gray indicated he did not fit within the vehicle. Without engaging deescalating techniques Sergeant Yelvington placed his hands on Mr. Gray's head and shoulders forcing him into the vehicle bending his neck and rubbing his head against the vehicle's door frame. Sergeant Yelvington's actions were unnecessary and could have harmed Mr. Gray. His actions were inconsistent with the department's directives.

Additionally, I submit a **NOT SUSTAINED** finding against Officer Emmett Luttrell regarding an allegation of a **Violation of Department Arrest Procedures Directive #600**

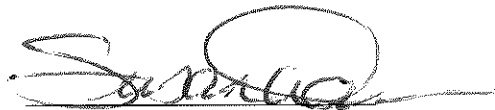
To be Completed by the Investigating Supervisor or Official:

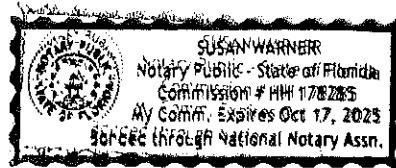
"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida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


Signature

7/9/2025
Date

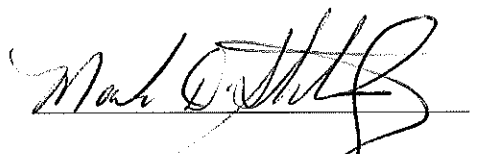
Sworn to and subscribed before me, the undersigned, this 9 day, July month, 2025 year.


Notary



MARK D. Grossberg
Reviewing Supervisor Printed Name

07/09/2025
Date


Signature of Reviewing Supervisor



Jack Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

Authorization to Conduct Internal Investigation

Date: 03/07/2025

To: Commander George Bender

From: Chief M. Strobridge

A handwritten signature in black ink, appearing to read "M. Strobridge", is written over the printed name.

Internal Investigation Incident

#2025-0001

In accordance with FCSO GO# 021.VII. D.1.e, I hereby authorize Commander George Bender to conduct an Internal Investigation into FPBD Case number 25-3352 at the request of Chief Matt Doughney of the Flagler Beach Police Department.



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

Employee Notice of Internal Investigation

Date: 03/07/2025

To: Sergeant A. Yelvington

From: Commander George Bender

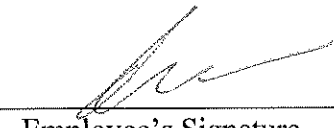
Internal Investigation

Incident#2025-001

The Flagler County Sheriff's Office was requested by Flagler Beach Police Department, Chief Matt Doughney, to conduct an internal investigation into Flagler Beach case number 25-3352 to determine any violations of arrest procedures and Flagler Beach Police Department Directives.

You will be notified when to appear to answer questions fully and truthfully and to present all information and/or evidence relevant to this investigation when directed to do so by Commander George Bender, the FCSO employee responsible for this investigation.

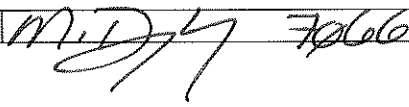
Since this is an internal investigation, you are ordered to fully cooperate with the investigation. You are entitled to review the complaint and any and all evidence immediately prior to your interview. If you wish, you may have counsel or a representative of your choosing with you during questioning. All information concerning this investigation is to remain confidential until the investigation becomes a public record. Upon completion of the investigation, you will be notified of the findings and any action, if any, to be taken.



Employee's Signature

3/11/25
Date

3:13pm
Time

Served By		Date	<u>3/11/25</u>	Time	<u>3:13pm</u>
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Flagler Beach Police Department Law Enforcement Officers Bill of Rights



FL. Statue 112.532

Law enforcement officers' and correctional officers' rights.--All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) **RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.**--Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be conducted under the following conditions:

- (a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.
- (b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.
- (c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator at any one time.
- (d) The law enforcement officer or correctional officer under investigation shall be informed of the nature of the investigation prior to any interrogation, and he or she shall be informed of the name of all complainants.
- (e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.
- (f) The law enforcement officer or correctional officer under interrogation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answer any questions.
- (g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, shall be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any such recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.
- (h) If the law enforcement officer or correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights prior to the commencement of the interrogation.



(i) At the request of any law enforcement officer or correctional officer under investigation, he or she shall have the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during such interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) COMPLAINT REVIEW BOARDS.--A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board, with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.-- Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties or for abridgment of the officer's civil rights arising out of the officer's performance of official duties.

(4) NOTICE OF DISCIPLINARY ACTION.--No dismissal, demotion, transfer, reassignment, or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against any law enforcement officer or correctional officer unless such law enforcement officer or correctional officer is notified of the action and the reason or reasons therefore prior to the effective date of such action.

(5) RETALIATION FOR EXERCISING RIGHTS.--No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

A Kelvington
Name of officer receiving

[Signature]
Signature of officer receiving

5/20/25 920am
Date and time

[Signature] 376
Signature of delivering official



Flagler Beach Police Department



Perjury Affidavit:

Case Number: 2025-001

Your answers to the questions in this investigation will be truthful and accurate to the best of your knowledge. Any failure to respond truthfully can result in discipline up to and including termination. Further, knowingly false statements made by you may subject you to prosecution for perjury. There may be additional follow-up questions on this matter that you may have to respond to. You will not discuss this investigation with anyone (except your representative) while this investigation is still ongoing. I have provided you with copies of the file documents to date.

Respectfully,

Cmdr S 376 (FCSO)
Investigator

By my signature below, I swear and/or affirm that the statements I will give will be made by me under my own free will and are truthful to the best of my knowledge. I understand that these statements are being made under oath and any statement(s) found to be untruthful that are made by me could subject me to disciplinary action up to and including termination, and/or being charged under Florida State Statute 837.

On the ___ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Subject Officer's Signature

Austin Yelvington
Subject Officer's Printed Name

Cmdr S 376
Investigator (Notary) Signature

Cmdr George Bender
Investigator (Notary) Printed Name



Flagler Beach Police Department

Internal Investigation Confidentially Law



The Florida Legislature amended the law regarding citizen's complaints against law enforcement and correctional officers.

The law requires that any complaint made and filed with the law enforcement/corrections agency shall remain confidential until the investigation ceases to be active without a finding relating to probable cause. The law also establishes a presumption that the complaint investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed. **(FS 112.533Sec. 2b)**

The law also contains a criminal violation provision for the willful disclosure of a complaint before it has been investigated and becomes a public record, to wit:

FLORIDA STATUTES SECTION 112.533 (4).

Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph(2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

PLEASE BE GUIDED ACCORDINGLY.

I hereby acknowledge that I have read this Notice and understand its provisions.

A. Yelvington
Name of person receiving

[Signature]
Signature of person receiving

5/20/25 920am
Date and time

[Signature]
Signature of witness

GARRITY STATEMENT



CASE NUMBER 2025-001

Austin Yelvington
NAME OF EMPLOYEE

Sergeant
RANK

I wish to advise you that you are being questioned as part of an official investigation of the Flagler Beach Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of the State of Florida and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges, which could result in your dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding except for perjury or obstruction of justice charges. However, these statements may be used against you in relation to subsequent departmental charges.

[Signature]
Employee's Signature

5/20/25
Date

Carol [Signature] 326
Witness Signature

5/20/25
Date



Flagler Beach Police Department



Interview format for employee under investigation

Case Number: 2025-001

Interview format of an employee under investigation for an alleged violation of Departmental and/or City Rules and Regulations.

Employee interviewed: Austin Velvinton Sgt 7064
Name Rank ID #

Interviewed by: George Bender Commander 376 (FCSO)
Name Rank ID #

Date & time of interview: 5/20/25 9:16

Location of interview: Flagler County Sheriff's office

Officials present during interview: Cmdr George Bender, General Counsel John
LeMASTER, Sgt Austin Velvinton,

Reason for interview: Prior to this interview there are several items you must be advised of:

- (1) You are the subject officer of the investigation.
- (2) The allegation(s) are as follows:
Violation of Arrest procedure
- (3) This is an administrative, not criminal investigation.
- (4) You have been given to read and sign copies of the Police Officer's Bill of Rights, Garrity Statement and Perjury Form. Do you understand your rights? Do you have any questions concerning these forms?
- (5) You have been given an opportunity to review all statements and all existing evidence; have you had sufficient time to review the statements and evidence?

Employee's Initials: .

Advise the employee who is in charge of the investigation and who will be conducting the investigation. Also advise the employee that the interview is being recorded and that all of the employee's statements are to be made under oath.

Interviewer: Swear in the employee.

Do you swear and affirm that the statements you are about to make are being made by you under your own free will and are truthful to the best of your knowledge. Do you understand that these statements are being made under oath and any statement(s) found to be untruthful made by you could subject you to disciplinary action up to and including termination, and/or being charged with Perjury.

Do you understand the charges that are being investigated? (If the response is "No", answer fully all questions the employee may have about the alleged violation).

Is Kyle Totten the person you have chosen to represent you? If no representative is present, state so on the record and have the employee acknowledge that they were given the opportunity to obtain a representative.

Advise the representative that when representing an employee during an investigatory interview, a representative must remain civil and may not interfere with an employer's legitimate efforts to conduct an investigation. An employer may lawfully remove a representative from an interview if they engage in disruptive or hostile behavior.

Now proceed with the interview, asking questions pertaining only to the violation you are investigating.

Before you end the interview:

Ask the attorney or representative of the employee if he/she has any questions which they would like to ask the employee.

Ask the employee if he/she is aware that the interview has been recorded.

Ask the employee if he/she has any comments, questions or statements before the interview is terminated.

Any breaks in the interview will be noted below:

Interview paused at: _____ Interview resumed at: _____

Reason for break: _____

Interviewer: This interview will be terminated at: 0920 on 5/20/2025
Time Date



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

Employee Notice of Internal Investigation

Date: 03/07/2025

To: Officer Emmett Luttrell

From: Commander George Bender

Internal Investigation

Incident#2025-001

The Flagler County Sheriff's Office was requested by Flagler Beach Police Department, Chief Matt Doughney, to conduct an internal investigation into Flagler Beach case number 25-3352 to determine any violations of arrest procedures and Flagler Beach Police Department Directives.

You will be notified when to appear to answer questions fully and truthfully and to present all information and/or evidence relevant to this investigation when directed to do so by Commander George Bender, the FCSO employee responsible for this investigation.

Since this is an internal investigation, you are ordered to fully cooperate with the investigation. You are entitled to review the complaint and any and all evidence immediately prior to your interview. If you wish, you may have counsel or a representative of your choosing with you during questioning. All information concerning this investigation is to remain confidential until the investigation becomes a public record. Upon completion of the investigation, you will be notified of the findings and any action, if any, to be taken.

Employee's Signature

03/11/2025
Date

3:57 PM
Time

Served By	M. J. 7060	Date	3/11/25	Time	3:57pm
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Flagler Beach Police Department



Interview format for employee under investigation

Case Number: 2025-001

Interview format of an employee under investigation for an alleged violation of Departmental and/or City Rules and Regulations.

Employee interviewed: Emmett Luttrell Officer 7089
Name Rank ID #

Interviewed by: George Bender Commander 376
Name Rank ID #

Date & time of interview: 5/28/2025 3:45pm

Location of interview: Flagler County Sheriff's office

Officials present during interview: Cmdr George Bender, FCSO General Counsel
John Lemaster, Greg Cook - IUPA, Officer Emmett Luttrell

Reason for interview: Prior to this interview there are several items you must be advised of:

- (1) You are the subject officer of the investigation.
- (2) The allegation(s) are as follows:
Violation of Arrest Procedures
- (3) This is an administrative, not criminal investigation.
- (4) You have been given to read and sign copies of the Police Officer's Bill of Rights, Garrity Statement and Perjury Form. Do you understand your rights? Do you have any questions concerning these forms?
- (5) You have been given an opportunity to review all statements and all existing evidence; have you had sufficient time to review the statements and evidence?

 **Employee's Initials:** EL

Advise the employee who is in charge of the investigation and who will be conducting the investigation. Also advise the employee that the interview is being recorded and that all of the employee's statements are to be made under oath.

Interviewer: Swear in the employee.

Do you swear and affirm that the statements you are about to make are being made by you under your own free will and are truthful to the best of your knowledge. Do you understand that these statements are being made under oath and any statement(s) found to be untruthful made by you could subject you to disciplinary action up to and including termination, and/or being charged with Perjury.

Do you understand the charges that are being investigated? (If the response is "No", answer fully all questions the employee may have about the alleged violation).

Is GREG COOK the person you have chosen to represent you? If no representative is present, state so on the record and have the employee acknowledge that they were given the opportunity to obtain a representative.

Advise the representative that when representing an employee during an investigatory interview, a representative must remain civil and may not interfere with an employer's legitimate efforts to conduct an investigation. An employer may lawfully remove a representative from an interview if they engage in disruptive or hostile behavior.

Now proceed with the interview, asking questions pertaining only to the violation you are investigating.

Before you end the interview:

Ask the attorney or representative of the employee if he/she has any questions which they would like to ask the employee.

Ask the employee if he/she is aware that the interview has been recorded.

Ask the employee if he/she has any comments, questions or statements before the interview is terminated.

Any breaks in the interview will be noted below:

Interview paused at: _____ Interview resumed at: _____

Reason for break: _____

Interviewer: This interview will be terminated at: 4:01 pm on 5/28/2025
Time Date



Flagler Beach Police Department



Perjury Affidavit:

Case Number: 2025-001

Your answers to the questions in this investigation will be truthful and accurate to the best of your knowledge. Any failure to respond truthfully can result in discipline up to and including termination. Further, knowingly false statements made by you may subject you to prosecution for perjury. There may be additional follow-up questions on this matter that you may have to respond to. You will not discuss this investigation with anyone (except your representative) while this investigation is still ongoing. I have provided you with copies of the file documents to date.

Respectfully,

Cmdr George Bender

Investigator

By my signature below, I swear and/or affirm that the statements I will give will be made by me under my own free will and are truthful to the best of my knowledge. I understand that these statements are being made under oath and any statement(s) found to be untruthful that are made by me could subject me to disciplinary action up to and including termination, and/or being charged under Florida State Statute 837.

On the 28 day of May in the year 2025 before me, the undersigned, personally appeared Emmett Littlell personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]

Subject Officer's Signature

Emmett Littlell

Subject Officer's Printed Name

Cmdr George Bender

Investigator (Notary) Signature

Cmdr George Bender

Investigator (Notary) Printed Name

GARRITY STATEMENT



CASE NUMBER 2025-001

Emmett Luttrell

NAME OF EMPLOYEE

Officer

RANK

I wish to advise you that you are being questioned as part of an official investigation of the Flagler Beach Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of the State of Florida and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges, which could result in your dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding except for perjury or obstruction of justice charges. However, these statements may be used against you in relation to subsequent departmental charges.

[Signature]

Employee's Signature

05/28/2025

Date

[Signature]

Witness Signature

5/28/2025

Date



Flagler Beach Police Department

Internal Investigation Confidentially Law



The Florida Legislature amended the law regarding citizen's complaints against law enforcement and correctional officers.

The law requires that any complaint made and filed with the law enforcement/corrections agency shall remain confidential until the investigation ceases to be active without a finding relating to probable cause. The law also establishes a presumption that the complaint investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed. *(FS 112.533 Sec. 2b)*

The law also contains a criminal violation provision for the willful disclosure of a complaint before it has been investigated and becomes a public record, to wit:

FLORIDA STATUTES SECTION 112.533 (4).

Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

PLEASE BE GUIDED ACCORDINGLY.

I hereby acknowledge that I have read this Notice and understand its provisions.

Emmett W. Hurrell
Name of person receiving

[Signature]
Signature of person receiving

05/28/2025 15:43
Date and time

[Signature]
Signature of witness



Flagler Beach Police Department Law Enforcement Officers Bill of Rights



FL. Statue 112.532

Law enforcement officers' and correctional officers' rights.--All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) **RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.**--Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.

(c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator at any one time.

(d) The law enforcement officer or correctional officer under investigation shall be informed of the nature of the investigation prior to any interrogation, and he or she shall be informed of the name of all complainants.

(e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(f) The law enforcement officer or correctional officer under interrogation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answer any questions.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, shall be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any such recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.

(h) If the law enforcement officer or correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights prior to the commencement of the interrogation.



(i) At the request of any law enforcement officer or correctional officer under investigation, he or she shall have the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during such interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) COMPLAINT REVIEW BOARDS.--A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board, with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.-- Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties or for abridgment of the officer's civil rights arising out of the officer's performance of official duties.

(4) NOTICE OF DISCIPLINARY ACTION.--No dismissal, demotion, transfer, reassignment, or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against any law enforcement officer or correctional officer unless such law enforcement officer or correctional officer is notified of the action and the reason or reasons therefore prior to the effective date of such action.

(5) RETALIATION FOR EXERCISING RIGHTS.--No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

Emmett Wirtrell

Name of officer receiving

Signature of officer receiving

05/28/2025 15:43

Date and time

Signature of delivering official



FLAGLER BEACH POLICE DEPARTMENT

Matthew P. Doughney, Chief of Police
204 S. Flagler Ave
Flagler Beach, FL 32136
386.517.2023

AFFIDAVIT OF SERVICE


RECEIVED THIS NOTICE (DATE/TIME) August 7, 2025

AND SERVED UPON (NAME) Sergeant Austin Yelvington


AT (ADDRESS) 204 S. Flagler Av.

REFERENCE Jeff Gray Investigation

AND SERVED SAID NOTICE TO HIM/HER

EMPLOYEE SIGNATURE x  7064

DATE 8/7/25

SUPERVISOR SIGNATURE 

DATE 8/7/25

PLEASE RETURN THIS ORIGINAL FORM WITH A COPY OF THE
DOCUMENT SERVED, AFTER SIGNATURE OF EMPLOYEE AND
SUPERVISOR, TO DEPUTY CHIEF LANCE BLANCHETTE

SIGNED ORIGINAL GOES TO THE EMPLOYEE



FLAGLER BEACH POLICE DEPARTMENT
EMPLOYEE INCIDENT FORM

Date: August 6, 2025

Name of Employee(s):
Sergeant Austin Yelvington

Supervisor:
Deputy Chief Blanchette
Reason(s) Be Specific:
Violations of Department Directive's #600 and #600.13

Narrative:

On March 2, 2025, at approximately 10:34 a.m. you responded to 215 South Oceanshore Boulevard in reference to a complaint from Funky Pelican management about a male subject they wanted trespassed from the business. Officer Luttrell arrived on scene before your arrival and he contacted the management of the business. Management advised that the subject in question had been harassing people coming in and out of the business and taking pictures. Upon Officer Luttrell's arrival, Officer Luttrell contacted the individual, later identified as Mr. Jeffery Gray, who was standing on the pavement/sidewalk near the edge of SRA1A. Mr. Gray was holding a sign that read "God bless homeless vets" and Mr. Gray was advised by Officer Luttrell that he was being trespassed from the Funky Pelican property. Officer Luttrell also requested that he (Mr. Gray) move down the sidewalk; which Mr. Gray refused.

Shortly after your arrival, you placed Mr. Gray under arrest for Trespassing. During your encounter with Mr. Gray, you did not attempt to diffuse the situation, nor did you try to find any alternative means other than a physical arrest. Mr. Gray was handcuffed and you and Officer Luttrell escorted him toward Officer Luttrell's Police vehicle, which was parked on South Oceanshore Boulevard, across from the Pier "A" Frame.

Employee Response:

I have read the foregoing and have been counseled in regard to this matter. I understand that my signature does not signify my agreement or disagreement with the information specified herein.

8/7/25
Date

[Signature]
Employee Signature

I have counseled the employee concerning this matter and recommend the following:
See attached memorandum with disciplinary recommendations.

Supervisor

Date

Supervisor Signature

Deputy Chief

Action Taken: SEE MEMORANDUM

8/7/25
Date

ACD BLANCHETTE
Deputy Chief Signature

Chief of Police

Action Taken: Three (3) day Suspension (without pay)
and mandated FDLE Verbal Deescalation Training

8/7/25
Date

MT
Chief of Police Signature

Department Directive 600.13 states "The arresting Officer is responsible for the safety and protection of the arrested person in their custody". In the Internal Investigation it states "Without engaging de-escalation techniques Sergeant Yelvington placed his hands on Mr. Gray's head and shoulders forcing him into the vehicle bending his neck and rubbing his head against the vehicle's door frame. Sergeant Yelvington's actions were unnecessary and could have harmed Mr. Gray. His actions were inconsistent with department directives".

As you've been made aware, you have been mandated to take the following "in-person" training class; Florida Department of Law Enforcement (FDLE) De-escalation Techniques for Criminal Justice Professionals.

In addition to the mandated FDLE De-escalation course, you've successfully completed four (4) hours of training that was provided by the City of Flagler Beach with regards to the First Amendment. You've also completed First Amendment online training through the Bureau of Justice Assistance (BJA), titled "Your Role in Protecting Privacy, Civil Rights, and Civil Liberties", as well as "First Amendment Issues for Supervisors" through the FBI-Law Enforcement Executive Development Association (FBI-LEEDA).


Employee Signature

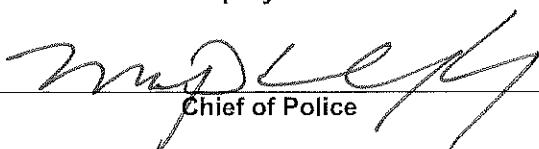

Date

Completing Employee's/Supervisor

Date

Deputy Chief

Date


Chief of Police


Date



FLAGLER BEACH POLICE DEPARTMENT
EMPLOYEE INCIDENT SUPPLEMENT FORM

Date: August 6, 2025

Name of Employee(s): Sergeant Austin Yelvington

Supervisor: Deputy Chief Blanchette

This is a multi-purpose employee incident form. Please indicate in the area(s) below which section(s) of the employee incident form are continued below.

Supervisor's Narrative:	<input checked="checked" type="checkbox"/>	Employee Response:	<input type="checkbox"/>
Supervisor's Comments:	<input type="checkbox"/>	Deputy Chief Comments:	<input type="checkbox"/>
Chief of Police Comments:	<input type="checkbox"/>	Other	<input type="checkbox"/>

Narrative:

As you attempted to place Mr. Gray into the Police vehicle, he (Mr. Gray) advised he could not fit, and you're observed on AXON Body Worn Camera (BWC) "pushing Mr. Gray into the vehicle causing his head to be pushed forward toward his chest". At the time of Mr. Gray's arrest, Officer Luttrell's Police vehicle was a Ford Interceptor sedan, and your vehicle was a Ford SUV.

If Mr. Gray could not fit into the Police sedan, he should have been placed in the back of your Police vehicle for transport. This is the second instance in this case where you made no attempt to verbally de-escalate the situation, nor was there a discussion with Officer Luttrell to look for an alternative means of transportation. The end result was you pushing Mr. Gray into the rear of the smaller vehicle, exposing him to risk of personal injury.

Based on my review of the Internal Investigation completed by Commander Bender of the Flagler County Sheriff's Office, I concur with the "Sustained" violations of Department Directive 600 and Department Directive 600.13.

Department Directive 600 states "It shall be the policy of the Flagler Beach Police Department to affect the arrest of a subject who violates a criminal law which warrants the arrest of the violator". In this case Mr. Gray did not commit a violation of Florida law and as mentioned in the Internal affairs investigation, "As the senior Officer present at the scene, it was his (Sergeant Yelvington's) responsibility to assess the facts and determine a course of action. In this case Sergeant Yelvington failed to properly analyze the relevant facts prior to affecting the arrest".



FLAGLER BEACH POLICE DEPARTMENT

Matthew P. Doughney, Chief of Police
204 S. Flagler Ave
Flagler Beach, FL 32136
386.517.2023

MEMORANDUM

DATE: July 23, 2025

TO: Matthew P. Doughney, Chief of Police

FROM: Lance C. Blanchette, Deputy Chief

SUBJECT: F.C.S.O. Internal Inquiry Incident # 2025-001-Yelvington / Luttrell

On July 9, 2025, I was provided with a digital copy of Flagler County Sheriff's Office Internal Inquiry Incident #2025-001, which investigated the arrest actions taken by Sergeant Austin Yelvington and Officer Emmett Luttrell during the arrest of Mr. Jeffery Gray on March 2, 2025. Based on the review of this investigation, I formally submit my findings and recommendations.

INVESTIGATION

The investigation conducted by Commander George Bender of the Flagler County Sheriff's Office Department of Professional Standards was found to be both thorough and conclusive. It identified areas of violations specific to Flagler Beach Police Department Directive #600, specifically #600.13 as it pertains to "**the safety and protection of the arrested person while in their custody.**" It also identifies the arrest to be outside the scope of authority in the first place, resulting in a First Amendment violation of Mr. Gray's civil liberties. As for the arrest, the investigation finds: "The record contains no evidence of personal bias or malice on the part of Sergeant Yelvington and Officer Luttrell towards Mr. Gray", which should be a considering factor in any discipline.

FINDINGS

As mentioned above, the investigation revealed two (2) fundamental issues: 1. the unlawful arrest of Mr. Gray and a clear violation of Flagler Beach Police Department Directive #600 (#600.13). 2. The investigation also revealed a flaw in our training program, which has spanned several years. Sergeant Yelvington and Officer Luttrell were acting in accordance with their training, experience, and past practices in similar situations.

RECOMMENDATIONS

After a comprehensive review of the facts and circumstances involving this investigation, I formally recommend the following actions moving forward:

- Sergeant Austin Yelvington has been employed with the Flagler Beach Police Department for approximately thirteen (13) years. During that time, he has received no disciplinary action. His personnel file, however, does contain numerous letters of recognition and nominations for awards. In this incident, he was acting based upon dated training and past practices with "no evidence of personal bias or malice." There is, however, an unsatisfactory, unprofessional demeanor issue on Sergeant Yelvington's part represented in the videos. Sergeant Yelvington's treatment of Mr. Gray, from start to finish, does not represent himself or the department in a positive light, nor does it portray the fundamentals consistent with providing citizens with high-quality customer service, respect, and empathy. Considering the above factors, including the "**Sustained**" investigative findings, I believe Sergeant Yelvington should receive a three (3) day, non-paid suspension for the violations identified in the investigation, specifically those related to the FBPD #600 policy. His demeanor in handling the arrest, and the First Amendment violation

against Mr. Gray. This suspension should comply with Department Directive 1206.11 Suspensions, which states:

F.C.S.O. Internal Inquiry Incident # 2025-001

July 23, 2025

Page 2

1206.11 Suspensions: In the event offenses are continued or repeated and the employee has had verbal counseling and/or has received a written warning (when they were an accepted form of discipline) from the Chief of Police, or if the nature of the offense is sufficiently serious, an employee may be suspended for a specific period of time, not to exceed thirty (30) working days. Such suspensions shall be without pay and, if for more than one (1) day, shall be issued on a consecutive working day basis (unless otherwise directed by the Chief of Police). A suspended employee may not be permitted to work on his normal day(s) off if the suspension period encompasses the employee's normal days off. Furthermore, the employee will not be permitted to or make up the time by working overtime in lieu of a payroll deduction for the period of suspension. Suspended employees shall not be allowed to work outside/off-duty details for the duration of the suspension, whether on scheduled work days or days off.

This suspension should be accompanied by a clear explanation of the consequences of any future breaches of this nature, and a copy of this finding should be placed in his permanent employee file.

- Officer Emmitt Luttrell's involvement in this incident was far less harmful than that of Sergeant Yelvington's. While he is a newer officer with less than one (1) year with the Flagler Beach Police Department, he showed hesitation with the direction Sergeant Yelvington was leading this arrest. The investigation found any wrongdoing on the behalf of Officer Luttrell to be **"Not Sustained"**. Based on this investigative outcome, I recommend that no negative disciplinary action be taken.
- Sergeant Yelvington has been mandated to attend F.D.L.E. approved "De-escalation Training" from an accredited institution. A formal request will be made to Daytona State College for additional de-escalation training in 2026 for other members of the Department.
- A full review of Flagler Beach Police Department Policy #600 has been conducted to see if the language contained within is clear or if any contradictions are present that would allow for a similar incident to take place. If any are identified, an immediate change to the directive should take place.
- All current members of the City of Flagler Beach completed First Amendment training for clarity as to the legal parameters of what is and isn't allowed.
- All sworn members of the Flagler Beach Police Department are required to attend the FBI-LEEDA class titled "First Amendment Issues for Supervisors". To date, eight (8) members have completed the training, three (3) are currently enrolled, and four (4) will attend later this year.
- All sworn members of the Flagler Beach Police Department have completed the Bureau of Justice Assistance's First Amendment Training on "Your Role in Protecting Privacy, Civil Rights, and Civil Liberties.
- A comprehensive, legal review of the Flagler Beach Boardwalk, A-Frame, and eastside parking areas should be sought, to include specific area diagrams as to property lines and boundary areas for enforcement. This review should also include a synopsis of current First Amendment law, including case

- law examples, and be provided to every sworn member of the agency. In addition, this review should be placed on our "share" drive so any member of the agency may access it at any time.
- The Department will explore additional educational opportunities with regard to de-escalation, professional development, and civil rights.



FLAGLER BEACH POLICE DEPARTMENT

Matthew P. Doughney, Chief of Police
204 S. Flagler Ave
Flagler Beach, FL 32136
386.517.2023

MEMORANDUM

Date: July 16, 2025

To: Mathew P. Doughney, Chief of Police

From: Lance C. Blanchette, Deputy Chief

Subject: Work History- Sgt. A. Yelvington

I have reviewed Sergeant Austin Yelvington's personnel file for background information needed to complete his work history for consideration in a pending disciplinary review. The following concludes his history on file since hire:

Commendations

NONE

Discipline

NONE

Miscellaneous

April 21, 2022	Positive Citizen Recognition- Jump Starting his Car
July 2, 2020	Positive Citizen Recognition- Flat Tire on S.R. 100 Bridge
January 5, 2016	Nominated Team Member of the Quarter by Sergeant W. Shamp
December 14, 2015	Nominated for Team Member of the Quarter by Donna Kearney
February 5, 2015	Nominated by Captain Doughney to attend Daytona State's Detectives Academy
May 30, 2014	Email from City Manager Bruce Campbell-Kiwanis Officer of the Year
May 30, 2014	News Release- Kiwanis Club Palm Coast Officer of the Year
May 21, 2014	Letter from Sheriff Manfre regarding assisting FCSO with Bridge Jumper
April 10, 2014	Nominated for CrimeStoppers Officer of the Year
April 9, 2014	Letter from Citizen-Thank You, regarding Domestic Incident

7/16/25

This history encompasses items found in his personnel file.

Cc; Dale Martin, City Manager
Liz Mathis, Human Resources
Austin Yelvington, Sergeant



FLAGLER BEACH POLICE DEPARTMENT

Matthew P. Doughney, Chief of Police
204 South Flagler Avenue
Flagler Beach, Florida 32136
386.517.2023

MEMORANDUM

Date: August 6, 2025

To: Sergeant Austin Yelvington

From: Matthew P. Doughney, Chief of Police

A handwritten signature in black ink, appearing to read "M. Doughney".

Subject: Suspension

After being provided with the Internal Affairs investigation completed by the Flagler County Sheriff's Office, which was initiated due to an arrest made on March 2, 2025, Deputy Chief Blanchette and myself have had the opportunity to review the investigation. The investigation, completed by Commander Bender determined that there were two (2) "**Sustained**" findings against you, with regard to violations of Department policy; specifically, **Department Directive 600** and **Department Directive 600.13**.

In determining discipline actions in this matter, the following Department Directives were considered.

- **Department Directive 1206.1**, which states "Discipline should be characterized as corrective and constructive rather than punitive, and disciplinary actions should be utilized to motivate employees to develop good work habits and attitudes contributing to the successful operation of the Department.
- **Department Directive 1206.6**, which states "many factors shall be considered in determining the appropriate level of discipline imposed at each step. Some of the factors involved include time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitudes and length of service".
- **Department Directive 1206.8**, which states "When circumstances permit, the Police Department will pursue the concept of progressive discipline by administering increasing disciplinary actions for each successive instance of employee misconduct or other violation. This will in no way will prohibit more severe disciplinary action to be taken for a first infraction for offenses deemed to be of a serious nature".

A check of your personnel file at City Hall revealed that you have not received any formal discipline during your tenure with the Flagler Beach Police Department, which began on January 27, 2013. You've received ten (10) positive comments and/or submissions for awards during your twelve (12) years, and your willingness to improve after this incident, and for the last five (5) months has been outstanding.

As stated in **Department Directive 1206.8**, this incident has been deemed to be of a "serious nature" as it involved the arrest of a citizen without "Probable Cause", and even though there was "**no evidence of personal bias or malice**", your treatment of the citizen was callous at best. This behavior is uncharacteristic for you, and it was not the positive example that a Police Sergeant with this agency should be displaying.

Considering all factors included in the Internal Affairs investigation, as well as the Department Directives mentioned above, you will hereby be **Suspended (without pay) for Three (3) Days; totaling thirty-six (36) hours**.

I hereby find you in violation of **Department Directive 600**, which states "It shall be the policy of the Flagler Beach Police Department to affect the arrest of a subject who violates a criminal law which warrants the arrest of the violator". In this case Mr. Gray did not commit a violation of Florida law and as mentioned in the Internal affairs investigation, "As the senior Officer present at the scene, it was his (Sergeant Yelvington's) responsibility to assess the facts and determine a course of action. In this case Sergeant Yelvington failed to properly analyze the relevant facts prior to affecting the arrest".

I hereby find you in violation of **Department Directive 600.13**, which states "The arresting Officer is responsible for the safety and protection of the arrested person in their custody". In the Internal Investigation it states "Without engaging de-escalation techniques Sergeant Yelvington placed his hands on Mr. Gray's head and shoulders forcing him into the vehicle bending his neck and rubbing his head against the vehicle's door frame. Sergeant Yelvington's actions were unnecessary and could have harmed Mr. Gray. His actions were inconsistent with department directives".

While the Internal Investigation into Mr. Gray's arrest determined that there was "**no evidence of personal bias or malice**" on your part, the arrest was unlawful and in violation of Department policy. Additionally, Mr. Gray's treatment while in your custody was unacceptable and also in violation of Department policy.

Please be warned that should there be any future violations of Department Directives, the philosophy of progressive discipline will be utilized; which will result in more severe disciplinary actions.

I believe that the aforementioned suspension, combined with the following mandated training courses below are commensurate with the violations of Directives, and will be corrective as well;

- You are mandated to attend a two (2) day, in-person training class at Daytona State College (DSC) - **Florida Department of Law Enforcement (FDLE) De-escalation Techniques for Criminal Justice Professionals**. The Department will work with Staff at Daytona State College's School of Emergency Services to request additional training dates for this class in 2026, so we can send additional sworn personnel.
- Four (4) hours of mandated "First Amendment" in-person training, was provided earlier this year by the City of Flagler Beach. The training was for all of its employees, to include all personnel (sworn and civilian) at the Flagler Beach Police Department.
- A "First Amendment" online training through the Bureau of Justice Assistance (BJA). The course title was "**Your Role in Protecting Privacy, Civil Rights, and Civil Liberties**". The online course was mandatory, and all sworn personnel have completed the training course.
- "**First Amendment Issues for Supervisors**" an online, mandated training for all sworn personnel through the FBI-Law Enforcement Executive Development Association (FBI-LEEDA). As of the issuance of this memorandum, you have successfully completed the training. Seven (7) other sworn members of the Department have completed the training, and there are currently three (3) sworn members enrolled in current session; which began on July 21, 2025. The four (4) remaining personnel that have not completed the training, and they will attend the next session; which is scheduled to begin on September 15, 2025.

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Suspensions are covered under **Department Directive 1206.11**, which states in part that the Chief of Police can issue a suspension "if the nature of the offense is sufficiently serious, an employee may be suspended for a specific period of time, not to exceed thirty (30) working days. The aforementioned Directive also states "Such suspensions shall be without pay and, if for more than one (1) day, shall be issued on a consecutive working day basis (unless directed by the Chief of Police). The three (3) day suspension will be on a consecutive working day basis, and the specific suspension dates will be determined by Deputy Chief Blanchette.

During your suspension, under **Department Directive 1206.11**, you will not be permitted to or make up the time by working overtime in lieu of a payroll deduction for the period of suspension. Suspended employees shall not be allowed to work outside/off-duty details for the duration of the suspension, whether on scheduled work days or days off.

As governed by **Article 27 – Grievance and Arbitration Procedures**, of the agreement between the City of Flagler Beach and the International Union of Police Associations (IUPA), you have the right to grieve the imposed discipline in this matter. There are specific dates and guidelines that must be met for the grievance process, and if you fail to observe the time limits as set out in the steps of this Article, your grievance shall be considered conclusively abandoned.

Original to: Sergeant Yelvington
Copy to: Sergeant Yelvington's personnel file



Florida Department of
Law Enforcement

INTERNAL INVESTIGATION REPORT

Incorporated by Reference in Rules 11B-20.001 and 11B-27.003, F.A.C.



CJSTC
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Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

1. Last Four Digits of Officer's Social Security Number: [REDACTED]
2. Officer's Name: Yelvington Austin R.
Last First MI
3. Officer's Last Known Address: 204 South Flagler Avenue Flagler Beach Florida 32136
Street City State Zip Code
4. Officer's Telephone Number: (386) 517-2020 5. Officer's Email Address: ayelvington@fbpd.org

AGENCY

6. Agency ORI: FL 0180200 7. Agency Name: Flagler Beach Police Department
8. Agency Contact Person: Matthew P. Doughney 9. Agency Contact Person's Telephone Number: (386) 517-2020
10. Agency Fax Number: (386) 517-2022

VIOLATION - ALLEGATION

11. Nature of Allegation(s): Arrest of a citizen of March 2, 2025
12. Agency Disposition: Sustained -- (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C. ☐
Sustained -- (Violation of Agency Policy): ☒ Not Sustained: ☐ Unfounded: ☐ Exonerated: ☐
13. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: March 5, 2025 Date Internal Investigation Completed: July 9, 2025

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Told
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____
<input type="checkbox"/> Ongoing compliance hearing proceeding	_____

14. Criminal Charges Filed: None
15. Agency Disciplinary Action: Three (3) Day Suspension (without pay) and mandated attendance at an FDLE Verbal De-escalation Training Course
16. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.
 Summary of the Facts ☐ Internal Investigation Report ☐ Name and Address of Witness ☐
 Witness Statement/Disposition ☐ Certified Court Documents ☐ Other Supportive Information ☐

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

17. Agency administrator's signature
18. Date signed August 8, 2025

Matthew P. Doughney, Chief of Police
19. Agency administrator's name and title



Florida Department of
Law Enforcement

INTERNAL INVESTIGATION REPORT

Incorporated by Reference in Rules 11B-20.001 and 11B-27.003, F.A.C.



CJSTC

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Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

1. Last Four Digits of Officer's Social Security Number:
2. Officer's Name: Luttrell Emmett
Last First MI
3. Officer's Last Known Address: 204 South Flagler Avenue Flagler Beach FL 32136
Street City State Zip Code
4. Officer's Telephone Number: 386-517-2020 5. Officer's Email Address: eluttrell@fbpd.org

AGENCY

6. Agency ORI: FL 0180200 7. Agency Name: Flagler Beach Police Department
8. Agency Contact Person: Matthew Doughney 9. Agency Contact Person's Telephone Number: 386-517-2020
10. Agency Fax Number: 386-517-2022

VIOLATION - ALLEGATION

11. Nature of Allegation(s): Arrest

12. Agency Disposition: Sustained – (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C. ☐
Sustained – (Violation of Agency Policy): ☐ Not Sustained: ☒ Unfounded: ☐ Exonerated: ☐

13. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 3/5/2025 Date Internal Investigation Completed: 7/9/2025

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Told
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____
<input type="checkbox"/> Ongoing compliance hearing proceeding	_____

14. Criminal Charges Filed: None

15. Agency Disciplinary Action: None

16. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

Summary of the Facts ☐ Internal Investigation Report ☐ Name and Address of Witness ☐
Witness Statement/Disposition ☐ Certified Court Documents ☐ Other Supportive Information ☐

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17. Agency administrator's signature Matthew P. Doughney

18. Date signed 8-1-25

19. Agency administrator's name and title Chief of Police